



interview

## **Milan Antonijević**

Director of the Lawyers' Committee  
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# **VIOLENCE AGAINST JOURNALISTS MUST NEVER BE TOLERATED**

The EC Progress Report will be balanced and will deal with the situation in the media and among the defenders of human rights. Journalists have been attacked in the past and that must be the subject of an investigation

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∴ **This constitution was already outdated at the time of its adoption. The way it was passed, back in 2006, shows that it was adopted in a rush**

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we are in the House of Human Rights (<http://kucaljudskihprava.rs/o-nama/>), which brings together a network of civil society organizations, which have gathered since 2011 in order to use mutual cooperation and joint actions to impact on the human rights situation. The very approach of the state towards us has been changing in recent years. Dialogue is conducted. It would not be natural for those of us dealing with human rights be on the side of politicians, but communication between us increasingly improving and this is very encouraging, says Milan Antonijević, Director of the Lawyers' Committee for Human Rights, speaking at the beginning of this interview for Kurir Magazine. He adds:

- We have about 1,000 cases per year of a legal nature, where we can react and address the state authorities to force them to comply with the law. People mostly turn to us because they have already turned to the authorities and did not receive a satisfactory response, or they have a specific judicial problem to solve.

**You primarily deal with the provision of legal aid. Who can seek and obtain that from you?**

- Citizens can contact us due to the

violating of a broad spectrum of human rights – discrimination, situations in detention centres and prisons, long overdue legal proceedings, unequal treatment in the courts... Citizens are approaching us more and more because of economic and social rights, disrupted labour relations, unlawful dismissals, unequal status for pregnant women, etc. The most drastic human rights violations are certainly those with the greatest consequences, relating to torture and the consequences of attacks due to, for example, different sexual orientation. With this, we need to encourage victims to come forward and report the incident, because that's the only way to also force the police to treat them adequately.

**Violence is often inspired and encouraged by individual organizations. It also happens that gather-**

**ings are cancelled due to messages that incite violence.**

- Freedom of assembly is a right that should be fostered and permitted, and only in limited cases should we resort to prohibition. A reason for that might be if the safety of participants in the gathering cannot be guaranteed or if the messages are of an extremely violent character. In the EU, for example, rallies in which there has been a call to violence are banned, and that is a standard that should be respected.

**The participation of citizens in the negotiation process with the European Union is one of the indicators of the impact of reforms and improvement in the work of state bodies. What is the role of civil society in our country in terms of the EU accession process?**

- The whole process is something the country is just beginning to face. We have some ancillary experiences that have served us to create an autonomous model that most closely resembles the Slovak model. There civil society organizations band together and monitor the individual chapters the state will negotiate, and report to the National Convention for the EU, then communicate with the state. That should not be the only channel of communication. The state increasingly needs to rely on the information we have on the ground. We want to bring a process that is quite incomprehensible for the citizens closer to them, to make them aware of specific issues under negotiation and what Serbia wants to achieve, what are the standards

## @ Expectations

### **TASKS MUST BE COMPLETED AN APPROPRIATE WAY**

► **Do you expect the opening of EU accession negotiation chapters by the end of the year?**

- When you look at how technically demanding the process is, and when Serbia completes everything it is required to complete, then there is an assessment in the EU that all tasks have been completed in an appropriate way. So, I think we will actually move to opening chapters in the first months of 2016. On the other hand, it is clear that any delay in the opening of chapters reduces the enthusiasm of both citizens and the state bodies that deal with European integration.

that will be changed and which are the areas that will be completely reformed during EU accession. Our role is to clarify to citizens what European integration means; why our country has chosen this path; why the ministry is exerting efforts to meet obligations. However, all these areas are not even orderly in the EU – there are those which lack a solid law, the so-called *Acquis communautaire*, and here it must be explained to citizens that not all areas will be brought to order, that we will have to change many things ourselves.

**How demanding a position is that, bearing in mind that joining the EU will only happen after 2020?**

- Any reform process should take a long time, especially considering the period of wars that caused the collapse of institutions in Serbia. It is only from the year 2000 onwards that we have been renewing them and restoring the shaken confidence of citizens in institutions. Some novelties have also been introduced, such as independent institutions, which is the greatest change in the functioning of the state. Now there is control of the state by independent bodies, and we are also trying to establish citizen control.

**The situation is much better than before, but the trustees themselves, merely doing their job, face misunderstanding from state bodies.**

- State bodies somehow naturally feel a need for their work to be closed off; for as little information as possible to be available to the public. It is not understood that we can achieve steady progress if citizens are aware of what it is being done, because if a civil servant has the constant feeling that someone is

📍 *Vienna Summit*

**THE EU IS WITH US**

➡ **A summit of Western Balkan countries was held recently in Vienna. What are its effects, both economic and political?**

- You can see that there is interest in the region. I hope that this is a permanent policy backed by the EU, as a guarantor of peace and economic growth and prosperity. I think tensions will ease when all the countries of the region feel benefits in the economic field, and when cooperation among the countries moves towards the economic empowerment of all countries.

supervising their work, they work in a completely different way. Institutions must be strengthened. Institutions don't need to be strong because of the individuals heading them, but rather must function smoothly regardless of who is at the helm. Developed democracies have developed their institutions for many years and we should aspire to that.

**In October we can expect to receive the EC's annual progress report. What will it be like?**

- Like all the preceding reports, it will be balanced with information from the field, and largely coloured by the fact that we now have a large number of refugees in Serbia. On the other hand, the report will also address the situation in the media, and will comment on progress in the action plans for specific chapters. Another important topic it will deal with is violence against journalists and human rights defenders. They have, like earlier, been attacked in the previous period and that must be investigated and public attention must be drawn to this problem, as well as ministries, in order to give a signal that those who investigate

the work of state organs, the work of public companies and the courts, must be protected and not attacked.

**How is Serbia responding to the migrant crisis; are we handling it?**

- I think we are, although many people are in a bad state. The situation resembles that which happened during last year's floods, because a large number of citizens have turned up wanting to help. It is positive that there is solidarity in society; that humanity should be insisted upon.

**When it comes to the harmonisation of legislation, we must mention changes to the constitution. The Serbian Government has been sending messages for a year suggesting that they are ready for constitutional changes. What needs to be changed; what is needed to bring our country closer to the European Union and what has been swallowed by time?**

⋮ **The biggest change is the introduction of independent institutions. Now there is control of the state by independent bodies**

- This constitution was already outdated at the time of its adoption. The way it was passed in 2006, without debate among the expert public or in parliament, shows that it was adopted in a rush. When you add to that certain discrepancies and legal ambiguities pointed out by the Venice Commission, the NGO sector and experts dealing with constitutional issues, it is clear that it should be changed. It doesn't even have a European integration clause and, thus, does not provide an easy way to join the EU, the hierarchy of international law is not clear and there are contradictory provisions. When it comes to obligations to abide by international regulations, it has different interpretations of international norms in two places. The first text of the constitution that came out, which the National Assembly voted on, even had a sentence stating that there would be "to a good extent, respect for the standards in certain fields", instead of stating in "in good faith" ('u dobroj meri' rather than 'u dobroj veri'). This haste led to a situation where experts, and even laymen, laugh when they read certain provisions of this constitution. Likewise, the preamble must also correspond to reality. ■

Antonijević is spearheading the evolution of YUCOM's role, which is changing as Serbia moves towards EU membership

