



REGROUPEMENT « DROITS DE L'HOMME »
DES OING DOTÉES DU STATUT PARTICIPATIF
AUPRÈS DU CONSEIL DE L'EUROPE

HUMAN RIGHTS GROUPING
OF THE INGOs ENJOYING PARTICIPATORY
STATUS WITH THE COUNCIL OF EUROPE

President: Gabriel NISSIM

OING D (2008) REC

Situation of the human rights defenders in Serbia

Recommendation adopted on 23 January 2008

The Human Rights Grouping of the INGO Conference, with which the matter has been raised by the European Council of Police Trade Unions (CESP), draws the attention of the relevant Council of Europe bodies to the situation of **the human rights defenders in Serbia**.

Those concerned are namely **three leaders of Serbia's Independent Police Trade Union (IPTU)**, Mr Zoran Rasevic, Mr Momcilo Vidojevic and Mr Zoran Ilic, who were dismissed from the police force on 17 December 2007 by decision of the Disciplinary Board.

Background

The IPTU began a strike on 24 July 2007, which was in line with the Serbian legislation of the time (Article 135 of the Police Act, Article 61 of the Constitution and the Republic of Serbia Employment Act granting the right to strike).

On 27 July 2007, contrary to the legislation and the Serbian Constitution, the government of the Republic of Serbia issued a decree removing police officers' right to strike, which came into force at 0:00 hours on 28 July 2007.

The IPTU leaders called off the strike at 12 noon on 28 July 2007 to protect their members.

On 31 July 2007, the IPTU leaders were demoted with a 30% cut in their monthly salaries.

The appeal lodged against the decree by the IPTU was dismissed by the government complaints board, in total violation of Article 188 of the Employment Act, which provides that trade union leaders may not be transferred nor demoted.

On 20 October 2007, the Serbian Ministry for the Interior initiated disciplinary proceedings against the three IPTU leaders with a view to their dismissal from the police force.

The accusations levelled against the three trade union representatives by the Disciplinary Board were based on a decree promulgated on 28 July 2007 by the Serbian Government (*Decree reversing the right to strike afforded to police officers under the law and the Constitution*), even though the lawful strike had begun on 24 July 2007.

In the light of the above, the Human Rights Grouping of the Conference of INGOs of the Council of Europe, at its meeting on Wednesday 23 January 2008,

- Noting that the proceedings brought against, and the penalty imposed on, the three IPTU leaders violate the principles of lawfulness and Serbian domestic law;

- Also noting that these measures are incompatible with:

- the European Convention on Human Rights, which rules out retroactive laws and decrees;
- the revised European Social Charter, which Serbia has signed (but not yet ratified);
- the conventions of the ILO (Convention 135).

- Expressing solidarity with the IPTU and the three Serbian police officers concerned,

1. Protests herewith to the relevant Council of Europe authorities, namely:

- the Secretary General of the Council of Europe,
- the Commissioner for Human Rights,
- the Chair of the Committee of Ministers.

2. Asks them to forward this protest to the Serbian authorities and to do their utmost to ensure that:

- the penalties imposed on the three IPTU leaders are reversed at the earliest opportunity;
- the three IPTU leaders concerned are able to return to their original posts;
- the compatibility of the decree of 28 July 2007 with Serbian legislation, the European Convention on Human Rights and its case-law and the revised European Social Charter is checked.