Perspectives for the Use of Alternative Dispute Resolution Techniques in Cases of Discrimination in Serbia

The project “Support to the Implementation of Anti-discrimination Legislation and Mediation in Serbia” is implemented by the Ministry of Labour and Social Policy of the Republic of Serbia and the United Nations Development Programme and is funded by the European Union.
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July 2009.
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“There is a great distance between the marginalized group and the majority community. Discrimination is an irrational attitude, a consequence of stereotypes. Under such a constellation of relations between the majority and minority, mediation is a link.”

Organization dealing with protection of rights of marginalized groups, interviewed during the survey

I. INTRODUCTION

This Report is one of the outcomes of the Project: “Support to the Implementation of Anti-Discrimination Legislation and Mediation in Serbia”, which is implemented in partnership between the United Nations Development Program and the Ministry of Labour and Social Policy, with the support of the European Commission. The current Project builds on the results and recommendations achieved during the first stage of the project titled „Developing a Comprehensive Framework to Prevent and Combat Discrimination in the Republic of Serbia”. Due to the recognized need to prevent and prohibit discrimination of minorities and vulnerable groups through legislation, the key outcome of both stages of the project is a developed draft of the Anti-Discrimination Act. After the Act was adopted in March 2009, the project continued to implement activities aimed at promoting the efficient implementation of the Act.

Project activities are divided into four key components:

- Providing institutional support to organizations and institutions involved in the implementation of the anti-discrimination legislation;
- Support and steering of continued legislative activity in the area of anti-discrimination;
- Strengthening the role of alternative dispute resolution in implementing anti-discrimination provisions;
- Information and raising public awareness of the general public on issues of equal opportunities.

Within the Project, the Alternative Dispute Resolution (ADR) Task Force was established, which has undertaken a survey on the perspectives of use of alternative dispute resolution mechanisms in cases of discrimination in Serbia.

The general purpose of this survey was to demonstrate how the use of Alternative Dispute Resolution mechanisms can support and complement the implementation of the Anti-Discrimination Act. The survey is attempting to identify ADR techniques that will be the most efficient in preventing, managing and resolving conflicts resulting from the existence or the perception of the existence of discrimination. The Ministry of Labour and Social Policy, i.e. the Government of the Republic of Serbia, will be able to use the results of this survey in considering the potential mechanisms for successful prevention and suppression of discrimination. The findings of the survey will also be useful to intensify the efficiency of civil society organizations in the area of inclusion of marginalized groups and promoting equality, especially in aspects relevant to strengthening their own capacities, awareness, and training.

Objectives of the survey include:

- Assess capacities of organizations/institutions in Serbia to implement Alternative Dispute Resolution in cases of discrimination;
- Identify Alternative Dispute Resolution techniques which can best avail the prevention, management and resolution of disputes based on acts of discrimination;
- Provide recommendation for training models intended to strengthen the efficiency of organizations/institutions implementing ADR mechanisms in cases of discrimination;
- Identify the advantages and obstacles to using ADR mechanisms in the area of discrimination in Serbia;
- Provide recommendations for the establishment of the Pilot Project Fund and a sustainable system for the use of ADR mechanisms in cases of discrimination.

During the first phase of the project, implemented in 2006-2007, an initial assessment was made of the role that ADR techniques could have in preventing and combating discrimination. The assessment was conducted by the consulting company „CDR Associates”, specialized in designing and implementing dispute resolution techniques through the use of constructive dialogue, corporate dispute resolution and conflict management. Two experts of integrative mediation, Dr. Christopher W. Moore and Dr. Juan Diaz, were engaged during the assessment. When the initial report was prepared, the most frequently used ADR technique in Serbia was mediation which, as a relatively new concept of dispute resolution, was used most intensively in Belgrade. The conclusions of the research undertaken during the first phase of the Project were that there is great interest for further development of mediation in Serbia and further to this, mediation is a suitable mechanism for peaceful resolution of disputes, implying active participation of parties in conflict which, under the professional guidance of mediators, can come up with a mutually acceptable solution. Based on these conclusions a recommendation was...
made that further development of the system, which would include the key mechanisms of mediation with guidelines responding to the needs of local communities in combating discrimination, is needed and would be very useful. The purpose of such a system would be to strengthen and support the existing mechanisms to combat discrimination.

The present report builds on the recommendations of the First Phase of the Project, and is the first of its kind. There have previously been assessments of the use of ADR techniques in individual cases of the violation of the human rights of specific groups. The role of restorative justice in preventing the violation of specific human rights has also been explored, including the right to equal treatment and dignity. But there has not been a comprehensive research study on the national level of the use of ADR in cases of discrimination. In this respect, the present survey is a pioneering effort not only in the Republic of Serbia and the region, but globally. A special added value of the survey is the potential to implement the pilot projects to be funded from the especially established Pilot Project Fund, which will practically implement the conclusions and recommendations contained herein, with the goal to verify the preliminary findings of this survey and test the recommendations through the evaluation of the projects. Through the evaluation of the results of these pilot projects, the Team for Use of ADR in Cases of Discrimination will identify the best practices and weaknesses and thus contribute to the report recommendations. The Team expects that the final document will be completed after the results of the evaluation of pilot projects are translated into the second part of the report. The final version will be available in the form of a publication that will point to best and poor practices in this area, and provide guidelines for future development in this area in Serbia.

II. BASIC ASSUMPTIONS OF THE SURVEY

The following factors were used as the basis for the assessment of the use of ADR techniques in cases of discrimination in Serbia:

• Adoption of the Anti-Discrimination Act (The Official Gazette of the Republic of Serbia, Nr. 22/2009) of 26 March 2009, which regulates in a comprehensive manner the legal protection in cases of discrimination and introduces a special governmental authority for protection against discrimination — the Commissioner for Protection of Equality, whose competences include, among others, to propose reconciliation, or mediation, in procedures initiated by complaints lodged by persons who are victims of discrimination. It is expected that the Commissioner for Protection of Equality is to be appointed as of January 2010.

• Existence of a legal basis for the development of private as well as court-annexed mediation in cases of discrimination. Namely, the Anti-Discrimination Act regulates two mechanisms of protection in such cases: procedures before the Commissioner for Protection of Equality, and Court procedures. In the first case, the victim of discriminatory practices may complain to the Commissioner for Protection of Equality (Article 35 of the Anti-Discrimination Act). After receiving the complaint, and before undertaking any other actions in the procedure, the Commissioner is authorized to recommend reconciliation, i.e., mediation, respecting the principle of voluntary consent as prescribed by the Law on Mediation (Article 38 of the Anti-Discrimination Act, Article 3 of the Law on Mediation). Mediation can also be used in cases where legal protection is exercised before a Court of Law, after a complaint for protection against discrimination is lodged (Article 41 of the Anti-Discrimination Act). Namely this procedure is implemented according to provisions of Civil Procedure Code, Article 327, whereby the Court is authorized to refer the litigation parties to mediation, if it determines that the dispute could be successfully resolved in that manner. The same Code also enables the parties themselves, in the procedure initiated before the Court of Law (in this case it is the Discrimination Lawsuit), to jointly propose to the Court their attempt to resolve the dispute through mediation (Article 327, paragraph 1, of the Civil Procedure Code).

• Support by relevant Ministries, which have commenced the process of regulating certain areas and in which ADR is used through laws, regulations, and by-laws: The Ministry of Justice supports court-annexed mediation, the Ministry of Labour and Social Policy supports family mediation, and the Ministry of Education and the Ministry of Youth and Sports support school/peer mediation.

• Existence, recognition and processing the cases of discrimination in the Republic of Serbia. The number of cases prosecuted before the Courts in Serbia so far has not been significant, although Serbia has adopted several laws that criminalize the discrimination of certain vulnerable groups. Such a situation does not correspond to the actual number of cases of discrimination that occur in the Republic of Serbia. A public opinion poll, conducted in February 2009, by “Strategic Marketing Research”, for the requirements of this Project, provides a clear indication of the perception of discrimination in Serbia, its dispersion and fre-
Frequency of occurrence. The survey indicates that most citizens think that there is discrimination in Serbia, and more than one-half think that it is widespread. On the other hand, despite the generally negative attitude towards discrimination (“prejudices and lack of tolerance to minority groups are present among a great number of citizens”), citizens are of the opinion that discrimination in Serbia affects mostly the Roma, the poor, and persons with physical and mental disabilities (more than 60% of citizens think that these groups are discriminated against to a relatively high or very high extent). The citizens polled also include the elderly (46%), women (39%) and sexual minorities (39%). Furthermore citizens are of the opinion that discrimination least affects Muslims/Bosnians, Croats, Jews, and Hungarians (between 17% and 6% of citizens, believe that these groups, in the stated sequence, are subject to discrimination in a relatively high or high extent). To some extent, a higher percentage of citizens believe that discrimination affects Albanians (26%). It is interesting to note that every fifth citizen thinks that Serbs are exposed to discrimination too, in a relatively high or even to a very high extent.

The Roma, persons with disabilities, and the poor are the groups whose experience of discrimination is most strongly condemned by citizens.

Tolerance, expressed as a readiness to accept the members of minority groups as one’s neighbors, the friends of one’s children, and the marital partners of the family members, is lowest with respect to HIV positive persons, sexual minorities, and Albanians.

With respect to other groups, even in terms of accepting the marriage of a family member to a member of the given group, more than a half of citizens, at least in declarative terms, expressed acceptance. Yet, there is a significant percentage of citizens who expressed lack of readiness to accept the Roma (46%), Muslims/Bosnians (40%) and Croats (31%) as the marital partners of their family members. Somewhat over one fifth of all citizens stated that they have had personal experiences of discrimination. In their opinion, they were exposed to discrimination due to their personal characteristics, most often related to female gender, age, poverty or disability. The circumstances most often given as those in which discrimination occurred were work related (on the job, at time of employment, and when fired). Only 16% of these citizens stated that they sought protection from official institutions (most often the Police or the Ombudsman). In contrast to this, most citizens (83%) who stated that they had not had experiences with discrimination stated that in such circumstances they would contact an official institution. The institutions most often referred to were the Police and the Ombudsman.

Use of mediation has been increasing in Serbia since 2004, which resulted in the adoption of the Law on Mediation in 2005 (The Official Gazette of the Republic of Serbia, Nr. 18/2005). At the end of 2006, the Republic Centre for Mediation was established, with its main office in Belgrade, and with branches of the Centre subsequently opened in Niš, Subotica, and Kraljevo. The Centre mostly provides services related to court-annexed mediation and it maintains a list of authorized mediators for court-annexed mediation. Authorized mediators are persons who have received the training provided by the Centre for Mediation, or other training in compliance with the Rule Book on Training of Mediators - (the Official Gazette of the Republic of Serbia, Nr. 44/2005) and who meet the requirements set out in the Law on Mediation (Article 20, Law on Mediation). On the other hand, since the first decade of the 21st century, private mediation has been developing in parallel to this, through training programs provided by different international and national NGOs. Mediation services are also becoming more widespread in centers for social work. It is inductive data that in Serbia there are a significant number of trained mediators who have received diversified trainings over the past eight years, while the number of cases in which mediation is actually used is not that significant. This is not an indication of the inefficiency of mediation as such, but rather an indication of the lack of coordination, the lack of an efficient referral system of the parties to mediation, as well as lack of promotion of mediation as an efficient mechanism of dispute resolution. The fact that there is a significant number of mediation practitioners, and a specifically adapted form of ADR, is an indication that Serbia has good foundations in this area.

With specialized training in ADR, it would be relatively easy to train a number of professionals who would be ready to engage in this particular area with dedication and professionalism. With improved coordination and the introduction of an efficient system of referral, the use of ADR services has the potential to resolve a significant number of disputes as an alternative to court proceedings.

Especially in the long term, the use of ADR mechanisms in cases of discrimination should contribute to a higher level of respect for human rights and improved social inclusion of marginalized groups in Serbia. Such an approach in resolving disputes based on violations of human rights has been increasingly advocated at the global level over the past two decades. Specialized literature that relates to restorative justice especially emphasizes the potential for the appropriate use of ADR in the area of prevention and suppression of discrimination. The USA,  

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1 See, for example, Sullivan, Dennis, and Tifft, Larry. Handbook of Restorative Justice: A Global Perspective. Routledge, 2006
Canada and Australia, have several decades of experience in the use of these techniques, which enabled the resolution of highly complex and systemic forms of discrimination, especially in the areas of discrimination against ethnic minorities, racial discrimination, and gender-based discrimination. The experiences of institutions in these countries would be of great assistance in designing the most appropriate techniques for use in Serbia.

III. SURVEY

Methodology

For the purposes of this survey, the ADR Team organized meetings with 31 organizations/institutions that implement ADR programs or that are active in the integration of marginalized groups into the mainstream of society. Most data for this survey were collected through a structured interview, which was based on a questionnaire designed especially for this purpose. The questionnaire was verbally presented to institutions included in the survey, and filled in with the requested data during the actual interview with the institution. Institutions were selected based on their experience in the implementation of ADR techniques in areas that are thematically relevant (collective labor disputes, the education system, integration of minorities), or based on their experience in the integration of minority groups, (for example, if organizations/institutions had previously expressed interest in using AR mechanisms by attending seminars, roundtables, through questionnaires, etc.).

The purpose of the survey was not to come up with a comprehensive coverage of all initiatives that exist or that relate to the implementation of ADR in the area of social inclusion and human rights in Serbia nor to cover all institutions which in some form use these techniques in their daily work. The purpose of the survey was to analyze the experiences of selected institutions, identify examples of best practices and point to the best methods of using ADR techniques in specific cases of disputes resulting from discrimination.

Out of 31 interviewed institutions, 13 are state institutions, and of these, 5 deal exclusively with ADR techniques, while the others are active in working with marginalized groups. Out of 18 civil society NGOs, 8 are actively engaged in ADR, and 8 support the social integration of marginalized groups through their activities. Two of the above-mentioned 18 are private agencies that provide services and training in the area of ADR.

Assessment of resources for the use of ADR in cases of discrimination in the Republic of Serbia

Examples of best practice

Cooperation in training delivery and the success of the “train the trainer” method

Since 2000, several trainings aimed at acquiring the skills needed to use ADR in different areas (in family relations, school life, business, etc.) have been organized and delivered, mostly by international and national NGOs, but also by the Center for Mediation, which organized a significant number of trainings focused on court-annexed mediation. The best training results were achieved when cooperation was established among the organizations that use ADR, in terms of complementing each other’s programs and building on each other’s experience while planning and delivering the trainings. A good example of such cooperation has been given by the NGO Nansen Dialog Serbia which has, since 2000, trained a significant number of target groups, such as pupils, students, teachers, representatives of NGOs, local politicians, journalists, marginalized groups, refugees, municipal officials, centers for social work, ombudspersons, in the areas of negotiations, dialogue and mediation. Likewise, since 2002, GTZ has provided trainings for the following target groups: young people aged 13-19, police professionals, Roma coordinators, social workers, and municipal officials, professors in secondary and primary schools and NGOs. These trainings related to the following areas of ADR: inclusive mediation, family conferencing, community conferencing, negotiations, and peer mediation. The cooperation between GTZ and the Nansen Dialog Serbia is a good example of coordination in the planning and delivery of training programs for the establishment of mediation programs. Hence, during 2005, GTZ implemented the project “Unlock the Tolerance”, delivering training in the areas of tolerance and introduction to mediation techniques with professors and pupils in two schools in Bujanovac. The project was supported by the (at that time) Ministry of Human and Minority Rights of Serbia and Montenegro. Nansen Dialog based its subsequent programs on GTZ projects and focused them on establishing school mediation teams in Bujanovac, as well as, building on them and enlarging them.

NGOs acting as implementing partners to GTZ, enlarged their expertise in the area of mediation and continued to provide training in these areas to other target groups. Thus, the NGO CARS has been using mediation and interactive theatre since 2006, and the target groups are secondary school pupils, parents, teachers and victims of human trafficking. Also, the NGO Center for Constructive Resolution of Conflicts has been engaged since 2007 with a highly specific population group – young persons with disabilities, young people with development difficulties and young
people with behavior disorders (the training also includes parents and teachers). A model of inclusive mediation was developed to meet these specific needs. Another implementing partner to GTZ, the Pedagogical Association of Serbia, has so far introduced school mediation in 105 primary and secondary schools. In some cities and towns, the trainings in school mediation were also attended by school police officers, the staff of centers for social work, and members of school management.

One feature that is common to most organizations that have undergone the above-mentioned trainings is that they use the acquired knowledge and skills in their daily work as an additional skill to assist them in effectively resolving potential conflict between two persons or groups by engaging the active participation of both sides in the conflict. These techniques are mostly used in working with schoolchildren and certain marginalized groups, such as children with disabilities, the Roma and victims of trafficking.

Cooperation between centers for social work and the non-government sector in using ADR

From the list of organizations that provide ADR services, especially mediation, it is important to also mention the centers for social welfare. According to the Rule Book on Organization, Standards and Norms in the Functioning of Centers for Social Work, centers for social work can provide mediation services in compliance with the law (primarily Family Law, and the Law on Minor Perpetrators of Criminal Acts and the Criminal-Legal Protection of Minors). Family Law mentions centers for social work as one type of institution to which courts may refer cases appropriate for mediation in family relations. In addition to this, Article 8 of the Rule Book states that centers for social work are obliged to make their services accessible to citizens, and that access to services is, among other things, provided through the “coordination of activities with other public services, humanitarian organizations, civic associations and other organizations in the local community”. In line with this, a considerable number of the staff at centers for social welfare across Serbia has received training in mediation.

Some centers have, in cooperation with donors, implemented projects intended to provide mediation services between victims and minor perpetrators of criminal acts, and best practices were achieved within the Project, “The network of teams for the comprehensive protection of children”, which was implemented in cooperation between centers for social work in 14 municipalities in Serbia and the NGO AMITY, with the support of UNICEF. Since the project no longer receives funding from UNICEF, the staff of some centers for social welfare, who were also trained as mediators and trainers within the UNICEF project, have continued to provide mediation services within their regular work (for instance, in Bor, Požarevac, Obrenovac, etc.). In order to make the project sustainable when the Ministry of Labour and Social Policy published an open invitation for project proposals in 2007, UNICEF applied to certify the training program “Mediation between minor perpetrators and victims”. This program has been accredited by the Ministry of Labour and Social Policy since 2008. It was implemented by members of the network of teams for the comprehensive protection of children, and the training is intended for professionals working in centers for social welfare who are trained to provide mediation between minor perpetrators and victims. In the context of this Report, it is interesting to note, that this training program covers, among other things, topics relevant to cultural differences and discrimination. During the UNICEF project, the network established certain standards and developed the forms necessary for the provision of mediation services between minor perpetrators and victims. Currently, the staff of centers for social welfare continue to provide mediation services in this manner within the routine work of the centers even after the completion of the UNICEF project, all in line with the standards that were developed within the project. The network of teams for comprehensive protection of children still exists today in a less formal way, and the coordination role has been taken over by the staff in centers for social work. Since the time when the network was first established, the total number of mediations between minor perpetrators and victims is 110, 80% with a successful outcome. Based upon this success, local self-government in Požarevac has recognized the role of mediation, and in 2009 the Municipal Council of Požarevac made the Decision on enlarged rights in the area of social protection, which foresees establishing a center for mediation within the center for social welfare in Požarevac.

Another example of best practice rising from the cooperation of centers for social work and the civil society in implementing ADR techniques when working with marginalized groups, can be seen through the cooperation of the Center for Social Work in Niš and the NGO Sigma Plus. Together, they provide mediation services between the victim and the perpetrator through a project that was supported by UNICEF in 2006. Cooperation was established among the prosecution office, the judiciary, and primary and secondary schools. Over time, this service has become recognized in Niš, and many cases have been referred to the Center for Social Work by the Police and the Prosecution. Despite the project’s completion, the staff of the Center for Social Work has continued to provide these services within their regular working hours. This Center is among the very few which has systematized mediation tasks.

Additional training for NGOs engaged in encouraging social inclusion of marginalized groups and protection against discrimination

A very good example illustrating the potential of ADR techniques as an additional skill in working with marginalized groups is the NGO Atina, which is engaged in promoting the social inclusion of victims of trafficking.
and preventing all forms of sexual exploitation of women. Members of this NGO have undergone various training programs in the area of ADR and they routinely use ADR technique — specifically mediation — in their work. During their work with victims of trafficking, particularly during the mediation of conflicts, the mediation techniques have been adapted to their specific needs. The form of mediation they use is not standard mediation, but it is a form adapted to the needs of the beneficiaries of their services, and it is based on constructive communication. This form of mediation is used in resolving disputes between their beneficiaries and disputes between beneficiaries and their respective families.

A good number of interviewed NGOs who have received additional training in ADR techniques, do use the newly acquired skills in their daily work, or within specific projects, targeting specific groups. The Serbian Victimological Society is engaged in surveying home violence, human trafficking, mobbing, etc, and provides training. During the implementation of the project “Truth and Reconciliation”, which was based on a restorative approach to the past, activities were implemented with good results in the area of non-conflict behavior using elements of ADR. The target groups were victims of war: refugees, internally displaced persons, and former camp inmates.

NGOs that have received training in ADR are a good resource for the continued development of these techniques and their adjustment to the areas of preventing and combating discrimination. A good example of the potential for further development of ADR services is the Network CHRIS, which has been providing free legal aid since 1999, and whose key program is the linking and networking of organizations providing free legal aid and developing regional centers. This Network has a team of attorneys specialized in the area of human rights who represent citizens before national courts of law and before the Court in Strasbourg in cases of violations of human rights. Attorneys working with CHRIS have attended an informative seminar on mediation, and based on the information from the survey there is great potential and advantages of using ADR techniques in resolving conflicts in the area of human rights generally, and in anti-discrimination efforts in particular.

In this respect, an example of good practice is the project “Roma Coordinator” funded and implemented by the Ministry of Health. Roma coordinators are female representatives of Roma communities and are engaged by the Ministry of Health as mediators between health care institutions and local Roma communities. The Roma Coordinators work in local health care centers in 30 municipalities across Serbia in which the Roma represent a significant proportion the population. The experience so far and the examples of using ADR techniques in this project are very important for the further development of this existing resource in resolving conflicts resulting from discrimination. An example of such existing resources is the Roma coordinators in local communities in the Republic of Serbia, initiated within a project supported by the League for the Roma Decade. In 2009, this network now consists of 49 Roma coordinators in local units of self-government. Dissemination of knowledge regarding the use of techniques that have proven to be efficient in cases of mediation related to health care institutions by Roma coordinators was then disseminated to other institutions, either in public administration or within programs to encourage the integration of Roma teachers into the teaching process, and are implemented by the Ministry of Education. In such cases, the direct replication of knowledge among participants in these projects is a sustainable, long-term solution.

The final example and best practice of the potential to use ADR techniques and to replicate positive experiences is the good practice of the Vojvodina Provincial Ombudsman and the network of local ombudspersons in Vojvodina, who have been using ADR methods since 2004. The work of these institutions is directed at resolving conflicts occurring between two authorities or between citizens and authorities, and are addressed through mediation and “explaining”. The provincial Ombudsman has had an opportunity to efficiently use this technique in resolving conflicts that contain elements of discrimination, in disputes relevant to sexual orientation, in cases involving ethnic differences or discrimination in labour relations, and in cases where one party in the conflict is a public authority. The knowledge and experience of the provincial ombudsman can be of significance for local ombudspersons and for those authorities who deal with individual cases of violations of the law protecting human rights, such as protectors of patients in health care institutions. They are also an important resource for the Commissioner for Protection of equality, which is to be established according to the new Anti-Discrimination Act.

**Peer-school mediation as an instrument against discrimination**

Peer mediation as a form of ADR has been recognized as valuable in resolving conflicts occurring in school between individuals or groups, specifically between pupils, teachers, and parents. The use of peer/school mediation in resolving conflicts based on discrimination is of special significance in multi-ethnic communities. The advantages of this technique include resolving the problem right where it occurred, and the speed with which it can be used to resolve conflict offers added value. The technique also raises awareness among young people of the need for non-violent dialogue, inter-ethnic communication and amicable resolution of conflicts. Since 2003, pupils and teachers in two secondary schools in Bujanovac, the schools “Sezai Suroi” and “Sveti Sava” have received training in school or peer mediation, organized by the GTZ. These schools also participated in the project “Multi-cultural Cooperation in Education and Promotion of Human Rights”, implemented by the CRS (Catholic Relief Service). The
mediation (dialogue aimed at coming up with an agreement between the institutions covered by the survey most often state that the technique of mediation is the technique that has given best results in resolving individual cases. Apart from this general technique, institutions also use adapted ADR techniques made up of a combination of components of different techniques, tailored to meet the needs of the beneficiaries (a mediation model adapted to women victims of human trafficking, or adapted to young persons with disabilities, etc.).

In terms of networking among organizations and linking institutions into both national and international networks, there is a significantly greater participation of NGOs using ADR techniques, with such networking being less frequent among NGOs whose core activity is the social inclusion of marginalized groups. Networks among NGOs dealing primarily with the use of ADR and NGOs dealing primarily with the social inclusion of marginalized groups are not sufficiently developed, although it could be mutually beneficial. It is strongly noted that state authorities and institutions using ADR mechanisms in their work (centers for social welfare, Republic Agency for Peaceful Settlement of Labour Disputes, etc.) with noted exceptions (such as the Center for Mediation), rarely participate in projects aiming at the development of ADR techniques, or other projects supported by national or international donors. The development of their existing capacities would be a significant resource for the use of ADR in the implementation of anti-discrimination legislation (labour legislation, protection of persons with disabilities and the general Anti-Discrimination Law).

Civil society organizations are located as well. Court staff is also trained to provide information offered to potential users before the court process is initiated, through informative materials posted in courts (in which the centers for mediation are located as well). Court staff is also trained to provide information to parties in dispute before lodging a complaint, to attempt to resolve the dispute through mediation. Mediation, as a form of resolving disputes, is also offered to potential users before the court process is initiated, through informative campaigns, the number of mediations during 2008 and 2009 has decreased compared to preceding years. The officials of the Center for Mediation state that key problems include the fact that the concept of mediation is not sufficiently accepted by the citizens, and also to the lack of information strategies that would point to the advantages of mediation in contrast to court proceedings.

Private mediation is also in use in Serbia (family mediation, school mediation, mediation in the local community, etc.). Trained mediators...
provide mediation services within NGO projects in which they are engaged, or in centers for social work or other institutions, most often working with specific target groups such as young people in schools, professors, staff in penitentiary-reforming institutions, minor perpetrators of criminal acts referred to institutions, certain local communities with a diversified ethnic composition of their population, etc. Most often, mediation is provided as a service within the regular activities of such institutions, as a technique to increase the quality of service, in cases where the intervention by the institution requires management of specific conflicts. Beneficiaries are not charged for such mediation services.

Most organizations and institutions using ADR with marginalized groups are concentrated in Belgrade, and some of them have branches in larger towns in Serbia. A significant number of such organizations are located in Vojvodina, while others are sporadically distributed across Central Serbia, mainly in larger towns. There are a number of organizations in Southern Serbia with years of experience in providing ADR services.

There is no single comprehensive data base of the types of ADR services available in Serbia, or of organizations/institutions providing such services, the number of cases, kind of training, etc. A database with key parameters regarding the characteristics of areas in which ADR techniques are used in working with marginalized groups or cases of discrimination would be a valuable asset for the purpose of networking and the exchange of information.

Organizations active in the area of combating discrimination have recognized the possibility of using mediation adapted to disputes based on discrimination. Some of them use particular knowledge from the area of mediation in their work with beneficiaries. A significant number of organizations/institutions that deal primarily with providing mediation services do recognize that disputes which they resolve through mediation often contain certain elements of discrimination. But the parties in the dispute generally do not recognize the discrimination as such, or are unwilling to publicly present the situation as such. Apart from training in mediation, which could be used in cases of discrimination, these organizations-institutions would benefit from the above-mentioned situations to instruct beneficiaries about how to recognize discrimination. This statement is supported by the survey conducted by the “Strategic Marketing Research” agency in February 2009 for the purposes of this project, which indicated that apart from the lack of skills to recognize discrimination, there is also a lack of an active attitude towards discrimination when they are aware of it (citizens “do not take any steps when they recognize a situation of discrimination”), due to their belief that they cannot initiate any changes (“even if they do react, nothing important will change, and they will find themselves in an awkward situation, potentially endangering also their safety”).

All surveyed organizations/institutions expressed an interest in becoming part of a network that would, through the use of ADR, work on preventing and combating discrimination.

The above conclusions point to the following:

a) ADR may have an impact on the recognition of discrimination and encourage a positive attitude in citizens towards preventing and combating discrimination;

b) activities aimed at raising awareness about discrimination and the use of ADR techniques in cases of discrimination could empower the staff of state authorities (which in terms of their social role are important in the prevention of discrimination) to better recognize discriminatory behavior and work towards suppressing it;

c) for ADR services in cases of discrimination to become more widespread and more used it is necessary to design and implement comprehensive activities aimed at raising the level of knowledge of ADR techniques among the professional and general public, and to implement training in the use of ADR in cases of discrimination.

**ADR techniques which could be used in cases of discrimination**

The purpose of using ADR techniques in the context of combating discrimination is to provide victims of discrimination the necessary respect and understanding, to encourage the perpetrators to undertake responsibility for the committed act and to raise their awareness about the effects of such acts on others, which in the longer term would contribute to the awareness of the unacceptability of discrimination as a violation of the human rights of individuals or groups. The manner of communication that is promoted through ADR techniques would contribute to finding solutions or coming up with an agreement which is acceptable to all parties in the conflict, in situations in which this is possible. In the long-term, the use of ADR techniques in cases of discrimination could contribute to a higher level of respect for human rights and the social inclusion of marginalized groups in Serbia, through empowering the victims of discrimination and improving the recognition of discrimination and its effects among the dominant group. Simultaneously, the use of ADR techniques in this area would, by referral of cases from court procedures, contribute to relieving the workload on courts.

With all of this in mind, there are two applicable techniques most often mentioned in this context: **mediation and conferencing** (referred to in technical literature as “conferencing” or “circle techniques”). These techniques have some features of the concept of **restorative justice**.
**Mediation**, as one of the most widely used techniques of ADR, would certainly be a useful instrument in cases of discrimination, although it would have to be adapted to the general model (facilitative model, used by many practitioners in Serbia) to suit the specific features of these cases. Mediation, as a facilitative model, is a process in which an unbiased and neutral person, the mediator, steers the communication between the parties in dispute/conflict and through the use of special methods and skills, facilitates negotiations aimed at achieving a mutually acceptable agreement.

One feature of this model that requires adjustment refers to the nature of the situation which gives inducement for mediation. Namely, mediation as a technique was created to be used in situations of conflict. **Conflict** implies a situation of disagreement or dispute, in which the parties have different goals/interests/values, and every party believes that “it has the right” to what it wishes to achieve. On the other hand, there are situations of **violation** (emotional, physical, violation of property, etc.). Violation implies a situation in which one person/group has caused damage or has endangered the emotional/physical wellbeing and/or rights of the other person/group. Such situations are dealt with using techniques that rise from the concept of restorative justice.

As discrimination does not imply conflict between two or more persons, but that the acts of one person/group violate the rights of the other person or the group, the model of mediation to be used in such cases would need to have certain elements of the concept of the restorative justice process, which are characteristic, say, of mediation between victims and perpetrators. **The concept of restorative justice** is an innovative approach to socially unacceptable behavior and behavior causing damage, with emphasis on restoring the negative impact of the damage to persons and relations instead of on the identified perpetrators and sentencing. Mediation between victims and perpetrators rises from this concept and is designed to deal with situations of violation.

As already stated, apart from mediation, **conferencing techniques** could be a very useful response to acts of discrimination (referred to in relevant literature as “conferencing” or “circle techniques”). Conferencing techniques imply a process in which not only individuals who are part of the “problematic life situation” take part, but also all those persons of significance to the parties in conflict who are affected by the life situations, and whose opinion or support are significant in finding a constructive solution to the problem taken part in the conferencing. These techniques can be applied also in situations that are not suitable for the use of mediation. Namely, mediation is a technique dealing with a manifested conflict. It cannot be used in situations in which there is tension that has not yet grown into a conflict (such as situations of social exclusion of a certain person or group; ridiculing, rejection; the atmosphere of intolerance and non-acceptance of a certain group, etc). Conferencing techniques, on the other hand, can be used in such situations, and they can be used for preventive action (for instance, working with a group in which there is disrespect of difference, and thereby prevent potential discrimination of persons who do not belong to the dominant group). These techniques make it possible to include not only the direct actors of the act of discrimination, but also all others affected by it and thereby have an impact on the wider community. It is certain, in view of the nature of discrimination, that these techniques would have certain elements of a restorative process.

In any case, professionals who would use any of the above techniques, would need to have a knowledge of the mechanisms of social exclusion (prejudices, stereotypes, discrimination, internalized oppression, internalized domination, etc.) and how they operate, so that they could recognize them. They also would need the skills to respond adequately to such mechanisms when they occur during an ADR process.

The resources and needs assessment lead to the conclusion that the most frequently used ADR technique in Serbia is mediation. Some professionals in this area have the knowledge relevant to the area of restorative justice and the skills of mediating between victim and perpetrator. With respect to conferencing techniques, peace circles are in the initial stage of development. The skills of dialogue among groups affected by conflict, who are a part of an organization, can also be useful in order to incorporate the new model of ADR techniques in cases of discrimination. Certain practitioners also have knowledge of cultural differences and education for social justice, which is also a significant resource in education and building a network of services in the area of anti-discrimination.

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**IV. ADVANTAGES AND CHALLENGES RELATED TO THE USE OF ADR TECHNIQUES IN THE AREA OF ANTI-DISCRIMINATION**

The advantages of using ADR techniques in the area of anti-discrimination

The presence of capacities and interest among the professional circles in Serbia. Experience with court-annexed mediation in Serbia has existed since 2006, both at the central and at local levels. Certain municipal courts are highly interested in using mediation techniques in different disputes, and there is also interest among the professional
mostly lawyers, two of whom are also trainers in mediation.

2  For instance, the list of mediators in Niš includes 24 mediators, mostly lawyers, two of whom are also trainers in mediation.

Procedures related to court-annexed mediation are fully developed (mechanisms for the referral of cases to mediation, costs of mediation timeframes).

The possibility of simultaneously pursuing the procedure before the Court of Law. ADR does not prevent the possibility of pursuing the case before a court of law, and may go in parallel with court proceedings. In cases where court-annexed mediation is used (in cooperation with the mediators listed on the list of court mediators), the solution achieved through mediation can immediately be recorded, and a mediation agreement could get the form and intensity of a court settlement.

The agility of resolving the dispute. ADR techniques make it possible to resolve disputes faster: while court proceedings imply a great lapse of time between the moment of the act of discrimination and the resolution of the dispute, ADR techniques can be implemented right away, and the dispute can be resolved in a relatively short time period.

Informality. ADR techniques are based on presenting facts and opinions through the dialogue between two parties, and are very different from the formal system of administration of justice, which is based on the process of identifying facts or guilt, due to which it is necessary to collect formal evidence. In cases of discrimination, it is a notorious fact that it is extremely difficult for the victim to collect such evidence. This is true especially in cases of so-called hidden discrimination where it is extremely difficult for the victim to collect evidence acceptable in a Courtroom. This is why, in anti-discrimination legislation, the burden of proof rests with the defendant. ADR can be a suitable technique for victims of discrimination because the hearing itself provides certain emotional satisfaction for the victim; it does not necessarily require evidence to be presented. The purpose of the ADR method is confronting adverse views and bringing together opposing attitudes to certain facts or actual situations.

Confidentiality of data. The use of ADR techniques provide a situation in which the two parties in a dispute do not to have to present the data and information that would be necessary in formal hearings before the Court of Law. In addition, in this process it is not necessary to require the statements generally provided by witnesses or expert witnesses. In cases of discrimination this can be an advantage for both parties in the dispute, where, due to the sensitivity of the dispute, often neither the victim nor the defendant is willing to publicly present facts related to the case.

Recognizing discrimination. A public opinion poll implemented within this project indicates that although the majority of Serbian citizens are aware of the meaning of the term ‘discrimination’, they cannot adequately recognize a case of discrimination. Citizens of Serbia are not aware which acts represent discrimination and there is little awareness of the consequences (economic, social, and emotional) that the victim of discrimination experiences. In this respect, it often happens that the victim complains of an act of discrimination, while the defendant claims that it was not at all discrimination. In other words, the defendant is not even aware that through a certain act he/she has violated the dignity of another person. It is often the case that prosecutors or judges do not classify certain acts as violations of human rights or personal dignity (act of discrimination) but characterize the act as another act (for instance, disturbance of public law and order, verbal delict, etc.).

Reparation. Discrimination is defined as the unjustified distinction of difference or unequal treatment of a certain person (or a group of persons) exclusively on the basis of certain personal characteristics. The act of discrimination, since it is based on the perception of the personal characteristics of the victim, represents a violation of the personal dignity of the victim, and the reparation required in such cases is often based primarily on the emotional pain caused by the act of discrimination. It has been shown that alternative dispute resolution techniques, due to careful hearing of the statement made by the victim, and the dialogue that is established between the victim and the perpetrator, often lead to much greater satisfaction compared to the standard procedure of identifying the facts, the guilt and the sentence before a Court of Law.

Preventive effects and sustainability. Institutions covered by the survey that are engaged in the area of human rights and especially in the area of marginalized groups have emphasized the relevance of certain techniques related to ADR in the process of suppressing prejudices and negative attitudes to certain social groups. ADR is based on the concept of dialogue aimed at achieving a settlement, strengthening the lines of communication, overcoming differences by considering the situation from different perspectives, strengthening tolerance and understanding and putting one side in the other person’s shoes. All these techniques, if applied properly, reduce existing tensions and conflicts in a community and build relations based on confidence. Such relations and social networks based on dialogue and confidence are the basis for the development of social structures that respect differences.

The challenges associated with the use of ADR techniques in the area of anti-discrimination

The costs associated with the use of ADR techniques. One of the key challenges that was pointed out by the institutions covered in this survey refers to the payment of charges for the provisions of ADR services, especially for court-annexed mediation. Although the costs associated with court-annexed mediation are lower than those associated with
Recognizing the advantages of ADR techniques. Although the professional public in Serbia is familiar with ADR techniques, especially mediation, these techniques are not yet widely used and their value is not yet widely respected. The use of ADR techniques does not have a long tradition in Serbia, in contrast to some other countries where it is a continuation of traditional methods of dispute settlement in certain communities (for instance, in certain religious communities, ethnic groups, etc.). Promotion of these techniques faces obstacles both among the general public and the legal practitioners. Raising awareness of the advantages of using ADR is therefore of key significance. Inputs provided by the key actors in the area of ADR and anti-discrimination, during the survey, lead to the conclusion that the best awareness raising effects regarding use of mediation were related to provision of precise information regarding mediation. The best example is the provision of specific information on mediation provided at the Courts, at the time of initiating court proceedings – leaflets distributed by the court clerk at the time of lodging a complaint. The applications for mediation are available at the information points in courts, the same forms are also posted on the court websites, and the trained court staff (the staff at the reception and the recording clerks) is ready to provide information on mediation and receive applications for mediation.

The issue of equality of parties in dispute. Lack of formal or informal equality can affect the perception or the outcome of ADR techniques in such disputes. Conflicts may occur between a person who has been discriminated against and an organization (private or public), between two individuals of which one is a member of a marginalized group and the other of the majority population or between individuals with different social-economic potential and education. In any of these examples, victims of discrimination, or individuals who consider themselves to be in an unfavorable position, may raise the issue of equality in the context of informal ADR. In this case, the positions of the parties in conflict are taken into consideration through the dialogue and a settlement acceptable to both parties is found. Due to the nature of the ADR process, in which there is no testimony, statements, evidence or proof of facts given, but there is dialogue and communication, it is necessary for persons in charge of the ADR process to be well trained in order to prevent the inequality of power of the persons involved in the dispute to result in favoring the stronger party. Such outcomes would have a very negative effect on the future perception of the practical use of ADR techniques in the area of anti-discrimination. Also, in view of the nature of conflict, these cases require caution, in order to avoid secondary victimization of the victim. It is very important, therefore, to build the capacities of providers of ADR services in the area of anti-discrimination, to provide training which will enable them to use specific skills and special models adjusted to the characteristics of such cases and the specific characteristics of our culture.

V. RECOMMENDATIONS FOR FURTHER DEVELOPMENT OF TRAINING PROGRAMS AND BUILDING A SUSTAINABLE SYSTEM OF ADR SERVICES IN CASES OF DISCRIMINATION

Recommendations related to training programs

- Apart from Mediation, there is a need to consider the use of other ADR techniques that could be of use in cases of discrimination (especially in terms of prevention, for which mediation is not suitable), such as conferencing techniques. Suggested techniques have the characteristics of restorative justice.
- The facilitative model of mediation (the most frequently used model in Serbia) needs to be modified in order to adjust it for use in cases of discrimination. Within this model, special attention should be given to the method of establishing contact with the perpetrator and motivating him/her to take part in mediation or another ADR technique, and thus to prepare both sides to take part in the process which implies the meeting between them.
- Training in this area should also include representatives of the marginalized groups. It is recommended to develop the
training in the languages of minorities, and information on ADR techniques in cases of discrimination should be made available in the languages of minorities at forums where minorities gather (websites, events, and institutions).

- Since peer mediation in Serbia has so far proved to be very efficient in conflict transformation, teams trained for the use of ADR techniques in cases of discrimination should include young people (of secondary and older primary school age) who can be mediators or facilitators in situations of discrimination involving their peers.

- A database needs to be developed with registered cases of discrimination, proceeded cases before the Courts and their outcomes, conducted mediations or other ADR techniques in cases of discrimination and the outcomes of these services, the lists of trained practitioners and organizations/institutions providing ADR services in cases of discrimination, the lists of trainings available, etc.

- The regular collection and monitoring of information on mediations held in cases of discrimination and their outcomes should be the basis for program evaluation and improvement.

- The future Commissioner for Protection of Equality should, after appointment, be given a list of trained practitioners and organizations/institutions providing ADR services in cases of discrimination, and links among them should be encouraged.

- Informative and educational seminars need to be organized for representatives of the institutions/organizations that can be an important factor in the referral mechanism (police, judiciary, prosecution, bar associations, centres for social work, local self-government, etc.), in order to enhance their capacity to recognize discrimination, their knowledge of the effects of the use of ADR techniques in such situations, their knowledge of laws and regulations that support the use of ADR in cases of discrimination, and to provide them with information on organizations/institutions in their environment that provide such services.

- The culture of anti-discrimination needs to be supported in Serbia among the general public. These activities should be designed in a manner to question the feeling of social helplessness that significantly contributes to a great portion of the population taking the stand of passive observers of social violence, which contributes to the violence to sustain without sanctions.

- ADR needs to be promoted in order to bring it closer to the general public, and new ADR services in cases of discrimination need to be promoted (to raise public awareness). Promotion activities should encourage the re-consideration of the usual prejudices and stereotypes related to the nature of conflicts ("conflict is bad"; "only uncivilized persons have conflicts" etc.), to reconsider the usual approach to conflict (we demonstrate power by imposing by force; that is the only way we achieve respect, etc.), and to the conflict outcomes (one should win a conflict, and that is possible only by imposing force).

- Promotional programs should target the local level (with greater intensity, through different media, in a local community).

- For a program to function well, it is necessary, when planning and organizing activities, to take into consideration that all forms of activities are implemented in the same local community (for example, to organize informative and promotional activities in towns/places where there are trained practitioners).

- For the program to be sustainable, it is necessary to establish bodies at the local level which would be in charge of receiving complaints in cases of discrimination, and these could be the already existing services with an extended mandate in this respect (for instance, the services for free legal aid in municipalities), which would be linked with the Commissioner for Protection of Equality. Members/staff of these bodies need to be informed about the potential of using ADR techniques in cases of discrimination, and about the organizations/institutions providing such services in their region.

- Mapping organizations and institutions dealing in the area of alternative dispute resolution or combating discrimination has indicated that the new service of ADR in cases of discrimination could be incorporated into already existing services. Thus, for example, the services of free legal aid that existed within NGOs dealing with specific marginalized groups can also provide ADR services. These organizations already target specific groups exposed to discrimination, they have contact with them, have their trust, and are available to them in every respect. All these factors assure that this additional ADR service will find its way to new potential beneficiaries. Also, the already existing mediation services in specific organizations or institutions could have a similar role. This specialized service can be added to the service of mediation provided in Centres for Social Welfare, and can be expected to find its way to potential beneficiaries since Centres for Social Welfare, by their nature, are directed towards vulnerable groups. School mediation teams can also be a resource to which this specialized service is added. Schools cover a broad population, including members of marginalized groups (which would make the new service accessible to potential clients), and in view of the age of the school population, schools can also be a significant place for preventive action in the area of discrimination;
• Linking with organizations engaged in the area of protection of human rights and anti-discrimination may contribute significantly to the efficiency of ADR programs in cases of discrimination.

Integrating the ideas and concepts of the ADR program in their campaign and other activities and services could strengthen the sensitization of the general public; through such organizations it is possible to reach potential mediators from marginalized groups; their experience in working with marginalized groups could contribute, broadly speaking, to the development of new mediation programs and other ADR techniques in cases of discrimination.

Recommendations related to designing and implementation of campaigns for the use of ADR techniques in cases of discrimination

• Some institutions/organizations covered by the survey have had opportunity in their work so far to implement a series of campaigns in order to bring ADR techniques closer to beneficiaries. The key factors in the success of such campaigns are continuity and persistence. Short-term intensive actions do not give results (for example, in the case of out-of-court mediation, appearances in TV programs have had short-lived effects in the increase by a certain percentage of the number of interested citizens, but have failed to yield longer-lived effects in terms of acceptance of ADR techniques as an alternative to court procedures).

• Information for beneficiaries (through leaflets, flyers, posters) is important, but better results are achieved through targeted education/training (for instance, by introducing a lesson in the subject of Civic engagement education in schools on non-conflicting dialogue or resolving disputes caused by discrimination), or through the networking of beneficiaries. Best results are achieved through forums at which potential beneficiaries can directly see examples of successfully resolved conflicts and communicate with other beneficiaries of ADR services. An example of such networking is the Conflict Resolution Day in Bujanovac (peer mediation), opening mediation clubs, and organizing festivals.

• Presentations and round tables for professionals also yield results, but only provided that they are implemented over an extended period of time and through partnership in designing presentations and conferences which also strengthens the network of partners.

• The success of campaigns depends crucially on the support of other organizations that have public trust (for instance, the Ministry of Health).

• Campaigns and public dialogue are especially needed at the local level, and the goals of campaigns should be identified through a participatory process involving decision-makers at the local level. To have long-term effects, to be enhanced and replicated, campaigns need to have clear indicators of success.

Recommendations for establishment of the Pilot Projects Fund and organization of public calls for the allocation of resources

The purpose of the Pilot Projects Fund is, through facilitating implementation of projects in the area of using ADR techniques in cases of discrimination, to enable the assessment of the effectiveness of certain models of ADR used in the area of anti-discrimination. The final goal is to build a sustainable system of ADR services in cases of discrimination, which will support the implementation of the Law on Prohibition of Discrimination.

The survey indicates that in organizing an open call for the allocation of resources of the Pilot Project Fund, aimed at promoting the establishment of an initial network of services of ADR in cases of discrimination, the following considerations should be kept in mind:

• When selecting organizations and institutions implementing the projects, it is necessary to take into consideration such organizations and institutions with years of experience in developing ADR programs and services and organizations and institutions active in the area of protection of human rights;

• There is need to support activities aimed at raising public awareness and the capacity to recognize discrimination, promote an active attitude towards situations of discrimination, and to recognize the benefits of ADR techniques as a way of addressing the problem of discrimination. Representatives of state institutions are one of the very important target groups within the context of the activities mentioned above;

• There is need to support activities relevant to implementing further specialized training, in order to have in Serbia a sufficient number of trained practitioners for these types of services. Further training would mean organizing advanced trainings for persons who are already mediators in order for them to acquire additional skills related to the use of ADR techniques in cases of discrimination, and also full training of persons with no previous knowledge and skills in the area of ADR (basic + advanced training), in order to increase the number of practitioners and include among them members of marginalized groups whose presence as co-mediators would be important for adequate application of ADR techniques in relevant cases;

• Adapting an advanced training module to young people of
certain age groups should also be one of the activities to be supported by a public call (for instance, for those of secondary school age and for those of older primary school age).

- It is necessary to support activities that contribute to building a system of referral of cases, through, for instance, informative seminars for representatives of organizations and institutions which may have a role in the referral process (police, staff of centres for social work, bodies of local self-government, judges, attorneys, members of NGOs, etc.). Such informative seminars need to promote the interest of all stakeholders in the issues of discrimination, provide information on ADR techniques and their benefits in this area, and provide information on the existing network of practitioners in certain regions to which potential cases/beneficiaries can be referred to;

- Since the integration of ADR techniques in cases of discrimination into the functioning of state institution is an important factor for the long-term sustainability of services, the competition should especially support project proposals which plan to implement activities in partnership or cooperation with other relevant institutions (local self-government, centre for social work, etc.);

- In order to monitor project results, and to enable further development of projects, the competition should oblige the organizations and institutions implementing projects to maintain databases, which would be uniform and adapted to project needs. Data from specific databases should be incorporated into a single database which be the responsibility of certain institution (e.g. Commissioner for Equality).

- For the program to result in an adequate network of services, it is necessary in the selection of projects to make sure to relate project activities within a given region (for instance, informative seminars and promotion activities should take place in the same region where there will be trained practitioners for the use of ADR). It is therefore recommended to state in the public call as a requirement that the organization responsible for the public call reserves the right to suggest certain changes in project applications.

- Projects implemented in partnership with state institutions could contribute to incorporating these services within the scope of services provided by (existing) profiles of experts from state institutions (such as, for example, the staff of those services providing free legal aid in units of local self-government). This would enable the use of existing resources, within institutions, and address a greater number of citizens including members of marginalized groups.

- Centres for social work and/or police stations should be incorporated into the system of referral of individual cases or potential beneficiaries of ADR services in cases of discrimination. Namely, within each centre or police station, one person (with interest in this area) could be the “focal point” for cases of discrimination, in terms of being able to recognize discrimination, being familiar with the services of ADR in such situations and being informed of the practitioners in the region to whom beneficiaries could be referred. For this purpose, one-day, or half-day informative seminars could be organized to sensitize participants in the area of discrimination or on combating discrimination. Such seminars might also provide information on ADR techniques used in this area and on the practitioners available to beneficiaries (a network of geographical distribution with contact details). Finally these seminars would present the benefits these services offer to persons exposed to discrimination, to the activity of the participating institution (how their workload will be made easier), as well as present the benefits to the local community and society at large.
Appendices
## Annex 1.

**Table presenting the surveyed organizations/institutions**

**Table 1 – Table presenting the surveyed organizations and institutions**

<table>
<thead>
<tr>
<th>Nr.</th>
<th>Institution /organization</th>
<th>Representative of Institution /organization</th>
<th>The seat of Institution / organization</th>
<th>Core activity</th>
<th>Type of ADR service / activity in the area of anti-discrimination</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The Youth Office of the Roma Minority National Council</td>
<td>Igor Kostić, Coordinator of the Belgrade Office</td>
<td>Belgrade</td>
<td>The Youth Office exists in 17 cities and towns in Serbia, and deals with empowering the youth of the Roma minority, especially in the areas of employment, education, social inclusion, political participation, etc.</td>
<td>Public advocacy and information of Roma youth, promoting social inclusion of young Roma</td>
</tr>
<tr>
<td>2.</td>
<td>Republic Agency for Peaceful Resolution of Labor Disputes</td>
<td>Olga Kićanović, senior advisor</td>
<td>Belgrade</td>
<td>Provides mediation services in collective labour disputes and arbitrations services in individual labour disputes</td>
<td>Mediation and arbitration in labor disputes</td>
</tr>
<tr>
<td>3.</td>
<td>Nansen Dijalog Centar – Srbija</td>
<td>Jelena Lengold, Director, Boris Ilijevski, Project coordinator, Srđan Došljak, secretary</td>
<td>Belgrade</td>
<td>Promoting peaceful resolution of disputes in conflict prone areas through the promotion of tolerance and human rights by means of education for peace</td>
<td>Dialogue and negotiation skills, mediation</td>
</tr>
<tr>
<td>4.</td>
<td>GTZ Serbia</td>
<td>Oliver Kainsad, Project manager, Stanisava Vidović, Project coordinator</td>
<td>Belgrade</td>
<td>Implementation and enhanced use of school mediation in secondary and primary schools across Serbia. Delivering training in school mediation; Empowering the young</td>
<td>Peer mediation, inclusive mediation, family circles, negotiation</td>
</tr>
<tr>
<td>5.</td>
<td>Residential dormitory of secondary school pupils “Brankovo Kolo”</td>
<td>Vesna Grbić, professor of pedagogy and coordinator</td>
<td>Novi Sad</td>
<td>Through the project: “Conflict Transformation and Empowering the Young”, in cooperation with the Serbian Pedagogical Association, promoting non-violent behavior and conflict prevention.</td>
<td>Peer mediation</td>
</tr>
<tr>
<td>6.</td>
<td>Provincial Ombudsman</td>
<td>Dr. Petar Teofilović, Vojvodina Provincial Ombudsman, Danica Todorov, Deputy for Gender Issues</td>
<td>Novi Sad, Subotica, Zrenjanin, Sabac</td>
<td>Protection of individual and collective rights of citizens in relations to provincial and municipal authorities and other organizations performing tasks of public interest.</td>
<td>Community mediation, peer mediation</td>
</tr>
<tr>
<td>7.</td>
<td>The Youth Office of the Roma Minority National Council – Novi Sad Office</td>
<td>Jelica Nikolić, Regional coordinator</td>
<td>Novi Sad</td>
<td>The Youth Office exists in 17 cities and towns in Serbia, and deals with empowering the youth of the Roma minority, especially in the areas of employment, education, social inclusion, political participation, etc.</td>
<td>Public advocacy and information of young Roma, promoting social inclusion of young Roma</td>
</tr>
<tr>
<td>No.</td>
<td>Institution Name</td>
<td>Type</td>
<td>City</td>
<td>Services and Programs</td>
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<tr>
<td>8.</td>
<td>Center for Mediation, Republic of Serbia</td>
<td></td>
<td>Belgrade</td>
<td>Provides mediation services, training of mediators and technical seminars, and publishing activity for the use of ADR services.</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Tara International Consulting</td>
<td></td>
<td>Belgrade</td>
<td>Provides consultancy services in the area of human resources, project management, stress management, team building, etc.</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>City Ombudsman</td>
<td></td>
<td>Belgrade</td>
<td>Provides socialization of persons with disabilities.</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Agency &quot;ARKA&quot;</td>
<td></td>
<td>Belgrade</td>
<td>Provides mediation services, group action work, advisory-therapy work, and consulting.</td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>&quot;Iz kruga&quot; (From the Circle)</td>
<td></td>
<td>Belgrade</td>
<td>Promotes social inclusion of persons with disabilities.</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Serbian Victimological Society</td>
<td></td>
<td>Belgrade</td>
<td>Develops victimology (science of victims), and enhancing the protection of victims of crime.</td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Atina</td>
<td></td>
<td>Belgrade</td>
<td>Provides legal aid in cases of mobbing, combating violence in the workplace, and providing consultation and information to victims of mobbing.</td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Serbian Victimological Society</td>
<td></td>
<td>Belgrade</td>
<td>Intermediary service, most often reaching an agreement with victims of mobbing on how the victim can exercise their rights in the specific situation.</td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Serbian Victimological Society</td>
<td></td>
<td>Belgrade</td>
<td>Provides mediation services, group action work, advisory-therapy work, and consulting.</td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>Alina</td>
<td></td>
<td>Belgrade</td>
<td>Provides mediation services, group action work, advisory-therapy work, and consulting.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Organization Name</td>
<td>Member of the Organization</td>
<td>Responsibilities</td>
<td></td>
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<tr>
<td>19.</td>
<td>Center for Alternative Resolution of Conflicts</td>
<td>Junior member of the organization</td>
<td>Designs and implements programs in the area of conflict transformation, delivery training and conflict prevention and management.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td>District court Niš/Department for Mediation</td>
<td>Miodrag Grujović, Court Secretary and Coordinator of the Department for Mediation</td>
<td>Provides mediation services, organizes training of mediators and technical seminars, and has publishing activity (fees for services are charged according to a standard tariff).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.</td>
<td>Roma Cultural centre</td>
<td>Nebojša Selisitarević, founder of the NGO, member of City Council in Vranje in charge of ethnic minorities and communities</td>
<td>Empowering minorities, especially Roma, through education and awareness activities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>CHRIS network (network of HR committees in Serbia)</td>
<td>Zlatko Marosuk, City Ombudsman</td>
<td>Protection of human rights through implementation of the following activities: providing legal aid, monitoring the situation of human rights, protection of Roma children, and monitoring, advocacy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24.</td>
<td>City Ombudsman</td>
<td>Dragan Bojic, Network Coordinator</td>
<td>Ombudsman as mediator</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Organization Name and Description</td>
<td>Contact Person/Coordinator</td>
<td>Location</td>
<td>Services/Activities</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>---------------------------------------------------------------------------------------------------</td>
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<td>--------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>27.</td>
<td>Network for Mediation, Team for Comprehensive Protection of Children, Center for Social Work Požarevac</td>
<td>Tatjana Rajić, Team Network Coordinator</td>
<td>Obrenovac, Požarevac, Bujanovac, Preševo, Lebane, Jagodina, Leskovac, Smederevo, Valjevo, Bor, Kruševac, Bajina Bašta, Zemun, and Niš</td>
<td>Protection of minors in conflict with the law through promotion and implementation of the concept of restorative justice</td>
<td>Mediation between the victim and the perpetrator</td>
</tr>
<tr>
<td>28.</td>
<td>Serbian Association of Mediators</td>
<td>Dragoslav Pantić, mediation specialist</td>
<td>Belgrade</td>
<td>Promotion dialogue, tolerance, and mediation as a way of peaceful resolution of disputes, by providing mediation services and training</td>
<td>Family mediation, mediation between the victim and the perpetrator, community mediation</td>
</tr>
<tr>
<td>29.</td>
<td>City Center for Social Work Belgrade, Counseling for marriage and family</td>
<td>Vesa Despotović Stanarević</td>
<td>Belgrade</td>
<td>The city counseling service has three organizational units, in municipalities Palilula, Zemun, and the central office in address Raska 4. Provides family psychotherapy, family counseling and, since 2005, mediation services</td>
<td>Within the counseling service, there is a local centre for mediation. Organizing training in the use of mediation in the area of social protection (for staff employed in social protection). Practicing family and labour-related mediation, and mediation between minor perpetrators and the victim.</td>
</tr>
<tr>
<td>30.</td>
<td>Schuler Helfen Leben</td>
<td>Žaklina Milenković, Assistant to Program Manager</td>
<td>Bujanovac</td>
<td>Organizing activities for the young people in inter-ethnic communities, promoting openness, linking, and social inclusion of children from minority groups. The organization manages two youth clubs in Bujanovac and K. Kamenica.</td>
<td>Does not use mediation or other ADR techniques</td>
</tr>
<tr>
<td>31.</td>
<td>Coalition against discrimination</td>
<td>Saša Gajin (Center for Development of Legal Studies) and representatives of other 5 members of the Coalition</td>
<td>Seat in Belgrade.</td>
<td>Activism for the respect of human rights generally, especially for minority groups</td>
<td>Open to all discriminated groups Organizing and implementing anti-discrimination campaigns. Activities promoting social inclusion of marginalized groups.</td>
</tr>
</tbody>
</table>
Annex 2.

Table presenting training with respect to surveyed organizations/institutions

The interviews with the selected organizations and institutions enabled the collection of information on training in the area of ADR or social inclusion that the members attended, and they are presented in the Table below:

<table>
<thead>
<tr>
<th>Nr.</th>
<th>Topic of training:</th>
<th>Level of training:</th>
<th>Number of organizations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Specialized study courses in mediation, Faculty of Political Sciences Belgrade</td>
<td>Specialized study courses</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Specialized study courses ACTS, University of Novi Sad.</td>
<td>Specialized study courses</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Court-Annexed Mediation, Republic Centre for Mediation</td>
<td>Basic</td>
<td>5</td>
</tr>
<tr>
<td>3.</td>
<td>Training in skills of reconciliation, arbitration, and mediation</td>
<td>Basic</td>
<td>1</td>
</tr>
<tr>
<td>4.</td>
<td>Education in social dialogue</td>
<td>Basic</td>
<td>2</td>
</tr>
<tr>
<td>5.</td>
<td>Democracy, human rights, and peaceful resolution of disputes</td>
<td>Basic</td>
<td>1</td>
</tr>
<tr>
<td>6.</td>
<td>“Responding to conflict”</td>
<td>Basic, advanced, and train the trainers</td>
<td>1</td>
</tr>
<tr>
<td>7.</td>
<td>Transformative mediation</td>
<td>Basic and advanced</td>
<td>4</td>
</tr>
<tr>
<td>8.</td>
<td>Conferencing (community, between victim and perpetrator, and family conferencing)</td>
<td>Basic</td>
<td>2</td>
</tr>
<tr>
<td>9.</td>
<td>“Peace building training”</td>
<td>Basic</td>
<td>1</td>
</tr>
<tr>
<td>10.</td>
<td>Peer mediation</td>
<td>Basic, advanced, train the trainers</td>
<td>9</td>
</tr>
<tr>
<td>11.</td>
<td>Inclusive mediation</td>
<td>Basic</td>
<td>4</td>
</tr>
<tr>
<td>12.</td>
<td>Psychologically critical interventions in the community</td>
<td>Basic, advanced</td>
<td>1</td>
</tr>
<tr>
<td>13.</td>
<td>“Tools for analyzing conflict”</td>
<td>Basic, advanced</td>
<td>1</td>
</tr>
<tr>
<td>14.</td>
<td>Conflict resolution</td>
<td>Basic, advanced</td>
<td>2</td>
</tr>
<tr>
<td>15.</td>
<td>Building a system for prevention and resolution of ethnic and other conflicts</td>
<td>Basic, advanced</td>
<td>4</td>
</tr>
<tr>
<td>16.</td>
<td>Home violence</td>
<td>Basic, advanced</td>
<td>1</td>
</tr>
<tr>
<td>17.</td>
<td>Conflict prevention and peer mediation</td>
<td>Basic, advanced, train the trainers</td>
<td>1</td>
</tr>
<tr>
<td>18.</td>
<td>Ethnic differences and conflict management</td>
<td>Train the trainers</td>
<td>2</td>
</tr>
<tr>
<td>19.</td>
<td>School mediation</td>
<td>Basic, advanced, train the trainers</td>
<td>5</td>
</tr>
<tr>
<td>20.</td>
<td>Aspects and approaches to family mediation</td>
<td>Advanced</td>
<td>1</td>
</tr>
<tr>
<td>21.</td>
<td>Forum theater – the role of the Joker</td>
<td>Basic, advanced</td>
<td>3</td>
</tr>
<tr>
<td>22.</td>
<td>“Peacemaking circle”</td>
<td>Basic</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Course Title</td>
<td>Level</td>
<td>Duration</td>
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<td>---</td>
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</tr>
<tr>
<td>23.</td>
<td>Mediation and cultural differences</td>
<td>Advanced</td>
<td>3</td>
</tr>
<tr>
<td>24.</td>
<td>Course of principle-based negotiations and ADR techniques</td>
<td>Advanced, train the trainers</td>
<td>1</td>
</tr>
<tr>
<td>25.</td>
<td>Participatory planning with elements of ADR methods in group work</td>
<td>Train the trainers</td>
<td>1</td>
</tr>
<tr>
<td>26.</td>
<td>Inter-Culturality</td>
<td>Train the trainers</td>
<td>1</td>
</tr>
<tr>
<td>27.</td>
<td>Education for Social Justice</td>
<td>Train the trainers</td>
<td>2</td>
</tr>
<tr>
<td>28.</td>
<td>Family mediation (GCSR)</td>
<td>Advanced</td>
<td>4</td>
</tr>
<tr>
<td>29.</td>
<td>Mediation between minor perpetrators and victims, VOM</td>
<td>Advanced, train the trainers</td>
<td>6</td>
</tr>
<tr>
<td>30.</td>
<td>Commercial mediation</td>
<td>Basic, advanced</td>
<td>4</td>
</tr>
<tr>
<td>31.</td>
<td>Use of mediation in cases of home violence</td>
<td>Advanced</td>
<td>4</td>
</tr>
<tr>
<td>32.</td>
<td>Education on ADR</td>
<td>Advanced</td>
<td>1</td>
</tr>
<tr>
<td>33.</td>
<td>Working in services for victims</td>
<td>Basic</td>
<td>1</td>
</tr>
<tr>
<td>34.</td>
<td>Gender sensitive school mediation</td>
<td>Basic, advanced</td>
<td>2</td>
</tr>
<tr>
<td>35.</td>
<td>The power of dialogue – participatory drama</td>
<td>Basic, advanced</td>
<td>1</td>
</tr>
<tr>
<td>36.</td>
<td>Combating human trafficking</td>
<td>Basic, advanced</td>
<td>1</td>
</tr>
<tr>
<td>37.</td>
<td>Education against prejudices, discrimination and conflict transformation</td>
<td>Train the trainers</td>
<td>1</td>
</tr>
<tr>
<td>38.</td>
<td>School parliament</td>
<td>Advanced</td>
<td>1</td>
</tr>
<tr>
<td>39.</td>
<td>Ombudsman as Mediator</td>
<td>Basic and advanced</td>
<td>1</td>
</tr>
</tbody>
</table>
PERSPECTIVES FOR THE USE OF ALTERNATIVE DISPUTE RESOLUTION TECHNIQUES IN CASES OF DISCRIMINATION IN SERBIA

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Publishers:
United Nations – Development Programme, Office in Serbia
Internacionalnih brigada 69, Belgrade +381 11 2040 400, www.undp.org.rs

Ministry of Labour and Social Policy
Project “Support to the implementation of Anti-discrimination Legislation and Mediation in Serbia”
 funded by the European Union

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Translation:
Žaneta Miljanić

Proof reading:
Vlado Bukanović

Design:
Nenad Bjegović

Print:
Stylos – Novi Sad

Amount:
1000

ISBN 978-86-7728-114-4

“The views expressed in this publication are those of the author and do not necessarily represent those of the United Nations Development Programme, The Ministry of Labor and Social Policy of the Republic of Serbia or of the European Union.”