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**HUMAN RIGHTS IN THE LEGAL
CONSCIOUSNESS OF THE CITIZENS OF
YUGOSLAVIA**

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HUMAN RIGHTS IN THE LEGAL CONSCIOUSNESS OF THE CITIZENS OF YUGOSLAVIA

1. Introduction

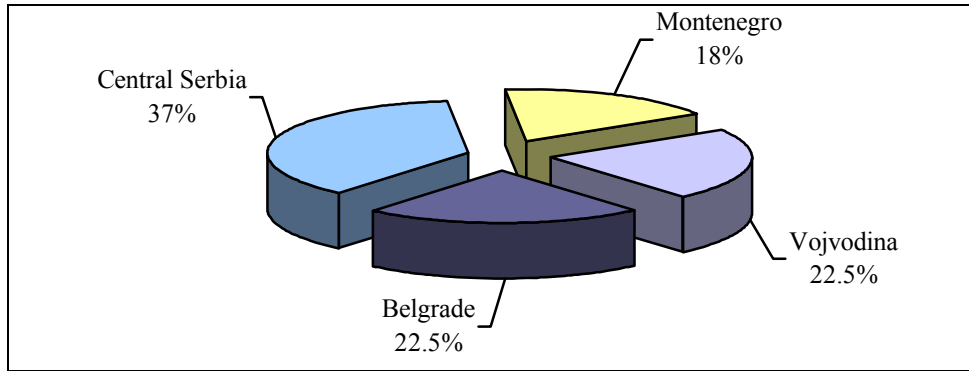
This is the fourth time that research into the legal consciousness of the citizens of Yugoslavia has been conducted; it was organised by the Scan agency from Novi Sad and conducted for the Belgrade Centre for Human Rights. Research of this kind was conducted for the first time back in 1998; it was repeated in 2000, 2001 and 2002. The research is longitudinal in character, which makes it possible to follow the changes and trends in the legal consciousness of citizens. The first survey was conducted two years before the 2000 election, whereas the last one was conducted two years after the change of power that occurred in 2000, which gives it a special quality and makes possible a comparative monitoring of changes. It is also important in that it was carried out after the failed presidential election and immediately before the re-run of the election in Serbia. The circumstances in which it was conducted in Montenegro were similar to those in Serbia in that the process of gathering data was also burdened with electoral procedures. Immediately prior to the commencement of field work in Montenegro, a parliamentary election had just been concluded and a presidential election had already been called; the electoral procedures were already under way and there was uncertainty over the success of this election. The period during which the survey was conducted differed from that of the previous year owing to the fact that after the 2001 poll, the process of disintegration of the ruling coalition began, the euphoria over the victory in the 2000 election was slowly dissipating and things took a different turn.

The gathering of data in the field was carried out between November 22nd and December 1st 2002.

The research sample was made up of 2200 respondents from all parts of Yugoslavia, from 96 towns located in 58 municipalities.¹ The sample is multiphase and representative in terms of the regional distribution of the respondents' places of residence, comprising 1820 respondents from Serbia (820 respondents from outside Belgrade and Vojvodina, 500 from Belgrade and 500 from Vojvodina) and 400 respondents from Montenegro. As before, the number of respondents from Montenegro was intentionally increased, so that the proportion of Montenegrin respondents in the overall sample exceeded the proportion of adult Montenegrins in the structure of the inhabitants of Yugoslavia. In this way, the validity of conclusions drawn from the research was increased not only on the republican level, but also on the level of some social strata of the population. In terms of territorial distribution, the respondents were evenly distributed in all the regions. In Montenegro, the poll encompassed 10 municipalities, whereas in Serbia it encompassed 48 municipalities, of which 12 in Vojvodina and 36 in other parts of Serbia and Belgrade.

¹ As on the previous two occasions, the research was conducted on the territory of FR Yugoslavia and Montenegro, with the exception of Kosovo and Metohija.

Chart 1: The regional structure of the sample



The representative nature of the sample and the adequate presence of all the socio-demographic segments of the overall electorate was ensured, in methodological terms, by a combination of the random sample and a partially stratified quota sample.

50% of the respondents were men and 50% women.

In ethnic terms, the majority of the respondents were Serbs (68%), followed by Montenegrins (9%), Yugoslavs (7%), Muslims (5%), Hungarians (2%), Slovaks (1%), Albanians (1%) and Croats (1%); other nationalities or those who did not declare their nationality made up 6% of the overall sample. Among the Montenegrin respondents in the sample, there were Montenegrins (43%), Serbs (25%), Yugoslavs (8%), Albanians (5%), Muslims (14%), Croats (1%), while other nationalities and those who did not declare their nationality made up 5% of the sample.

In terms of occupation, the respondents included skilled and highly skilled workers and technicians (29%), pensioners (22%), intellectuals and experts (12%), students and pupils (9%), housewives (11%), farmers (4%), the unemployed (7%), unskilled workers (3%), entrepreneurs (2%) and other professions (1%). In graphic terms, the structure of the sample according to the age and educational level variables looks like this:

Chart 2: The age structure of the respondents

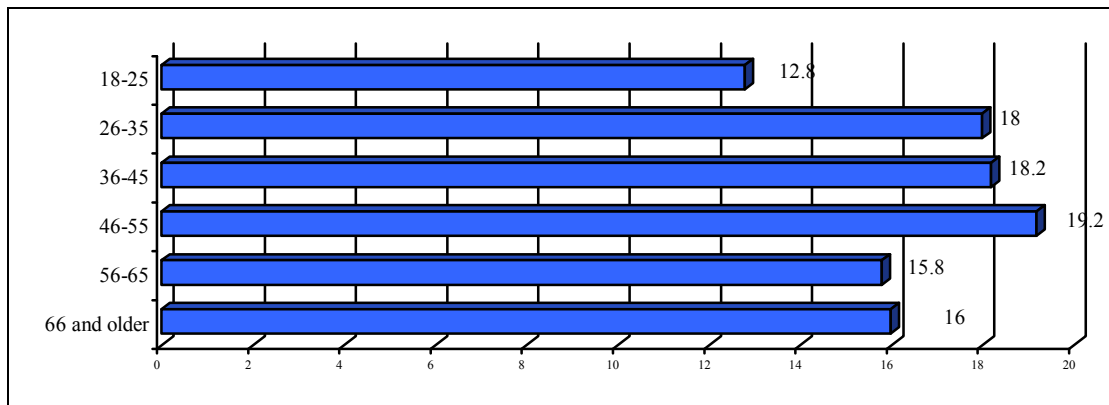
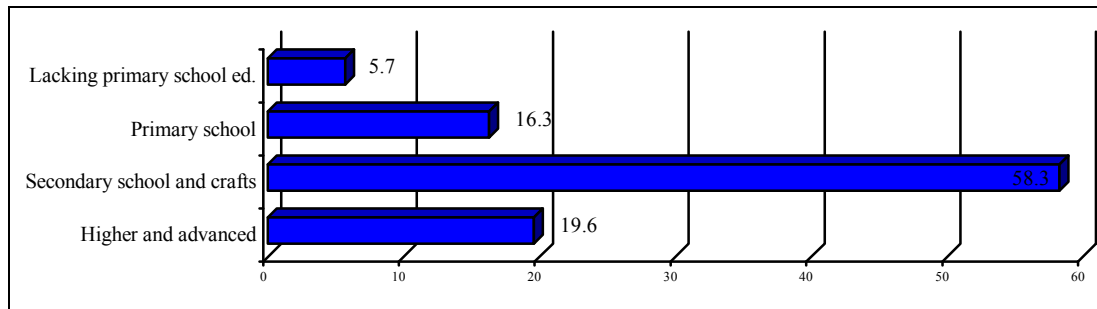


Chart 3: The educational structure of the sample



The circumstances under which the gathering of data in the field was carried out were characterised by the fact that immediately before and after the field work elections were held in both republics. In Serbia, a presidential election was held. However, even after the second round, Serbia was still without a president elect. In the meantime, electoral regulations had been changed and a new election was called, held seven days after the gathering of data in the field was completed. Research indicated that there would not be a sufficient turn-out of voters for the election of December 8th to succeed (50%+1). In Montenegro, a parliamentary election was held in October; the Coalition for a European Montenegro, led by the Democratic Party of Socialists (DPS), won the majority in Parliament. In this republic, too, a presidential election was called, to be held in December. In Montenegro, the gathering of data in the field coincided with the moment of closing the list of candidates for the presidential election. Even though in the course of the field work it was not known who would be participating in the electoral race, the research findings showed that there was a possibility of that election failing as well. All this means that the survey was carried out at the height of election campaigns in both republics. The election campaigns and the election results in both republics led to shifts in the political preferences among the respondents in relation to the previous opinion polls. These shifts were evident in the course of this survey and are reflected in its other results as well.

The survey showed that the trend of a decrease in the number of supporters of the Democratic Party of Serbia (DSS), in evidence in the 2000-2001 period, was reversed in December 2002; the number of supporters of this party has risen from 21% in 2001 to 22% in December 2002. In the period between the polls of 2000 and 2001, the number of Democratic Party (DS) supporters increased from 8% to 16%; however, over the last year (from November 2001 to December 2002), the number of DS supporters has decreased to 10%. At the same time, the number of Serbian Radical Party (SRS) supporters has increased from 6% to 10%. In view of these trends, it is reasonable to suppose that one of the reasons for this is the fact that the leaders of the two parties whose support exhibited an upward trend both participated as candidates in the presidential election, and that both DSS and SRS were engaged in a very intense election campaign from the summer till the period when the research was conducted.²

² The presented figures concerning party preferences pertain to the overall number of the respondents in both republics. In view of the fact that these two parties mainly operate in Serbia, the majority of their supporters come from this republic. This means that the percentages in question are considerably higher on the level of Serbia alone.

As opposed to the preceding polls, when no significant party allegiance shifts were observed in Montenegro, significant shifts within the electorate were observed during this poll. The poll results reflected the changes on the political scene of this republic that were manifested in the parliamentary election. The poll results indicate that the number of citizens who would have voted for the Democratic Socialist Party (DPS) if the election had been held during the field research and if all the parties had run on their own has increased. This increase is significant in view of the fact that, back in December 2001 26% of adult citizens of Montenegro would have voted so, whereas in December 2002 their number increased to 36%. No changes were observed in the number of supporters of the Socialist People's Party (SNP), which remained at the 22% level of the year before. However, there was one change concerning the supporters of this party: they exhibited a significant tendency to abstain from participating in the election.³ The greatest change was observed among the supporters of the Liberal Alliance of Montenegro (LS). The number of supporters of this party has fallen from 7% in 2001 to 2% in December 2002. The insight into party preferences made possible by this poll is important on account of the fact that the previous polls showed a very significant correlation between party preferences on the one hand, and views on many issues that were investigated through research into the legal consciousness of the citizens. This correlation is of particular significance in Montenegro.

The respondents were given a questionnaire containing 46 questions dealing with their knowledge of human rights. As in the polls of 1998, 2000 and 2001, the so-called KOL standard (*Knowledge and Opinion about Law*) was not applied, because that way of differentiating between the questions pertaining strictly to legal regulations, those pertaining to legal practice and those pertaining to desirable legal regulations would have caused great methodological problems. This is the reason why the questionnaire consisted of questions phrased as simply as possible, with no distinction between those human rights that were normatively in effect, those actually applied in practice and those that would be desirable. Apart from this reason, the same instrument was also used in the three preceding polls in order to make possible comparative analyses and longitudinal monitoring of the trends and changes in the legal consciousness of the citizens of Yugoslavia. If the research instrument were changed in this segment of the research, such comparisons would not be possible. The difference from the previous polls consists in offering an additional set of questions dealing with violence in this poll.

2. Understanding of human rights

Conducting a survey on the knowledge of specific human rights presupposes, to begin with, finding out what adult citizens of Yugoslavia understand human rights to be. Human rights are talked about more and more often in these parts, and in the course of negotiations over the future set-up of the joint state of Serbia and Montenegro agreement was reached that one of the joint ministries of the new state should be the Ministry of Human Rights, which has not existed as such until now. But has this increasingly frequent talk of human rights been accompanied by changes in the knowledge of human

³ Such trends were observed in the course of the polls carried out by the Scan agency during the months of September and October.

rights? In all the previous polls, and in this one as well, the first question asked was: “What are human rights to you?” In asking this question, we relied on the knowledge that it is possible to discuss human rights as a category of *ius naturalis* (human rights are non-positive rights preceding state law), a category of legal positivism (human rights are rights prescribed by the Constitution and international law), a category of *realpolitik* (human rights are merely a means used in struggle for power) and a category in terms of a world-wide conspiracy (human rights are merely a means used in struggle for power) and a category in terms of a world-wide conspiracy (human rights are merely an excuse used by the high and mighty of this world to blackmail *us* and *our authorities*).

The results obtained indicate that the majority of the respondents still have a positive (in terms of *ius naturalis* or legal positivism) view of human rights. Slightly less than two-thirds of the respondents consider human rights to be *ius naturalis* rights, rights that “everybody has” irrespective of the state legal regulations, and as rights in terms of legal positivism, originating from legal norms, regulated by international documents or by the Constitution. The most prominent among the respondents are the proponents of the *ius naturalis* view of human rights (35%). They are followed by those respondents tending more towards a legal positivist view of human rights (25.7%), rights regulated by international documents, the Constitution and the law. Even though the *ius naturalis* and the legal positivist views of human rights are the most frequent ones, a considerable number of the respondents were closer to a *realpolitik* view of human rights. This is true of more than one-fifth of the respondents (22.1%), for whom human rights are “a mere piece of paper used by politicians when it is in their interest”. At the same time, the number of those respondents who tend to view human rights in terms of a world-wide conspiracy is not negligible – (13.5%); to them, human rights are “merely a means used by the world powers to blackmail small states”.

In the analysis carried out two years ago (in the year 2000), it was established that, in relation to the poll of 1998, the number of those in favour of a *ius naturalis* view of human rights had increased to a greater extent than the number of those tending towards a legal positivist view of human rights. This tendency was characterised as a “*ius naturalis* euphoria” at the time, and was ascribed to the processes occurring after the change of power of October 5th 2000. In the poll carried out one year later (in December 2001), the changes that were observed confirmed the assumption of a post-election “*ius naturalis* euphoria”, for the number of those who considered human rights to be rights that everybody has irrespective of the Constitution and the law had decreased in the meantime. In 2001 this number decreased to the level observed in the poll of 1998. Along with the decrease of those in favour of a *ius naturalis* view, there was a slight increase in the number of those in favour of a legal positivist view of human rights. It was concluded then that it would take a lot of time for trust in institutions of the system to be re-established, which would increase the legal positivist tendencies in attitudes towards human rights. The changes observed did point to such a tendency and were thus encouraging, but at the same time they constituted a warning that the process of building trust in legal institutions would be a very slow one. What had happened in the meantime and the direction in which knowledge of human rights was heading can be seen from Table 1.

Table 1: Understanding of human rights

	“There has been a lot of talk about human rights lately. What are human rights to you?”	July 1998	December 2000	December 2001	December 2002
1.	Part of overall rights regulated by international documents and the Constitution	22.3	25.6	27.7	25.7
	A means of blackmailing small states like FR Yugoslavia used by world powers	11.1	7.7	10.9	13.5
2.	Rights that everybody has, irrespective of the Constitution and the law of the state he/she lives in	38.8	46.7	38.7	35.1
3.	A mere piece of paper used by politicians when it is in their interest	24.9	17.1	18.7	22.1
4.	Other	2.8	2.1	1.6	2.2
5.	Does not know/no reply	-	0.7	2.3	1.3
	Total	100	100	100	100

The assumptions derived from the preceding polls proved to be correct. The changes in the poll results observed in the year 2000 (in relation to the poll of 1998) were marked by a significant increase in the number those who tended to view human rights as rights belonging to everyone. The poll carried out one year later (in December 2001) indicated that the process of establishing trust in the institutions of the system would be a difficult and very slow one. In 2001 the number of respondents tending towards a *ius naturalis* view of human rights decreased, whereas the number of those leaning towards a legal positivist view increased only slightly. The mistrust of the institutions of the system, deeply rooted over the preceding years, obviously called for more visible changes of the system and a systematic building of trust. Unfortunately, the results of the poll carried out in December 2002 are not at all encouraging in that respect. The trend they indicate is a negative one. The number of respondents tending towards a *ius naturalis* view of human rights has decreased in relation to the previous year (2001: 39%; 2002: 35%); this, however, was not in favour of those tending towards a legal positivist view of human rights (2001: 28%; 2002: 26%). At the same time, the number of respondents who reduced human rights to the level of *realpolitik*, a mere piece of paper used by politicians when it suited them, has increased (2001: 19%; 2002: 22%). This attitude probably reflected a feeling of dissatisfaction with the speed of the expected changes. The number of respondents for whom human rights represent a means of blackmail used by great powers (2001: 11%; 2002: 14%) has increased not only in relation to the previous year but also in relation to the result obtained in the 1998 poll. It is possible that such results are the consequence of the demands of international institutions for cooperation with the Hague Tribunal and the attitudes of our citizens towards that institution. At the same time, it is quite possible that they reflect developments on the international scene (Afghanistan and Iraq).

Lack of trust in legal institutions is not just a consequence of the power set-up until the year 2000; this mistrust is still based on, and is partly a consequence of a rift within the ruling coalition in Serbia. The entire year 2002 has been marked by the negotiations about the way the future joint state of Serbia and Montenegro should be organised; the second half of the year has been characterised by election campaigns full of accusations from all sides. The consequence of these processes was a further weakening of the legal security of citizens. However, the slowness with which laws have

been passed and the conflicts over the jurisdiction of state and legal institutions have not contributed to easing the feeling of legal insecurity shared by many citizens but clearly supported precisely the opposite trends. On account of this, we continued to monitor the way citizens regard the hierarchy of legal acts. With this in mind, the respondents were asked what took precedence in cases when legal norms were not mutually compatible.

The results obtained indicate that most respondents give priority to constitutional norms (30%), a trend that has been observed since 2000. However, irrespective of the fact that this is the most frequent answer, the fact that this attitude was observed in less than one third of the overall number of respondents is a warning of sorts. At the same time, what is even more worrying is the fact that fewer respondents think so today than last year and in 2000. Next come the respondents who give precedence to the law (21%). It sounds surprising that the respondents giving precedence to people who have power came in third (16%), followed by those who favoured clever people (15.4%). In this poll, international norms lost in the race with all the other options on offer, coming in fifth, with the lowest percentage since we started monitoring the legal consciousness of the citizens of Yugoslavia. The data thus presented already make it quite clear that negative trends have occurred between the two polls on the attitudes of Yugoslav citizens towards the hierarchy of norms. It is interesting to note what changes have occurred in the citizens' attitudes concerning the priority of legal norms since 1998. The answers are presented in Table 2.

Table 2: Lack of mutual compatibility of legal acts

	“If legal norms are not mutually compatible, what takes precedence?”	July 1998	December 2000	December 2001	December 2002
1.	What is written in international documents	15.6	14.4	19.0	13.9
2.	What is written in the Constitution	21.5	32.4	33.6	29.9
3.	What is written in the law	14.6	18.1	20.6	21.1
4.	What people who have power say	22.9	13.4	10.0	16.0
5.	What clever people say	22.9	18.9	12.8	15.4
6.	Other	2.5	1.7	0.9	2.5
7.	Does not know/no reply	-	1.0	3.0	1.1
	Total	100	100	100	100

In relation to the poll of December 2001, entirely negative changes have occurred in every respect, unfortunately, when it comes to the question of what takes precedence in the case when legal norms are not mutually compatible. What is particularly worrying is the fact that the number of citizens who claim that, when legal norms are not mutually compatible, what people who have power say takes precedence has significantly increased. The number of citizens thinking so is the greatest since 2000, and is smaller only in comparison to the result obtained in 1998. The number of citizens who, in such situations, favour what clever people have to say has also increased in relation to 2001. The only answer where no negative trend was exhibited pertains to the number of respondents giving precedence to the law in the case of a lack of compatibility of legal norms. The number of respondents opting for this answer has remained at last year's level. The number of citizens who give precedence to the most important legal documents in the legal hierarchy – the Constitution and international documents – has decreased.

These are worrying indicators, pointing to tendencies entirely different from those observed in last year's poll. With regard to all four polls conducted from 1998 to this day, the figures in the table indicate a situation that is less favourable in this respect than the situation observed immediately after the 2000 election.

3. Special rights

3.1. Prohibition of discrimination

Prohibition of discrimination was operationalised in this poll, as in the preceding three polls, in five different forms, formulated by means of five questions. Three questions dealt with prohibition of discrimination on the basis of sex (in the spheres of politics, employment, job promotion and marriage); one question each dealt with prohibition of discrimination based on ethnic grounds (when it comes to employment) and sexual orientation (homosexuality).

Inequality of women is manifested in various spheres of life, and has been in evidence throughout the post-Communist period in FR Yugoslavia. Research shows that women, and men as well, clearly recognise the areas where the inequality of women is most evident. Both men and women agree that women are unequal when it comes to being elected for political functions, appointed to managerial positions and in marital relations as well. At the same time, analyses show that women's presence in the labour market is significantly higher than that of men, which points to the conclusion that women are not equal in the sphere of employment either.

The unequal position of women in the political life of FR Yugoslavia has been evident for a number of years. According to a report of the Council of Europe, Yugoslavia is still at the bottom of the list of European countries concerning the percentage of women in the federal Parliament (6%). This is one of the reasons why this year organisations striving for the equality of the sexes and for improving the political and economic position of women, together with women's political network, have been engaged in a campaign for introducing electoral list quotas of a minimum of 30% of women and for introducing national mechanisms for achieving the equality of the sexes.⁴ The Law on Local Elections was passed which included a provision to that effect, advocated also by the Beijing Charter of the United Nations on the position of women; it was in accordance with this law that local elections in municipalities in the south of Serbia (Preševo, Bujanovac, Medveđa) were held. Observance of this provision contributed to the fact that the percentage of women in the local councils of these municipalities today is almost the highest in Serbia (in one half of Serbian municipalities today there is just one woman or there are no women at all). In October 2002 a republican

⁴ In April, the International Conference on National Mechanisms for Achieving the Equality of the Sexes was held in Belgrade. The conference was organized by Star, an organization for improving the political and economic position of women, and the co-organisers were OESC, the Stability Pact for Southeastern Europe and the Government of FR Yugoslavia. The conference adopted recommendations for establishing a parliamentary and government organ for achieving the equality of the sexes and introducing electoral list quotas at all levels.

parliamentary election was held in Montenegro. In this republic, a campaign for a minimum of 20% of women in electoral lists was led during last year. No law to that effect was passed before the election, and in the electoral lists of the coalitions and parties participating in the parliamentary election, the percentage of women was merely symbolic. The effect of this policy was that there are less women in the Montenegrin Parliament today than there were during its previous term of office (there were 10% women at that time, and since the parties that have won seats in Parliament have not yet verified their representatives, it is not yet known how many women will be there. However, in view of their percentage in the electoral lists, it is clear even now that their number will not reach the level of the previous term of office).

In this poll, conducted in December 2002, as in the preceding ones, we surveyed the respondents' views on the representation of women in our political life. The majority of the respondents think that there are too few women in politics. This view was expressed by every second respondent (51%). Despite the objectively very unsatisfactory representation of women in politics, more than one-third of the respondents (35%) think that women are represented in politics in the right measure today. In addition to these, 8% of the respondents think that there are too many women in politics and 6% of them did not know how to answer this question. If we consider the gender structure of the answers, the high degree of correlation with the sex of the respondents will be readily evident. Of the total number of women polled, 63% think that there are too few women in politics. Every fourth woman (25%) thinks that women are represented in politics in the right measure, whereas every thirtieth woman (3%) thinks that there are too many women in politics. Men's answers were entirely different. Among men, the most frequent opinion expressed was that women were represented in politics in the right measure (46%), and 12% of men think that there are too many women in politics. As opposed to the great majority of women, 38% of the men polled think that women are underrepresented in politics. If we put together the number of men thinking that today women are represented in politics just as much as they should be and the number of men thinking that there are too many women in politics, we see that, in their fight for equality, women have to count on the opposition of no less than 58% of adult male citizens when they run for political functions. These findings coincide with those of the preceding polls, which pointed to totally opposed attitudes of men and women towards the question of the equality of women in politics. In relation to the preceding polls, the number of citizens thinking that women are overrepresented in politics has continued to decrease; unfortunately, it did not mark an increase in the number of those thinking that there are too few women in politics but an increase in the number of citizens thinking that women are represented in politics in the right measure, just as much as they should be. But as objective indicators show, women's presence in politics is merely symbolic.

All this points to the necessity of passing anti-discrimination regulations and introducing quotas, as suggested by the *Beijing Declaration* on the position of women, or normatively regulating the equality of the sexes when it comes to being elected for political functions. Also, such indicators of the citizens' attitudes and the objective picture of representation of women in politics impose the necessity of establishing mechanisms for ensuring the equality of the sexes at all levels.

The respondents are still aware of the discrimination of women in the sphere of employment and job promotion. When asked about the spheres in which women had less

rights than men, the respondents chose employment almost as frequently as being appointed to managerial positions or elected for political functions. Every tenth respondent opted for this answer. When asked directly what chances women had of getting employed and being promoted, more than one half of the respondents (53%) answered that their chances were the same as men's. But when we analyse this answer in a more subtle manner, we observe marked differences between the answers of male and female respondents. There was again a high level of correlation between specific answers and the sex of the respondents. Of the overall number of male respondents, 60% think that women have the same chances of getting employed as men. The female respondents chose this answer much less frequently: of the overall number of female respondents, 45% maintain that women have equal chances of getting employed. In relation to the poll of December 2001, no significant changes were observed here. Every third participant in the poll (33%) answered that women had less of a chance than men when it came to getting employed. Here, too, there was a marked difference in the way male and female respondents answered. Of the overall number of male respondents, only every fifth respondent (22%) thinks that the chances of women are worse than those of men, whereas twice as many women (45%) think so. In relation to the poll of 2001, the number of respondents who think so has increased as much as the number of respondents claiming that women have a better chance of getting employed and promoted than men has decreased (2001: 13%; 2002: 10%).

Objective indicators are still in favour of those who claim that women are in a worse position than men when it comes to getting employed. When one examines the data pertaining to the situation on the labour market, one is easily led to conclude that this is indeed so. Let us, for example, take the structure of those registered with the employment bureau. At the end of 2001, among those registered on the labour market who lack education 58% were women, among those with secondary-school education 62% were women, and among those with university-level education 58% were women. This proves that the claim, often heard in public, that there are more women than men on the labour market and that they wait for employment longer than men because they are less educated, is true. In one opinion poll dealing with the equality of the sexes conducted by the Scan agency, we asked the respondents what prospective employers had asked them when they applied for a job. From an overwhelming majority of women we received the reply that they had been asked whether they had any children or intended to have children, and what age their children were. Men, for the most part, had not been asked this question. Therefore, there are more women than men on the labour market not because they lack education but because they are women.

Considering the situation in each republic, Montenegrin respondents perceived the unfavourable position of women looking for employment to a greater degree (46%) than their Serbian counterparts (30%). In relation to the 2001 poll, the number of respondents who claim that women are in a worse position than men when looking for a job has increased considerably in Montenegro (by 10%) whereas in Serbia the number has almost remained at last year's level.

The third area where the unequal position of the sexes is perceived is that of marriage and marital relations. Until the poll of 2001, a positive trend of a change in attitudes had been observed. The number of respondents who thought that the equality of the sexes existed in marriage had increased from 49.5% in 1998 to 54% in 2000 and

62.5% in the December 2001 poll; on the other hand, the percentage of those thinking that men were still dominant decreased from 41.4% in 1998 and 37.9% in 2000 to 33.4% in 2001. In the poll conducted in December 2002, there were almost no changes in relation to the previous poll. The results of these two polls are almost identical.

Of the overall number of the respondents, 63% of them still maintain that men and women are equal in marriage today. Every third respondent claims that men are still dominant, while at the same time 1.6% of the respondents claim that today the inequality of women has turned into the domination of women. If we examine the results obtained from the perspective of the sex of the respondents, very significant differences are observed, but there are no shifts in relation to last year's analyses. Today, almost 71% of the men polled think that women have achieved emancipation in marriage, and this has contributed to a general increase in the frequency of the view that the equality of the sexes does exist in marriage. At the same time, only every fourth male respondent notices that in our circumstances women are still unequal in marriage, which is an increase in relation to last year's poll. As opposed to this, twice as many women (42%) think that women are unequal in marital relations, which is a decrease in relation to last year's figure (43%), or to the figures of 2000 (53.1%) and 1998 (49.3%). If we look at the figures pertaining to the republics or autonomous provinces individually, the perception of the inequality of the sexes in marriage is most strongly manifested in Montenegro (52%), which marks an increase in relation to the results of 2001, and least strongly in Vojvodina (28%), which also marks an increase in relation to last year, and in Belgrade (25%), marking a decrease in relation to 2001.

The poll results point to the conclusion that the trends observed earlier have not changed, that is to say, that there remain marked differences between men and women concerning the equality of the sexes; what is more, these differences are even more pronounced than in the case of some other attitudes. This points to the conclusion that it will be difficult for women to succeed in striving to establish mechanisms that will enable them to have an equal position to men and that in this process, according to the findings of the current poll, they will not have the support of the majority of men. However, from the above data we may conclude that the trends observed earlier still continue, that the citizens of FR Yugoslavia, especially women, have become more sensitive to various forms of discrimination against women and that they are increasingly ready to call into question the existence of equality between the sexes. The situation concerning the discrimination of women is bad throughout the country, but still remains worse in Montenegro than it is in Serbia. This points to the need for passing a national action plan and for introducing national mechanisms for achieving gender equality, which exist in most European countries today, and also for striving to introduce electoral list quotas in accordance with the United Nations recommendations contained in the Beijing Declaration on the position of women.

In this poll, the discrimination of ethnic minorities was analysed in the area of employment and job promotion. Answering the question of what chances of employment and job promotion members of ethnic minorities had, the respondents continued the trend observed in the preceding polls. The majority of the respondents (68.8%) answered that national minority members had the same chances of employment as Serbs and Montenegrins. In relation to the poll of 2001, this marked an increase of about 2%, and as for the 2000 and 1998 polls, the increase was 13% and about 16% respectively. As

opposed to last year's results, there was an increase in the number of respondents who think that members of national minorities have a better chance of employment and job promotion than Serbs and Montenegrins (2001: 10%; 2002: 12%).

As opposed to the previous polls, when a considerable difference was observed in the attitudes towards the position of national minorities in connection with employment and job promotion, no such differences were observed in this poll. The differences referred to above are manifest especially if we compare the views of the respondents in Vojvodina, where we recorded the fewest answers to the effect that national minority members have difficulties in finding employment, and Montenegro, where this view was most frequently offered.

In the previous polls, the view of the difficulties faced by national minority members was ascribed to pre-election tensions, where fear of interethnic conflicts played a very prominent part. However, the gathering of data in the field for this poll was also carried out immediately after a parliamentary election and on the eve of a presidential election, and yet no differences were observed in relation to the views voiced in other parts of the country. This could point to the conclusion that the election campaign organised this autumn did not generate interethnic tensions, as was the case with the previous campaigns. Such a conclusion, however, would only be a provisional one; more sophisticated surveys would be required for further analyses, with more detailed sets of questions that would make such analyses possible. What can be observed without any reservations on the part of the researcher is the fact that the latest poll points to the conclusion that there exist no regional differences in FR Yugoslavia today in answers pertaining to the difficulties faced by national minority members seeking employment. The comparative results of the three polls on the chances of getting employed and being promoted are presented in Table 3.

Table 3: Employment and job promotion of ethnic minority members

	“What chances of employment and job promotion do national minority members have?”	July 1998	December 2000	December 2001	December 2002
1.	Better than Serbs/Montenegrins	13.1	13.2	10.3	12.3
2.	The same as Serbs/Montenegrins	53.1	55.7	67.1	68.8
3.	Worse than Serbs/Montenegrins	20.5	21.3	11.7	8.5
4.	Don't know	13.3	9.7	10.9	10.4
	Total	100	100	100	100

Differences were observed between the attitudes of Serbs and Montenegrins on the one hand, and those of members of minority nations on the other. These differences were less manifest than in the previous polls; hence the low correlation between the answers to this question and the nationality of the respondents ($C = 0.22$). The poll findings indicate that Croats, Hungarians and Albanians claim somewhat more often than others that minority members encounter difficulties when seeking employment. As opposed to this, the answers given by Muslims were almost at the level of those given by Serbs, Montenegrins and Yugoslavs. These lower values of differences probably contributed to the fact that no regional differences among the respondents were observed concerning this question. In the 1998 and 2000 polls, the prevalent attitude among Albanians and Muslims was that there did exist discrimination in the case of job applicants who are minority members. In the poll conducted in 2001, the attitudes of

members of these two national minorities were at the level of others; Hungarians, however, stood apart, because they often claimed that minority members were discriminated against when seeking employment. Today, fewer Hungarians opt for this answer than Croatians and Albanians. In this poll, as before, the attitudes of Muslims concerning this question were mid-way between the views of other minorities and Serbs and Montenegrins.

Our poll also contained a question about the discrimination of homosexuals. In the previous polls, negative trends were observed to a greater extent than positive ones, but in the latest poll slight shifts could be observed. In relation to the poll of 2001, there has been a slight increase in the number of answers saying that today there is no social condemnation or boycott of homosexuals (2001: 12%; 2002: 15%). In relation to last year, the number of respondents who think that there does exist social condemnation and boycott of homosexuals has decreased to a great extent. Today, 29% of the respondents think so, which is a 3% decrease in relation to last year. On the other hand, the number of those who believe that homosexuals are treated too leniently today has increased by 3% (2001: 33%; 2002: 36%). At the same time, the number of those unable to answer this question has decreased (2001: 23%; 2002: 20%). The findings of this poll also justify last year's conclusion that the citizens of FR Yugoslavia have become somewhat readier to admit the existence of social condemnation and boycott of homosexuals, but also that they have more openly shown their earlier tendency to deprive this segment of the population of the rights they do not have anyway; this conclusion remains entirely valid after this year's poll. It is quite clear that any shifts in this area of the public opinion are occurring very slowly indeed.

3.2. Right to life

The attitudes of the citizens of FR Yugoslavia about respecting the right to life were monitored using examples of two variant forms of this right: freedom from extrajudicial executions and freedom from the death penalty. In the case of the former, the respondents were asked the question: "What should be done with people who are known to be dangerous criminals but there is no evidence to prove this?" As in the previous polls, the question contained a trap in the form of the phrase "known to be dangerous criminals", pointing to the fact that no conclusive proof of the alleged crimes of these "dangerous criminals" existed. Among the instruments offered, apart from the regular ones, there were also options unequivocally characteristic of repressive regimes – organising secret trials of these "dangerous criminals" (without recourse to the usual procedural guarantees) or even having them liquidated by the National Security Service without a trial.

The results obtained were similar to those of the three preceding polls, the only difference being that there was a slight increase in the number of citizens who claimed that nothing happened to them until evidence was found; at the same time, the number of those who claimed that such people were liquidated by the National Security Service has slightly decreased. More than two-thirds of the respondents (69.6%) think that no secret trials and liquidations are organised in FR Yugoslavia, so they opted for the answer stating that nothing is done until sufficient evidence is found. In relation to the results of

the poll of 2001, the frequency of this answer has increased by 2%, which need not be statistically relevant. The belief that secret trials of these “dangerous criminals” whose guilt has not been proved has remained at the level of the two preceding polls (6.8%), the level of difference being expressed in decimal points, so that it is entirely negligible in statistical terms. Changes were observed in connection with the alleged practice of liquidation of the said “dangerous criminals” by the National Security Service. In the poll of 1998, 18.5% of the respondents claimed that such a thing was possible, in 2000 the number of these decreased to 14.1%, in 2001 to 11.3%, whereas today 10.2% of the respondents think so. At the same time, the number of respondents who do not know the answer to this question has increased.

Significant changes were observed as regards the citizens’ attitudes towards the death penalty. In this area, the situation was chaotic until this year: the republican regulations were not in accordance with the Federal Constitution, which had abolished the death penalty. The republican constitutions made it possible for the legislators to prescribe the death penalty for the most serious crimes. In the course of this year, there has been a change in the Serbian Criminal Law, which has obviously influenced the citizens’ attitudes towards the death penalty. In relation to the poll of 2001, the number of citizens who claim that there is no death penalty in FR Yugoslavia has increased by 17%. This represented a continuation of the trend in evidence since 1998, when 27% of the respondents shared this view; in 2000 36% of them thought so, in 2001 49%, while 66% of the respondents think so today. At the same time, the number of citizens who claim that the death penalty still exists has significantly decreased. In the 1998 poll, 39% of the respondents thought so, in 2000 this view was expressed by 34% of them, in 2001 24% thought so, while today only 8% of the respondents think so. At the same time, the number of citizens who claim that the death penalty still exists in their republic but is not applied has decreased by 1% (from 7% in 2001 to 6% in 2002).

Today, only 3% of the respondents claim that the death penalty not only exists in the republican law but is also applied. The percentage of those who were unable to offer an opinion amounted to 17.7%. In the preceding two polls (in 2000 and 2001), the greatest difference was observed in Belgrade and Montenegro.⁵ Today, the opinion that there is no death penalty is comparatively evenly distributed in all parts of FR Yugoslavia; its frequency is highest in Belgrade (74%) and in Vojvodina (62%), but it is not appreciably lower in central Serbia (62%) and Montenegro (61%). The conclusion from the preceding polls, that the respondents were to a large degree convinced that in FR Yugoslavia there were no secret trials of “dangerous criminals” for whose “crimes” there is no conclusive proof, was further confirmed by the results of this poll. At the same time, although it was observed in the previous reports that the respondents exhibited no detailed knowledge of the possibilities for passing a death sentence afforded by the Yugoslav legislature (both federal and republican), two conclusions may be drawn from this poll. Firstly, that the trends observed in the preceding polls concerning the answers to the question about the existence of the death penalty have continued and, secondly, that the respondents have followed carefully the changes in the Criminal Law this year.

⁵ Cf. the reports of 2000 and 2001.

3.3. Prohibition of torture, inhuman or degrading treatment or punishment

This poll involved two forms of prohibition of torture: freedom from torture and state reprisals (this freedom is operationalised in the specific procedural guarantee to a person under suspicion that he/she will be spared from being forcibly made to confess) and freedom from court sentences involving corporal punishment.

In order to survey their attitude towards freedom from torture and state reprisals, the respondents were asked the following question: “Is it allowed to use force for the purpose of getting a confession from a person suspected of having committed a serious crime for which the death penalty is prescribed?” A negative answer to this question was given by 59.5% of the respondents, which represents a 4% increase in relation to last year’s poll (55.3%), when fewer respondents gave this answer than was the case in 2000 (58%). As opposed to this, every fourth respondent (24.7%) thinks that the use of force is allowed, which represents a decrease of 2% in relation to last year. Among those who think that the use of force is allowed, the majority of respondents claim that it is allowed, but not beyond the limit where the suspect’s health would be endangered (15%). In relation to last year’s poll, the number of respondents who claim that the use of force is allowed as long as it is not life-threatening has remained the same (9.3%); however, the number of citizens who say that they do not know whether the use of force for the purpose of obtaining evidence is allowed has decreased by 2% (2001: 18.2%; 2002: 15.8%). Overall, the replies of the respondents who claim that the use of force is allowed and of those who say that they do not know whether it is allowed indicate that we still have a great number of citizens who do not know whether the use of force is allowed or not, that is to say, that 38% of the citizens do not know the actual content of freedom from torture and state reprisals.

In relation to the preceding polls, significant shifts have occurred in citizens’ attitudes towards freedom from court sentences involving corporal punishment, and trends towards the right answer have been observed. To the question “Is there corporal punishment in FR Yugoslavia?”, the majority of the respondents (71.2%) gave the right (negative) answer, which was an increase in relation to the 2001 poll (63.9%) and the 2000 poll (57.3%). A significant shift has occurred in relation to the 1998 poll. Back then, the existence of corporal punishment was disputed by less than one half of the respondents (45.8%). As an expected consequence of this change, fewer and fewer participants in the polls have claimed that corporal punishment exists. In relation to the poll of 2001, the number of citizens who claim that there is corporal punishment in this country has decreased by 3% (from 12% to 8%), and in relation to the poll of 1998 (24%), the number is three times lower. To these, we can add 3.5% of the respondents who answered that question in the affirmative but restricted the application of corporal punishment to their own republic. As opposed to the 2001 poll, when there was an increase of citizens whose answer was “I don’t know”, today the number of these has decreased to 16.4%, which is 5% lower in relation to the preceding poll, but their number still remains higher than in the 2000 poll, when there were the fewest of these so far (14.8%).

On the basis of these poll results, one is led to conclude that significant shifts are occurring, even though the conclusion from 1998 – that there is disbelief in FR Yugoslavia concerning the possibility that the individual may preserve his/her physical

integrity and avoid being maltreated in the course of judicial proceedings (both during the phase of investigation and during the phase of executing a court sentence). If we add those citizens who have resorted to methodologically grey options by answering “I don’t know”, we could conclude that two-fifths of our citizens still doubt the possibility of preserving one’s physical integrity in the course of judicial proceedings. That is why the conclusion that physical violence as a means of forcing a confession and as a form of judicial punishment still exists in the legal consciousness of the citizens of FR Yugoslavia.

3.4. Right to freedom and security of the person and the treatment of prisoners

In order to conduct research into our citizens’ consciousness of the right to freedom and security of the person, we asked the question: “How long may one be detained in the course of investigation according to our law?” The majority of the respondents (47.2%) opted for the right answer (a month, and only in exceptional circumstances up to six months), which represents an increase of 2% over last year. The findings of this poll and the preceding ones indicate that the majority of citizens did not opt for the right answer. Every tenth respondent (5.3%) claims that detention may last between six months and three years, whereas as many as 25.1% of the respondents think that detention may last as long as it takes to obtain evidence, which represents an increase of 7% in relation to the poll of 2001. Even though the number of respondents opting for the answer “I don’t know” has decreased, the number of those still remains considerable. On the basis of the increase in the number of correct answers and the decrease of the number of citizens who claim that detention may last up to three years, one might observe that the situation in this respect is improving; however, we could not draw the conclusion that there exist positive trends. The increase in the number of citizens who claim that in our circumstances detention may last for as long as it takes to obtain evidence (as many as 7% more than a year before), points to the conclusion that the number of citizens opting for the right answer has indeed increased, but the number of those opting for one of the incorrect variants has increased even more. Therefore, the latest shift has resulted in an increase in the number of those who felt certain of an incorrect answer, whereas the number of those who were uncertain, opting for “I don’t know”, has in fact decreased. The answers to the questions on how long detention may last indicate a considerable degree of correlation with the level of education of the respondents, which was also observed in the course of the preceding polls. The more educated the respondents are, the more correct their answers tend to be, and vice versa. If the answers are considered in relation to the level of education and compared to the preceding polls, one observes that two-thirds (65%) of those with a higher education gave the right answer; in this segment of the population there has been an increase in the frequency of correct answers in relation to the 2001 poll (61% of the respondents with a higher education gave the correct answer). However, even among those with a higher education there are those who opted for one of the incorrect answers. Every fourth respondent with a university degree claims that detention may last up to three years (7%) or until evidence is obtained (17%). Interestingly enough, the view that detention may last for up to three years is more frequent among the respondents with a higher education than among the lower

educational strata. The lower the level of education, the greater the number of those who answer “I don’t know.” As many as 58% of the uneducated respondents opted for this answer, and the frequency of the answer that detention lasts for as long as it takes to obtain evidence also increases among these. The correlation between the answers concerning the duration of detention and the sex of the respondents observed earlier was characteristic of the latest poll as well. Male respondents gave the right answer more frequently (58%) than female respondents (37%), whereas women opted for “I don’t know” more frequently than men (32% : 13%).

The results obtained still point to the conclusion derived from the earlier poll, that the awareness of the limits of intrusion of the state into the freedom and personal security of the individual is slowly growing, but is still far from being fully developed. The legal consciousness of our citizens is still characterised by a conspicuous lack of knowledge about the right to freedom and security of the person; as a consequence if this, a considerable number of citizens still think that state organs conducting an investigation have “the right” to keep a suspect in detention indefinitely.

3.5. Right to a fair trial

The greatest problem concerning human rights in FR Yugoslavia is to be found in the sphere of independence the judiciary. The fact that citizens are not certain of whether they will be able to realise their rights, be it in the area of judicial proceedings or in the area of executing enforceable judicial decisions, has contributed to a high degree of fear of non-observance of the law and of corruption. Today, two years after the change of power, not only has this fear failed to decrease – according to research results, it has even increased.⁶ This is the reason why the interest in further research into and monitoring of changes in the sphere of the right to a fair trial does not decrease.

As in the three preceding polls, the first question in the set dealing with various forms of the right to a fair trial was: “What is the deadline for bringing a detainee before a judge?” The answers to this question showed that the citizens’ views were quite dispersed. None of the answers offered was chosen by the majority of the respondents. In relation to the poll of last year, certain shifts have been observed concerning the frequency of some answers. Analysis of the results of the 2001 poll showed that the most frequently chosen answer was “I don’t know”, which was chosen by two-fifths of the respondents. The next most frequently chosen answer was “within a month” (31.6%), which was correct at the time of the poll. Therefore, only about one-third of the citizens opted for the right answer then, while all the others either gave an incorrect answer or said that they did not know the answer to that question. In relation to these results, this year’s results differ in that the number of citizens who do not know what the deadline for bringing a detainee before a judge is has decreased by 7% (to 32.6%), so that it is no longer the most frequently chosen answer. The most frequent answer was that a detainee had to appear before a judge within 24 hours (37.2%), and the number of respondents who think so has increased by 5% since the 2001 poll. The remaining 2% of the respondents were evenly distributed over the remaining two incorrect answers; as a result,

⁶ According to research conducted by the Scan agency of Novi Sad during 2002, this fear is present in almost 80% of adult Yugoslav citizens.

a slight increase of 1% in either case was observed in relation to last year, which does not represent a significant statistical change.

As regards the question “Is the rule that all judicial proceedings have to be public in force?”, only slight shifts have been observed. It is interesting to note that the answers, with few exceptions, have been rather stable since the 1998 poll to the present day. The greatest change in the results occurred last year, when there was an increase in the number of respondents who chose the answer “I don’t know”. This answer has remained at the same level this year, with a slight decrease that may be at the level of statistical error. The greatest change observed was the increase in the frequency of the answer that all judicial proceedings are public, although the increase is not a large one. This answer is almost as frequent as “I don’t know”, and comes last in the order of frequency. Every fourth respondent (25.8%) is convinced that this rule is not at all in force today. From Table 4 we can conclude that the number of respondents opting for this answer has not changed either in relation to last year’s poll or in relation to the preceding polls. Although the percentage of answers to the effect that there are exceptions to that rule has decreased, this answer still remains the most frequent one in relation to the preceding polls.

Table 4: The public character of judicial proceedings

	“Is the rule that all judicial proceedings have to be public still in force?”	July 1998	December 2000	December 2001	December 2002
1.	Yes	24.5	21.5	18.9	22.6
2.	There are exceptions to that rule	34.3	39.9	30.6	28.4
3.	No	22,5	24,6	25,4	25,8
4.	Don’t know	18.6	13.9	25.1	23.2
	Total	100	100	100	100

The results of the polls of 2000 and 2001 pointed to the conclusion that among the respondents from Montenegro the most widespread view was the one about there being many exceptions to the rule on the public character of judicial proceedings. This poll brings changes in that this answer is at the same level of frequency in Montenegro and in other parts of Yugoslavia; however, the explicit answer that this rule is not in force is more frequent in Montenegro (29.1%) than in other parts of Yugoslavia. Differences were observed in the frequency of answers, but this poll, too, showed that statistical methods did not confirm that there was a difference in attitudes towards the public character of judicial proceedings depending on the place of residence of the respondents.

When asked if the rule that everyone is presumed innocent until proved guilty still applied in FR Yugoslavia, there were almost no shifts in the three preceding polls of 1998, 2000 and 2001. However, significant changes were observed in this poll. The greatest change was observed in the increased number of respondents who claim that the rule that everyone is presumed innocent until proved guilty is applied without any exceptions. Today, 47% of the respondents claim this, as opposed to 40% last year. At the same time, the number of citizens claiming that there are many exceptions to that rule has decreased by 3% (2001: 40%; 2002: 37%). The number of respondents who claim that this rule is not in force in our country has decreased by 2% (from 9.2% in 2001 to 7.4% in 2002). The remaining 9% of the respondents opted for the answer “I don’t know”. The

results show that more than one half of the citizens of FR Yugoslavia have expressed scepticism concerning the validity of the rule of presumption of innocence in FR Yugoslavia, which is still less than the two-thirds of sceptical respondents from last year's poll.

Answers to the questions pertaining to the right to a fair trial are still discouraging, with the exception of the answers to the question "Can everyone freely choose a lawyer to represent him/her?". In relation to the results of the 2001 poll, there were almost no changes in the latest poll. The overwhelming majority of the respondents (69%) claim that this rule is observed without exception, 5% of them called the observance of this right into question, while 17.9% of them pointed to the existence of many exceptions to this rule (the change observed here amounts to 2%). The remaining 8.2% of respondents said they did not know the answer. This year's results are almost identical to last year's results, and the differences are measured in decimal points only.

Having answered this set of questions, the respondents were given an opportunity to express their opinions about the judges working on the territory of FR Yugoslavia today. Comparing the results of this poll with last year's results, we observe only slight, though positive changes. In relation to last year's poll, the number of respondents whose opinion is that judges are mainly bad and dependent on politicians has decreased (from 47.6% in 2001 to 46.1% in 2002). In the 2001 poll, a significantly low number of respondents, only every tenth one of them (9.5%) claimed that judges were good and independent, which was at the level observed in 2000. Today, the number of these has increased to 13.5%, which marks the greatest change in answers to this question. The number of respondents who claim that judges are trying to stay honest under the current very bad circumstances has decreased by 1% (there are 29.7% such answers in this poll). The number of respondents who do not have any opinion of our judges has also decreased by 1%, to the level of 10.8%. If we compare the data from all four polls, we can see that, in relation to the year 2000, the sinking of the reputation of judges, in evidence between 1998 and 2000, has been halted; this trend has continued in 2002, but the shifts observed are minimal, so that one might almost conclude that they are stagnating, in view of the fact that an exceptionally high percentage of citizens do not think that judges are good and independent but are convinced that the opposite is the case. The impression originating from the 2001 poll, that the attitude towards judges shows signs of stagnating, is still valid. In this poll no differences were observed in the attitudes of citizens depending on their place of residence; no changes have been observed in connection with other sociodemographic features either, except that more educated respondents tend to have an opinion about judges more often than those who are uneducated or have primary school education.

The results of this poll, as well as those of all the preceding ones, point to the fact that our citizens perceive the erosion of the judiciary in FR Yugoslavia and think that the judiciary is not independent even today. The citizens often have a very unclear view of the possibilities that the domestic procedural law offers, so that most respondents to a greater or lesser degree call into question the existence of procedural guarantees such as bringing a detainee before a judge without delay, the public nature of judicial proceedings and the presumption of evidence (as opposed to the right to a free choice of a lawyer, which the respondents perceive as mostly realised).

3.6. Right to the protection of privacy, the family, the home and correspondence

In view of the fact that in this year's poll on the legal consciousness of the citizens of FR Yugoslavia we used the identical instrument as in the three preceding polls, the right to privacy was also represented in two of its forms: freedom from having one's mail opened and having one's telephone conversations monitored, and freedom from police search of one's home without a warrant.

Answers to the question "Is it allowed to open mail and monitor telephone conversations?" indicate that the most frequent view among the respondents is that in FR Yugoslavia there exists unconditional freedom of communication by mail and by telephone (58.5%). Even though this answer is the most frequent one, the number of respondents thinking so today is lower than in the poll of December 2001, when 60% of them thought so, or in relation to 2000, when this view was expressed by 63.5% of the respondents. This negative change could be the consequence of the scandals connected with the monitoring of telephone calls of the highest-ranking officials in the country, which has been dealt with by the parliament and by investigative committees. The number of respondents who claim that for reasons of national security it is necessary to open mail and monitor telephone calls has increased by 5% (to 30.8%), while at the same time the number of those who think that phone tapping is allowed for the sake of protecting the present powers-that-be has decreased (from 6.1% in 2001 to 3.9% in the 2002 poll). The number of those who could not decide on an answer has not changed (7%).

The views of right to protection of privacy, the home and the family were surveyed through the question "In what cases can the police search a private flat?" Several answers to this question were offered, so that the results presented in Table 5 exceed a total of 100%. Of the overall number of respondents, 51% of them gave two answers, 28% of them gave three answers, the rest gave one answer.

Table 5: Grounds for searching a private flat

	"In what cases can the police search a private flat?"	July 1998	December 2000	December 2001	December 2002
1.	If they have a search warrant issued by a court of law	71.3	76.7	73.2	77.1
1.	If they have a warrant issued by the National Security Service	29.8	25.3	19.7	18.4
2.	If they have a warrant issued by the Ministry of the Interior	39.3	34.6	34.4	35.3
3.	Whenever security is endangered	17.7	14.7	15.4	22.4
4.	Whenever it is considered necessary	18.7	15.2	11.4	18.0
5.	Don't know	5.6	5.3	6.6	6.9
	Total	182.4	171.8	160.7	178.1

Compared with the three preceding polls, the latest results exhibit the characteristics of trends in some elements; in other elements, however, they exhibit behaviour entirely opposed to trends and differ greatly from those of the preceding poll. Almost four-fifths of the citizens polled (77.1%) maintain that the police may search a

private flat if they have a court warrant for doing so. In relation to last year's poll, that represents an increase of 4%. The frequency of answers to the effect that a flat may be searched whenever security is threatened has also increased. The increase amounts to 7%, from last year's 15.4% to 22.4%. The number of respondents who claim that a flat may be searched whenever it is considered to be necessary has also increased by 7% (from 11.4% in 2001 to 18% in 2002). The trend of a decrease in the number of citizens who think that in order to search a flat it is sufficient to have a warrant issued by the National Security Service has continued (1998: 29.8%; 2000: 25%; 2001: 19.7%; 2002: 18.4%). The number of respondents who claim that a warrant issued by the Ministry of the Interior is sufficient to search a flat has increased from 34.4% in 2001 to 35.4% this year. The poll results point to the conclusion that, in relation to 2001, the number of respondents who claim that no warrant is necessary to search a private flat, that it will suffice if someone decides that security is threatened (22.4%) or that it is simply necessary (18%), has increased. Last year, every fourth respondent claimed so, whereas this year two-fifths of them do. On the basis of the results presented above, we may note that the frequency of some answers has increased not because the frequency of others has decreased but because more respondents who did not choose the second or third option on offer did so in 2002. This led to the result that a significant number of respondents claimed that a court warrant is a necessary precondition for searching a flat; at the same time, however, the number of those who think that somebody's assessment of the security situation or the need to effect a search is enough to have a private flat searched has also increased.

3.7. Right to the freedom of thought, conscience and religion

The right to the freedom of thought, conscience and religion was surveyed through two of its forms: the freedom from state ideology in schools and the freedom of confession and expression of religious beliefs.

The freedom from state ideology in schools is the first form of the right to the freedom of thought, conscience and religion analysed in this poll. The question asked was as follows: "Do school programmes have to be in conformity with any official doctrine?" As in last year's poll, the majority of the respondents answered that they did not know whether school programmes had to be in conformity with any official doctrine (43.2%). The number of respondents who opted for this answer has decreased by approximately 3% in relation to last year, but still remains significantly higher than in the 2000 poll, when 31% of the respondents opted for this answer, or in the 1998 poll, when 37% of them did so. Next in the order of frequency is the answer that school programmes need not be in conformity with any official doctrine (30.1%), which is considerably lower than the frequency observed in the preceding polls. Today, 9% of the respondents claim that school programmes need not conform to any official doctrine. As opposed to this, the number of citizens who claim that school programmes today are brought into conformity with some official doctrine has increased by 12% (2001: 15.3%; 2002: 26.7%). Among the respondents who opted for this answer, the majority of them, as in the preceding polls, did not say which official doctrine school programmes had to conform to. As opposed to last year, when the most frequent answer was "The one determined by the

Minister of Education” or “The one advocated by the party in power”, this year the number of those who opted for Orthodox Christianity has significantly increased. This result is no surprise in view of the fact that, immediately prior to the gathering of data in the field Christian Science was introduced in primary schools as a compulsory optional subject. The citizens are evidently still confused and wait to see what will happen with the educational system; hence more than two-fifths of them still do not know what is happening with school programmes at the moment. In addition to this, the majority of the respondents opting for this answers are elderly citizens. At the same time, among those who claim that school programmes today are brought into conformity with Orthodox Christianity, the number of citizens who oppose the introduction of Christian Science in schools and who have children of school age is not at all negligible.

The other form of the freedom of thought, conscience and religion that we surveyed pertains to the freedom of confession and expression of religious beliefs. When asked “In what measure is the freedom of confession and expression of religious beliefs present?”, 55% of the respondents answered “In the right measure”, which represents an increase of 8% over last year. This means that the trend observed in 1998, when 39% of the respondents thought so, has continued. Parallel with this, the number of citizens who are dissatisfied with the degree of the freedom of expression of religious beliefs has been decreasing (2001: 12%; 2002: 8%). At the same time, the number of the respondents who opted for the answer “I don’t know” has decreased, so that today there are 5% of them, as opposed to last year’s 9%. The number of respondents who think that there is even too much of it has remained at last year’s level (31.8%). In last year’s report, it was observed that in FR Yugoslavia there existed a polarisation in the opinions about the situation concerning the freedom of confession and expression of religious beliefs. It was noted then that the degree of polarisation was lower in the case of national minority members than in the case of Serbs. Today’s results show that the polarisation observed earlier has almost disappeared, in view of the fact that the number of Serbs who think that today there exists the right measure of the possibility of expressing religious freedoms has increased. However, the frequency of this answer is still considerably lower than in the case of national minorities. The greatest difference, in connection with the nationality of the respondents, was observed in the case of Yugoslavs, 44% of whom think that this freedom is excessive today; this percentage is considerably higher than in the case of members of other nations (35%). Apart from this slight correlation, we might say that, in statistical terms, the level of correlation between answers pertaining to the freedom of confession and expression of religious beliefs and the nationality of the respondents is low.

3.8. Freedom of expression

Freedom of expression was one of the most denied rights in the Socialist Federal Republic of Yugoslavia (SFRY). Critical thinking was particularly suppressed by means of the so-called “verbal offence” provision, contained in Article 133 of the Criminal Code of SFRY.⁷ Formally, FR Yugoslavia has abolished “verbal offence”; in view of the fact

⁷ Cf. papers in the collection Misao, *reč, kazna (Thought, Word, Punishment)*. Verbalni politički delikt (Verbal political offence) Belgrade, Institut za kriminološka i sociološka istraživanja, 1989.

that it remains a moot point whether fragments of this institute have survived or not, since 1998 we have been monitoring the views of citizens concerning the question of whether there have been changes in the meantime. The respondents were offered three options: absolute freedom of disseminating information, freedom of disseminating information up to the limits defined by international law (the restrictions on damaging people's reputations were offered as an example) and freedom of disseminating information restricted by a ban on criticising the authorities. One of the questions asked for this purpose was: "Can anyone be punished for disseminating information?" The results indicate that 28.7% of the respondents claimed that there was absolute freedom of disseminating information in our country. In terms of frequency, this answer has remained at the same level since 2000. As opposed to this, the number of respondents who believe that there exist restrictions concerning the freedom of disseminating information if it should damage the reputation of some person(s), which is in accordance with the international standards, has increased. In relation to last year's poll, the number of respondents opting for this answer has increased by 6% (from 38.4% in 2001 to 44.3% in 2002). Thus the frequency of this answer has almost reverted to the level of the 2000 poll (45.5%). The number of citizens who claim that the freedom of disseminating information is restricted in the cases when such information is used to criticise the authorities has decreased. In 2002, 16.3% of the respondents claimed so, which means that the trend of decreasing frequency of this answer from 1998, when every third respondent claimed that our citizens may be punished for criticising the authorities, has continued. From 1998 onwards, their number has been decreasing: in 2000 the frequency of this answer decreased to 19.1%, and has continued to decrease slightly since then. Every tenth respondent in this poll said that he/she did not know if a person could be punished for disseminating information, which marked a 5% decrease in relation to 2001.

These results show that the positive trends observed in the preceding poll have continued; as opposed to last year's poll, when for some reason the number of citizens who think that the freedom of disseminating information is in accordance with international standards decreased, positive shifts were observed in the latest poll.

In the case of the question "Is there censorship of works of art?", a shift has occurred in relation to the year 2001. The most significant change has occurred concerning the answer that there is no censorship of works of art. The number of respondents who think so has increased by 10% (from 28.6% in 2001 to 38.5% in 2002). At the same time, the number of citizens who opted for the answer "I don't know" has decreased from 40.7% in 2001 to 33.3% in 2002. This means that even today every third citizen does not know if there is censorship of works of art or not. Also, the number of respondents who claim that officially there is no censorship in this area of creation, but that it is unofficially practised in state art institutions. This view is held by 8.7% of the respondents today. Every fifth respondent (19.6%) claims that there is censorship of works of art in our country. In relation to last year, the number of citizens who think so has not changed.

The next question from this set had to do with the freedom of expression in the press. The question was: "Is there censorship of the press?" The answers to this question in all the preceding polls were discouraging. Unfortunately, they are not appreciably better in this poll either, even though those shifts that have been observed are positive. However, it is evident that things are progressing very slowly in this area and that, in view of previous

experiences, the citizens are very cautious. In relation to last year, the number of citizens who explicitly state that there is censorship of the press in our country has decreased by 3%. More than two-fifths of the respondents (44.2%) think so today. The number of those who claim that censorship of the press does exist has increased by 4%, to the level of 29.5%. There has been a slight increase in the number of citizens who claim that censorship officially does not exist but is practised in one part of the press (there were 6.8% of those in 2001, and today there are 7.8% of them). In the two preceding reports, it was observed that there existed differences in the attitudes of the citizens of Serbia and Montenegro towards this issue. As opposed to the preceding polls, no such differences were registered in this poll.

In the context of surveying views on the freedom of the press, we surveyed the views of the respondents on the attitude of the authorities towards that segment of the press of which they are not the founders, that is, which is not under the control of the authorities. When asked about the position of the so-called independent press, the respondents gave answers similar to those from 2001. The differences observed are minimal and are manifested in another increase of the number of respondents who claim that the attitude of the authorities towards it is the same as towards any other segment of the press; therefore, the frequency of this answer almost reached the level of the 2000 poll (35.2%). The answer that the authorities tolerate it because they consider it unimportant (18.9%) was almost at the level of last year. Every fourth respondent (24.5%) still claims that the authorities do a lot with a view to suppressing it, which is a decrease of about 2% in relation to last year. The number of respondents who opted for the answer "I don't know" remained the same as a year before (21.3%). In last year's report, it was observed that there was a difference in views on the position of the so-called independent press depending on which republic the respondents live in. As in the case of the preceding question, no such differences were observed in this poll.

When asked about the position of independent publishers, the respondents gave answers similar to those about the so-called independent press. No significant shifts have been observed here in relation to the results of the 2001 poll. Of the answers offered, the most frequently chosen one (34.5%) was that the authorities had the same attitude towards them as towards any other publishers, which marked an increase of 3% in relation to the preceding poll. There was a slight decrease in the number of respondents who think that the authorities tolerate private publishers because they consider them unimportant (from 17.9% in 2001 to 16.9% in 2002). The trend of a gradual decrease of respondents opting for this answer has been in evidence since 1998. The number of respondents who claim that the authorities do a lot with a view to suppressing them has decreased by 1%, so that this view is held by every fifth respondent (19.5%) today. Here, too, the trend of a decrease in the frequency of this answer has continued: the difference in relation to the 1998 figure amounts to 19%. The number of citizens who opted for this answer remained the same as last year (29%). As opposed to the results of the preceding polls, in the case of this answer no statistically significant differences depending on which republic the respondents live were observed.

The next important question from the set dedicated to freedom of expression is the one about the position of independent radio and TV stations (that is, those that have not been founded by the state or its institutions). The respondents were asked to give their views on the position of independent radio and TV stations. Looking at the results of this

year's poll in relation to those of 2001, we can observe minimal shifts. The number of respondents who opted for the answer "I don't know" has decreased by 2%, to the level of 19%. The frequency of the answer that the authorities tolerate them because they consider them to have very little influence has decreased by 1.6% (from 18.7% to 17.1%). The number of respondents who claim that the authorities do a lot with a view to suppressing them has decreased by 1% (from 25.4% to 24.4%). At the same time, parallel with the decrease of the frequency of all the above answers, the number of citizens who think that the authorities treat them the same as any other radio and TV station has increased to 34.5%, meaning that every third citizen thinks so. In the two preceding reports it was observed that the citizens of Montenegro were more dissatisfied with the attitude of the authorities towards independent radio and TV stations; however, as with other questions from this set, no statistically significant differences in the views of the citizens of Serbia and Montenegro were observed in connection with this question.

The results obtained concerning citizens' views on the freedom of the media indicate that their awareness of the existence of censorship is still deep-rooted. The changes observed exhibit a positive trend, but the experience gathered over the years evidently cannot be changed either simply or easily. The most significant shifts were observed immediately after the changes of October 5th 2000; since then, however, shifts have been observed but they are minimal. The reservations observed the next year concerning the freedom of the media have persisted until the present day, so that the citizens are still waiting. In the meantime, the greatest shifts have occurred in Montenegro. A possible reason for this is that, in the course of this year, there have been changes of coalition partners in the Montenegrin Parliament, and consequently there have been changes in the founding rights in the state-owned media. This year the major Montenegrin parties have been both the power-that-be and the opposition. This has obviously led to a change in the attitude of the authorities (whichever) towards the media, which was reflected in the citizens' perception of the freedom of the media.

On the territory of FR Yugoslavia, many organisations monitoring human rights violations have been operating over a longer or shorter period of time, informing the public at home and abroad of their findings. For years, the authorities have conducted a very negative campaign against these organisations, calling them all sorts of bad names and describing their employees as traitors, mercenaries of foreign powers and the like. After the changes of October 5th 2000, one gets the impression that the attitude of the authorities towards these organisations has changed. Since then, positive shifts have been observed in the attitudes of our citizens towards them. However, in view of the very negative previous attitudes, negative attitudes are still very much in evidence. Intending to find out whether any changes have occurred in that respect, we asked citizens what they thought now about organisations that monitor human rights violations. The results of this year's poll indicate that slight shifts have indeed occurred, but negative ones. The number of citizens who claim that these are useful organisations that contribute to the observance of human rights has decreased by about 1% (from 38.9% in 2001 to 38% in 2002). The next answer in order of frequency was that these are useless organisations that have not done anyone any good yet (30.9%). The number of citizens thinking so has increased by 1.6% in relation to last year. At the same time, the number of citizens who claim that these are illegal, mercenary organisations dangerous to the state has increased by 2.3% (to 16.7%). The number of citizens who opted for the answer "I don't know" has

decreased. If we consider these shifts in relation to all the previous polls, we can observe that after the changes of October 5th 2000 there has been a positive shift in the attitudes towards organisations that monitor the realisation human rights. In the year 2000, the number of citizens who claimed that those were useful organisations increased by 18% in relation to the 1998 poll. However, soon enough, in 2001, the number of citizens thinking so decreased by almost 11%. The only positive thing in this year's shift in attitudes towards these organisations is the fact that the change in question is not as dramatic as it was in last year's poll. But irrespective of this, the fact remains that the attitude of the citizens of Yugoslavia towards organisations monitoring human rights violations is more negative than positive. It is quite clear that they have not quite established a good reputation in the eyes of the general public. This is due to the fact that organisations of this kind are relatively young in these parts, so that the citizens still know very little about their activities; on the other hand, the previous powers-that-be had a great influence in establishing their image in the eyes of the public. It is obvious that it will take a lot of time for organisations monitoring human rights violations to win the support of the public.

3.9. Freedom of public gathering

Among other things, in this poll we surveyed the citizens' views of the conditions under which it is lawful for people to gather in public places for the purpose of protesting. The question was: "When is it lawful for people to gather in public places?" The majority of the respondents (48.7%) opted for the answer "Only when this has been allowed by the authorised organ", which marks a 1% decrease in relation to last year's figure. The frequency of the answer to the effect that it is allowed as long as it does not interfere with the traffic has decreased by 1% since last year's poll (to 9.4%), as has the number of citizens who answered "I don't know" (6.6%). Proportionately to this decrease, there has been an increase in the number of citizens who claim that gatherings of people in public places are lawful as long as they are peaceful (35.3%). The shifts in answers to the questions about the lawfulness of gathering in public places since 1998 to the present day have been minimal. If we took into consideration the possibility of statistical error, we could almost conclude that nothing has changed since 1998 concerning the conditions under which public gathering is lawful. When referring to these conditions, our citizens are still opting for a restrictive condition which is not constitutionally and legally prescribed (permission of the authorised organ) more often than for a restrictive condition which *is* prescribed by the Constitution and the Law on Public Gathering of Citizens. As before, no correlation between the answers and the sociodemographic characteristics of the respondents was observed. No differences exist in the answers about lawful public gathering given by respondents belonging to different age groups, professions or even different ethnic and regional groups.

3.10. Freedom of association

At the time Yugoslavia was a socialist state, membership in the Communist Party was an important precondition of social promotion and informal control. Wishing to find out what has happened in the meantime in the sphere of freedom of association, we asked the respondents to state in which cases membership in the ruling party was required by law. The question contained a trap in the form of the phrase “by law”. In view of the fact that it was possible to give more than one answer, the total in Table 6 exceeds 100%.

Table 6: Cases in which membership in the ruling party is required

	“In what cases is membership in the ruling party required by law?”	July 1998	December 2000	December 2001	December 2002
1.	When the manager of a state-owned or mixed-ownership company is appointed	31.1	23.3	22.8	21.1
2.	When officials and staff in state organs are appointed	38.7	25.7	26.2	25.7
3.	When judges are appointed	27.9	18.3	18.8	17.0
4.	Never	28.1	45.7	43.0	47.5
5.	Don't know	25.0	19.3	22.4	18.3
	Total	150.8	132.3	133.2	129.6

From Table 6 we can see that the answers to this question have varied very little since the year 2000. Fewer than one half of the respondents (47.5%) say today that membership in the ruling party is never legally required. In relation to the preceding polls, this is the greatest frequency of the only correct answer observed so far. In the case of this answer, the greatest change was observed after the 2000 election. In both polls conducted after 2000 (in 2001 and 2002), no significant shifts were observed. The fact still remains that more than one half of the citizens of FR Yugoslavia either do not know that membership in any political party is not legally required or think that it is required in the case of people being appointed to managerial positions or to posts in the civil service. More than one-fifth of the respondents (21.1%) claim that in the case of appointment of managers in state-owned or mixed-ownership companies, membership in the ruling party is required by law, which represents a decrease of only 1.7% in relation to last year's poll. Every fourth respondent claims that membership in the ruling party is legally required when people are appointed as state officials or to posts in state organs, which is the same level of frequency as last year. The number of citizens who believe that membership in the ruling party is required in the case of appointment of judges has decreased; however, no less than 17% of the citizens still hold this view. A slightly higher percentage (18%) of citizens opted for the answer “I don't know”. Answers to this question do not depend on which republic the respondents live in. The correlation between the answers to this question and the profession of the respondents observed earlier was confirmed in this poll, too. The greatest number of correct answers (“Never”) came from experts and intellectuals (64%), students (57%) and entrepreneurs (51%); housewives (24%) and farmers (28%) were at the other end of the scale. Correlation was also observed between the answers and the educational level of the respondents. The greatest number of correct answers came from respondents with higher education (63%), with the uneducated at the other end of the spectrum (19%). The answers to this question do not depend on the age

and sex of the respondents. The greatest degree of correlation was observed when it came to party and electoral preferences. The greatest number of correct answers came from supporters of the GSS (Civil Alliance of Serbia), LSV (League of Socialists of Vojvodina), DS and LS parties. The supporters of the two major Montenegrin parties gave an approximately equal percentage of correct answers.

In the changed circumstances following the collapse of socialism, trade unions as a specific form of association have not yet managed to reach workers in their struggle for their rights. Following the poll of December 2001, several major systems collapsed, so that a lot of workers were left unemployed. Under these circumstances, various trade union organisations have been trying to find their proper place. The previous poll showed that their attempts to promote themselves as the legitimate representatives of workers over the past few years have not been entirely successful. Judging by the respondents' views, this latest poll does not present trade unions in a better light; almost no changes were observed in that respect. Today, only 11.7% of the citizens are satisfied with the way trade unions function and say that trade unions are good, well organised and that they represent the interests of their members well. In relation to the earlier polls, the number of citizens who are satisfied with trade unions has decreased, and this decrease has assumed the characteristics of a trend (2000: 17.9%; 2001: 13.4%; 2002: 11.7%). The critical attitude towards trade unions has decreased almost not at all since 1998. Three-fifths of the respondents (61%) have a negative view of independent trade unions. The most frequent critical remark at their expense is still that they are bad, disorganised and that they manage the interests of their members poorly (22.4%); they are also criticised for being a cover used to hide the manipulations of managers and politicians (19.9%) and for existing on paper only (19%). This last reply is the one whose frequency has increased the most since last year. More than one-fourth of the respondents replied that they did not have an opinion of trade unions. The results point to the conclusion that independent trade unions have not yet achieved the position of workers' protectors and are not trusted much by those whom they are supposed to represent. No correlation between attitudes towards trade unions and social and demographic characteristics has been observed.

3.11. Right to peaceful enjoyment of property

Social ownership was one of the basic elements of the legal system of SFRY; in the nineties, it remained the basic form of ownership in Serbia, whereas it was abolished in Montenegro.⁸ After the 2000 election, the Law on Privatisation was passed with a view to privatising a large part of state- or socially-owned property. During the nineties, the awareness of the necessity of this process developed among our citizens, all the more because socially-owned property came to be seen more and more often as a means for the privileged to get rich, so the attitude towards social and private ownership changed accordingly. In view of its importance, this issue has been surveyed since the beginning of the nineties; for several years now, a predominantly positive attitude towards private ownership has been observed, but at the same time, the attitude towards "getting rich" has

⁸ On the links between the "new" and "old" social ownership, cf. A. Molnar, *The Collapse of Self-Management and Rise of Führerprinzip in Serbian Enterprises*, *Sociologija*, no. 4/96, pp. 539-559.

changed very slowly and with difficulty, so that, concerning the attitudes towards getting rich, the public has split into three equal segments. One third of the citizens have developed a positive attitude towards this notion, one third have retained a negative attitude qualified by the additional explanation “They are all crooks”, while one third of them are neutral about it, having neither a positive nor a negative attitude.⁹ The importance of this process was the reason why, in this poll too, we surveyed the attitude of our citizens towards social and private ownership in FR Yugoslavia. Once again, the majority of the respondents (42.7%) were of the opinion that social ownership was just a cover-up for illegal acquisition of private ownership, which represents a decrease of 3% in relation to the poll of 2001 (45.5% of the respondents claimed so then). Although this answer was the one most frequently given, the trend of a decrease in the number of citizens holding this view has continued, which may be due to the ongoing process of privatisation. In this poll, the number of citizens who claim that these two forms of ownership are equal as regards their status amounted to 32%, which represents an increase over the 2001 figure, when every fourth respondent claimed so. Every eighth respondent in this poll was unable to answer the question about the relationship between social and private ownership, which equals last year’s figure. On the basis of the poll results presented, we may conclude that, as over the past several years, the citizens have a very strong feeling of having been robbed and tend to stress the manipulative character of social ownership. In this poll too, differences were observed concerning the attitude towards social and private ownership depending on the age of the respondents and their educational level, particularly between the youngest and most highly educated adults, on the one hand, and the oldest and least educated respondents on the other.

3.12. Rights of minority members

In the poll, we also surveyed the special rights of minority members by asking about the rights to publish and to be educated in one’s native tongue. When asked “Do national minority members have the right to publish books and receive education in their native tongue?”, the majority of the respondents (56.5%) answered in the affirmative, without any additional qualifications, which represented an increase of 10% over last year’s figure. However, irrespective of the fact that this is a significant increase, the number of citizens who think that national minorities have an unconditional right to education and publishing in their native tongue did not reach the 2000 peak, when this view was held by about 60% of the respondents. At the same time, the number of citizens who think that national minorities have the right to publish and be educated in their native tongue, but need the prior approval of the authorised state organ, has decreased by 3% (in 2001 this view was held by 33.7% of the respondents and today the figure is 30.6%). A similar trend in relation to last year’s poll was observed in the case of those citizens who are in favour of denying this right to “all disloyal ethnic minorities”. The number of respondents who opted for this answer has decreased from 12% in 2001 to 7.1% in 2002. The number of those unable to answer this question has also decreased (to 5.8%). Comparing these results with those from the preceding polls, we observe that, following

⁹ The Scan agency has surveyed the attitudes towards private and social ownership since 1990 in all its public opinion polls.

the negative shifts observed in 2001 in relation the results of the 2000 poll, the process has exhibited a positive shift again. In last year's report, it was noted that the attitudes differed depending on the nationality of the respondents, but those differences were not confirmed by this poll. Evidently, this year's results are improved owing to the positive shifts in the attitudes of Serbs and particularly Montenegrins. Also, as a result of last year's election fever in Montenegro and the national divisions over the issues of the future of the joint state and Montenegro's independence, which gave rise to fears of the outbreak of a civil war and interethnic conflicts, Serbs and Montenegrins reacted by denying some rights to national minorities. The signing of the "Belgrade Agreement" helped cool the passions concerning the future of the country and this year's election campaigns were less fraught with interethnic relations, all of which resulted in a more tolerant attitude of Serbs and Montenegrins towards the rights of national minorities. However, even though this year's results are more favourable than last year's figures concerning the rights of national minorities, comparisons with previous polls indicate that one should be cautious when drawing conclusions because new tensions in this area might reverse the process again.¹⁰

3.13. Political rights

The issue of political rights was surveyed by inquiring about the existence and the functioning of a multiparty system on the one hand, and the possibility of the existence of a peaceful opposition that would automatically take power if it won an election. This poll was conducted in the midst of election campaigns in Serbia and Montenegro, the latter republic having a reputation as one with the greatest number of elections held over the last ten years.

The respondents were asked the same question as in the two preceding polls: "Is there a multiparty system in FR Yugoslavia of the kind that exists in the West?" Almost every second respondent (47.7%) answered in the affirmative, which marked a continuation of the trend of increased frequency of this answer observed since the 1998 poll to the present day. Compared to last year's poll, there has been an increase in the number of citizens who voiced reservations to the effect that one party ruled supreme although opposition parties had the right to participate in elections. In the 2001 poll, 35.7% held this opinion, whereas today 37.9% think so. In the preceding polls, a difference concerning this view was observed depending on which republic the respondents lived in. The citizens of Montenegro showed more reservations and were more prone to observe that in their republic there existed a multiparty system only partly similar to that in the West because one party ruled supreme. This year's poll did not confirm the existence of those differences. This attitude was expressed in the same degree by Serbs and Montenegrins. The view that ex-Communists won't relinquish power is held by 3.4% of the respondents today, which continued the downward trend this answer has exhibited from 1998 onwards (in 1998 20.1% of the respondents opted for this answer, 7.5% of them did so in 2000 and 3.9% in 2001). The rest was made up of the respondents who did not know what to answer (11.6%), whose number has decreased by 2.5% in relation to the 2001 poll, although it is still higher than in 2000 (6.6%).

¹⁰ Cf. the 1998, 2000, and 2001 reports.

The next question from the set dealing with political rights was what happened *according to our law* if an opposition party or coalition won an election. The respondents were asked to state their view of the legal regulations pertaining to a change of power as a result of the electoral will of the people. The majority of the respondents answered that if an opposition party won the election, it automatically took over power. Almost every second respondent (47.9%) answered so. In relation to the poll of 2001, this marks an increase of 3% (from 44.5% in 2001). The number of respondents who could not answer this question has decreased in the same degree (from 13.4% in 2001 to 9% in 2002). The number of answers to the effect that the election is repeated in such a case remained at the same level (10.2%), while one-third of the respondents (32.9%) still claim that in such a case the Supreme Court has to confirm the election results. These results also point to the conclusion that an absolute majority of the citizens of FR Yugoslavia still think (or do not know) that in the legal system itself there exist mechanisms that prevent or obstruct an oppositional takeover of power. For the sake of caution, we should point out that this attitude of the citizens is possibly due to previous experiences, because after several elections in the past we had to wait for the Supreme Court to decide on the appeals of not only those who lost the elections but also those who won. That is what happened after the 1996 election and after the 2000 election, but also after this year's presidential elections in Serbia (in September and December). It is possible that such events have led the citizens to conclude that election results have to be confirmed by the Supreme Court. No differences were observed in answers to this question depending on which republic the respondent live in.

3.14. Special protection of the family and child

The negative processes that have spread across the territory of the former SFRY after its disintegration have reflected upon the family and marriage. In this poll, special attention was paid to the possibility of contracting mixed marriages. The respondents were asked the following question: "What, in your opinion, is the greatest obstacle to contracting mixed marriages today?" The majority of the respondents (52.4%) are of the opinion that no such obstacles exist today, more than in any of the preceding polls (1998: 38.3%; 2000: 40.6%; 2001: 50.3%), continuing the trend observed since the first poll onwards. The frequency of the answer that obstacles are due to propaganda which has infiltrated people's private lives has continued to decrease from 32% in 1998, 27.6% in 2000 and 19.6% in 2001 to 14.8% in 2002. As opposed to the preceding polls, when the number of citizens who claim that obstacles are to be found in the minds of people who think that it is bad to mix the blood of different nations tended to decrease, in this year's poll it increased to 27.1% (1998: 18.8%; 2000: 24.7%; 2001: 22.7%). The number of respondents who think that the obstacles are to be found in repressive state measures remained at last year's level (2.3%), whereas the number of those who could not answer this question has decreased to 3.4%. Despite the fact that positive shifts have been observed when it comes to the views of obstacles to contracting mixed marriages, many respondents are still aware of obstacles to contracting marriages, but most often tend to

attribute them to men and women themselves or to propaganda. No correlations between this answer and the sociodemographic characteristics or nationality of the respondents were observed.

3.15. Right to citizenship

As a consequence of the disintegration of the former SFRY, the problem of citizenship has affected many citizens, not only those who, due to wars, devastation and maltreatment, were forced to leave their former republics; it has also affected many citizens living in Serbia and Montenegro who, due to economic migrations, starting families, attending schools, have come to these republics and lived there for decades. This problem has also affected many citizens of FR Yugoslavia whose parents have come from other republics of the former common state and who, in accordance with the legal regulations in effect at the time, were upon birth entered in the citizenship register in their parents' (especially father's) birthplace. Such problems were most in evidence in Vojvodina, which was the greatest migration area in the previous century. After the establishment of independent states, the position of refugees who were trying, with great difficulties, to settle their citizenship status became very complicated indeed. That is why we surveyed our citizens' views of the problems connected with obtaining Yugoslav citizenship.

After the election of 2000, the new authorities initiated a campaign for settling citizenship status in a speedier fashion, as a result of which the attitude towards this problem has changed noticeably. The procedures for obtaining citizenship status have been speeded up so that, according to the federal Ministry of the Interior, which is in charge of these matters, over the last two years between 30,000 and 50,000 requests for settling citizenship status have been processed per month. The campaign has not finished yet, and according to the information supplied by the authorised organ, about 500 requests are processed every day. Such campaigns have contributed to a change of the citizens' attitude towards this problem.

The greatest change in the citizens' attitude was observed between the polls of December 2000 and December 2002. There has been a considerable increase in the number of citizens who, when asked about the requirements for obtaining Yugoslav citizenship, replied that they were "fair" irrespective of where they were from and what their request for citizenship was based on. The trends observed in last year's poll have continued. The number of citizens who claim that the requirements for obtaining citizenship are fair (41.7%) has increased in relation to the preceding polls (1998: 28.4%; 2000: 25.3%; 2001: 38.9%). The number of citizens who claim that the situation in this area is chaotic has remained at last year's level (22.8%), but there has been a decrease in the number of respondents who think that the requirements for obtaining citizenship are discriminatory because it tends to be forgotten that we used to live in the same state. Today, every ninth respondent (11.1%) shares this view, which marks a decrease in relation to the preceding polls (1998: 22.1%; 2000: 25.5%; 2001: 13.2%). The trend of an increase in the number of citizens who are able to answer the question about the requirements for citizenship status correctly has also continued. However, irrespective of the trends observed and the increase in the number of citizens who consider these

requirements to be fair, every third citizen still perceives difficulties and considers them to be discriminatory. No correlation with sociodemographic characteristics was observed.

As was noted in the previous reports, there are various categories of persons in FR Yugoslavia who have initiated the procedure for obtaining citizenship status. Apart from “veteran residents”, who have not obtained citizenship status due to some formal requirement, there are also refugees, immigrants from Albania who have never submitted a request for or obtained citizenship status, as well as persons who have already obtained the citizenship of some foreign state but also wish to obtain Yugoslav (dual) citizenship. That is the reason why in this poll, too, we surveyed the attitudes of the respondents towards various categories of persons lacking citizenship. The results obtained are presented in Table 7, along with a comparative presentation of the results from the preceding polls from the year 2000 to the present.

Table 7. Attitude of the state towards persons applying for citizenship

	Persons applying for citizenship	December 2000				December 2001				December 2002			
		Inflexible	Fair	Flexible	Don't know	Inflexible	Fair	Flexible	Don't know	Inflexible	Fair	Flexible	Don't know
1.	Refugees applying for citizenship	40.5	38.3	17.8	3.5	21.7	52.9	13.3	12.0	18.7	52.6	11.7	17.0
2.	Albanians not applying for citizenship	19.6	29.6	45.0	5.8	9.9	34.5	40.5	15.1	8.2	33.1	38.4	20.4
3.	Citizens of BIH Federation wishing to have Yugoslav (dual) citizenship	32.8	43.1	17.8	6.4	16.8	52.3	15.3	15.5	13.8	52.0	13.6	20.5
4.	Citizens of states formed on the territory of the former Yugoslavia wishing to have Yugoslav (dual) citizenship	31.7	43.4	17.8	7.0	16.0	53.9	13.9	16.2	13.5	53.1	12.6	20.8
5.	Citizens of other states wishing to have Yugoslav (dual) citizenship	21.9	49.4	21.6	7.1	10.8	58.0	14.3	16.9	9.7	54.8	13.8	21.7

On the basis of the results obtained, we can conclude that the positive changes in the attitude of the state towards persons applying for Yugoslav citizenship have continued, and that this is so in the case of all the categories of persons seeking citizenship, from inflexible towards fair. The number of citizens who think that the state is too flexible has decreased again. In last year’s report, the greatest positive shift from inflexible towards fair was observed in the attitude of the state towards refugees and the citizens of Bosnia and Herzegovina and other states formed on the territory of the former SFRY wishing to have dual citizenship. However, in view of the fact that last year more than half the respondents claimed that the state had a fair attitude towards these persons, further shifts are not as large as in last year’s poll.

In last year’s report, it was observed that there was a difference in the citizens’ views of the attitude of the state towards the above-mentioned categories of citizens applying for citizenship and Albanians lacking Yugoslav citizenship, who are living on the territory of FR Yugoslavia and not applying for citizenship. This can be seen from Table 7 and from this year’s poll. Viewed in the context of last year’s poll, the citizens’ views of the attitude of the state towards these persons have changed inasmuch as the number of respondents who say that they do not know what the attitude of the state

towards them is has increased, while the number of respondents who claim that the attitude of the state is flexible has slightly decreased.

On the basis of the results of this year's poll, we can conclude that the campaign for a speedier procedure of obtaining Yugoslav citizenship, initiated by the authorised organs, has contributed to a positive shift in the citizens' views. The conclusions made in last year's report, that there was no big difference any longer in the respondents' views of the attitude of the state towards various categories of persons applying for citizenship, except for Albanians who do not seek citizenship, hold true in this poll as well. In the case of the former, our citizens still think that the state treats them in a fair manner, whereas the respondents who do not share this view have split into two equal groups: those who think that the state exhibits a discriminatory attitude towards them and those who believe it treats them in a flexible manner. The respondents are also split in their views of the attitude of the state towards Albanians who do not seek citizenship. A little more than one-third of the respondents think that the state treats them flexibly, one-third think that the state treats them fairly. Every fourth respondent could not answer this question, whereas every twelfth one thinks that the state has a discriminatory attitude towards them.

3.16. Freedom of movement

We surveyed the views of our citizens of the freedom of movement on the territory of FR Yugoslavia by asking them the question: "Can every citizen of FR Yugoslavia live where he/she wants to?" Of the overall number of respondents, an absolute majority of them (59%) hold the view that every citizen of FR Yugoslavia may live where he/she wishes to without any conditions to be fulfilled. Every fourth respondent (24.5%) was of the opinion that one needs to have a permit issued by the authorised organ in order to settle down. The number of those who think that citizens may settle down only where they are considered to be desirable has decreased. Every eighth respondent (11.5%) thinks so today, whereas 5% of the respondents were unable to answer this question. In relation to last year's poll, slight positive shifts have continued, so that no differences were observed in this poll depending on the sociodemographic characteristics of the respondents.

In this poll we recorded a slightly unfavourable trend in answers to the question "Can every citizen of FR Yugoslavia freely leave the country?", but the actual results were almost identical to last year's. From the researcher's point of view, it would be correct to say that no change has actually been observed in relation to the 2001 poll. Most respondents still claim that every citizen can leave the country without having to fulfil any requirements. Today, 45.2% of the respondents think so (in 2001 45.1% of them said so). A little more than one-third of them (35.3%) think that a permit must be obtained from the authorised organ, which is also at the level of last year's answer. The number of respondents who claim that one can leave the country only if he/she has enough money to pay the exit toll has remained the same (13.2%), even though the exit toll has been abolished. The number of citizens who could not give an answer about the conditions for leaving the country has also remained the same (6.6%). Respondents still believe that in

FR Yugoslavia there exist much greater restrictions when it comes to leaving the country than when it comes to resettling.

In answers to the question about whom the state may expel from its territory, slight shifts have been observed in relation to the results of the December 2001 poll. The number of respondents who gave the correct answer (“only a foreign citizen, never a Yugoslav citizen for any reason whatsoever”) has increased by 3% in relation to 2001, which is still less than two-fifths (39%). Next in the order of frequency (20.1%) is the answer that the state may not expel anyone, which also marks an increase of 3% in relation to 2001. The answer to the effect that the state may expel “a foreigner and a citizen of FR Yugoslavia if he/she has committed a serious criminal offence” remained at last year’s level (16.3%). The poll results note that there are citizens who still think that the state may expel a foreigner, and also a disloyal citizen of FR Yugoslavia (6.5%), or a foreigner and a disloyal minority member (3.2%). A total of 14.9% could not answer this question today.

3.17. Economic and social rights

The citizens’ attitudes towards economic and social rights were surveyed through questions dealing with three rights. One of them dealt with the employment of minors. To the question “Is it legal to employ a minor under 16 years of age?”, fewer respondents gave the correct answer (“Yes, in any case”) in December 2001 than in 2000 (when 47.7% of them said so, whereas in 2001 43.2% of them did). As opposed to last year’s negative shift, in this poll more than one half of the respondents (53.5%) gave the correct answer to the question about employing minors. At the same time, the number of those who opted for one of the incorrect variants has also decreased: “Yes, if the child is equal to the job requirements in psychophysical terms” (13.6%), “No, if the child supports him/herself and his/her family in this way” (24.5%). The number of respondents who could not answer this question has also decreased (8.4%).

The second question from the set dealing with economic and social rights had to do with the documents required when seeking employment. The respondents were asked to say which documents, apart from the employment record booklet and school certificates, were required to get employment in FR Yugoslavia. The majority of the respondents (46.6%) opted for the only correct answer, that no other document was required. This marks an increase of 5% over last year’s figure, which continues the trend observed then. In this poll, too, the second answer in order of frequency (17.4%) was the one to the effect that a certificate of permanent residence in the place of employment was required, which marks a decrease of 3% in relation to the 2001 poll. The same number of citizens as last year (9.3%) claimed that a membership booklet of a political party was required. Among these, the most frequent answers were of the type “the ruling party”, either DOS (in Serbia) or DPS (in Montenegro). The non-existent certificate of nationality was considered to be required by 5.9% of the respondents, an increase over last year’s figure and at the same level as the 2000 poll figure.¹¹ The results confirm the observation made in the course of the previous polls that a relatively high number of citizens still lack information about the documents required when seeking employment.

¹¹ Cf. the reports of 1998, 2000 and 2001.

In this set, we also asked a question pertaining to the use of contraceptives. The respondents were asked: “How much, in your opinion, are contraceptive devices (for preventing unwanted pregnancies) used today?” As opposed to the poll conducted in 2001, when significant changes were observed, in this year’s poll only slight shifts were observed. The trend of a decrease in the number of respondents who claim that contraceptives are used all too infrequently because the state does nothing to popularise them and facilitate their purchase has continued. This view is held by 32.4% of the respondents (2000: 52.3%; 2001: 34.4%). The number of those who say “In the right measure” has increased by 5%, to 26.3%. As opposed to last year’s poll, the number of respondents claiming that contraceptives are used too frequently has decreased to the level of the 2000 poll (11.3%). As before, in this poll too, a correlation was observed between the answers and the age and educational level of the respondents. The view that contraceptives are used too infrequently is mostly held by the youngest and most educated respondents. The older and less educated the respondents are, the less frequent is the answer “too infrequently”. No correlation between this answer and other sociodemographic characteristics was observed.

1. Realisation of human rights

In an attempt to find out how satisfied our citizens are with the degree of realisation of their human rights, we asked two questions at the end of the questionnaire. The first one was: “To what extent are you satisfied with the realisation of your human rights?” In relation to the 2001 poll, there has been an increase in the number of citizens claiming that they manage to realise all their human rights. However, irrespective of the 8% increase, only two-fifths of the respondents (40.4%) claim so today (2000: 20.8%; 2001; 32.1%). On the other hand, the number of those who claim that they manage to realise most of their human rights has decreased. Compared to last year’s figure of 38.4%, every third respondent (34.3%) opted for this answer in 2002. Every tenth respondent (10%) claims that his/her human rights are threatened by the state, which marks a decrease of 1% in relation to last year’s figure. The number of citizens claiming that the realisation of their rights has been left to mere chance because everyone can endanger them without bearing responsibility for doing so has also decreased (from 18.2% in 2001 to 15%). Even though positive changes have been observed, a considerable number of citizens still feel threatened. There is no correlation between the answer to this question and any sociodemographic characteristics.

The previous polls indicated that the majority of the citizens preferred non-institutional mechanisms of human rights protection to the institutional ones. When asked to whom one should turn if his/her human rights were denied, more than one half of the respondents opted for some non-institutional mechanism such as influential officials of the powers-that-be (22.4%) and influential people with good connections (20.1%); also, the number of respondents who think that the best thing to do in such situations is turn to people who would do anything for money is not negligible (9.1%).

Table 8: Solutions for the protection of human rights

	“If one is denied some previously mentioned human right today, the best thing to do is turn to...”	July 1998	December 2000	December 2001	Total %
1.	Influential officials of the powers-that-be	17.2	18.4	19.9	22.4
1.	An international court	9.7	7.6	7.4	8.3
2.	A domestic court	17.5	26.9	34.7	36.8
3.	People who would do anything for money	17.7	9.7	8.6	9.1
4.	Influential people with good connections	32.1	31.0	24.4	20.1
5.	Someone else	5.7	4.4	2.2	1.7
6.	No answer	-	2.0	2.8	1.7
	Total	100	100	100	100

Despite the increase in the number of respondents who are in favour of turning to regular courts of law, the level of trust in these institutions is still very low (the same holds true in the case of international courts), which could have been inferred from the citizens’ attitudes towards courts and judges referred to earlier.

5. Conclusion

The analysis of the results of this year’s poll points to the conclusion that the shifts in the legal consciousness of our citizens observed in 2000 have continued. Although it was expected that the shifts in the citizens’ attitudes, occurring as a result of emotional reactions to the change of power, could change direction afterwards, they partly continued in 2001 and partly stagnated as a result of waiting to see what might happen next. Hence a certain amount of reservations on the part of the researcher in the previous reports concerning the prospective changes in the legal consciousness of the citizens of FR Yugoslavia. The results of the 2001 poll indicated that the shifts observed before continued even more dynamically in some respects, but stagnated concerning some issues, leaving one with the impression of waiting cautiously to see what would happen. This was particularly true of the citizens’ attitudes towards institutions where certain rights are realised and where mechanisms for human rights protection are. This year’s poll confirmed most of the findings from 2001. In areas where attitudes towards some rights or a lack of knowledge of one’s own rights was manifest, despite the positive shifts, a significant number of citizens still show a great lack of knowledge or express dissatisfaction with the current situation (a case in point is the freedom of the media). The findings point to the conclusion that the earlier dissatisfaction with the functioning of some institutions is changing slowly and with difficulty, and that the process will take a lot more time than it was thought immediately after the changes of October 5th 2000. A case in point is the lack of trust and dissatisfaction with the work of courts and judges. As a consequence of the slow and difficult process of building trust in institutions, the deep-rooted trust in non-institutional mechanisms of protecting one’s own rights (officials of the powers-that-be and people with good connections) is still very much in evidence,

which slows down and partly prevents speedier changes in the legal consciousness of citizens, for whom positive experiences are of crucial importance.

The changes observed in 2000 and 2001 pertaining to the correlations between the sociodemographic characteristics and the legal consciousness of the citizens were partly confirmed by this poll and partly disappeared. Apart from these changes, there were also changes pertaining to the correlations between the citizens' answers and their political or electoral preferences. The greatest change in this respect was observed among the citizens of Montenegro, where the correlations between the citizens' views and the realisation of some human rights and party preferences were more significant than in Serbia in the first place. This was partly the result of a shift in the authorities' attitude towards the future of the common state, but also of the change in the Montenegrin Parliament on account of which the parliamentary election was called before it was due. This shift was particularly pronounced in the attitudes towards the functioning of the media.

The conclusion drawn earlier, that in some respects the citizens of Serbia are slowly becoming more critical towards the new authorities, but that their critical attitude remains very cautious, patient, even characterised by tolerance, and that the citizens' awareness of the fact that it takes time to overcome difficulties ("nothing is achieved overnight") is growing. This conclusion was confirmed by this year's poll.