

RESEARCH ON VIOLENCE AGAINST THE LGBTTIQ POPULATION IN SERBIA

Introduction

The research on “Violence Against the LGBTTIQ¹ Population” is based on a questionnaire for a pilot poll on “Violence Against Persons with Same-Sex Orientation” that the Labris Organization of Lesbian Human Rights carried out in cooperation with the Lambda Center for Promotion and advancement of LGBT Human Rights and Queer Culture of Nis, and the NLO Novi Sad Lesbian Organization in February 2005.

The results of the poll in brief are as follows:

Almost all gay men and lesbian women polled, to wit 90% of them are aware of cases of violence against people just because these happen to have a non-heterosexual sexual orientation, and indeed the greatest number of them, over 70% of them are aware of such cases because they themselves have been victims to such violence. Of this to emotional violence almost 50% of gays and lesbians were exposed, 4.2% were also exposed to a threat to their survival, and an additional 17% suffered both aforementioned forms of violence and were moreover beaten.

More than 50% of gays and lesbians have undergone the described forms of violence more than once, a quarter of all respondents were exposed to violence by to them unknown passers by (unidentified individuals), about 30% suffered violence carried out by people they knew, and 14% by both the people whom they knew and those whom they did not know.

Almost 30% of gays and lesbians underwent violence in an enclosed space, such as their parents', friends', or acquaintances' apartment, at work, in school or at university, and 20% in the street, that is in open spaces, while 25% suffered violence both outdoors and indoors.

Almost 60% of gays and lesbians did speak to someone about the violence they underwent – most of them (45.1%) confided with friends, counselors/psychologists, and/or psychiatrists, and the feedback has been generally supportive, but the support was basically in the form of a positive stance towards a gay-lesbian existence, i.e. in the form of compassion, and the shared feeling of confusion and powerlessness to do anything. No person in whom those who suffered violence confided has suggested that the violence be reported to the police and indeed the same victims of violence showed a behavioral model characterized with the disbelief that the police would have done anything even had the incident been reported.

A research on “Violence Against the LGBT Population” was also carried out by the Labris Organization of Lesbian Human Rights from Belgrade and the Lambda

¹ LGBTTIQ: Lesbians, Gay Men, Bisexuals, Transgendered, Transsexual, Intersexual & Queer individuals

Center for Promotion and advancement of LGBT Human Rights and Queer Culture of Nis, with the support of the NLO Novi Sad Lesbian Organization, Queeria, and Gayten-LGBT.

This research was carried out between September 15 and October 28, 2005. The questionnaire was featured on the web sites of the LGBT organizations that organized and/or supported it both by hosting the poll and by trying to get as many respondents as possible through their promotion thereof. It was also available as a printed hard copy that was to be filled on the premises of the said LGBT organizations.

A statistical analysis was done through the application of a descriptive statistics, i.e. a breakdown of frequency, and through a Chi-Square test (analysis of contingency tables).

170 respondents took part in the questionnaire. The sample was opportunistic, i.e. we have no reason to believe that it is representative of the totality of the LGBTTIQ population, so the results must be interpreted to relate to the population for which the sample **was** representative: that of the LGBTTIQ individuals who use the internet and/or manifest their LGBTTIQ existence within and/or around the enumerated LGBT organizations.

The Goals of the Research:

- Collection of concrete empirical data about the violence against the LGBTTIQ population in Serbia;
- Contribution to the respect for the existing laws and bylaws related to the sanctioning of discrimination based on sexual orientation, and to the adoption of new ones related thereto;
- Provision of an opportunity for the LGBTTIQ population to bring to the public attention the main factors that obstruct the realization of the LGBTTIQ self-fulfillment: a denial of the LGBTTIQ population's very existence, and the dismissal of the LGBTTIQ culture; and a constant actively perpetrated violence against the LGBTTIQ population and the silence about it. These are all being carried out by the totality of the dominant heterosexual majority of society, including institutions such as Serbia's parliament, government, most media, judiciary, medical, ecclesiastical, and public security bodies;
- Development of a new instrument, which will render a more precise image of the factors for, and the nature of, everyday violence against the LGBTTIQ population in Serbia.

Analysis of the Results – an Overview

2.1. Socio-Demographic Characteristics of the Respondents

2.1.1. Place of Residence

A total of 170 respondents from 20 cities and towns in Serbia and Montenegro took part in the research, most of whom – 83.6% -- from cities where there LGBT organizations, namely Belgrade, Novi Sad, Niš and Kragujevac.

A breakdown by regions shows the following:

Belgrade – 38.2%, Vojvodina – 31.8%, Southern Serbia – 14.1%, Central Serbia – 9.4%, the other regions – 6.5% respondents.

2.1.2. Age

Over 90% of all respondents are those aged 19 to 39, of which over 45% are respondents who are 19 to 25 years of age.

We notice that very few respondents younger than 18 and older than 40 took part in the research. It is obvious that those individuals have not been integrated into the LGBTTIQ communities that the LGBT organizations have managed to create in the cities where they exist through their activities.

2.1.3. Educational Level

A third of all respondents are college and university graduates, while the groups of those who have just graduated from high school and those who are currently enrolled as students each make up to roughly one quarter of all respondents. The number of those who have only finished the compulsory 8-year primary-with-junior-high school is negligible.

2.1.4. Social status

Almost equally distributed among the respondents are those who are not employed – 52% and those who are employed – 46%, and of those not employed, the bigger part is made up by the category of “high school/university student” at 38% of the total. This category is the largest, i.e. most represented, in the sample overall.

2.1.5. Gender

The sample is represented by a slightly higher number of men (at 55.8%) than women (41.8%) Some intersexed and transgendered individuals did take part in the poll, but in a percentage so low that it is insufficient for objectively analyzing the difference compared to the two most represented self-identified categories under “Gender”.

2.2. Sexual Orientation Related Characteristics of the Respondents

2.2.1. Sexual Orientation

Under sexual orientation question, 71.8% of respondents self-identified as Same-sex oriented; 21.2% as Bisexual, 2.9% as Heterosexual, and 4.1% opted for “I do not self-identify in any way”.

2.2.2. LGBTTIQ identity

When it comes to the LGBTTIQ identity, the highest percentage of respondents self-identified as Gay Men (38.8%), followed by Lesbians (29.4%), Bisexual Individuals (19.4%), and Queer Individuals (7.1%). The last category of Other (5.3%) includes the self-identifying responses that spelled out: “transgender individuals”, “transsexual individuals”, “intersexed individuals”, “women”, and “heterosexual individuals”.

2.2.3. I consider myself as a person having difficulties with accepting my own sexual orientation

Over 80% of all respondents do not have (any or almost no) difficulties with accepting their own sexual orientation.

A further analysis of the data shows the following:

There is no correlation between the response to the question *I consider myself as a person having difficulties with accepting my own sexual orientation* and the Education Level or Gender. However, there is a correlation between the *I consider myself as a person having difficulties with accepting my own sexual orientation* and the Place of Residence by regions.

Namely, respondents from the region of Belgrade more frequently responded with *Agree* to the *I consider myself as a person having difficulties with accepting my own sexual orientation*, while respondents from the region of Southern Serbia more frequently responded with *Disagree* to the same question, and those from Central Serbia most frequently chose the answer *Not Sure*.

This response came as a surprise as it was not expected that respondents from more developed regions with more LGBT organizations would agree significantly more to having problems coping, so the possible reason may be that unlike in Belgrade, almost all respondents from the region of Southern Serbia are

activists, which is expected to bring an acceptance of one's own sexual orientation as a rule.

There is a correlation between *I consider myself as a person having difficulties with accepting my own sexual orientation* and the *Age* variable.

Those under 30 years of age significantly more often chose *Disagree*, while those over 30 chose *Agree* or *Not Sure* significantly more often.

There is a correlation between *I consider myself as a person having difficulties with accepting my own sexual orientation* and the *Social Status* variable.

Respondents in the Student and Unemployed category more often said *Disagree*, while *Not Sure* was more represented in the answers of the Employed respondents (both part- and full-time).

There is a correlation between *I consider myself as a person having difficulties with accepting my own sexual orientation* and the *Sexual Orientation* variable.

Namely, respondents who self-classified as Heterosexual and Bisexual most frequently chose to *Agree* with the statement of having difficulties, respondents who self-classified as Same-Sex Oriented most frequently chose to *Disagree*, and respondents who self-classified as "I do not self-identify in any way" responded with *Not Sure* to this question.

There is a correlation between *I consider myself as a person having difficulties with accepting my own sexual orientation* and the LGBTTIQ identity variable.

Respondents who self-classified as Bisexual chose to *Agree* most often, respondents who self-classified as Gay Man and Lesbian chose to *Disagree* most often, while those who were qualified as Other (i.e. those who self-classified as: "transgender individuals", "transsexual individuals", "intersexed individuals", "heterosexual individuals", and "women") most frequently chose the response *Not Sure*.

Almost three quarters of all respondents who took part in the research are people with a same-sex sexual orientation. When it comes to the field of the LGBTTIQ identity, the highest percentage of respondents are gay men (38.8%), lesbians (29.4%) and bisexual individuals (19.4%).

Over 80% of all respondents have mostly no difficulties, or no difficulties at all with accepting their own sexual orientation, and these are most often individuals with a same-sex sexual orientation.

Regarding the respondents who do have difficulties at all with accepting their own sexual orientation, it is quite possible that a contributing factor thereto is a failure to integrate into the LGBTTIQ community that has been created through the efforts of LGBT organizations' activities (in the cities and towns where they

exist), or into the majority heterosexual community, but this might as well come about when people are older than 30, and employed. One should also keep in mind the oscillations in development and the acceptance of one's own sexual orientation and the LGBTTIQ identity, which are influenced by the individual development of one's personality, as well as by the personal perception of the refusal of society to accept, and indeed society's rejection of, same-sex sexual orientation and the LGBTTIQ identity.

2.3. The Level of Being Out and Openness of Respondents About Their Sexual Orientation in Various Environments, and the Reactions Thereto

2.3.1. Have you come out or been outed and/or are you open about your sexual orientation within the LGBTTIQ community, and what are the reactions to the fact?

The highest percentage of respondents – 82.4% – is out and open about their sexual orientation within the LGBTTIQ community.

70% of all respondents estimate that the reactions of the LGBTTIQ community to their open expression of their sexual orientation have been positive, while there are 12.4% of respondents who have perceived the response to their expression of their own sexual orientation to be negative (and according to us indifferent reactions can be categorized as negative).

A further analysis of the data brings about the following results:

There is no correlation between *Have you come out or been outed and/or are you open about your sexual orientation within the LGBTTIQ community* and the *Place of residence by Regions, Age, Educational Level, Social Status and Gender* variables.

There is a correlation between *Have you come out or been outed and/or are you open about your sexual orientation within the LGBTTIQ community* and the *Sexual Orientation* variable.

Respondents with the Same-Sex Orientation and Heterosexuals significantly more often responded that they do *Agree* with the statement, whereas the respondents who self-classified as "I do not self-identify in any way" significantly more frequently chose to *Disagree*.

There is a correlation between *Have you come out or been outed and/or are you open about your sexual orientation within the LGBTTIQ community* and the *LGBTTIQ identity* variable.

Agree was the response given significantly more often by Gay Men and Lesbians, and *Disagree* was the response given significantly more often by Bisexuals and Others (included here are those who self-classified as: “transgender individuals”, “transsexual individuals”, “intersexed individuals”, “heterosexual individuals”, and “women”)

There is no correlation between *What are the reactions of the LGBTTIQ community to your being out* and either Place of Residence by Regions, Age, Education Level, Social Status or Gender.

There is a correlation between *What are the reactions of the LGBTTIQ community to your being out* and the Sexual Orientation variable.

The reactions of the LGBTTIQ community to one’s own expression of sexual orientation was deemed to be *Positive* significantly more frequently by Individuals of a Same-Sex Orientation, while Heterosexuals significantly more frequently felt that the reaction of the same population was *Negative*.

There is a correlation between *What are the reactions of the LGBTTIQ community to your being out* and the LGBTTIQ identity variable.

The reactions of the LGBTTIQ community to one’s own expression of sexual orientation was deemed to be *Positive* significantly more frequently by Lesbians, while those who were qualified as Other (i.e. those who self-classified as: “transgender individuals”, “transsexual individuals”, “intersexed individuals”, “heterosexual individuals”, and “women”) most frequently chose the response *Negative*.

2.3.2. When it comes to your sexual orientation are you out (or outed) to all/some of your friends and what are their reactions?

When it comes to sexual orientation, a smaller number of respondents – 81.8% – are out to some or all of their friends.

64.1% of all respondents deemed the reaction of their friends to the fact that they express their sexual orientation openly as *Positive*, and 17.7% deemed it as *Negative*.

A further data analysis shows the following:

There is no correlation between *Have you come out or been outed and/or are you open about your sexual orientation in the circle of all or some of your friends?* and the *Place of residence by Regions, Age, Educational Level, Social Status, Gender*, and the *LGBTTIQ identity variables*.

There is a correlation between *Have you come out or been outed and/or are you open about your sexual orientation in the circle of all or some of your friends?* and the *Sexual Orientation* variable.

Individuals with a Same-Sex Orientation, Heterosexuals and Bisexuals significantly more frequently replied *Yes*, and respondents who self-categorized as “I do not self-identify in any way” significantly more frequently replied *No*.

There is no correlation between *What are the reactions of the LGBTTIQ community to your being out?* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender*, and the *LGBTTIQ identity* variables.

2.3.3. Have you come out or been outed and/or are you open about your sexual orientation to one or both of your parents and what are the reactions?

A smaller number of respondents – 54.7% is out or has been outed to one or both of their parents.

Only 12.4% of all respondents deem the response of one or both parents to their open expression of their sexual identity as *Positive*, while 42.4% deem it as *Negative*.

A further data analysis shows the following:

There is no correlation between *Have you come out or been outed and/or are you open about your sexual orientation to one or both of your parents?* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity* variables.

There is no correlation between *What are the reactions of one or both of your parents to your being out?* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity* variables.

2.3.4. Have you come out or been outed and/or are you open about your sexual orientation to one or more of your siblings and what are the reactions?

A similar ratio of 51.2% of all respondents is out or has been outed to one or more siblings.

26.5% of the respondents deem the response of the sibling to their open expression of their sexual identity as *Positive*, while 25.9% deem it as *Negative*.

A further data analysis shows the following:

There is no correlation between *Have you come out or been outed and/or are you open about your sexual orientation to one or one or more of your siblings?* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity variables*.

There is no correlation between *What are the reactions of one or more of your siblings to your being out?* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity variables*.

2.3.5. Have you come out or been outed and/or are you open about your sexual orientation to some or all of your acquaintances and what are the reactions?

When it comes to sexual orientation, 48.8% of all respondents are out or have been outed to some or all of their acquaintances.

18.8% of the respondents deem the response of their acquaintances to their open expression of their sexual identity as *Positive*, while 40% deem it as *Negative*.

A further data analysis shows the following:

There is no correlation between *Have you come out or been outed and/or are you open about your sexual orientation to some or all of your acquaintances?* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity variables*.

There is no correlation between *What are the reactions of your acquaintances to your being out?* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity variables*.

2.3.6. 2.3.5. Have you come out or been outed and/or are you open about your sexual orientation to your broader family and what are the reactions?

34.1% of all respondents are out to their broader families.

Just 4.7% of the respondents deem the response of their broader families to their open expression of their sexual identity as *Positive*, while 29.4% deem it as *Negative*.

A further data analysis shows the following:

There is no correlation between *Have you come out or been outed and/or are you open about your sexual orientation to your broader family?* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity* variables.

There is no correlation between *What are the reactions of your broader family to your being out?* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender*, and the *LGBTTIQ identity* variables.

There is a correlation between *What are the reactions of your broader family to your being out?* and the *Sexual Orientation* variable.

Reactions of their broader families to their open expression of their sexual orientation were deemed to be significantly more frequently Positive in the case of Heterosexual individuals and significantly more frequently Negative in the case of Same-Sex Oriented Individuals and those who self-categorized as “I do not self-identify in any way”.

2.3.7. Have you come out or been outed and/or are you open about your sexual orientation at work and what are the reactions?

23.5% of all respondents are out at work, and the same percentage is not out, while the remaining 53% are not employed.

6.5% of the respondents deem the response of their co-workers to their open expression of their sexual identity as *Positive*, while 16% deem it as *Negative*.

2.3.8. Have you come out or been outed and/or are you open about your sexual orientation at school and what are the reactions?

15.9% of all respondents are out at work, 27% are not, while the remaining 57.1% do not attend a school/university.

4.1% of the respondents deem the response at school/university to their open expression of their sexual identity as *Positive*, while 11.7% deem it as *Negative*.

The findings of this chapter point out that the LGBTTIQ community and Friends are the two groups to which most people – over 80% – are out or have been

outed, to wit they express their sexual orientation and their LGBTTIQ identity openly in front of these two groups.

This applies primarily to Same-Sex Oriented Individuals, i.e. people who self-identified as Lesbians or Gay Men. They perceive the above mentioned two groups as an environment in which it is easy to express their sexual orientation and their LGBTTIQ identity and the response of those two groups is positive. At the same time, people who do not self-identify in the matters of sexual identity as well as those who self-identify as Bisexuals, Queer, Transgender, Transsexual, Intersexed or Heterosexual most often do not express their sexual orientation and their LGBTTIQ identity in front of the same two groups, and even if they do, they are met with negative reactions.

Generally speaking, the reactions of the LGBTTIQ community overall and Friends are usually positive when it comes to the open expression of one's sexual orientation.

The following three groups to which about a half of all respondents have come out or been outed are parents, siblings and acquaintances. It is characteristic here that the way people express their sexual orientation and identity openly to these groups does not depend on the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity* and that the positive responses come most frequently from siblings, and least frequently – from parents.

About 35% respondents do express their sexual orientation and identity to their broader family, at work the percentage rises to almost a half, and at school/university, it is roughly one third of all respondents who attend the classes. The percentage of positive responses in all the three cases is rather low at below 5%, and members of a broader family have a positive reaction only to a heterosexual sexual orientation of the members of their families.

2.4. Characteristics of Violence

2.4.1. Are you aware of cases of violence due to a person's sexual orientation being different from the heterosexual one?

Almost 90% of all respondents do know of cases of violence perpetrated because a person's sexual orientation being different from the heterosexual one.

A further data analysis shows the following:

There is no correlation between *Are you aware of cases of violence due to a person's sexual orientation being different from the heterosexual one?* and any of

the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity* variables.

There is a correlation between *Are you aware of cases of violence due to a person's sexual orientation being different from the heterosexual one?* and the response to the question: *Have you yourself been a victim of violence due to your own sexual orientation being different from the heterosexual one?*

The highest percentage of respondents – over 70% – know of cases of violence due to a person's sexual orientation being different from the heterosexual one because they themselves have been victims of violence as a result of their sexual orientation being different from the heterosexual one.

2.4.2. Have you yourself been a victim of violence due to your own sexual orientation being different from the heterosexual one?

Two thirds of respondents have suffered violence because of their sexual orientation being different from the heterosexual one.

A further data analysis shows the following:

There is no correlation between *Have you yourself been a victim of violence due to your own sexual orientation being different from the heterosexual one?* and any of the *Place of residence by Regions, Age, Educational Level, Gender, Sexual Orientation*, and the *LGBTTIQ identity* variables.

There is a correlation between *Have you yourself been a victim of violence due to your own sexual orientation being different from the heterosexual one?* and the *Social Status* variable.

It was most often individuals who are unemployed that suffered violence because of their sexual orientation being different from the heterosexual one.

2.4.3. The form of violence you were exposed to

All respondents who did suffer violence were exposed to emotional violence (avoidance, ridicule, stereotyping, condemnation, provocation, rejection, denigration, being ignored, denial that a sexual orientation different from heterosexual can possibly exist, threats, intimidation, blackmail, constant bombardment by the media, friends, established religion, family etc. with the negative stereotypes about homosexuality).

Emotional violence was the sole form of violence 32.5% respondents suffered, while 24.1% of all respondents in addition to the emotional, were also exposed to physical violence and threat to existence (a total refusal of any form of support and indeed rejection by the family, denial of what withal by the family, including being sent away from home, threats with murder, loss of job...), to wit all forms of violence except for sexual, with a dominant characteristic of including physical violence (being pushed around, slapped on the face, hit on the body, kicked, or severely beaten).

A further 8.8% of all respondents suffered emotional violence plus sexual violence as a main characteristic of hostility (including: rape, attempted rape, inducement to prostitution and procurement, trafficking, abuse of their sexuality by other people to pornographic purposes, sexual harassment that includes a physical contact, sexual harassment that does not include a physical contact, exhibitionism, voyeurism, ...)

A further data analysis shows the following:

There is no correlation between *The form of violence you were exposed to* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity* variables.

2.4.4. Perpetrators of violence

The highest number of respondents (25.9%) suffered violence committed by perpetrators known to victims, 20% suffered violence committed by both perpetrators known to them and those unknown to them, while 19.4% suffered violence committed by perpetrators unknown to them.

A further data analysis shows the following:

There is no correlation between *Perpetrators of violence* and any of the *Place of residence by Regions, Age, Educational Level, Gender, Sexual Orientation*, and the *LGBTTIQ identity* variables.

There is a correlation between *Perpetrators of violence* and the *Social Status* variable.

Individuals who are not employed and are **not** high school or university students significantly more frequently suffered violence at the hands of perpetrators known to them, while individuals who are also not employed, but **are** high school or university students significantly more frequently suffered violence committed by perpetrators unknown to them.

2.4.5. The locations where violence took place

The number of respondents who suffered violence only in public places (i.e. an enclosed public space such as a place of work, school/university, coffee shop... or on the street, i.e. in open public spaces) and of those who suffered violence both in a public place (as above) and a private place (their own home or the homes of friends and acquaintances) is almost equal (at 30%), while the number of those who suffered violence only in private places is lower at 8.2%

A further data analysis shows the following:

There is no correlation between *The locations where violence took place* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity variables*.

2.4.6. Frequency and duration of violence

42.9% of respondents were victims of a sporadically repeated violence, 19.4% suffered violence only once, while 3% of respondents have been living permanently in a state of exposure to violence, on average for three years.

With respondents who were victims of a sporadically repeated violence and those who have been living permanently in a state of exposure to violence it happened that: the same form of violence was committed by various perpetrators in 19.4% of all the cases, various forms of violence were committed by various perpetrators in 16.5% of all the cases, the same form of violence was committed by the same perpetrator(s) in 7.6% of all the cases, and various forms of violence were committed by the same perpetrator(s) in 2.4% of all the cases.

60% of all respondents suffered violence (also) during the years 2004 and 2005.

A further data analysis shows the following:

There is no correlation between *Frequency and duration of violence* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity variables*

2.4.7. Behavior of respondents in a violent situation

The highest number of respondents (21.5%) tried to calm down the situation, 19.7% responded with a verbal attack, 8.8% ran away from the situation, 7.1% ignored that the violent situation was occurring, 5.3% responded with a physical attack, and the smallest number, just 3%, called the police.

2.4.8. The feelings of respondents during the violence they underwent

Since the respondents were offered a string of a minimum of 13 emotions, 25 different groups of emotions were made based on their responses (sic), and it is possible to differentiate the most frequent ones as: fear, rage, humiliation, revulsion, sadness, pain, frustration, powerlessness (8.2%); rage, sadness, pain, surprise, frustration (7.6%); fear, rage, sadness, pain, frustration, powerlessness, trepidation (5.9%); fear, shame, guilt, rage, humiliation, pain, powerlessness (4.1%)

The findings of this paragraph confirm that almost 90% of respondents do know of cases of violence due to a person's sexual orientation being different from the heterosexual one, and two thirds have been a victim of violence due to their own sexual orientation being different from the heterosexual one. The highest number of respondents – over 70% – does know of cases of violence due to a person's sexual orientation being different from the heterosexual one because they have been victims of violence due to their own sexual orientation being different from the heterosexual one.

All respondents who did suffer violence have suffered emotional violence. 32.5% of respondents suffered emotional violence as the sole form of violence, 24.1 suffered all forms of violence except sexual, with physical violence as the dominant form, while 8.8% of all respondents suffered all forms of violence with the sexual one as the dominant form.

It happened slightly more frequently (25.9%) that respondents suffered violence committed by perpetrators whom they had known, as compared to perpetrators whom they both had and had not known (20%), or only perpetrators unknown to victims (19.4%)

An almost equal number of respondents suffered violence in either only public spaces or both public and private spaces (30% each), while about 8.2% suffered violence only in private spaces.

The highest number (42.9%) suffered violence several times sporadically, while out of a total number of respondents who have been victims of violence the highest number (60%) suffered violence in 2004 and 2005.

During the occurrence(s) of violence, the highest number of respondents (21.5%) tried to calm down the situation, while just 3% called the police, and the emotions the respondents felt most were rage, pain, fear, frustration and powerlessness.

It is therefore evident that violence against LGBTTIQ individuals in Serbia is an omnipresent phenomenon, actively perpetrated by all structures of the majority heterosexual community, and aimed at a denial of the LGBTTIQ very existence. Mostly it is unrelated to the place of residence by regions, age, educational level, gender, sexual orientation, and the LGBTTIQ identity of the respondents, whereas a specific form of the social status, to wit a lack of employment, can make it even more probable.

2.5. Reactions of the immediate environment

After they suffered violence, respondents most frequently spoke about it with friends – in 51.8% of all the cases.

In 40.6% of all the cases, the response of friends was positive (mostly empathy), in 7.7% cases, it was negative (indifference, blaming the victim for the violence) and in just 3.5% cases, friends advised the victim to report violence to the police.

The other three groups to whom respondents most frequently told about the violence are: sibling(s) (18.8%), partner (18.2%) and one of the, or both, parents (17.1%). Of this, partner's reaction was positive most frequently (15.3%), and it was negative most frequently with one of more siblings (8.2%), and one or both parents (7.3%).

One or both parents advised the respondents to report violence to the police in 1.8% of all the cases, partner did so in 1.2% cases, while the siblings never suggested such a course of action.

A further data analysis shows the following:

There is no correlation between *Have you spoken with one, or both, of your parents about the violence you underwent* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity, Form of Violence, or Violence Perpetrator* variables.

There is no correlation between *Have you spoken with one, or more, of your siblings about the violence you underwent* and any of the *Place of residence by Regions, Age, Educational Level, Gender, Sexual Orientation*, and the *LGBTTIQ identity, Form of Violence, or Violence Perpetrator* variables.

There is a correlation between *Have you spoken with one, or more, of your siblings about the violence you underwent* and the *Social Status* variable.

Namely, individuals who are not employed, regardless if still at school (university), or having completed their education, significantly less frequently spoke to their siblings about the violence they have suffered.

There is no correlation between *Have you spoken with your friends about the violence you underwent* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity, Form of Violence, or Violence Perpetrator* variables.

There is no correlation between *Have you spoken with your partner about the violence you underwent* and any of the *Place of residence by Regions, Age, Educational Level, Gender, Sexual Orientation*, and the *LGBTTIQ identity, Form of Violence, or Violence Perpetrator* variables.

There is a correlation between *Have you spoken with your partner about the violence you underwent* and the *Social Status* variable.

Namely, individuals who are not employed, regardless if still at school (university), or having completed their education, significantly less frequently spoke to their partners about the violence they have suffered.

There is no correlation between *What were the reactions of one, or both, of your parents to the violence you underwent* and any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity, Form of Violence, or Violence Perpetrator* variables.

There is no correlation between *What were the reactions of one, or both, of your siblings to the violence you underwent* and any of the *Place of residence by Regions, Age, Educational Level, Gender, Sexual Orientation*, and the *LGBTTIQ identity, Form of Violence, or Violence Perpetrator* variables.

There is a correlation between *What were the reactions of one, or both, of your siblings to the violence you underwent* and the *Social Status* variable.

Namely, individuals who are not employed, regardless if still at school (university), or having completed their education, significantly less frequently received positive responses from their siblings, to wit it did not happen at all.

There is no correlation between *What were the reactions of your friends to the violence you underwent* and any of the *Place of residence by Regions, Age, Educational Level, Gender, Sexual Orientation*, and the *LGBTTIQ identity, Form of Violence, or Violence Perpetrator* variables.

There is a correlation between *What were the reactions of your friends to the violence you underwent* and the *Social Status* variable.

Individuals who are not employed, regardless if still at school (university), or having completed their education, significantly less frequently received positive responses from their friends. It is interesting, however, to note that it was they who were most often advised by their friends to report violence to the police.

There is no correlation between *What were the reactions of your partner to the violence you underwent* and any of the *Place of residence by Regions, Age, Educational Level, Gender, Sexual Orientation*, and the *LGBTTIQ identity, Form of Violence, or Violence Perpetrator* variables.

There is a correlation between *What were the reactions of your partner to the violence you underwent* and the *Social Status* variable.

Namely, individuals who are not employed, but, having completed their education, are no longer at school (university), significantly less frequently received positive responses from their partners. It is interesting, however, to note that it was only this group that was advised by their partners to report violence to the police.

After the incidents of violence occurred, respondents most frequently spoke to their friends, who for the most part responded positively, but the number of friends who advised victims to report the incident to the police is negligible.

In addition to their friends, respondents talked about the violence with their partners, siblings, and parents, and the reaction of partners was most often positive, while the reaction of siblings and parents was most often negative. Here too the number of those who advised the victims to report the incidents to the police is negligible.

The decision of respondents to discuss the violence they suffered with their friends was not influenced by their *Place of residence by Regions, Age, Educational Level, Social Status, Gender, Sexual Orientation*, and the *LGBTTIQ identity, Form of Violence They Suffered, or the Violence Perpetrator*.

The decision of respondents to discuss the violence they suffered with their siblings and partners was not influenced by any of the characteristics enumerated above, except for *Social Status*.

Namely, individuals who are not employed, but, having completed their education, are no longer at school (university), significantly less frequently talked about the experience with their siblings or partners.

There is no correlation between the reactions of one or both parents to the violence and any of the *Place of residence by Regions, Age, Educational Level, Gender, Sexual Orientation*, and the *LGBTTIQ identity, Form of Violence, or Violence Perpetrator* variables.

None of the same – except for the Social Status of the respondents – influenced the reactions of the siblings, friends and/or partners either.

Individuals who are not employed, but, having completed their education, are no longer at school (university), significantly less frequently received a positive response to the experience of violence from their siblings, friends, and/or partners.

2.6. Reporting the violence to the relevant institutions by the respondents

Respondents extremely rarely contacted the relevant institutions after undergoing violence.

The highest number of those who did (13.5%) chose to contact LGBT organisations, receiving a positive response (facilitation of a specific service) in 7.6% of all the cases, a negative response (either outright discrimination, or the LGBT organisation saying that the incident was not within their field of activities and they could not refer the victim to anyone else for further assistance) in 2.4% of all the cases. In 3.6% of all the cases, the victims of violence were advised by the LGBT organisations they contacted to press charges.

A slightly smaller number of respondents (11.8%) contacted psychologists or psychiatrists, receiving a positive response in 5.3% of all the cases, a negative response (either outright discrimination, or the psychologist/psychiatrist saying that the incident was not within their field of activities and they could not refer the victim to anyone else for further assistance) in 4.1% of all the cases. In 2.4% of all the cases, the victims of violence were advised by the psychologist/psychiatrist they contacted to press charges.

Yet a smaller number of respondents (7.6%) contacted an MD (57.6% did not after the violence, and 34.7% never suffered violence), receiving a positive response in 2.9% of all the cases, a negative response (either outright discrimination, or the doctor saying that the incident was not within their field of activities and they could not refer the victim to anyone else for further assistance) in 4.2% of all the cases. In 0.6% of all the cases, the victims of violence were advised by the medical doctor they contacted to press charges.

The smallest number (3.4%) contacted a social worker, receiving a positive response in 0.6% of all the cases, a negative response (either outright discrimination, or the social worker saying that the incident was not within their

field of activities and they could not refer the victim to anyone else for further assistance) in 1.8% of all the cases. In 1.2% of all the cases, the victims of violence were advised by the social worker they contacted to press charges.

The picture we have based on the responses to the poll is that after they suffered violence, LGBTTIQ individuals had no or almost no contact with state institutions, and in the lack of such a communication, the violence against LGBTTIQ individuals remained invisible.

Furthermore, as obvious from the reactions of these institutions (i.e. people employed by them), very few steps were taken to advise the victims of violence to press charges against perpetrators and to publicize the occurrences of violence against LGBTTIQ individuals.

2.7. Reporting violence

The respondents also extremely rarely reported the violence. Only 10% did report the incident to the police, and the police response to the cases of violence against people with a sexual orientation different from the heterosexual one was negative in 2.4% of all the cases.

A yet much smaller number (2.9%) reported the incidents of violence to a public prosecutor's office, where the response was negative in 0.6% of all the cases.

4.8% of all respondents are not even aware how the relevant institution qualified the incident, while they are aware that in three times 1.2% of all the cases each the violence was qualified as "disturbance of public order", "harassment", and "robbery"; in a further three cases of 0.6% of all the cases each, the violence was qualified as "a joke by the perpetrator", "threat", and "discrimination".

When it comes to the specific problems in the way the police or public prosecutor's office responded to the reports filed by the victims of violence, the victims specify they were most annoyed by a lack of an appropriate course of action and a lack of knowledge about LGBTTIQ issues.

The response to the question *If you have not reported the incident of violence to the relevant institutions – police and the public prosecutor's office – why didn't you do so?* offered a choice of eight responses with an option to select more than one. Thus, 14 groups of responses were formed, the most frequent of which being: I have no confidence in the relevant bodies (12.4%) and I have no confidence in the relevant bodies and am afraid to report the incident of violence (8.2%).

An even more obvious lack of confidence in the police by the LGBTTIQ individuals is depicted by the responses to the question Should you suffer violence, who would you contact? where a minimum of 10 responses was offered with an option to select more than one. Thus, 23 different responses were received, of which the most frequent are: an LGBT organisation (23.5%), the police (10%), and no one (9%).

Have the police and the public prosecutor's office done their work of investigating and prosecuting the perpetrators of violence against the LGBTTIQ individuals, and if they have, how did they do it?

Just 10% of all respondents did report the case of violence to the police or the public prosecutor's office and 55.3% did not.

Out of all those who did report it, almost one third was discriminated by the police and the public prosecutor's office, and the remaining two thirds of a relatively small number who reported the incident found out that the law provides no adequate protection in cases of violence against LGBTTIQ individuals. We remind you that the authorities qualified the cases of violence against LGBTTIQ individuals as disturbance of public order, harassment, robbery or even a joke.

To those respondents who did not report the cases of violence to the police or the public prosecutor's office the main reason for not doing so was the lack of confidence in those institutions.

3. Conclusion

3.1. Summary

A total of 170 respondents took part in the research, with the highest number of them (83.6%) coming from the four cities where there are LGBT organisations, namely, Belgrade, Novi Sad, Niš and Kragujevac. Over 90% of all respondents are aged 19 to 39. A third of all respondents are college and/or university graduates, and a quarter each of all respondents are on the one hand high school graduates who currently do not attend institutions of higher learning, and on the other students at high schools, colleges and universities. Almost an equal number of people not in salaried employment (52%) and those in salary employment are represented, while the number of men (55.8%) surpasses women (41.8%); there is also a small number of transgendered and transsexual individuals.

Almost three quarters of all respondents are those whose sexual orientation is towards people of the same sex as their own. When it comes to an LGBTTIQ

identity, the highest number of respondents is made by Gay Men (38.8%), Lesbians (29.4%), and Bisexuals (19.4%). Over 80% have no (or do have but only very little) difficulties with accepting their own sexual orientation, and those are most frequently same-sex oriented individuals. The differences with accepting one's own sexual orientation are related to: a failure to integrate into the LGBTTIQ community created by LGBT organisations through their hard work in the cities where they are located; the age over 30; employment; and the fluctuation in the development and acceptance of one's own sexual orientation, as a result of both one's own individual development of that part of the personality and the perception by the individual that same sex sexual orientation and LGBTTIQ identity are socially unacceptable.

The LGBTTIQ community and friends are the two groups in front of which most respondents (80%) openly express their sexual orientation and their LGBTTIQ identity. Generally speaking, the reactions of the LGBTTIQ community and of the friends to an open expression of the sexual orientation and identity are mostly positive. The further three categories to whom about a half of all respondents are out are siblings, parents, and acquaintances. It is characteristic that either the open expression of sexual orientation and identity before members of these groups is in no correlation with any of the *Place of residence by Regions, Age, Educational Level, Social Status, Gender*, and the *LGBTTIQ identity* variables, and that the respondents received a positive response most frequently from their siblings and least frequently from their parents.

Out to a broader family about their sexual orientation or identity is about 35% of all respondents, at work about a half of those who are employed and at schools/universities about a third of those who attend them. Significantly, a positive response from these groups comes in merely 5% of all cases.

Almost 90% of all respondents are aware of cases of violence due to a person's sexual orientation being different from the heterosexual one, and the greatest number of them – 70% – are aware about them as a result of themselves being victims of such cases of violence, just because their sexual orientation is different from the heterosexual one. Of those who did suffer violence, all suffered a form of emotional violence, and in 32.5% cases that was the only form of violence, while in 24.1% of all cases the respondent underwent all forms of violence except the sexual one, but with the physical violence as the dominant form thereof, and a further 8.8% suffered all forms of violence with the sexual one as the dominant form.

Most frequently, perpetrators were individuals known to the respondents (25.9%), and an almost equal number of respondents suffered violence in on the one hand public space and on the other hand both in public and private spaces (30% each).

The highest number of respondents 42.9 % were victims of violence repeatedly and sporadically. In the incidents of violence, the highest percentage of

respondents undergoing it (21.5%) tried to calm the situation down, and merely 3% of respondents called the police. The feelings that overwhelmed them were most often: rage, pain, fear, frustration and powerlessness. Therefore, violence against LGBTTIQ individuals in Serbia is an omnipresent phenomenon, aimed at a denial of the LGBTTIQ very existence, and mostly not related to the place of residence by regions, age, educational level, gender, sexual orientation, and the LGBTTIQ identity of the respondents, whereas a specific form of the social status, i.e. the lack of employment can make it even more probable.

After they had suffered the violence, respondents most frequently talked to friends, the reactions were for the most part positive (primarily compassion). Respondents talked to their siblings, partners, and/or one or both parents significantly less often. Of these three groups, partners significantly more often responded positively, and siblings and parents – negatively. The social status of the respondents influenced the decision to talk to their partners and siblings: those who are neither employed nor at school/university talked to these two categories significantly less frequently. The response of siblings, friends and partners to the victims talking to them about violence was also influenced by the social status of the respondents in those unemployed and not at school (mentioned above) significantly less often received a positive response. A negligible number of these three categories advised the victims to report the incident to the relevant institutions.

Of those who contacted any institutions after the incident, the highest number (13.5%) talked to LGBT organisations and had almost no contact with any state bodies. Until such a contact is established, violence against LGBTTIQ individuals remains invisible. In addition, as is obvious from the reactions of the institutions overall (i.e. those employed in them), few steps have been taken to instruct the victims of violence to bring charges against the perpetrator(s), or to publicize and sanction violence against LGBTTIQ individuals.

Only 10% of respondents who have suffered violence reported the incident to the police and/or the public prosecutor's office. Of those who did, almost a third further underwent discrimination by those two institutions and the remaining two thirds of this quite small percentage of all victims came to realize that the law does not provide adequate measures to stop violence against LGBTTIQ individuals. We point out once again that the relevant institutions qualified the cases of violence against LGBTTIQ individuals as disturbance of public order, harassment, robbery or even a joke, etc. Those respondents who have not reported violence to the police/public prosecutor's office did not do so because they do not have confidence in state bodies/institutions.

3.2. In Lieu of a Conclusion

To the question *Do you feel an urge to move from Serbia-Montenegro to another country because of your sexual orientation being different from the heterosexual one?* 18.8% of all respondents said No, 55.9% said Yes, 2.9% have already done so, and 22.4% responded *I am not sure*.

Expert comments on the research findings

Dušica Popadić

ALLIES IN ADVOCATING FOR SEXUAL ORIENTATION HUMAN RIGHTS AND LIFE WITHOUT VIOLENCE

Introduction

The research “Violence against LGBTTIQ population in Serbia” conducted by Labris – Lesbian human rights group from Belgrade in cooperation with affiliate organizations: NLO (Novi Sad lesbian organization) from Novi Sad and Lambda from Nis during 2005 represents an important pioneering effort in shedding light onto the social homophobia which in numerous instances results in emotional, physical and sexual violence against the individuals whose sexual orientation differs from that of the majority. The importance of the results obtained lies in providing the bulk of information about the psychological aspect of working on the sexual orientation human right as well as that on the life without violence. These indicate the needs and tasks related to the special target group necessary within the support system and combating for the equal rights of the sexual minorities. In concordance with the research facts, the needs and tasks given here are annotated as recommendations to the state institutions, LGBTTIQ organizations, LGBTTIQ individuals, family members of LGBTTIQ individuals and their friends.

The pioneering work is very important when assessing the difficulties encountered in “obtaining” the representative sample for research purposes by which the results become directly denoted, limited. Methodically, this research also represents the learning process. The utmost importance lies in naming the violence perpetrators categories, which is exactly one of the recommendations for the future.

Recommendations related to the state institutions

1. **Cease** treating the different sexualities (from heterosexual) as though these were illness, disorder and similar. LGBTTIQ existence is normal and it should be asserted thus through **publishing public «professional» notices by which responsibility is taken** also in educating general public.
2. **Speak openly and affirmatively** about different sexualities. The ignoring is one of the basic methods of putting pressure, exclusion, preserving “invisibility” – control and power demonstration.
3. Intensify the process of self-education and education about **the human rights concept**.
4. **Speak openly** about the differences, organize the learning process for the professional and general public on the dynamic of majority and marginalized

groups, social oppression and the vulnerability of the sexually different within the other marginalized groups corpus.

5. **Introduce** the topic of sexual diversities within the primary schools curriculum.
6. Continuously **affirm** positive role models relevant to the LGBTTIQ existence.
7. Stricken the legislation according to **the interests** of sexually different.
8. **Supply** all necessary assistance by the relevant institutions to LGBTTIQ individuals upon survived violence and discrimination.
9. **Sanction lack of support** by the state institutions employees towards LGBTTIQ individuals upon survived violence and discrimination.
10. **Sanction any form of torture, violence and discrimination by the state institutions employees** towards LGBTTIQ persons no matter what the basis.

Recommendations related to LGBTTIQ organizations

1. It is an activists' task to continuously explain the terms: **lesbian, gay man, bisexual, transgender, transsexual, intersexual and queer. Explain the terms related to sexual orientation and sexual identity.** These explanations must come from the sole organizations through different campaigns and educational programs, since the experience had shown the public is unacquainted with them. Often, also within the LGBTTIQ community there is a lack of information and understanding of these terms. Foreseeable effect of such clarifications is seen both in providing possibilities for individuals of diverse sexualities to identify and when reduction of stigma is concerned. Although the high degree of respect for the differences is expected among the marginalized communities this is not the case. As in the majority, heterosexual community, the patriarchal value system is carried over here and anyone "more different" is rejected at first. Taking over the responsibility to demystify some of these terms the LGBTTIQ activist name and describe their own existences in the manner they are lived which has a direct effect of self-empowerment (and does not allow stereotypes preservation which is forced upon by, e.g. old fashioned psychiatry interpretations, xenophobia which is especially present in Serbia from the 90's claiming that "all this came from the west", etc.).

2. It is necessary for **activists employed in LGBTTIQ organizations** to invest into a personal continuous working on the process of accepting themselves as sexually different towards the level of an open and public coming out with their own identities. The terms from the first point can "come from theory into practice" through this. Other sexually different can get the possibility to investigate the rooted, most often negative, attitudes through these role models. With respecting personal tempo for coming out in different life spheres, sexually different individuals outside LGBTTIQ organizations have their own expectations from the organizations' employees to "pave out the way" with a personal example (for what these are most often paid for). Taking over the role of an advocate demands the proper coordination of the personal and the political. The palsy and long term postponing of the coming out puts off the understanding of sexual diversity and disheartens individuals outside of the organizations ("If they can not

do it, how can I?”), and it affects the degree of trust towards the organizations that are supposed to provide safety by their progressiveness.

3. The previous two points directly touch upon **the phenomenon of internalized homophobia with the activists**. “Do I want everyone in this country to be clear about the word ‘queer’ (and by this I can be directly exposed to violence and discrimination)”. Although some of these questions within the test questionnaire touched upon this topic, the internalized homophobia is an issue for a separate research and the recommendation is for its implementation to be thoroughly organized.

4. The research sample here represents a task in the strategies’ development of **how to reach out the majority of LGBTTIQ population** that do not use the Internet and have no direct contact with such organizations. What are the ways, by including the majority, of getting the possible connection between the variables and sharp socio-demographic interviewees’ characteristics? Until some of the strategies be tested in this direction and become a contributor to the results, it is important to discourage the research data users from any generalization. Reaching out to the general LGBTTIQ population terminates the pseudo-elitist component of the LGBTTIQ movement (the supposition that is easily used as an argument by the opponents of this human right).

Recommendations related to LGBTTIQ individuals

1. **It is important to learn about forming the sexual identity** and to give yourself time to comprehend own identity.

2. **It is important to learn about the social pressure mechanisms, which** are used for all vulnerable social groups that are different from the majority. You will learn you are not alone and who with you can build alliance.

3. **It is important to learn what are violence and discrimination.** The learning about emotional, physical and sexual violence terminates isolation and you take into your own hands the comprehensions, which give (or return) the control over your own life. You reach to an understanding of the violence situational dynamics and this means power when you find yourself in one.

4. **Show personal courage** “in carrying” your sexual orientation. You have the right on your own sexual orientation. If somebody threatens you because of you LGBTTIQ orientation you have the right to report it to the relevant institutions and seek all legal protection and a respectful treatment. Show personal courage in seeking legal protection, there is no other way for violence to stop.

5. **You deserve equal amount** of love, care and protection as much as any other person in the world. Consult “the tasks” for the others in this line of recommendations.

Recommendation related to the LGBTTIQ family members

1. Do you ever think that your child is not heterosexual? Or has this never occurred to you? **Do you really give your child the right to govern his/hers life?** How many times have you, in the presence of you child, said “what would

you do should, heavens forbid, your child be...”? Do you believe in the open communication with your child? Do you think you are more emancipated than your own parents? You keep secrets from your spouse? In addition, he, learned to be the head of the family, threatens the daughter “to be out of the house if she once more mentions”? **Does your child know your love is unconditional** (“Whatever you do in our life... I will always love you”)? Unconditional love shown in words and practice?

I believe you do not wish to be one more parent in line who has thrown out the child out of the house in a rage fit when heard the child is gay. You have not “done anything wrong” so your child is gay, you will be wrong to throw her/him away. Your child is actually the center of your attention and seeks your care. “It is fine with me, but you, my son, will not have an easy life...” – it is important to remind him that the childhood rule still applies “should anyone mess with you, just call me” and to react to the every incident of violence against your child, together look for assistance with the relevant institutions. Being gay is not a shame; therefore tell your child that you are proud of him/her, it necessary to hear that coming from you.

2. You overwhelm your brother with talks about your girlfriends and make jokes he is not “that successful”? Or your sister has told she likes girls, and “you are not at ease” with your friends understanding that? Your sister/brother is the same person that annoyed you and who with you enjoy your special habits... **Nothing has changed**; she/he has just shown you an enormous trust to confide in you. Ask her/him what she needs and tell her/him you love her/him.

3. Do not keep this a secret from the extended family! By this, you send a message that it is a bad secret, that it is bad! Be you the person who would tell the others that your child is sexually different and that **you wish everybody to know that you consider it normal and that you stand 100% by your child**. This clear message is your responsibility. It will not be easy, be consistent!

4. Having an LGBTTIQ family member means that you maybe in the need of support for providing the best support for him/her. **Ask him/her whether there is a person he/she trusts** and who he/she believes to be good you have a talk and become stronger in combating social pressure, that is discrimination and violence.

Recommendations related to the LGBTTIQ friends

1. **Do you ever think** that your friend can be of different sexual orientation than your own? Or you assume that all people are heterosexual? Do not consider this to be someone’s private business, hurry to be outspoken about everybody’s right to choose and that it would be a great honor and shown trust should someone told you and that you would feel the friendship has strengthened, not endangered in any way. Show that the friendship you offer is a safe haven for the person you cherish and that you really care for her/him. Yes, it is very important this signal comes first from you.

2. Although your identity is not LGBTTIQ, **become involved in the everyday lives of your LGBTTIQ friends**. Yes, that is what friendships are for. It is very

easy from the comfortable heterosexual position “provide support from the distance”. In addition, since this is learned, it is much easier not to be supportive. “I have nothing to do with it... while they stay away from me, it’s ok...”. Are there other LGBTTIQ friends? What is the situation with the “straight friends”? You are prone to criticizing LGBTTIQ individuals about keeping their lives in the ghetto? There is a great amount of risk in leading parallel lives, with no contact points, fearing each others. Do not wait for your friend to call you, the responsibility is on both sides, this means – equally yours. How many house parties have you organized when your (heterosexual) friends socialized with your LGBTTIQ friend and her partner (and, the information about their love relationship came both from you and them)? **Ask your friend into your life** (it is up to her how much she will become involved). You already knew this – friendship is a two-way process.

3. **Are you aware of your LGBTTIQ friend’s needs?** Do you ever talk about it? Do not wait.

4. **Do you know the previous experiences** of your LGBTTIQ friends with coming-outs? How often do you talk about it? “What does she/he want, we talked about it once, and we do not need to talk about it all the time...” How does she/he cope with this, are you aware of any experiences with violence and/or discrimination? Do you ask them directly?

5. **Be clear and precise** what your LGBTTIQ friend can expect from you in future. If it is difficult “to manage” be honest and say so. Tell also that you need some time. Do not forget to tell how fond you are of your friend and how your relationship is important to you. You make sure in telling that every incident of violence and discrimination should be reported to you and that you will accompany your friend when reporting it to the relevant institutions.

Isidora Jarić
Philosophy and Social Theory Institute
Belgrade
jaric@instifdt.bg.ac.yu

HOMOPHOBIA – THE POLICY OF EXCLUSION

The research “Violence against LGBTTIQ population in Serbia” conducted by Labris – Lesbian human rights group from Belgrade and the Center for promotion and enhancement of LGBT human rights and queer culture – Lambda, in cooperation with Novi Sad Lesbian Organization, Queeria and Gayten-LGBT during the period September 15th through October 28th, 2005 was envisioned as the continuation of the test research of a similar but not completely the same topic.

The test research “Violence against the same-sex oriented individuals”, that was conducted during February 2005 made the upsetting social reality same-sex oriented individuals encounter visible when contacting the mainstream cultural matrix within the contemporary Serbian society. These research findings indicate the high agreement among the interviewees (even 90%) to the idea that the same-sex sexual orientation, which clashes with the dominant heterosexual matrix, provokes a violent response within the society majority upon encountering individuals who have chosen a life different from the dominant cultural model. Many interviewees give evidence of different forms of violence (emotional violence, beatings, existential threatening) that they have either personally or indirectly experienced by coming across the direct consequences of violent episodes their friends, acquaintances, close individuals survived. The especially concerning finding is that none of the interviewees reported the survived violence to the police since they do not believe in achieving any results by such an act. This fact causes concern about the lack of fundamental trust amongst the minority social groups (in this case the same-sex oriented individuals) towards the system institutions and their mechanisms which, at least in theory, provide possibilities for achieving certain particular rights (with the given case – the right not to suffer violence due to the same-sex sexual orientation) once more to support the finding that none of the individuals interviewees addressed regarding the violence they survived (friends, psychologists, psychiatrists) had suggested the interviewee/victim seek assistance with the police. It seems that the interviewees (same-sex oriented individuals) are not the only one disbelieving the society and its purpose made institutions either can or will protect, but the others (the research indicates them as good-willed) society members have similar thinking and in their personal contacts with the same-sex oriented individuals show empathy for the specific quality of this existence and all the problems encountered within the Serbian society.

After a decade of war conflicts, political exclusion and intolerance of all sorts which have marked the lives of ex-Yugoslav citizens in the end of the 20th century, almost symbolically the beginning of a new millennium had overlapped with the until then uncompromising political course. The nationalistic rhetoric on

the constructed nation, national interest, optimal geographical borders and defending from the Other/Different/Different from Us, has, it seems, over night been replaced by a phantasm on the integration processes and wishes of the each newly founded states/or even one of its parts to integrate with the European Union. The civil consensus seems, as a decade before the national one, to be easily achieved. The regional researches indicate that the majority of citizens agree with the idea of their countries joining the European integration. In addition, the entire story may sound almost idyllic should the central issue, that we all need to think about, be whether we are truly ready to begin such an important social process? Have the all of us that did with such ease pass over in silence to this political consensus really understand what it means? In addition, what we as citizens must change within the reality of our everyday lives so its political realization can become possible?

The exclusion politics dominant in the public discourse within our society during 1990s had systematically tried to dehumanize “the others”/political opposition/those that were left on the other side of the real or imaginary border/those that are opposed to anything or are just different... up to the point that we become distant with their needs, thinking, ways of surviving, what they revere as painful or that causing them fear becomes unknown, irrelevant. It is not surprising that the results of “Violence against LGBTTIQ population in Serbia” sound upsetting, warning us to what direction, in spite of the declarative desires, we as the society are moving. The relation towards minority groups members that are within the public discourse and hegemonic culture as a rule recognized as the Others, and also with the individuals defining themselves as members of LGBTTIQ population, is one of the most reliable indicators in a society readiness and all its members to open and integrate with the imaginary Other(s). Judging by the obtained results of the presented research we as the society are far from it. Many incidents that we often read about in the press or listen on the news and that are happening in our or close to our society, support this premonition. They are a testimony and warning about the emotional damage we as individuals and society had suffered – we have, for a long time to come, to face and live with.

Until we are able to regain the power of understanding the Others and respond to their needs as individuals, members of a certain social group or society, neither We, social or interest group we belong to, our society, as well as the integration processes phantasm fulfillment would have much hope, since the only way to ourselves leads only through the knowing and feeling compassion with the Others.

Zorica Mršević, PhD
Expert Counselor
Social Sciences Institute
Belgrade

LEGAL AND INSTITUTIONAL FRAMES OF VIOLENCE AGAINST SAME-SEX ORIENTED INDIVIDUALS²

All that violates or endangers my dignity
as a human being is violence³

1. Legal sanction of discrimination

Charter On Human and Minority Rights and Civil Freedoms provides, with the widest frame, an anti-discriminatory policy of a country but it does not provides with the explicit protection from violence based on sexual orientation. For example Article 1 states that the human dignity is sacrosanct and that everyone is entitled to unhampered development of his/her personality. Article 3 prohibits discrimination stating that everyone is equal before the law and that Everyone is entitled to equal legal protection, without being discriminated.

Any direct or indirect discrimination based on whatever grounds is forbidden, even according to a list of grounds among which the ground of sexual orientation has not been stated. Commentaries on the terminology of “any discrimination on whatever grounds” can stretch onto the sexual orientation but the practice of other countries indicates that the foremost protection is ensured through explicitness.

It is interesting that the year 2005 can be marked as a turning point in legislation since during this period of time as many as four legislations have been passed into force – all of which explicitly contain discrimination prohibition on the ground of sexual orientation. These are: The Law on Higher Education⁴, The Law on Public Information⁵, The Law on Employment⁶ and The Law on Broadcasting⁷.

² The research entitled “Violence against LGBTTIQ population was conducted by Labris – Lesbian human rights organization from Belgrade and Center for LGBT human rights promotion and queer culture, Lambda with support of Novi Sad Lesbian Organization, Queeria and Gayen-LGBT during the period September 15th – October 28th, 2005.

³ A Native American woman activist in a women human rights organization, quoted in *Breaking the Earthenware Jars*, 2000.

⁴ " The Official Gazette of the Republic of Serbia ", nos. 76/2005

⁵ " The Official Gazette of the Republic of Serbia ", nos. 43/2003, 61/2005

⁶ "The Official Gazette of the Republic of Serbia ", nos. 24/2005, 61/2005

⁷ " The Official Gazette of the Republic of Serbia ", nos. 42/2002, 97/2004, 76/2005, 79/2005

The Law on Higher Education predicts “the right to high education” in its Article 8 which entails that the right to high education all individuals with prior high-school education, regardless of their sexual orientation.

The principles of high education (Article 4) quote the high education activities are based, among others, on the principles of: respecting the human rights and civil liberties, including a ban on all forms of discrimination; the acknowledgment of the European and national tradition in humanistic and democratic values; academic liberties; and openness to the public and citizens.

A student, according to Article 86, is entitled to the following: diversity and protection from discrimination, equal conditions for studying for all students and self – organization and expression of his/her own opinion.

The Law on Employment also prohibits any direct or indirect form of discrimination in Article 18 of the individuals seeking employment, as well as of those already employed on the basis of their sexual orientation. Article 19 explains that the direct discrimination includes any action prompted by some elements of Article 18 hereof, by which a person seeking employment, as well as an employed person, is placed in a more disadvantageous position in relation to the other persons in the same or similar situation.

The very same Article indicates indirect discrimination when a specific provision, criterion or practice, which seems neutral, puts or could put a person seeking employment, as well as an employed person, into a more disadvantageous position than other persons because of his/her specific characteristic, including sexual orientation.

Discrimination based on the sexual orientation is prohibited when criteria for employment and candidate selection for a particular work, work conditions and all work rights, education, trainings and specializations, promotions, termination of the work contract are concerned.

The regulations possibly found within a work contract where discrimination based on sexual orientation is stated are invalid and null.

The Law on Public Information prohibits hate speech under Article 38 which states that is unlawful to publish ideas, information or opinions by which discrimination, hatred or violence against people or a group of people is encouraged only because of their sexual orientation regardless of the fact whether a criminal act was committed by such publishing.

A legal motion can be put into force because of the violation of hate speech prohibition according to Article 39. The law suit is submitted by an individual who is a member of the group and is personally affected by information from Article 38. Such an individual can file a complaint against the information author and the editor-in-chief of the public media publishing the information by which prohibition of re-emitting can be demanded with the accused bearing of trial expenses. Any registered organization and group that aims to protect the freedom and human rights and liberties can file a complaint against the author or the editor-in-chief, as well as an organization that aims to protect the interests of groups from Article 38. Should information from Article 38 personally relate to a

particular individual, an organization for the protection of the certain groups can file a complaint only with a prior consent of the individual such information relates to. Lawsuits will use the regulations from the Act that defines the lawsuit process.

Problem can only occur if introducing into the nature of a punishable act the obligatory element of doer's intention to support discrimination, hatred or violence against an individual or a group of individuals on the basis of their sexual orientation. When there is no such intention acquittal is obligatory according to Article 40 which states that there is no violation of hate speech should the information from Article 38 be a comprising part of a scientific or journalist text, and is published without the intention from Article 38 of this Act. This is especially the case if such information is part of an objective journalist report, as well as there is intention for critical display of discrimination, hatred or violence against an individuals or group of individuals on the grounds of their sexual orientation or the occurrences that represent or can represent support of such a behavior.

In what way and by which criteria the judging of existing or lacking this intention is a matter for judicial practice but it is certain that the entire idea of sanctioning hate speech has rather lost its efficiency should the prosecutor has to prove the existence of such an intention too with the doer who, however, always has the right to defend him/herself using the argument of an objective journalist report.

The Law on Broadcasting in its basic regulations contains Article 21 which regulates suppression of hate speech. Namely, the Republic Radio-broadcasting Agency makes an effort in keeping the broadcaster programs without information that support discrimination, hatred or violence against individuals or groups on the basis of their sexual orientation.

General program standards described in Article 68 hold all broadcasters in the areas of their programs responsible for keeping the international and national standards when the program content is concerned, to provide quality program production and broadcasting both technically and content wise; they do not broadcast programs which contents emphasize and support violence, or other aspects of criminal behavior.

Special liabilities when producing and broadcasting news programs are contained under Article 79 that holds public radio broadcasting services responsible in preventing any form of hostility or hatred regarding sexual orientation when producing and broadcasting of news programs.

2. Criminal-justice regulations

The Council of Europe's Parliamentary Assembly, whose member as of 2003 is Serbia and Montenegro, passed a decision in 2000 that calls upon European governments to include sexual orientation among the sanctioned grounds for discrimination, to terminate punishments for a voluntary sexual act between two adult homosexual individuals, to apply the same age of consent for homosexual and heterosexual relationships, to take measures against homophobia, allow registered partnership and accept persecution on the grounds

of sexual orientation as basis for granting asylum. Through accepting the new Penal Code, which came into force on January 1st 2006, Serbia fulfilled the condition regarding the same age of consent for all sexual relationships and complete decriminalization of a voluntary homosexual relationship.

But the Penal Code represents the legal instrument that enables much more: literally, about fifty offences within the current Serbian Penal Code can immediately, without any legal changes or campaigns for their introduction, be applied to most of the situations concerning violence specific for LGBTTIQ individuals⁸.

However, some forms of emotional and social violence still do not have the full legal regulation and are not sanctioned (avoidance, ridiculing, stereotyping, judging, provoking, rejecting, degrading, ignoring, negation of sexual orientation different from heterosexual, daily saturating with negative stereotypes of homosexuality by the media, friends, religion, family) which does not represent violent manifestations of homophobia or social and psychological violence *per se*.

Some other forms certainly contain all elements of the nature of some existing offences and are as such punishable, e.g. threats, intimidation, blackmail.

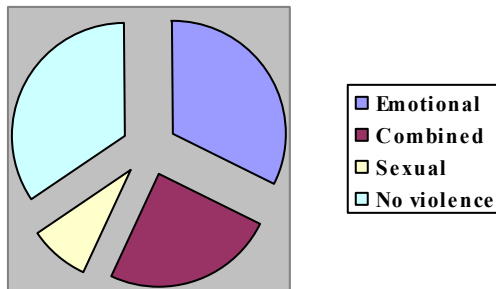
Non-application of the Penal Code regulations must be attributed, before all, to the patriarchal structures within the responsible institutions of law that do not have an adequate institutional response to the violence in question. Here, it should be added, originates the distrust in the institutions by the individuals that have survived violence of that sort as well as the general discriminatory and homophobic legal and institutional social discourse.

⁸ Consult the table at the end of this text which contains over fifty criminal offences from over ten chapters from the Penal Code.

3. Types of violence and combination of several types of violence

Violence is alarming even when it is comprised of one event that occurred once and never again. When it repeats itself it becomes paradigmatically alarming and when it occurs as a combination of different forms of violence then it represents a situation that demands the highest degree of social attention and mobilization with the urgent and adequate institutional intervention.

All of the interviewees that have experienced violence, experienced different forms and combinations of the emotional and social violence.



The social status has part in the fact of who are the perpetrators: the unemployed are being bullied by strangers which is considerably rarer case among the pupils and students of both sexes.

The perpetrators in no way represent an important characteristic with this form of violence. Also, their characteristics are not crucial for the existence of specific lack of penalty they have committed.

There are no safe harbors when violence against same-sex oriented individuals is concerned. Such violence is not connected to the physical characteristics of the crime scene since they occur everywhere the attacked have been.

4. The distrust of institutions

It can be stated, according to the research findings, that LGBTTIQ individuals after experienced violence, have almost never had contacts with the state institutions. Until this contact is made, the violence against LGBTTIQ individuals often remains invisible.

Judging by the institutional reactions, i.e. their employees, little has been done to instruct the interviewees to file complaints against the perpetrator/s – that is towards making public and sanctioning of the violence against LGBTTIQ individuals.

What most lacked to the interviewees who experienced and reported violence to the police or the prosecution authorities, beside the support of the authorities, was an adequate action and more knowledge on LGBTTIQ issues. It

can at this time be an indicator for future possible interventions when providing education to the authorities about the basic facts on LGBTTIQ existence.

5. Advice: To address an institution or not?

The silence only increases the problem of violence. The perpetrators are particularly violent when they are in a situation which is marked by invisibility and anonymity. The researches indicate that, not only when violent individuals are concerned but with ordinary persons in everyday situations, there is much less chance of aggression or violence against others in situation when there is visibility or not being protected by anonymity.

When violence is left unreported to the institutions that have legal obligations to react there is an especially dangerous type of silence. This is a result of a deep distrust towards the legal and political system of a country of residence but also a factor very suitable for spreading and frequenting violence and victimizing the larger number of individuals.

6. The power of negation and negation of power

The traditional institutional power to negate, ignore and overlook violence against women, homosexuals, family violence and alike, is defined by Elisabeth Schneider in the power of negation. By this institutional power of negating gender based and inspired forms of violence is assumed; the lack of reaction is usually justified by non-existence of need to react, problem and even negating the sole existence of violence.

Relying on their own structure, hierarchy and legalities of institutional functioning, institutions preserve the inner power of not reacting to the above mentioned occurrences and to justify the lack of reaction through negating the problem and by that the need for any institutional reaction.

Negation of power is added to the power of negation: no, it is not the institutional power that has only wiped away the sole existence of some violence from the institutional activities' program, but simply, no problem exists here. Through this the power of the institutional negation becomes complete, long term and functional.

There are three levels of negation power (that contain within the negation of power existence) spanning from the utter negation of problem existence, through seeing/allowing that problem might exist but it cannot be helped, to negation of personal jurisdiction i.e. responsibility.

The first level of negation: There is no problem.

Based on the human reaction of disbelief and negating that something terrible has been happening.

Possible responses:

- Anything can be proved through the statistics and playing with the numbers.
- I have never noticed or experienced that problem.

- Life is not fair in general, there maybe some infrequent and scattered cases but it is not something that can be understood as “an occurrence” or social problem.

Second level of negation: There is a problem but of not such importance that there is a need for an institutional reaction. There is a problem but it is not significant and certainly does not demand prioritizing.

Based on the acceptance of the obvious, when the obvious becomes so visible it cannot be negated. Therefore, there is accepting of the problem but at the same time it is being negated or diminished in importance.

Possible responses:

- Some people really exaggerate.
- Well, what really happened: you can see for yourself nothing has happened.
- Well, they were only joking.
- He did not really mean to hurt anybody.

The third level of negation: There is a problem, but it cannot really be solved.

Based on the institutional self-defense. An institution justifies itself by giving typical institutional response that there is no real solution, or that it should be dealt with by some other social actors.

Possible responses:

- Ok, there might be solutions but these are not within my authorities.
- There is nothing that I (the institution I work for) could do.
- Why are you approaching me? Why me? There are others with more authorities than me (the institution I work for).

7. Patriarchal social structures as causes for violence

When the European Parliament adopted the resolution against homophobia on January 18th, negative reactions came from the Vatican, which was of course expected. What is homophobia, according to Vatican, if not “a natural” human reaction to “an unnatural” behavior?

Homophobia is a form of discrimination, a prejudice formed on the personal conviction that lesbians, homosexuals and bisexuals are sinful, immoral, sick, and inferior compared with the heterosexuals. Homophobia is manifested through feelings of fear, uneasiness, disliking, hatred or repulsion towards the same-sex sexuality. Anybody, regardless of their sexual orientation can be homophobic.

To what extent our society is homophobic shows the Belgrade Human Rights Centre report from 2004 which recorded a high degree of homophobia in Serbia and Montenegro. It is interesting that even 53% of the general population shows there is discrimination and boycott of homosexuals. This is not something to be reacted to with tolerance. Namely, 48% of the interviewees stated it would bother them to have homosexuals as neighbors. 64% do not want to be friends

with homosexuals, while 75% would dislike the fact of having homosexuals working as teachers to their children.

Again, many questions have been reopened, what is natural and what is normal, who has the right to define and then promote their definition globally, who suffers and who is the one gaining, what are the criteria and who defines criteria, what has the Academy to say about it and what are the society's comments.

The term "natural" draws a conclusion that what is considered natural has not been created by conscious human activities but has been somehow given, found, discovered. The conclusion resulting from this is that we have nothing further to explore and it is only a waste of time and energy on something which is so clear and obviously created by nature, god, destiny, has existed forever, etc.

Tradition or referring to it, serves to the same mode of energy preserving: if something has been accepted as traditional, then it should be protected from the upsetting questioning. A very close cousin of tradition is contained within a phrase "forever"⁹.

There are too many structures of power within the family, institutions, society, international relations that are left unexamined due to the lack of curiosity. "It is natural", "our tradition prescribes", "it has been like that forever", all these phrases serve as cultural poles that lift up and preserve family, commune, national, international structures of power giving them legitimacy with the assistance of being unbounded by time, question and inevitability.

Any power structure envisioned to be legitimate is inevitably very firmly fortified by arguments of "naturalness", "normalness" and "long term existence". This is the first place we need to pause and before all question our lack of curiosity.

Only then and if we begin to believe and consider none of the social relations existent "forever" as "natural" and "normal", we become capable to with sheer criticism and analytically peer into the obvious and hidden political activities around structuring of femininity and masculinity.

The absence of curiosity is a fog. Whenever we miss a question and to be curious, we actually lose the sight of patriarchy. We miss and neglect it in all situations when it functions as the main power structure and without it we construct explanations that then become unreliable.

Patriarchy is the machinery structuring and restoring the privilege of masculinity. Families, parliaments, city halls and councils, armies, banks, the police are all among those places of ordinary life that are especially notorious by their inclinations towards patriarchal values, structures and practices. But they are not the only ones: hospitals, schools, factories, legislation bodies, political parties, museums, the press, theaters, TV networks, religious organizations, corporations, courts, no matter how modernized, developed in their views and behavior towards their own members and clients as well as towards the outer world in a way that springs from the supposition that anything male deserves

⁹ Enloe, Cynthia; The Curious Feminist, University of California Press, Berkley, Los Angeles, London, 2004.

rewards, promotions, worship, imitation, prioritizing, and of course, funds from the state budget.

The patriarchal system is notorious as the main social structure of neglect, degradation and marginalizing of anything feminine. Every society or group which is patriarchal infantilize with comfort and unquestioningly, ignore, trivialize, ridicule or despise everything feminine and/or pertaining to women. Not only institutions and their structures but also informal, private relations and conversations, commonly accepted jokes and rituals, all those that assist such relations' preservation.

The patriarchal perception of male superiority directly results in violence. It becomes embodied in crimes in the name of defending family honor, violence towards homosexuals and women.

None of the patriarchal structures have been made by the heterosexual men nor are they based solely on masculinity. Far from it. The patriarchal system is so long lasting, so adaptive that it started to seem convincing as being "natural" even to its own victims. Exactly because of this many women and same-sex oriented men overlook their own marginal positions and instead of identifying them they feel secure, protected, serving a purpose. Patriarchies in all of the states and international institutions can put privileges on the masculinity, just because in the drawing up of that masculinity as its opposite they need non-masculinity or femininity as the negation of masculinity, as all of that the masculinity is not. They need enough women and same-sex oriented men to accept this dualism and valuing hierarchy, as well as a sufficient number of women and non heterosexual men ready to cooperate.

Every individual that has been made or lured into playing a female role to the way designed by men attributes in identifying individuals that are characterized by that masculinity as the wisest, most intellectual, most rational, with the firmest spirit and most capable of leadership. Feminists see the patriarchy where others may see capitalism, militarism, racism or imperialism – inefficient or red-taped institutions while feminist analysis gives answers even to the most difficult questions such as, e.g. the causes for violence against women and same-sex oriented people.

Structures and beliefs putting privileges on masculinity are being modernized in continuity.

We will never discover anything without questioning, without serious investigating and without daring to give, on the basis of obvious research results, proper answers to questions how and why masculinity is a privilege and in what way this depends on putting on control by violence against women and same-sex oriented men and their coercing into cooperation.

8. Recommendations related to the institutions

- The jurisdiction of institutions and their authorities include the protection of basic human rights and liberties of all citizens in accordance with domestic laws and international regulations, and especially those groups that are discriminated against and exposed to violence in particular.

- It is necessary, within the local police (and with the Ministry in question), to nominate a person in charge with discrimination who would deal with the cases of the police lack to react, promotion of an adequate police reaction, spreading of anti-discrimination culture with all discriminated groups etc.
- The institutions in charge should undergo elementary trainings and other types of instruction regarding legal, social and psychological elements tied with LGBTTIQ population existence compared to the models and practices of analogous institutions in democratic countries.
- Not only is the Anti-discriminatory Act needed, but also an explicit mentioning of sexual orientation under the grounds of prohibited discrimination within other Act, e.g. The Gender Equality Act.

TABULAR PRESENTATION OF OFFENCES APPLIED TO CRIME SITUATIONS AND TO DISCRIMINATION AGAINST PERSONS ORIENTED TOWARDS THE SAME SEX

PENAL CODE

“The Official Gazette of the Republic of Serbia”, Nos.85/2005 and 88/2005

CHAPTERS AND OFFENCES				
AGAINST LIFE AND LIMB	AGAINST LIBERTIES AND RIGHTS OF MAN AND CITIZENS	AGAINST MARRIAGE AND FAMILY	AGAINST HONOR AND REPUTATION	AGAINST SEXUAL FREEDOM
Murder, Article 113	Violation of equality, Article 128	Family violence, Article 194	Insult, Article 170	Rape, Article 178
Aggravated murder, Article 114	Unlawful deprivation of freedom, Article 132	Extortion, Article 214	Defamation and libel, Article 171	Sexual intercourse with a frail person
Manslaughter, Article 115	Violation of freedom of movement and settling, Article 133	Blackmail, Article 215	Talking about personal and family matters, Article 172	Sexual intercourse with a child, Article 180
Involuntary manslaughter, Article 118	Abduction, Article 134			Sexual intercourse through abuse of position, Article 181
Leading one to	Coercion,			Illicit sexual

and assisting one with suicide, Article 119	Article 135			activities, Article 182
Major bodily injury, Article 121	Abuse and torture, Article 137			Pimping and enabling a sexual intercourse, Article 183
Minor bodily injury, Article 122	Endangering of security, Article 138			Mediation in prostitution, Article 184
Participation in fighting, Article 123	Breach of inviolability of residence, Article 139			Showing of pornographic material and use of children for pornography, Article 185
Endangering of other person's safety by dangerous implements in a fight or quarrel, Article 124	Unlawful searching, Article 140			
Exposure to danger, Article 125	Unauthorized wiretapping, Article 143			
Failure to provide assistance, Article 127	Unauthorized taking of photos, Article 144			
	Unauthorized publishing and showing of other person's documents, portraits and photos, Article 145			
	Violation of freedom of speech and public			

	declarations, Article 148			
	Prevention of public assemblies, Article 151			
	Prevention of political, trade union and other forms of organizations and activities, Article 152			
AGAINST EMPLOYMENT – RELATED RIGHTS	AGAINST PEOPLE'S HEALTH	AGAINST PUBLIC PEACE AND ORDER	AGAINST HUMANITY AND OTHER VALUES PROTECTED BY INTERNATIONAL LAW	AGAINST SaM ARMY
Violation of rights when getting employed and during unemployment, Article 164	Passing on of infection by HIV virus, Article 250	Violent behavior, Article 344	Racial and other forms of discrimination, Article 387	Abuse of a younger and subordinate person, Article 406
		Participation in a group that commits an offence, Article 349	Trafficking in human beings, Article 388	

Translated by: Miodrag Kojadinović
Ana Zorbić

