

ILGA-Europe's submission to the European Commission's 2012 Progress Report on Serbia

Brussels, May 11, 2012

Political criteria

Human rights and the protection of minorities	
Freedom of assembly and association	<p>At the end 2011, the Constitutional Court decided that the 2009 police decision to reroute the Pride Parade away from Belgrade centre had violated the organisers' right to assemble and they had also been denied the right to a legal remedy.</p> <p>In October 2011- for the second time- Belgrade Pride Parade was banned. During the period leading to the Pride an atmosphere of intimidation and threat of violence at Pride was created through media, political and clerical rhetoric. In discussions with the Ministry of Interior, the organisers were told that parallel gatherings to Pride were being prepared but that they would not interfere with the Pride, the Ministry stated that all possible measures would be taken to protect the Pride participants and told the organisers to ignore media reports. A day after that assurance, the Council for National Security banned the Pride Parade on the grounds that it might "obstruct public transport, endanger the health, public morale or security of people and property." A complaint against the ban was lodged with the Constitutional Court of Serbia and the European Court of Human Rights.</p> <p>MEPs of the European Parliament condemned the ban and encouraged Serbian authorities to ensure the constitutional rights of LGBTI people to freedom of assembly in Serbia¹</p> <p>The Parliamentary Assembly of the Council of Europe issued a written declaration stating that the ban was 'a grave setback for the cause of democracy, human rights and the rule of law in Serbia' and encouraging Serbian authorities 'to take all necessary measures to ensure that the right of lesbian, gay, bisexual and transgender persons to freedom of assembly and expression</p>

¹ <http://www.lgbt-ep.eu/press-releases/belgrade-pride-banned-meps-express-deep-regret/>

	<p>is safeguarded in future; and to ensure that it is those who threaten or practice violence that are penalised, rather than those seeking to exercise their legitimate rights².</p> <p>There is no restriction to freedom of association of LGBTI people in Serbia. There are 10 LGBT organisations and groups operating in different parts of Serbia.</p>
<p>Hate crime</p>	<p>The Criminal Code of Serbia does not include provisions on bias motivated crime. There are no official statistics on the crimes based on real or perceived sexual orientation of the victim.</p> <p>However, LGBT organisations in Serbia have reported a number of such crimes during the reporting period.</p> <p>On 15 October 2011, a woman wearing a t-shirt with LGBT symbols was attacked in Belgrade city centre, beaten up and stabbed. As a result, she suffered cut ligaments to her fingers, concussion, scratches and bruising. During the attack she was screamed at and constantly asked if she was a lesbian. One of the attackers was arrested but was not held in police custody because he was a minor. The attack was the subject of a protest in front of the government building in Belgrade where LGBT human rights defenders decried the continued violence against the community.</p> <p>On 21 October 2011, a young man was attacked and robbed in Pioneer Park in Belgrade. The attackers had followed him from a gay bar, called him derogatory names referring to his sexual orientation, threatened with knife and robbed him. The victim reported the case to the LGBT organisation in Belgrade but not to police.</p> <p>On 31 October 2011, a young man was attacked and severely beaten up -because of his sexual orientation- in Novi Sad by 2 young men. The attackers left him unconscious in a puddle of blood. He suffered nose fracture and bruising. No information is available about the investigation of the case.</p> <p>On 26 November 2011, a twenty six year old man was attacked in the centre of Belgrade by 3 young men. The attackers called derogatory names referring to his sexual orientations and had</p>

² <http://assembly.coe.int/Mainf.asp?link=/Documents/WorkingDocs/Doc11/EDOC12750.htm>

	<p>severely beaten him up. As a result, he suffered head concussion and prominent bruising around his left eye. One of the attackers was arrested but was soon released with misdemeanor charges.</p> <p>In December 2011, a twelve-year old boy who was consistently subjected to homophobic bullying (including physical and mental assaults) at an elementary school in Belgrade informed the media about the daily bullying he suffered. “They tell me that I am a fagot, gay, girl and jerk” he said to media. His case came to media attention after his mother posted about it on her Facebook page.</p> <p>In March 2012, a young woman contacted Lesbian Human Rights organisation Labris and told that she was severely beaten up by her brother when he found out that she is a lesbian. The brother is a football fan. She reported the case to police.</p>
<p>Hate speech</p>	<p>Hate speech is prohibited only by the Public Information law and by Anti-discrimination law of the Republic of Serbia. The prevalence of hate speech during the reporting period reached media attention and some positive verdicts were issued by the courts on hate speech against LGBT people.</p> <p>In September 2011, a high school teacher in Novi Sad published homophobic statements on her Facebook page, including incitement to violence against LGBT people. The followed comments have been collected from her posts: ‘Minorities must never have the same rights as the majority! This is our country, Serbian country!’, ‘When somebody does not give you the right to be normal in Serbia, kick the hell out of him!’, ‘Yes, fagots are sick and you should stay away from them, ignore them, neglect them and shut them up in all ways because they propagate a disease!’. Although an education inspection has been called to decide on the matter, it is still unclear whether any disciplinary action is going to be taken by the school.</p> <p>In September 2011, a religious cleric in a media conference called the Belgrade Pride as ‘the parade of shame and of sexual perverts, propaganda and a desecrating celebration of errant gay wretches’ and declared that that he will try “to stop the parade this year again”. LGBT human rights organisation Labris submitted a complaint to the office of the Commissioner for Equality. No official decision is yet been made on it.</p>

In October 2011, a university professor has told his student during the class on *Theory of the Public Opinion* that 'homosexuality is a disease like a stomach ulcer and hence needs to be treated'. To the question of one of the students how it can be treated, he suggested 'sex change'. LGBT organisations within the Coalition Against Discrimination had submitted a complaint to the office of the Commissioner for Equality who recommended the professor to refrain from homophobic speech in the future. No disciplinary actions were taken by the university against the professor.

In October 2011, referring to the ban of Belgrade Pride, the mayor of Jagodina told media: 'We finally showed that we respect traditional values and do not accept something that is not recognised by Serbian Orthodox Church; Catholic Church or Muslim religion and by normal people'.

In November 2011, a court in Belgrade found that MP Dragan Markovic is guilty of a serious act of discrimination. He was not fined but was ordered to pay the trial costs and not to repeat his offensive speech made during the preparations for Belgrade Pride, including the description of the Pride as "where they want to show something that is an illness as something normal." It was the first time this type of verdict was reached against a Member of Parliament.

In February 2012, Court of Appeal in Belgrade issued a second instance verdict in the Gay Straight Alliance (GSA) case against the daily newspaper *Press* for permitting and facilitating on its official webpage hate speech against LGBT people. The court upheld the judgment of the High Court in Belgrade. This is the first positive judgment on hate speech against LGBT people under the Serbian anti-discrimination law.

In March 2012, Simo Vladicic was found guilty for spreading hatred and inciting violence against LGBT people through social media and was sentenced to three months in prison.

Also, in March 2012, Mladen Obradovic, the leader of the far right group *Obraz* was sentenced to 10 months in prison for spreading hatred and inciting violence against LGBT people ahead of Belgrade Pride 2009. He was found guilty of racial and other discrimination under Criminal code Article 387. In 2011, he was sentenced to two years in prison for organising the riots during Belgrade Pride 2010.

Equality and non-discrimination	<p>Comprehensive Anti-discrimination law was adopted in March 2009 and the Commissioner for equality was elected in May 2010 to deal with the discrimination cases.</p> <p>In 2011, the Commissioner for Equality received nine discrimination claims on the ground of sexual orientation. From these nine, two are being processed and one was given a recommendation. The rest of the cases were rejected on the bases that no discrimination occurred. According to LGBT organisations in Serbia, the Commissioner has so far been issuing only recommendations and refrained from taking bolder measures provided by the law.</p> <p>Discrimination against LGBT people in health care, education, in access to goods and services and in other fields is widespread. Most cases, however, remain unreported as the victims are either unaware of their rights and protections provided the law or do not believe that they will receive the necessary remedy for the discrimination they suffered.</p> <p>In 2011, Labirs has conducted a series of situation tests and documented discriminatory practices of local administration in issuing marital status certificates. A number of individuals were refused a marital status certificate once it became clear that they needed them to travel abroad and to enter into a civil partnership or marriage with their same-sex partner in another country.</p> <p>One positive development has been the decision of the Directorate of Human and Minority Rights of the Ministry of Human and Minority Rights, Public Administration and Local Self-Government in May 2012 to begin drawing up the National Strategy for Battling Discrimination.</p>
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