
**Study on Homophobia, Transphobia and Discrimination on
Grounds of Sexual Orientation and Gender Identity**

Sociological Report: Serbia

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Table of Contents

A. EXECUTIVE SUMMARY	3
B. DATA COLLECTION	4
C. FINDINGS	5
C.1. Public opinion and attitudes towards LGBT people	5
C.2. Freedom of assembly and association	7
C.3. Freedom of expression	8
C.4. Hate crime - Criminal law	9
C.5. Family issues	11
C.6. Asylum and refugee issues	12
C.7. Social security, social care and insurance	12
C.8. Education	12
C.9. Employment	13
C.10. Housing	13
C.11. Health care	14
C.12. Access to goods and services	14
C.13. Media	15
C.14. Transgender issues	17
C.15. Other areas of concern	17
C.16. Data availability	17

A. Executive summary

1. Serbia is characterised by having a comprehensive and progressive anti-discrimination legislation also covering LGBT persons. However, there is a serious lack of implementation of the law and no Case Law.
2. Surveys show generally very negative public views on LGBT people, and the negative attitudes are reflected by aggressive anti-LGBT discourse and attacks by different Orthodox, fascist and ultra-nationalist groups - often organised in relation to hooligan football fan clubs. Although there are notable exceptions, public authorities generally do not speak out against the hate speech by these groups.
3. Pride events have generated significant controversy in Serbia, latest seen in 2009, where the organisers had to cancel the events due to threats and lack of protection and support from public authorities. The authorities refused authorisation of the planned event. The Prides not only point to severe problems regarding the right to assembly of LGBT persons, but also the fact that LGBT issues in themselves are highly controversial in Serbia: The conflicts related to the pride was one of the most (if not *the* most) talked about public events in Serbia for months, anti-LGBT graffiti was seen everywhere (without being - at least partly - removed by authorities until after the Pride).
4. Several cases of threats, insults and attacks on LGBT persons and activists have been well documented in recent years.
5. There is no legal recognition of same-sex partnerships in Serbia. The consequences are that same-sex partners have no right to subsistence and maintenance as well as lacking the right to jointly owned property, the occupancy right, the right to inherit a part of the jointly owned property from a deceased partner, the right to obtain information about the health condition of the sick partner and to visit him/her in healthcare institutions. Transgender persons are not allowed to marry in accordance with the rules pertaining to their preferred gender, and they are required to divorce for a legal change of gender or name.
6. Fighting discrimination in schools is not among the strategic goals of the Ministry of Education and is not in the goals of the Framework Action plan for Prevention of the Violence in educational facilities, even though there are numerous cases and indicators of violence in school settings. There is no proper sexual education in primary schools, no representation of LGBT identities or issues in the educational material.
7. There are no quantitative data on discrimination in the labour market, but clear indications that being open at the work place in many cases might be highly problematic. A particular concern is that transgender persons, in particular during transition periods, are practically not able to get employment anywhere.
8. Homosexuality was still officially considered as an illness in Serbia until recently. However, in 2008, the Serbian Health Society finally confirmed its agreement with WHO that homosexuality should not be considered an illness. Nevertheless, medical staff and professionals do not equally follow this change of policy. The Belgrade Team for Gender *Dysphoria* provides full assistance, treatment and operations to transgender persons - however, this is not covered by the public health insurance.
9. Anti-LGBT rhetoric have been frequently circulated in the media. Still, the situation has improved compared to previous years, not least when it comes to visibility.

10. There are no legal grounds for gender reassignment in Serbia. This also means no regulation in terms of obtaining new documents. However, in practice, representatives of the municipalities (where the documents are usually issued) are usually willing to help in issuing new documents.

B. Data collection

11. Data have been collected for this report through:
12. A study of available online and print data on the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in Serbia.
13. Data collection through meetings in Serbia held in Belgrade 6 - 8 April 2010 with:
14. Authorities:
 - Ministry for Human and Minority Rights
 - Ministry of Labour and Social Policy
 - Ministry of Justice
15. NGOs:
 - Labris
 - Gay Straight Alliance
 - Trans Gayten
16. National Human Rights Structures:
 - Office of the Ombudsman
17. Academic institutions:
 - Center for Enhanced Legal Studies

C. Findings

C.1. Public opinion and attitudes towards LGBT people

18. A representative public opinion poll from 2008¹ gives insight into the attitudes towards homosexuals in Serbia. Figures from a similar survey in 2010 are presented in brackets:
19. Seventy per cent of the population consider homosexuality to be a disease. Half of the population think that "homosexuality is very dangerous for the society", and that the state institutions "should work on preventing homosexuality". The issue of homosexuality also has political implications, as 40% agree that "if a party I vote for started talking about the rights of homosexuals, I would stop voting for it".
20. On the other hand, 65% of the population agree that "everyone has the right to their sexual orientation as long as they do not endanger others". This seemingly positive statement should, however, probably be read with "not endangering others" being more or less equal to keeping it private. This is mirrored by the fact that the majority of the population (53%) do not think that there should be public places available for gatherings of homosexual persons, and 73% do not think that "gay prides are a legitimate way of fighting for the rights of homosexuals and that they should happen".
21. The conclusion of the survey is that 67% of the population have "extremely negative" or "mostly negative" attitudes, whereas 11% have "extremely positive" or "mostly positive" attitudes towards homosexuality.
22. Figures from a similar representative survey from 2010 show that:²
23. 56% of the citizens of Serbia believe that homosexuality is dangerous for society
24. Some 20% are ready to support or justify violence towards same-sex couples
25. 67% believe that homosexuality is an illness (which is three percentage points less compared to the 2008 survey)
26. Some 52% think that "homosexuals are people like all of us" (compared to 38% in 2008)
27. 38% think that homosexual persons are a Western fabrication with the goal to destroy the family and Serbian tradition.
28. The surveys further show that there is a correlation between traditional attitudes regarding gender, family and religion on the one hand, and negative attitudes towards homosexual persons on the other. A similar (although somewhat smaller) correlation is found between authoritarianism and (negative) attitudes towards homosexuality. Correlation is also found between nationalism and negative attitudes towards homosexuality.

1 Gay Straight Alliance, *Prejudices Exposed - Homophobia in Serbia*. Public opinion research report on LGBT population. Research conducted for Gay Straight Alliance by Centre for Free Elections and Democracy (CeSID). February-March 2008.

2 Gay Straight Alliance, *Homophobia in Serbia 2010*. Research and analysis of Public Opinion, Views of GLBT Population, Discrimination in the Work Place. Research conducted for Gay Straight Alliance by Centre for Free Elections and Democracy (CeSID).

29. The supporters of the Liberal Democratic Party (LDP) are the ones with the most positive attitudes, whereas the supporters of the Socialist Party of Serbia (SPS) are the most negative.
30. Higher middle class respondents as well as persons personally acquainted with homosexual persons tend to have the most positive attitudes.
31. The negative attitudes towards LGBT persons are reflected by aggressive anti-LGBT discourse by different Orthodox, fascist and ultra-nationalist groups - often organised in relation to hooligan football fan clubs. The aggressive anti-LGBT practice of such groups has only been countered by leading politicians with reference to violence being unacceptable, not because they are homophobic and transphobic as such.³
32. The NGO Labris - lesbian human rights organisation in Belgrade states that until the new Serbian government was formed in July 2008 there was no cooperation with the main body responsible for human rights - the Office for human and minority rights of the Republic of Serbia. The then Head of Office at one point publicly stated (to the Radio Free Europe) that he felt equally disturbed with "the manner in which both ultraconservative organisations and those promoting the right to homosexuality or a different sexual orientation react, when it comes to homophobia."⁴ Labris and 31 other human rights organisations asked for his resignation.
33. However, since the new government has been appointed, Labris and Gay Straight Alliance report of much improved cooperation following the establishment of the Ministry of Human and Minority Rights. The drafting of an anti-discrimination law including sexual orientation is mentioned as an example of this. Also, the good cooperation with the Ombudsman, Sasa Jankovic, is appreciated by Labris.⁵
34. Representatives of Gay Straight Alliance (GSA) pointed to the significance of a joint event organised with official institutions when presenting their annual 2009 report.⁶ GSA had their presentation of the report at the beginning of 2010 in the Palace of Serbia, which is a Governmental building and the seat of different Ministries and public agencies (Ministry for Human and Minority Rights, Ministry of internal affairs, Vice-prime minister cabinet for EU integrations, etc.). According to GSA representatives, this event was a huge success after the ban of their press conference in 2009 in the Sava Centre. In addition, organisation of such events in the governmental building with the Minister for Human and Minority Rights, Mr. Svetozar Ciplic, as one of the speakers is a sign of good cooperation between Government and the LGBT NGOs. Prior to this event GSA had the presentation in the Assembly of Vojvodina, which is a building of the regional authorities.
35. Representatives of the Ombudsman's Office and the Ministry for Human and Minority Rights not only expressed concern about the prevalence of anti-LGBT attitudes, but were also critical about the fact that public authorities do not do enough to combat homophobia and transphobia.⁷ This, together with other cases and initiatives, are in themselves signs of positive developments in the form of 1) improved cooperation between LGBT NGOs and some public institutions and political parties, and 2) more public officials speaking out against homophobia and transphobia.

3 Meetings with Labris, Ministry of Human and Minority Rights, Gay Straight Alliance, Ombudsman's Office, 6-8 April 2010.

4 Labris, *Annual report on the position of LGBTTIQ population in Serbia for 2008*. Belgrade: p. 11, 2009.

5 Meetings with Labris, 6 April 2010 and Gay Straight Alliance, 7 April 2010.

6 Meeting with Gay Straight Alliance, 7 April 2010.

7 Meetings with the Ministry for Human and Minority Rights, 7 April 2010 and the Ombudsman's Office, 8 April 2010.

C.2. Freedom of assembly and association

36. There are several LGBT NGOs and groups active in Serbia: Labris, Gay Straight Alliance, and the transgender group of Gayten-LGBT have been consulted for this report. Other NGOs working with LGBT issues include LGBT Vojvodina and Queeria.
37. There are no accounts of difficulties for the NGO in relation to registration.
38. The first Pride was held in Belgrade in 2001 where the participants were attacked by a large group of neo-fascist and nationalist counter demonstrators, several were severely injured, and the police did not effectively protect the Pride participants. The severe and brutal violent attacks on the first Pride in the region was a severe set back for the LGBT movement.⁸
39. Subsequently, 2001 threats from fascist and nationalist groups have several times led to the cancellation of Pride parades in Belgrade (for example in 2004 and 2009), because the organisers assessed that they could not guarantee the safety of the participants, and because the police would not guarantee their safety.⁹
40. Probably the most notable recent example of hate crime against LGBT persons in Serbia was the attack on the participants of the Queer Beograd Festival in 2008. Subsequent to the attack on the Queer Beograd Festival in 2008, where four participants were violently attacked, the Citizen's Protector (Ombudsman) issued a statement condemning the attacks and expressing content with the police reactions to protect the participants. Furthermore, the statement emphasised that freedom of movement, freedom of public gathering and expression of opinion applies to everybody, including minority groups such as LGBT persons.¹⁰
41. Also Human Rights Watch have expressed concern and also pointed to other incidents, not least in relation to the Belgrade Pride in 2009, as in a letter from the organisation to the President of the Republic of Serbia:¹¹
42. "Human Rights Watch was concerned by your government's decision to prevent the Pride Parade from taking place on September 20, 2009 in Belgrade. Allegedly, the decision was made because authorities could not guarantee the safety of the lesbian, gay, bisexual and transgender rights defenders who would participate in the demonstration. In the weeks before the Pride Parade, graffiti in Belgrade, as well as media statements by opponents of the march, had contained threats against parade participants. This was not an isolated incident in which LGBT people's rights of assembly and expression were curtailed.

[...]
43. It appears that the extremist groups' threats against the Pride Parade indeed merited protective action by the government. However, protection should mean ensuring that those under threat can exercise their legitimate rights-including the right to peaceable assembly."
44. Commissioner Hammarberg released a statement of support to the participants of the Pride.¹²

8 Meetings with Labris, 6 April 2010 and Gay Straight Alliance, 7 April 2010.

9 Meetings with Centre for Enhanced Legal Studies, Labris, Gay Straight Alliance, The Ministry for Human and Minority Rights, The Ombudsman's Office,

10 Press release by the Protector of Citizens (22 September 2008), www.ilga-europe.org/europe/guide/country_by_country/serbia/serbian_ombudsman_s_press_release_concerning_attack_of_participants_at_belgrade_queer_fest, accessed 10 November 2009.

11 Human Rights Watch (16 November 2009) Letter to The President of the Republic of Serbia, www.hrw.org/en/news/2009/11/16/letter-president-republic-serbia, accessed 15 December 2009.

45. The controversy of the Pride not only points to severe problems regarding the right to assembly of LGBT persons, but also the fact that LGBT issues in themselves are highly controversial in Serbia: The conflicts related to the pride was one of the most (if not *the* most) talked about public events in Serbia for months, anti-LGBT graffiti was seen everywhere (without being - at least partly - removed by authorities before after the Pride), and some of the Pride organisers felt forced to leave the country for a period afterwards due to threats.¹³ The main (and most aggressive) opponents to the Pride are ultra-nationalist and fascist groups often organised around football fan clubs and hooligan groups.¹⁴
46. It should be stressed that the Serbian President and the Minister of Human and Minority Rights made positive statements regarding the freedom of assembly. President Boris Tadic stated that: "The state will do everything to protect all its citizens regardless of their religious, sexual, or political affiliation."¹⁵
47. For the 2010 planned Pride President Boris Tadić met with a delegation of gay and lesbian organisations from Serbia and expressed his support for Pride Parade in Belgrade.
48. "It is jointly concluded that Pride Parade will be a civilisational step forward which will show that Serbia is becoming a safe society for all its citizens regardless of their diversity and sexual orientation", it is stated in the press release of President Press Service of Serbia.¹⁶
49. According to representatives of GSA, during 2009, opponents of the LGBT community in Serbia systematically endangered the right to freedom of assembly of LGBT persons. There were incidents of attacks on the locations of assembly, as well as prohibition of conferences and festivals organised by LGBT organisations. In their annual report, GSA state several cases. An example is the attack on the gay club X Zam in Novi Sad which took place on Sunday 11 January 2009, at around 04:05 a.m., when unknown men came in the club and attacked the guests.¹⁷
50. Another gay club, Apartment, located in Belgrade was attacked twice, on 11 and 21 March 2009. Both times the hooligans used different gatherings in order to mobilise the crowd and attack the club. Better organisation of extremists was seen as a result of an increasingly homophobic atmosphere in the period after passing the Anti-Discrimination Law.¹⁸
51. The same report describes in detail attacks on other events and Gay clubs. At the same time it is worth noting that there is an active LGBT scene in Belgrade with several venues (bars, clubs...) and reoccurring events.

C.3. Freedom of expression

52. In February 2009 the Director of the Sava Center in Belgrade, a center for conferences and cultural events, cancelled a press conference of the Gay Straight Alliance that was due to take place in the centre, stating that the organisation promotes and advocates gay rights and therefore was inappropriate for the centre. When the press conference took place in a

12 Letter of 13 September with reference CommHR/DV/sf 097-2009.

13 All institutions and organisations interviewed have similar elaborate accounts of the events related to the Belgrade Pride 2009.

14 Meetings with Labris, 6 April 2010 and Gay Straight Alliance, 7 April 2010.

15 Radio Free Europe Radio Liberty, Serbia's President Promises to Protect Gay Parade, 18 September 2009, www.rferl.org/content/Serbias_President_Promises_To_Protect_Gay_Parade/1826121.html, accessed 8 June 2010.

16 Press release found on Ministry website,

www.predsednik.rs/mwc/default.asp?c=301500&g=20100630174727&lng=cir&hs1=0, accessed 8 June 2010.

17 Gay Straight Alliance Annual Report 2009.

18 Meeting with Gay Straight Alliance, 7 April 2010.

different venue in Kragujevac one month later, the organisers who held their press conference faced homophobia again. Hooligans threw stones at the windows and doors of the venue while shouting, "Faggots, we will kill you".¹⁹

53. Although a positive example of freedom of expression, the international queer film festival "Merlinka" was not organised easily:
54. "It took three attempts of Gay and Lesbian Info Center (GLIC) to organise the festival in Dom omladine in Belgrade. First, the festival was scheduled for the period 11-13 September 2009. But the festival was postponed because of the fear that neo-Nazi and extremist groups would attack the guests of the festival, since at that time, one week before the date the Pride parade was scheduled, there was an atmosphere of hatred and violence against the LGBT population. The festival was postponed two days before it was supposed to start, and the management of Dom omladine stated that this was done due to "technical problems". The second time, the festival was scheduled for the period 16-18 November. But the leader of the Serbian Orthodox Church, patriarch Pavle, passed away on 15 November. Due to three days of mourning, the organisers of the festival decided to postpone this event for a month. They decided to organise it in the period 18-23 December, but the festival had a two-day break, on 19 and 20 December, in order to prevent the extremists from attacking the guests of the festival, since many Orthodox believers celebrate St. Nicolas those days".²⁰

C.4. Hate crime - Criminal law

55. Several cases of threats, insults and attacks on LGBT persons and activists have been well documented in recent years. Below are two specific examples reported by the International Federation for Human Rights:²¹
56. "Between January and March 2008, the gay rights centre "Queeria", which promotes a culture of non-violence and diversity, received numerous threats by email and on Internet forums. Because of the centre's activities, including its cooperation with the Coalition for a Secular State, Queeria activists were violently insulted on the neo-fascist site Storm Front, by means of hateful xenophobic and homophobic messages, as well as descriptions of "punishments" that would be imposed on the defenders. In cooperation with the Lawyers' Committee for Human Rights (YUCOM), Queeria filed several complaints. Yet, as of the end of 2008, they had only received a telephone call from the Department of Justice in charge of the Internet, informing them that their complaint had been received but that the police did not have sufficient resources to deal with verbal attacks on the web.
57. Further, in March and April 2008, an activist of the organisation "Gay Straight Alliance" (GSA) was subjected to homophobic threats. He was threatened by phone and later found graffiti threatening and insulting him in front of his home. On 18 April, the latter complained to the police in the Belgrade municipality of Palilula with the assistance of the GSA President, Mr. Boris Milicevic. The police refused to register the complaint, arguing that the registrar of complaints was closed. Mr. Milicevic was then insulted by a policeman, who forced him to leave the police station. The GSA activist and Mr. Milicevic then went to the main police station of the city of Belgrade, which quickly registered the complaint. The Court of Belgrade subsequently issued a fine of 10,000 dinars (about 100 Euros) or 20 days' imprisonment to the policeman in question, for violating Article 6.2 of the Public Order

19 Human Rights Watch (November 16, 2009) Letter to the President of the Republic of Serbia, www.hrw.org/en/news/2009/11/16/letter-president-republic-serbia, accessed 15 December 2009.

20 Gay Straight Alliance Annual Report 2009, p. 44.

21 International Federation for Human Rights (18 June 2009) Observatory for the Protection of Human Rights Defenders Annual Report 2009 - Serbia, www.unhcr.org/refworld/docid/4a5f30233c7.html, accessed 10 November 2009.

Act, according to Sections 84, 118, 232 and 235 of the Act on Crimes. Criminal prosecutions were also brought against the officer on the basis of Article 138.1 of the Criminal Code for "endangerment".

58. In 2005, Labris Organisation of Lesbian Human Rights in cooperation with the Lambda Center for Promotion and advancement of LGBT Human Rights and Queer Culture of Nis and the NGO Novi Sad Lesbian Organization carried out a survey on violence against LGBTTIQ persons in Serbia.²² The survey was carried out on the Internet with 170 respondents. It is thus not representative as such, but rather indicative of the prevalence of hate crime against LGBT persons.
59. The research showed that more than 70% of the lesbian and gay male respondents had experienced violence due to their sexual orientation, 17% had been beaten and four% had experienced threats to their lives. More than 50% had experienced violence more than once. The violence was both carried out by unknown perpetrators and by people known to the victim, and occurred both in private and public spaces.
60. Of specific the examples of verbal or physical assaults reported to Labris in 2008, a case is mentioned with a young gay man being harassed and beaten by a couple of police officers in Belgrade. The young man allegedly went to the hospital and subsequently reported the incident to the 'Internal control.' However, Labris does not have knowledge of the outcome of the complaint.²³
61. Gay Straight Alliance has produced a hate crime map of some known violent hate incidents against LGBT persons in the period 2000-2009. In that period 46 incidents are shown and described.²⁴ The GSA estimation is that this number is less than one per cent of the total number. Unfortunately, the majority of hate crimes are not reported because the victims are afraid of exposure and further discrimination.
62. In spite of known incidents of attacks, no cases have been brought to court as hate crimes - partly because of fear of exposure on behalf of the victims, partly because of a lack of trust in the judiciary system.²⁵ Serbia has reported to ODIHR that data on hate crimes against LGBT persons are collected,²⁶ but the Ministry of Justice note a need for developing tools and training not only to prosecute cases, but also to register and analyse potential cases for increased knowledge and statistics.²⁷
63. The EU Progress Report on Serbia 2009 states that "in spite of the legal framework, incidents involving hate speech, threats and physical attacks against journalists, human rights defenders and the lesbian, gay, bisexual and transgender (LGBT) population have not been properly investigated and perpetrators have not been brought to justice."²⁸ The report also criticises that the reactions against death threats against the State Secretary for Human and Minority Rights for his defence of the rights of LGBT persons was insufficient.
64. All organisations and institutions interviewed for this study highlighted hate speech against LGBT persons as an overwhelming issue before and after the Pride in 2009 - in the print

22 Labris, *Research on Violence Against the LGBTTIQ Population in Serbia*. Belgrade, 2005.

23 Labris, *Annual report on the position of LGBTTIQ population in Serbia for 2008*. Belgrade, 2009.

24 Map of the homophobic attacks, www.gsa.org.rs, accessed 29 September 2010.

25 Meetings with Centre for Enhanced Legal Studies, Labris, Gay Straight Alliance, The Ministry for Human and Minority Rights, The Ombudsman's Office, 6-8 April 2010.

26 OSCE/ODIHR, *Hate Crimes in the OSCE Region - Incidents and Responses*. Annual Report for 2008, 2009.

27 Meeting with the Ministry of Justice, 7 April 2010.

28 Commission of the European Communities, *Serbia 2009 Progress Report*, 2009, p. 14.

media, on the Internet, and on the city walls. In spite of this no cases have been brought to court, and no one has been charged with any offenses.²⁹

65. Sasa Gajin from the Centre for Advanced Legal Studies pointed out that is impossible for individuals or organisations to fight such massive scale production of hate speech. Hate speech “are not ad-hoc violations but it is everywhere – on the streets there are graffiti, the media, both electronic and printed is full with hate speech”. GSA pointed out that in only a few days they took photos of more than 500 graffiti all over Belgrade, although the biggest number is in the city’s centre.
66. According to Ombudsman office, hate speech is sometimes impossible to prosecute in the cases of live TV shows. The owners of the TV stations are protected by claiming that they cannot influence what the participants in the shows say. Concerning printed media, GSA points out that sometimes it is very hard to hold them responsible for hate speech because they use free-lance journalists who are not officially employed. This makes the judicial processes very long and expensive.
67. Nevertheless, all stakeholders interviewed referred to statements made by the General Prosecutor that he did not regard the homophobic statements in relation to the Pride in 2009 to be a criminal offense but instead just different viewpoints in a public debate. As a consequence of that view, the Public Prosecutor’s Office would not press charges against anyone for hate speech. There were indictments against the perpetrators but they were based on other offences like possession of guns, violation of public order, etc...”we need indictments for real reasons, and the real reasons are the hates crime against the LGBT population,” say the representatives of GSA.³⁰
68. The overall impression is that the weak link resulting in no cases of hate crime or hate speech being brought to court is the judiciary. Organisations and institutions interviewed largely described the police handling of their protection responsibility as professional and serious, even though the handling of individual cases is not always satisfactory.³¹

C.5. Family issues

69. There is no legal recognition of same-sex partnerships in Serbia. The consequences are that same-sex partners have no right to, for example, subsistence and maintenance as well as they lack the right to inherit a part of jointly owned property from the deceased partner, the right to obtain information about the health condition of the sick partner and to visit him/her in the healthcare institutions.
70. Transgender persons are not allowed to marry in accordance with the rules pertaining to their preferred gender, and they are required to divorce for a legal change of gender or name.³²
71. There are not much data on the situation for LGBT families or their children in Serbia. Labris reports of a young woman (in a long-term relationship with another woman) who wanted to have a child together with her gay friend. The young woman came to Labris for advice regarding rights and obligations of the parents once the baby was born.³³

29 Meetings with Centre for Enhanced Legal Studies, Labris, Gay Straight Alliance, The Ministry for Human and Minority Rights, The Ombudsman’s Office, 6-8 April 2010.

30 Meeting with Gay Straight Alliance, 7 April 2010.

31 Meetings with Centre for Enhanced Legal Studies, Labris, Gay Straight Alliance, The Ombudsman’s Office, 6-8 April 2010.

32 Meetings with Labris, Gay Straight Alliance and Trans Gayten, 6-8 April 2010. See also legal report on Serbia.

33 Labris, *Annual report on the position of LGBTTIQ population in Serbia for 2008*. Belgrade, 2009.

72. The representative survey from the Gay Straight Alliance shows that 70% of the population would not want/like one of their blood relatives to be homosexual.³⁴

C.6. Asylum and refugee issues

73. There are no data showing whether anyone has ever applied for asylum in Serbia because of persecution based on sexual orientation or gender identity.

C.7. Social security, social care and insurance

74. No available data, but since there is no recognition of same-sex partnerships it is assumed that same-sex partners lack access to the benefits accessible to different-sex partners, see chapter 3.5 *Family issues*.

C.8. Education

75. Generally, all the interviewed stakeholders agreed that the educational system is not ready to deal with the human rights of the LGBT persons.³⁵ Furthermore, fighting the discrimination in schools is not among the strategic goals of the Ministry of Education and is not in the goals of the Framework Action plan for the Prevention of Violence in educational facilities.³⁶ Although there are numerous cases of violence in schools, educational authorities are rejecting the possibility that the violence could be discriminatory or directed towards LGBT persons.³⁷ In addition, there is no proper sexual education in primary schools, especially in the field of sexual orientation and gender identity. According to the Trans Gayten representative, the situation is the same even at the Universities where, similarly, medical workers are not educated about LGBT issues (see chapter 3.11 *Health care*).
76. Gayten LGBT, Center for Promotion of Lesbian, Gay, Bisexual and Transgender Human Rights, conducted an analysis of secondary school textbooks related to the treatment homosexuality – *Towards non-homophobic high schools*,³⁸ in 2008. This research showed that homosexuality is not mentioned in textbooks. For negative representations of homosexuality in medicine text books, see the chapter on *Health care*.
77. There are some data from the research by CARE International, International Center for Research on Women and the Initiative of young men for the prevention of gender-based violence in the North-West Balkans, conducted among secondary school students in Serbia in February and March 2009. This research shows that over 60% of respondents think that violence against homosexuals is always justified. Over 70% justify violence in defence of honour and would not be friends with homosexuals.³⁹ Furthermore, this research has shown that 21% of respondents in Belgrade have verbally attacked or threatened somebody they thought was "gay or overly feminine", while 13% have

34 Gay Straight Alliance, *Prejudices Exposed - Homophobia in Serbia*. Public opinion research report on LGBT population. Research conducted for Gay Straight Alliance by Centre for Free Elections and Democracy (CeSID), February-March 2008.

35 See Data collection for list of stakeholders met.

36 Serbian Government, www.mp.gov.rs/userfiles/projekti/borba-protiv-nasilja/OkvirniAkcioniPlan.pdf, accessed 29 September 2010.

37 GSA and Boris Dittrich meeting with the special adviser in the Ministry of Education.

38 Maljkovic, Dusan, *Analysis of secondary textbooks related to treatment homosexuality – Towards non-homophobic high schools*, Gayten LGBT Center for promotion sexual minority rights, Belgrade, 2008.

39 Results of the research, Jovana Stojanovski, CARE International, December 2009.

participated in the beating of such a person. The situation is a little better in Prokuplje, where 11% of respondents answered affirmatively to both of these questions.⁴⁰

C.9. Employment

78. There are no quantitative data on discrimination in the labour market, but a representative survey of the population⁴¹ indicates that being open in the workplace in many cases might be problematic:
- 75% would not want/like a homosexual to be the teacher of their children
 - 56% would not want/like a homosexual to be their boss
 - 47% would not want a homosexual as their co-worker.
79. A particular concern voiced by Trans Gayten is that transgender persons, in particular during transition period, are practically not able to get employment anywhere.⁴²
80. A study published by Gay Straight Alliance in 2010 concludes that there is a general lack of knowledge and focus on discrimination at the work places.⁴³
81. A big problem in gathering data about the employment of LGBT people is that the big part of the labour market is in the grey area (estimation of around 20%). Many employers and employees are not registered which makes it almost impossible to obtain exact information.⁴⁴
82. Information is obtained about one indicative case regarding sexual orientation, represented by YUCOM - Lawyers Committee for Human Rights:⁴⁵
83. O.V. was an employee in the Serbian printed media Vecernje Novosti but after a false report about criminal charges against him, on 18 November 2006, O.V. received a decision on suspension from the workplace and the solution of denunciation O.V. received on 9 May 2007. The real reason for termination of the employment contract is actually the sexual orientation of O.V., and although it is clear that O.V. was fired because of his homosexuality, the case was fought as a labour dispute because the court considered sexual orientation irrelevant for the case and ignored the legal representatives of O.V. The verdict of first instance court approved the claim of O.V. and found illegal dismissal, but Vecernje Novosti complained and the case is currently in the appeal stage.

C.10. Housing

84. There are little data on discrimination in the area of housing. Labris report, on the basis of experience and interviews with lesbian couples that same-sex couples usually are very

40 CARE International and International Center for Research on Women, *Young Men Initiative for Prevention of Gender-Based Violence in Western Balkans*. Baseline Research Technical Brief - Country Report. Serbia, 2009, p. 8.

41 Gay Straight Alliance, *Prejudices Exposed - Homophobia in Serbia*. Public opinion research report on LGBT population. Research conducted for Gay Straight Alliance by Centre for Free Elections and Democracy (CeSID), February-March 2008. N=962.

42 Meeting with Trans Gayten, 8 April 2010.

43 Gay Straight Alliance, *Homophobia in Serbia 2010*. Research and analysis of Public Opinion, Views of GLBT Population, Discrimination in the Work Place. Research conducted for Gay Straight Alliance by Centre for Free Elections and Democracy (CeSID), 2010.

44 Meeting with Ministry of Labour and Social Policy, 8 April 2010.

45 Yucom, www.yucom.org.rs/index.php, accessed 29 September 2010.

"discreet", and that an often used strategy is to live together giving the impression to neighbours, landlords and others that they are friends. As a representative from Labris put it: "You can be friends forever here."⁴⁶

C.11. Health care

85. There are no data on discrimination within health care. However, homosexuality was still officially considered as an illness in Serbia until recently. However, in 2008, the Serbian Health Society, replying to a request from Labris, finally confirmed its agreement with WHO that homosexuality should not be considered an illness,⁴⁷ Nevertheless, medical staff and professionals do not equally follow this change of policy, as exemplified in the following.
86. For example, in the biology text book for the third grade students of medical high schools, among other things, it is stated that "there are also such characteristics which in a lesser form deviate from normal behaviour and are considered as deviant forms of behaviour. Such characteristics include for example, the tendency towards criminal behaviour, the use of alcohol and drugs, homosexuality, as well as many other characteristics which deviate from the standard of usual behaviour".⁴⁸ There are similar examples with the textbooks for other schools, even for the University of Medicine.
87. A disturbing fact is that there are publicly known psychologists or psychiatrists who openly declare homosexuality an illness. One very well-known psychiatrist and a professor at the University of Medicine says that homosexuality is "a type of deformity, because such couples cannot have children".⁴⁹ Also, GSA lists different cases where individuals were subjected to 'treatment' when trying to get some consultative support from medical workers.⁵⁰
88. According to the Ministry of Human and Minority Rights, consultative support (as well as other supporting infrastructure) in health institutions is missing.⁵¹ There is only one public health institution, Student's Polyclinic in Belgrade, which provides psychological consultations to LGBT persons.
89. A positive fact is the existence of *the Belgrade Team for Gender Dysphoria*, which provides full assistance, treatment and operation to transgender persons.⁵² On the other hand, the negative aspect is that this team is working unofficially, they do not have legal grounds for their work and they are working under so-called "silent agreement" with the Ministry for Health and the Medical Chamber. This team of doctors, apart from the team in Ljubljana, is the only one in the Balkan region performing such kinds of operations.

C.12. Access to goods and services

90. The specific examples of verbal or physical assaults reported to Labris in 2008 include a case where a man applied for a visa to visit his male partner in another country and

46 Meeting with Labris, 6 April 2010.

47 Labris, *Annual report on the position of LGBTTIQ population in Serbia for 2008*. Belgrade, 2009.

48 Biology 3, authors D. M., M. A., A. S., V. D., the ninth edition, Zavod za udžbenike i nastavna sredstva Beograd, chapter on Genetic conditioning of mental disorders, page 92

49 Jovan Marić supports Đilas", BGD Novine, August 11, 2009, http://www.bgdnovine.com/bgd/index.php?option=com_content&view=article&id=2978:jovan-mari-podrava-ilasa&catid=58:domovi-zdravlja&Itemid=343

50 Gay Straight Alliance, Annual Report 2009, p. 58-60.

51 Meeting with Ministry of Human and Minority Rights, 7 April 2010.

52 Meeting with Trans Gayten, 8 April 2010.

experienced unpleasant and discriminatory questions from the embassy official. Labris is not informed about the outcome of the incident.⁵³

C.13. Media

91. Labris – the lesbian human rights organisation in Belgrade, Serbia have published reports on the position of the LGBT (and TIQ) population in Serbia⁵⁴ - including analyses of articles published in Serbian media.
92. The report on 2008 finds a significant increase in articles on LGBTTIQ topics (434) compared to the year before (268). Of the 434 articles, 292 had the topic as the key element of the article.
93. The primary sources of information in the articles appear to be the media itself, journalists and news agencies (in 49% of the articles). LGBTTIQ NGOs or activists are only the source in 10% of the cases - well-known people or celebrities appear more frequently than the NGOs. Statesmen, political parties and state official rarely appear in the articles, indicating that LGBT rights issues are little on the political agenda.
94. Regarding the attitudes towards LGBTTIQ persons in the articles, the analysis finds "predominantly a neutral stand towards the LGBTTIQ population - in 196 or 67% of the articles. Positive stands of the information sources have been found in 21 articles or seven% while the negative attitudes have been more frequent than the positive ones - 10%, similar to the previous year."⁵⁵ Additionally it noted that scandalous illustrations and illustrations with sexual connotations have decreased greatly. The negative statements are mainly articulated when referring to the LGBTTIQ population as a whole whereas the negativity decreases when the persons involved are less abstract or particular individuals.
95. Gay men are by far the most represented, more than lesbians, bisexual or transgender persons - hence derogatory language against gay men is the most widespread. Derogatory and insulting terms found in the articles referring to the LGBTTIQ population include: *followers of the fault of nature, perverse ones, sickos, the Satan's party, radioactive gays, lezzas, faggots.*
96. Labris conclude that even though there is still a great need for improvement, the situation has improved compared to previous years when it comes to visibility.
97. The report mentions a few specific examples of hate speech with, for example, a journalist speaking of "those who go for the nature's error" comparing homosexual persons with "those who make love to cars" as a way of comparing homosexuality and zoophilia. Labris complained to the editor of the newspaper (Politika) referring to the Law on Public Information which prohibits hate speech on the grounds of sexual orientation. The editor subsequently submitted a letter of apology.
98. Labris has also done a monitoring project of electronic media for the period of October 2006 to June 2007.⁵⁶
99. It is interesting to mention a new TV show that is produced by UNDP and Ministry for Labour and social policy using Education Entertainment (EE) methodology. The TV show

53 Labris, *Annual report on the position of LGBTTIQ population in Serbia for 2008*, Belgrade, 2007.

54 Ibid.

55 Labris, *Annual report on the position of LGBTTIQ population in Serbia for 2008*, Belgrade: 7, 2007.

56 Labris, *Hate Speech Against Lesbian and Gay Population in Electronic Media*. Belgrade, 2007.

“Come closer”, directed to teenagers and broadcast on national television (RTS1) in the prime time (Sundays at 17:30), has a gay protagonist as one of the main characters.

100. In addition, UNDP and Ministry for Labour and social policy are starting another project for the promotion of LGBT issues through promotion of the new Law on Prohibition of Discrimination. The promotion will take place in 2010.
101. In 2009 there was the first international queer film festival titled “Merlinka”⁵⁷ held at the Belgrade Cultural Center Dom omladine. It was organised by the Gay and Lesbian Info Center (GLIC). The idea of the festival was to promote LGBT movies, which the audience can otherwise rarely see. During four days of festival, ten LGBT movies were screened and one panel discussion on gay and lesbian moments in national cinematography was held. When it started, the festival went on without any interruptions, although it had already been postponed twice. The second international queer film festival is supposed to take place at the end of 2010.
102. Apart from these positive developments, hate speech against the LGBT population is very common in the media in Serbia, especially in the yellow press. Daily newspapers, such as Press and Kurir, are most often mentioned as the ones promoting hate speech against the LGBT population.
103. Also, very often different extremist organisations are active in the media by promoting their calls on violence and hate. One of the most extreme is Obraz (full name: Otacestveni pokret Obraz). In 2005 Serbian Ministry of Internal Affairs classified this organisation as a clero-fascist organisation. In addition, after the murder of a French national in Belgrade in autumn 2009, a public prosecutor started the process of banning extremist organisations like Obraz, National movement 1389, and five other organisations. Also, the public prosecutor announced that football fan groups will be also investigated and banned if they are connected with promoting or conducting violence.⁵⁸
104. *Some of the messages that appeared on the website of Obraz, sent to the participants of the Gay Pride were: “fagots, paedophiles, sodomist, transsexuals, bisexuals, and others will not be tolerated and there will be no mercy neither from people or God for them. All of you will be strictly punished and eradicated!!!...”, “the Gay pride is obvious provocation and they are sticking fingers in our eyes as well in the eyes of the Serbian people. That will not be unpunished. We are waiting for you at the Gay Pride!!!” (Politika, 15 September).*
105. According to the GSA report for 2009 “the media in Serbia made a big step forward in covering topics related to GLBT issues. During 2008, GLBT organisations started establishing their position in the media, and throughout 2009 wisely used the banning of the GSA’s press conference, the adoption of the Anti-Discrimination Law and the preparation of the Pride Parade to achieve their goal, so their activities are no longer ignored by the media. Unfortunately, the media is still providing space for hate speech, and usually issue biased reports on GLBT matters. Also, after cancellation of the Pride Parade, there has been a significant decrease in media coverage of these still burning issues.”⁵⁹
106. The Public Prosecutor for cyber crime refused to act upon death threats issued via the Internet towards LGBT activists with an explanation that there were no elements of crime or no jurisdiction in the matter, alleging that the widespread homophobia, in his opinion, cannot be “treated” with criminal prosecution.⁶⁰

57 Vjeran Miladinović (Merlinka) is one of the most famous transsexuals in Belgrade murdered in 2003.

58 Meetings with Labris, Gay Straight Alliance and Ministry for Human and Minority Rights, 6-7 April 2010.

59 GSA Annual 2009 report, www.gsa.org.rs, accessed 29 September 2010.

60 Meetings with Labris, Gay Straight Alliance and the Office of the Ombudsman, 6-8 April 2010.

C.14. Transgender issues

107. The Belgrade Team for Gender Dysphoria is the only fully equipped medical team able to conduct full transition of transgender persons (pre-operational, operational and post-operational process) in the region of western Balkans. Apart from this medical team, there is also a team in Slovenia. Nevertheless, transgender persons usually go for operation in Belgrade because it is cheaper and the medical team has 22 years of working experience in this area.⁶¹
108. A big problem for transgender persons is that there are no legal grounds for gender reassignment in Serbia. This means no regulation in terms of obtaining new documents. Surprisingly, according to a representative of Trans Gayten, practice on the field is good. Representatives of the municipalities (where the documents are usually issued) are usually willing to help in issuing new documents.⁶²

C.15. Other areas of concern

109. Different extremist groups are gaining support from the religious structures. Having pronounced LGBT people as “offshoots from Sodom and Gomorrah”, Amfilohije Radovic, the current Metropolitan of the Metropolite of Montenegro and the Littoral and the leading prelate of the Serbian Orthodox Church, indirectly, but unambiguously, justified the planned violence against the Pride Parade and, in a way, even invited his followers to take part in committing violence. Also, priest Dragan Terzic commented the Law on Prohibition of Discrimination: “this Law is deleting the line between good and evil. It has derogating effects not only in the moral aspects but as well towards society making it closer to animal which is a catastrophe for the hole nation and the state” (Pravda, 10 March 2009.)
110. Apart from the Church, there is notable anti-LGBT speech in some of the political parties like Nova Serbia, Serbian Progressive Party, United Serbia and Serbian Radical Party. LGBT organisations as well as the Office of the Ombudsman have detailed lists of statements coming from the politicians.⁶³ Although reserved in their statements, representatives of almost all other political parties are very careful when talking about LGBT issues. Phrases like “everyone has the right to his/her own values”, or “although I do not share their values, I support tolerance” were very common in the media during 2009, and especially, around the Gay Pride events. Only a few political parties like Liberal Democratic Party and Social-democratic Union openly supported Gay Pride.
111. Nevertheless, political parties like the Democratic Party and G17+ started serious conversations with GSA and even signed Memorandums of Understanding with the organisation.⁶⁴

C.16. Data availability

112. There are very little official data on LGBT issues and rights violations in Serbia. However, elaborate reports and studies made by LGBT NGOs, similar accounts and assessments made by all stakeholders interviewed, and some well-documented indicative events makes it possible to outline a substantiated analysis of the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in Serbia.

61 Meeting with Trans Gayten, 8 April 2010.

62 Meeting with Trans Gayten, 8 April 2010.

63 Meetings with Labris, Gay Straight Alliance and the Office of the Ombudsman, 6-8 April 2010.

64 Meeting with Gay Straight Alliance, 7 April 2010.