

Successful Strategies

for Advancing LGBTIQ Rights

Western Balkans

**With the support of ILGA Europe,
Labris – Lesbian Human Rights Organization organized the
Regional conference “Successful Strategies for Advancing LGBTIQ Rights – Western Balkans”**

The conference was organized as part of the three year project done in cooperation with ILGA Europe titles “Step Up! – Stronger LGBT Movements for Equality in Western Balkans”.

The two day conference took place in Belgrade on October 21st and 22nd of this year, and brought together 30 LGBT activists from organizations in Serbia and the region as well as respected professors from the Institute of Social Sciences in Belgrade and the Security University, a representative of the Commissioner for Equality Office, a representative from the Independent Association of Serbian Journalists and a representative from the Vojvodina Institute for Gender Equality.

All panels were moderated by Jovanka Todorović Savović, Labris coordinator.

Numerous colleagues from other human rights organizations also participated in the conference – the Organization for Security and Cooperation in Europe (OSCE) and the National Democratic Institute (NDI).

After analyzing evaluation questionnaires which participants filled out at the end of the conference, we can proudly state that the conference, choice of panels, speakers and topics all received the highest marks.

The panel which received the highest marks was “Pride Parades” which opened up the question of pride parades and a discussion on whether this is the most efficient way to fight for advancement of LGBTIQ rights and status at this moment.

Discussing this issue is now open and will last for a long time - until consensus is reached on what represents the most efficient way of advocating for LGBT human rights.

We once again thank all of those who participated in the conference and contributed to its success. With the special thanks to our volunteers.

**Labris
Belgrade, December 2011**



“Successful Strategies for Advancing LGBTIQ Rights – Western Balkans”

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Implementation of Laws

Banning Discrimination

**Can we be satisfied with the implementation of Anti-Discrimination Law? To what extent has it improved the situation of LGBT people in the region?
What obstacles appear?**

Montenegro

Zdravko Cimbalević, Forum Progres

The Constitution of Montenegro guarantees equal rights and obligations for all citizens regardless of any differentiating factor or personal attribute and forbids all direct or indirect discrimination on any grounds.

The Anti-Discrimination Law was passed on July 27th, 2010 as a systematic law which secures a unified approach to protection from discrimination and especially in the field of judicial protection, monitoring of inspection and protection by the Commissioner for Human Rights, i.e. the Ombudsman.

This law explicitly forbids discrimination on the basis of gender identity and sexual orientation. Among other things the law states that: "All differentiation, unequal treatment, bringing into unequal position of persons based on gender identity or sexual orientation is considered discrimination. Everyone has a right to express their gender identity and sexual orientation".

The Ombudsman, i.e. the Institution of the Commissioner for Human Rights has, with this law, become the central body, that is, an institutional mechanism for protection from all forms discrimination.

The new Law on the Commissioner for Human Rights was adopted on July 29th, 2011 – therefore, it's been

a year since the law was passed. It is expected that this Law will give institutions new and expanded jurisdictions which will also regulate discrimination by legal bodies and individuals. Also, if it is deemed necessary legal proceedings may be filed at court or the ombudsman may serve as a "intervener" in the proceedings and will be able to join the prosecution with written approval from the person who had been discriminated.

Since the Anti-Discrimination Law was brought into force the Institution of the Commissioner for Human Rights has received 8 complaints based on discrimination. 4 complaints are regarding inadequate treatment of LGBT people by state bodies, and those complaints are currently being investigated. 1 complaint is regarding hate speech against LGBT people, published in the printed media, while the remaining 3 are also regarding hate speech against LGBT people.

The Ombudsman has also received 3 initiatives, one of which is regarding changes to Article 12 of the Family Law. This proposed change would give the same rights to same-sex couples as those enjoyed by heterosexual couples under common law marriage.

The Anti-Discrimination Law states that cases of discrimination should be treated as urgent, but unfortunately this has not been the case.

Bosnia and Herzegovina

Lejla Huremović, Sarajevo Open Center

The Anti-Discrimination Law in Bosnia and Herzegovina was adopted in July of 2009.

The implementation of the Law is not in the jurisdiction of the Constitutional Court of B&H but rather the courts of the autonomous entities. In B&H there are no documented cases of discrimination based on sexual orientation – one of the reasons for this is the LGBT community's lack of information regarding the existence of this law, which represents a major problem since it cannot be implemented without any cases of discrimination.

In regards to this issue the priority in B&H is the education of prosecutors, lawyers and the media.

Sarajevo Open Center's activities have been directed at developing a questionnaire for the LGBT community so as to document cases of discrimination. On the basis of this questionnaire we would continue further work with the police, judges and lawyers so as to work mutually on implementing the Law.

Albania

Elidjon Grembi, Aleanca – Alliance against LGBT Discrimination

The Anti-Discrimination Law was adopted by the Parliament on February 4th, 2010, and it came into force on March 13th, 2010.

Even though it was adopted almost 2 years ago not much has been done in its implementation. Problems range from the police to the Parliament.

The Commissioner for Protection against Discrimination, Irma Baraku, was elected on April 22nd of the same year. However, his office has been confronted with financial problems as well as lack of experience.

Also, the Law itself has not been adequately presented to the public, nor are the mechanisms of protection from discrimination widely known. The wider public still keeps misinterpreting the Law – one part of the public believes it to be a law guaranteeing the right to same-sex marriage. This is because the media have reported on the law in an inadequate manner and infrequently.

We are lacking information about what rights exactly are those which are covered by this Law.

During June 2011 the Law was approved by the Council of Ministers and an agreement of cooperation was signed between the Commissioner and the Ministries.

A great improvement for the LGBT community was the Commissioner's opinion in the Tritan Shehu case regarding hate speech which he used in a well known daily newspaper. The Commissioner published a recommendation that he not use hate speech. This produced one more effect as well.

Aleanca and other organizations for human rights sent an official request for attending the hearing of the Parliamentary Commission for Employment, Social Issues and Health which was held on December 1st, 2010. The organizations which sent the request never received an official reply. During the hearing the Vice-President of the Commission, Tritan Shehu, openly stated that "homosexuality should be treated from both a medicinal and a physiological point of view". After our complaint the Commissioner took measures against Mister Shehu and we can expect to see during this month the recommendations for state institutions in regards to participation of LGBT organizations in hearings of Parliamentary groups.

Croatia

Sanja Juras, Kontra

The Anti-Discrimination Law was adopted in 2008. The work group in charge of drafting the Law incorporated for the first time gender identity as one of the basis on which discrimination is forbidden. The Croatian state is completely incapable of implementing the law adopted. There is no political will to implement the Law and other regulations are not being harmonized with the Law.

A case that proves the incompetence of the Croatian judiciary, even though there is a bright side to it, is the Dario Kresic case – a university assistant who was discriminated by his colleagues.

Dario should have been promoted but instead he was overlooked and harassed and it turned out that only he did not get promoted even though he fulfilled all conditions. After it became evident that he was being



prevented from advancing and that he was harassed because he is gay, Kontra filed charges in accordance with the Anti-Discrimination Law. Currently, Kontra has managed to secure the exception of the judge in the case since she was biased.

Serbia

Emila Spasojevic, Offices of the Commissioner for Equality

The Office of the Commissioner for Human Rights in accordance to the Law monitors the implementation of the Law and other legal acts, initiates adoption of new laws or changes to existing acts, gives its opinion on legal regulations of laws, draft laws and other regulation dealing with discrimination. The Commissioner also gives recommendations to government bodies and other persons regarding measures to be taken so as to achieve equal treatment for everybody. The Law on Litigation Procedures contains extremely discriminatory regulations. Article 85 of the Law on Litigation Procedures foresaw that parties in proceedings may take on measures in the proceedings personally or through legal counsel, who has to be a lawyer. If that regulation had remained part of the Law the Commissioner would not be able to take on the role of complainant in cases based on discrimination. In Parliamentary proceedings an amendment was proposed and a new act was introduced which states that a legal entity, legal counsel of the legal entity or a director of a non-governmental organization may represent the Commissioner. Now for instance, the Commissioner may go to a hearing against the municipality of Jagodina, but with the original draft Law on Litigation Procedures we could not have done that. However, the discriminatory regulation that a person may represent himself personally or through legal counsel has remained. What about people who, for whatever reason, cannot go to court and cannot pay for a lawyer? Those people remain without judicial protection.

The Commissioner's Office receives complaints and reacts in accordance. 41% of complaints are regarding government bodies. Thus far, we have issued 7 notices and 11 public warnings.

The Commissioner for Equality of the Republic of Serbia, as an independent body fighting for equality and against all forms of discrimination, aside from daily work on complaints of Serbian citizens, is also active in the sphere of initiating changes in law and other legal acts which contain discriminatory regulations.

The Commissioner for Equality, in accordance with the Law, gives recommendations to government bodies regarding measures for achieving equality.

A good example of our work, happening at about the same time as this conference, is the Law on Litigation Proceedings of the Republic of Serbia which has just been adopted (published in the "Official Gazette of Serbia" 72/2011) along with the discriminatory regulation of Article 85, point 1 which states that parties in proceedings may take measures in a case personally or through legal counsel which has to be an lawyer. What if the party in question cannot take on measures personally in a civil court case for whatever reason and cannot pay for a lawyer as well? How will they realize their right to have access to a court as one of the elements of the constitutionally guaranteed rights to a fair trial? In this way, without even reviewing all legislative activities, we find a great many discriminatory decisions in the legal acts adopted by authorities on state and local levels.

Additionally, the Commissioner for Equality and her professional staff, as the most important part of her work – reacting to complaints, receive an ever growing number of complaints, which proves that citizens are unfortunately being discriminated every day. On the other hand, through our daily contacts with Serbian citizens we are raising awareness about the existence and work of the Commissioner for Equality as an independent body which is there to answer every complaint but also to advise, encourage and explain what discrimination is and how to fight it. The increasing number of complaints shows that the Commissioner's Office has won the trust of citizens. We also want to stress the rich and fruitful cooperation between the Commissioner and organizations of the civil sector in fighting all forms of discriminatory behavior. We want to especially point out the cooperation of the Commissioner and the organizer of this conference who is aware of the importance of such cooperation and in engaging all relevant subjects in confronting all who behave in a discriminatory manner, and doing it by legal means since that is the most effective way of combating discrimination. We have done this in specific cases as well as by taking a stance regarding cases such as the cancellation of Belgrade's Pride Parade this year.

All information about the Commissioner's activities and the Office's legal team can be found at www.poverenik.gov.rs. We can be reached at poverenik@ravnopravnost.gov.rs

Milan Djuric, Gayten LGBT

There is wide institutional discrimination of transgender persons. There are no laws and there is a lot of abuse in the healthcare system. For example, a person who has changed their sex should be able to change their documents but in reality there are no laws or mechanisms to change them. Therefore, someone who has changed their sex becomes a legally invisible person. If that person goes to an officer in the city municipality they will be told to go and see forensic doctors who must then measure the person's genitals and ascertain whether the person is "male enough" or "female enough". This is just one example of cases of brutal discrimination.



Institutional Treatment

of LGBT Rights

Are the institutions remain insensitive to the LGBT rights or there is improvement?

Serbia

Zorica Mrsevic, Institute for Social sciences, professor of law

Even though they wish to work on LGBT rights independent institutions are not really efficient and they face internal and external obstacles. When it comes to external obstacles first and foremost there is the issue of the institutions' weak position due to the fact that these are new mechanisms. Also, there is the factor of public figures which have demeaning attitudes toward these institutions – first of all high ranking politicians who express these attitudes publicly. There is also a negative public stance regarding LGBT rights. Additionally, the media is under the control of politically influential men and what may and may not be printed is carefully weighed out.

Furthermore, mandates are not clear. At the very least, when it comes to LGBT rights, it is uncertain what is in the Ombudsman's jurisdiction and what is in the jurisdiction of the Commissioner for Equality. A lack of elementary logic is still present in these issues.

The overall social atmosphere is also very negative. Negativity bordering with aggression is rising, there is open hostility and a confrontational atmosphere. There is open negation of not just the rights of LGBT people but of the possibility of this population's right to exist.

European Union integrations are also a problem and there is a view that everything done in the field of LGBT rights is solely done due to integration.

When it comes to internal obstacles, in some companies colleagues and employees reluctantly discuss LGBT rights and there is a lack of collegial support.

Additionally, the institution of the Council of Europe is underused, the Council's recommendations are not widely known about and are not adequately presented to the public, while the European Court of Human Rights' rulings are not translated to our language nor presented to the public. The Council of Europe trusts those who are in leading positions of independent institutions, even though they only support LGBT human rights declaratively and in theory. It is very important that society develops mechanism of monitoring the monitors, and this is the role of non-governmental organizations.

Lazar Pavlovic, Gay Straight Alliance

For every decision made by the Parliament, for each vote on a new law or on changing an old one we need a minimum of 126 votes. The following are the laws which have been adopted in the preceding 10 years or so, and which contain positive legal regulation regarding the respect of LGBT human rights: Employment Law, Higher Education Law, Law on Youth, Broadcasting and Information Law and the Anti-Discrimination Law.

The Law on Youth was the first to have regulation regarding gender identity.

When talking about institutions it should be noted that the prosecution is under the influence of executive authorities and the government, while the judicial authorities should theoretically be independent but in reality are not.

Institutions do not have open channels of communication between each other and they do not exchange information. The issue of LGBT rights unfortunately is not an issue which our institutions work on, or alternatively it is not an issue they wish to work on seriously.

Dragana Todorovic **Institute for Gender Equality of the** **Autonomous Province of Vojvodina**

In the last several years we have been witness to more intense articulation of LGBT issues in public discourse. The state has joined this discourse in a reactionary manner having been pressured by Euro-integration processes but also by a more decisive LGBT movement. The state's reaction to the proliferation of discourse on LGBT rights had a "state of emergency" element and the chosen strategy was to handle the issue as part of broader political interests which under European Union integration processes. Under such circumstances in the view of state/political elements, homosexuality went, to use a phrase by Iv Kosofsky Sedgwick, from being a "non-issue" (a negative understanding of the issue) to a "oh shit" issue in regards to which the other side's argumentation must also be given space (Nationalism and Sexualities, 1992, 237). On one side, the modernizing European integration processes are in competition with the conservative discourses leaving the issue of LGBT rights externalized and unstable, while the state institution's activities and responsibilities remain ambivalent and incoherent. As a result we have a relatively adequate legal framework that forbids discrimination on the grounds of sexual orientation but implementation is either completely lacking or is arbitrary, or not continu-

ous and not timely. The situation is made additionally difficult by the interaction between political parties (and their worry about votes), state institutions (whose structure is weak, they are too politicized and lack transparent procedures), the church and international institutions and organizations, resulting in non-strategic management of opposing conservative-national and progressive inter/supranational discourse. In this case homosexuality is seen as a double danger – it threatens national identity and national homogeneity. This is clear when we take into consideration the state institutional practice in regards to protecting, respecting and promoting LGBT rights. Namely, this practice is sporadic, not systematic and almost always comes as a result of pressure, and it's sometimes directly discriminating, such as the ban of the 2009 and 2011 pride parades. However, in such volatile circumstance it is possible and necessary to find permeable spaces within the state institutional system and make new strategic alliances through advocacy and lobbying but also by articulating insider activism within the institutions themselves. Those spaces are most often institutions which find themselves on the margins of the system, which have a mandate and are experienced in working on issues of equality (especially gender equality) and which traditionally depend on civil society organizations in their work. Institutions in the Autonomous Province of Vojvodina which have incorporated issues of LGBT rights into their work are the Province Ombudsman and the Institute for Gender Equality. Concrete activities they have implemented thus far testify to this. As in cases of other marginalized groups (especially women and national minorities) it is once more evident that provincial institutions (which are themselves marginalized in relation to the state institutions) are more ready to incorporate into their work the LGBT equality issue. When it comes to institutional mechanisms for gender equality they were developed faster, easier and more efficiently in Vojvodina, and then after some time got transferred to state level. The women's movement had noticed this strategic opportunity and used it. It seems that a similar opportunity exists for the LGBT movement and especially through strategic cooperation with mechanisms for gender equality.





Kristian Randjelovic, Gayten-LGBT

In Serbia there is no law which makes it possible for people to legally change information in their documents. For this reason all cooperation comes down to the good will of employees working in municipal citizen registry offices. It is up to them whether they will or will not change the citizen's name, give them a referral for the local police station to change their unique citizen's number, as well as change the given designation of sex to "M" or "F". If such changes occur they are explained as: mistake in original input in the books.

Some of the municipalities in Serbia (mostly in the South) have left the procedure of changing the designation of sex in documents to the local courts as part of non-litigation procedures, and in some places people have been referred to forensic doctors.

We have established cooperation with the Ombudsman, the Commissioner for Information, as well as the government's Offices for Cooperation with the Non-Governmental Sector. The state bodies which have jurisdiction over this matter, especially the Ministry of Health, in light of the newest research on the causes of trans-sexuality and the theory proven without doubt that change of sex is a medical necessity, would have to consider the option that related expenses, or at least a part, be covered by mandatory health insurance.

We will not go into the fact that all subject matter regarding sex reassignment and many other issues transgender people face are not recognized or regulated by law.

A trans woman "S" turned to us after she completed the procedure for changing her sex and then, in one of the bigger Serbian city, tried to change the data in her personal documents. When she addressed the local municipal department and gave over all her medical files the employee of the municipal government referred her to forensic doctors who were to ascertain whether the sex change operation had indeed taken place. During exams our client was subject to measurement of genitals and breasts which exposed her to trauma again and a deep injury to personal dignity and rights.

A trans man "N" from a smaller town in Serbia had to leave the place he lived and his job due to beginning the process of sex reassignment. After receiving hormonal treatment for several months and having gone through the first phase of surgical intervention, after which on doctors recommendations there was a six month pause, our client tried to change his personal documents since the changes to his gender identity had become pronounced and visible. For more than six months "N" was also left with no income and one must consider the price of said medical treatments for sex reassignment. An employee of the Belgrade municipal department suggested twice that he not apply for change in documents since she thought a "legal change of sex" is not possible and that there is no legal basis on which she may refer to should he change his documents. Due to lack of uniform and standardized practice of city and municipal departments in regards to this issue our client turned to other relevant state bodies, but has to this day not managed to change his documents, even though we intervened and gave support and even though some other people have been successful in changing their documents.

Trans persons ages 17 to 26 report big problems they experience during their education, from family problems, interacting with peers and the community and a lack of understanding from professionals in institutions. Persons 26 and older also have to face numerous mechanisms of indirect or direct and multiple discrimination, as well as different forms of violence, but a very small percentage is willing to turn to state institutions regarding these problems.

Based on the calls we received in 2010 we can still notice a steep degree of mistrust of LGBTIQ people in state institutions, while some clients also cited examples from judicial practice which due to prolonged and inefficient processes exposes the person to additional mechanisms of exhaustion which in turn significantly affects people to not pursue cases of discrimination and violence.

A great number of calls we received was regarding information about seeking asylum abroad and possibilities for leaving Serbia permanently.

Montenegro

Danijel Kalezic, Juventas

In Montenegro the civil sector is completely ignored and simultaneously there are attempts being made to make some sort of platform so as to be able to further the cause. The latest attempt was the organization of the International Conference on LGBT Rights which was boycotted by Juventas, while 26 non-governmental organizations from Montenegro and 27 organizations from the region and Europe supported our decision to boycott. This represented a change of strategy when it comes to lobbying for LGBT rights. The government formed its own non-governmental organization about ten days prior to the conference and then proceeded to organize it through this NGO. The authorities thus attempted to construct partnership with the civil sector and make serious steps regarding LGBT rights. Juventas and other organizations boycotted the conference, which resulted in a meeting with the Minister of Justice who publicly promised that the government will create 3 work groups, one of which will produce a strategic document for the government to combat homophobia – this is to be done in accordance with the action plan made by the coalition Together for LGBT rights. The other group will analyze the complete legal framework in Montenegro and come up with recommendations based on international standards, while the third group will analyze school books used in Montenegro in regards to LGBT issues and also make recommendations. The biggest accomplishment is the fact that we got public support from the government and a promise that it will completely support us when we set a date for the Pride Parade.

Albania

Elidjon Grembi, Aleanca – Alliance against LGBT Discrimination

In July of this year the Minister of Employment, Social Policies and Equal Opportunities organized a conference on LGBT rights in the goal of developing a strategy regarding the LGBT community's needs.

The big media reported on this widely and many civil sector representatives and high ranking politicians attended the conference. For instance, the Minister of Employment, Spiro Ksera, and the Vice-Minister Filoreta Kodra, attended the conference. Aleanca's representatives gave recommendations as to how to improve the status of LGBT people in Albania.

In August Aleanca had an important meeting with Martha Bacile, advisor to the Albanian state police. At the meeting Aleanca presented its work and informed

everyone about the situation in the LGBT community. We discussed cases of discrimination that the LGBT community has experienced from the police. Due to the sensitivity of the issue we agreed first of all to organize workshops for training participants and inform them about human rights in general and LGBT rights as part of human rights.

Several Universities have been silently supportive and wish to open up discussions about LGBT issues, but this is a private initiative and not official policy of the Ministry of Education.

Considering how cooperation with institutions is so weak, Aleanca mostly uses support of foreign embassies and the European Commission.

Aleanca's recommendations to state institutions:

- Coordinating work of all state bodies in the goal of implementing the rights of the LGBT community
- Establishing mechanisms that would make it possible to fully implement the Anti-Discrimination Law
- Organizing a campaign for raising the public's awareness about respecting LGBT human rights, in cooperation with the government and the civil sector
- Initiating a public discussion by human rights defenders so as to identify and react to cases of rights violation of LGBT persons
- Organizing trainings for government employees whose work is directly connected to respecting LGBT human rights – such as the police and health workers
- The Ministry of Education should include information about sexual identity and LGBT human rights into the curriculum

Bosnia and Herzegovina

Anja Tadesko, O kvir

I can say that meetings with institutions are slowly beginning. In the past the Q organization has begun training journalists and now trainings with the police are being organized as well – this is being done by the Sarajevo Open Center.

The very essence of the problem lies in the fact that there is no professional staff which understands LGBT reality and related problems. This problem is noticeable in health institutions, universities and other institutions. All institutions need education.

At universities we still have professors who believe that LGBT people are mentally ill.

And of course, when we mention the said attitude of university professors, this attitude is shared by people holding other positions as well – those employed at the Ministries, or other places, people who hold important positions.

Strengthening and Influence of Far-Right Groups

in Serbia Following Democratic Changes

What is an obstacle to their legal elimination?

Milos Urosevic Women in Black activist

Women in Black believe that there is no hierarchy when it comes to human rights and during the wars Women in Black always fostered a space for lesbians and gay men at international meetings of women's solidarity against war.

One of the most important points to be understood is what it means to be heterosexual and what it means to be homosexual and that our sexualities may be decisive in regards to whether we live or die. Sexual minorities live in a fascist state context – Serbia – which is in a state of affairs I would refer to as being worse than criminal, in a state of affairs where there is enormous space for violence to happen with impunity and where violence remains unpunished. Sexual minorities live in silence. This silence is produced by the repression of heterosexism and by the heterosexists, i.e. fascists who not only wish to discredit us politically but also destroy us physically. Today we are talking about so called right/ultra-nationalist/sports fan and hooligan groups, or whatever they are called, and we should be calling them by their real name – fascist groups. These groups are just that – a product of parts of the unreformed secret service left remaining from Milosevic's criminal regime. These are the same people who fired shots on Sarajevo for 1425 days, organized mass rapes of Bosnian women during the aggression against B&H, the same people who drove out more than 800 000 Albanians from Kosovo, the same ones who told us in 2009 "Blood will flow in Belgrade, there will be no gay pride parade!", and

"Kill, slaughter, so that no fag exists!", while in 2010 before the Pride Parade they told us "We are waiting for you!", and now in 2011 "Put fags into blenders!". These are fascists who were produced by the state of Serbia and which the state of Serbia uses whenever it needs to.

They are supported from the Parliament by nationalistic political parties such as the Democratic Party of Serbia (DSS), Serbian Radical Party (SRS), Serbian Progressive Party (SNP), etc.

The Serbian Constitutional Court keeps refusing to ban these fascist groups. And now these same groups are calling for mobilization and aggression against the Republic of Kosovo.

The state of Serbia violated its own Constitution when it illegitimately banned the Pride Parade in 2011. Also, the State Prosecution's Office is not doing its job and it neither recognizes nor sanctions hate speech. In 2009 prosecutor Radovanovic from the Prosecution's Office stated that this (hate speech) is just polemics between sexual minorities and fascist groups. Later, in such a social atmosphere, a French citizen, Bris Taton, was killed in a most vicious manner.¹

¹ Bris Taton, a French citizen, was visiting Belgrade in the fall of 2009 as a sports fan of a French football team due to play against Partizan (a Belgrade football team). Because he was from an opposing team, he was brutally beaten and killed by a mob of young football hooligans while sitting in a café in the city center. This attack was well organized and not spontaneous. The attack on Taton occurred at the same time that Belgrade and Serbia were in a state of panic and frenzy over the approaching Pride Parade.

Under the same circumstances a lesbian was killed in Sierra Leone – she was suffocated to death and then raped post-mortem. There is also the gruesome murder of a gay man in Nigeria who was burned alive. The circumstances are the same.

The trials taking place in the Palace of Justice (Second Municipal Court, Belgrade) are trials against fascist organizations. One of the trials which have concluded is the trial of Mladen Obradovic and 13 others accused of violent behavior against the police, but also for discrimination during the 2010 Pride Parade.

The state has refused to denounce fascism by giving a guilty verdict to Obraz, and has only pronounced them guilty for “violent behavior against the police”. Members of Obraz were not found guilty of hate speech or discrimination.

The right to free speech does not encompass fascism and fascism must not be included in freedom of speech. It has already been condemned at the Nuremberg trial in 1946 and put outside the law.

There was a court case before the Higher Court in Belgrade against Mladen Obradovic, the leader of “Obraz”, a fascist organization. Several of his associates were also on trial.

On April 20th of this year the court handed down its verdict and basically rejected the accusation of Obraz being a fascist organization. The leader himself was however found guilty on other charges.

The court found the defendants guilty and handed down very mild sentences.

The Court decreed that the accused were guilty of violent behavior at a public gathering in regards to Article 334a of the Criminal Law, while there were not guilty of promoting racial and other discrimination in regards to Article 387 of the Criminal Code.

There are currently two separate cases before the same Court: one against Misa Vacic (leader of fascist organization 1389), and another against Mladen Obradovic. The accused are charged with promoting racial and other discrimination (Criminal Law, Article 387) at the time of the 2009 Pride Parade, which was banned de facto by the state.

Zoran Dragisic Professor at the Security University in Belgrade

I wouldn't call those organizations fascists organizations because I think that would be pretentious since fascism must have a certain ideology and a consistent political program and some sort of internal structure which would lead us to consider them fascist organizations in a sociological or political sense. If we refer to them as organizations of the far right that would mean that in Serbia there is structured society and that there is a left, right, center, etc. These groups can hardly be found to have any ideological feature since these groups represent merely foot soldiers for a certain structure that exists in this society. The problem we have here is finding adequate terms in which to describe them.

These groups were established in 2000, after the so called democratic changes took place. They are the result of the “Trojan Horse” project which began before October 5th, 2000². I personally have dealt with the issue of football hooligan groups, and when we scratch the surface of that issue we can see that there is a very serious history of these groups being misused. The first time state security services in former Yugoslavia became interested in hooligan groups was the Hajduk-Zvezda football match in Split³. Something happened on that occasion that was of immense interest to security services – which were far more professional at that time. Namely, Hajduk's hooligan fans had organized themselves for the first time and several thousand young men came together to the football game and cheered together and organized a celebration of victory together. That had never happened before. The smart security officers at that time realized how much energy was hiding in this spontaneous organizing.

2 October 5th, 2001 is the date of the post-electoral street revolution which toppled Milosevic's regime.

3 Hajduk is a team from Split, Croatia, while Zvezda (Crvena Zvezda – Red Star) is a team from Belgrade, Serbia. This football game happened prior to the war, at the outset of escalating ethnic tensions between Serbs and Croats.





From 1987 till 1988 alongside with the “popular uprisings of the people” we also see the emergence of “Delije”⁴ as a football hooligan group and we see that they begin chanting about things that do not have anything to do with football. Then on the scene arrives Zeljko Raznatovic Arkan⁵ – as leader of Crvena Zvezda’s (Delije) hooligans. Along with him there were a lot of other shady characters who later became leaders of paramilitary groups.

Hooligans therefore turned out to be a movement which could be easily manipulated.

Why didn’t we see the emergence of Obraz and 1389 before October 5th? We only see them later on as part of that “Trojan Horse” project. These organizations’ campaigns are very expensive and their political messages are more intelligent than those propagated by 90% of political parties in Serbia. These organizations serve as proxies for parts of the political underground – through these organizations they continue to influence society and do what they could not do as political parties.

Also, these organizations are not active all the time but only when it is possible to gather the widest possible societal support – and the best such opportunity is a gay pride parade or Kosovo’s declaration of independence.

Milan Antonijević **Direktor Yucom-a**

Since the beginning of 2011 we have filed 11 criminal charges in regards to racism and other criminal acts but have unfortunately received no replies from the Prosecution’s Office and this illustrates their total lack of sensitivity regarding violence.

⁴ “Delije” is the name of sports fans and hooligans of the Belgrade based “Crvena Zvezda” team. There are however many sub-groups.

⁵ Zeljko Raznatovic Arkan later became involved in the wars in Croatia and Bosnia and commanded paramilitary groups on the frontlines. He was a war criminal indicted by the Hague Tribunal.



Media and LGBT Issues

Allies or Enemies

**What is the situation in the media when it comes to LGBT issues?
Is there still sensationalism in reporting?**

Montenegro

Danijel Kalezic, Juventas

The Montenegrin media still respond when it comes to LGBT topics and when LGBT organizations hold press conferences all media come but if they can't get a big headline out of it they leave.

When it comes to the printed media the "Vijesti" daily is very fair. Other printed media mostly just pass on news from other news sources, while "Vijesti" is one of the rare newspapers which have some initiative to write about LGBT rights.

The state TV has been boycotting our organizations since 2010, when we said one of their journalists is a homophobe.

The Montenegro Television Service is a media which spends a lot of the state's money defending the ruling DPS (Democratic Party of Socialists) political party and which has been criticized by LGBT activists. That TV station therefore has not turned to us.

Last year while the Belgrade Pride Parade was being organized the same issue was spontaneously opened up in Montenegro as well.

The "Atlas Television Channel" case also started when in one of their shows they invited a psychology professor who brought her students along and they talked about homosexuality being a disease and how LGBT people are HIV carriers. This was a case to which there was adequate condemnation. After the show the Ombudsman and Health Ministry both reacted with a joint statement. The school distanced itself from the professor's statements, fined her and enforced disciplinary measures. The Broadcasting Agency issued an official decision that discriminatory content must not be broadcast and the show was canceled.

However, because of this event our organization has been black-listed by the Atlas Television Channel and they have refused to broadcast a video which we made as part of our anti-homophobia campaign.

The "Pink Television Channel" also never replied to our request to broadcast the said video on their station.





Bosnia and Herzegovina

Anja Tadesko, O kvir

In Bosnia the printed media codex is being violated, there is incitement to violence, discrimination and inequality between the sexes in the media.

In cooperation with the Civil Rights Defenders we are educating journalists about covering LGBT topics. From 2003 to 2005 there was a big problem since at that time the media was publishing articles which depicted LGBT issues in a very negative manner and also religious representatives used the media to promote their own ideas.

During 2008 the media was used to spread hate and aggression against people who do not fall under the heterosexual norm.

In the period from 2008 to 2011 there weren't that many texts any more, but now again you can find articles which are more or less negative.

Albania

Elidjon Grembi, Aleanca – Alliance against LGBT Discrimination

During February and March of this year Aleanca began monitoring 6 of the biggest daily newspapers and we also followed how the "Klodi Cela" case was being covered. Klodi Cela is the first gay person to come out publicly on national television in Albania, in the "Big Brother" TV show. All TV stations had mostly sensationalistic coverage of this Big Brother contestant.

In Lezha, the town where Klodi lives, two anti protests were organized and the media covered them widely. Also, the media was not very critical of the fact that Klodi was attacked by a fellow Big Brother contestant – who attacked him because Klodi allegedly touched him.

Furthermore, the media invited a psychologist and two politicians from Klodi's town for comments. They condemned discrimination but expressed that they personally were against homosexuality.

When the Anti-Discrimination Law was adopted virtually all media fell short because not one media reported on the issues correctly, and often there was talk in public that this was a law guaranteeing the right to same-sex marriage.

Smaller media write good comments from time to time and in cooperation with Aleanca, but this only happens at Aleanca's initiative.

One example of bad practice is when a group of Aleanca activists and volunteers gave statements to the France 24 Channel – they talked about their lives in Albania, gave their names and professional background. The show was not supposed to be aired in Albania but regardless a local TV station broadcast this show and represented everyone who talked in it in a negative manner. After that show many of us faced problems as a consequence of the show.

Thus far we haven't held training sessions for the media but we are now planning it in the coming period in cooperation with the Civil Rights Defenders.

Croatia

Sanja Juras, Kontra

Before it often happened in the media that LGBT persons and activists were compared to necrophiliacs and pedophiles, but there are no such comparisons any more.

When we talk about the Split Pride Parade and about how the media covered the issue it should be noted that at first they found it very interesting and they remained neutral.

A negative trend is that when LGBT organizations organize press-conferences only journalists who are friendly to our cause come

When we organized an action for IDAHO day (International Day against Homophobia) and dressed as judges handed down verdicts against homophobia we received good media coverage!

Serbia

Jelka Jovanovic

Vice-President of the Independent Association of Serbian Journalists

There is one thing which we haven't paid a lot of attention to till now and that is the internet and internet issues of publications. This is a vast field where people may be educated and can exchange additional information. Contemporary media usually employs people about 30 to 40 years old, and these are people who have grown up in times of heavy crises and wars and when education itself was denied. For these people it is very hard to step out of the system of reporting they have been taught and this is one of the biggest problems.

The advice I have for all activists is the following: use all instruments at your disposal, react to all hate speech. This is the only way things can change.

Boban Stojanovic, Queeria

Many media outlets put LGBT issues in the context of entertainment, fashion or similar topics.

Activists should be careful and not give statements without consideration to what they are saying because this may trivialize the whole issue. There is the phenomenon of stereotyped portrayal. We may use it and we may play around with stereotypes so as to push an issue to be covered by the media and reach the public. We must have the capacity to consider the causal relations in society which affect how LGBT issues will be covered in the media. The key problem is that media are market driven, while we have our point of view and our story and the problem is how to translate that story - our story which matters to us - to a market discourse while keeping our message intact. In Serbia shock culture is the norm and the tabloidization of media is an existing phenomenon and everyone covers the current issues in the same manner.





LGBT Pride Parades

For and Against

**What have we gained through Pride Parades?
Has something changed? Was the 2010 Belgrade Pride a success?
Are pride parades a goal or a means?**

Lepa Mladjenovic, Labris – Lesbian Human Rights Organization

We should open up the discussion whether we need pride parades, what they bring to us, what it is that we want to achieve? Maybe there are other methods that are more efficient? We have been living under a lot of fear due to pride parades. I don't know what we have gained by it, but my body remembers that fear. In the last three years I have noticed that there is more generation of intimidation and violence.

Pride parades are a celebration of love, and there was no place for love when we were marching under police cordons.

I suggest that we make an analysis of the previous 3 years, that we involve the whole community and politicians...

Sunčica Vučaj, Žene na delu

I think we should have various guerrilla styled actions on every 27th of June, Pride Day, or May 17th – we could take the space in front of certain institutions, like the government or city hall.

Mirjana Bogdanovic, Gay Straight Alliance

The 2010 Belgrade Pride Parade happened due to all the work that took place the previous year. The pressure created at that time worked in our favor in 2010.

There are two legal ways of organizing pride parades. The first is to just schedule it without reaching agreement with the state first and the other is to develop a security strategy and negotiate with the state.

In all three years in question – 2009, 2010 and 2011 – the latter option was chosen.

The legal framework has been the same during all three years (Anti-Discrimination Law, Law on Public Meetings, the same ruling structures are in place, the same Constitution...).

Political will is therefore the decisive factor.

On October 10th, 2010, the Pride Parade took place because there was sufficient political will for it to happen. Considering that it was the first pride parade it was a success for it to just take place. Also, it resulted in many people coming out to their parents and friends.





Milan Djuric, Gayten LGBT

Actually we only get support from feminist, that is, women's organizations. However, pride parades could serve to mask the situation in which some LGBT people are living in – in the sense that it could be used as an argument that since we have a pride parade there is no discrimination and there are no problems. Many human rights organizations which now support LGBT rights told us in 2001, when we were organizing the parade, that it was not the right time for a pride parade. In 2001 then Prime Minister Zoran Djindjic said that pride parades are a test of tolerance for our society.

Darko Kenig, Pride Parade 2011

It turns out that public opinion about pride parades is such that they see it only as a goal of the LGBT community and not as means of achieving greater human rights for all, and this is problematic in organizing a parade.

A positive note is that there is greater institutional-operative cooperation with the state. There is a stark difference between 2009 and 2011 – in 2009 the state suggested we relocate the Parade and this year the Parade was banned. By banning the Parade the state has banned all our other rights as well.

Pride parades in the region

Albania

Elidjon Grembi, Aleanca – Alliance against LGBT Discrimination

In Albania a great part of the LGBT community isn't out and a great part of the population has a problem with accepting their own sexuality. On the other hand, one part of the LGBT community is out to their friends and has accepted their own sexuality. The latter group, which unfortunately numbers the least people, is also the group which is out to their families as well. For now there is only one person who is publicly out and two protests were organized in that person's home town.

The "pro" arguments used for pride parades: the LGBT community's raised visibility, strengthening gay people, encouraging people to become more out, motivating the media for improved coverage of the LGBT community in Albania and raising the public's awareness.

The "con" arguments used for pride parades: endangered security, possibility of inciting public hatred, possibility that people who out themselves will be left homeless, lose their jobs and be ostracized.

Montenegro

Zdravko Cimbaljevic, Forum Progress

In June of this year the LGBT Forum Progress in co-operation with partners announced that it will organize Montenegro's first pride parade. The Minister for Human and Minority Rights, Mister Dinosa, publicly condemned our plans and rejected the possibility that he or some of his associates would attend the parade. After he was pressured he somewhat changed his attitude and stated that there is a possibility his assistant would participate in the parade if the event were to change its name from LGBT Pride to Meeting for Human Rights.

The LGBT Forum Progress declined. We addressed several other government officials numerous times. At last we were received by the Vice President of the government who announced that we would be given full political and institutional support. However, since that meeting which the government had publicized so well, all development ceases. Instead of things moving forward the opposite happens.

The organizers of the pride parade are still being ignored. The LGBT Forum Progress requested that a high ranking government official be symbolically involved in the organizational committee of the parade, that he participate in the parade with others and that he hold a speech. We waited on a response regarding this request from the government for two full months.

Paying attention to our own as well as our partner's credibility and the security of the parade and keeping in mind the lack of political support and lack of messages which would bolster security, the event organizers decided to postpone the parade. Postpone, not cancel the parade.

Bosnia and Herzegovina

Lejla Huremović, Sarajevo Open Center

Currently in Bosnia and Herzegovina we are trying to strengthen the LGBT community, but we are still not close to having pride parades. After SQF(Sarajevo Queer Festival) in 2008.fear permeated the LGBT community and activity dropped significantly. It is only in the past year that the LGBT community has become more active. Pride parades are currently an unsustainable idea since Bosnia and Herzegovina doesn't fulfill even the minimum conditions for its organization. We were not able to organize even one festival and so we cannot be contemplating organizing a pride parade. The LGBT community's activities right now are focused on strengthening, educating and establishing contacts in the region, and only later will we move onto organizing public events which entail media support.



Conclusions

Institutions do not have a systematic approach and resolution neither for the problem of violence and discrimination against LGBTIQ people nor for the improving of their legal position, so it is on the LGBTIQ organizations to suggest the possible models of cooperation

It is needed to:

- Permanently work on the implementation of the AD Law
- Monitor the institutions and their work
- Strategic cooperation with state and non state gender equality mechanism
- React on every single hate speech case and call the media to be responsible while reporting
- Prepare the good concept for the Pride and try to achieve the largest possible consensus about the right moment when the Pride will be organized



Table of Contents

Implementation of Laws Banning Discrimination	3
Institutional Treatment of LGBT Rights	7
Strengthening and Influence of Far-Right Groups in Serbia Following Democratic Changes.....	11
Media and LGBT Issues: Allies or Enemies.....	15
LGBT Pride Parades: For and Against.....	19