

Minority Rights in Yugoslavia

The violence continues

This interview is with A.S., a young Roma man from the village of Donji Petri in Kosovo/a.¹ After the Serbian troops had left Kosovo/a, following the 'ethnic cleansing' campaigns against ethnic Albanians, he describes how some ethnic Albanians have sought revenge.

There were only Roma living in our village, and none of us took part in any of the armed groups, Serbian or Albanian. We continued doing our own work, and we stayed in the village after the Serbian army withdrew from the area because we thought there was no reason for us to fear the return of Albanians. We were wrong – soon they began to harass us, and Roma families started leaving the village. We were the last ones there.

On July 12 around 11 in the morning, three ethnic Albanian men came into our house. They were wearing camouflage uniforms and had arm bands with the Kosova Liberation Army (KLA) logo on them. They told us they were looking for weapons, but we did not have any. In front of my whole family of 12 they started

twisting my arms in order to make me confess that we had guns.

They searched me and took the 500 German marks that I had in my pocket. "You probably stole this," they said, "and you will have to give us 2,000 more if you want to stay alive." We had no more money, so the Albanians took me in their car to the former police station in Klicina, which was now a KLA headquarters. The station was full of men in the same uniforms.

They took me to a room where around 15 of them beat me with truncheons and metal bars all over my body. "Did you steal?" they asked, and they beat me continuously until 5 o'clock in the afternoon. They took me to sit in front of the police station; my nose was bleeding and I vomited blood too.

Around four or five hours later they released me, saying that tomorrow I had to come to the police station again and bring the weapons I supposedly had. I hitchhiked home, and that night my family moved out of Donji Petri.

(This is an excerpt from a field report written by Tatjana Peri for the European Roma Rights Center and reproduced with permission.)



HOWARD DAVIES/RANOS PICTURES

Roma children in a displaced persons camp at Obilic near Pristina in Kosovo/a, following attacks by Kosovar Albanians.

A multicultural community

The Federal Republic of Yugoslavia (FRY) – made up of the Republics of Serbia and Montenegro – is a multi-ethnic and multiconfessional community of peoples in South-Eastern Europe. The FRY was proclaimed by the FRY Constitution of 27 April 1992 after the collapse of the former Socialist Federal Republic of Yugoslavia (SFRY). Slobodan Milosevic has been Head of State in the FRY since July 1997.

Considering the population, which exceeds 10 million, Yugoslavia arguably has a greater number of diverse ethnic and religious minority groups than any other region of Europe. Just within the 2 million-strong population of Vojvodina, an autonomous province in the north of Serbia, there are some 30 different ethnic communities. There are many followers of Christianity (of Orthodox, Roman Catholic and Protestant churches) throughout Yugoslavia, and small Jewish and sizeable Muslim minorities.

According to the 1991 census,² the population of the FRY is 10,394,026: 9,778,991 in Serbia and 615,035 in Montenegro. It is estimated that minority groups represent one third of the FRY's population. In Serbia, Serbs represent 65.92 per cent of the population and Montenegrins 1.42 per cent; ethnic Albanians are the largest minority group in Serbia at 17.12 per cent, followed by Hungarians at 3.52 per cent, Yugoslavs 3.31 per cent, Bosniaks (Muslims) 2.52 per cent, Roma 1.43 per cent, Croats 1.08 per cent and other groups – including Bulgarians, Czechs, Germans, Jews, Macedonians, Romanians, Ruthenians, Slovenians, Turks and Ukrainians – all represent less than 1 per cent of the population.

In Montenegro, Montenegrins represent 61.86 per cent of the population and Serbs 9.34 per cent. The main minority groups in Montenegro are Bosniaks at 14.57 per cent, Albanians 6.57 per cent and Croats 1.01 per cent. (These figures throughout the FRY have changed dramatically with the conflict in Kosovo/a and the vast population movements of internally displaced peoples and refugees.)

In such a community of peoples, ethnic and religious tolerance is an exceptionally important precondition for the state's survival. However, Milosevic's regime has failed to respect this, and Yugoslavia has been rocked by civil wars. It is now risking further inter-ethnic conflicts.

Background

To understand the current political situation in Yugoslavia and the position of ethnic minorities there, one must remember that the former Yugoslavia (SFRY) has already been torn apart. The civil wars were engineered by the political and intellectual elite in Serbia gathered around Milosevic. After the fall of the Berlin Wall, instead of moving towards significant change and an economic and political renewal of society – as has happened in most of the other formerly communist countries – Milosevic's regime substituted communism with extreme nationalism. It went on to break up the former Yugoslavia in order to fuse together the territories it regarded as 'Serbian' into a 'Greater Serbia', founded on the principles of an ethno-



HOWARD DAVIS

Roma in a displaced persons camp at Obilic near Pristina in Kosovo/a

centric state. The effects proved disastrous. Amid the battles for territories and ruthless 'ethnic cleansing' in Bosnia and Herzegovina, Croatia and Kosovo/a, hundreds of thousands have been killed, others mutilated and raped, and nearly 3 million have been forcibly displaced and coerced into exile. Another important point to consider is that once these conflicts have been generated, they have escalated rapidly. As the conflicts have escalated, the roles of the protagonists have changed. Earlier victims have sought revenge on their tormentors. However, Yugoslavia's history has not just been one of violent conflict, it also has a long tradition of peaceful coexistence between members of different ethnic and religious communities.

The Milosevic regime attempts to explain the warfare throughout the former Yugoslavia and in Kosovo/a as a consequence of the Balkan historical heritage and as an international conspiracy against Serbia. Yet there is a good deal of evidence that the conflicts were created as part of a 'Greater Serbia' project, and it is on the basis of such evidence that the Hague Tribunal has accused Milosevic and his accomplices of war crimes.

In addition to the FRY not being internationally recognized, its territory and borders have not been clearly defined. Subsequent to the North Atlantic Treaty Organization (NATO) military intervention against Yugoslavia in 1999 and the retreat of the Serb army and police from Kosovo/a, the province has, in practice, only technically retained its autonomous status within Serbia. The prospects for Kosovo/a gaining independence from Serbia/Yugoslavia are still in the balance.

Minority Issues

Within Serbia, it is in the province of Vojvodina that minorities can most easily exercise their rights. But the situation is not so good in Serbia proper, even worse in Sandzak, and obviously the conflict in Kosovo/a arose out of the violation of ethnic Albanians' human rights. The human rights situation in Serbia is generally worse in the south, which is economically poorer and with a far less developed political culture than the north.

The Constitutions of FRY, Serbia and Montenegro provide protection for a whole range of minority rights. Furthermore, the FRY is bound by numerous international standards on human and minority rights ratified by the SFRY and the FRY. Minority groups that have been recognized as 'national minorities' have various rights – such as education in their first language and the right to foster their culture – which are not open to other minority groups.

The Constitution of Montenegro gives national minorities additional rights, stating that the national minorities have the right to apply to international institutions in order to protect their rights, and to establish educational and cultural associations which can be helped by the state. These and other provisions result in a higher level of minority rights' protection in Montenegro than in Serbia. Furthermore, there is a Council for the Protection of Rights of the Members of National and Ethnic Groups which is guaranteed by the Montenegro Constitution.

The Montenegrin authorities have made it clear to the Belgrade regime that they can only see a future for Montenegro within Yugoslavia if Montenegro has an equal status with Serbia in the federal state. Furthermore, Montenegro is calling for such a state to be a democratic one, open to international economic and political processes. Otherwise – the Montenegrins have announced – they will conduct a referendum on the republic's secession from Yugoslavia.

The state leadership of Montenegro has already made a significant advance in the democratization of society and in opening up towards the world. It also has a considerably more tolerant attitude to ethnic minorities. Thousands of ethnic Albanians who fled Kosovo/a during the recent war sought refuge in Montenegro; had they distrusted the Montenegrin authorities, they would not have dared go there.

Since the war in Kosovo/a, there has been much speculation both locally and internationally scene as to the possibility of a future crisis developing in Sandzak or Vojvodina. In Vojvodina, the multi-ethnic population is eager to gain more autonomy within Serbia than that currently enjoyed. Its autonomy has been greatly reduced and Vojvodina is currently deprived of any economic or political power. This call is not for complete autonomy. Yet the political parties of Vojvodina's Hungarians, who are the second largest ethnic minority in Yugoslavia, are demanding firmer guarantees for the protection of collective minority rights. These parties advocate the need for territorial autonomy for the Hungarians in the areas where they form a majority, but in all of their demands their loyalty to Serbia is emphasized.

The Bosniaks of Sandzak are calling for recognition and respect for their national and religious rights.

Sandzak straddles both Serbia and Montenegro and the region has recently experienced growing militarization from Serb troops after their withdrawal from Kosovo/a.

Outlook

Political leaders and intellectuals of virtually all of the ethnic minorities in Yugoslavia are dissatisfied with the implementation of their respective minority rights. What they object to is not so much the legislation which regulates these rights – as guaranteed under the FRY Constitution and various legislative acts – it is their lack of implementation.

Ethnic minority groups facing particular problems are the Croats, Roma and Vlachs in Yugoslavia. Despite their protestations, these ethnic communities are not recognized by the authorities as 'national minorities' and they are therefore largely deprived of their minority rights. This discrimination illustrates the Milosevic regime's attitudes to some of the minorities. It is in this intolerance and repression that the reasons for the former Yugoslavia's breakup lie. Moreover, the present-day Yugoslavia is threatened with the same destiny owing to the nature of the regime – a future of continuing conflict and, ultimately, Yugoslavia's disintegration.

Recommendations – December 1999

To the FRY government

1. International human rights standards

The SFRY had ratified numerous international human rights treaties. The FRY, as one of the successors to SFRY, automatically inherits the responsibility to uphold these international commitments.

MRG urges the FRY to respect these obligations, and to recognize the authority of the Committee on the Elimination of all forms of Racial Discrimination to receive complaints by groups and individuals, by making the declaration provided for in Article 14 of the Convention on the Elimination of all forms of Racial Discrimination.

2. Recognition of national minorities

The recognized status of 'national minority' provides the legal basis for a range of fundamental rights, both individual and collective. MRG urges the FRY to implement and adhere to these minimum standards.

The government of the FRY is also urged to recognize Croats, Roma and Vlachs as national minorities.

3. Participation and effective equality

It is of paramount importance to highlight the need for the effective implementation of a policy of non-discrimination regarding all peoples, as laid down in the FRY Constitution (Article 20).

It is strongly recommended that action is taken to secure greater minority participation and employment in both the public and private sectors, and in public life.

4. In the aftermath of war

MRG calls for people indicted by the International Criminal Tribunal for the former Yugoslavia to be brought to trial in order that steps may be taken to address the horrific crimes committed against civilian populations and to facilitate the process of reconciliation.

The FRY must find non-violent means of addressing ethnic tensions. It must also create the necessary conditions for the peaceful return of refugees and internally displaced peoples.

5. Strengthening the independent media

A media needs to be fostered which provides balanced information and represents all the peoples of society: it should give serious attention to programming and reporting in the languages of minority groups.

6. Ombudsman

The institution of an Ombudsman on human rights should be established.

To the international community

7. Strengthening civil society

The international community must ensure that it does not isolate FRY's civil society. It should make funds available to support local government and NGO initiatives which promote peaceful coexistence, human rights, local media and minority-language education.

8. Early warnings

MRG urges the international community to act once it has received warnings of potential conflicts in the FRY. MRG calls on the international community to carefully monitor the position of minorities in Yugoslavia.

Notes

- 1 This Profile uses Kosovo/a. The Serbian authorities refer to Kosovo and Metohija, the Serbian people generally use Kosovo, and ethnic Albanians refer to Kosova.
- 2 This is the most recent census in Yugoslavia. While many minority groups strongly dispute the figures claiming far larger communities than the census acknowledges, they are currently the only broad set of statistics available. However, in interpreting these figures, it should also be borne in mind that many ethnic Albanians boycotted the 1991 census.

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