

ANNUAL REPORT ON THE POSITION OF THE LGBTIQ POPULATION IN SERBIA FOR 2012

*Labris - lesbian human rights organization
Belgrade, 2013*

Dedicated to Štefi Markunova – Ivljev, founder of Labris, poet, activist, a woman whose energy is eternal...

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Before you is the eighth annual report on the status of LGBTIQ¹ population in Serbia, published by Labris – lesbian human rights organization from Belgrade.

In addition to the most important general events relating to the legal status, as well as daily lives of LGBT people in Serbia, the report also contains brief information about the activities conducted by Labris organization during 2012.

ACTIVITIES OF LABRIS ORGANIZATION ARE CONDUCTED THROUGH THREE EXISTING PROGRAMS: LOBBYING AND ADVOCACY, EDUCATION AND INFO CENTER

LOBBYING AND ADVOCACY

- Introducing representatives of LGBT and human rights organizations in Serbia to the proposed Model law on registered same-sex partnerships(round tables - Niš, Novi Sad, Belgrade);
- Presentation of the proposed Model Law on registered same-sex partnerships in Media Center jointly with the Coalition Against Discrimination;
- Creation of the annual report on the status of the LGBT population in Serbia and press conference presenting the report;
- Presentation of Labris in the media, as well as at national, regional and international conferences (Progress Report Brussels, ILGA-Europe annual conference, roundtables on discrimination and testing of discrimination);
- Meetings regarding the creation of the cooperation platform of LGBT organizations on the project "United Against Homophobia," funded by the Institute for Sustainable Communities (ISC) and USAID;

- Monitoring the trials of Miša Vacić and Mladen Obradović, leaders of movements "SNP 1389" and "Obraz";
- Participating in the working group for the development of the National Strategy Against Discrimination;
- Situational testing for obtaining the certificate of single marital status - monitoring all 17 municipalities in Belgrade;
- Monitoring the implementation of the Council of Europe recommendations relating to LGBT rights
- Processing press and video clippings;
- Filing complaints to the Commissioner for Protection of Equality;
- Publishing the brochure: LGBT population in the print media in Serbia, for the year 2011 (<http://labris.org.rs/publikacije>);
- Publishing the brochure: Annual Report on the status of LGBT population in Serbia, for the year 2011 (<http://labris.org.rs/publikacije>);
- Writing reports on the cases of violence and discrimination against LGBT persons based on actual or assumed sexual orientation (ILGA-Europe and OSCE/ODIHR);
- Writing reports on the cases of violence and discrimination against LGBT persons for the annual report of the Coalition Against Discrimination;

1 The below text will use the shorter acronym LGBT (lesbian, gay, bisexual, transsexual and transgender)

- Public opinion survey: "Attitudes towards people of different sexual orientation"
- Contribution to writing of the Progress Report and presenting on site before the European Commission;
- Workshops on situational testing (methodology and examples), performed in collaboration with the institution of the Commissioner for Protection of Equality - held in Niš, Belgrade and Kragujevac;
- Filming a promotional video for the campaign "Love is the law," in cooperation with "Dokukino" organization.

EDUCATION

- Seminar for psychologists and pedagogues working in secondary schools in Serbia;
- Seminar for lawyers who provide free legal aid;
- Seminar for youth about LGBT youth as part of the project "LGBT Youth - The fight against stereotypes and prejudices";
- Press Conference: Presentation of the "LGBT Youth - The fight against stereotypes and prejudices" (supported by the Directorate of Human and Minority Rights and the Embassy of the Kingdom of the Netherlands);
- Brochure: "Who is straight, who's gay" (about LGBT youth);
- Brochure: "Manual for working with LGBT persons" (intended for use by the police force).

INFO CENTER

- Group counseling sessions;
- Educational/psychological workshops;
- Basic one day seminar for women of non-heterosexual orientation;
- Publishing of the brochure: "Manual for counseling and psychotherapeutic work with persons of non-heterosexual orientation";
- Publishing of Labris Newspaper;
- Resource center: hanging out, parties, movies, lesbian shifts.

VOLUNTEER TEAM

The volunteer team conducted activities necessary for the situational testing, data entry for press clippings used for the analysis of media re-

ports in 2012; organized, stayed on call and provided logistical support during seminars, translated texts for Labris Web portal; helped prepare the media campaign to promote the Model Law on registered same-sex partnerships; participated in organizing the celebration of IDAHO (17th May - Day Against Homophobia); created banners and participated in the Pride Day – 27th June; participated in filming the promotional video for the media campaign "Love is the law"; participated in training session "Development of strategy applied to the campaign to promote the Model Law on registered same-sex partnerships."

We would like to use this special opportunity to once again thank all the volunteers of Labris for their inexhaustible ideas, generous help and fantastic energy! :)

SPORT GROUP

Organized meetings of sport group in Labris, organized the charity party for the sport group, organized attending Euro gay games in Budapest.

ADDITIONAL ACTIVITIES:

- Publishing of the book "Decent life", lesbian short stories from ex-Yugoslavia region;
- Organization of the charity party "Everybody for Aleks";
- Organization of memorial commemoration for Štefi Markunova;
- Street actions: celebrating IDAHO (Human Library on Knez Mihailova street); Pride Day (surprise Pride celebration in Belgrade); For colorful autumn days at the Republic Square; solidarity protest in front on the Macedonian embassy; commemorating International Human Rights Day on 10th December – protest walk and an exhibit "Turn off the dark!"; booth at the EXIT festival; participated in the Civil Society Organizations Fair in Belgrade; participating in the LGBT Organizations Fair during Pride Week at the Media Center; participating in the Human Library during the Belgrade International Book Fair.
- Education of the Council of Europe on the methodology of the Human Library.
- Strategic planning for 2012-2014.

LABRIS' NUMBERS

- Celebrated its 17th birthday;
- Three program coordinators, two expert associates, a financial director, legal advisor, 16 volunteers;
- 1,008 texts published on Labris' website; 178,044 website visits, 1,653 followers of Labris Facebook page;
- Thirteen implemented projects.

The past year has been exceptionally turbulent and marked by both positive and negative events and trends in the field of human rights of LGBT persons.

THE MOST IMPORTANT EVENTS WHICH MARKED THE YEAR 2012:

- Decision was made by the Ministry of Internal Affairs to ban the Pride Parade for the third time;
- A special i.e. binding aggravating circumstances for sentencing of hate crimes and, in addition to nationality or ethnicity, sex and race, sexual orientation and gender identity were added as the basis for hate crimes;
- The leader of "Obraz" Mladen Obradović was convicted to 10 months in prison for **racial and other discrimination** and threatening LGBT persons prior to the canceled Pride Parade in 2009;
- The Court of Appeals in Belgrade overturned trial conviction which sentenced the leader of "Obraz" Mladen Obradović to 10 month in prison for **racial and other discrimination** and ordered a retrial;
- Constitutional Court of Serbia banned the movement "Obraz";
- Proposal of the Public Prosecutor to ban the "Serbian National Movement 1389" (SNP 139) from Belgrade and "Serbian National Movement Ours" (SNP Ours) from Aranđelovac was overturned;
- "SNP Ours" published a "Black list of non-governmental organizations", black list of media channels and introduced a Model Law for banning gay pride propaganda on the territory of the Republic of Serbia;
- City council of Kragujevac banned the action "Demonstration of LGBT dolls";
- Several public gatherings were held in Belgrade, Novi Sad and Niš;
- Civil society organizations, including several LGBT organizations, participated in the Civil Society Organizations Fair in Belgrade and EXIT festival in Novi Sad where, for the second time, "Loud and Queer" stage was set;
- Pride Week was organized for the third time, which also included an LGBT Organizations Fair;
- First conviction against a political representative for hate speech towards LGBT population;
- The conviction against Dragan Marković Palma for severe discrimination of LGBT persons was overturned and sent back to trial;
- The Court of Appeals confirmed the trial verdict of Higher Court in Belgrade which determined that hate speech toward LGBT population was present in the comments posted on the website "Press online";
- Trial verdict was reached by the Higher Court in Belgrade by which S.V. was convicted to three months in prison, two years probation for threats against LGBT population on Facebook prior to the banned Pride Parade in 2011;
- Coalition Against Discrimination introduced three model laws: Model Law on the reasons and process constraints and the protection of individual rights and freedoms, Model Law on recognition of the legal consequences of sex reassignment and determining transsexualism, Model Law on registered same-sex partnership;
- Fourth international queer film festival "Merlinka" was held in Belgrade where 42 short films were presented;
- Magazine "Optimist", a guide to gay Serbia was published the entire year;
- Play "Perverved", directed by directed by Andrej Nosov had its premiere;
- 14th consecutive European games in Budapest (Euro Gay Games) were held – first time ever a women's sports team from Serbia competed;
- The Office of Human and Minority Rights symbolically dedicated the month of June to LGBT persons as part of the Human Rights Calendar project and approved project funding to LGBT organizations;
- For the first time ever Serbia was included in the project called "Fight against discrimination based on sexual orientation and gender identity" (funded by the Council of Europe), whose aim is fight discrimination against LGBT persons;

- The process of developing a National strategy for fighting against discrimination has begun;
- Council of Europe Office in Belgrade, together with the Commissioner for Protection of Equality and with the support of the Ministry of Youth and Sports, organized the first national training as part of the “Human Library” project;
- Action “Pink ballets” and “It’s important” was launched after the announcement of parliamentary, provincial and local elections to draw attention to the importance of LGBT issues within program policies;
- Feminist activist, Lepa Mladenović was awarded the “Anne Klein” award from the German “Heinrich Böll” foundation;
- Associate of the Institute for Gender Equality of Vojvodina, Dragan Todorović, received the award for combating discrimination in the category of “Public Authority”, awarded by the Coalition Against Discrimination, and in particular efforts to combat discrimination and promote gender equality and human rights of LGBT persons in Vojvodina;
- The Constitutional Court of Serbia upheld the constitutional appeal of the person who was denied the right to change their name within 30 days after their sex reassignment procedure;
- Faculty of Law in Belgrade rejected the request of M.Đ. to “correct” the name on the previously issued diploma after they changed their name following a sex reassignment procedure and issue a new diploma with their new name; Commissioner for Protection of Equality issued the opinion and recommended that the Faculty of Law ensure all necessary measures are taken to enable M.Đ. and all other persons who change their name because of the sex reassignment procedure be issued new diplomas and other public documents whose issuance is the responsibility of the Faculty;
- Law on Amendments to the Law on Health Insurance (Article 45/4) came into effect stating that the Republic Institute for Health Insurance is to cover the cost of preparation for, as well as, the sex reassignment surgeries;
- Long-term LGBT activist and the representative of Gayten organization, Milan Đurić was elected as a member of the Council for Gender Equality within the Office of the National Ombudsman with special focus on the rights of gender minorities (transgender and intersex people);
- The charity party “Everybody for Aleks” was held to raise money necessary for Aleks’ sex reassignment surgery;
- **Štefi Markunova-Ivljev, one of the founders of Labris, a poet and an activist of Women in Black and SOS Center of Belgrade** passed away;
- Consultation helpline for lesbians opened;
- Queer studies enrolled a second generation of over 90 male and female students, held 30 lectures including the origin and development of queer theory and queer art, rights of queer people and queer politics.
- Professor Zorica Mršević, an expert associate of Labris, has published numerous academic papers in the field of LGBT rights: Mršević Z., (2011), **Kriminalci ili žrtve kriminalaca – transseksualne osobe**; Mršević Z., (2011), **Promena pola iz medicinskih razloga**, 271 – 283; Mršević Z., (2012), **Presude Evropskog suda za ljudska prava u Strazburu u korist transseksualnih osoba**, Strani pravni život, vol 54, 2: 332-348; Mršević Z., (2012), **Pravni i politički aspekti transseksualnosti Zbornik predavanja Pravo i politika**, vol V, 1:64-81, Mršević Z., (2012), **Street Graffiti – Between Amnesty of Our Children and Moral Panicking Bezbednost**, vol. 54, 2:7-22; Mršević Z., (2012), **Borba protiv grafita mržnje kao deo feminističke eko agende**, 223 – 246, Ed. Drezgić, R. Ekofeminizam, nova politička odgovornost, Mršević Z., (2012), **Feminist activities and responsibilities regarding hate speech and crime**, 82; Mršević Z., (2012), **Grafiti kao maloletnički govor mržnje**, 51-52.
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LEGAL SECTION

VERDICTS WHICH COULD BE MILESTONES IN IMPROVING THE LEGAL STATUS OF LGBT PERSONS IN SERBIA AND EXAMPLES OF BEST PRACTICES FOR FUTURE JUDICIAL SANCTIONING OF SIMILAR PROCESSES

As the European Court of Human Rights practice showed multiple times, the sentences passed largely contribute towards the change and rising of human rights standards; they also influence legislative policies in European countries.

The European Court of Human Rights has stated that the Convention is a “living instrument which must be interpreted in the light of current social circumstances” and that the court must be “influenced by development of universally accepted standards and penal policies of the Council of Europe member states”².

Certain court cases are changing and adapting new legal framework of legal practices. An example of such a case is *Karner vs. Austria*³ (1997 to 2003) which “pushed” the boundaries of (non)recognition

of the right to inheritance, the right to lease an apartment after the death of a partner, by confirming that the discrimination is directed exclusively at same-sex couple, and as such is unacceptable. Number of sentences were passed in Serbia in 2012 which could be basis for “future practices.”

In the local context, it should be taken into account that in only two decades the legal evolution occurred and a long road has been crossed between 1994, when homosexual relationships between men were decriminalized (which was a punishable offence under the Criminal Code of Serbia prior to 1994), and today when sentences of historical importance are made, particularly concerning the “subtle” forms such as discrimination, hate speech, etc.

Today, there are eight laws which contain anti-discrimination provisions that explicitly include sexual orientation and/or gender identity and they, in addition to the supreme law of the land, the Constitution, are Law Against Discrimination, Labor Law, Higher Education

² <http://www.stopdiskriminaciji.org/wp-content/uploads/2007/10/Mo-del-zakona-o-registrovanim-istopolnim-zajednicama.pdf>

³ http://www.bgcentar.org.rs/index.php?option=com_content&view=article&id=676:predmet-karner-protiv-austrije&catid=83

Law, Broadcasting Law, Public Information Act, Youth Law, Law on Health Insurance and lastly the Criminal Code of the Republic of Serbia, which instituted "hate crime" provisions in January. Toward the end of 2012 the Law on Amendments to the Criminal Code came into effect, to which Article 54a added "special circumstance when passing a sentence for a crime committed out of hatred" and which reads:

Article 54a

If a crime is committed out of hatred due to racial, religious, national or ethnic origin, based on sex, sexual orientation or gender identity of another person, this shall be taken as aggravating circumstances, unless it is prescribed as an element of a criminal offense.

Hate crime, according to this article which was jointly initiated by YU-COM - Lawyers' Committee for Human Rights and the Gay-Straight Alliance (GSA), is defined as "any offense under the Criminal Code committed against any person or group of persons out of hatred based on race, skin color, ethnic or national origin, religion, political or other opinion, language, sex, sexual orientation, gender identity, age, health, disability, education, social status, social origin, property status or other personal characteristic." This definition is in line with the international standards and the definition of the Organization for Security and Cooperation in Europe (OSCE), and the acts which are included in this initiative are those relating to murder, grievous and minor injuries, rape, crimes against property and against the general safety of people and property.

Hate crime provisions will certainly, if consistently implemented, have a long-term impact on the decrease of violence and intolerance in our society. However, it is clear that the civil society and the state have much hard work ahead of them.

However, when it comes to hate speech, during the year 2012 verdicts of great importance were passed - in February the Court of Appeals in Belgrade confirmed the trial verdict in the process that the GSA launched against the newspaper "Press" for online comments containing hate speech, on basis of Law Against Discrimination and Public Information Act.

This was the first verdict in the history of the judiciary system in Serbia pertaining to hate speech against LGBT population. The appeal of the defendant was overturned as unfounded and the Court of Appeals upheld the trial verdict of the Higher Court in Belgrade, which established the texts and readers comments published on 2nd July 2009 Press website contained hate speech against LGBT population.⁴

According to the GSA website, "The explanation of verdict provided by the Court of Appeals is that the Higher Court was correct in holding that the disputed comments published on the defendant's website are offensive to LGBT persons and incite hatred and violence towards them. The Court of Appeals confirmed that freedom of the media is limited by the ban on the publication of ideas and opinions that incite discrimination, regardless of whether it is the ideas and opinions of readers or the journalist or other responsible persons. The explanation of the decision further states the fact that the comments were removed from the website does not relieve the defendant of responsibility since the website moderator was required to prevent their publication." The verdict prohibits the defendant from republishing the said texts and ordered Press to publish the verdict in full in its printed version, without comment and without delay, and to reimburse GSA for legal costs.

These are just some of the user comments of the article which were removed after the GSA's legal team pressed charges: "I'll be a gay icon [...] and I'll never, ever understand these twisted people", "We have to stop them, that is a disease and should be treated [...] these people should be shut off in the ghetto", "Comrade Tito come back to execute all this scum!!! Comrade Tito execute all this immorality!!!!", "Yo bro, we should slaughter them. They are going to say we slaughtered them anyway", "Poor baby is sick all the way [...], but he must be isolated!!!!", "I think people like this gay subject shouldn't get so much time on television, in fact should not be allowed to live", "We're waiting for you, there will be all sorts [...], that is, beating on you [...]", etc.

The second case brought before the local courts that deserves special attention, and which can be given as an example of best practices for

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4 <http://gsa.org.rs/2012/02/apelacioni-sud-potvrdio-da-se-govor-mrz-nje-prema-lgbt-osobama-ne-moze-pravdati-slobodom-govora-i-informisanja/>

future similar cases regarding open sanctioning of hate speech and stigmatizing and entire segment of the population from a medical point of view, is the verdict of the First Basic Court in Belgrade, which established **discriminatory behavior and severe discrimination of LGBT people by Nebojša Bakarec**, member of the Democratic Party of Serbia and councilman of Belgrade City Assembly, which was finalized after Bakarec chose not appeal the trial verdicts within in the legally provided time frame.

The verdict, which was confirmed in October 2012, prohibited Nebojša Bakarec from repeating such discrimination and ordered GSA organization (plaintiff) to be reimbursed for legal fees and no matter how mild or symbolic the verdict is, it carries a certain weight because it was passed for a city official.

GSA's Legal Department filed charges against Nebojša Bakarec for his article entitled "Another October 2011" which was published on 16th September 2011 on website www.vidovdan.org (Vidovdan Magazine) in which he presented his views that homosexuality is abnormal and should be treated by psychiatrists and psychologists.

Attitudes of Nebojša Bakarec published in the text "Another October 2011", for which the charges were filed and the verdict was passed for severe discrimination of LGBT persons, are as follows:

"[...] and homosexuals can and should, publicly and collectively, be indifferent toward their wrong sexual orientation. Individually, homosexuals should not be indifferent (which does not mean that they should be ashamed) of their condition, because it simply is not normal and is not a reflection of mental and physical health.

Individually, each member of the LGBT group needs help that no one can impose. The help of a psychiatrist, psychologist.

*Also, just because something is not officially recognized as a disease does not mean that it is a reflection of mental health and that it is not a disorder. Homosexuality is a mental disorder. Homosexuality is definitely not normal, not healthy".*⁵

5 ibid

As usual, the defendant referred to the freedom of speech, misinterpreted concept, but the decision was upheld, making it clear that the Court chose to set up a clear line between free speech and hate speech, and that similar cases in the future should be penalized without exception.⁶

However, these positive examples are offset in 2012 by one important strategic verdict for the severe form of discrimination based on sexual orientation which was overturned due to procedural oversights.

The Court of Appeals in Belgrade overturned the first trial verdict of the First Basic Court in Belgrade against **Dragan Marković Palma** ordering that the case be retried citing procedural violations and scheduling the first hearing of the retrial for 7th February 2013 before the First Basic Court in Belgrade.

First Basic Court accepted the lawsuit brought before it by GSA in November 2011 and found that Dragan Marković Palma, President of the United Serbia party, and former mayor of Jagodina, committed serious form of discrimination based on sexual orientation and based on Articles 11, 12, 13 and 21 of the Law Against Discrimination and prohibited that he repeat the said discrimination.

GSA's Legal Department filled charges against Dragan Marković Palma on 22nd August 2011 based on Law Against Discrimination because different sexual orientation was presented as an illness and as something abnormal, and publically through mass media. Dragan Marković Palma stated on 15th August 2011 that "the position of United Serbia party and my personal opinion - we are against any gathering where homosexuals demonstrate through the streets of Belgrade and want to show that something that is a disease is normal".⁷

The third, and perhaps the most significant verdict, is the **first legally binding verdict based on the Law Against Discrimination for discrimination based on sexual orientation in the work place.**

6 <http://gsa.org.rs/2012/10/presuda-nebojsi-bakarecu-postala-pravo-snazna/>

7 ibid

Namely, GSA received a legally binding verdict of the Court of Appeals in Novi Sad toward the end of 2012. The verdict confirmed discriminatory behavior and severe discrimination against M.A. (25) from Vršac by his colleague Dario K. (26) from Vlajkovac. Discrimination was carried out for several continuous months at the workplace in a private company in Vršac, where both were employed.

The verdict ordered the defendant Dario K. to pay to the plaintiff M.A. 180,000 RSD for hardship and emotional pain inflicted by violation of personal rights, dignity and honor, as well as to reimburse legal and court fees to the GSA Legal Department. After D.K. learned about his colleague's same-sex sexual orientation, he began to threaten and insult him.

This verdict was based on Articles 12, 13 and 21 of the Law Against Discrimination, and the Court of Appeals' explanation refers to the violation of Articles 21, 23 and 25 of the Constitution, which prohibits discrimination on any grounds and guarantees the right to human dignity and psychological integrity.

Discrimination in the workplace was previously processed on the bases of the Labour Law, not the Law Against Discrimination, which makes this a positive step forward.

If it is ambitious to believe that one verdict can change and rescind decades of discriminatory practices, then it is certainly reasonable to expect that a verdict against Dario K. can become basis for the future decisions in similar cases.

THE STATE IS NOT CONSISTENT IN CONDEMNING EXTREMISM

Selective treatment of the Serbian state and sporadic sanctioning of activities by extremist organizations is clear when we consider the decision of the Constitutional Court of Serbia to ban Patriotic Movement "Obraz" (from hereafter: Obraz), but at the same time the Court of Appeals was unwilling to punish violence and discrimination. State policies like these resulted in the reconsideration and retrial of both proceedings against the leader of "Obraz" Mladen Obradović (racial and other discrimination, 2009; violent behavior 2010).

Another example of lack of commitment of the government to crack down on extremism is the trial (after numerous delays) for Miša Vacić, leader of "SNP 1389", accused of racial and other discrimination, as well as the decision of the Constitutional Court of Serbia which did not judge activities performed by "SNP 1389" and similar organization "SNP Ours" from Aranđelovac as unconstitutional.

On the other hand, Constitutional Court of Serbia banned "Obraz" on 12th June 2012. The decision came nearly three years after the request from the Federal Public Prosecutor, on whose initiative a neo-Nazi organization "National Front" was already banned earlier.

The explanation issued by the Constitutional Court of Serbia states that "'Obraz" and its activities are banned due to the violation of human and minority rights and inciting national and religious hatred" and it orders that "'Obraz" be removed from the register because the court concluded that the prohibition of this organization is proportionate response of the society to protect the fundamental rights and freedoms of its citizens."

The Federal Public Prosecutor requested the removal of "Obraz" from the registry, adding a note that the movement and groups that continue with its activities will be considered illegal. This prevented the activists of "Obraz" to circumvent the ban and register a new association with the same goal, thus ensuring the continuation of movement "Obraz".

After a public debate in December 2011, following the ban of "Obraz", the Constitutional Court of Serbia held three more hearings at which arguments for and against the ban were discussed.

The prosecution asked for the ban of the movement because "its actions threaten fundamental principles of democracy and therefore the ban of the movement is justified and is in line with the UN Convention on the Elimination of Discrimination". In its motion to ban, the Prosecution stated numerous violent actions of the said movement as well as criminal proceedings and verdicts already brought against the leader of "Obraz" Mladen Obradović and his associates.

During a public hearing, the leader of "Obraz" stated that the movement stands for the state and structural reconstruction of Serbian-hood based on the foundations laid by St. Sava and that this form of Serbian nationalism is not chauvinism nor is it exclusive. Obradović stated that "Obraz" promotes "a healthy society", which means that the negative effects are outdated, and that "Obraz" is the movement of "legalists and legitimists."

The ban of "Obraz" and "SNP 1389" was motioned by the former Federal Public Prosecutor Slobodan Radovanović on 25th September 2009 due to "violent destruction of the constitutional order, violation of guaranteed human and minority rights and racial, ethnic and religious hatred and intolerance."

The prosecution then announced it has identified "Obraz" and "SNP 1389" as the initiators of numerous incidents in which their members, adhering to the principles of the organizations, violated constitutionally guaranteed human rights.⁸

Tomo Zorić, the spokesman for the Office of Public Prosecutor, stated that the decision of the Constitutional Court of Serbia to ban "Obraz" is reasonable and in line with the UN Convention on the Elimination of Discrimination. "This sends a very clear message that the protection of human rights and civil liberties in Serbia is inviolable. The decision of the Constitutional Court *should contribute to the prevention of violence and intolerance that is propagated by this movement*", said Zorić.⁹

"Obraz" was recognized as far back as 2005 by the police as a clerofascist organization. Key arguments for banning of the movement are numerous violent actions of "Obraz", including the organized attacks on LGBT persons and the police during the Pride Parade in Belgrade in 2010. Bloody score of the violence counted 140 injured persons, mostly members of the Serbian police force.

8 http://www.mondo.rs/s247873/Info/Hronika_i_Drustvo/Zabranjen-Obraz.html

9 <http://www.slobodnaevropa.org/content/zabranjen-obraz/24611790.html>

This decision by the Constitutional Court, which can be interpreted as a turning point in the systematic battle against violence, discrimination and intolerance, still remains in the shadow of two other decisions by the Court of Appeals in which the two proceedings against the leaders of "Obraz" Mladen Obradović are sent back for retrials.

"Obraz" and its leader Mladen Obradović continued their activities, appearing at numerous public gatherings, including those organized by the state and without any public criticism.

During the year 2012, with numerous delays, the requisitions were continued against the leaders of the movements "Obraz" and "SNP 1389" which are treated as two separate cases (Obradović, Case No. CC/25K. no. 23953/10 and Vacić, Case 25K 4071/10) and charged with the same crime - racial and other discrimination in violation of Article 387 of the Criminal Code of Serbia.

However, just a few days before the verdict was passed for Mladen Obradović for the charge of inciting hatred and issuing threats against the banned Pride Parade in 2009 (the crime of discrimination and other racial, Article 387/4CC) the indictment was amended to exclude part in which he was charged that his activities directly contributed to the Pride Parade in 2009 not being held.

The original indictment read that "Mladen Obradović is accused of writing graffiti containing hate speech ("Through Belgrade blood will flow, there will be no gay parade", "Fagots we are waiting for you," "Death to fagots"), spread hate speech through newspaper articles and advocated ideas that support violence and discrimination based on sexual orientation, all of which have contributed to the Pride Parade not being held in 2009." However, according to the changed indictment from 3rd February 2012, at the very end of the proceedings, it was concluded that these activities did not contribute to preventing LGBT persons from exercising their right to freedom of assembly, which is guaranteed by the Constitution of the Republic of Serbia.

By amending the indictment, the prosecutor omitted the result of the criminal act, even though representatives of the police and judiciary force clearly emphasized that the activities of "Obraz" and its leaders

had a stake in the organizing violence against the citizens of Serbia. Although this change caused a lot of public attention, such a drastic amendment to the indictment at the very end of the proceedings against Obradović was not explained.

Organizations for the Protection of Human Rights (Association "Rainbow", Gay and Lesbian Info Center, Support Group for Young Gay Men "Come out", the Lawyers Committee for Human Rights YUCOM, Novi Sad Lesbian Organization, Belgrade Pride, Women for Peace from Leskovac, Women in Black, Queeria Center, as well as all members of the Coalition Against Discrimination: Center for Advanced Legal studies, Civil Rights Defenders, Gayten LGBT, Labris – Organization for Lesbian Human Rights, Network of Committees for Human Rights CHRIS, Praxis, Regional Centre for Minorities, Association of Students with Disabilities) sent the request to the Office of Public Prosecutor to provide a public explanation for the decision. However, the explanation was never issued.

Instead of an explanation, the leader of "Obraz" Mladen Obradović was sentenced before the First Basic Court in Belgrade to ten months in prison for inciting hatred and issuing threats against homosexual population before the canceled Pride Parade of 2009 (Criminal offence: education of national, racial and religious hatred and intolerance / article 317 of the Criminal Code of the Republic of Serbia) because **between 13th September and 20th September 2009, acting as the secretary of "Obraz", he spread the ideas that advocated discrimination based on personal characteristics - sexual orientation, and violence against persons, members of the Organization for Lesbian Human Rights Labris and the Gay Straight Alliance and the LGBT population.** The court found Obradović guilty because through his actions, discriminatory statements in the media, writing slogans and graffiti containing threatening messages to homosexuals, such as "Through Belgrade blood will flow, there will be no gay parade", "Fagots we are waiting for you," "Death to fagots", he committed the crime of inciting hatred. After the verdict he said "I am honored that I have been convicted a country such as this. This will only strengthen me to fight further."

Judge Ivana Ramić decided to seize the computer CPU, one USB memory flash drive, 100 CDs, five posters and thirteen flyers with the slogan "We are waiting for you" from Obradović. In addition, Obradović was ordered to pay court fees in the amount of 15,000 RSD.

Obradović's lawyer Goran Petronijević stated the same day that they will appeal this decision in the Court of Appeals in Belgrade, which they can rightfully do within 15 days of issuance of the initial verdict.

After the verdict was announced, Obradović told reporters outside the Palace of Justice that he believed that the trial was unjust because "Obraz" was on trial and not himself, **adding** that "the trial was under political pressure" but that "this verdict will only strengthen him and his organization."

The Court of Appeals in Belgrade overruled the trial verdict which sentenced the leader of "Obraz" to 10 months in prison for race based and other discrimination on 15th November 2012 and the case was sent back to First Basic Court for retrial before a new panel of judges. The Court of Appeals stated that the trial court failed to determine which specific acts alleged in the indictment are supported by evidence and due to this had the overrule of the initial verdict.

"A review of Obradović's computer did not reveal leads indicating that his computer was used to issue threats and calls to violently end and attack participants of the Pride Parade in 2009. No clues were found to indicate that it was used to create ads, stickers, posters and public announcements related to the Pride," the Court of Appeals stated. The initial court failed to indicate "in a single word" in its explanation of the verdict how it determined that it was Obradović, and not another person, who organized the writing of the threatening and the offensive graffiti, the Court of Appeals stated. "The court should have specified the contents of the "ideas that advocate discrimination based on personal characteristics", since the introduction and spread of said ideas was what the defendant was charged with, and as such an essential element of the criminal act thus the verdict must be maximally individualized" Court of Appeals added.

“Due of these significant violations of criminal procedure neither the factual nor legal conclusions of the initial trial that Obradović satisfied all the statutory elements of the crime of racial and other discrimination can be challenged presently, and thus the trial verdict must be repelled.”¹⁰

The leader of “Obraz” was also sentenced on the 20th April 2011 by the Higher Court in Belgrade to a **two-year** prison sentence for organizing the riots during the Pride Parade on 10th October 2010 in Belgrade, but that procedure was also sent back for a retrial by the Court of Appeals in the beginning of 2013.

From everything mentioned above it can be concluded that only the Constitutional Court of Serbia’s decision to ban activities of “Obraz” was the correct measure of the state against the organized hatred. All other decisions of the Court of Appeals are the defeat of justice and the rule of law and foster crime, especially when we consider other similar cases. The Court of Appeals overturned the conviction of former Serbian diplomats, convicted for helping Miladin Kovačević to flee the United States after brutally beating up a U.S. citizen. The same court overturned the verdict of Aleksandar Vavić, one of the leaders of hooligan groups “Alcatraz”, who was sentenced to one year in prison after stabbing a man with a knife in Karaburma in January 2005. In early October, the Court of Appeals in Belgrade sent back for a retrial a verdict in which Ivan Bogdanov, Red Star fan, was sentenced to two years in prison.

“SNP 1389” – IN LINE WITH THE CONSTITUTION?

And while the Constitutional Court of Serbia, when deciding to ban “Obraz” took an uncompromising course which condemned hatred and non-tolerance towards differences, similar measures failed when ruling on organizations “SNP 1389” and “SNP Ours”.

Constitutional Court debated in April 2012 the request of the Federal Public Prosecutor Gordana Janićijević to ban “SNP 1389” from Belgrade and “SNP Ours” from Aranđelovac. She emphasized that these

¹⁰ http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=11&dd=15&nav_category=16&nav_id=660484

organizations “despite the fact that they acted together for a time, and then parted, changing names and operating under many entries, all had the same goal: to constantly and continuously acting unconstitutionally using hate speech and discrimination against those who think differently.” Requesting the ban, Gordana Janićijević noted that members of these obscure organizations “were not afraid of using violence and the word fight in their program documents indicates that they are willing to use any means.”

However, on 15th November 2012 the Constitutional Court of Serbia rejected the proposal of the Federal Public Prosecutor to ban the “SNP 1389” from Belgrade and “SNP Ours” from Aranđelovac; at the same time, the same court rejected the request of the State Prosecutor to ban the “SNP Ours 1389” because the organization does not exist. “Comprehensive analysis of program principles of the organization, activities of its members and the measures already taken by relevant authorities towards these organizations and their members, the Constitutional Court concluded that in this particular case the required conditions have not been met which would warrant the ban of “SNP 1389” and “SNP Ours” – as detailed on the website of the Constitutional Court of Serbia.

After the procedure concluded, the Constitutional Court of Serbia ruled that the allegations of the Federal Public Prosecutor that the actions of organizations “SNP 1389” and “SNP Ours” were aimed at the violent overthrow of the constitutional order, violation of guaranteed human and minority rights, inciting racial, national and religious hatred were unfounded. This assessment is based on the view that banning of the organization must be a necessary measure of a democratic society.

In this context, the Court points out that this measure is the last act of defense of a democratic society when the actions and activities of organizations and their members very seriously and intensively violate constitutionally guaranteed rights and freedoms, and that they undoubtedly aim to accomplish violent overthrow of the constitutional order, violation of guaranteed human and minority rights, racial, ethnic or religious intolerance.

The Court also noted that the measures taken by the relevant authorities towards the members of these organizations are not “appropriate response of a democratic society for the violation of rights for which the Constitutional Court could and would have to ban their work.” The Constitutional Court of Serbia could not reach the decision that the relevant authorities have exhausted all appropriate measures to prevent and sanction their actions and thus refused to ban these organizations.”¹¹

The extent to which these extremist organizations are empowered and to what degree they do not hesitate to implement their policies of creating “black lists” and discriminating against all who do not fit into their value systems, is clearly shown by the fact that the organization “SNP Ours” published a “black list of non-governmental organizations” on 11th November 2012 demanding they be banned by the Government of the Republic of Serbia.

Organization “SNP Ours” published on its website the “Black list of non-governmental organizations” which include: Amnesty International, Autonomous Women’s Center, Belgrade Centre for Human Rights, Centre for Cultural Decontamination, Dokukino, EXIT Foundation, Fund for Humanitarian Law, Gay-Straight Alliance, Civic Initiatives, Helsinki Committee for Human Rights, Youth Initiative for Human Rights, YUCOM - Lawyers’ Committee for Human Rights, Queeria Center, Pešćanik, Reconstruction Women Fund, Sandžak Committee for Human Rights and Women in Black. On that occasion they demanded that the Government of the Republic of Serbia ban these organizations as soon as possible as they are “anti-Serb”.¹²

Toward the end of 2012 (3rd December) they published **the list of media and asked the authorities to ban the work of some media channels in Serbia** on its website. The reason being, as stated in the request “reasonable suspicion of being financed with dirty money from the Albanian and Croatian mafia.”

11 <http://www.blic.rs/Vesti/Drustvo/353116/Ustavni-sud-odbio-da-zabrani-1389-Nasi-i-SNP-Nasi-1389>

12 <http://www.telegraf.rs/vesti/414597-skandal-nasi-napravili-crnu-listu-nepodobnih-nvo>

In a statement published on their website “SNP Ours” seeks the ban and investigating the ownership of following media channels and newspapers: B92, Blic, Danas, Pešćanik, Vreme, Republika, Voice of America and Radio Free Europe because they are also deemed as “anti-Serb”.¹³

Civil public outcry after both lists were released (blacklisted NGOs and the “anti-Serb” media) was exceptionally weak and inadequate.

Regarding the black lists of organizations and the media houses, the 17 “identified” organizations that were included on the list as well as a number of other civil society organizations and individuals sent an open letter to the Public Prosecutor Zagorka Dolovac.

The letter demanded she respond to the threat of extremist organizations or, in failing to do so, submit her resignation:

OPEN LETTER TO ZAGORKA DOLOVAC, FEDERAL PROSECUTOR

Dear Mrs. Dolovac,

In recent months there have been numerous threats to civil society representatives, media, institutions and individuals who advocate for human rights and the rule of law. Not a single case was commented on by the prosecutor’s office nor did it institute any proceedings. This inactivity of the institution that you head, leads us to contact you in the form of an open letter.

Chronology of all the threats and attacks, from lists created by deputy minister of culture to the latest death threats directed at the editorial staff of E-Novine and Commissioner for Protection of Equality Nevena Petrušić and burning of the flag of Vojvodina, it is clear that the situation is radicalizing, and that the aggressors feel protected and empowered to continue their actions. Extremist organizations, encouraged by government inaction and illegal actions, such as banning of the Pride Parade, are getting louder and more radical in their demands. The latest printing and pasting warrants for media and organizations which they have been haunting for months without any prosecution is

13 <http://www.blic.rs/Vesti/Tema-Dana/356124/Pokret-Nasi-trazi-zabranu-pojedinih-medija>

yet another proof of the strengthening of these groups. One of the reasons for their sense of security is undoubtedly the fact that the Public Prosecutor failed to initiate legal procedures.

Mrs. Dolovac, as you well know, the actions performed by extremist groups and individuals contain a number of criminal acts. They include a wide range, from violations of equality, security threats, to racial and other discrimination - the criminal act which provides a clear basis for the criminal prosecution of those who persecute individuals and organizations for their commitment to the equality of people. A number of international documents are binding to the State to provide special protection for the defenders of human rights, including representatives of institutions that protect human rights and the media which reports on this. These are offenses which are prosecuted ex officio, and the perpetrators are identified by their full names. There is not an excuse for the silence of the Office of the Prosecutor.

Analysis of human rights and of the principle of the rule of law violations, prepared by the House of Human Rights and Democracy, points to the collapse of the institutions by the politicians usurping powers of investigation, media trials of individuals, not filling vacant positions of head justices of various courts, provoking ethnic conflicts (e.g., placement and removal of the monuments), as well as the decisions of the Constitutional Court opposing court practices to date.

The already weak legal system in Serbia is collapsing further, with many actors choosing to remain silent, which unfortunately includes the Office of Public Prosecutor. We demand accountability for this silence by the Office of Public Prosecutor. We expect you to perform your responsibilities conscientiously and press charges against those who undermine the legal system on a daily basis or, otherwise, submit your resignation.

Serbia has in the recent past gone through a period during which the institutions collapsed, government was usurped, and the extreme right, with media support, condemned and judged people outside the relevant institutions. Unfortunately, we all feel the consequences. The only obstacle to history repeating itself are strong institutions. The oath which you took obligates you to make the Office of Pu-

blic Prosecutor such an institution. We expect your answer through concrete actions as soon as possible.¹⁴

Under similar "activities" of this organization we can classify the list entitled **"List of Albanian non-governmental organization" which were funded and coordinated by the foreign agent Ivan Vejvoda and the American organization Balkan Trust for Democracy.**¹⁵ The list is still available on the website of this "non-banned" organization.

During the year 2012 the organization "Ours 1389" suggested the **"Law against gay pride propaganda in the Republic of Serbia"**, which was apparently created based on the model of anti-discrimination law and which includes the prohibition of "establishment or operation of domestic or foreign governmental or non-governmental organizations which in their official program define any kind or form of gay pride propaganda or publicly support actions, soliciting or performing of gay propaganda."

This law even provides for the *Commissioner for Protecting the Society from Gay Pride Propaganda*, and that part is especially reminiscent of the anti-discrimination law that provides for the Commissioner for Protection of Equality.¹⁶

Furthermore, "SNP Ours" alongside "Dveri" movement, requested during 2012 that the state institutions **ban Pride Parade for the next 100 years.**

In early January 2013, **Office of the Federal Prosecutor opened a case "Ours" and issued a warrant for the police to look into the recent activities of said organization** (burning of the flag of Vojvodina and posting posters against NGOs, etc.). This case is handled by the Higher Public Prosecutor in Belgrade, as well as High-tech Crime Prosecutor, given that part of the content was published online, on various web-

14 http://www.yucom.org.rs/rest.php?idSek=4&idSubSek=36&tip=vest_galerija&status=prvi

15 <http://nasisrbija.org/wp-content/uploads/2012/12/ivanvejvoda-balkantrustfordemocracy-nasisrbijaorg.pdf>

16 <http://nasisrbija.org/wp-content/uploads/2012/10/ZAKONGEJPRAJ-DPROPAGANDA-NASISRBIAorg.pdf>

sites. Up to the completion of this report, which details the situation in year 2012, there was no new information concerning the ban of “SNP 1389” from Belgrade and the “SNP Ours” from Aranđelovac.

It remains to be seen whether the Prosecution and the Constitutional Court of Serbia will undertake the most decisive step towards resolving the problem of “organized hate” and decide to ban the organizations which have thus far interrupted a public gathering “Pešćanik” (3rd December 2007), organized protests clearly marked with racist symbolism (5th March 2011), burnt the flag of Vojvodina (12th March 2012), posted posters stating “Ratko Mladić Street” (March 2011), etc.¹⁷

FEWER RIGHTS FOR TRANS PERSONS?

Discriminatory and unconstitutional amendment to the Law of non-litigation processes

Towards the end of September 2012, a draft version of the Amendments to the Law on Non-Litigation Processes was presented making the adjustment “change” of sex possible only with the permission of the court, which practically introduces prohibition of the hormonal therapy and surgery unless permitted by the court.

The Commissioner for Protection of Equality reacted to this discriminatory draft amendment.

Ministry of Justice and Public Administration issued a draft version of the Amendments to the Law on Non-Litigation Processes, which provides for the licensing for legal change of sex and gender identity.

Even though the sex reassignment surgeries have been performed in Serbia for over 20 years, there is no law regulating the legal status of persons who have undergone sex reassignment. However, the fact that the state has now decided that these issues should be regulated is not encouraging at all, especially considering that the proposed legal provisions, if adopted, will downgrade and degrade the position Trans (transsexual and transgender) persons.

17 http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=01&dd=15&nav_category=12&nav_id=677609

The aforementioned draft Law provides that the court shall issue a license to start the process of the sex change, which significantly reduces the rights of Trans people. The same proposed legal solution requires the courts to decide on the changed status of legal documents for persons who have changed sex.

Many countries in the world do not have the best legislation of legal consequences of sex change, but in none of the countries with comparative law do they require that a person obtain court permission before beginning the process.

This decision is unconstitutional, illegal and suggests that the members of the group who have drafted this Law lack even the most elementary knowledge regarding transsexualism and transgenderism, and in addition such solutions are unconstitutional and illegal.

According to the Constitution of the Republic of Serbia, everyone has the right to human dignity and the free development of personality; everyone has the right to protection of their psychological and mental health. It is inconceivable that in a democratic society a person should petition the court for the permission to begin the hormonal therapy, to undergo surgery, to obtain medical care.

This proposed version of the law is contrary to the recommendations by the Committee of Ministers of the Council of Europe which recommends to Council of Europe member states a series of measures to combat discrimination based on sexual orientation and gender identity, and in relation to the right to respect in private and family life. In particular a measure which stipulates that:

21. Member states should take appropriate measures to guarantee the full legal recognition of sex change in all aspects of a person's life, especially by enabling change of name and gender in official the documents in a fast, transparent and accessible manner; member States should also ensure, where necessary, appropriate recognition and changes by non-state actors in key documents such as certificates relating to education and work.

The recommendation of the Commissioner for Human Rights of Council of Europe from 2009 reads:

3) Development of fast and transparent procedures regarding the change of name and sex of transgendered persons (birth certificates, personal ID cards, travel documents, diplomas, and other similar documents).

8) Including the consultation with Trans persons when creating and implementing policies and legislation which affect them directly.

This bill draft is also contrary to the recommendations of the world's largest associations and organizations dealing with the rights of Trans persons including Transgender Europe and ILGA-Europe.

This proposal has added yet another step in the already long process of sex reassignment, so instead of simplifying, the person who wants to change/adjust their sex is met with yet another uncertain procedure that can have a negative outcome if the court refuses to issue the permit.

Additionally, it is essential when changing the personal documentation of persons who have undergone sex reassignment is the change of the sex marker on the birth certificate.

The Constitutional Court of the Republic of Serbia in the decision no. UŽ - 3238/2011 reached on 8th March 2012 expressed the view that the authorities referred to in Article 6, act 2 and 4 in the Law on Registers are in fact competent to decide on the application for admission and accepted the appeal of the person who was refused the change in the birth certificate registry after having undergone a sex reassignment procedure. This was a big step forward in achieving a higher level of rights of Trans persons, in spite of this draft version of Amendments to the Law on Non-Litigation Processes.

Constitutional Court of Serbia ruled that the plaintiff, who was registered as female at birth, has undergone a sex reassignment process and is living as a man, but is legally still treated as a woman. The Court identified that the existing gap between factual and legal situation affected the life of the plaintiff, in particular on his human dignity

and free development of his personality, but also in other situations where the legal sex is important and when in the exercise of certain rights there is a difference between men and women.

The Court ruled that the municipal government, upon reaching a conclusion about the actual non-jurisdiction, failed to decide on the request of the plaintiff to change his sex markers and thus violated his constitutional right to dignity and freedom of personality development and the right to respect for private life guaranteed by the European Convention for the protection of Human rights and fundamental Freedoms.

The Court issued a ruling stating that the relevant municipal government must reach a decision within 30 days of receiving the request of the plaintiff to change the sex marker on his birth certificate.¹⁸

EXAMPLES OF BEST PRACTICES

Commissioner for Protection of Equality responded when Faculty of Law, University of Belgrade rejected M. Đ.'s motion (Case no. 297/2011 from 24.02.2012.) to issue a new diploma following sex reassignment from male to female and the consequent name change, which occurred after graduation.

The rejection by Faculty of Law, as determined by the Commissioner for Protection of Equality, was based on indirect discrimination based on her personal characteristics – sex which is prohibited by Article 7 of the Law Against Discrimination.

Commissioner for Protection of Equality made a recommendation to Faculty of Law in Belgrade to undertake, without delay, all necessary measures to ensure that M. Đ. and other persons who change their name due to sex reassignment after graduating, be issued new diplomas and other public documents within the jurisdiction of the Faculty, at their request, which shall state their names, following national and international standards in protecting Trans persons from all forms of discrimination.

¹⁸ <http://www.ustavni.sud.rs/page/view/156-101563/usvojena-ustav-na-zalba-zbog-propustanja-drzavnog-organa-da-odluci-o-zahtevu-podnosioca-ustavne-zalbe-za-promenu-podataka-o-polu>

Commissioner for Protection of Equality in this opinion concluded that the equal treatment of people who changed their name because of sex reassignment and people who change their name for other reasons is not allowed. Bearing in mind that the Faculty of Law was provided with a legitimate and lawful purpose, the Commissioner pointed out that, the means were neither necessary nor appropriate, and that there was no proportion between actions taken and results, and in this case the Faculty committed an act of indirect discrimination of M. Đ.¹⁹

LABRIS' LEGAL SERVICES

The most serious case of endangering personal safety happened in November 2012 when a young man who was attacked based on assumed or real (known) sexual orientation contacted Labris.

On Wednesday 21st November 2012, between 5:30 and 5:40 pm, in Karlovačka Street in Zemun D.K. was returning from work via his usual route. In a dark dead-end street, which he usually takes (Karlovačka street, Zemun), a parked car turned on its headlights and started driving towards him. After the car passed him, D.K. heard shouts, pulled out his headphones and saw two persons in their mid-twenties step out of the car. One of them stepped towards him and said "don't you nod your head" after which D.K. received several blows to the head and fell down. While he was on the ground, they continued to kick him and yell "you're fucking sick" and "dirty faggot." D.K. could not see what was happening around him as he was trying to protect himself as much as possible. After the blows stopped, D.K. elevated himself somewhat and the assailants sprayed him with tear gas unabling him to see their car registration plate. One of the assailants then told the other one to get the baseball bat from the car trunk, but passer-bys distracted them from doing this and only then did they retreat.

D.K. sustained minor injuries of his chest, back and face and a severe fracture of the nose and orbital sinuses and serious injuries to the right eye. Since the attack, D.K. is seeing double on his right eye and

¹⁹ You can see the entire complaint and decision at <http://www.ravnopravnost.gov.rs/sr/pol-rod/pritu%C5%BEba-m-%C4%91-pro-tiv-pravnog-fakulteta-zbog-diskriminacije-na-osnovu-pola-u-oblasti-pru%C5%BEanja-usluga>

the medical prognosis state that the said condition is permanent. D.K. believes that this incident is a result of threats received via SMS since May 2012, in which he is threatened with a broken jaw. D.K. has reported all the threats duly to the police. Description of the injuries, inflicted mostly in the head area, indicates that the attackers had similar intentions.

D.K. is not satisfied with the response from the authorities and the police because they did not take all necessary measures to protect him and prevent the attack. The response he received when reporting the threats to the authorities was that the police "cannot react until something actually happens."

Now that something has happened, there are no evident efforts of the police to actually do something. This case has highlighted a number of flaws in police procedure. Namely, the police did not come to the scene of the crime; took the statement from him while he was semi-conscious, but police later claimed that D.K. was not conscious, and thus a written report of the crime was not submitted. Since then, no one from the police contacted D.K. Inspector who was in charge of "the threats case" – "did not get his case."

Additionally, D. K. pointed out that there is a possibility that the reason for the attack was his profession (human rights defender), and stated that he has participated for two consecutive years in the work of LGBT organizations, and that is publically known as one of the organizers of the Pride Parade.

The police general Mladen Kuribak has been made aware of the case.

In addition to Labris' lawyer, Marija Rauš, Advisor on Human Rights of the United Nations Office (Office of the UN Resident Coordinator in Serbia) has gotten involved in the case. European Commission has also been informed about this case.

The procedure to correct mistakes made the police officers is currently in progress.

Labris was contacted in March 2012 by a young woman who was repeatedly beaten by her brother after he found out she has a girlfriend. After he assaulted her in her own apartment, she decided to report the crime with the complete medical documentation. The case is still open.

In February 2012 Labris was approached for advice by a young woman who, being in a difficult situation and feeling threatened in Bosnia, decided to start a life with her partner in Belgrade. She contacted Labris seeking information on the documents she would need to obtain employment. At her request Labris sent her the Law on foreigners with a detailed interpretation of the Articles, clarifying that the legal system of the Republic of Serbia does not recognize same-sex partnerships, but that the same-sex partner must be considered member of the nuclear family. It was indicated that if the relevant authorities refused to allow a temporary stay, we could provide her with the help only by filing a complaint the Commissioner for Protection of Equality for direct discrimination.

During 2012 the Labris' legal department was also contacted by three persons who have inquired about the possibility of being granted asylum due to discrimination and physical abuse suffered as a result of same-sex sexual orientation. Case of M.B. related to permanently leaving the country and moving to the Netherlands, the case of S.S. on seeking asylum in Canada and the case of Z.M. about the possibility of obtaining asylum in Norway.

Labris was asked to write a brief report which will formally witness about the difficult position and problems that LGBT persons face, especially in terms of security.

To date, no asylum was granted.

FREEDOM OF ASSEMBLY

PRIDE – TEST FOR THE STATE AND THE SOCIETY

Systematic violation of the right to freedom of assembly and powerlessness before hooligans

For the second year in a row and third time in four years, LGBT persons in Serbia are denied the right to free assembly and the

decision of the Ministry of Internal Affairs of the Republic of Serbia bans the manifestation Pride Parade. The decision delivered to the organizers of the Parade on 3rd October 2012 states: "The permission for public gathering and public assembly in motion organized by the association "Belgrade Pride Parade" announced for 6th October 2013 and starting at 9am in Manjež Park is denied. The application was considered and it was determined that the reasons referred to in Article 11 Act 1 of Law on Assembly of Citizens of the Republic of Serbia are possible, and that the assembly can be disruptive to public transport, threaten public health, morals or safety of persons and property."

The decision is identical to that from the year 2011 and the organizers were given no further explanation.

The unwillingness of the State to deal with aggressors and the willingness of the Church to them to provide them with shelter and support have turned Serbia and our society into a society in which no one feels safe; a society is willing to accept the limitations to freedoms, completely unaware that tomorrow other limitations will be implemented. In making this decision, which certainly forestalls the rights and freedoms of LGBT persons, the State has sided with extremists, showed that it does not have the monopoly on the legitimate use of force, and once again capitulated to those who threaten people of different sexual orientation.

For the third year in a row identical scenario is repeated - months before the parade organizers make great efforts and do everything in their power to make the parade happen. During that time hooligans make threats, a significant section of the public is opposed to any kind of violence, but there's always that "but" challenging that parade in Serbia should not be held after all. That "but" is most often associated with the moral norms, reducing the people same-sex sexual orientation to simple sex objects, ignoring the fact that the Pride Parades, at least on the Balkan Peninsula, are political rallies with clear political messages.

Pride Parade of 2012 had very clear demands of the government in Serbia, including:

Република Србија
МИНИСТАРСТВО УНУТРАШЊИХ ПОСЛОВА
ДИРЕКЦИЈА ПОЛИЦИЈЕ
ПОЛИЦИЈСКА УПРАВА ЗА ГРАД БЕОГРАД
Полицијска станица Савски венац
01/2 Број : 212-332/12
Датум: 03.10.2012
Београд
Ул.Савска 35

На основу члана 11. став 1. Закона о окупљању грађана ("Сл. гласник Републике Србије", број 51/92, 53/93, 67/93, 48/94, 17/99, 33/99, 29/01 и "Сл. гласник СРЈ", број 21/2001), Министарство унутрашњих послова Републике Србије, Полицијска управа за град Београд, Полицијска станица Савски венац, поступајући по пријави за одржавање јавног скупа и јавног скупа у покрету, сазивача Удружење "Парада поноса Београд" из Београда, доноси:

РЕШЕЊЕ

ЗАБРАЊУЈЕ СЕ одржавање јавног скупа и јавног скупа у покрету, сазивача Удружење "Парада поноса Београд", пријављеног за дан 06.10.2012. године, са почетком у 09,00 часова, у парку "Маџеж".

Жалба на забрану из става 1. овог решења не одлаже извршење.

Образложење

Сазивач јавног скупа и јавног скупа у покрету Удружење "Парада поноса Београд", поднео је ПС Савски венац, ПУ за град Београд дана 03.05.2012. године пријаву за одржавање јавног скупа и јавног скупа у покрету, на дан 06.10.2012. године, са почетком у 09,00, у парку "Маџеж".

У спроведеном поступку по пријави утврђено је да су се стекли разлози из члана 11. став 1. Закона о окупљању грађана Републике Србије, односно да на скупу може доћи до ометања јавног саобраћаја, угрожавања здравља, јавног морала или безбедности људи и имовине.

ПОУКА О ПРАВНОМ ЛЕКУ:

Против овог решења могуће је поднети жалбу у року од 15 дана Министарству унутрашњих послова Републике Србије.

Решење доставити:

- Сазивачу
- Архиви.

НАЧЕЛНИК ПС САВСКИ ВЕНАЦ
самостални полицијски наредник
Владимир Поповић

1. Prosecution all persons responsible for the threats due to which Belgrade Pride in 2011 was banned;
2. Adoption of the Declaration Against Homophobia in the Serbian Parliament;
3. Establishment of the contact person who will be trained to work on the problems that the community faces and in the police departments in each of the 24 cities in Serbia;
4. Amendment of the Criminal Code of Serbia to include hate crimes;
5. Adoption of the national strategy against violence and the Action Plan which will include sections relating to the suppression of specific forms of violence against members of the LGBT community and those who the attackers believe belong to the LGBT community;
6. Launch of the public debate on legislative proposals of interest to the LGBT community and the urgent adoption of new laws which cause no public disputes;
7. Cooperation between the state institutions and their openness to being trained on human rights of the LGBT community.

Out of the seven demands, only one was fulfilled – hate crime was added to the existing Criminal Code.

Serbian President Tomislav Nikolić said in his election campaign that he will head the parade if the participants' safety was compromised. By the end of the organizational process, the president could not find time to personally meet with representatives of a discriminated minority, and perhaps his attitude toward the parade which best illustrates the logistics paradox is a statement: "I would've headed the Parade had we not banned it."²⁰

In addition to the many negative attitudes of politicians and the public about the parade, the movement "Dveri" stood out for its homophobic discourse. This political movement, claiming St. Sava orientation, which almost reached the minimum number of votes to enter into Parliament, continued during the Pride's organization and after it was banned, its aggressive campaign against LGBT persons, denying

²⁰ <http://eizbori.com/tomislav-nikolic-stao-bih-na-celo-parade-ponosa/>

the right to freedom of assembly as well as a number of other rights under Family Law. "Dveri" continue to build its political program and pave their way through homophobic propaganda and calling onto family values and proposing the ban of Pride Parade for 100 years.

Since the first attempt to organize Pride Parade in 2001, there have been changes in the domain of the legal framework through adoption of legislation prohibiting discrimination but, unfortunately, the State has shown that it is still too weak to decisively stand behind its laws. Evidence that there has been no real legal change and systematic dealing with the "sport fans" and hooligans who threaten with violence (not just the parade, but also when verdicts are reached in the Hague War Tribunal and steps are taken in resolving issues in Kosovo), is also a banner held by Rad fans during the football match Rad-Jagodina "Due to prior commitments in the city center on 6th October, we will not be able to attend the game." As far as anyone is aware, no body has been held accountable for this banner yet.

After the ban, the Minister of the Interior Affairs Ivica Dačić, paradoxically, stated that the decision was made on the basis of security assessments considering that "there are serious threats to violation of public peace and safety and security of citizens" but that no one's rights or freedoms are jeopardized by this decision.

Demagogic and populist view that the people, their lives and security are more important than human rights themselves, Minister Dačić was met with broad public support and understanding, both among his colleagues and among ordinary people.

Despite the support of international organizations, there was no political will to allow a discriminated group of people "the use of the Constitution and the law on freedom of assembly." Rather, poor political demagoguery and populism was embodied in the statement by Serbian Prime Minister "don't think much of the Union for which the ticket in is the gay parade."²¹

These are just some of the numerous statements given by politicians and the heads on the Serbian Orthodox Church relating to the Pride Parade:

²¹ <http://www.blic.rs/Vesti/Politika/342934/Dacic-lzem-ti-takvu-Uniju-u-koju-je-gej-parada-ulaznica>

Ivica Dačić, Serbian Prime Minister about the Pride Parade: "Spare me already the stories about human rights. What human rights, it's about the safety of the people! There are countries where there are no gay parades, and they are still members of the EU. Is it possible that this is still the main topic, that we are still dealing with the gay parade as a major problem, as the ticket to the EU, which is ridiculous" Dačić told reporters in Vranje (15.09.2012.)

"There are a lot reasons for and against the gay parade. First, the majority of people certainly do not support the parade, but we give no one the right to threaten violence, it cannot be tolerated. Who gave the right to any organization to say whether something may or may not be held in Belgrade? We will not allow this; this is a completely wrong assessment that the government will be afraid of those who threaten violence" Dačić responded when challenged by Chief caucus of the Liberal Democratic Party Čedomir Jovanović (27.09.2012.)²²

Serbian Patriarch, Irinej, commenting on the Pride Parade and the exhibition of photographs by Swedish artist Elizabeth Ohlson Wallin, which shows Jesus Christ in the company of gay people: "this highly offensive exhibit is propagated by homosexuals, organizers of gay parade. The exhibit throws a heavy moral shadow onto this city, as it does on the centuries-long Christian culture and the dignity of the family, as the basic cell of human kind. In the same tone, we ask and demand that the tragically-comical event named "Pride Parade", whose real name is "Shame Parade", not be made possible" Patriarch stated to Srna.²³

Dragan Marković Palma, leader of United Serbia political party: "This year, yet again, there will not be "Pride Parade" scheduled for the 6th October in Belgrade since it will be banned for to security reasons" leader of United Serbia political party stated in the show „Evening with Ivan Ivanović“. (22.09.2012.)²⁴

²² http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=09&dd=27&nav_category=11&nav_id=646715

²³ <http://www.vesti-online.com/Vesti/Srbija/258622/Irinej-Dacicu-spre-ci-gej-paradu>

²⁴ <http://www.vesti-online.com/Vesti/Srbija/256107/Palma-Sta-ce-da-izlazu-6-dana-na-Paradi>

New Serbia: Ban Pride Parade, New Serbia (NS) requested from the Serbian Government and the Ministry of Internal Affairs to ban the Pride Parade, as well as other gatherings scheduled for the 6th October, due to the security threats. NS has issued a public announcement assessing that at the moment there are much more important issues dealing with economic consolidation and recovery, attracting foreign investment and the fight against corruption and crime than holding the Pride Parade (3.10.2012.)²⁵

Democratic Party of Serbia believes that the upcoming pride parade should be canceled, since the issue of sexual orientation is, as they say, a private, intimate matter. Tanjug, (24.09.2012.)²⁶

The organizers of the Pride Parade challenged the decision of the Ministry of Internal Affairs of the Republic of Serbia in the Constitutional Court of Serbia (which already declared the ban of 2009 unconstitutional) as they had in 2009 and 2011, as well as the European Court of Human Rights in Strasbourg.

Despite the ban on the walk itself, Pride Week was held from 30th September to 7th October 2012 and was very well attended and filled with quality content. The majority of events and panel discussions were organized in Belgrade Media Center, Cultural Center "Grad" and the Center for Cultural Decontamination.

After "Sweet opening party" which represented the symbolic beginning of the seven days of cultural, artistic, debate and activist content, a number of panels were held dedicated to the state of women's rights, security issues, family, attitudes of the LGBT community towards institution, etc. The most emotional sessions were definitely those with parents of lesbians and gays as well as "coming out session" (intimate stories about people communicating their own sexual orientation to those closest to them) that were only ones not open to the public. The panel "LGBT and Religion: Who is entitled to love, faith,

²⁵ http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=10&dd=03&nav_category=12&nav_id=648210

²⁶ <http://akter.co.rs/27-drutvo/15995-dss-za-ukidanje-parade-ponosa.html>

hope?" and the panel "Mission Possible: The Media in Serbia, after the ban of Pride in 2011" had the most attendees.

Rich content of the Pride Week included evening program presented by "Queer art salon", "Savory Monday" - dinner with Biljana Cincarevic, screening of the film "Clip", directed by Maja Miloš and exhibition "Ecce Homo" by Swedish artist Elisabeth Ohlson Wallin in enter for Cultural Decontamination, which, due to the controversial content, was guarded by nearly 2,000 police officers, according to the media reports.

PUBLIC GATHERINGS - WHO DOES THE PUBLIC SPACE BELONG TO?

LGBT community wasn't deprived the freedom of assembly only by the ban of the Pride Parade.

The performance called "Demonstration of cardboard LGBT dolls", organized by the Gay-straight alliance and another four partner organizations, was banned by the decision of the City Council of Kragujevac and by the Security Council of Kragujevac.²⁷

The Security Council of Kragujevac (Council) and its president Veroljub Stevanovic gathered on June 20th and concluded that there are two public assemblies by two organizations with opposite attitudes and beliefs, at the same place and at the same time, thus it was established that these two events would jeopardize "the image of Kragujevac as one of the most secure towns in Serbia". Therefore the Council decided to ban both assemblies and in accordance with that, the Communal department made a resolution for rejection of the assembly scheduled by the Alliance.²⁸

²⁷ The event was scheduled to take place on the 21st June 2012 in Kragujevac within the project "Together for LGBT Equality," which was jointly conducted by Gay-Straight Alliance, GSA, Gay-Lesbian Info Center GLIC, Center for queer studies-CKS, Loud and queer and Q-club, and external collaborators and partners -EXIT, Cultural Center Dom Omladine Belgrade and cultural institutions in several cities in Serbia.

²⁸ <http://gsa.org.rs/2012/06/zabranjena-akcija-gsa-u-kragujevcu/>

Although GSA informed the police and the town about the event and was informed about the regulations and the necessary documentation, the GSA activists were told by a communal inspector half an hour before the assembly that they do not have a document without which the assembly cannot be held. The representatives of GSA, who tried to solve the issue at the building of the City Council, were told that it was all done for the “benefit of the organizers”, thus they were deprived of the answer whether the problems had to do with security or was it solely a technical obstacle about getting the license to put a stand in the town center. Even with a detailed announcement by the Information Office of Kragujevac where there was, among other things, said that “Kragujevac isn’t only a safe town, but also an open one, where everyone has the right to express their attitudes and opinions”, GSA asked whether the authority in Kragujevac is Veroljub Stevanović, the mayor, or extremist organizations, such as the organization “Cetnik”.²⁹

Within the project “Together for Equality of LGBT Persons”, GSA, along with four other partner organizations from Serbia and associates and partners from abroad, held the action “Demonstration of LGBT dolls” in Novi Sad, Niš and Belgrade, without a single incident.

However, it is vital to mention the positive examples as well, of using the right to the freedom of assembly, as despite of this ban, there were numerous street actions held in 2012, which directed the public attention towards the problems the LGBT community face in Serbia and the region, but also the actions which represented small, yet crucial steps towards the social inclusion of LGBT persons.

With the Human Library³⁰ and other numerous activities in the centre of Belgrade, May 17th was marked – **International Day Against Homophobia and Transphobia – IDAHO**, which has been commemorated all over the planet for more than two decades as the day when homosexuality was removed from the International illness classification and the World Health Organization (WHO). Serbian Medical Society

29 *ibid*

30 A specific method of informal education in which the “Human Library” is formed - representatives of disadvantaged / minority groups are “books” and tell their story to young people who are interested to hear, thus contributing to further social integration.

accepted this decision of the World Health Organization in 2008, after three years of insisting on getting an answer by the organization Labris.

Activists and volunteers of Labris and Women in Black put up a stand in Belgrade on May 17th (Republic Square), and handed out informative brochures in order to familiarize the public with the rights LGBT persons are deprived of and with the problems that same sex oriented persons encounter. At the end of the manifestation, about a hundred multicolored balloons flew in the air, symbolically supporting the decision of the World Health Organization which has been celebrated on this day for more than two decades.

Great help was received by the volunteers of Labris and Green youth of Serbia, whom we want to thank.

With great attention of the media, all passersby could take a message of tolerance and be informed about the significance of the day. They also had an opportunity to talk to “live books”, lesbians, who answered questions about lesbian existence.

From the Commissioner for Protection of Equality, the Ombudsman and from the building of the Cultural Center Dom Omladine Belgrade, the rainbow flag was hung, and the gesture, symbolically, represented the support these institutions were giving to the LGBT community throughout the whole year.

Marking of this day, so important for the LGBT community, continued at Rimska Dvorana, the city library of Belgrade, where a panel “We study from rainbow-colored books” was held; it was organized by the Green Youth of Serbia, and spoke of presence and sources of homophobia in textbooks. One of the topics of the panel was the application of the Law Against Discrimination in educational institutions of Serbia. All the participants of the panel agreed that there is some headway in the fight against stereotypes and prejudices, that there are actions whose aim is to promote diversity and that all of the legal mechanisms are to be used to punish discrimination. All the participants agreed that the situation is significantly better than it was five years ago, but that there is still a lot left to do.

In May 2012, LGBT organizations from Belgrade (GSA, Labris, Queeria Center and Safe Pulse of Youth) participated at the third **Civil Society Organizations Fair** at the Nikola Pašić Square in Belgrade and used the given stands to present their publications and activities. The passersby had the opportunity to talk to the activists and to take free brochures. This action of the city of Belgrade represented an outstanding support to civil society organizations, but also an opportunity to present their work to the public.

Another very vital date for the LGBT community (apart from May 17th) is the **Pride Day**³¹ that was marked on the 27th of June 2012 when the activists and volunteers of Labris, as well as the activists and volunteers of Women in Black, Belgrade Pride and Queeria Center organized the action "Silence will not protect us", as a, so called, Pride Surprise.

At the Republic Square a few dozens of activists held banners with which they wanted to show the everyday position of LGBT persons in Serbia. The banners said: "I have the right to love", "I am scared", "My parents kicked me out of the house", "I was beaten up at this square", "I can't kiss my girlfriend", "I live in a lie", and one of the banners was dedicated to LGBT persons who left Serbia because of repression or who have committed suicide, and it said: "I am no longer here".

After this, the activists spread a long rainbow-colored flag and walked through Knez Mihajlova street from the Republic Square to the Student Square, and then let balloons fly. The balloons said: "Proud". Although quite surprised, the passersby and guests at the cafes had no negative reactions to the rainbow-colored parade; some even waved and supported the action. Some asked: "Is this Pride?", "How did you make it?", or said "Bravo!"

This action represents the continuity of activist groups to realize their

31 Pride Day is celebrated around the world since 27th June 1969 in the memory of the rebellion, which was organized in the bar "Stonewall Inn" in New York City - a famous gathering place for lesbian, gay and transgender people who were, at that time ostracized and then clearly and boldly said no further suppression. This date is often taken as the beginning of LGBT activism in the world.

rights in public spaces, independently of political parties and state institutions.³²

During the **Exit festival**³³ from 12th to 15th of June 2012, along with many other civil society organizations and LGBT organizations (GSA, Queeria Center, Safe Pulse of Youth and the Group for the Support of Young Gay Men from Novi Sad "Come out") presented their activities at the Petrovaradin Fortress in Novi Sad, in the area for NGO's called "EXIT Place to Move".

During the four days of the music festival, in the period from 6 p.m. to 10 p.m. all passers-by also had the opportunity to familiarize themselves with the work done by Labris, its mission and goals as well as with its current projects.

32 Taken from the article: "The rebellion that changed everything": "Stonewall was like a shelter for all poor, marginalized people who were rejected by family and friends and couldn't afford entry into the more exclusive places where LGBT people gathered. Police raids on clubs at the time were no rarity, and LGBT people were frequent targets of police harassment. In the early morning of 27th June in 1969 two plain-clothes policemen barged into the bar and two uniformed police officers and shouted: "Police! We're taking over the place!. Soon after the reinforcements arrived, guests of the club were ordered to stand in line. Police identified men, and took to the toilet those dressed as women in order to perform check their gender. Trans persons were immediately arrested. But something happened. Trans people refused to go to the bathroom. The men did not want to give personal documents. Soon the police started taking out people and they put the arrested in police vans. But outside the club crowds of people waited for them. Someone shouted: gay power! Out of 150 guests, the mass had grown to 500-600 people. A dozen police officers did not stand a chance. The first night of the conflict lasted for 45 minutes. The participants agreed that they were not organized. "We were not moved by anything that someone said or did that night. Simply, we were fed up with what was happening happened during last years and we realized it then, at that place at that time. Everyone in the crowd felt that there was no going back. The following year, the first pride parade in history was held on that day.

33 Exit music festival has been held for 13 years in a row at the Petrovaradin Fortress in Novi Sad. It was started as a student and political movement in 2000 and over the years has become one of the most important musical events and socially engaged festival, which supports a number of social campaigns and campaigns in the community.

Antje Rothmund, Head of the Council of Europe Office in Belgrade visited the Labris stand on the second day of the festival, again showing an unequivocal and clear support for the improvement of the position of LGBT people in Serbia.

Labris activists supported the performers, every night after 10 p.m., on the Loud & Queer Cruising Point Stage – the first music queer stage in the region. The public discussion “PRIDE & FRIENDS” was held on Sunday, 15th of July, at 8 p.m., on Agora stage, where apart from Marina Perazić, Srna Lango, Stevan Filipović and numerous activists, Labris activists also participated.

In September 2012, the coalition of six LGBT organizations, Labris – lesbian human rights organization, Queeria Center, Gayten LGBT, Safe Pulse of Youth from Belgrade, Group for Support of Young Gay Men – “Come out” from Novi Sad and “Duga Association” from Šabac, organized a symbolic action “For Colorful Autumn Days”, and gave away rainbow-colored umbrellas.

With this action, LGBT organizations introduced the citizens with a joint educational project whose aim was to encourage the members of the LGBT community and institutions to use and implement legal frameworks which exist in Serbia, and protect LGBT rights. The ban of the Pride Parade and violence happening in public spaces are visible manifestations of an inadequate system. However, various types of discrimination do remain invisible.

The goal of this inclusive action, which was very well received by passersby, was to present a web page www.lgbt.org.rs where there are answers to numerous questions considering the issues of discrimination. Is it possible to change one's last name in Serbia, if the same sex oriented person got married abroad? How to solve a problem of domestic violence? How to get a certificate that you're not married if you want same sex marriage abroad? How to react to hate speech graffiti? These are just some of the questions which are answered on the web site.³⁴

34 Action for colorful autumn days ... is a part of the project of United Against Discrimination, which is supported by the Institute for Sustainable Communities (ISC) within the Advocacy Initiative of the civil society project.

Labris and Queeria Center organized a protest gathering in front of the embassy of the Former Yugoslav Republic of Macedonia in Belgrade on October 30th 2012. Other LGBT organizations joined them (Gayten LGBT, Safe Pulse of Youth, Belgrade Pride Parade, Group for Support of Young Gay Men – “Come out” from Novi Sad and “Duga Association” from Šabac, as well as some organizations for the protection of human rights (Regional Center for Minorities, Women in Black, etc). The gathering was organized due to a very explicit expression of homophobia in Macedonia, especially due to statements made by the Minister of Labor and Social Politics, Spiro Ristovski. In mid October 2012 he stated that “same sex partners should never be granted with the right to marry” and refused to speak about passing of this law. He repeated these statements on the SITEL channel, where he compared homosexuality to incest, pedophilia and polygamy. After this, texts in the newspaper “Večer” were published, illustrating LGBT topics with pornographic photos which only heated the already hot atmosphere in homophobic Macedonian society.³⁵

The organizers and all the people who joined the gathering sent a protest letter to the ambassador of Macedonia in Belgrade, to his excellence Ljubiša Gregorievski. The letter spoke of inadmissible behavior of members of the Macedonian Government, members of clergy and media, who used their position to increase intolerance towards LGBT community in Macedonia. The organizers also reminded that the statements and titles in the media, highly present in public, on TV and in press, legitimate intolerance as well as physical violence towards LGBT persons.

“Experience of the entire region implies that the statements such as the ones said by Ristovski only increase intolerance and support violence towards LGBT persons, especially for this corpus of human rights. We fear that if the situation continues, LGBT people would have to face more and more aggressive hate speech and violence. We invite the Government of Macedonia to stop with homophobic behavior and stop the members of the government in spreading hate and hate speech towards LGBT persons in Macedonia”.

35 Dodatnu brigu povećava i činjenica da je prema istraživanju ILGA Europe – International Lesbian and Gay Association (Međunarodna lezbejska i gej asocijacija), upravo Makedonija država sa najvišim stepenom homofobije u Evropi.

The gathering held in front of the embassy of the Former Yugoslav Republic of Macedonia in Belgrade is only one in the array of protests of support which are organized by LGBT organizations throughout the region in order to express solidarity with the LGBT community in Macedonia.

On December 10th, the **International Human Rights Day**, seven organizations of civil society, among which Atina, Center for the Integration of Youth, Labris, Space Association, Regional Center for Minorities, Association of Handicapped Students and Women in Black organized a protest march and an exhibition "Turn of the dark" in the center of Belgrade.

The goal of the protest march was to direct the attention towards the unfavorable position of human rights in all the categories that were included in the march, and to send requests to state institutions to take full responsibility to protect and promote human rights, as well as to guarantee equality for all the citizens who live in it.

On the day when The General Assembly of the United Nations adopted the Universal Declaration of Human Rights, marked as the International Human Rights Day, the organizers of the gathering, apart from full protection and promotion of positions of all discriminated groups, requested the following:

"Ban of organizations which repress individuals and groups which are different, quick and efficient police reaction, as well as of judiciary and all other relevant actors, in order to restrain and sanction violence against women, and to give adequate help and support to women who survived violence; urgent and adequate reaction of responsible institutions in all situations where children's rights are violated, especially in the situations of work and sexual exploitation, violence, neglect, abuse, extreme poverty, legal invisibility and discrimination in the educational system; processing of all cases of violence against LGBT persons; incorporating "hate crime" in the current Criminal Code in Serbia; securing the right of assembly for LGBT population; adequate access for people with disabilities; recognizing the sign language as mother tongue for a part of population and as an official language; passing the law about the sign language and guide dogs; deinstitutionalization of children with disabilities and people

with intellectual difficulties and solving the question of working ability; securing conditions for a sustainable social inclusion of minors and adults who were trafficking victims; right for people with mental health problems to leave the institutions and support for independent decision making; economic strengthening; change of the public opinion through anti-stigma programs, art and adequate informing; self-representation and inclusion of persons with mental health problems in constructing laws and procedures which regulate their legal status; opening of the "Day center" for persons with mental health problems; improving living conditions in informal settlements; full respect of international standards which guarantee the right of housing and passing the law which would regulate forceful eviction, and securing adequate alternative accommodation in cases when eviction cannot be avoided."

At the exhibition "Turn off the Dark", set in the Hall Amerikana, in Dom Omladine Belgrade, works of program beneficiaries of these organizations were displayed; in an artistic way, the beneficiaries communicated with the visitors of the exhibition and picturesquely explained discrimination which is widespread in Serbia, however, often invisible.

INSTITUTIONS

WORK ON PROMOTING HUMAN RIGHTS OF LGBT PERSONS

During 2012 there has been a positive trend and a very active and systematic effort of the Office for Human and Minority Rights to improve the legal and social status of LGBT people.

In August 2012 the Office for Human and Minority Rights was founded and many of activities were initiated and a series of meetings were held with the goal of making a number of strategies, including the "National strategy for fighting against discrimination".

Development of the National strategy for fighting against discrimination began in April 2012, and the Office for Human and Minority Rights has taken over the coordination of the process. In order to formulate this document, a working group was formed and brought together representatives of relevant ministries, the Commissioner for Protection of Equality, interested parties, and especially civil society organizations whose representatives directly took part in thematic groups.

Content of the National strategy for fighting against discrimination, which in part relates to LGBT people, includes a number of areas including the right to life, security and protection from violence, freedom of assembly, hate speech, education, transgender rights,

discrimination in work and sports, individual and family life, health, housing, freedom of association and others.

The adoption of the National strategy for fighting against discrimination, whose development was supported by the British Embassy, Embassy of the Netherlands, Balkan Trust for Democracy and the OSCE Mission to Serbia, is expected in June 2013.

In addition to working on the strategy, certainly one of the most important moments is also a step towards a systematic approach to solving the problem of the inclusion of LGBT people in Serbia is a project of the Council of Europe "Fighting against discrimination based on sexual orientation and gender identity."

Project aims to support the enforcement of the recommendation CM / Rec (2010) 5 of the Committee of Ministers of the Council of Europe on measures to combat discrimination based on sexual orientation and/or gender identity. Serbia joined this project, in addition to Albania, Italy, Latvia, Montenegro and Poland.

Within the same project, on 13th December 2012 the Office for Human and Minority Rights, with the support of the Council of Europe

organized an initial national seminar, where in addition to relevant government institutions, independent bodies and international organizations, representatives of the LGBT organizations from Serbia also took part. The seminar presented the Recommendations of the Committee of Ministers and the report of the Commissioner for Human Rights, Thomas Hammarberg on discrimination against LGBT people.

During the 2012, the Office for Human and Minority Rights conducted the project "Human Rights Calendar 2012" which included every month of the year to be dedicated to, or marked by a series of activities that will contribute to improving the status of a particular social group. One goal of recruitment was to encourage positive action of the society towards the respective social groups such as members of ethnic minorities, persons with disabilities, women, children and youth, vulnerable groups based on gender identity and sexual orientation, and other social groups, in order to fight against discrimination and to raise public awareness about the importance of tolerance and respect for diversity. Selection of areas / topics follows international days of the United Nations, and almost all LGBT organizations were awarded a grant in June to commemorate the Stonewall rebellion.

Thus, as part of the project "Human Rights Calendar 2012" for the month of June, funds were awarded to Labris and GSA for carrying out two different projects, and for bringing together LGBT and other groups and institutions engaged in the promotion of human rights of LGBT people. Apart from Labris, Gayten LGBT, Duga Association, Women's Space and the Provincial Institute for Gender Equality were also included as project partners.

The project was called "LGBT Youth - The Fight against Stereotypes and Prejudice," and it was realized during the month of June in four cities: Niš, Šabac, Novi Sad and Belgrade. Target groups were young lesbian, gay, bisexual, transgender and transsexual people and the problems they face in their daily lives were in the focus, but it was also intended for all young people, active in political parties, civil society organizations, youth offices, women's groups and volunteer centers on the issue of human rights with an emphasis on the rights of sexual minorities.

In addition to full-day workshops conducted in all four cities, a final press conference was organized to present the results of the training, as well as the research of public opinion Labris conducted in collaboration with Ipsos Strategic Marketing in April 2012 with particular emphasis on youth attitudes regarding same sex oriented people. The most visible part of the project was a protest walk organized to mark the Pride Day which celebrates the memory of the Stonewall rebellion.

While the activists in Belgrade were given another clear and symbolic support from the Office of the National Ombudsman and the Commissioner for Protection of Equality, which on that day (in addition to the International Day Against Homophobia and Transphobia on May 17th) hoisted a symbolic rainbow flag from their offices, activists in Niš did not receive that kind of support from local institutions.

In fact, despite the invitation from the Office for Human and Minority Rights to do the same as the colleagues in Belgrade, specifically to hoist a rainbow flag from the office, the Office of the Ombudsman in Niš, did not react to this appeal, which would be nothing more than the symbolic support for LGBT community in Niš.

In addition to these institutions, the Gender Equality Institute of the Autonomous Province of Vojvodina supported all activities of the "LGBT Youth" project, including holding two training workshops in Novi Sad and hoisting a rainbow flag from the office. In addition, as a research and educational institution, the Institute held several training programs regarding LGBT rights and identities, where the target audiences were university and high school students. Also, the Institute supported the Pride Parade, but also other activities and initiatives, including organizing the presentation of the Model Law on Registered Same-sex Partnerships in Novi Sad, in the premises of the Institute.

OFFICE OF THE COMMISSIONER FOR PROTECTION OF EQUALITY

Commissioner for Protection of Equality has provided clear support to the LGBT community as well as to the Pride Parade and representatives of the Belgrade Pride Parade organization, with whom she personally met in mid-September 2012, and supported the struggle for the accomplishment of the right to freedom of assembly.

In the period before the ban and after the ban of the parade, Commissioner Nevena Petrušić in press releases used the opportunity to remind the public about the difficult position of LGBT people as well as of high exposure to violence.

Symbolic support of the Office of the Commissioner for Protection of Equality in the form of hoisting a rainbow-colored canvas was given for all the important events - Pride Day, 27th June and the International Day Against Homophobia and Transphobia, 17th May.

During November 2012, Office of the Commissioner for Protection of Equality did an extensive research "Citizens' attitudes towards discrimination in Serbia." The study showed a low level of tolerance towards same-sex oriented persons, and generally very little capacity to appreciate any difference. The results which were discussed in the previous section of this report showed that the society needs to do more to promote diversity and tolerance.

Unfortunately, the recommendations of the Commissioner for Protection of Equality to the Ministry of Education and Science of the Republic of Serbia, the Assembly, the National Council of Education and the Department for Improving the Quality of Education to remove the discriminatory content from the educational materials and teaching practices, and to promote tolerance, respect for diversity and human rights (Del. no. 649/2011 of 10.06.2011.) have not yet been implemented.

Although Labris has filed several complaints regarding discrimination and hate speech against LGBT people to the Commissioner, the following complaint is particularly worthy of attention, and is a reaction to the opinion of the Commissioner in respect to a complaint that was filed in October 2011 by Labris (on behalf of the Coalition Against Discrimination) which refers to the homophobic statements made by Megatrend university professor, dr. Milan Brdar.

In February 2012 the Commissioner for Protection of Equality issued an opinion regarding the complaint filed in October 2011, based on the proven tip of a female student who attended lectures in the theory of public opinion by professor Milan Brdar, who complained about the expression and use of inappropriate terminology by professor Brdar.

Specifically, professor Brdar in a lecture on the theory of public opinion, on 5th October 2011, stated that "homosexuality is a disease such as ulcers and should be treated." When asked by the student what should be the "cure for homosexuality," professor Brdar answered - "sex change". About these homophobic statements, the Coalition Against Discrimination has been informed directly by the student who was present at the lecture and stated that she was prepared to testify about it. The professor added that he was "surprised that the textbooks from which his daughter was preparing exams in medical school, no longer refer to homosexuality is an illness, while in the textbook of psychiatry, from which he studied for an exam in 1976 it was stated that homosexuality is a disease."

Commissioner for Protection of Equality, in this case called for the professor "to comment on the allegations in the complaint," and there is a recommendation to "make sure in the future that when he talks to students about homosexuality he is clear and unambiguous, with no possibility that the meaning of his words could be misinterpreted, keeping in mind that certain false statements can contribute to the creation and maintenance of stereotypes, prejudice and intolerance against LGBT people, hurt their dignity and respect and create a humiliating or offensive environment".

In professor Brdar's text, which was the answer to the opinion of the Commissioner for Protection of Equality, among other things, it is said:

First, the Commissioner N. P. violates the Constitution because her opinion, as an official statement, (which appeared in public, on some portals) was not written in the official alphabet of the country, in Cyrillic, as mandated by Article 10 of the Constitution! And as such, she is dares to remind us of certain articles of the Constitution! She can only say, "Oh, never mind!"

The complaint says that a person attended a lecture of prof. M. B. on 5th October 2011. It does not say who the person is! So, I am on the pillory (as the news said, "Professor discriminated..." on the website of B 92), but on the other hand, the name is hidden so that we do not see who came up with such a significant discovery.)

But the question is whether the Commissioner N. P. knows it herself. In the first letter to me, the full name of the plaintiff was written, Jovanka Todorović Savović-who by the way is not a student (determined on the basis of the list of students), and in the final opinion of the Commissioner completely different initials are given: N. L! It is clear that the initials are not the same (J. T. S.). And how is it possible: two people, and one identical statement? I guess it is because Labris is behind both, so the name doesn't really matter.

*N. P. further states that professor M. B. stated that the ulcer was mentioned during the lecture in connection to the fact that American Psychiatric Association "took homosexuality off the list of diseases – by a democratic vote," pointing to the students to imagine how it would be received, "if doctors, such as surgeons, democratically decided that ulcer is no longer a disease." He explained that he "did not identify the two cases, but noted possible problems about the closeness of sex and homosexuality, which is certainly higher than in the case of ulcers."*³⁶

The text unambiguously shows that professor Brdar will not heed the recommendations, and will not allow anyone to endanger his "academic freedom."

References to academic freedom when it comes to crossing the line towards hate speech, is a complex task that the society, using the capacity of relevant institutions, will have to cope with for many years.

It is reasonable to suspect that the media campaign that took place at the end of 2012, which was directed against the Office of the Commissioner for Protection of Equality, was launched by one of these elite academic circles, since making of the list of professors and intellectuals who demanded dismissal of Nevena Petrušić coincided with issuing recommendations to Professor Milan Brdar.

In April 2012, the Commissioner organized a three-day training for all employees in the office on LGBT rights where all relevant actors took part. After training, it was agreed that an expert group should analyze the legal provisions relating to transgender/ transsexual people,

³⁶ <http://www.standard.rs/milan-brdar-totalitarizam-golubijeg-hoda-ili-rad-poverenika-n.-p.-na-slucaju-profesora-m.-b.html>

and Slavoljupka Pavlović, Zorica Mršević, Predrag Šarčević and Milan Djurić began the work. It was later agreed that this working group will become a joint effort with the National Ombudsman.

THE OFFICE OF THE NATIONAL OMBUDSMAN

With its activities, the Office of the Ombudsman also provided a concrete support for LGBT community during 2012, and the following should be noted as the most important - initiatives in the legal framework regulating the most important issues for trans people, the establishment of the Council for Gender Equality with a particular focus on issues of trans and gender minorities as well as the establishment of a working group on trans issues together with the Office of the Commissioner for Protection of Equality.

In the presence of the Deputy Ombudsman, Tamara Lukšić Orlandić, on 17th May 2012, a rainbow-colored flag was hoisted from the building of the Ombudsman in Deligradska street which presented and symbolized the support to the LGBT community on the International Day Against Homophobia and Transphobia.

In the same way, symbolic support was provided by the Office of the Ombudsman to mark Pride Day, on the 27th of June.

Deputy Ombudsman participated in numerous panel discussions organized by LGBT organizations, such as Labris presentation of the annual report for 2011, in May 2012, then in the forum dedicated to issues of LGBT people and their families within the Pride Week (30th September – 5th October 2012.) and at the final conference of the project "LGBT Youth - The Fight Against Stereotypes and Prejudices" in June 2012.

With the support of the Office of the Ombudsman and the Coalition Against Discrimination³⁷ on 12th October 2012, Gayten LGBT and rep-

³⁷ Coalition Against Discrimination are: the Center for Advanced Legal Studies, Civil Rights Defenders, CHRIS - Network of Committees for Human Rights, which consists of (the Committee for Human Rights Valjevo, Human Rights Niš, Human Rights Negotin, Vojvodina Centre for Human Rights, Civic Forum Novi Pazar), Gayten LGBT, Labris - Lesbian Human Rights Organization, Praxis, Regional Centre for Minorities, Association of Students with Disabilities

representatives of other LGBT organizations, organized the round table called “The Rights of Trans people - from invisibility to the legal framework” at the building of the Ombudsman.

The Model law on the recognition of the legal consequences of sex change and determination of transsexualism, and the results of “Research on the problems of transsexuals in the fields of education, labor, employment, health care, and the administration,” the first study of this kind in Serbia, were presented.

As research has shown, trans people reported to have the most problems with the state administration, and that information is consistent with the data Gayten LGBT receives daily from their members.

A conclusion of this round table could be an agreement that there is a real need for passing of the Law on gender identity, which, in addition to contributing to a high level of protection of the rights of trans people, makes a clear distinction between the medical and legal spheres, and also to regulate the question of forced sterilization. The meeting brought together 32 representatives from relevant national authorities, national and international organizations, as well as representatives of the Transgender Europe and the Council of Europe.

It is important to note that the Ministry of Health established a “Commission for the treatment of the transgender disorder” and it is necessary to point out that, although the formation of this body represents a step forward in a structured and systematic addressing of trans issues, in addition to using insulting terminology, the “Commission for the treatment of the transgender disorder”, it is not formed in accordance with the rules and recommendations of the Council of Europe Committee of Ministers as the forming of the Commission did not include trans people, as well as relevant organizations.

In addition to these shortcomings the “Commission for the treatment of the transgender disorder” has not yet developed sufficiently clear and transparent procedures. According to data obtained by Gayten LGBT representatives, the Board continues to have highly bureaucratic and unclear practices.

Another important initiative of the Ombudsman is embodied in the appointment of a long term Gayten LGBT activist, Milan Djurić to become a member of the Council for Gender Equality with a particular focus on trans issues and gender minorities within this institution. What is a positive precedent is the fact that for the first time in the practice of Serbian institutions, a symbol that represents the trans community is included in the logo of the Council for Gender Equality of the Ombudsman of the Republic of Serbia.

OFFICE OF THE COUNCIL OF EUROPE - MISSION IN SERBIA³⁸

Council of Europe Office in Belgrade together with the Commissioner for Protection of Equality, with the support of the Ministry of Youth and Sports organized the first national training as part of the “Human Library” project from 16th to 19th May 2012, in Ruma. The Secretary of State in the Ministry of Youth and Sport, Ivana Kovačević, attended the opening of the training, with the main aim to inform and further develop the concept of the “Human Library” as a means of promoting human rights to the general public in Serbia.

National training course is a three-day course and was aimed to bring together 25 participants from Serbia. Methods of training enable the exchange of information and training to develop competencies relevant to the organization of the “Human Library” at the national and local levels. It was practically oriented and provided training for the organization, preparation and evaluation of the “Human Library”. Labris volunteer also attended the training.

³⁸ Office of the Council of Europe in Belgrade was opened by the Secretary General on 16 March in 2001. The Office was established as a major center of cooperation with the Federal Republic of Yugoslavia, which at the time, filed an application for admission to the Council of Europe. At the same time they started working on joint projects. Today, the office works closely with the Government and relevant institutions of the Republic of Serbia to successfully streamline and effectively implement programs of professional support to the Council of Europe reform process. The main activities of the Council of Europe are aimed at promoting democracy, human rights and the rule of law, bearing in mind the obligations undertaken by Serbia when joining.

A team of trainers with the experience of organizing “Human Libraries” led the learning process throughout the course, and supported the organization of subsequent “Human Library” projects. Council of Europe Office in Belgrade would be the main organizer of the first “Human Library” that will occur after the training. The project is supported by the European Youth Foundation and is conducted in collaboration with the Ministry of Youth and Sports and the Office of the Commissioner for Protection of Equality.

The project aims to introduce young people to the concept of diversity, the promotion of human rights and anti-discrimination, anti-racism and xenophobia, and the specific method of informal education which are a part of the “human library” - representatives of disadvantaged / minority groups are “books” and tell their story to young people who want to hear it, thus contributing to further social integration.

Chief of Mission in Serbia, has provided constant support and showed understanding of the problems faced by LGBT people in Serbia. On the day before the parade, she held a press conference at the Belgrade Media Centre where the walk for Pride day was announced. The Chief of Mission, Antje Rothmund, also attended the panel and spoke about the role of the Council of Europe in relation to the rights of LGBT people in Serbia, when results of research conducted by Ipsos Strategic Marketing and Labris were presented.

HOW DO REGISTRAR SERVICES WORK

Municipalities issue a marriage license, not a certificate

Situational testing (testing of discrimination) of all the 17 Belgrade municipalities in order to obtain the certificate of free marital status for those who want to enter into a same-sex partnership in a country that recognizes that legal option.³⁹

³⁹ “The situation testing is an experimental method, which aims to discover discrimination” on the spot“. The aim of this method is to disclose practices, where in a comparable situations, a person who has a particular characteristic, is treated less favorably than another person who does not have this feature. People looking for an apartment, applying for a job or visitors of the restaurant, a nightclub, etc.. differ only on the basis

During 2012, activists and volunteers of the team for situational testing of Labris, conducted discrimination testing in all 17 Belgrade municipalities with the aim to prove the existence or non-existence of discriminatory practices when issuing certificates of free marital status for same sex oriented persons. Testers who worked to establish the (non) discriminatory treatment emphasized at the very entrance to the registrar’s office that it is about same-sex marriage which is to be realized outside Serbia and that they do not require marriage recognition in Serbia. And while at 13 Belgrade municipalities it wasn’t easy to get the certificate (Vozdovac) or there were no problems (Savski Venac) at four municipalities the clerks explicitly refused to grant this type of certificate.⁴⁰

At the municipality of Stari Grad, the registrar office refused to issue the certificate on the grounds that same-sex marriage is unconstitutional, stating with certainty that it is not possible to get the certificate in any municipality in Serbia, due to this.

In Palilula municipality registrar’s office, after consultation they gave a similar explanation and refused to issue a certificate.

Vračar registrar’s office, also rejected, without consultation.

In Barajevo, the registrar officer (testing conducted over the phone) said that one must come in person and file a form with the partner, which will be reviewed and further processed at the City Secretariat for a final decision.

The conclusion of this test is that the clerks in the registrar’s offices in all municipalities (with the exception of Savski Venac) were confused

of a personal characteristic which is a discriminatory basis to be tested. If a person is exposed to various behaviors, this difference indicates the discriminatory behavior. Situational testing allows unmasking of direct discrimination, which often hides behind the excuse (as the excuses that the home is already leased, the position has been filled, only club members can enter ...). This type of testing, which has a huge potential for strengthening the evidence in individual cases, is particularly suitable for raising awareness and policy development.

⁴⁰ <http://fmi.rs/2957-situaciono-testiranje-diskriminacije-u-srbiji/>

about this issue, and appear to have had a similar practice (a few confirmed this). It seems that they have insufficient knowledge, and that the practice varies from one municipality to the other, while there is plenty of space for free interpretation, and a way to standardize these practices has to be found.

Complaints to the Commissioner for Protection of Equality were filed due to the treatment at the Stari Grad municipality, Zemun, Novi Beograd and Barajevo, and an opinion with further recommendations is expected and we believe it will standardize this practice.

RESEARCH ON HUMAN RIGHTS AND DISCRIMINATION

EUROPEAN PERSPECTIVE AND SERBIA – IS THERE ANY PROGRESS?

STATE OF LGBT RIGHTS IN THE EU AND CROATIA - THE MOST COMPREHENSIVE ONLINE SURVEY WITH OVER 93,000 RESPONDENTS.

During 2012, FRA- European Union Agency for Fundamental Rights, conducted one of the largest online researches to the date, which included over 93,000 respondents from the EU Member States and Croatia, and special emphasis was placed on the discrimination that LGBT people are exposed to.

The survey showed that almost half of the participants replied that they were personally discriminated on the basis of sexual orientation and / or gender identity in the year preceding the survey / research.

A quarter of the respondents confirmed that they were attacked and / or threatened with violence in the past five years. This percentage is even higher for transsexual and / or transgender persons concerned and represents 35%.

The survey also showed what the practice in Serbia also is, and that LGBT

people very rarely report discrimination and violence to the police or any other authority primarily because of the lack of trust in institutions and the belief that nothing will change and be solved.

The results of an extensive online survey conducted by the EU agency have also shown that every tenth participant of the polls in the last 12 months preceding the survey was / is exposed / and discriminated against in the provision of health services. Discrimination by health care professionals in the provision of health services was twice as high among trans people.⁴¹

On the basis of sexual orientation, the survey showed that discrimination is the highest against lesbians (55%), and bisexual women (47%) and trans people (46%), and followed by gay men (45%) and bisexual men (36%), the most in Lithuania and Croatia - 60 to 61% and lowest in the Netherlands and Denmark - 30 and 31%.

41 EU LGBT survey - European Union lesbian, gay, and transgender bisexual survey - Main results report-<http://fra.europa.eu/en/survey/2012/eu-lgbt-survey>

The most worrying fact concerns the question of whether the participants of the survey have ever witnessed abuse of their friends in elementary school and high school because other children perceived them as LGBT people - the survey participants answered yes in all EU member states and Croatia and with the percentage of 83-97%.

In Serbia, despite of the legal framework that guarantees respect for human rights and anti-discrimination, there is a high level of homophobia and time is needed for the citizens' perception to change.

Public opinion survey called "Citizens' attitudes towards discrimination in Serbia," conducted by the Office of the Commissioner for Protection of Equality and CESID during November 2012, was intended to provide continuous monitoring of the attitudes of citizens about the existence of discrimination and the degree of (in)tolerance and widespread prejudice, as well as the level of social and ethnic distance among certain social groups. The study included a random representative sample of 1196 people aged over 15 in the Republic of Serbia. 30% of the respondents would object to having LGBT neighbors, 32,5% do not want LGBT people as colleagues, 40,6% would object against an LGBT boss, 48,4 % do not want a statesman to be LGBT, 46,2% do not want LGBT person as a friend, 58,8% do not want an LGBT person to be a teacher, and 79,5% do not want LGBT people in their family.

The growth of intolerance is also noticeable, since in 2009 the percentage of those who were against having an LGBT person as a family member was 69%, while in 2012 this percentage increased to 80%.

Commenting on the survey conducted by the Office of the Commissioner for Protection of Equality, former Director of the Office for Human and Minority Rights, Dušan Ignjatović, said that the LGBT population is characterized by the level of their acceptance, i.e. lack of acceptance in their families.

Members of ethnic, religious and other minorities, no matter how they are treated by the majority, are always unconditionally accepted in their families and communities.⁴²

42 We recall that in 2011 research was done, "the Center for Public Policy Research-LGBT and Security Sector Reform", which showed a very similar

The study entitled "Attitudes toward people of different sexual orientation," which was done in April 2012 by Labris and Ipsos Strategic Marketing confirmed that "public attitudes are softer" when they are given a justification why it would be necessary to adopt a Law on registered same-sex partnerships.

The study included 1067 respondents older than 18 in 67 Serbian municipalities. In the entire sample, only 29% believe that people with different sexual orientation are discriminated against in Serbia, but there is visibly high presence of intolerance against people of different sexual orientation, despite the notion that this group of people in Serbia is not discriminated against, because 48% of the respondents would not like an LGBT person as a close friend, 40% are against having an LGBT boss at work, and 35% do not want an LGBT person in their neighborhood.

As expected, the highest support was given to the right of having social security and inheritance of property - the right to social security was supported by 62%, the right to inherit property by 60%, the right to pension by 53%, the right to marriage by 22%, the right to a registered partnership, but not marriage by 45%, and the smallest percentage was in support of the right to adopt children, by 9%.

Close to half of the population would change their attitude towards their favorite celebrities, if they found out that the celebrity is of a same sex sexual orientation - one in five would stop to watch, listen, or cheer for that person, while only 4% would have even more respect for the courage to be honest about sexual orientation.

mood among LGBT people. In fact during the six-month research "Vulnerable groups and security sector reform: case study on dynamics of LGBT members / LGBT population with the police / Ministry of Internal Affairs (MIA) and the Serbian Army / Ministry of Defense (MOD) research team wanted to show how non-heterosexual people see the process of security sector reform and whether they see that it is improving their own safety and got information that "the degree of confidence in the institutions that were subjected to the research is low, meaning that people of non-heterosexual orientation are reluctant to report cases of violence and discrimination. Previous experience with the police and Ministry of Internal Affairs is the crucial factor that determines the perception of LGBT people on the police and expectations of the institution.

An interesting fact is that 92% of people older than 60 said they did not know any LGBT person in any field, from any country and from any era, which creates a fertile ground for stereotypes, prejudice and hatred. 34% of respondents believe that LGBT people are not sick but are certainly harmful to society and that the state should deal with them, while 26% believe that the government should protect the rights of sexual minorities, as well as any other minority.

The annual report of the Belgrade Centre for Human Rights on the situation of human rights in Serbia shows that 80% of high school students support discrimination of LGBT people, while 38% of boys aged 14 to 19 years justified violence against LGBT people.

The research that included 800 high school students done in July 2012 and presented by YUCOM - Lawyers' Committee for Human Rights, confirmed worrisome results among high school students.

Only 16% out of 800 students who participated in the study think that LGBT population should have the same rights as other citizens, which means that almost 80% approve of some kind of discrimination against LGBT people. By far the most tolerant region is Vojvodina as there were 30% of students who said: "equal rights for all."

The study showed that among high school students in Serbia the least desirable friends are members of LGBT population, Albanians and Muslims, while nine percent of respondents said they do not get along with the Croats and Roma people. There were 30% of students who "socialize with everyone", which means that 70% do not explicitly want to hang out with at least one minority group, and it seems that girls are more tolerant than the boys.

The respondents think that the Roma people are by far the most exposed to any kind of discrimination, second and third place, depending on the school, are LGBT people and people with disabilities.⁴³

⁴³ <http://www.e-novine.com/drustvo/68655-Srednjokolci-plebiscitar-no-gejeve-meu-etiri-zida.html>

AWARDS, CHARITY, CULTURE, SPORTS

LEPA MLAĐENOVIĆ WAS GIVEN AN AWARD BY THE HEINRICH BOLL FOUNDATION - "ANNA KLEIN"

In 2012, the award "Anna Klein" more than deservedly went to a longtime feminist activist from Belgrade, Lepa Mladjenović, as the Heinrich Boll Foundation statement said, it went to "the brave woman who has throughout her life struggled against violence and militarism, and for freedom, human rights and sexual self-determination. Her political work is an inspiration to many activists in Serbia, the Balkans and throughout the world."

In their statement the award jury said that "Lepa Mladjenović is a Serbian intellectual and an activist for peace and human rights. Her efforts are especially prominent in the struggle for women's rights and the rights of people whose sexual orientation and gender identity are not in accordance with the standards held by most. The focus of her work is political and sexual violence in war and peace, violence prevention, and working with victims of trauma. Thanks to her commitment, she became known far beyond the borders of Serbia and the region."

Lepa Mladjenović, is an activist and co-founder of several peace organizations and networks in Serbia, including Women in Black, Arcadia and Labris.

This award deservedly went to one of the founders of Labris and will represent a further encouragement to continue the advocacy for the abolition of violence and militarism, and the emancipation of women and lesbians in Serbia.

DRAGANA TODOROVIĆ, RECEIVED THE AWARD FOR FIGHT AGAINST DISCRIMINATION IN THE "PUBLIC AUTHORITIES" CATEGORY

Expert associate of the Institute for Gender Equality of Vojvodina, Dragana Todorović, was awarded the prize for the fight against discrimination in the category of "Public authorities", awarded by the Coalition Against Discrimination.

The award was presented by the head of the EU Delegation to Serbia, Vincent Deger in Belgrade Media Center on 4th of May 2012, within the presentation of the annual report of the Coalition Against Discrimination.

With feminist activism in the Institute for Gender Equality, Dragana Todorović contributed to fighting against discrimination and promoting gender equality and human rights of LGBT persons.⁴⁴

44 <http://labris.org.rs/vesti/lokal/5208-novosadjanki-nagrada-za-borbu-protiv-diskriminacije.html>

Coalition Against Discrimination founded the “annual award against discrimination” in recognition of individuals, organizations, institutions, companies and the media who made the greatest efforts to combat discrimination against minorities and marginalized groups and contributed to improving the equality of all citizens in Serbia.

Awards for combating discrimination are awarded for outstanding contributions in the fight against discrimination in Serbia every year since 2008 in five categories:

- **Public authorities** (public institutions, MPs, officials)
- **Civil society organizations** (NGOs, trade unions, professional associations)
- **The media** (mass media, journalists, professional associations)
- **Business sector** (companies, business people)
- **Public figures** (artists, athletes, activists, actors, singers, politicians)

Winners of the fight against discrimination for outstanding contribution in the fight against discrimination in 2011 were:

1. Public authorities - **Dragana Todorović, Institute for Gender Equality of Vojvodina**
2. Civil society organizations - **Monument Group, Working Group “The Four Faces of Omarska”**
3. Media – **Snežana Čongradin, journalist of the daily newspaper “Today”**
4. Business - **Media Archive Ebert**
5. Public figures - **Stevan Filipović, filmmaker, author of “Harcutting”**⁴⁵

DEPARTURE OF ONE OF THE FOUNDERS OF LABRIS

Štefa Markun-Ivljev passed away in mid 2012; she was a longtime peace activist, active in numerous non-governmental organizations. Štefa Markun-Ivljev was born in Croatia in Podravska Djelekovec. She finished high-school and graduated in Koprivnica and Zagreb, and in 1957 she moved to Belgrade, which was her activism.

⁴⁵ <http://www.stopdiskriminaciji.org/arhiva/dodeljene-godisnje-nagrade-za-borbu-protiv-diskriminacije-za-2011-godinu>

She took part in a large network of autonomous Serbian women; she was with Women in Black, an activist of SOS center, and she also attended civil actions and street demonstrations.

At the end of the year, Labris organized commemoration to Štefa where everybody tearfully remembered her activist spirit which lives on.

She was engaged in writing poetry and publishing books, collections of women’s works in the world, and was actively fighting against war, fascism, discrimination, racism, social inequality, neo capitalism and the new wars.

She was a member of the Labris Assembly and a founder of Labris.

HUMANITARIAN ACTION

In February 2012, Labris and members of the Trans group (Gayten LGBT representatives) organized a charity event “All for Aleks” which included a photo exhibition entitled “Transition”, and a screening of the documentary film “Transgenderism in Bosnia and Herzegovina.”

Humanitarian action was organized at the club “Montaža”, and all the funds that were raised during the event were directed to primarily help sex-change operation so that Aleks would be able to change personal documents.

Aleks lives in Tuzla and in the law of BiH there is no possibility to change the sex and the name in identity documents, and therefore it is very difficult to find a job because the physical appearance does not match the data in his personal documents.

PERVERTED

The show “Perverted” by Martin Sherman, directed by Andrej Nosov premiered on 30th October 2012 in Bitef theater with extraordinary success and was performed several times. Within the play “Perverted” Sherman wrote in the seventies, in the center of attention is the position and the persecution of homosexuals in Berlin during the Second World War. Playwright Philip Vujošević said that the play, “emphasizes the universality of hatred toward homosexuals of retrograde ideology”. “Transposing the story of the suffering of homosexuals in Nazi

concentration camps in the thirties of the last century, the story of life in the 'modern camp'; that is, their position in Serbia today, harassment and problems they faced, the lack of freedom and life imprisonment in the four walls is an interesting solution⁴⁶

INTERNATIONAL QUEER FILM FESTIVAL, MERLINKA

In december 2012, LGBT community along with numerous fans of artistic films, had an opportunity to enjoy Merlinka Festival, which was organized for the fourth time, and which was as in previous years, organized in the Belgrade Hall for Youth. 42 short films were screened.⁴⁷

The film festival, which was named after the murdered trans person, Vjeran Miladonović – Merlinka, has a goal to promote the rights of LGBT persons and to influence the reduction of homophobia in the Serbian society.

THE SUCCESS OF MALE AND FEMALE ATHLETES IN EURO GAMES

At the 14th consecutive European games dedicated to the LGBT population in Europe (Euro games) in Budapest, the first women's sports team from Serbia took part from 27th June to 1st July 2012, and won one gold medal and other deserving awards.

Women from the Serbian team competed in basketball, table tennis and cross country at 3 miles for which our representative won the gold medal while the women's basketball won the fourth place.

Serbia was also represented by a young man who was reported as an independent competitor in the marathon discipline who finished the race as the fifteenth.

⁴⁶ <http://www.blic.rs/Kultura/Vesti/350127/Izopaceni-Predstava-koja-progon-gej-osoba-iz-nacistickog-Berlina-prebacuje-u-danasnji-Beograd>

⁴⁷ International queer film festival, Merlinka was organized for the first time in December 2009 at the Cultural Center Dom Omladine Belgrade with the idea to promote films dealing with gay, lesbian, transsexual themes, which rarely come to the local movie audience. The festival is organized by Gay Lesbian Info Center GLIC and DOB. <http://merlinka.com/o-festivalu/>

Euro Games are sports games for LGBT population from Europe and are organized by EGLSF (European Gay and Lesbian Sport Federation) each year in one of the European capitals. Euro Games have the average visit of 3000 to 5000 male and female athletes from all over Europe, as well as a number of guests from other continents.

FemSlam, a group that was formed in September 2011, brings together lesbian, bisexual, trans and friendly women, and is the first and only sports group from Serbia which has ever participated in an event like this. FemSlam has emerged as a stand-alone initiative but soon became a part of Labris, within which it functions as an independent group / section.

The participation of our athletes was financially helped by: Reconstruction Women's Fund, Belgrade Pride, Rainbow City Rotterdam, German basketball team Shaved Hedgehogs and Adidas.

Euro Games is not only a festival of sports, but also a socializing event, so apart from competition in 18 sport disciplines, there were also various exhibitions, concerts, conferences and parties. Competitions are organized to provide an equal opportunity for individuals and teams, highly skilled and well-prepared athletes, activists and amateurs.

In addition to giving the gay and lesbian sports community an opportunity to enjoy excellent sports competitions, the European Gay and Lesbian Sports Federation's (EGLSF) Euro Games also promote the fight against discrimination, support and integration of lesbians and gays in all types of sports, advocate for greater participation of women in sports but also provide significant support for "coming out" which is still a taboo among the athletes.

ROSE ELECTION RACE

During the election campaign in 2012, three LGBT organizations were closely monitoring the candidates who entered the election race regarding how high human rights are on their priority lists and where they are on their political agenda, as well as what are the specific steps to be taken to improve the situation of LGBT people, according to them. After the elections on all levels were announced, two major initiatives

were launched, the campaign “Pink Ballots” organized by Queeria Center and “It matters!” led by GSA.

The main objective of the campaign “Pink Ballots” was to draw attention to the number of same sex oriented persons who are the voters. According to statistics, every society has about 10 percent of LGBT people, and accordingly in Serbia there are about 7 million voters, 700 thousand consisting of gay, lesbian, bisexual, transsexual and transgender people. The main idea of “Pink Ballots” was to raise awareness about this issue.

The campaign was launched mainly due to the fact that politicians give mostly neutral and negative comments (those who provide open support are rare) and the idea was to encourage members of the LGBT community to act critically towards the political actors – not with apathy, but also not to be bought with cheap and petty political manipulation.

When the elections were announced, GSA launched the campaign, “It matters!” aimed at participants of the elections to state their attitudes towards issues affecting LGBT human rights. GSA expressed satisfaction with the pro-European political parties, as their attitude was far more serious than before regarding the potential of the LGBT constituency, addressed the LGBT population and determined the problems that this population faces.⁴⁸

It was possible to follow on the website of GSA on the daily basis how the candidates responded to the questionnaire, which included among other issues those directly related to the specific quality of life for LGBT people. One of the goals of the campaign was to provide insight into the attitudes of those who entered the competition, thus allowing LGBT people to gain a more realistic picture of who to vote for.

During the campaign, GSA distributed questions about LGBT rights in Serbia to every presidential candidate, heads of parliamentary election lists and the first candidates on these lists, while questions included giving opinions on the current situation / status of human rights of LGBT people, thinking about the position of LGBT in society, the positions of the Pride Parade, the representation of LGBT people on the lists among male and female candidates, etc.

48 <http://gsa.org.rs/2012/05/gsa-izadite-na-glasanje-i-birajte-one-koji-ma-je-bitno/>

MEDIA

LGBT POPULATION IN THE PRINT MEDIA IN SERBIA DURING 2012 ⁴⁹

Labris has been following, as in previous years, the work of print media in Serbia. The research includes monitoring certain editions of print media in the period of twelve months during the 2012. Monitoring represents systematic following of media production, observing the media work which for the objective has their description, critical review and evaluation. Daily conducted press-clipping ensures the insight in the ways in which, how much, when and why the print media in Serbia are dealing with LGBT issues, because analytical (critical) and activistic approach to actuality involve inclusion of media dimension as one of the elements in the process of forming an opinion. According to media monitoring which was conducted in the period from January 1st until December 31st 2012, in the national daily print media, there are **1647 published articles**.

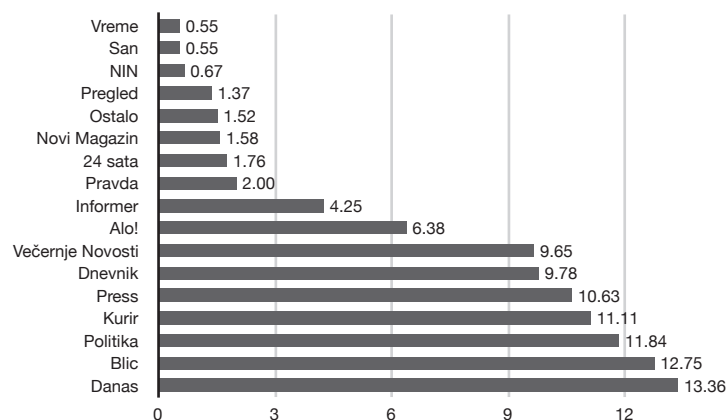
The print media which have been writing about LGBT issues and the community during the last year are presented in chart number 1.

	Frequency	Percent
DANAS	220	13,4
BLIC	210	12,8
POLITIKA	195	11,8
KURIR	183	11,1
PRESS	175	10,6
DNEVNIKA	161	9,8
VEČERNJE NOVOSTI	159	9,7
ALO!	105	9,4
INFORMER	70	4,3
PRAVDA	33	2,0
24 SATA	29	1,8
NOVI MAGAZIN	26	1,6
OSTALO	25	1,5
PREGLED	23	1,4

⁴⁹ Taken from the publication: Jelena Višnjić, LGBT Population in Printed Media in Serbia 2012, Labris – lesbian human rights organization, Belgrade 2013.

	Frequency	Percent
NIN	13	0,8
VREME	11	0,7
SAN	9	0,5
TOTAL	1647	100,0

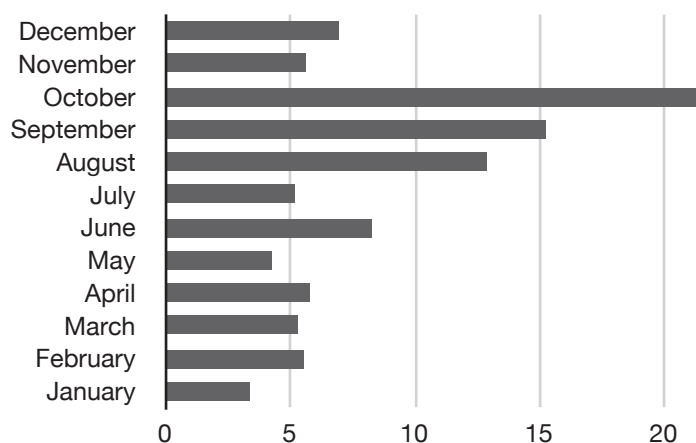
The greatest numbers of articles was published in daily newspaper Danas - 220 which makes 13,4% of all the articles included in this research; Blic, Politika and Kurir follows with the percentage of 12,8%, 11,8% and 11,1% published articles, which is graphically shown in the following chart:



Comparing it to the month when the articles were published, the results are as follows, the greatest number of articles of all publicized newspapers reports has been published during the month of October (21,8%), which is to be expected because that is the time when those social sectors that are dealing with the issues of LGBT population are to most active due to the fact that organizing "pride parade" is coming close. Related to that is the increased number of articles that were published during the months of August (12,8%) and September (15,2%).

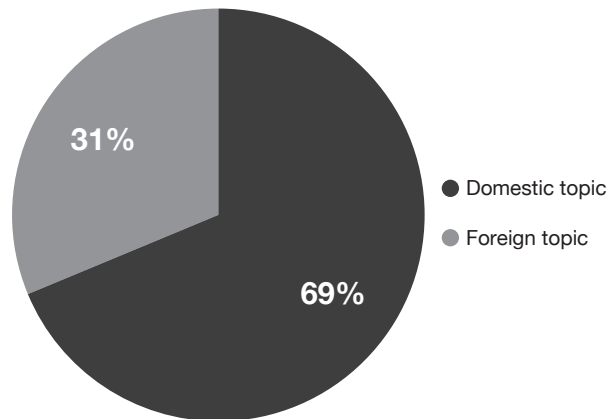
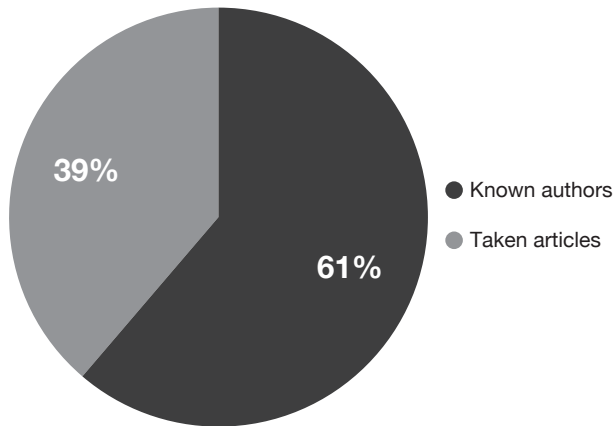
The most significant event regarding LGBT people, which (like every year) brought the most media space is the process of orga-

nizing and the prohibition of Pride parade, which was banned without any legitimate reason by which Serbia violated the right of its citizens to have a peaceful assembly. The exhibition "Ecce homo" by Swedish artist Elisabeth Ohlson Wallin which was displayed in the Center for cultural decontamination, was followed by a huge controversy and public divisions, and it was guarded by 200 policemen, due to possible violent outbursts of hooligans and clero-fascist groups. Potential riots and violence have conditioned the media reports off all electronic and print media about this exhibition, which represents a continuous shifting of focus from the issues of LGBT persons, and their rights, to the issue of omnipresent violence and promoting the discourse of nationalism, provincialism and traditionalism.



Great number of articles, exactly 1009, are author's texts, which makes 61,3% of all articles which were part of monitoring process. Therefore, in most cases the authors of the texts are known, meaning the texts were signed, and thus authorized. On the other hand, 38,7% (638) of the texts represent the one's that were taken from the other newspapers or media agencies, and internet portals.

According to that, the greatest number of articles was dealing with domestic topics, 1132 of them, which is 68,7% of samples. At the same time 515 articles were regarding foreign topics (covering both regional and international news), which makes 31,3% of all the newspapers articles.



News from the region were about the legislation, Pride parade that were held and organized violence. In March 2012, citizens of Slovenia voted against Family law in a referendum, by which, among other things, they dismissed the possibility that homosexual couples can adopt children; in Podgorica an LGBT flag was burned, hanging on the mast of the building where the headquarter of Montenegro human rights and freedoms defender institution was; Pride parades were safely held in Split and Zagreb. We have reports coming from the rest of the world about the parades which were held (the first pride parade in the history of Vietnam) and legalization (or suggestions of legislation)

of gay marriages; during the election campaign in 2012, Democratic party of USA had announced their party platform at the national convention, which reflects the stands of the president and among else anticipates that same-sex couples should have the right to marry, which was the topic in all the daily print media in Serbia.

In the texts which are dealing with LGBT subjects there can still be seen a certain lack of understanding of the issues in question, so there can be recognized 119 (7,2%) articles which report negatively, discriminatory, by using stereotypical explanations. Aggressive and sensationalistic newspapers titles are the common practice of Serbian tabloid journalism.

They're preparing massacre on gays in Belgrade (Kurir), I'm not against gays, but not in my room!! (Alo), Gayneral Smith (Press), Stanko beware of the bullet - Press reporters preparing a landing on a gay beach (Press), Croatians assaulted a serbian gay man because of a leather thong! (Alo), "Njet" (No) for the pride parade in the next century (Informer), Pejović: Gays, you're bothering me! (Kurir), Suleiman in love with a lesbian (Kurir).

Negative articles are the result of negative statements and hate speech in the (public) media discourse, which are not being sanctioned, especially in the case of church and state establishment.

Regarding the announced Pride parade, in the interview for NIN Patriarch Irinej said that he doesn't "judge the homosexuals, but feels profound pity for them. That is probably something that is more powerful than they are. That is a deviation of a human nature which can not be seen nowhere in the nature. I think that is a disease and that those people should be helped to overcome that unnatural anomaly".⁵⁰

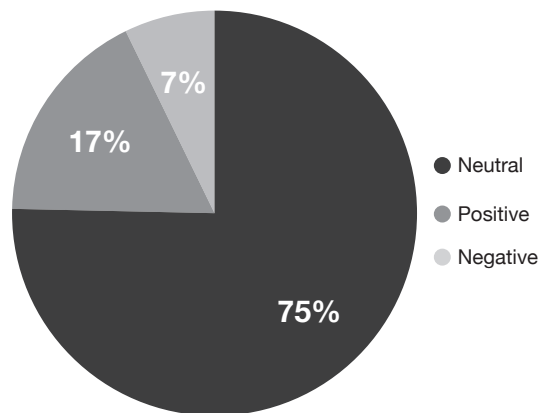
This statement was published by all the daily newspapers, there was no public reaction except the condemnation (but not the legal intervention) by LGBT activists and human rights organizations.

Populist language of the politicians and degradation, erosion of the language, produce banality and hate speech as legitimate media matrix.

⁵⁰ "NIN interview: Patriarch Irinej" NIN, 4.10. 2012.

*In the period before Pride parade, Prime Minister Ivica Dačić said “Scr** the EU where gay parade is the entering ticket”, while Dragan Marković Palma, “encouraged” by the decision of The Court of Appeal in Belgrade to revoke the instance verdict against him by The First Primary Court⁵¹, for declaring that members of the gay population are sick, had widened the corpus of his discriminatory and homophobic statements, suggesting that “gay parades should be prohibited for the next 85 years”.*

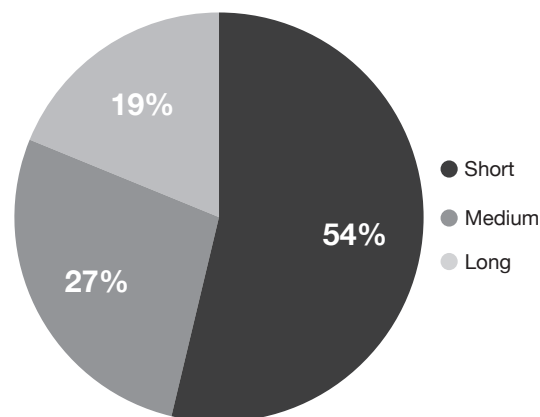
LGBT population is still exposed to hate speech and marginalization, even though the neutral contextualization of LGBT topics is dominant in the media discourse. Total number of articles with the neutral position towards LGBT population is 1241 which makes 75,3% of all the articles, while the increase of number of positive articles in compare to previous years was also noticed.



The greatest number of articles was in a category of short articles and they make 53,7% of all published articles which were monitored. Medium length articles follows with 27,4% in the sample and 18,8% of long articles. In the longer articles the position of LGBT population is secondary, most often those are “incidental states”. The long articles which are dealing with LGBT issues direct their “analytical focus” on the argumentation against Pride parade organization.

⁵¹ Slučaj je vraćen na ponovno suđenje, jer je Apelacioni sud utvrdio da Markoviću tužba nije dostavljena po zakonu.

Regarding the newspapers with the greatest number of published articles, and having in mind the length of the articles, we can say that only Danas in it's reports uses almost equally long, medium and short articles. On the other hand, daily newspapers Politika, Blic, Kurir, Press, Večernje Novosti mainly report in a form of a short article, where newspapers Kurir, Blic and Alo are leading the way.



And at the end, during the research it was established that there is a significant statistical connection between the newspapers in which the article was published and the length, attitude, section, topic of the article as well as the authorization of the article itself. It can be concluded that in those newspapers which were the most active in writing about LGBT issues, primarily Danas, Politika, Blic, Kurir, Press mainly reported in form of short articles, in society and politics sections, about the domestic topics, that the position was mainly neutral, going towards the negative, and that articles were mainly authorized.