

MAPPING AND CURATING EMERGENT HRD PROTECTION STRATEGIES

Protection
mechanisms,
effectiveness
and efficiency





In January 2020, the Center for Cultural Decontamination (CZKD) began work on the implementation of activities within the project *Mapping and Curating Emergent HRD Protection Strategies*, with the support of the Delegation of the European Union to Serbia. As part of this initiative, CZKD has identified, documented and analyzed numerous strategies and mechanisms that human rights defenders in the Republic of Serbia use to respond to the many pressures and threats they face in their work. Activism within their communities in relation to the social, political and legal consequences of these actions, as well as media coverage of them, was also considered. Then, the impact and consequences of the mentioned pressures on the Human rights defenders, as well as their own assessment of the effectiveness of these protection strategies. Although the research was originally planned to be conducted in the field and within the communities where Human rights defenders work and operate, due to the COVID-19 pandemic, in 2020 CZKD was forced to conduct interviews online.

Therefore, during 2020 and 2021, CZKD conducted online and offline research with representatives of several groups, in which 59 interviews were conducted with various human rights organizations, organizations dealing with the protection of social rights of vulnerable citizens, political organizations, journalists, media associations, engaged representatives of the academic community, organizations for the protection of women's rights and protection of women victims of violence, organizations for the rights of LBGTQAI + persons, anti-trafficking organizations, activists and representatives of youth organizations, representatives of anti-fascist movements, representatives of small organizations, anti-sexual harassment activists, representatives of national minority organizations in Serbia, environmental movements and informal civic initiatives.

A wide range of research participants represents the application of the definition of "human rights defenders", which is in line with the principles contained in the Declaration on the Right and Responsibility of Individuals, Groups and Bodies of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (adopted by General Assembly UN 53/144, 9 December 1998) and the EU Guidelines on Human Rights Defenders (2008).

In particular, representatives of the following organizations were interviewed: Abdulla Ahmedi, human and minority rights activist, Preševo; Agata Milan Đurić, Geten, Belgrade; Aida Ćorović, activist; Aleksa Milanović, trans activist, Faculty of Media and Communications, Belgrade; Aleksandar Bošković, Faculty of Philosophy University Belgrade; Ana Hegediš Lalić, journalist Nova. rs, Novi Sad; Andrijana Kocić, Alternative Center for Girls, Kruševac; Anita Mitić, activist; Danilo Ćurčić, A11 – Initiative for Economic and Social Rights, Belgrade; Darija Ranković, kolubarske. rs, Valjevo; Daško Milinović, journalist and antifascist activist, Novi Sad; Dinko Gruhonjić, Vojvodina Research and Analytical Center (VOICE), Novi Sad; Dragana Arsić, Let’s Defend the Forests of Fruška Gora, Novi Sad; Dragana Kojičić, Club of Fine Crafts, Mošorin; Dragoslava Barzut, Da se zna!, Belgrade; Dobrivoje Milosavljević, the initiative Let’s Defend Tesla, Pančevo; Dženeta Agović, Impulse, Tutin; Fahrudin Kladničanin, Forum 10, Novi Pazar; Isidora Radovanović, Joint Action Roof Over Your Head, Belgrade and Novi Sad; Isidora Stakić, Belgrade Center for Security Policy – BCBP; Ivana Stevanović, Slavko Ćuruvija Foundation, Belgrade; Ivan Đurić, Youth Initiative for Human Rights; Ivan Zlatić, Joint Action Roof Over Your Head, Belgrade and Novi Sad; Jelena Đurović, Montenegrin National Community in Belgrade; Jelena Lalatović, Marks 21 / Institute for Literature and Art, Belgrade; Jelena Memet, Alternative Center for Girls, Kruševac; Jelena Radivojević, Crime and Corruption Reporting Network (KRIK), Belgrade; Jelena Subotić, University in Georgia, USA; Jovana Gligorijević, the weekly magazine Vreme i Journalists against violence against women, Belgrade; Ljiljana Spasić, Civic Actions Pančevo; Marija Lukić, Marija Lukić foundation, Brus; Marija Jakovljević, activist i sociologist; Marijana Savić, ATINA, Belgrade; Milena Vasić, The Lawyers’ Committee For Human Rights (YUCOM), Belgrade; Milica Šarić, Center for Investigative Journalism of Serbia - CINS, Belgrade; Mirko Popović, Renewables and Environmental Regulatory Institute, Belgrade; Nedim Sejdinović, journalist, Novi Sad; Nemanja Nenadić, Transparency Serbia, Belgrade; Nikola Barović, lawyer; Predrag Jovanović, Joint Action Block 37, Novi Belgrade; Radomir Lazović, Don’t Let Belgrade D(r)own; Raša Nedeljkov, Center for Research, Transparency and Accountability – CRTA, Belgrade; Sofija Todorović, activist; Sonja Biserko, Helsinki Committee for Human Rights in Serbia, Belgrade; Sonja Sajzor, trans activist; Sonja Tošković, Belgrade Center for Human Rights; Staša Zajović, The Women in Black, Belgrade; Stefan Šparavalo, Da se zna!,

Belgrade; Svetlana Ceca Šarić, peace activist, Vlasotince; Tamara Filipović, Independent Journalists' Association of Serbia – NUNS; Tanja Maksić, Regional Balkan Research Network Serbia – BIRN; Tara Petrović, Civic Initiatives, Belgrade; Veran Matić, Fond B92, Belgrade; Vesna Petrović, Belgrade Center for Human Rights; Vesna Rakić Vodinelić, lawyer; Zoran Gavrilović, Bureau of Social Research – BIRODI, Belgrade; Zoran Pašalić, ombudsman; Željko Babić, Joint action Blok 37, Novi Belgrade; Željko Stanetić, Vojvodina Civic Center, Novi Sad.

The research was supposed to include talks with representatives of institutions that have protection and promotion of human rights in their mandate - the Ministry of Human and Minority Rights and Social Dialogue, the Ombudsman and the Commissioner for the Protection of Equality. The conversation was held with the Ombudsman Zoran Pašalić, while the Commissioner for the Protection of Equality, Brankica Janković, did not respond to the invitation. The CZKD project team did not include the Ministry of Human and Minority Rights and Social Dialogue due to solidarity with a group of civil society organizations that are boycotting participation in the dialogue with the Ministry due to increasing pressure and attacks on the media and civil society.

CONCLUSION

Current regulations in Serbia know a wide range of legal mechanisms available to human rights defenders in case their rights are endangered or violated. On some occasions, the legislation allows for multiple parallel proceedings to take place, where defenders can seek protection on different grounds for the same harmful situation. Despite these numerous mechanisms, the protection of activists is almost completely lacking.

Several key facts can be seen from the statements of the activists. One group of activists tried to obtain legal protection before the judicial authorities of this country through various mechanisms. In all the cases reported by the participants in the investigation, they did not receive protection, either because the prosecution did not do anything to provide them with legal protection, or because the proceedings were delayed to the point that the protection became irrelevant or because there was close cooperation

between authorities, public authorities and the attackers themselves, that is, because attackers coming from right-wing movements have become an integral part of government bodies (such as the communal militia). The prosecution does not take threats, pressures and abuse that activists suffer seriously, does not prosecute the attackers, nor does it attach any importance to them. As many reports did not yield results, defenders stopped using these mechanisms because they proved ineffective and ineffective. Some organizations (such as “Da se zna” or “RERI”) use every mechanism at their disposal, bring new charges almost daily and persevere in their attempts to use all legal means, on one hand to try and achieve protection by the national authorities, and on the other, in order to make themselves able to bring their case to a relevant international body. This path is long, exhausting and in many cases without a positive outcome. Even small victories that are achieved in certain situations, will later be rendered meaningless by alternative solutions of public authorities that find a way to enact what they had set out to do in the first place.

All this has various consequences. Some defenders stop working in the field because they become justifiably disappointed by the lack of positive results or adequate protection of their rights. Attacks on them do not end in court judgment, which leads to a rather clear message that they should give up activism.

In addition to being scared for their own lives, some of them are concerned about the well-being of their closest relatives. It is often the case that threats are directed at family members of activists, which creates additional pressure on them to stop doing what they are doing. Led by the idea that it is not their right to jeopardize others with their work, and particularly those close to them, activists opt to quit, transfer into some other sector of work, or leave their hometown and even the country.

Of all the available mechanisms, activists agree that the most effective are the ones that are not legal in nature. First and foremost, there is turning to the media and making the threats and the assaults public. When a certain topic gets the public’s attention, the authorities, from which most of the direct or indirect attacks come, withdraw, and thus the attacks on veterans subside. This path is effective only because it enables the cessation of fur-

ther threats and attacks, but it does not solve the problems of the defenders in any other way.

Another relatively effective mechanism available to activists is turning to international institutions. Getting international institutions, their representatives or embassies acquainted with the state of human rights and the plights of activists typically results in various forms of pressure on the authorities, which are expected to take all necessary steps to enable women and men defenders to act in the field in which they work.

It is especially important to provide Human rights defenders with access to and communication with international bodies so that these bodies can receive and consider complaints concerning the position of activists. In light of all the above, it can be concluded that activists have very convincing arguments for which they believe that addressing the authorities is an ineffective mechanism, and that they believe that only the public, media and international institutions can protect them from further attacks.

However, this should not be taken as sufficient justification for failure to use mechanisms provided by the Serbian legislature. . First of all, because the exhaustion of domestic legal remedies is a precondition for addressing an international institution like the ECHR or the UN Human Rights Committee for the Protection of Rights. Protections offered by these institutions are far more effective than that of their counterparts in Serbia, so it is necessary to first exhaust all legal mechanisms available to Human rights defenders.

Another segment that defenders should take note of is hiring quality legal aid when faced with situations which demand it. It is clear from their statements that, when attacks happen, their actions end with charges taken to the police or the prosecutor's office, after which no further legal action is typically taken: they do not supply evidence, and they do not diligently watch how their case is being handled. Having seen the standards provided by ECHR, the defenders' approach would need to be more proactive, and they would need to actively engage to try and force the authorities to investigate effectively and thoroughly. This makes hiring lawyers and other types of legal aid with experience in cases like these crucial for success before national courts as well.

Another segment to which Human rights defenders should pay special attention is the engagement of quality legal aid providers when they find themselves in situations where they need legal aid. It is obvious from their statements that in case of an attack, everything ends with a report submitted to the police or the prosecutor's office, and that after that the activists do not take any legal action, submit evidence or monitor in detail the stage of their case. Having in mind the previously mentioned ECHR standards, the approach of defense counsel should be more proactive, i.e. they should be additionally engaged in order to force the authorities to investigate their case efficiently and effectively. Therefore, the engagement of lawyers or other legal aid providers who have experience with such cases is crucial for success before national judicial authorities.

The third action needed to be taken is to connect and coordinate organizations and individuals when it comes to legal protection of human rights defenders. This is important for sharing knowledge between activists, for learning about methods used to overcome problems, recommendations on resolving particular situations, recommending specific legal counsel options for different areas and finally, mutual support to make the problem more visible. The joint reactions of organizations and individuals contribute to making the problem more visible, forcing the authorities to take action to prevent attacks on activists.

These types of actions are particularly lacking in smaller communities, where human rights defenders operate in far less friendly conditions than those working in major cities. The lack of experience, of proper legal counsel, financial means and an insufficiently strong network, together with the fact that pressures exerted on activists are far greater in smaller communities, show how much local activism rests on the vast enthusiasm and effort by individuals. In such given circumstances, local communities are left without or with fewer and fewer human rights defenders who, in the long run, cannot cope with so much burden in the long run. The solution to this problem could be sought in the interconnection and capacity building of individuals and organizations at the local level that would be able to cope institutionally with all kinds of pressures.

An advantage that human rights defenders have in Serbia is the fact that there is a long-standing, accumulated experience in fighting against many forms of pressure, against the judicial authorities, and many successes and failures on the national and international level. Some of the activists' statements show that experiences of their predecessors have an important role in their work, including method of fighting aforementioned pressures. If these numerous experiences could be properly applied and lessons learned from them, each successive generation of human rights defenders would have a considerably easier time when responding to the problems they all face. In that sense, combining these advantages with competent professional support, a strategic approach to problem solving and a proper use of legal mechanisms would vastly improve the well-being, but also the work done by human rights defenders in the future.

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