



UPIS
AGP

UDRUŽENJE PRIREĐIVAČA IGARA NA SREĆU CRNE GORE - NVO
ASSOCIATION OF GAMBLING PROVIDERS MONTENEGRO - NGO

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ASSOCIATION OF GAMBLING PROVIDERS MONTENEGRO - NGO

UNICEF Montenegro

Stanka Dragojevića bb, UN Eco House,
81000 Podgorica

Podgorica

Broj 2119

15. 12.

Bendžamin Perks, šef Predstavništva UNICEF-a u Crnoj Gori

20. 12. god.

Your Excellency,

On 10 th December, on the day of celebration of human rights in the Parliament of Montenegro, you kindly responded to our journalist that we can send you all the facts concerning the discrimination against the child concerning the case from more than two years, according to which the Protector of Human Rights and Freedoms (hereinafter referred to as: the Protector) did not act upon the Complaint. We understand your position and UNICEF mission, and we ask you to take all the necessary actions and activities, with the important remark that our child, due to the brutal act of discrimination, innocent and under pressure from public lynch and belittling in the daily "Vijesti", and failure to act of the Protector and competent authorities, was forced to leave the state of Montenegro. In all this, it is a paradox that the mother of the child was the Secretary of the Committee on Human Rights and Freedoms of the Parliament of Montenegro, and the parents before the onslaught of organized hunt, networked political and financial power of individuals and their brutal domination were completely deprived of their rights before the Constitution and law, in a situation to endure the suffering and pain, resulting in separation of family and child's leaving the country under the pressure. It is two years since then, and the Protector remains silent and fails to act upon the Complaint, while the discrimination against the prominent representatives of our Association and our family members is continued – see attached:

- Urgency and request for acting sent to the Protector, dated 14th August 2014.
- Urgency for acting and presenting the evidence of political usurpation of the human rights sent to the Protector, entitled "Ombudsman in the service of political obedience" dated 24 September 2014.
- Complaint of discrimination done by the Protector submitted to the Protector's office on 26. November 2014.
- The judgment of the Basic Court in Podgorica, no. P4407/13 dated 28 October 2014, by which it is determined that "the defendant's institution, the Parliament of Montenegro, on 29 and 30 July 2013, discriminatory acted according to the complainants Sava Grbović, NGO UPIS a Sandra Milić and FORBIDS the defendant from repeating the act of discrimination against the same claimants."
- The last urgency and appeal for assistance to the EU delegation in Podgorica, OSCE and all EU Embassies, dated 9 th December 2014.
- Audio and video record of the Meeting of the Committee on Human Rights and Freedoms dated 4 November 2014.
- Audio and video record of the Meeting of the Committee on Economy, Finance and Budget dated 30 July 2013.

Your Excellency,

To this very day we are waiting for the response on (IN)ACTION of the Protector in the case of discrimination against the underage child, on the long silance on the complaints of **Slava i Slavko Burić** to protect the fundamental human right and dignity of their underage child **Vojin Burić**, and obvious

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abuse of the underage child for some cheap political purposes [Enclosed: addressing of the parents of the underage child on 3 September 2012 and 4 September 2012]. The Protector's (NON)RESPONDING left a lasting, irreversible consequences and negative effect on the ability of the child's social integration and physical and mental development in schools that this minor child attended.

The newspaper "Vijesti" has published a series of abusive texts from August 4th, 22nd, 23rd, 25th, and 27th 2012, defaming Chairman of Association Lutrija Inc., Mr Sava Grbović-Džigi, uncle of the child Vojin Burić, who was constantly mentioned in the paper articles and comments concerning the concerned (child's) maths exam.

There are two years of silence concerning this case, in order to be precise, we do not want to miss a single opportunity, not even this one, to draw any attention and at the same time to express our disappointment in Protector's attempts to convince us of efficiency of (in)acting.

This is a crucial question for you, too

Is it not strange that all those people from relation ® NGO "UPIS"/18,000 citizens « » [Sava] Grbović « » Child: Vojin Burić ® could not realize any of their human rights before the Protector of Human Rights and Freedoms of Montenegro and/or other competent institutions? Should we understand that Protector's background of political power allow him to expect that we must unconditionally accept his unconstitutional and non-legal political dominance violating our human rights?

Ambassador Perks,

Article 16. of the UN Convention on the Rights of the Child, states

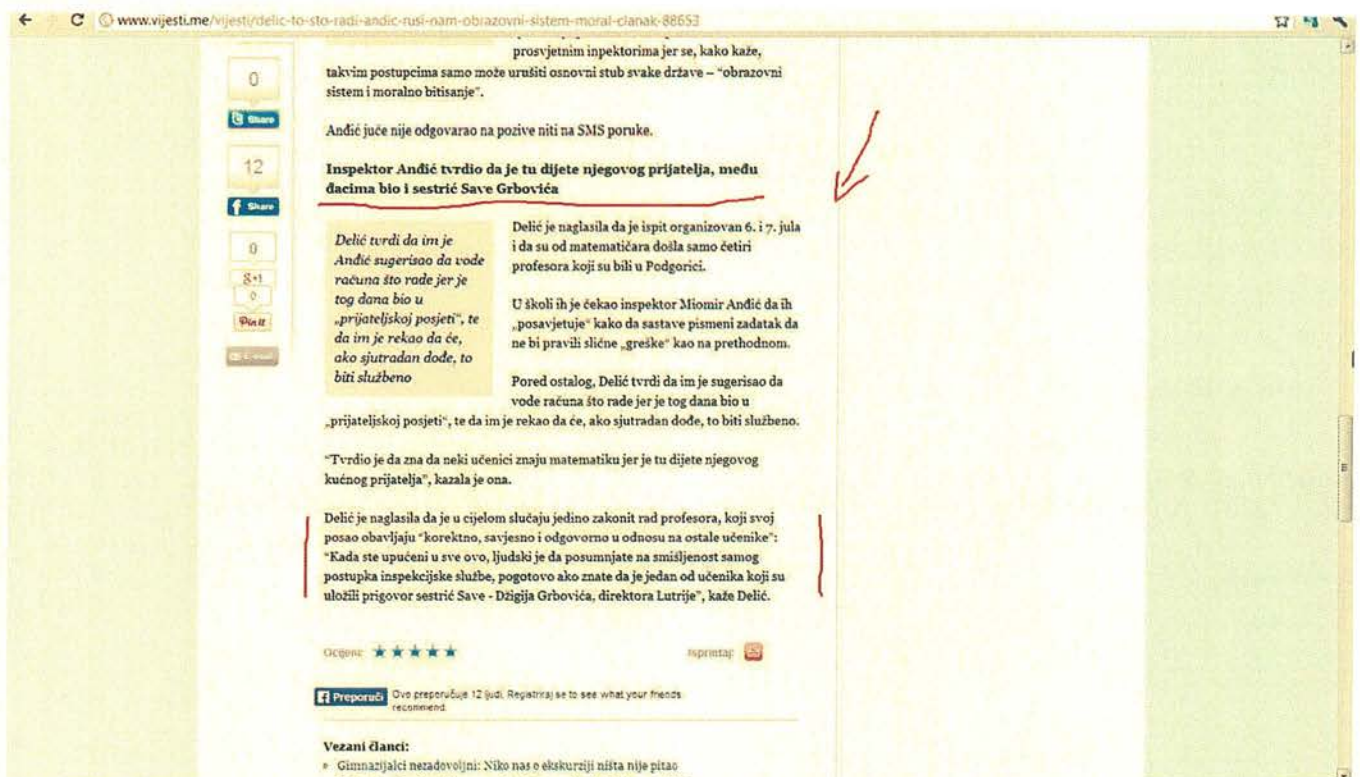
1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

In order to make easier reading of this material, and due to many years of the Protector's silence related to this (as well as any other) case of discrimination according to our organization, and our desire to present you all arguments which led us to this conclusion, below we presented a copy of newspaper text in which the underage child (Vojin Burić), among other things was subjected to – arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.

Written by: Bojana Laković
Published: August 22nd 2012

EDUCATION INSPECTION
Delić: Andić doings destroy our educational system and moral

Source:
<http://www.vijesti.me/vijesti/delic-to-sto-radi-andic-rusi-nam-obrazovni-sistem-moral-clanak-88653>



- Quote from the original text:

"[...] Among other things, Delić claims that he suggested them to take into account what they were doing, because that day he was in a "friendly visit", and he told that if he came the next day, it would be then the official visit.

"He claimed to know that some students know maths and that a child of his home friend is among them," she said.

Delić pointed out that in the whole case the only legitimate work is the work of the professors who perform their job "properly, conscientiously and responsibly in relation to other students": "When you're familiar with all this, it is normal to doubt the intentionality of the very act of the inspection service, especially when you know that one of the students who had filed a claim was nephew of Sava - Džigja Grbović, director of the Lottery", said Delić."

[End of quote]

Article 19. of the UN Convention on the Rights of the Child, states

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 29. of the UN Convention on the Rights of the Child, states

1. States Parties agree that the education of the child shall be directed to:

- (a) **The development of the child's personality**, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) **The development of respect for the child's parents**, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) **The preparation of the child for responsible life in a free society**, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Your Excellency,

In our practice "the development of the child's personality, development of respect for the child's parents, preparation of the child for responsible life in a free society" within the child's educational process looks exactly like this [see below the copy of the original text published in "Vijesti"]:

Y Delić: To što radi Andić ruši

www.vijesti.me/vijesti/delic-to-sto-radi-andic-rusi-nam-obrazovni-sistem-moral-clanak-88653

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Delić je naglasila da je u cijelom slučaju jedino zakonit rad profesora, koji svoj posao obavljaju "korektno, savjesno i odgovorno u odnosu na ostale učenike": "Kada ste upućeni u sve ovo, ljudski je da posumnjate na smisljenost samog postupka inspekcijske službe, pogotovo ako znate da je jedan od učenika koji su uložili prigovor sestrić Save - Džigija Grbovića, direktora Lutrije", kaže Delić.

Written by: Bojana Laković
Published: August 22nd 2012

EDUCATION INSPECTION
Delić: Andić doings destroy our educational system and moral

Source:
<http://www.vijesti.me/vijesti/delic-to-sto-radi-andic-rusi-nam-obrazovni-sistem-moral-clanak-88653>

Quote from the original text:

“Delić pointed out that in the whole case the only legitimate work is the work of the professors who perform their job “properly, conscientiously and responsibly in relation to other students”: “When you're familiar with all this, it is normal to doubt the intentionality of the very act of the inspection service, especially when you know that one of the students who had filed a claim was nephew of Sava - Džigi Grbović, director of the Lottery”, said Delić.”

[End of quote]

United Nations Educational, Scientific and Cultural Organization – UNESCO

Convention against Discrimination in Education¹

Article 1

1. For the purposes of this Convention, the term “discrimination” includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

- (a) Of depriving any person or group of persons of access to education of any type or at any level;
- (b) Of limiting any person or group of persons to education of an inferior standard;
- (c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or
- (d) Of inflicting on any person or group of persons conditions which are in-compatible with the dignity of man [...]

Your Excellency,

Already more than two years we do not have any feedback concerning our addresses/complaints to the Protector Mr. Šučko Baković, **and we believe that it is useful TO STRESS YOU HOW** the human dignity and fundamental human rights of the underage child (Vojin Burić), by using mere fabrications, **CAN BE**

¹ UNESCO, Convention against Discrimination in Education, Paris, 14 December 1960, available on link: http://portal.unesco.org/en/ev.php-URL_ID=12949&URL_DO=DO_TOPIC&URL_SECTION=201.html

CORRELATED WITH political or other beliefs, economic condition of the family, or birth, with the aim of nullifying or impairing the child's right to equality of treatment in education.

Reference to the European Court of Human Right practice

Pursuant to the previously mentioned arguments and reference to the European Court of Human Rights practice, the (aforementioned) addresses/complaints sent to the Protector of Human Rights and Freedoms, in August and September 2012, we sought the protection of human rights of our child and protection against discriminatory treatment:

(a) You can determine **direct discrimination** in this particular case based on clear facts: the fact is that in the beginning of the school year, Vojin Burić has been "hanging around" in the school hallways for days not attending the classes.

After that, school principal placed him in the class where there was no regular classes over the year – but there was, indeed, supplementary obligatory exam at the end of the school year. In this particular case, the underage child (Vojin Burić) was put in a less favourable position unlike any other child or group of children in the similar situation.

(b) In the circumstances of this case, **even if the relevant authorities did not have any discriminatory intent**, the fact is that the different and degrading treatment of an underage child (Vojin Burić) was shown in the period when the principal of the Gymnasium asked for sponsorship from the uncle of the child, Sava Grbović-Džigiji, with whom the child was groundlessly (motivated) associated with in the (quoted above) newspaper articles. Later on the principle of the Gymnasium was rejected and the money was not given. **This requires a response from the Gymnasium which would prove that the treatment of underage child (Vojin Burić) was objectively justified by a legitimate aim and that the means for achieving that aim were appropriate, necessary and essential.**

(c) In accordance with the legal practice of the European Court of Human Right, **the difference in treatment is discriminatory** if it "has no objective and reasonable justification", respectively if it is not aimed to the realization of "legitimate goal" and if there is no "reasonable proportion ratio" between used means and goal wanted to be realized.

(d) We believe that the transfer of the underage child to the class without obligatory regular classes with possibility to take the supplementary exams at the end of the year, and his putting to unfavourable position in comparison to other child or a group of children in the similar situation **served NITHER as purpose of realization of legislative goal nor as a guarantee of equality of treatment in education. In particular, in order to protect the principle that all shall be deemed equal before the law, all under equal circumstances shall have access to educational system, and the Protector was obliged to investigate each phase related to the applied measures, as well as their effectiveness, which are the subject of our Complaint.**

(e) As an addition to the arguments set forth in the paragraphs from a d, as an important fact for fabrication and preparing the chase directed at underage child, we want to point out that the principal of the Gymnasium, Mr. Šćekić is brother of co-owner of the daily newspaper "Vijesti", while the teacher mentioned in the newspaper articles and who brutally disparages the child and his position in the educational system, thereby grossly violating the child's privacy and the privacy of his family, has never

actually taught the child, nor in any way participated in the child's pedagogical and educational process, nor has she ever been in contact with the child and his family. Therefore, in order to understand the motives of the brutal violation of human rights of the child, it is very important to ask what gives the teacher, media and the journalist the moral, professional or any other right to speak about the child in this way, brutally violate the child's rights and privacy, and why the Protector keeps silent for more than two years, he fails to act according to the complaint in this specific case and concealing important facts in this regard.

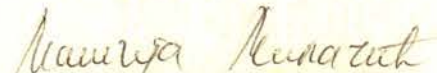
Let us tell you that this is no coincidence, because the Protector fails to act and conceals the important facts in all other cases of discrimination whose victims are prominent members of our association and members of our family.


WHAT ARE WE EXPECTING FROM YOU?

1. To take the appropriate/possible actions **TO CALL the Protector** of Human Rights and Freedoms of Montenegro to be independent and autonomous institution which will protect and promote human rights and freedoms of (ALL) citizens - **WITHOUT SELECTIVE APPROACH** - when they are violated by act, action or failure to act of administration authority.
2. All of this to do **IN FAVOUR** of legal security of all (citizens) and spread awareness on the need for the rule of law and to advocate for the full and consistent implementation of legislation, lawful and impartial work and full protection of the rights and freedoms of citizens.

We are looking forward to our fruitful cooperation.

Sincerely yours,


Matija Milačić, novinar TV 777


Marko Piletić, predsjednik UPIS-a