

CITIZENS' PERCEPCIONS OF HUMAN RIGHTS LAW AND PRACTICE IN SERBIA AND MONTENEGRO

1. Introductation

The Belgrade Centre for Human Rights has been monitoring the legal awareness of the citizens of Serbia and Montenegro since 1998. Such surveys have been conducted once a year, with the exception of 1999, so that the survey carried out in 2005 was the sevnth successive one. Research was conducted by *Strategic Marketing and Media Research Institute* (SMMRI).

1.1. Data collection method

Data was collected on a random representative sample of the adult population of Serbia and Montenegro, with a standardized questionnaire, used by trained interviewers, face to face, in the respondents' homes.

obučeni anketari, licem u lice, u stanu ispitanika

Sample frame

Population census in 2002 for Serbia (without Kosovo and Metohija), SMMRI estimate of population dynamics and voter rolls in Montenegro in 2002.

1.1.1. Sample

Sample type

Random, three stage, stratified sample.

Strata

Belgrade, Central Serbia, and in Montenegro: Podgorica (including Danilovgrad), coastal part (including Cetinje) and Northern (mountainous) part of Montenegro.

Allocation

According to strata, proportional to size of stratum.

Stages

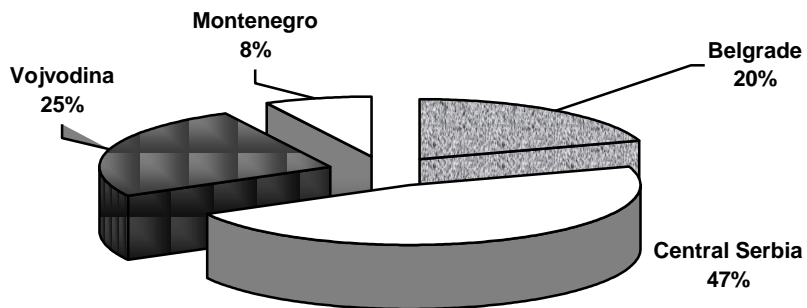
1. Territory of polling place (circa 200 households) chosen with probability proportional to size – PPS
2. Households chosen by method of random walk from the given address (simulation of SRSWoR sampling scheme)
3. Household member chosen by Kish scheme (simulation of SRSWoR sampling scheme)

Sample size

1628 respondents; 1213 from Serbia, 415 from Montenegro.

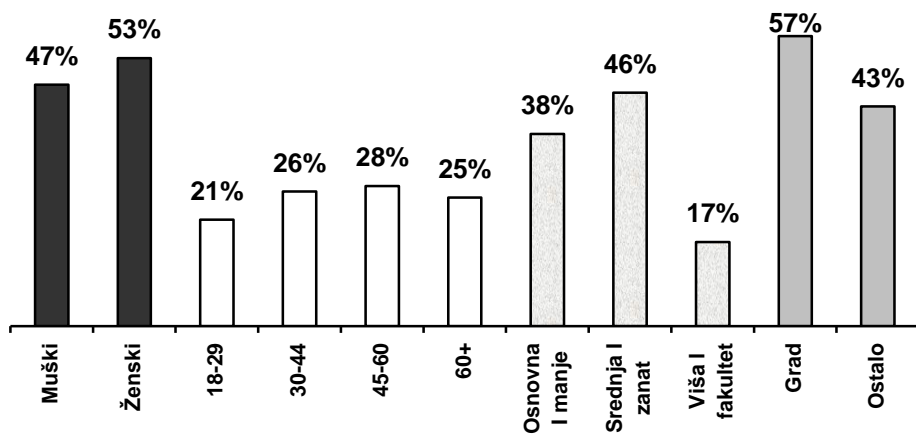
Sampling error: 2.4% (marginal error) for a reliability level of 95% and incidence of answers of 50% (1% for the expected incidence of 5%).

Structure of weighted sample by regions



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Structure of weighted sample by gender, age, education and type of settlement



1.1.2. Questionnaire

The questionnaire consisted of 86 questions divided into 4 main parts: Understanding of Human Rights, Legal Awareness of Individual Rights (18 special rights), Enjoyment of Human Rights and Demographics.

In order to monitor trends consistently, most questions from the previous questionnaire were kept in the same form. The only Changes were the addition of new subject questions and the deletion of some questions which in the new circumstances have lost their relevance

Time period of survey

Fieldwork was conducted from 21th to 29th September 2005.

1.2. Political Environment

Compared to the periods in which the previous two surveys were conducted (September 2003 and July 2004), the latest survey was carried out in a period marked by considerably greater pessimism of the citizens in terms of the direction Serbia was heading in. The synthetic indicator of the general political climate was measured by replies to the question on how the citizens assessed the direction the country was heading in: at the time of the survey, September 05, 56% thought the country was on the wrong track, the same percentage recorded in September 2000, on the eve of elections at which Milošević was ousted. In contrast to September 2000, a considerably greater number of people in September 05 thought Serbia was heading in the right direction, (31% in 2005 as opposed to 19% in 2000). With the exception of a short period in early 2004 (marked by failures to form the Government of Serbia and culmination of pessimism in February 2004), the period between the two latest surveys can be qualified as the year of greatest pessimism since the ouster of the Milošević regime. Rise in pessimism halted only in April, after the European Commission announced it adopted a positive Feasibility Study and the EU Commissioner for Expansion visited Serbia.

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In which direction is Serbia headed..

Net effect - Right direction - Wrong direction

Compared to 2004, concern over economic problems, especially fear of unemployment, grew considerably in 2005. More than half of the citizens (56%) listed unemployment as one of Serbia's problems that personally troubled them the most. The number of citizens listing corruption as one of the three greatest problems also grew to a large extent. Nearly one out of four citizens (24%) in 2005 cited corruption as one of Serbia's direst problems, compared to 15% in 2004 and 13% in 2003. The Kosovo issue was mentioned by hardly one out of five citizens, 19% of them (i.e. only 2% more than in 2004), despite the fact that the survey coincided with intensive preparations for talks on Kosovo's final status. Merely 7% of the citizens listed cooperation with ICTY as a major problem.

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Main problems in Serbia /spontaneously mentioned

Most common answers are presented

Unemployment

Law standard

Economy

Ruined Economy

Privatization

Political disagreements

Corruption

Crime

Kosovo

Cooperation with ICTY

After the dramatic upheavals on Serbia's political scene in late 2003 and early 2004, 2005 was not marked by significant differences in party ratings: SRS remained stably in the lead, followed by DS. PSS and DSS in turn held 3rd and 4th places, but in the last three months (before the survey), PSS stabilised as the 3rd strongest party and DSS as the 4th strongest party. Had parliamentary elections been held in September 05 (at the time of the survey), SRS, DS, PSS, DSS and SPS would have passed the 5% threshold and entered Parliament.

Ratings of political leaders also stabilised in 2005. Like in 2004, Boris Tadić remained the only democratic leader at the top of the list, while, according to the percentage of positive grades, most other democratic leaders lagged behind the top SRS officials and even Slobodan Milošević.

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Impresion about political leaders

Compared to 2004, 2005 was marked by an overall fall in trust of institutions. Trust in the army fell dramatically after the unresolved deaths of army conscripts, while the church remained the only institution enjoying the trust of more than half of the citizens (despite the continuous downward trend). Trust in the institutions of the President of the Republic, media and police considerably dropped over 2004. The bottom of the list is still occupied by the Republican Government, which enjoys the trust of merely 11% of the respondents, while the courts and the Republican Assembly are trusted by fewer than 10% of the citizens.

GRAFIKON
Serbia – Trust in institutions
Church
President of Serbia
Army
Media
Police
President of SaM
Republican government
Courts
Republican Assembly

2. Understanding of Human Rights

2.1. Perception of Human Rights

Two perceptions of human rights have obviously already taken root amongst citizens of Serbia and Montenegro: the ius naturalist perception (rights naturally belonging to everyone) - 40% and the legal positivist perception (rights regulated by international documents and the Constitution) - 35%.

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What are Human Rights?

- **Nothing more than a piece of paper that politicians use when it is in their interest**
- **Rights that everyone is entitled to, regardless of the constitution of the country they live in**

- **Means used by world powers to blackmail small countries like Serbia and Montenegro**

2.2. *Protection of Human Rights in Serbia and Montenegro*

Compared with 2004, a much greater percentage of citizens in 2005 expressed the conviction that human rights are an obligation protected by international documents; the percentage coincides with the degree of awareness of the issue in 2003. Asked how human rights were protected and whether they were protected by international agreements or were an internal affair of the state, the citizens replied:

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- **Don't know**
- **Protected by the international documents**
- **Internal issue of the SaM**

The conviction that human rights were an internal affair of Serbia and Montenegro still prevails amongst the elderly and less educated citizens; however, this belief is shared also by 32% of the 18-29 age group and 29% of the respondents with college or university education.

Awareness of documents protecting human rights remains at a low level: 48% of those, who think human rights were protected by international documents, were unable to name them. Like in the previous years, most of those who could name one, cited the UN Declaration on Human Rights.

2.3. *Importance of Individual Human Rights and Their Respect in Serbia and Montenegro*

The *right to work and right to life* were in 2005 again the rights that first came to the minds of citizens of Serbia and Montenegro (50% and 48% respectively). The percentage of citizens, who listed these rights as the ones that first came to mind, has significantly grown over 2004, which is in keeping with the increased concern over unemployment and living standards.

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Which Human Rights are important?

% spontaneous mentioned human rights (3 answers maximum)

- **Equality before the law**
- **Right to vote**
- **Freedom of movement**
- **Right to education**
- **Freedom of opinion and religion**
- **Right on helth care, insurance and pention**
- **Right to feedom**
- **Freedom of expresion**
- **Right to life**
- **Right to work**

The percentage of citizens, to whom the rights to health and social protection first came to mind, also grew over 2004 (22% over 16%).

The *right to life, right to liberty and security, right to equality before the law* were again (as in the previous years) assessed as the most important rights amongst the seven offered in the survey.

The right to life remains indisputably in the lead: 80% of the respondents rank it as the most important, while 90% consider it one the three most important rights.

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Seven human rights ranked by importance

% population which this rights ranked as the three the most important

- **Right to life**
- **Liberty and security**
- **Equality before the law**
- **Right to work, free choice of employment**
- **Freedom of expresion and freedom of religion**
- **Social and economic rights**
- **Right to education**

There was no great change in the order of rights in terms of their importance over 2004, except that a somewhat greater percentage of citizens in 2005 gave advantage to the right to social security over freedom of thought and expression.

GRAFIKON

Serbia

Montenegro

- **Right to life**
- **Liberty and security**
- **Equality before the law**
- **Right to work, free choice of employment**
- **Freedom of expression and freedom of religion**
- **Social and economic rights**
- **Right to education**

Like in 2004, a somewhat greater percentage of citizens of Montenegro than of Serbia listed *equality before the law* and considerably fewer in Montenegro than in Serbia listed the *right to life, the rights to work, to free choice of employment and satisfactory working conditions*. As in 2004, in contrast to citizens of Serbia, citizens of Montenegro attached greater importance to the *rights to freedom of thought, expression and religion* than to the *right to work*.

Compared to 2004, there were no significant changes in citizens' views on the respect of human rights. There was a slight increase in the percentage of citizens who expressed the conviction that the right to liberty and security, the right to life and economic rights were respected in SaM. However, the percentage of citizens believing that human rights are respected in SaM at an average remained lower than in 2003.

The right to work and employment was still perceived as the least respected right in Serbia and Montenegro, while the two other rights citizens thought were slightly more respected were the right to equality before the law and economic and social rights.

GRAFIKON

Respect

Not respect

- **Right to work, free choice of employment**
- **Equality before the law**
- **Social and economic rights**
- **Right to education**
- **Liberty and security**
- **Freedom of expression and freedom of religion**

- **Right to ????**

3. Individual Rights

There are no essential changes in informedness of specific rights: awareness of some has increased somewhat over 2004, but remains lesser than in 2003, while awareness of others has dropped or remained at the same level.

As in 2004, citizens considerably more frequently expressed awareness that their rights were formally protected than the belief that their rights were protected in practice.

3.1. Prohibition of Discrimination

In terms of discrimination of women, national minorities and homosexuals, the opinions of Serbia and Montenegro's citizens did not change significantly over 2004. Discrimination of homosexuals leads over discrimination of women, while discrimination of national minorities is the least.

Nearly half of the population, 48% (5% less than in 2004) believe homosexuals are discriminated against, 41% (3% more than in 2004) think women are in an unfavourable position compared with men when it comes to employment and promotion, while 20% (5% more than in 2004) think national minorities are in a less favourable position than the majority population.

Like in 2004, less than half of the respondents (48%) think women are underrepresented in politics; a much greater percentage of women (57%) than men hold this view.

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Are the women present in the political life in Serbia and Montenegro? / % answers

- **Not enough**
- **Yes**
- **Too much**
- **Don't know**

In 2005, too, men assessed the employment prospects of women much better than women themselves did, even more than the previous year. Fifty-two percent of the men and 38% of the women thought men and women

have equal opportunity, while most women 52%, and less than one-third of the men, 29%, thought that women faced worse employment prospects.

Asked what employment and promotion prospects persons belonging to national minorities had vis-à-vis Serbs and Montenegrins, 55% of the respondents thought they had equal opportunity, 20% thought they had fewer chances, while 18% believe their prospects were better. The rest replied they did not know.

Similar percentages were obtained when the respondents were asked about the status of homosexuals. Forty-eight percent replied they were boycotted and discriminated against, 14% thought the opposite. In the 2004 survey, 53% thought they were boycotted and discriminated against and 15% disagreed. Percentages differ depending on the age and education level of the respondents. The greatest differences in views on whether there is discrimination remain amongst citizens with different levels of schooling. Citizens with higher education are much more sensitive to all mentioned forms of discrimination. Respondents in the 18-29 age category believe that there is discrimination of national minorities during job recruitment and that homosexuals are boycotted and discriminated against in SaM to a greater extent than the respondents in the other age categories.

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Is there boycott and discrimination against homosexuals in our country?

- **No**
 - **Both yes and no**
 - **Yes**
 - **Doesn't know**
- **Primary education**
 - **Secondary education**
 - **College and faculty**
 - **Urban**
 - **Other**

3.2. Right to Life

Most citizens still think that the lives of citizens in Serbia and Montenegro are endangered, although the percentage has fallen from

68% in 2004 to 62% in 2005. Like in 2004, economic problems are the main reason why they feel vulnerable.

As over the previous years, most, who think the lives of SaM's citizens are endangered, list as the main reasons for their belief the problems relating to the economic situation in the country, above all the low living standard (52%). Like in 2004, economic reasons were cited by a somewhat greater percent of citizens of Montenegro than of Serbia. In addition to economic problems, the 2005 survey recorded a greater percentage of citizens who listed crime as the reason for feeling vulnerable (15%).

The vast majority of Serbia and Montenegro's citizens, 77%, agree that the lives of SaM's citizens are endangered to a greater extent than those of EU member states, although the percentage dropped over 2004, when it stood at 81%.

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What are the element that endangered the live of citizens of SaM (62% of population which agree that the lives of SaM's citizens are endangered

Unemployment
Crime
Law standard
Unemployment
Economy
Bed governance

Like in the previous years, most citizens think the right to life of grave criminals is mainly respected: 73% think nothing happens to grave criminals until evidence of their crimes is found.

GRAFIKON

What happens in Serbia and Montenegro with people who are known to be hardened criminals, but there is no evidence to prove this?

Doesn't know
They are liquidated by State Security Service
Secret trials are organised for such cases
Nothing happens to them until proof id found

The vast majority of citizens, 88%, knows that there is no capital punishment in Serbia and Montenegro.

3.3. Prohibition of Torture, Inhuman or Degrading Treatment or Punishment

A considerably greater number of citizens, 62% in 2005, expressed the conviction that the use of force to obtain a confession is not permitted in SaM. In Montenegro, however, less than half of the respondents, 45%, knew use of force to obtain a confession was prohibited.

GRAFIKON

Is use of force over persons accused of grave offences permitted in our country in order to obtain confession?

Doesn't know

Yes

Yes but not to the extend which would endanger health

No

Compared to 2004, a much greater percentage of citizens, 78%, think there is no corporal punishment in Serbia and Montenegro. Last year, this view was shared by 69% of the respondents.

3.4. Right to Liberty and Security of Person and Treatment of Persons Deprived of Their Freedom

No significant changes were recorded in this area of human rights over 2004: citizens showed greater awareness of some and lesser awareness of other issues in this area, wherefore the variations can be viewed as accidental rather than systematic trends. At an average, like in the previous years, less than half of the citizens were aware of all the rights granted a person deprived of his or her freedom; most know that a person deprived of his or her freedom has the right to an attorney (75%), but a somewhat greater percentage of respondents in 2005 listed also the right to be informed of the reasons for arrest (65%), right to appear before a judge (48%) and to a trial within reasonable time (29%). The survey results somewhat differed in the two member-states.

GRAFIKON Ukinuti ovaj grafikon

On the other hand, the number of citizens who gave the right answer to the question on maximum custody allowed under SaM law has decreased over 2004, from 50% to 44%. Like in 2004, less than one-third correctly answered the question of the deadline within which an arrested person has to appear before a judge, as the below graphs show.

GRAFIKON Ukinuti grafikon

GRAFIKON

When Should the detained person appear before the judge?

- Doesn't know**
- Within 1 year**
- Within 6 months**
- Within 1 month**
- In short time , if 8 ours after arrest police must submit a report**

3.5. Prohibition of Slavery and Forced Labour

Awareness that there is trafficking in humans in Serbia and Montenegro has not changed in the past three years: over half of the population believes this problem is present in Serbia and Montenegro to a great extent.

GRAFIKON

Is it trafficking with human beings in SaM?

- Doesn't know**
- Yes/ Too much**
- Yes and no**
- No/ very little**

Awareness of the social importance of this problem, however, shows a mild rise, from 57% (2003) to 61% (2005%).

As in the previous years, citizens of Serbia and Montenegro significantly differ in their awareness of the scope of this problem and assessments of the degree in which the competent institutions are addressing it. While 53% of Serbia's citizens believe that trafficking in humans is present in a great degree, 43% citizens of Montenegro share their view. 75% of Serbia's citizens and 59% of Montenegro's

citizens think the competent institutions are not addressing this problem enough.

GRAFIKON

Does the state institution take care of this problem?

- Doesn't know**
- Too much**
- Enough as it is needed**
- Very little**

3.6. Right to a Fair Trial

A relatively low percentage of citizens believe that the right to a fair trial is exercised, while their mistrust of judges has grown. At an average, less than half of the citizens expressed the conviction that the right to a fair trial is respected in SaM: 49% think that the right to a public trial is respected in SaM (16% without exception, 33% with exceptions envisaged by the law), while 42% believe that the rule that everyone is presumed innocent until proved guilty is applied.

Mistrust of judges has continued rising: 56% of the citizens think the judges are bad and dependent on politicians, which marks a 10% rise over 2003. Only 6% of the citizens believe judges are mostly good and independent. Mistrust of judges is much greater amongst Serbia's citizens, 58% (a rise over 54% in 2004) than in Montenegro, 40% (a rise over 36% in 2004).

GRAFIKON

What is your opinion of the judges that are at present administering justice in Serbia and Montenegro? Which attitude comes closest to your opinion?

- Doesn't know**
- Judges are mainly good and independent**
- Judges are trying to remain honest in present circumstances**
- Judges are mostly bad and dependent on politicians**

As per the respect of the right to a fair trial, most of the population still believes that only the right to free choice of council is respected (71%).

3.7. Right to Protection of Privacy, Family, Home and Correspondence

Like in the previous years, most SaM citizens in 2005 believed the rights to privacy, family, home and correspondence may be violated in SaM under specific circumstances: a greater percent believed this is permitted by a court decision, while fewer think violations of these rights are allowed whenever security is threatened, based on a warrant issued by the Ministry of Interior Affairs, the state security service, even on the basis of a police assessment.

A little more than one-third of the population, 34%, think that opening letters and phone tapping is not allowed under any circumstances, while 56% believe it is permitted under specific circumstances.

GRAFIKON Ukinuti grafikon

The vast majority of citizens believe that a home may be searched only with a court order.

GRAFIKON

In which cases police can search private home?

(More than one answer is possible)

- **If there is a court warrant**
- **If Ministry of Internal Affairs warrant it**
- **Whenever security is endangered**
- **If State Security Service warrant it**
- **Deosn't know**

3.8. Right to Freedom of Thought, Conscience and Religion

Lack of information amongst citizens on school curricula remained striking in 2005. They are divided in opinion on whether school curricula in SaM must be harmonised with an official programme, but there has been a clear increase in belief that they are harmonised with an official programme: 39% think curricula must be harmonised with an official programme (34% in 2004, 31% in 2003), 33% disagree, while 27% do not know the answer to this question.

Lack of informedness of the citizens, especially in Serbia, is corroborated also by the fact that 48% of those who believe school

curricula must be in line with an official programme could not say what the official programme was. The percentage of citizens who think that school curricula must be in conformity with the Ministry programme has fallen considerably.

GRAFIKON

Whith which official programme school curricula in SaM must be harmonised?

(% of population which believe that school curricula in SaM is harmonised with some official programme

- **Doesn't know**
- **With current politics**
- **Bologna Declaration**
- **Religious**
- **European**
- **Programme of the Ministry**

Most citizens (62% in 2005 and 64% in 2004) think there is enough freedom of confession and manifestation of religious beliefs. Like in 2004, one out of five, 21%, thinks there is too much of this freedom.

3.9. Freedom of Expression

Contradictoriness of citizens' views on the freedom of disseminating information remains prominent in 2005: 72% think there is freedom of information and thought (27% think there is full freedom, while 45% think legal sanctions are applied only if a person's reputation has been damaged); 66% believe the press is censored, either officially (24%) or unofficially (42%).

The percentage of citizens who believe there is full freedom of the press has increased over 2004, from 23% to 27%.

GRAFIKON ukinuti grafikon

As the graph illustrates, a significantly larger percentage of citizens in Montenegro than in Serbia (33% and 18% respectively) believes that someone can be punished for spreading information criticising the government. More citizens of Serbia than of Montenegro believe that there is unofficial censorship of the press (43% and 36% respectively), while more citizens in Montenegro than in Serbia believe there is open censorship (32% and 23% respectively).

The concept of 'independent media' and the idea of freedom of information still cause confusion amongst the citizens of Serbia and Montenegro: citizens still perceive 'independent media' as 'media publishing everyone's opinions'. The percentage of those who believe this has slightly fallen since 2004 (from 45% to 41%).

GRAFIKON

- **What are independent media?**
- **Doesn't know**
- **Media that criticised government**
- **Media that publish opinion of everyone**
- **Media in private property**
- **Media that are not established by the state or state authorities**

As in 2004, one out of five citizens believes most media are independent, while one out of six or seven thinks the number of independent media equals that of media that are not independent. Most, 56%, believe independent media are in the minority or do not exist at all.

Trust in organisations highlighting human rights violations has increased over 2004; over one half of the citizens, 52%, believes these organisations are useful and contribute to the respect of human rights, as the below graph shows.

GRAFIKON

What do you think about organisations that deal with violation of human rights?

- **Doesn't know**
- **Dangerous, illegal treacherous and mercenary organisations**
- **Useless organisations of no use to anyone**
- **Useful organisations which contribute to respect of human rights**

3.10. Freedom of Peaceful Assembly

There are considerable variations in the awareness of the freedom of assembly. More respondents believe this right is subject to restriction: 38% of the citizens in 2005 said assembly in public places was legal only with prior notification of the police (50% in

2004), while 31% maintained that assembly was legal only with the permission of the police (21% in 2004).

Those who believe police permission is needed for assembly mostly do not know under which circumstances that right can be denied (40%); most of those who do cite disruption of public law and order as the reason for the deprivation of the right (26%).

GRAFIKON

To whom the freedom of assembly can be forbidden?
(% of population which believe that there is obligation to have permission for the assembly)

- Demonstrations which are endangered public
- Assembly of the opposition parties
- Extreme organisation which are don't respect human rights
- Doesn't know

3.11. Freedom of Association

Only one-third of the citizens (even fewer than in 2004), thinks the law does not stipulate membership in a ruling party for appointment to a public office.

The citizens most often said that the following posts legally required membership in a ruling party: state administration offices (34%), directorships of state or mixed companies (26%), while 15% said that party membership was also prerequisite for judicial appointments.

GRAFIKON

When is membership in a ruling party required by law?
(Multiple response)

- Doesn't know
- Appointment of judges
- Managers of enterprises (state owned and with mixed ownership)
- Appointment of officials in state administration
- Never

As in the previous years, most citizens (70%) are dissatisfied with the work of the trade unions: 32% think they are not organised well and that they insufficiently represent the interests of the workers, 16% think they are merely a smokescreen covering up the machinations of directors and politicians, while 22% think they exist only on paper. The percentages are the same at the level of Serbia and SaM, while in Montenegro, 33% of the respondents think the trade unions are not organised well and insufficiently represent the interests of the workers, 20% believe that they are merely a smokescreen covering up the machinations of directors and politicians, while 27% are of the opinion they exist only on paper.

3.12. Right to Peaceful Enjoyment of Property

Public support to privatisation of state companies has continued dropping: 32% of the respondents in 2005 supported privatisation, as opposed to 36% in 2004 and 42% in 2003.

On the other hand, the number of citizens who believe there is corruption in privatisation has somewhat fallen over 2004: 38% (40% in 2004) of the citizens think privatisation is merely a smokescreen covering up the corruption of the political elite, while 38% (41% in 2004) believe there is corruption but fair tenders as well; merely 10% (like in 2004) think there is only a small degree of corruption, and 2% believe there is no corruption.

GRAFIKON

To what extent is corruption present in privatization process?

- **Doesn't know**
- **Privatization is designed so that there is no corruption**
- **Corruption is present to a small extent**
- **Corruption is present, but also the fair public tenders**
- **Privatization is just the possibilities for corruption of political elite**

3.13. Minority Rights

Most citizens, although fewer than in 2004, believe members of national minorities have the unrestricted right to publish books and attend schools in their native languages. Of all the respondents, 62% think they can do so without restriction, 29% think they can do so but with the consent of a competent state body.

On the other hand, the percentage of those who believe that minorities should be allowed to exercise this right without restriction, although somewhat higher than in 2004, is still considerably lower than the percentage of those who maintain that the state has already given the minorities these rights: 62% believe persons belonging to national minorities in SaM have the right to publish books and attend schools in their native languages without restriction, but only slightly over half of the citizens, 53%, agree with the state policy on the use of national minority languages; 17% would restrict this right only with regard to disloyal minorities, while as many as 23% would limit the right to all national minorities.

GRAFIKON

What is your personal attitude towards the right of ethnic minorities to publish books and attend school in native language?

- Doesn't know
- Limitations to all
- Disloyal ethnic minorities should be deprived of it and to entitle without limitation to the loyal
- They should be entitled to it without any limitations

As over the previous years, the highest degrees of intolerance (disapproval of national minority members being citizens of SaM, neighbours of the majority nation, bosses, marrying into the respondent's family) were recorded towards Albanians and then Moslems/Bosniaks.

When measuring tolerance by the respondents' acceptance of the ethnic minorities' right to be citizens of SaM or their neighbours, the citizens have at an average shown somewhat lesser tolerance of ethnic minorities over 2004, but they have shown somewhat greater tolerance when asked whether they approved of marriage with a member of an ethnic minority.

GRAFIKON

Ethnic distance- Would you mind if members of the following nations were... (% YES answers)

Serbia nad Montenegro 2003
Albaninas Croats Hungarians Muslim?Bosniaks
Roma

Citizens of Serbia and Montenegro
Your nighbour
Your superior at work
Marry a member of your family

Serbia nad Montenegro 2004
Albaninas Croats Hungarians Muslim?Bosniaks
Roma

Citizens of Serbia and Montenegro
Your nighbour
Your superior at work
Marry a member of your family

3.14. *Political Rights*

Most citizens think political rights are not respected in Serbia and Montenegro. Even belief that political rights exist formally has dropped considerably over 2004.

The percentage of citizens who think Serbia and Montenegro have a multi-party system like the ones in Western countries has fallen from 50% to 42%, while belief that citizens have the right to elect their representatives to government has fallen from 72% to 65%. The percentage of respondents who believe the elected representatives are not acting in the interest of the citizens has increased from 45% to 55%.

A greater number of Montenegro's citizens (48%) than of Serbia's citizens (39%) in 2005 again expressed the opinion that a multi-party system exists in their member state only formally; the percentage of those sharing this belief grew in Serbia (from 35% to 39%) but fell in Montenegro (from 54% to 48%).

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GRAFIKON

Do the elected representatives really represent the interest they promoted in electoral campaigns?

- Doesn't know
- Not at all, even when circumstances are not an obstacle
- Mainly no
- Both yes and no
- Mainly yes, as much as possible in present circumstances
- Yes, completely

3.15. Special Protection of the Family and the Child

Public awareness of the right to special protection of the family has continued growing. The percentage of citizens who know that violence against women and children is punishable under SaM laws stood at 80% in 2005 (at 72% in 2003 and 77% in 2004). The percentage of those who think it is not punishable stood at 17% in 2005 (19% in 2003 and 12% in 2004). The replies somewhat differ in the two SaM member-states: 70% of Montenegro's citizens maintain violence against women and children is punishable under national law, while the percentage in Serbia equals that of SaM (80%).

Asked whether there was violence against women and children in families in 2005, 65% of the pollees gave affirmative answers, 11% disagreed or said if there was any, it was negligible, while others thought it was possible or did not know the answer.

A large percent of citizens still believes that the state and institutions are insufficiently addressing the problem of family violence and that those that are addressing it are doing so rarely and inefficiently. Most, 68%, think the institutions are insufficiently addressing the problem, 21% think they address it occasionally, while 8% think they considerably focus on it. Replies somewhat differ in Montenegro: 57% believe the institutions address the problem to a small extent, 20% that they address it occasionally and 20% that they focus on it considerably.

The percentage of citizens believing there are no obstacles to mixed marriages has increased over 2004, from 29% to 34%. Most (41%) still think the main obstacle lies in the people who think

mixing of different nationalities is not good, while hardly anyone believes mixed marriages are hindered by restrictive state measures.

GRAFIKON

What is the main obstacle for mixed marriages in SaM?

- **Doesn't know**
- **In people who think mixing of different nationalities is not good**
- **In propaganda**
- **There is no obstacles**

3.16. Right to Citizenship

Opinions on the how the right to SaM citizenship is exercised remained divided and no major changes over 2004 were recorded in 2005. Forty-two percent think that citizenship requirements are fair and that anyone fulfilling them can acquire citizenship; 38% think the situation is chaotic, either because the requirements are not defined clearly (23%) or because the requirements change and there is a lot of discrimination (15%).

GRAFIKON

What are the condition to get ccitizenship in SaM?

- **Doesn't know**
- **Who fulfill the conditions which are fair easily is getting it**
- **There are lot of discrimination, condtions are changing all the time**
- **Conditions are not clear**

Regarding the state's policy on different groups of people without regulated citizenship status, most respondents were again of the opinion that the state's policy was fair; the percentage even rose over 2004. So did the number of citizens who think that the state's policy on citizenship is too lenient.

As in 2004, citizens maintain that refugees seeking SaM citizenship enjoy the most favourable treatment (55% believe this state policy is fair, while 20% think it is too lenient).

The state's policy on Albanians not seeking citizenship was to a greater extent qualified as lenient (25%) than its policy on all other groups (former SFRY citizens seeking dual citizenship, refugees seeking citizenship). The question on Albanians elicited many more

'do not know' answers (31%) than when it was posed with respect to other categories. The below graph compares the answers to these questions in the 2004 and 2005 surveys:

GRAFIKON Brisati grafikon

3.17. Freedom of Movement

Although most citizens (albeit slightly fewer than in 2004) believe the right to the freedom of movement is respected in SaM (65% believe citizens can settle wherever they want freely, 69% thought so in 2004), the number of citizens who think that there are restrictions to freedom of movement is still considerable (even higher than in 2004): 24% of Serbia's citizens and 22% of Montenegro's citizens think they must obtain permission from a competent body to settle where they wish.

GRAFIKON Ukinuti grafikon

Only one half of SaM's citizens (50%) maintains all citizens may freely leave the state, while 42% think they need permission of a competent body. Similar replies were given in Serbia; 55% of Montenegro's citizens think every citizen may freely leave the state, while 34% believe permission of a competent body is required.

Most citizens believe the state can on no condition expel from its territory citizens of Serbia and Montenegro; however, 17% think the state can expel a citizen who committed an act of crime (12%) or is a disloyal member of a national minority (5%).

GRAFIKON

Who can be expelled from SaM territory?

- **Doesn't know**
- **Nobody**
- **Aliens and disloyal member of a national minority**
- **Aliens and disloyal citizens of SaM**
- **Alien and citizen of SaM who committed an act of crime**
- **Alien, even if he is legal in the country**
- **Alien who is illegal in the country, citizens of SaM never**

3.18. Economic and Social Rights

Most citizens are aware of the fact that employing a minor below the age of 16 is an offence (58%), but 31% still believe there are exceptional circumstances under which they can be hired: 13% think that punishment will ensue only if the minor is psychologically and physically immature for the job s/he is hired to do, while 18% believe employment of a minor is allowed if the minor is supporting himself or herself and his/her family.

GRAFIKON Ukinuti grafikon

As in 2004, most SaM's citizens believe that the following documents are required for employment: labour card (91%), health certificate (75%) and school certificate (74%); 24% think the future employee needs to present a permanent residence certificate, while 7% believe s/he also needs a nationality certificate.

4. Realisation of Human Rights

Citizens gave a somewhat more positive assessment of the situation in Serbia and Montenegro in terms of the realisation of human rights in 2005. Although most, 68%, still think that the realisation of at least some human rights is endangered in SaM, the percentage of those who think human rights are not under threat has grown, from 23% to 30%.

GRAFIKON

What is the situation like in our country regarding enjoyment of human rights ?

- **Enjoyment of human rights is left to chance and anybody can endanger them without being held responsible**
- **State endangers exercise of many human rights**
- **State endangers exercise of at least some human rights**
- **Human rights in our country are not endangered**

As per the realisation of human rights, the citizens of Montenegro were in 2004 much more optimistic than the citizens of Serbia; the gap almost disappeared in 2005, due to the increase in the number of Serbia's citizens who gave a more positive assessment of the situation.

The right to work was in 2005 again most frequently listed as the most endangered right; the percentage of respondents who maintain this right is the most threatened has continued growing (37% in 2005, 30% in 2004 and 25% in 2003).

GRAFIKON Pretvoriti u tabelu kao prosle godine

Like in 2004, the assessment of the realisation of human rights in 2005 was more positive when viewed from a personal perspective than in principle: the number of respondents who said they were personally able to realise *all* their human rights (36%) was greater than the number of those who believed the realisation of human rights in SaM was not endangered (30%).

GRAFIKON

To which extend you are realising your human rights?

- Not realising most of my human rights
- Realising small number of my human rights
- Realising magority of my human rights
- Realising all my human rights

The percentage of citizens who believe they can realise either all or most of their human rights has grown over 2004, from 66% to 72%.

The right to work was again the right citizens in 2005 believed they were denied the most (16%). The younger population and the middle-aged category feel the most vulnerable in that respect: one out of five 18-44 year olds (21%) think they are deprived of the right to work.

If they were deprived of a human right, only one out of four citizens would turn to the national courts and 12% would turn to an international court. The percentage of citizens who would turn to an international court has grown from 8% in 2004 to 12% in 2005. As in the previous years, a considerable number of citizens, 37%, would rather turn to influential people (people with connections, people in power or those doing anything for money than to courts.

GRAFIKON

If the human rights are endanger to whome is the best to apply?

- People doing anything for money
- Influential people on power

- **Influential people with connections**
- **International courts**
- **Domestic courts**

Although 23% of the citizens said they were unable to exercise a good part or even majority of their rights, only 10% said they had turned to someone to help them exercise the human right that was endangered, while as many as 90% had never turned to anyone for protection. The same percentage applies to Serbia; in Montenegro, 13% said they had turned to someone to help them realise their human right, while 87% said they had never sought protection of their human rights.

As in 2004, the citizens who said their rights were endangered most frequently listed the following rights : right to work (33%), right to social protection (11%), right to property and ownership (6%) ; right to health protection (5%), right to life (3%), equality before the law (2%) and right to payment of salary (2%).

5. Conclusion

Unsystematic variations in the trend of changes in the public legal awareness indicate the changes are dependent on connate rather than cognitive factors. Changes in the overall social climate, especially in the degrees of trust in state institutions and of public pessimism, obviously also reflect on the overall understanding of human rights. This dependence of the understanding of human rights on changes in the political climate indicates that the awareness of SaM's citizens of human rights enjoyment and protection is at a relatively low level.

As over the previous years, belief that one's rights are protected in practice in 2005 considerably lagged behind awareness of the formal protection of rights. There are still great disparities between the awareness of the right to a fair trial and the mistrust of courts; the awareness of the right to the freedom of thought and expression and the conviction that the press is censored; the awareness of political rights and the belief that the elected representatives are not acting in the interest of the citizens; the awareness of the existence of a law punishing violence against women and children, forbidding slavery and forced labour and the conviction that the competent institutions are hardly addressing the issues.

Egocentricity in understanding human rights, i.e. the inability to generalise human rights protection to include the rights of people of different nationality, gender or sexual affiliation, without making biased exceptions, remained prominent in 2005 as well. For instance, citizens on the one hand reproached the state for endangering fundamental human right, while, on the other hand, they criticised it for giving too many of such rights, at least where national minorities are at issue: there are more citizens who believe that persons belonging to national minorities in SaM have unrestricted rights to publish books and attend schools in their native languages than those who agree with such state policy on national minority languages. Almost one-third of the citizens is against giving Albanians the right to SaM citizenship and one out of five would deny that right to Moslems/Bosniaks; 45% of the citizens would dislike having an Albanian boss, while 34% would dislike having a Moslem or Croatian boss.

The citizens' concern with the economic situation has continued growing, as has their preoccupation with the *right to work* and *choice of employment*. This right consistently predominates the legal awareness of the citizens: it was the first right that came to mind of half the citizens, 53% perceived it as the most endangered right in the state. The number of citizens who think that low living standards have threatened the lives of SaM's citizens has continued growing.

The ranking of rights by their importance remained the same; *the right to life* remains the most important one; it is followed by the rights to *security and liberty* and *equality before the law*.

The percentage of citizens aware of the fact that human rights are protected by international documents has gone back up to the 2003 level. Half of the citizens are aware of this fact. On the other hand, however, the percentage of citizens who assess that human rights are not respected in Serbia and Montenegro has at an average remained at the level of 2004, which was higher than in 2003.

Most citizens believe that political rights in Serbia and Montenegro are not respected. Even belief that political rights exist formally has dropped considerably over 2004.

Mistrust of judges continued growing: 56% of the citizens believe the judges are bad and dependant on politicians, a 10% rise over 2003. It is therefore not unusual that 37% of the citizens would turn to influential people (people with connections, in power, or those settling matters for a fee than to courts if they were denied their human right. Only one out of four (25%) would turn to a national court and 12% would turn to an international court.