



# SERBIA

## ACCESS TO GOODS AND SERVICES

On 13 April, the Novi Pazar High Court determined that a restaurant in Pazarisht discriminated against a group of women who had participated in the Impuls festival and carried rainbow flags, when it denied them entry. In 2020, the Commissioner for Protection of Equality had already issued a similar opinion and requested the restaurant to issue a public apology, which has not happened to date.

## BIAS-MOTIVATED SPEECH

Trans exclusionary radical feminists participated in the Belgrade Pride march, with anti-trans banners.

## BIAS-MOTIVATED VIOLENCE

In its annual hate crime report, NGO Da se zna! documented 52 cases of anti-LGBT hate crimes, hate speech, and discrimination in 2020, marking a decrease compared to 2019 (63). Civil society believes this could be due to the COVID-19 pandemic and restrictions in place.

On 17 September, Belgrade Pride's location was vandalised by a far-right group. The police detained the suspects.

On 23 December, the Pride Info Centre was vandalised with graffiti and pictures of Ratko Mladić. Inscriptions read "Ratko Mladić Serbian Hero" and the Belgrade Pride - EuroPride 2022 logos were crossed out. This is the 11th time the Pride Info Centre has been vandalised, and so far there have been no prosecutions, despite being located in an area with heavy security due to proximity to government buildings. Despite camera footage, there have been no arrests thus far.

## DATA COLLECTION

In January, NGO Da se zna! published "The right to leave you alone: A Guide to the Protection of the Personal Data of the Queer Community".

Despite numerous recommendations from the European Commission against Racism and Intolerance (ECRI), the Council of Europe, and the EU, Serbia still does not gather data on anti-LGBTI hate crimes.

## EQUALITY AND NON-DISCRIMINATION

In May, the parliament amended the Law on Prohibition of Discrimination and added 'sex characteristics' as a protected ground. The process started back in 2019, so civil society welcomed the step.

The parliament also adopted the Law on Gender Equality

in the same month, prohibiting discrimination on grounds of sex, gender, and sex characteristics and lists among vulnerable groups those who "find themselves in an unequal position" due to their sexual orientation or gender identity.

There is still no new Anti-discrimination strategy in place, since the previous one expired in 2018. On 10 December however, Minister of Human and Minority Rights and Social Dialogue Gordana Čomić announced the government would adopt a Human Rights Strategy.

## FAMILY

The Working Group, set up by the Ministry of Human and Minority Rights and Social Dialogue in February, presented a draft Law on Same-Sex Unions in the spring. The Working Group conducted brief public consultation and only met six times. Civil society raised a number of concerns about the draft law and reiterated its recommendations several times. Labris for instance, presented a Model Law on Civil Unions in 2020.

The 2021 draft law establishes different standards for same-sex couples entirely. First, registered partnership could only be dissolved through a public notary, rather than a state registrar, which means same-sex couples would have to pay for this service. Second, same-sex partners would not have the right to maintain personal relations with the child of their former partner. Third, non-registered unions would be regulated differently. An unmarried (heterosexual) couple is considered after one year to have the same rights as married (heterosexual) couples if their relationship is deemed more "permanent", for example if they want to have a child or buy an apartment together. For same-sex couples this made possible under the draft law, but with a longer waiting period of 3 years.

In May, the Council of Europe published a legal opinion on the law, upon the request of the Serbian government, and reiterated these concerns - among others.

In May, the Serbian President stated that if the same-sex partnership law were to pass in Parliament he would veto it.

In November, Minister Čomić said that the draft law, which includes all comments from the Council of Europe, is ready for adoption by the government. Civil society is concerned however that the draft has not been made public or shared with the Working Group.

In December, Labris held a meeting with Prime Minister



Brnabić, who said the law should be adopted in May 2022, after the elections.

## FOREIGN POLICY

In May, Serbia's Ambassador to Poland, Nikola Zurovac was fired after expressing support for the Polish LGBTI community.

## FREEDOM OF ASSEMBLY

June's Pride month was held both in-person and on Zoom and featured a great variety of events and topics, such as intersex people's rights, safer sex, LGBT+ history in Serbia, and others.

Belgrade Pride week was held between 13-19 September. The Pride march on 18 September took place without incidents. There was heavy police presence at the march, which drew criticism from civil society. Pride events were attended by government representatives, MEPs, international institutions, and civil society.

Civil society fears that the new Law on Environmental Noise Protection, adopted on October 7, may be an obstacle to obtaining approval to hold public gatherings.

## FREEDOM OF ASSOCIATION

Collective Wave TIGV (Kolektiv Talas TIRV), run exclusively by trans, intersex and gender variant people, was formally registered as an NGO in July.

Trans-led L-Communio, founded in 2020 and catering to LBT women, non-binary, genderfluid and intersex people, was formally registered in December.

## HEALTH

Labris published "A handbook on protection measures during the COVID-19 crisis for LGBTI people", covering healthcare, free legal aid, housing, unemployment, and vaccine access, among other key topics.

The COVID-19 pandemic continued to have a serious impact on the trans community. Similar to other countries in the region, Serbia continued to struggle with a shortage of hormones. Due to their socio-economic marginalisation, trans women in particular have reported being unable to access and afford hormones. Civil society reports that medical appointments continued to be difficult to schedule and surgical procedures were postponed.

## HUMAN RIGHTS DEFENDERS

The report "Community (self)organizing of transgender movement in Western Balkans region" was published in March and features a chapter on the state of the trans movement in Serbia.

CSOs continued experiencing funding problems due to the COVID-19 pandemic as many funders withdrew or put their funds on hold. CSOs had to continue with new ways of functioning, adjusting activities to online spaces, finding new channels of communication with communities, creating new forms of activities and support.

Labris held the 'LGBTI Activism in Serbia, Today' conference between 19-21 November, focusing on same-sex partnership legislation, the security of LGBTI people, trans rights issues, LGBTI youth, and others.

## LEGAL GENDER RECOGNITION

Civil society continued calling for a legal gender recognition law that provides for a model based on self-determination.

## PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

The 13th Merlinka Queer Film Festival was held in December, in both Belgrade and Novi Sad, showing over 80 films.

## PUBLIC OPINION

A 2021 report of the UCLA Williams Institute (based on 2017 data) found that despite only 0.01% of Serbians knowing they have a trans friend or family member, 60% thought that trans people should be protected from discrimination and 64% thought that trans people should have access to gender-affirming surgeries.

## SEXUAL AND REPRODUCTIVE RIGHTS

The Ministry of Health amended the Rulebook on criteria and conditions for donating gametes or embryos, which now allows for LGBTI people to be donors.



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