

# ILGA-Europe's submission to the European Commission's 2010 Progress Report on Serbia

Brussels, May 31, 2010

## Political criteria

Human rights and the protection of minorities	
<i>Civil and political rights</i>	
<b>Freedom of assembly and association</b>	<p>Freedom of assembly is provided by law but the government does not respect that right in relation to LGBT people.</p> <p>Nearly a decade since the last Pride March which was violently interrupted by right-wing extremists, LGBT organizations in Serbia have planned to organize a Pride Parade on 20 September, 2009. The Pride however had to be canceled after the government, bringing security reasons, banned the event at its desired location. In their prior meetings with the organizers of the Pride police have reassured that necessary protection will be provided. However, only 24 hours before the scheduled day of the Pride the authorities refused to ensure security to the participants and suggested that they move the location to a provincial part of Belgrade, which the organizers found unacceptable.<sup>1</sup></p> <p>The refusal of the government to provide necessary protection to the participants of the Pride parade and subsequently the cancellation of the Pride expose the failure of the Serbian government to guarantee the freedom of assembly for LGBT in Serbia. ILGA-Europe has been monitoring the events and together with the Organizers of the Pride condemned the failure of the authorities to provide protection for the people exercising their fundamental human rights of freedom of assembly and expression.<sup>2</sup></p> <p>Joint statement by the OSCE Mission in Serbia, the EC Delegation and the CoE Belgrade Office was issued noting that during the Pride weekend 'intimidation and intolerance dominated over dignity, tolerance and pride'. The statement also pointed to the responsibilities of the state</p>

<sup>1</sup> Annual report on LGBTTIQ human rights in Serbia in 2009, Labris, <http://www.labris.org.rs/en/what-we-do/publications/index.html>

<sup>2</sup> [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/serbia/ilga\\_europe\\_monitoring\\_the\\_belgrade\\_pride](http://www.ilga-europe.org/europe/guide/country_by_country/serbia/ilga_europe_monitoring_the_belgrade_pride)

	<p>authorities to guarantee the effective exercise of the right to freedom of assembly by LGBT people.<sup>3</sup></p>
<p><b>Homophobic and transphobic violence/hate crime and hate speech</b></p>	<p>Hate speech is prohibited only by the Public Information law. The Criminal Code of Serbia does not include provisions on hate motivated crime.</p> <p>The level of homo/transphobia is extremely high in Serbia. According to the research by Gay Straight Alliance 70% of the persons interviewed consider homosexuality as a sickness, 51% think that state institutions should work on prevention of homosexuality, 50% consider that homosexuality is very dangerous for the society, and 28% think that ‘the homosexuality issue’ has been imposed by non-governmental organizations<sup>4</sup>.</p> <p>The announced plans for the Pride March in September 2009 stirred a wave of homophobic hate speeches and threats directed towards both LGBT activists. The extremist right wing groups such as <i>Obraz</i>, <i>1389 Movement</i> and <i>Nazi</i> started organizing months before the planned Pride March threatening through graffiti and social media with messages like ‘Death to faggots!’, ‘Stop the Gay Pride’, ‘We are waiting for you!’ and the like. Gay Straight Alliance registered over 50 such graffiti and at the end of August the city cleaners have registered 140 graffiti messages across Belgrade with threatening content against LGBT people. <i>1389 Movement</i> went as far as putting internet bidding to news agencies and photographers for the pictures of Pride March organizers. 5 members of <i>Obraz</i> and <i>1389 Movement</i> were arrested by the police after the Pride ban and spent 30 days in jail.<sup>5 6</sup></p> <p>During 2009 GSA documented 1 case of brutal murder of a transgender person; 9 violent attacks and 3 attempted attacks against 17 LGB people. In 8 cases of attempted and actual attacks, the victims have reported to the police. None of the victims have been informed by the police about investigation of their cases.<sup>7</sup></p>

<sup>3</sup> <http://www.eubusiness.com/news-eu/serbia-rights-gays.kc/>

<sup>4</sup> The Status of Lesbian, Gay, Bisexual and Transgender rights in Serbia, Submission to the Human Rights Council for Universal Periodic Review, ILGA-Europe, Labris, COC

<sup>5</sup> Annual report on LGBTTIQ human rights in Serbia in 2009, Labris, <http://www.labris.org.rs/en/what-we-do/publications/index.html>

<sup>6</sup> ‘No Retreat No Surrender’ 2009 Report on the state of LGBT human rights in Serbia by Gay Straight Alliance, Belgrade

<sup>7</sup> *ibid*

	<p>Most cases of violence against LGBT persons go unreported due to the lack of trust in police and the fear of being victimized. Many police officers and public prosecutors in Serbia have homophobic attitudes which are reflected in their refusal to follow up homo/transphobic crimes adequately, or to take seriously threats and dangers to LGBT people. Moreover, police officers themselves are often the perpetrators of violence against LGBT people. In August 2009 a lesbian woman was insulted and then beaten up by about 10 hooligans while in a bus with her girlfriend. When the police approach the bus one of the hooligans was still insulting and hitting the victim. The police did not arrest the attacker but instead took the victim to the police station while she was suffering from concussion and needed urgent medical care. GSA informed the Ministry of Internal Affairs about this case urging for disciplinary actions against the police officers but has not been informed on any follow up actions.<sup>8</sup></p> <p>In the period between April-December 2009 4 criminal lawsuits have been filed by GSA against groups spreading hatred against LGBT people. 2 of the cases have been rejected by the Prosecutors office and no information was provided on the other 2 cases.<sup>9</sup></p> <p>Homo/transphobic violence and hate speech is a serious concern in Serbia. Despite the fact that the issue has been raised on a numerous occasions by local LGBT groups and the international human rights organizations, so far no measures have been put forward by the government of Serbia to address the issue.</p>
<i>Economic and social rights</i>	
<p><b>Discrimination/ Anti-discrimination policies</b></p>	<p>In March 2009 comprehensive Anti-discrimination law has been adopted, banning discrimination on a number of grounds, including sexual orientation. The enforcement and implementation of the law is still to be seen.</p> <p>LGBT people continue to suffer psychological pressure and discrimination in health care, education, in access to goods and services and in other fields.</p> <p>In February, 2009 the Congress Sava Center-a conference center owned by the City of</p>

<sup>8</sup> ibid

<sup>9</sup> ibid

Belgrade- has refused Gay Straight Alliance to hold a press conference that aimed to present their annual report on human rights of LGBT people in Serbia. In his interview for daily newspaper "Alo", the executive director of the Sava Center, Dragan Vukčević commented on the ban of the GSA press conference: 'I have nothing against them [LGBT people], I just cannot stand the sight of them. You know where faggots gather in the city, so they should have their conference there. In Sava Centre, only decent gatherings of decent people can be held'<sup>10</sup>. GSA filed a lawsuit against Sava Centre but no hearing has been scheduled so far.

There are numerous documented cases when under the family pressure LGBT people apply to psychologists and psychiatrist who 'treat them for homosexuality'. In one case, a young gay man suffering from clinical depression applied to a psychiatrist who, in the course of 2 years subjected him to psychological abuse using derogatory words when referring to his sexual orientation, suggesting that he 'better live on the mountains where nobody would look at him' when he expressed his wish to study in Belgrade and referring him to a psychiatric hospital where drug addicts are treated. In another case, the psychiatrist had tried to 'cure' a lesbian client by his sexually suggestive approach. LGBT people are also subjected to ridicule, unnecessary waiting and insults by medical personal in hospitals.<sup>11</sup>

Young LGBT people are subjected to bullying and harassment at school. The 2009 Annual report by GSA quotes the results of a research by CARE international conducted amongst high school student in Serbia in March 2009 which revealed that over 60% of respondents think that violence against homosexuals is always justified and over 70% justifies violence in defense of honor and would not be friends with homosexuals. The same report describes a case of a teenager being bullied at school for his sexual orientation and a teacher expressing that "Homosexuals, it is not normal; it is against nature, it is a trend, all that needs to be killed".<sup>12</sup>

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<sup>10</sup> Report on violence and discrimination against LGBT individual- Gay Straight Alliance, Belgrade, May 2009

<sup>11</sup> 'No Retreat No Surrender' 2009 Report on the state of LGBT human rights in Serbia by Gay Straight Alliance, Belgrade

<sup>12</sup> ibid

	<p>A representative survey by GSA conducted in 2008 showed that 75% respondents would not want/like a lesbian and gay person to be the teacher of their children, 56% would not want/like a lesbian and gay person to be their boss and 47% would not want them as their co-worker.<sup>13</sup></p> <p>Although there are some reported cases of employment discrimination by LGBT organizations, most cases go unreported.</p> <p>One can see that the adoption of the anti-discrimination law last year while being a big step forward has not been enforced vigorously and there is no political will to tackle ongoing discrimination against LGBT people in Serbia.</p>
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<sup>13</sup> *Prejudices Exposed - Homophobia in Serbia. Public opinion research report on LGBT population.* Research conducted for Gay Straight Alliance by Centre for Free Elections and Democracy (CeSID). February-March 2008.