



Committee for Human Rights Negotin



Civic Forum Novi Pazar



CHRIS Network

12.07.2012

The Second cycle of Universal Periodic Review (UPR) – Serbia

Submission by the civil society organizations regarding situation with National minorities and religious communities

This report has been made under coordination of **Committee for Human Rights Negotin** (founded in 1999, contact details: Serbia, 19300 Negotin, JNA 3b, tel: (+381 19) 541 955, fax: (+381 11) 541 956, e-mail: office.negotin@chris-network.org i www.chris-negotin.org) and as a result of consultations and joint work of following nongovernmental organizations dealing with human rights issues in Serbia **Civic Forum Novi Pazar** (founded in 2003, contact details: Serbia, 36300 Novi Pazar, Rifata Burdzevica 11, tel/fax: (+381 20) 313 270, e-mail: office.novipazar@chris-network.org i www.chris-novipazar.org) and **Network Committee for Human Rights in Serbia CHRIS** (founded in 2000, contact details: Serbia, 18000 Nis, Obrenoviceva bb, TPC “Kalca”, lamela B, II floor, local 39, tel: (+381 18) 526 232 i 526 234, fax: (+381 18) 526 233, e-mail: office@chris-network.org i www.chris-network.org).

The Committee for Human Rights Negotin is a non-governmental, non-party and non-profit organisation, founded on 17 July 1999, with a goal to actively participate in democratic changes in its surrounding, to promote the role and importance of civil society, and above all, to stigmatise the events of violation of human rights and participate in defending human rights.

Committee for Human Rights Negotin – Common Material for the Universal Periodic Review – Serbia, January 2013”



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National minorities and religious communities

According to the 2002 Census (the 2011 Census' results have not been published yet in relation to the national minorities), Serbia has 29 national communities, without Kosovo and Metohija. The Serbs make up the majority population with 6,212,838 citizens out of the total number of 7,498,001. The remaining 28 national communities consist of the national minorities with a total number of 1,285,163 citizens. The Hungarian community is the largest, followed by the Bosniaks, Roma, Yugoslavs, Croats, Albanians, Slovaks, Vlachs, Romanians, Macedonians, Bulgarians, Bunjevci, Moslems, Ruthenians, Ukrainians, Slovenians, Gorans, Germans, Russians, Checks, Jews, Egyptians, and Šokci, Ashkali, Greeks, Turks and Aromanians. Out of 28 national minorities who live in Serbia, 19 national minorities have their national minorities' councils and Jews have the Association of Jewish Municipalities of Serbia. The Yugoslavs, Montenegrins, Moslems, Gorans, Russians, Šokci, Turks and Aromanians do not have their national minorities' councils.

Conclusion *Not all the national minorities have their own national minority council and therefore they do not have a possibility to be financially supported by the state institutions.*

Out of 19 National Minorities Councils and the Association of Jewish Municipalities of Serbia, the seats of 10 of them are in the Autonomous Province of Vojvodina and the seats of the remaining nine are in the territory of Serbia proper. The national minorities that have their national minorities' councils in Vojvodina are financially supported from the Provincial budget. Some national minorities moved the seats of their national minorities' councils from Serbia proper to the Autonomous Province of Vojvodina.

Conclusion *In the territory of the Republic of Serbia, depending on the location of the seats of the national minorities councils, the national minorities realise their minority and human rights in an unequal manner.*

The national minorities do not have secured place in the National Assembly of the Republic of Serbia, the Provincial Assembly and the assemblies of local self-governments; the national minorities must take part in the elections in order to be represented in the aforementioned assemblies. The national minorities may organise politically and they need to collect 1000 signatures to register a political party of a national minority, and not 10,000 signatures needed for political parties of the majority (Law on Political Parties), however, it is needed to collect 10,000 signatures, certified by a court-of-law, for the Republic Assembly and 3000 signatures, certified by a court-of-law, for the Provincial Assembly in order to participate the elections (Law on Elections).



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Conclusion *For the majority of the national minorities in Serbia, it is impossible to collect that number of signatures certified in a court-of-law to take part in elections.*

According to the Law on Political Parties, a political party of a national minority is a political party with activities especially directed to the representation and advocacy of the interests of the national minority and the protection and advancement of the rights of members of that national minority in line with the Constitution, law and international standards, that is regulated by the foundation act, programme and statute of the political party.

Conclusion *To register a political party of a national minority, it is not necessary to collect signatures of members of the national minority, i.e. to enrol members of the national minority. This causes abuses where non-members of a national minority register a political party of that national minority and gain the right to reduced electoral census (there is a natural threshold for the national minorities to enter the National Assembly of the Republic of Serbia).*

The Law on the National Minorities Councils provides establishing National Minorities Councils for those national minorities that wish to do so (For purpose of realising the right to self-government in culture, education, information and official use of language and script, members of national minorities in the Republic of Serbia may elect their national councils. A national council represents a national minority in the area of education, culture and information in the language of a national minority and the official use of the language and script, and participates in decision making or makes decisions on issues in these areas and establishes institutions, business companies and other organisations in these areas). National Minorities Councils may be formed in electoral manner or in direct elections provided they can form a Special Electoral List. Establishing a Special Electoral List per each national minority is a discriminatory act towards the major Serbian population as Serbian people do not have their own Special Electoral List, and on the other hand, those who have seen the Special Electoral Lists may abuse it. The Law did not provide the precise manner of enrolling the national minorities in a special electoral list and mediation occurred as a way to enrol the members of a national minority in a special electoral list (one person brings applications of a number of members of a national minority), or the officer in charge rejects to enrol the applicants into a special electoral list (e.g. in the south-east Serbia, the responsible officers responded by saying "You are Vlachs not Romanian" or "Vlachs not Serbs"); or did not issue a Decision on the Enrolment into the Special Electoral List.

Conclusion *With the current Regulations on Special Electoral Lists, the will and wish of members of national minorities in Serbia are abused.*

Senior political party officials both from the Government and the opposition meddled into the election of the national minorities' councils, having the network of associates, infrastructure,



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means and power to change the will of voters. The electoral places are grouped in one place for several places, and it happened that there was a clearly Serbian village with an electoral place for national minority members. The members of the Ministry for Human and Minorities Rights of the Government of the Republic of Serbia directly intervened during the enrolment into the Special Electoral List of the Vlachs, and after the elections for the national minorities councils, they changed the rule that the majority of the deputies must be present to establish a national council, requiring presence of a 2/3 majority thereby discriminating the Bosniak minority in regard to the treatment that other minorities in Serbia have. Then, they called for the repeated elections for the Bosniak National Council that has never been held.

Conclusion *The National Minority Council of the Vlachs does not reflect the will of the Vlach community members, but of the political parties from which some of the National Councils members were elected. The Bosniak community is not represented by the Bosniak Council that was established following the elections, but the former one whose mandate expired over a year ago.*

It was not obligatory to state one's national and religious status at the census, the space provided was left empty and it was possible to enter something that the person did not want to. The forms were not in mother tongue of a national minority (e.g. in the south-east Serbia where the Vlach community lives, members of this community the major population calls them the Vlachs - external name, whereas they call themselves the Romanians in their mother tongue. Consider that the synonym Vlach and Romanian is one and the same), and the census officers were not from that region or place where they conducted the census and did not know the mother tongue of the national minority they enrolled.

Conclusion *The 2011 Census will not present the actual state in relation to the number of the national minorities members (from the aforementioned it can be observed that the Vlach community members declare that they are Romanians in their mother tongue, and in Serbian language are recorded as Vlachs), and there occur both the Vlachs and the Romanians. If someone does not declare his/her nationality or mother tongue or religious belief, there is a possibility of entering these data by the census officer, without that person's knowledge)*

The subjects of religious freedom are traditional churches and religious communities, confessional communities and other religious communities (churches and religious communities).

Traditional churches are the ones that have many centuries long historical continuity in Serbia with a legal subjectivity acquired on the basis of special laws, as follows: Serbian Orthodox



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Church, Roman Catholic Church, Slovak Evangelical Church a.v., Reformation Christian Church and Evangelical Christian Church a.v.

Traditional religious communities are the ones that have many centuries long historical continuity in Serbia with a legal subjectivity acquired on the basis of special laws, as follows: Islamic religious community and Jewish religious community.

***Conclusion** The churches and religious communities are classified into traditional and those who are not traditional, therefore not all churches and religious communities are equal in their rights. There are two Islamic communities and the state very often manipulates with it. And the Romanian orthodox church is not allowed to operate over the entire territory of Serbia (the Vršачka Diocese is allowed to operate in the territory of Vojvodina) with the reasoning that two orthodox churches cannot operate in the same territory. The national minority members in Serbia who are not believers of the aforementioned traditional churches cannot have religious classes in schools.*

On the basis of the previous conclusions, the following recommendations are proposed:

Recommendation 1 The atmosphere in the country towards the national minorities

The state must change its relationship towards the national minorities and improve the atmosphere in the country through equal relationship of the state apparatus and media towards all the national minorities.

Recommendation 2 The right of the national minorities to be represented in the National Assembly of the Republic of Serbia

The national minorities should be automatically represented in the National Assembly of the Republic of Serbia, and for those who want to be nominated through political parties of the national minorities, it should be enabled if the political party is registered as the political party of a national minority. The national minorities present in the National Assembly are financially supported by the state automatically, and the ones that want so, can establish their national minorities councils.

Recommendation 3 The meddling of the state in the organisation of the national minorities



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The state should not meddle in the organisation of the national minorities through its public servants, officials and activists of political organisations. The elections for the national minorities' councils should be organised exclusively in an electoral manner.

Recommendation 4 Accountability for persecution of representatives and defenders of the national minorities

The state persecutes representatives and defenders of the national minorities through its police bodies and prosecutor's offices. For instance, the Basic Court in Požarevac performs investigation in relation to forgery of the Request for the Special Vlachs Electoral List; there is a similar case in Negotin, where only the representatives of one of the 9 lists that participated in the elections for the Vlachs National Minority Council are targeted by the state bodies. The members of the first composition of the Vlachs National Minority Council, members of the civil society from the minority organisations dealing with human rights with a focus on the Vlachs community have been constantly invited to interviews in the police and the prosecutor's office since 2000. There is no final verdict against these representatives and defenders of the national minorities.

Serbia said it would consider the following recommendation: To promote the work of human rights defenders and to undertake all necessary measures to provide them with safety and freedom of expression, as well as favourable working environment, to implement the recommendations of the Special Representative of the Secretary General related to the situation in which the human rights defenders are and to condemn verbal and physical assaults on the human rights defenders in a more intensive manner, to adopt a national action plan for advancement of the protection of human rights defenders and independent journalists, to make and implement a comprehensive strategy for the protection of human rights defenders.

Recommendation 5 Religious freedoms

To undertake all adequate measures in order to guarantee the protection and promotion of religious freedoms and adoption of laws related to acknowledgement of all churches and religious communities, and to respect the opinions and recommendations of the European Commission for Democracy Through Law when enforcing the Law on Religious Communities. This recommendation was given earlier, when Serbia stated it was difficult to accept it. It is difficult for the national minorities to accept it, concretely the division of the Islamic community and limitation of the Romanian orthodox church to Vojvodina. To make it possible that the Vlachs/Romanians have their own Romanian orthodox church,



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the Bulgarians to have their own Bulgarian orthodox church, the Montenegrins to have their own Montenegrin orthodox church and the Macedonians to have their own Macedonian orthodox church.

Recommendation 6 Equality and non-discrimination of national minorities

Not much was done in regard to these recommendations given earlier: To promote undertaking of positive steps towards the promotion of equality and non-discrimination among various national minorities who live in the country, to adopt all necessary measures so that members of the national minorities can realise their rights, to intensify the activities that would lead to improvement of the minorities integration, to protect the minorities rights guaranteed by the current laws and to confirm these rights in new laws, and not to reduce the current quota of minorities representation in the electoral procedure.

Recommendation 7 Census forms in the national minorities languages

Members of the national minorities should be enrolled by census officers who know the language of that national minority and enable the enrolled persons to understand in their own language what the census officer asks them and notes down in the form. To find a way to prevent replacement of the form later in the census commission.