

# ILGA-Europe's submission to the European Commission's 2011 Progress Report on Serbia

Brussels, April 29, 2011

## Political criteria

Human rights and the protection of minorities	
<i>Civil and political rights</i>	
<b>Freedom of assembly and association</b>	<p>On 10 October 2010, the LGBT community and their supporters marched at the Belgrade Pride which was heavily protected by the police. Sadly, while the small group of Pride participants was marching on the streets of Belgrade, around 6000 hooligans and members of right wing organizations clashed with police. The hooligans set fire to several cars and to the Democratic Party's headquarters, demolished the Socialist Party of Serbia's and Liberal Democratic Party's offices in the city and also attacked the Belgrade mosque and several embassies, in addition to looting several stores. According to the reports about 170 people were injured most of whom were police officers. 249 people were arrested, amongst them the leaders of the right-wing movements <i>Obraz</i> and <i>1389</i>.<sup>1</sup></p> <p>On 20<sup>th</sup> of April, <i>Obraz</i> leader Mladen Obradović was sentenced to two years for organizing riots during 2010 Pride Parade. The Higher Court in Belgrade also sentenced 3 others to 1,5 year and 13 people from 8 months to 1,5 year in prison. All of them, however, were given minimal sentences as the envisaged jail time for the criminal acts they committed is 1 to 12 years.<sup>2</sup> While this verdict is an important step forward and sends a strong message to the public that such acts of violence against LGBT people are not tolerated, it is still disappointing that perpetrators of violence that injured about 150 policemen and caused several thousands of euros damage to the city received such minimal sentences. It is also worrying that MPs and representatives of political parties New Serbia (NS) and Serbian Radical Party (SRS) came to the courtroom to support <i>Obraz</i> while LGBT human rights defenders present in the court were insulted and called</p>

<sup>1</sup> ILGA-Europe has compiled materials related to Belgrade Pride 2010 which can be found on our website. [http://ilga-europe.org/home/guide/country\\_by\\_country/serbia/belgrade\\_pride\\_2010](http://ilga-europe.org/home/guide/country_by_country/serbia/belgrade_pride_2010)

<sup>2</sup> [http://www.b92.net/eng/news/crimes-article.php?yyyy=2011&mm=04&dd=20&nav\\_id=73911](http://www.b92.net/eng/news/crimes-article.php?yyyy=2011&mm=04&dd=20&nav_id=73911)

	names.
<p><b>Hate crime and hate speech, public statements targeting LGBT people</b></p>	<p>Hate speech is prohibited only by the Public Information law and by Anti-discrimination law of the Republic of Serbia. The Criminal Code of Serbia does not include provisions on hate motivated crime.</p> <p>The level of homo/transphobia is extremely high in Serbia. According to the 2010 research by Gay Straight Alliance 67% of the persons interviewed consider homosexuality as a illness, 64% think that the Church is right in condemning homosexuality, 53% think that state institutions should work on suppressing homosexuality, 56% consider that homosexuality is very dangerous for society, 38% think that homosexuality was fabricated in the West with the aim of destroying the family and tradition in Serbia, and 47% think that ‘the homosexuality issue’ has been imposed by non-governmental organizations. The same survey shows that 45 % of respondents think that the Pride Parade is only a provocation aimed at people of ‘normal’ sexual orientation, 58% said that they have nothing against homosexual as long as they ‘keep their activities private’ and 49% would never accept if a person close to them was homosexual.<sup>3</sup></p> <p>As mentioned earlier the violence orchestrated by far right movements <i>Obraz</i> and <i>1389</i> during Belgrade Pride Parade is the starkest example of homophobic violence in Serbia. 6000 hooligans and extremists injured about 170 people and caused damage totaling to several thousands of Euros.</p> <p>In addition, 2 individual cases of violence were reported by media in 2010 and 2011.</p> <p>In August 2010 18 year old K. Zivanovic attacked two German citizens on their way back from night club “Pipls”. He knifed one victim from the back and beat up the other. The attacker was caught by the police and during the questioning confessed that he attacked the foreigner as they</p>

<sup>3</sup> Prejudices Exposed: Homophobia in Serbia - Public Opinion Research Report on GLBT Population - 2010 : [http://www.gsa.org.rs/cms-run/index.php?option=com\\_content&view=article&id=2441&Itemid=107](http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=2441&Itemid=107)

'seemed to be gay'. The case was reported in daily newspaper *Blic*.

On 21 March 2011, a gay man was severely beaten up at the entrance of the club "French Maid" by two men. The security from the club did not react. Moreover, the perpetrators were seen to shake hands with a man from security.<sup>4</sup>

Most individual cases of violence against LGBT persons in Serbia go unreported.

Although police takes its duty to protect the participants of the Pride seriously (as demonstrated during 2010 Belgrade Pride), it often fails when it comes to responding to individual cases of violence and to following up homo/transphobic crimes adequately. Many police officers and public prosecutors in Serbia have homophobic attitudes and often don't take seriously threats and dangers to LGBT people reported to them. Local LGBT organizations have documented cases when police failed to respond to individual cases of violence.

During the reporting period a number of homophobic statements were made by political figures, religious leaders and professionals.

In November, 2010 the members of the Radical Party of Serbia and the Democratic Party of Serbia made homophobic statements during the session by the City Council. A representative of Serbian Radical Party, Jovan Nikolic, noted that they have submitted the photographs of Pride participants to the members of the right-wing movement 1389 whose members 'know what to do with them'. His party colleague, Nemanja Sarovic, confirmed that the photo-sharing of the participants of the Pride is completely fine and that he would do the same thing.

During the same meeting Nebojsa Bakarec from Democratic Party of Serbia supported this call for violence and discrimination against LGBT people, stating that 'homosexuality is illness, perversion and deviant behavior and social problem for which they are confronted by representatives of healthy, heterosexual Serbia'. Hooligans who destroyed half the town and savagely attacked the police during the Parade, Bakarec called "young people who are pushed to fight against the representatives of the police."

In October 2010, the Metropolitan Amfilohije Radović stated that 'homosexuality is sodom and

<sup>4</sup> [http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=03&dd=22&nav\\_category=12&nav\\_id=501046](http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=03&dd=22&nav_category=12&nav_id=501046)

	<p>gomorrah’ and that ‘LGBT people are the ones to be blamed for the violence during the Pride Parade’.</p> <p>In September 2010, a right-wing student organization “Nomokanon” issued a statement saying that ‘homosexuality is a deviation and that Pride is a protest of sick people against traditional family values and the Serbian society’. The statement also drew a comparison between homosexuality, pedophilia and necrophilia.</p> <p>In September, 2010, Miroљjub Petrovic, a self acclaimed doctor stated, in an interview to the newspaper <i>Alo</i> , that homosexuality is a disease and announced the opening of his clinic for ‘treatment of homosexuality’.<sup>5</sup></p> <p>Labris, lesbian human rights organisation, filed complaints to the office of the newly appointed Commissioner for Equality for the above mentioned 3 cases.</p>
<i>Economic and social rights</i>	
<p><b>Discrimination/ Anti-discrimination policies</b></p>	<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>Discrimination against LGBT people in health care, education, in access to goods and services and in other fields is widespread. Most cases however go 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>Instead there are a number of documented cases when under the family pressure LGBT people apply to psychologists and psychiatrist who ‘treat them for homosexuality’. In one case, a young gay man suffering from clinical depression applied to a psychiatrist who, in the course of 2 years subjected him to psychological abuse using derogatory words when referring to his sexual orientation, suggesting that he ‘better live on the mountains where nobody would look at him’ when he expressed his wish to study in Belgrade and referring him to a psychiatric hospital where drug addicts are treated. In another case, the psychiatrist had tried to ‘cure’ a</p>

<sup>5</sup> Report by Labris-Lesbian Human Rights Organisation, March 2011

lesbian client by his sexually suggestive approach. LGBT people are also subjected to ridicule, unnecessary waiting and insults by medical personal in hospitals.<sup>6</sup>

As mentioned earlier, Labris submitted complaints for the homophobic statements and hate speech by the Metropolitan Amfilohije Radović and the right-wing student organization “Nomokanon” as well as for the statements by Mirosljub Petrovic in *Alo* newspaper. The Commissioner has reviewed and responded to all cases positively requiring that those responsible for the violation of the Article 11 of the Anti-Discrimination law (prohibition of hate speech) publicly apologize for their discriminatory statements and refrain from similar statements in the future.

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