Bias-motivated speech

In 2018, NGO Da se zna! sent seven hate speech complaints to the Commissioner for the Protection of Equality (CPE), mainly concerning hate speech in media by political figures. In September, the CPE ruled that the Minister of Innovation and Technological Development, Nenad Popovic had violated the Anti-discrimination law when tweeting about same-sex families in a disrespectful manner. His tweet said that “it is not normal to have two mothers or two fathers”.

Bias-motivated violence

Between November 2017 and October 2018, CSO Da Se Zna recorded 34 cases of hate crime and/or discrimination, including 6 cases of physical attack, threats, economic violence and peer violence. Relevant legislation is applied incorrectly by law enforcement, who insist on ‘outing’ victims, even though the criminal code specifies assumed, not proven, sexual orientation. At the same time, prosecutors are also reluctant to use Article 54a of the Criminal Code in the indictments.

The first successful verdict was passed down in 2018. The case concerned domestic violence against a gay man. The First Basic Court of Belgrade issued its judgment on 2 November, relying on Article 54a of the Criminal Code. The perpetrator was put on probation.

Bodily integrity

In May, UNDP published a four-country study on intersex issues in the region. In relation to Serbia, the report noted the lack of information on the experiences of intersex people and high levels of stigma towards the community, particularly in rural areas. It also pointed out that the outdated term ‘hermaphrodite’ is still used by some medical institutions and that NGO XY Spectrum was set up to work specifically on intersex issues. The report recommended that necessary treatment is covered by national health insurance, hospital staff educated and civil society supported to advocate on intersex issues.

In 2018, NGO XY Spectrum submitted a contribution to the UPR, addressing intersex issues.

Education

After NGO Labris lodged a complaint to the Ombudsperson in 2017, the Ministry of Education revoked six textbooks in April, containing homophobic and discriminatory content. Two more textbooks are still to be revised accordingly.

Equality and non-discrimination

The Commissioner for the Protection of Equality (CPE) did very little in 2018 to publicly stand for the human rights of LGBTI people, as such, LGBTI people are reluctant to submit complaints to this office, or the Ombudsperson. Instead, they report discrimination to NGOs. LGBTI NGOs were not invited to meetings organised by the CPE in 2018 about harmonisation of Anti-discrimination law with the EU acquis.

Freedom of assembly

The 7th Belgrade pride took place in September 2018. For the first time, the march featured more participants than police officers. After the march, a public concert and drag performances took place.

Freedom of expression

On the eve of 7th Belgrade Pride, a new LGBT+ magazine named “Ponos” (Pride in Serbian) was launched. The first issue featured an interview with Serbian PM Ana Brnabić, who is the first woman and the first openly lesbian person to hold the office.

Health

During 2018, the Public Health Strategy in the Republic of Serbia (2018-2026) and the Strategy for the Prevention and Control of HIV Infection and AIDS (2018-2025), with the accompanying Action plan, were adopted. For the first time the strategy recognises trans people as a target group. Both strategies were published in the official gazette in August 2018.
Legal gender recognition

The Law on Amendments to the Law on Registry Books, regulating for the first time the legal gender recognition procedure, was adopted in June. Unfortunately, the law requires trans people to undergo surgeries and sterilisation before accessing LGR. NGOs criticised the law, referring to the 2017 Strasbourg judgment, that establishes the sterility requirement as a violation of the right to private and family life.

Participation in public, cultural and political life

In April 2018, the first LGBT+ Community Center in Serbia was opened in Novi Sad, with the financial support from the programme of European Youth Capital Novi Sad 2019, primarily targeting LGBT+ youth and their families. There have been no incidents or interruptions thus far.

For the second year in a row, Pride Info Center welcomed LGBT+ people in downtown Belgrade. The centre opened in August for a period of six months with the objective to empower the local LGBT+ community and inform citizens about the situation of the LGBT+ community in Serbia. The centre hosted lectures, workshops and exhibitions on LGBT+ related topics every week.

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