



ILGA-Europe's Review of the Human Rights Situation of LGBTI people in Serbia

Contribution to the 2015 EC Progress Report

In cooperation with Labirs and Gayten, and based on ILGA-Europe's 2015 Annual review

Period covered: October 2014-May 2015

A summary of key developments and trends

A Pride march took place in Belgrade four years after the previous one, passing off relatively peacefully. Activists welcomed the police's constructive approach, and several politicians and personalities, including ministers, joined the march. The government adopted a national action plan to implement the National Strategy for Prevention and Protection from Discrimination. NGOs and the government continued working towards an update of the law on legal gender recognition. However, violence towards LGBTI community remains an issue of concern. Prejudice and discrimination continue to be promoted through high school education.

Bias motivated speech

- In February 2015, Foreign Minister, Ivica Dacic, publicly apologised for his statements made ahead of the 2013 Pride Parade. In his role as a Prime Minister he called LGBTI people 'not normal' expressly refusing his support for them. NGO Labris and 14 others organisations and 11 individuals submitted a joint complaint to the Commissioner for the Protection of Equality. The Commissioner found Minister Dacic's statements 'discriminatory, upsetting and humiliating' and requested him to apologise for them.

Bias motivated violence

- In September 2014, a German activist attending an LGBTI rights conference in central Belgrade was violently attacked in Belgrade. The man received life-threatening head injuries, requiring surgery and intensive care. The attack appears to have been motivated by xenophobia rather than homophobia. Health Minister Zlatibor Lončar visited him in hospital, and Interior Minister Nebojša Stefanović stated: "We will not allow this kind of thing to remain unpunished." The German Human Rights Commissioner,

Christoph Strässer, discussed the attack and the upcoming Pride march with Prime Minister Aleksandar Vučić, who reassured him that “Serbia will do everything to ensure the respect of human rights”. Following the attack, a protest march took place under police protection. Three suspects were arrested. The victim slowly recovered.

Equality and non-discrimination

- In October 2014, the government adopted a national action plan to implement the National Strategy for Prevention and Protection from Discrimination. The action plan will run from 2014 to 2018 and progress on the National Strategy will be monitored by a provisional working body set up by the government. The anti-discrimination strategy focuses on wide variety of areas, including: education and training, employment, family, healthcare, social welfare and housing.
- NGO Labris has researched the texts of high school text-books and found that 18 texts in 9 textbooks contained biased and discriminatory content on LGBTI people. While the Minister of Education has promised to look into the matter and remove the mentioned texts, no actions have been taken in this regard during the reporting period.

Freedom of assembly

- A Pride march took place in Belgrade for the first time in four years. (In 2010, severe material damage and injuries, including to the police, were reported and the government had banned the event due to serious security concerns in 2011, 2012, and 2013.) In May, leaders of the Dveri and SNP Nasi far-right groups urged the Prime Minister to ban the march again. Speaking on behalf of the Serbian Orthodox Church, Patriarch Irinej made severely negative comments about the event, claimed it was “violently imposed by a gay lobby”, and likened homosexuality to incest and paedophilia. Organisers commented that cooperation with the police and the Ministry of Interior throughout the year was excellent. Unlike previous years, the march wasn’t banned at the last minute, but took place with only minor incidents occurring far from the procession. The police reported that 50 individuals were brought in for questioning before and during the event. Up to 1,500 marchers walked, protected by several thousand police officers. The event was attended by Deputy Prime Minister Kori Udovički; Minister of Culture Ivan Tasovac; the minister without portfolio in charge of EU integration, Jadranka Joksimović; Commissioner for Protection of Equality Nevena Petrušić; chief EU negotiator Tanja Mišćević; Liberal Democratic Party (LDP) leader Čedomir Jovanović; Belgrade Mayor Siniša Mali, as well as the head of the EU Delegation to Serbia, the United States ambassador, a green German Member of the European Parliament, and other political and public figures. EU Commissioner for Enlargement at the time Štefan Füle welcomed the event as “a milestone in the modern history of democratic Serbia”. Prime Minister Aleksandar Vučić stated “We have not done this due to the EU, or because we respect the gay population more than the Church, but because of our Constitution, laws and respect for human rights, despite the fact that this might not have been easy, nor in accordance with our personal beliefs.”

Trans*

- In addition to the discrimination and violence trans people are consistently subjected to, they face legal and administrative hurdles when trying to access health services, education, employment, open a bank account or have their marital and parental status recognised. Currently the decisions on the change of personal identification documents of trans people are made on a rather arbitrary bases as the matter is not legally regulated. During the reporting period several steps were taken for legal gender recognition of trans people.
- In October 2014, the National Strategy for Prevention and Protection from Discrimination (see **Equality and non-discrimination**) recommended updating legal and administrative procedures for gender recognition.
- In March and April 2015, the parliament has organised two round table discussions on the propositions for public policies in a number of areas, amongst which, on prevention of discrimination and violence against LGBTI people. During those meetings NGO Gayten-LGBT presented a model law on gender identity drafted by its legal team.
- The legal and social situation of trans people as well as the mentioned model law were also discussed in May 2014, in a meeting organised by the Ombudsman. This meeting involved the Commissioner for the Protection of Equality, government agencies including the Office for Human and Minority Rights and the National Council for Education, several ministries including for education, the interior, science, labour, and health, as well as the Expert Commission on Medical Treatment of Transgender Disorders. Several recommendations were put forward, including removing the need for sterilisation and improving anti-discrimination protection for students and employees in educational settings.

Police and law enforcement

- In 2014, NGO Labris trained 125 police officers on how to approach the victims of homophobic/transphobic hate crimes.

* *Trans* is an inclusive umbrella term referring to those people whose gender identity and/or a gender expression differs from the sex they were assigned at birth.