

# **ANNUAL REPORT ON THE POSITION OF LGBTTIQ POPULATION IN SERBIA FOR 2008**

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Belgrade, 2009*

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Publication title:  
**Annual report on the position of LGBTTIQ population in Serbia**

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**Printed by:** Standard 2, Belgrade

**Copies:** 500

This publication was made possible thanks to support from the Astraea and Hivos.



Astraea Lesbian Foundation  
For Justice



Belgrade, 2009

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# ANNUAL REPORT ON THE POSITION OF LGBTTIQ POPULATION IN SERBIA FOR 2008

## INTRODUCTION

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*The previous year has been a very significant year for the LGBTTIQ population in Serbia in so many ways: good cooperation with the Ministry for human and minority rights after the new government of the Republic of Serbia was formed in July 2008, the continuation of cooperation with the republic ombudsman, the first verdict reached for threatening and intimidating a gay activist, awarding a grant-in-aid to a nongovernmental organisation promoting the rights of LGBTTIQ population by the Ministry for culture, as well as pressing criminal charges due to the violence towards persons of sexual orientation other than heterosexual. These are some of the events that have certainly marked the previous year.*

*Furthermore, five years after the Coalition against discrimination was formed, which has been promoting the significance of passing the General antidiscriminatory law all the while, the cooperation between the Coalition and the ministries in charge has finally been accomplished, and as a result, a draft law has been written, which is at this very moment being reviewed as part of the Parliament procedure.*

## THE MEDIA

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The visibility of the LGBTTIQ population in the media depends on several factors, so that the eventual changes in such kind of visibility should not be perceived separately from the factors influencing the presence of the LGBTTIQ population and topics in the so-called public sphere. Numerous activities of the LGBTTIQ human rights organisations, increased cooperation with the state institutions such as republic ombudsman and the Ministry for human and minority rights, instances of homophobic violence which are as a rule always more frequent when the visibility is increased – all these things have influenced the number of articles as well as topics the media dealt with in 2008, when it came to persons of sexual orientation other than heterosexual.

When it comes to 2008 and the number of articles published in

domestic press and analysed by Labris for fifth year in a row<sup>1</sup> - it is our pleasure to state that the LGBTTIQ population and the topics related to it have been the subject of the press more than in the previous years. Thus it happened that during the same period in 2007, 268 articles on LGBTTIQ topics and events were published in 8 daily newspapers and 4 weeklies<sup>2</sup>, while in 2008, a total of 434 articles at least mentioning LGBTTIQ terminology and/or events were published. However, the analysis of the *manner* in which the media report on same sex orientation does not give us a lot of reasons for satisfaction, since there have not been many changes in the way and perspective domestic dailies and weeklies approach and treat the subject. In that sense, this report will provide information and data on *articles* which have treated LGBTTIQ population, *the topics* of the texts, *those interviewed* in the texts, as well as *the context* LGBTTIQ population has been presented within.

Daily newspaper *Danas* has written the most on same sex orientation – 67 articles, the second is *Blic* with 57 published articles and *Politika* with 56 such articles. Daily newspaper *24 hours* has written the least when it comes to dailies writing on LGBTTIQ related topics. When it comes to weeklies writing on LGBTTIQ topics

<sup>1</sup> Labris – organisation for lesbian human rights has been analysing for five years now to which extent and the way in which mostly read domestic newspapers have been reporting on LGBT population; in the past three years, a period from May to July has been analysed. These months have been chosen as the period in the year when LGBT activists and organisations for the protection of LGBT human rights are most active, due to the celebration of Pride, June 27<sup>th</sup>, as well as the International day against homophobia, May 17<sup>th</sup>. During these three months Pride parades are held worldwide, while the organisations in Serbia organise various activities in order to draw the attention to the discrimination and violence against LGBT individuals and send out political demands to the government to take certain measures in order to improve the position of LGBT population. Ten daily newspapers have been included in the analysis: *Blic*, *Gazeta*, *Kurir*, *Press*, *Večernje novosti*, *24 sata*, *Danas*, *Glas javnosti*, *Alo!*, *Politika* and four weeklies: *NIN*, *Vreme*, *Nedeljni telegraf* and *Standard*. Labris collects the articles and performs the analysis in cooperation with Media documentation Ebart.

<sup>2</sup> In the 2007 analysis dailies *Gazeta* and *Alo!* have not been included.

or mentioning LGBTTIQ terminology, *NIN* has written the most – 9 articles, followed by *Vreme* with 6 published articles, while *Standard* and *Nedeljni telegraf* have had 4 articles each.

A positive tendency to treat LGBTTIQ related topics as dominant and not only something mentioned offhand, has continued into the 2008, so that 67% of articles have had LGBTTIQ population or event as a dominant subject, while in the rest of the articles they have just been mentioned – in other words, they have been of secondary significance and not the principal subject and concern of the articles.

Of the first three dailies writing the most about LGBTTIQ topics, *Blic* has had the biggest number of articles with LGBTTIQ subjects being dominant – 72% of articles mentioning LGBTTIQ population are those which have treated the topic as central. When it comes to *Danas*, 55% of articles have had LGBTTIQ population as their principal topic, while *Politika* of the total of 56% articles at least mentioning LGBTTIQ population, has had 42% of those with LGBTTIQ population in the focus.

Perhaps the most interesting fact is related to a daily *24 hours* in which the total of 17 articles has dealt with the LGBTTIQ population, and all 17 articles have had this topic in its focus. When it comes to weeklies – a weekly *Standard* has had the biggest number of articles dealing with LGBTTIQ population as its dominant topic – although, this weekly has published less articles than weeklies *NIN* and *Vreme*, the articles treating this topic have treated it as dominant, not a secondary issue in 75% of articles published in *Standard*.

When it comes to newspaper sections, although the number of articles dealing with Serbian context has on the whole increased, as we have already mentioned, there have still been 107 or 24,7% of articles that go to the section called the World. One article more, that is 108 altogether, has been a part of the section called Entertainment. It is still very alarming that the topic of sexual orientation has still been very poorly dealt with in the section called the Society, so that it has had 39 or 9% of articles, which tells us a lot about the way it is reported when it comes to one of the basic human rights.

It is reassuring that of the total of all articles published in all the analysed newspapers, there have been more those which have put LGBTTIQ topic in the focus, than those just briefly mentioning it. Therefore, we have had 292 or 67% of articles dealing with an LGBTTIQ topic as a central one.

Speaking of the article size, in this year's analysis we have again had the greatest number of short articles – 24%, 10% of the larger ones, while those very large even less, only 2%.

Article headlines have largely been of informative nature and pointed to the article content itself - 47%, but there has been a significant number of articles openly negatively naming and speaking of the same sex oriented persons (5%).

Just like in the previous years, this year as well, a large number of articles have been left unsigned – 109 or 25% of articles have been a work of an unknown author.

If we analyse specially the articles which have had LGBTTIQ population in its focus – there has been by far the greatest number of articles whose topic was the *relationship* towards lesbian and gay population – 85 or 29%, followed by topics of private lives, affairs and scandals – 45 or 15%, as well as topics from domains such as culture, entertainment and show business – 41 or 14%.

The Eurovision song contest in Belgrade, that is, relating the fans of this event to gay population – have resulted in that the great number of articles on this competition have mentioned same sex oriented population – there have been 30 such articles or 10%.

An important indicator on the treatment of LGBTTIQ population in domestic press is the data on who *the source of information* is in the articles dealing with sexual orientation other than heterosexual. The analysis of press during those three months in 2008 has shown the following – in the majority of cases it has been the media itself, journalists and news agencies (49%), then the very participants of the events, followed by the activists, that is, nongovernmental organisations for LGBTTIQ rights – 10%. Although

the nongovernmental organisations for LGBTTIQ rights have been the source of information in the majority of cases since Labris has started monitoring the reporting of the press, it is alarming that this year too, the number of well-known people or celebrities stating their opinions on same sex oriented persons has been bigger, than that of the LGBTTIQ community. This leads us to the conclusion that the others are more eager to speak about gays and lesbians than gays and lesbians themselves, and that lesbian and gay population does not have a lot of space for self-identification.

The fact that the right to sexual orientation has still not entered the agenda of important topics politicians in Serbia are dealing with has been confirmed through the fact that in only 5% of the articles, the sources of information have been political parties, statesmen and state officials.

When it comes to the attitude of the information source in articles with LGBTTIQ topic as dominant, the state of things has not changed there either, so we have had predominantly a neutral stand towards the LGBTTIQ population – in 196 or 67% of the articles. Positive stands of the information sources have been found in 21 articles or 7%, while the negative attitudes have been more frequent than the positive ones – 10%, similar to the previous year<sup>3</sup>.

A good thing is certainly a fact that the number of scandalous illustrations and illustrations with sexual connotations following the articles with LGBTTIQ topics have decreased greatly, and we have had the case of only one such article, that is, illustration<sup>4</sup>. The rest of the illustrations have suggested the contents of the article itself, and it has been frequently the case that the articles didn't have an illustration, and there have been 106 or 36% of such articles.

<sup>3</sup> There have been 11% of articles with the source of information having a negative attitude towards LGBTTIQ population, and 8% of those with a positive attitude of the source of information.

<sup>4</sup> In the period analysed in 2007, there were two such articles – but it should be noted that the sample monitored at the time had two daily newspapers less.

It is also interesting to note the way in which the press has been presenting LGBTTIQ nongovernmental organisations and LGBTTIQ individuals, as well as the context following the LGBTTIQ population on the whole.

LGBTTIQ nongovernmental organisations have appeared in 36 articles and their context has mostly been a neutral one – in 31 articles (87%). However, while the nongovernmental organisations for the promotion of LGBTTIQ human rights have been dealt with in a positive manner in only one article (2%), they have been mentioned in the negative context in 4 articles (11%) altogether. LGBTTIQ individuals have been mentioned in 116 articles and in 105 (90%) of these, it has been in the neutral context, while both the negative and positive contexts have been attached to 4 articles respectively (3%). Speaking of the population on the whole, out of 156 articles it has been mentioned in, 103 (66%) articles have had a neutral context, 16 (10%) articles have had a positive context, while 37 (24%) have had a negative context. Out of these 37 articles with LGBTTIQ population mentioned in the negative context, 5 articles have had *extremely negative* connotations.

Such results show us that the greatest negative context has been put on the complete LGBTTIQ population, while the number of such articles decreases when the persons involved are made less abstract and become particular individuals – therefore we have had much less articles with negative connotations on particular persons, that is, particular nongovernmental organisations for the promotion of the right to sexual orientation.

When it comes to terminology used to denote same sex oriented persons, the results have shown that gay men are much more visible<sup>5</sup>, that the women of sexual orientation other than heterosexual are almost invisible, while men are those frequently mentioned and mostly written about.

Furthermore, names referring to males have been used when the term is intended to denote the complete LGBTTIQ population, that is both men and women, as well as transsexuals...

<sup>5</sup> Gay men are most visible, so the derogatory terms used to denote them are more numerous.

So it has been the case that names denoting exclusively members of gay male population (both those acceptable and appropriate and the ones inappropriate and derogatory, like homosexual, gay, fag, homo...) have been used four times more than those denoting a woman exclusively (lesbian, lesbo, dyke...), eighteen times more than the terms denoting transgendered individuals (transsexuals, transvestites and transgendered), and forty times more than the terms used to refer to bisexual individuals<sup>6</sup>.

Derogatory and insulting terms used to refer to the members of LGBTTIQ population in the dailies and weeklies analysed have been the following: *the fault of nature, the followers of the fault of nature, pinkies, freaks, perverse ones, sickos, promiscuous, the Satan's party, radioactive gays, lesbos, lezzas, dykes, faggots, homos*.

Among some of the fair expressions used by the journalists have been: *a homosexual, gay, queer, lesbian relationship, transsexual, same sex relationships, homophobia, and bisexual*.

Comparing the results gained through the analysis of the press from the earlier years with those from 2008, one is of the impression that the situation has improved when it comes to LGBTTIQ population's visibility, that is the topics related to this particular social group. The analysis has shown that there have been more articles on LGBTTIQ population, and that the work of nongovernmental organisations for the protection of LGBTTIQ population's rights has also been more visible, that is, these organisations have been the source of information more often.

Although we have great efforts ahead of us in making the right to sexual orientation appear on the sociopolitical agenda and be equal with other human rights – firstly we have to ensure this topic's presence, and afterwards deal more with the way in which the media approach and handle the subject. If we agree on the fact that the visibility of certain individuals as well as LGBTTIQ population and their say in certain matters is the prerequisite for recognising and solving a certain social problem, in this case

<sup>6</sup> Out of the whole LGBTTIQ population, during the period of three analysed months, intersexual population has not been mentioned even once; and it has been the only one not mentioned at all.

homophobia, discrimination and violence – then it could be inferred that we are on the way to a society in which the media, through professional and responsible journalism would influence the improvement of the minority groups' status.

During 2008 Labris has continuously reacted to hate speech towards homosexually oriented individuals appearing in domestic media. The first instance was regarding the article *Monkey business*, published on May 28<sup>th</sup> 2008 in a daily newspaper *Politika*, when a journalist Slobodan Stojićević, the author of the before-mentioned article, called the alleged gay party, held during the Eurovision song contest in Belgrade, "a gathering of those who go for the nature's error", and same sex oriented population "unnatural and something to be kept at the society's margins". Additionally, the journalist compared the minority group of homosexually oriented individuals to "those who make love to cars" in a very degrading and ironic manner, and also in an indirect way implied analogy between gay and lesbian orientation and zoophilic tendencies.

Having pointed this out to *Politika's* editor in chief at the time, Ljiljana Smajlović, and reminded her of The Law on public information which prohibits hate speech towards gay and lesbian population<sup>7</sup>, Smajlović's letter of apology regarding the published article ensued.

The next instance of our reacting to the hate speech was an article "Perversion", published on September 26<sup>th</sup> 2008, in a daily newspaper *Blic*<sup>8</sup>. Mirjana Bobić Mojsilović, the author of the before-mentioned article, had drawn the analogy between the famous British actor, Ian McKellen visiting British schools and lecturing on tolerance and harmfulness of homophobia, to "the recruiting of a new army of little victims in a homosexual, and increasingly a pedo-

7 Article 38: "Publishing of ideas, information and opinions which flare up racial discrimination, hatred and violence against persons or a group of people due to their being a part of a certain race, religion, nation, ethnic group, sex or their sexual orientation, regardless of the fact whether a crime has been committed by publishing is prohibited."

8 <http://www.blic.rs/blickomentar.php?id=2263>

phile culture." There was not a word of a promotion of homosexuality whatsoever by Sir Ian McKellen; it was a campaign organised by the Stonewall gay/lesbian group to stop the violence against young LGBT individuals in British high schools. In her article, Mojsilovic brought together the sexual orientation of a person, one of the basic human rights, with child abuse, and the lesbian and gay population with pedophiles. This article was published only a few days after the assault on the participants of Queer Beograd festival, when three persons had been beaten up in the city centre because of their real or presupposed sexual orientation. Labris sent two notes to *Blic's* editor in chief, Veselin Simonović, after which he publicly apologised to the lesbian and gay population.

A panel discussion on the rise of right-wing and fascist organisations in Serbia was held after the movie premiere "Vrela Krv" in cultural centre Rex on November 2<sup>nd</sup>. According to the press reports, the panel participants had been chosen by the film crew, and the whole event was supported by a television and news company, B92 – its editor in chief, Veran Matic, opened and closed the event, while a B92 journalist, Antonela Riha, moderated the panel discussion. Many nongovernmental organisations have criticised this panel discussion's taking place, especially since it was going to be held in ever friendly premises of Rex cultural centre.

The very discussion in this space has actually provided a place for the hate speech and open expression of fascist attitudes (one could hear laughter during the scenes depicting the murder of a Roma boy, Dušan Jovanović, by a group of skinheads, and chanting "Kill, kill the fag!" when Pride parade and lesbian and gay population was mentioned, as well as the denial of the crimes in Srebrenica and the holocaust).

The newspaper reports from the event saying that "there were no incidents" (while the screening was actually almost terminated in one moment due to the verbal conflict and noise), where the persons promoting fascist ideas were called right-wingers with quotations marks, where the before-mentioned film was seen as "a slight criticism of the right-wing organisations and their beliefs" were simply outrageous.

## **HATE SPEECH, DISCRIMINATION AND VIOLENCE AGAINST LGBT POPULATION**

The assault on the participants of Queer Beograd festival and the first court verdict due to the threats to a gay activist<sup>9</sup> – are the key events of the 2008 when it comes to violence and discrimination against gay/lesbian population in Serbia. Analysing 2008, after the newly elected government, a few significant steps ahead can be distinguished in terms of gay/lesbian rights. Apart from the before-mentioned verdict, certainly a very important event has been the ban of the right-wing and fascist organisations rally in October, as well as some improvements in legislature which can contribute the protection from discrimination<sup>10</sup>. An improved cooperation between nongovernmental organisations for lesbian and gay human rights and institutions such as Ombudsman's office and the Ministry for human and minority rights has led to the heightened visibility of these organisations' work in public, but also the visibility of lesbian and gay population on the whole as well. It has resulted in that in the atmosphere of increased visibility, both violence and discrimination on the basis of sexual orientation happen more frequently. You have before you a summary of such instances happening throughout 2008 that Labris has managed to record.

In 2008 as part of Labris programme, the legal counselling for lesbian, homosexual, bisexual and trans (LGBT) individuals was founded. During the past six months, seven members of LGBT population with different legal problems have turned to Labris for help. Since one of the characteristics of LGBT population is that they are less visible in public, most of them would rather contact Labris by telephone or e-mail, than come to Labris office in person.

<sup>9</sup> In Belgrade, on December 22<sup>nd</sup> 2008 a judge Snežana Aleksić, sentenced B.P from Rušanj to pay 10.000 dinars due to his threatening a member of GayStraight alliance L.P.

<sup>10</sup> At the end of 2008, a draft of Antidiscrimination law was made by a work group which consisted of members of Ministry for human and minority rights, Ministry of work and social politics but also of members of Coalition against discrimination, consisting of 10 nongovernmental organisations.

### *Some of the problems they have turned to Labris with have been the following:*

Labris has been contacted by a man, who had an unpleasant experience of being insulted and discriminated against in of the embassies in Belgrade, while he was being interviewed for applying for a visa. He had stated as he reason for applying for a visa his wish to start a family with his long-term partner, who is the resident of the state. The embassy official asked him a few unpleasant, discriminatory questions regarding his sex life. The same man has contacted Labris one more time, to notify us about the visa procedure. He has not contacted Labris since, so that we do not have information whether the embassy official has been reported for homophobia.

A younger man, directed to us by a gay organization has contacted Labris. He inquired about what could be done, since he had undergone a physical abuse in the police station at the main bus station in Belgrade. Namely, the first time he experienced the abuse was a month and a half ago in the park at the Students' square, when he and his male friend had been stopped by the police and asked to produce their id cards. They had also been asked if they were married, to which he answered with a no, and his friend said so too, adding that he was not married because he liked men. A few days before he turned to Labris, he had been carrying a letter to the bus station, when one of the two police officers recognised him and ordered him to come with him. He took him to a small police room at the station with two other policemen. One of them started to verbally abuse the man, cursing and yelling at him.

They threatened to use force against the man if they ever saw him at the station again, or at Zeleni Venac etc. Then they started hitting him on the face, so that after the third blow, the man could not hear well. The man was brave enough after all this, to ask the policemen for their names, to what one of them told him that he would break the man's bones. The young man went to hospital and had his wounds x-rayed, after which he reported the policemen to the Internal control, but because he has not contacted

Labris since, we do not have the information as to what happened with the report and whether the policemen have been identified and punished.

A young woman has come to Labris to inquire about the legal regulations on parenting, since she wanted to have the baby with her gay friend. She has been in a long-term relationship with her female partner. Her gay friend has also been in the long-term relationship with his partner and he also wanted to have children. The young women wanted to know what were the rights and obligations of the parents after the baby was born, as well as if there was a possibility to renounce the parental right according to the Serbian family law.

A transsexual person (male to female) has contacted Labris. She wanted to inquire about how to protect herself in violent situations when the perpetrators were unknown, as well as what the procedure was like in cases of reporting violence and discrimination by the police, to the Internal control. She is however, planning to become a sex worker next year, and wants to inform herself in advance about her rights in eventual violent situations, as well as legal regulations of prostitution in Serbian legislation.

### **The lawsuit due to the physical assaults at the Queer Beograd Festival**

At the end of 2008, Labris hired a legal support team for a few participants of Queer Beograd Festival<sup>11</sup>, who had been physically assaulted during the festival by the members of clero-fascist organisation "Obraz", on 19<sup>th</sup> September 2008. The police immediately arrested the two assaulters, and pressed charges against them for the crimes of violent behaviour, article 334. page 2 of the Criminal law, as well as crime of inflicting great bodily harm, article 121. according to the Serbian Criminal law. Besides these charges, Labris has also pressed charges for the crimes of racial and other discriminations, article 387. of the Criminal law, since the assault on and violence against the participants of Queer Beograd Festival

were motivated by homophobia and discrimination against persons of different sexual orientation. This is one of the first lawsuits, initiated precisely due to the violence against LGBT persons in Serbia. Anyhow, a sexual orientation other than heterosexual is not mentioned and is not specially protected in any of the crimes in Serbian legislation.

### **INSTITUTIONS**

Until the new Serbian government was formed in July 2008, it can be said that there has been no cooperation with the main body responsible for human rights – the Office for human and minority rights of the Republic of Serbia's government. The head of the before-mentioned office was Mr. Petar Lađević, and Labris, organisation for human and minority rights and 31 nongovernmental organisations for human rights have asked for his resignation<sup>12</sup>, after he stated that he felt equally disturbed with "the manner in which both ultraconservative organisations and those promoting the right to homosexuality or a different sexual orientation react, when it comes to homophobia". Mister Lađević has given this statement to the Radio Free Europe, in relation to May 17, International day against homophobia, and in doing so has put the equality sign between the members of right-wing organisations and organisations supporting and fighting for the rights of lesbians and gay men in Serbia. We find that such attitude relativizes violence against lesbians and gay men happening here on daily basis.

As we have already mentioned, great efforts in cooperation with the institutions have happened after the new Serbian government was elected, which had finally got its own Ministry for human and minority rights, however only after the insistence of smaller parliamentary parties. The most significant moment in the cooperation has certainly been the making of the draft law which bans discrimination. Additionally, the highlight has surely been the mutual work on the draft law between the Coalition against discrimination, Ministry for human and minority rights as well as the Ministry of work and social politics. Article 21 of this draft law

11 See <http://www.queerbeograd.org/>

12 See appendix 3

prohibits discrimination on the grounds of sexual orientation and gender identity:

***Discrimination on the grounds of gender identity and sexual orientation***

**Article 21.**

*Gender identity and sexual orientation are one's private matters and no one can be asked to publicly declare his/her gender identity and sexual orientation.*

*Everyone has the right to express his/her gender identity and sexual orientation, while discriminatory treatment due to one's expression of gender identity and sexual orientation is prohibited.*

*The freedom of expression of gender identity and sexual orientation from sections 1. and 2. of this article also refer and apply to the case of transsexuality.*

It is important to stress that Marko Karadžić, state secretary of the Ministry for human and minority rights, has taken part very actively in numerous activities of nongovernmental organisations for human rights, has spoken at the press conferences, and what is a great change in relation to the previous years, has reacted with a prompt and categorical denunciation of violence, each time there was an assault on LGBT population or activists.

Support for the LGBT population has been provided by the Republic's ombudsman throughout 2008, and Labris has continued its cooperation with this institution. In that sense, the most significant moment has been the complaint to Saša Janković on the work of the Republic broadcasting agency. Namely, a year after making a complaint to this agency, due to broadcasting a programme filled with hate speech on Serbian Radio and Television Company and Television Pink, we have had no answers from the Republic Broadcasting agency whatsoever. In December 2007, Labris turned to the ombudsman since article 14, section 2 of the Broadcasting law obliges the Republic's Broadcasting agency to inform the complainant of the eventual unreasonableness of the complaint. Article 14, section 3 of the Law on broadcasting, obli-

gates the Republic's broadcasting agency to take certain measures against the broadcaster if it finds the complaint reasonable. It also has to introduce the complainant with how to he can protect his interest. The ombudsman reacted after this complaint, which has finally resulted in Republic's Broadcasting agency's decision to act on the complaints Labris had submitted<sup>13</sup>.

Three years after refusing to acknowledge what has been the official attitude of the World Health Organisation for 18 years, the fact that homosexuality is not an illness, this year Serbian Health Society finally confirmed its agreement with WHO. Namely, Labris finally got a reply to the demand sent concerning May 17<sup>th</sup>, the International day against homophobia, and as a part of action "Are you homophobic?". Labris had again addressed Serbian Health Society and Serbian Doctors' Chamber, as well as the future minister of health, demanding that he/she immediately after coming to power, publicly announced that homosexuality was not an illness.

Labris has also supported the person who would be the head of this Ministry in the next government, in his/her calling for the Serbian Doctors' Chamber to include sexual orientation in its ethical code as a personal characteristic, according to which it is prohibited to discriminate against persons while treating them.

Let us remind you that Labris, organisation for lesbian human rights, had been trying to get the consent from various Serbian institutions, among them also the Ministry of Health, that homosexuality was not an illness.

For the first time this year one of the domestic physicians' institutions publicly stated its consent with WHO, and in this way

<sup>13</sup> In February 2009, Labris got the notification saying that all three complaints had been rejected as unreasonable, and that although there had indeed been negative comments on LGBT persons and women in the mentioned programmes, criminal charges would in these cases have represented limiting the freedom of speech and thought, according to the Republic Broadcasting agency. In the moment of writing this report, Labris is considering filing a complaint to such a decision of the Republic Broadcasting agency.

Labris also wishes to support other physicians' groups and societies to join in actions to stop the prejudice saying that lesbians and gays are ill.

## **LABRIS ACTIVITIES**

### ***Info centre***

During 2008 two weekend seminars called "Something beginning with letter L." were held for lesbians and women of orientation other than heterosexual. Twenty-nine women from Serbia, Macedonia, Bosnia and Herzegovina and Kosovo took part in it. The participants from neighbouring countries were at the same time members of LGBT organisations and they stressed that the knowledge and experience they had acquired would be of great help in promoting lesbian human rights when they went back home.

Additionally, a series of workshops entitled "Conversations on taboos" were started in 2008, where topics such as SM relationships, the rights and position of sex workers, queer theory and practice, lesbian sexuality, violence in lesbian relationships, etc have been discussed.

In February, two Labris representatives attended a panel discussion on the position of LGBT persons and LGBT organisations' activities in Serbia and Kosovo<sup>14</sup>. It was held in Pristina. The aim of the meeting was strengthening the capacity of LGBT activism in Kosovo, as well as the exchange of ideas and experience between Labris representatives and the two organisations from Pristina – Elysium and Qesh. This meeting has marked the beginning of networking between LGBT organisations in the two countries.

In February too, a research on needs of lesbian community in relation to Labris and other LGBT organisations was started\*. It was organised by Labris. This research was done with the aim to determine directions for our future work in harmony with the needs of lesbian community, as well as LGBT community. The

methodology of research included creating five focus groups consisting of other lesbian and LGBT organisations' beneficiaries in Serbia (from Belgrade, Novi Sad, Kragujevac, Niš and Šabac). Besides focus groups, the methodology also included online questionnaires, interviews and a poll on Labris web site. The aim of the research was to ascertain lesbian attitudes and notions on the role of Labris and other similar organisations when it comes to solving the problems of LGBT population. Additionally, it was essential for us to hear the opinions of other interested parties we cooperate with as well, so that we have also included in the research the participants of our seminars, other LGBT organisations' activists, activists who identify as lesbians and work in other women/LGBT/ international organisations and Labris founders, since we were interested in finding out what their opinions on the position of LGBT population today were.

### ***Education and lobbying***

In 2008, as part of this programme, Labris organised three seminars on lesbian human rights: one for journalists and two for counselors employed in state institutions (centres for social work, schools, hospitals, students' clinics, etc). These seminars have expanded the group of Labris' allies in the promotion of lesbian human rights, while the aim of the seminars was to accomplish improved understanding of lesbian and gay rights, as human rights. All this has been done through mutual work and the exchange of experience.

As part of the educative activities, Labris representatives have given a few workshops for the representatives and volunteers of other nongovernmental organisations for human rights, like Disabled students' association - *Red line*.

In March 2008, invited by Petar Teofilović, an ombudsman of the North Serbian province, and Danica Todorov, a gender equality deputy, two Labris representatives gave an interactive lecture to those employed in the ombudsman's office, as well as for a few local ombudsmen from Vojvodina. The lecture's objectives have been the increase of visibility of lesbian existence and lesbian

<sup>14</sup> See appendix 5

rights, as well as the exchange of knowledge, experience and examples of good practice with those employed in the institutions dealing with the promotion and protection of human rights.

Topics discussed in the course of a five - hour meeting have been the following: Gender roles and sexuality, Mechanisms of homophobia, Terminology, Hate speech, discrimination and violence and Legal regulations. The participants have also talked about the use of gender sensible language, and while some thought that such changes in language represents a sort of "violent and unnatural language intervention", others have realised the significance of the use of female gender inflections in Serbian language.

Just like in the previous years, in 2008, Labris has celebrated the International day against homophobia, May 17 and the Lesbian gay bisexual and transgender persons' Pride day, June 27<sup>th</sup>. Labris has celebrated May 17<sup>th</sup> by organising an action, "*Are you homophobic?*". The aim of such an action was to point to a level of non-acceptance of lesbians and gay men in our society, to denounce current selectivity in the protection of human rights in Serbia, and also to demand from the state and any future government its duty to equally treat and protect all the citizens of Serbia.

As part of the action "*Are you homophobic?*", Labris has demanded from both Serbian Health Society and Serbian Doctors' Chamber for the third time to publicly announce and confirm, what has been the official attitude of the World Health Organisation for 18 years - that homosexuality was not an illness. Bearing this in mind, on May 17<sup>th</sup>, Labris held a street press conference together with GayStraight Alliance, while banners promoting the International day against homophobia have been put on various web sites. On that day together with our friends we wore buttons saying "*I am not homophobic*", sending a clear message that there is no place for hatred in our society.

Regarding the Pride day, a press conference was held on June 27<sup>th</sup>, speakers including Boris Milićević, the chairperson of Gay-Straight Alliance, Monika Lajhner of the Council of Europe – Belgrade Office, and Dragana Vučković from Labris. The subject of

the conference was the right to the freedom of assembly, and the participants sent the demand to the Serbian government, at the time still not formed, to provide the practice of this right to all its citizens, due to this being its obligation.

### Legal counselling

In April 2008 as part of Labris programme, legal counselling for lesbian, homosexual, bisexual and trans (LGBT) individuals was founded. During the year, seven members of LGBT population with different legal problems have turned to Labris for help and we deem this the very beginning of an extremely important activity aiming to empower same sex oriented persons to report violence, but also to be informed of their rights. It is also essential to mention that this counselling office is the first and the only free of charge legal counselling office for gay and lesbian population in Serbia.

## **CONCLUSIONS AND RECOMMENDATIONS**

The second half of 2008 has undoubtedly brought significant steps ahead in terms of improvement of LGBTT persons' position in Serbia. The numerous examples of good practice can mark the beginning of lesbian and gay persons' inclusion in the institutions, legislature, and mechanisms of protection from violence and discrimination. However, all these efforts have more often been the result of those sensitised individuals' actions within the governing structure, than the result of systematic work on the promotion of sexual orientation as basic human right, as well as protection of those of sexual orientation other than heterosexual from violence and/or discrimination.

The recommendations to the state institutions for the improvement of LGBTTIQ population's position in Serbia are the following:

- to provide LGBTTIQ persons with the possibility to practice the right to freedom of assembly and secure the safety of the events' participants
- to develop programmes with the aim to sensitise the employees of the state institutions when it comes to sexual orientation and LGBTTIQ human rights
- to include hate crime as a crime, in the existing Criminal law
- to prohibit discrimination based on sexual orientation as a part all existing laws, as well as part of the Constitution of the Republic of Serbia
- to pass and then implement the Law on prohibition of discrimination, and apply all possible antidiscriminatory regulations
- to organise educational programmes on LGBTTIQ topics for the employees of the state healthcare institutions
- to establish legislature necessary for the recognition and respect of transsexual and transgendered persons' rights
- to distribute to all relevant institutions the information necessary for the adequate support of transsexual persons
- to promote the right to a sexual orientation as one of the basic human rights through media campaign

- to process all cases of violence against LGBTTIQ persons, but also the cases concerning intimidation and threats against LGBTTIQ human rights activists, that is, to find and punish the offenders



## APPENDIX 1

### DAILY NEWSPAPER BLIC APOLOGY DUE TO MIRJANA BOBIĆ MOJSILOVIĆ'S ARTICLE

Regarding the article entitled "Perversion", written by our columnist Mirjana Bobić Mojsilović and published on September 26<sup>th</sup> 2008, an organisation for lesbian human rights, Labris, together with seven other human rights organisations, have contacted us. In the note they have sent to our editorial office, it has been said among other things that the author Mojsilović, while mentioning a British actor, Ian McKellen, and writing about his visit to the British schools, had drawn the analogy between that act and "the recruiting of a new army of little victims in a homosexual, and increasingly pedophile culture." Labris' press release has stated that there was not a word of a promotion of homosexuality whatsoever by Sir Ian McKellen; it was a campaign organised by the Stonewall gay/lesbian group to stop the violence against young LGBT individuals in British high schools.

We apologise to the lesbian and gay population, as well as to the readers of Blic newspaper, who have been insulted with our columnist's sentence in any way.

## **APPENDIX 2**

### **PRESS RELEASE DUE TO THE PANEL DISCUSSION IN REX CULTURAL CENTRE**

*Belgrade, November 4<sup>th</sup> 2008*

We would like to protest against and condemn the panel discussion held in cultural centre Rex on November 2<sup>nd</sup>, despite the calls of many a nongovernmental human rights organisations to cancel the event. The reason for the event was the screening of a documentary film, "Vrela krv", a film about the rise of right-wing and fascist organisations in Serbia. According to the press reports, the panel participants had been chosen by the film crew, and the whole event was supported by a television and news company, B92 – its editor in chief, Veran Matic, opened and closed the event, while a B92 journalist, Antonela Riha, moderated the panel discussion.

We find intolerable a conscious opening of this space to hate speech and with regret we must state that the organisers of this event have equated propagation of fascist attitudes with freedom of speech. Laughter one could hear during the scenes depicting the murder of a Roma boy, Dusan Jovanovic by a group of skinheads, and chanting "Kill, kill the fag!" when Pride parade and lesbian and gay population was mentioned, as well as the denial of the crimes in Srebrenica and the holocaust – are not a way to an open discussion and dialogue, but making fascist attitudes legitimate, those very same attitudes representing criminal acts and breaking the laws of the Republic of Serbia's Constitution as well as its existing laws.

We find shocking and disgraceful all the journalist reports from the event saying that "there were no incidents", calling those propagating fascist ideas right-wingers, however putting the quotation marks, and claiming that the documentary "gave a slight impression of being a kind of attack on right-wing organisations and their belief and ideas."

We would like to remind the public that according to the police investigation, it was exactly members of clerofascist organisation Obraz, who only a month and a half ago right in front of the Rex centre, brutally beat up three attendees of the fifth Queer Beograd festival due to real, that is presupposed sexual orientation. Additionally, charges have been brought against few of them. Furthermore, it is exactly the leader of Obraz who incites to violence and threatens everything non-Serbian with his "night raids" – therefore, we ask the organisers of the event if they really think the before-mentioned panel discussion supported freedom of speech and democracy in Serbia?

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We demand an answer to the question – Why have they given an opportunity to those who police categorized as clerofascists in its official report? Once again we stress that freedom of speech and freedom of expression do not entail allowing hate speech and that this freedom has its limits in terms of respecting the freedom and not endangering the other.

We would like to remind the public that at the moment the prosecution is working on determining the basics for the ban of fascist organisations and we find what happened in Rex centre a step back in efforts of protecting human rights in Serbia, that is, we find such act an impetus for all those flaring up hatred on any grounds and advocating violence.

Press release signed by:

1. Labris – organisation for lesbian human rights
2. Queer Beograd
3. Queeria centre
4. Reconstruction Women's fund
5. Centre for girls, Niš
6. Youth initiative for human rights
7. Regional centre for minorities
8. Impulse, Tutin
9. Gayten LGBT Centre for the promotion of sexual minorities
10. Lambda, Centre for the promotion and improvement of LGBT human rights and queer culture
11. Antitrafficking centre
12. Centre for the promotion of legal studies
13. Taboo, group for the affirmation of differences
14. A voice of difference

## **APPENDIX 3**

### **AN OPEN LETTER**

#### *a demand for an unalterable resignation of the chief of Human and minority rights department*

*Belgrade, 16<sup>th</sup> June 2008*

In this way we would like to severely condemn the statements of Mr. Petar Lađević, the chief of Human and minority rights department, given in an interview published in today's issue of a daily newspaper, Danas. Lađević has again displayed extremely unacceptable and disinterested attitude and a number of unprofessional assertions regarding the state of human rights in our country.

In the before-mentioned interview, Lađević has stated that "Serbia is not in need of the Ministry of human and minority rights, since he does not know what such a Ministry would be dealing with" adding that "Serbia has stepped forward in domain of human and minority rights within the institutional frame, since Serbia respects collective rights of national minorities, which is not the case with legislative bodies of other European countries.

In this way, Mr. Lađević has shown a basic lack of knowledge of international conventions (and which have been ratified by our country as well) and mechanisms for protection of human rights, which is not to be expected from a chief of a state institution dealing with protection of human rights. Lađević's attitude that here in Serbia "there is a lot of prattle, especially in the media, of a supposed hate speech" is to be severely denounced, too. He has also added that "a linguistic statement cannot be sanctioned", in this way justifying the absence of a reaction of the department whose chief he is. With these statements the chief of Human and minority rights department displays his ignorance of domestic laws and international conventions ratified by Serbia, which ban and do not allow hate speech on any basis. We find it intolerable that the chief of Human and minority rights department is not familiar with a great number of verdicts of European court for human rights relating to hate speech, since the practice of the European court for human rights is the part of the domestic legal system of Serbia, which has been the member of the Council of Europe since 2003.

We would like to remind the public that, in two years of their existence, Human and minority rights department has not even once spoken and condemned the discrimination, violence or hate speech and that it has completely ignored all the appeals of the nongovernmental sector regarding the making of the General anti-discriminatory law. Similarly, the department has remained silent to Petar Lađević's statement from three weeks ago regarding 17<sup>th</sup> of May, the International day against homophobia. In the interview given to the Radio Free Europe, he has put the equality sign between the members of right-wing organizations and the members of

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nongovernmental organizations supporting and fighting for the rights of lesbians and gay men in Serbia, stating that he opposed the way in which those organizations were fighting for LGBT rights. We expect Mr. Lađević to announce what the Human and minority rights department has done so far in order to point to and react to discrimination of the persons of different sexual orientation.

We agree with the evaluation of the nongovernmental organizations for human rights regarding the second anniversary of the foundation of the Human and minority rights department, in that the Department is late in initiating the making of the new regulations and changing the domestic regulations relating to human and minority rights.

We would like to remark that one of the basic duties of the Human and minority rights department is precisely the protection and improvement of human and minority rights, as well as monitoring the coordination of domestic regulations with international conventions and other international legal acts (according to article 2 of the Regulation of founding a department). Additionally, we find preposterous Lađević's relativizing of violence over minority groups as well as the absence of the reaction due to the more frequent instances of the violation of human and minority rights of all minority groups.

Due to all the before-mentioned, we demand Petar Lađević's unalterable resignation as the chief of Human and minority rights department.

An open letter signed by:

1. Youth initiative for human rights
2. Swedish Helsinki Committee for human rights
3. GayStraight Alliance
4. Reconstruction Women's fund
5. Gayten LGBT Centre for the promotion of sexual minorities
6. Board of networks for human rights in Serbia CHRIS
7. Women voters' league in Montenegro
8. Taboo – A group for the affirmation of differences
9. Vojvodina peace group Reaguj
10. Lambda, centre for the promotion and improvement of LGBT rights and queer culture
11. Women's club Hera
12. Independent journalists' society of Vojvodina
13. Civil fund Panonija
14. Centre for the development of civil society

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15. Centre for improvement of legal studies CUPS
16. Regional centre for minorities
17. Association Duga
18. Association of students with special needs
19. Antitrafficking centre
20. A voice of difference
21. Lawyers' committee for human rights - YUCOM
22. Women in Black
23. Humanitarian Roma society
24. Women's association Pešćanik
25. Women's space
26. Group for emancipation of women Hora
27. Young lawyers of Serbia
28. Peace group Esperanca
29. Initiative for inclusion VelikiMali
30. NGO SOopen
31. Belgrade Women's Lobby
32. Labris – organisation for lesbian human rights

## APPENDIX 4

### TO LABRIS, ORGANISATION FOR LESBIAN HUMAN RIGHTS

Dear Sir/Madam,

in relation to your memorandum number: 62/08 from May 6<sup>th</sup>, 2008, we are ready to **confirm** that **gay and lesbian orientation**, not responsible for difficulties in having and maintaining a relationship with a partner, is not listed as an illness, that is dysfunction in the current and valid ICD-10 Classification of mental illness and behaviour dysfunctions.

Taking into account the fact that our country is a member of the World Health organisation, it is understood that we share its attitudes, that is, the one stating that same sex orientation is not a mental illness.

In Belgrade  
May14<sup>th</sup> 2008

Dr Dragan Marinković  
neuropsychiatrist

Psychiatric section assistant of the Serbian health society  
e-mail: [dragan.marlod@gmail.com](mailto:dragan.marlod@gmail.com)

## **APPENDIX 5**

### **A REPORT FROM A DISCUSSION ON STRENGTHENING THE CAPACITIES OF LGBT ACTIVISTS IN PRIŠTINA**

Two representatives of Labris have taken part in a panel discussion together with two LGBT organisations' activists from Priština. The panel discussion has been organised by the Youth Initiative for human rights, also from Priština. The objective of the discussion has been strengthening the capacities of LGBTTIQ activism in Kosovo and the exchange of ideas and experience related to the work of the two organisations. Additionally, the beginning of the cooperation between these organisations has also been perceived as important. Labris is the first organisation invited to present both its work and activities, as well as the overall situation of LGBT activism in Serbia. Besides Labris, the representatives of LGBT community were supposed to meet up with the representatives of Association Q from Sarajevo and organisation MASSO from Skopje.

The discussion has begun by us giving general information on Labris, as well as legislature related to LGBT population in Serbia and the modes for promotion and protection of LGBT human rights. The discussion itself has been a very interactive one and all present there have been extremely interested in practices used in Serbia, but they have also been interested in sharing the situations and experience from their country with us as well. Twenty-five representatives of LGBT population from Priština have been present, 23 male activists and only 2 women activists.

One could note that the situation in terms of legislature in Kosovo is far more advanced than that in Serbia. The law against discrimination was passed in 2004, while the draft of the new Kosovo Constitution states that discrimination is forbidden when it is based on sexual orientation as well. However, it could not be said that LGBT activists are the ones to be thanked for such legislature, nor that they are in for the implementation of these laws in the near future.

While on the one hand, there are no out activists and the work of LGBT organisations is mostly clandestine and directed towards empowerment and socialization of LGBT population, on the other hand, Kosovo authorities are doing everything in their power to come closer to European integrations, so that the practice of passing good laws has become a usual thing for Kosovo.

There are two LGBT organisations in Priština – QESh and Elysium. Neither of these is officially registered, although only three signatures are required for the registration of a nongovernmental organisation. The reason for not registering, according to them, is the fear of disclosing the identities of those making up the organisation in this way, since the data on nongovernmental organisations is available to the public.

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The two organisations have started mutual cooperation in terms of holding mutual meetings every fortnight.

Taking into account the fact that Labris is a lesbian organisation, we have been surprised to find out that very few women have been present at the discussion. When we asked why there were very few women who showed up, they replied that lesbians in Priština were not the least bit interested in activism, that all of them had been spending time coming up with the ways to attract them (for example, women's day in QESh), but that they were extremely disinterested and reserved, and that they did not want to be related in any way with any of the LGBT organisations.

On the other hand, the activists from these organisations have explained to us that it is easier for the women in Kosovo to come out, since lesbians are accepted easily and more readily in the heteronormative world than gays, as well as that the violence against lesbians and women in general is almost nonexistent.

The meeting's conclusion has been that the activists need more education, both in personal empowerment and strengthening the capacities for LGBT activism. The atmosphere has been extremely cheerful and positive (just as it was in whole Priština on the day of declaring Kosovo's independence) and we are hoping to continue with the cooperation in the future as well.

Marija Savić  
Dragana Vučković