

NO RETREAT NO SURRENDER



REPORT ON HUMAN RIGHTS STATUS OF GLBT PERSONS IN SERBIA 2009



Gej Strejt Alijansa Gay Straight Alliance

CONTENTS

	PREFACE BY BORIS DITTRICH	09
	OPENING WORD BY ULRIKE LUNACEK	11
I	SUMMARY	13
II	INTRODUCTION	15
III	RIGHT TO LIFE	17
IV	RIGHT TO PHYSICAL AND PSYCHOLOGICAL INTEGRITY	21
V	RIGHT TO FAIR TRIAL AND EQUAL PROTECTION UNDER THE LAW	33
VI	FREEDOM OF ASSEMBLY	39
VII	HEALTH PROTECTION	57
VIII	RIGHT TO EDUCATION	63
IX	ATTITUDE OF THE STATE TOWARDS GLBT POPULATION	67
X	THE ATTITUDE OF POLITICAL PARTIES TOWARDS GLBT POPULATION	77
XI	THE ATTITUDE OF NATIONAL AND INTERNATIONAL ORGANIZATIONS TOWARDS GLBT POPULATION	93
XII	MEDIA VIEW ON GLBT POPULATION IN SERBIA	97
XIII	GLBT MOVEMENT IN SERBIA	99
XIV	RECOMMENDATIONS	101

AUTHORS

Boris Milićević, Nenad Sarić, Lazar Pavlović, Mirjana Bogdanović, Veroljub Đukić, Nemanja Ćirilović

TRANSLATION

Ljiljana Madžarević, Vesna Gajišin, Vladimir Lazić

DIZAJN & LAYOUT

Dragan Lončar

OTHER CONTRIBUTORS

Miroslav Janković, Monika Lajhner, Jelena Đorđević, Dragan Popović, Zdravko Janković, Marina Marković, Jovana Zlatković, Darko Kenig, Jelisaveta Belić, Ivan Knežević, Nebojša Muljava

COVER ILLUSTRATION

Stylized photo of a school desk of one gay secondary school student on which are drawn swastikas, messages “death to fagots”, etc.. However, on the desk someone also wrote: “I’m glad there is someone like me. N. :)”

THANKS!

Members of the Gay Straight Alliance

Victims of the violence and discrimination who courageously spoke publicly and reported the incidents

Civil Rights Defenders and Fund for an Open Society
for financial support to create and promote this report

Partners from non-governmental sector:

Alternative Cultural Center Nis, Anti-Trafficking Center, Belgrade Center for Human Rights, Center for Cultural Decontamination, Center for Modern Skills, Center for Free Elections and Democracy, No alternative for Europe, Civic Initiatives, Helsinki Committee for Human Rights, Youth Initiative for Human Rights, Coalition Against Discriminations, Lawyers' Committee for Human Rights, KRIO – Collective for Development and Sustainability, Independent Association of Vojvodina Journalists, Independent Association of Journalists of Serbia, Association of Students with Disabilities

GLBT organizations in Serbia:

Queeria Center, Association Duga – Šabac, Labris – Organization for Lesbian Human Rights, Gay and Lesbian Info Center – GLIC and others

International partners:

Amnesty International, CARE International, European Commission, Front Line Defenders, GLBT inter-group in the European Parliament, Heinrich Boll Stiftung, Human Rights Watch, IGLHRC, ILGA Europe, Justice in the Balkans: Equality for Sexual Minorities, UN Office of the High Commissioner for Human Rights, CoE Human Rights Commissioner Thomas Hammarberg, United Nations Department for Development, Organization for Security and Co-operation in Europe, Rainbow Rose, Council of Europe, numerous national GLBT organizations in Europe

Embassies of:

Kingdom of Holland, Kingdom of Sweden, Federal Republic of Germany, United States of America, United Kingdom of Great Britain and Northern Ireland

State institutions:

Agency for Cooperation with NGOs and European Harmonization, Ministry of Human and Minority Rights, Student Cultural Center Kragujevac, Citizens' Ombudsman

Political parties:

Liberal Democratic Party, G17 plus, League of Vojvodina Social Democrats, Social Democratic Union

Media:

24 sata, B92, Borba, Danas, Dnevnik, e-Novine, MONDO, MTV, Novi Radio Beograd, Politika, Radio 021, Yellow Cab

Companies:

Real-estate agency Triumph011, Center Bella, EXIT festival, Ginger RCA, Café Smiley, KC Grad, Club Apartman, Club Van Helsing, Media Center Belgrade, Radio Café, Sezam Hosting

And all the others that support GLBT persons in Serbia.

ABBREVIATIONS USED IN THIS REPORT

DS – DEMOCRATIC PARTY

DSS – DEMOCRATIC PARTY OF SERBIA

EU – EUROPEAN UNION

GLBT – GAYS, LESBIANS, BISEXUAL AND TRANSGENDER PERSONS

GSA – GAY STRAIGHT ALLIANCE

JS – UNITED SERBIA

KPD – COALITION AGAINST DISCRIMINATION

LDP – LIBERAL DEMOCRATIC PARTY

LSV – LEAGUE OF VOJVODINA SOCIAL DEMOCRATS

MUP – MINISTRY OF INTERNAL AFFAIRS

NS – NEW SERBIA

OOPP – ORGANISATIONAL COMMITTEE OF THE PRIDE PARADE

SC – SAVA CENTRE

SDU – SOCIAL DEMOCRATIC UNION

SNS – SERBIAN PROGRESSIVE PARTY

SPC – SERBIAN ORTHODOX CHURCH

SPS – SOCIALIST PARTY OF SERBIA

SRS – SERBIAN RADICAL PARTY

ŽUC – WOMEN IN BLACK

PREFACE BY BORIS DITTRICH



2010 will be an important year for Serbia and the movement of gays and straights who support a tolerant, open and inclusive society. President Boris Tadic applied for Serbia's EU membership. The EU is not only a community based on economic and financial agreements, but it is also based on shared values. The Charter of Fundamental Rights of the EU affirms human rights among the core values of the Union. It came into legal effect on December 1, 2009 and guarantees amongst others the freedom of expression, information and assembly. It prohibits discrimination on any ground, including sexual orientation.

Non-discrimination and protection on paper is not enough. Everyday reality will need to be in harmony with official documents. On invitation of the Gay Straight Alliance I visited Serbia in October 2009 and met with ministers and members of parliament. I was struck by the lack of political leadership to fight homophobia. President Boris Tadic and other leading politicians should dare to speak out publicly in favor of a tolerant, open society which includes gays, lesbians, bisexuals and transgender people. Human Rights Watch is eager to see the Gay Pride Parade taking place in Belgrade in 2010 with participation of leading politicians. Real progress on the ground will be the test case for EU members to negotiate Serbia's EU membership application. The voice of Serbian gays and straights supporting a tolerant and inclusive society is decisive and needs to be heard.

I wish you a wonderful 2010.

Boris Dittrich,
Advocacy director LGBT program
Human Rights Watch New York

OPENING WORD BY ULRIKE LUNACEK



In 2009 Serbia achieved great progress on its way to European Union membership. The end of the visa regime for Serbian (as well as Montenegrin and Macedonian) citizens as of December 19, 2009 is an important step, as is Serbia's application for EU membership.

With good reason the recent progress reports by the European Commission criticized violence, hate speech and hate crimes. However, there still exists discrimination and lack of awareness and protection of lesbian, gay, bisexual and transgender people which is required of all countries aspiring EU membership. Furthermore, it has been made clear that European integration is not only about fulfilling benchmarks and implementing legislation, but about equal standards in everyday life for everyone.

The European Charter of Fundamental Rights which has become binding with the Treaty of Lisbon on December 1, 2009, prohibits discrimination based on sexual orientation. Together with existing anti-discrimination laws this is a good basis to work against homophobia and towards awareness raising, protection, acceptance, visibility and recognition of LGBT people in Serbia and the whole region of South Eastern Europe.

As an open and visible politician myself for the last ten years in the Austrian parliament, and now as Member of the European Parliament, I have a double role: supporting LGBT rights groups in the regions I work in, as well as paving the way for acceptance and recognition by openly addressing the topic whenever necessary.

For example at the meeting between MEP's of the South Eastern Europe Delegation and the Deputy Prime Minister of Serbia, Mr Bozidar Djelic on November 12, 2009. I asked him about the measures of his government to ensure protection for LGBT citizens and for future PRIDE parades in Serbia. He answered quite extensively, assuring that an anti-discrimination law including all EU-standards has already been voted and that Serbia intends to secure similar events (like PRIDE). They "will happen in the future" and the government will "make sure that people will be properly protected".

I am confident that through cooperation and by challenging homophobic attitudes we will, together, be able to reach what our united Europe stands for: equality and freedom to live your life without fear.

In this sense I wish all readers a successful 2010!

Ulrike Lunacek
Member of European Parliament

I SUMMARY

GLTB population is constantly exposed to prejudices and high degree of homophobia, which makes this group one of the most vulnerable in Serbia. During long period of time, the state did not implement effective mechanisms to prevent violence and discrimination against GLBT people, nor did courts process existing cases, and there is no indication of reaching out to the public and promote tolerance towards this community. Problems related to the GLBT population and their status are kept mainly as a low priority and there has not been time, space or political will for its resolution.

Through numerous events related to GLBT population in 2009, the open public debate on this issue has been initiated. It is certainly a necessary condition for starting the process of social and political inclusion of GLBT people. Regardless of whether the attitudes expressed in public were positive or negative, a number of public figures, sports workers, NGOs, international organizations, and many politicians and public institutions including the President, Prime Minister, Government of the Republic of Serbia, Minister of Internal Affairs, Minister of Human and Minority Rights, the Mayor of Belgrade and others, for the first time ever openly expressed their thoughts on the status of GLBT people in Serbia and the degree of respect for their human rights. Regarding the social aspect, this was a big step forward since the issue was raised again and it was clear that there is a large number of citizens in Serbia who, because of their different sexual orientation and gender identity, were exposed to high risk of violence and discrimination on daily basis. Unfortunately, this brought up the issue whether the state and society in general are ready to adequately deal with homophobia, violence and discrimination against GLBT people, and enable all citizens to exercise their rights guaranteed by the Constitution.

Everyday problems of GLBT people in Serbia are violence, discrimination and public and private hate speech. Although the police in Serbia made progress regarding the respect of professional standards in working with GLBT people, the majority of police officers are not ready to work with the members of this population. To solve this critical problem of the GLBT community, it is necessary that the prosecution and judicial authorities begin to carry out their obligations defined by the Serbian Constitution and international legal standards. Prosecutor's Office and the courts show noticeable slowness and inefficiency in dealing with cases of violence against GLBT people.

During 2009, the GLBT organizations tried to organize the Pride Parade, which is GLBT movement's main tool in exercising their rights to freedom of assembly worldwide. Unfortunately, the Parade was not held and the state did not demonstrate willingness to allow GLBT people to exercise this right. Moreover, during the process of organizing Pride Parade the violence against GLBT people increased and the state did not provide an adequate response and did not react in time, by sanctioning the extremist and violent groups. Soon this violence escalated and spread to all parts of society, which is a serious warning for the entire society and the state, about the need to urgently and effectively deal with the extremist movements and violence in the political and social environment.

One of the main prejudices in Serbia is that GLBT people are sick. Professional associations and the Ministry of Health are most responsible for preventing such bias thinking. Unfortunately, during 2009, people with professional authority were frequently the ones reinforcing this bias. GSA registered statements of GLBT people who complained about the health workers' unprofessional attitude.

The education system plays a key role in society, especially when talking about shaping of attitudes and adoption of values. GLBT youth is exposed to violence in schools, and during 2009 the extremist organizations used the willingness of many young people to commit violence and express their homophobia, and recruited them for attacks on GLBT persons and the Pride Parade. Education authorities are showing no enthusiasm to confront this phenomena, and it often happens that the official school textbooks contain homophobic attitudes, moreover, educational workers are encouraging these views in communication with the students.

Representatives of state authorities have not adopted the policy or shown sufficient determination to deal with perpetrators of acts against human rights of the GLBT people. Representatives of state authorities have demonstrated lack of initiative in solving the problem of the GLBT community, which led to increase of violence against GLBT people.

GLBT issue is highly political issue. During 2009, political scene in Serbia was characterized by an unwillingness of the ruling pro-European parties to support the human rights of GLTB persons in open, unambiguous and consistent manner. On the other hand, the conservative political parties with a constant representation of the homophobic policies exploited this issue to mobilize and strengthen support among the voters.

As a consequence, there has been an increase of public space available for hate messages against GLBT persons and other minorities. We should emphasize that following parliamentary parties: Liberal Democratic Party (LDP), League of Vojvodina Social Democrats (LSV) and Social Democratic Union (SDU) have continued with their constant support of the GLBT community. G17 plus played a very significant role in crucial moments, especially at the time when Anti-Discrimination Law was in the voting procedure, being the only governing party which openly supported GLBT community.

During 2009, GLBT movement managed to get strong allies among mainstream human rights organizations and internationalize the issue of the position of GLBT community in Serbia. It could be said that one of the main achievements in strengthening of GLBT movement lies in the fact that all these organization, as well as international human rights organizations constantly supported GLTB organizations throughout 2009, whenever there was a crisis. Almost all international bodies and organizations operating in Serbia, as well as the missions of many countries, supported GLBT community in Serbia. Thus, the authorities in Serbia were sent the message that some of the most important requirements in the process of European integrations would be human rights of all minorities, including GLBT persons.

During 2009, the media in Serbia made a big step forward in covering topics related to GLBT issue. During 2008, GLBT organizations started establishing their position in media, and throughout 2009 used wisely the banning of the GSA's press conference, adoption of Anti-Discrimination Law and preparation of the Pride Parade to achieve their goal, so their activities are no longer ignored by the media. Unfortunately, the media is still providing space for hate speech, and usually issue biased reports on GLBT matters. Also, after cancellation of the Pride Parade, there has been a significant decrease in media coverage of these still burning issues.

Although 2009 was the year of challenges for GLBT community, the conclusion is that the good basis was created for solving key issues. The state, before anyone else, has a responsibility to use this opportunity and, together with GLBT organizations and community, create mechanisms and system solutions, in order to confront violence and homophobia in everyday life, particularly in public spaces.

II INTRODUCTION

Status of GLBT persons in Serbia today should be considered primarily as a political issue, and the solution requires clear and undisputable political will, as well as strategic approach and engagement of the state and its institutions.

It is also important to emphasize that, during 2009, it turned out that GLBT issue in Serbia was one of those issues with the ability to polarize, and mobilize the society and political factors to give their opinion, which was particularly visible during the preparation process of the Pride Parade. But also, GLBT persons and their friends, as well as international community, evaluate the attitude of political parties in Serbia towards GLTB issue when they decide whom to support.

During 2009, there were numerous processes in social and political scene in Serbia that influenced the GLBT community, and some of the most important ones are: adoption of the Anti-Discrimination Law, application of Serbia for EU membership, economic crisis and escalation of violence and right-wing extremism.

These processes, together with activities of GLBT movement in Serbia create the framework where we should search for the reasons of success or lack of success of the approaches used during 2009, in order to improve the status of GLBT persons.

Economic crisis did not contribute to improvement. Two main and interrelated principles on which every modern society is based, or the one which tries to be, are economic growth and respect of human rights. In this period of economic crisis and uncertainty, when the number of independent and free citizens decreases, the importance of the issue of human rights is often not a priority. Also, the economic crisis and its influence on different levels lessens the probability of social solidarity and tolerance, and it could lead to increased dissatisfaction, and even aggressiveness of certain citizens or groups.

But, we cannot blame the economic crisis for escalation of violence and extremism in September 2009, but the lack of readiness of the current, and previous political elite to confront and fight the past and distance itself from criminal, pseudo-patriotic and extremist structures and retrograde politics. These structures perceive GLBT population as a "new enemy of Serbian people", and unlike the state they recognized the importance of the Pride Parade and started organized attacks on GLBT persons and other citizens of Serbia, as well as foreign citizens. Such escalation of violence opened up many other issues such as: who finances the hooligans and extremist groups, their political views, general safety and security of the citizens, as well as the issue of readiness of state officials and politicians in Serbia to respect the equality of all citizens, regardless of their personal characteristics and their determination to implement the Constitution and the laws of the Republic of Serbia.

Although, there many obstacles and opposition, new common Anti-Discrimination Law was adopted, and this law is very important for GLBT population, but this also presents the only substantial positive move by the Government and the Parliament related to GLBT persons. This Law sets fair legal framework for improvement of the status of GLBT persons and fight against homophobia and discrimination.

However, during the process of adoption of the Law, GLBT population was exposed to the

attacks of different opponents of GLBT rights and we could see the hatred and intolerance against them, and GLTB population cannot be satisfied since there is a lack of system implementation of the Anti-Discrimination Law, as well as by the fact that politicians and state officials are ignoring the Law.

Changes of the political direction towards the EU and the results achieved during 2009 such as: reactivation of the commercial agreement, abolition of the visa regime for citizens of Serbia and submitting the application for EU membership, create political framework for improvement of the status of GLBT persons. By changing the political context and widening the support of Euro integrations, political parties and citizens, have taken upon themselves certain European standards related to human rights and rights of minorities which should be achieved in the upcoming period. This has opened a possibility to introduce GLBT issue, as a part of the agenda for EU integrations, which would entail more serious dedication of state bodies and institutions.

On one hand, one of the general characteristics of the attitude of political factors towards GLTB population during 2009 was visibly more moderate statements of the politicians compared to previous years, as well as treatment of the GLBT issue as a serious one in certain periods. On the other hand, the politicians have demonstrated the lack of initiative to take responsibility and understand the context of GLBT persons and their needs, and lack of initiative to use strategic approach in solving these issues. In most cases, the politicians clearly distance themselves from clear and obvious support of GLBT population, probably because they worry about their image among voting body. One of the most visible consequences of such attitude is an incorrect statement about different system of values that those represented by GLBT populations.

After cancellation of the Pride Parade, such politics and constant lack of clear and affirmative political attitude towards GLBT issue lead to contra productive results for the functioning of the state and made citizens question the ability of the state to protect their safety and security. Unfortunately, the only winners of the process of providing and improvement of the status of human rights of GLBT persons, were extremists and hooligans, by preventing the Pride Parade, and by many instances of violence and discrimination, and some of these incidents are documented in this report, and at the same time state institutions, above all prosecutors and judiciary showed lack of initiative in the entire process.

The previous year was politically very important for GLBT persons, and social and political processes lead to increased visibility of the issues GLTB population encounters in Serbia and they showed how this issue influences almost all spheres of the society.

Of course, maybe for quite some time, an average voter in Serbia will not understand what supporting and tolerance of GLBT persons brings him personally, but the political elite, on the other side, cannot diminish the importance of this issue and their responsibility for it, although they still try to ignore it despite everything that happened during 2009.

III RIGHT TO LIFE

Murder of transsexual Minja Kočiš

Transsexual sex worker Minja Kočiš (39, birth name Mihalj) was murdered in her house in Vracar, Belgrade on January 8, 2009. On January 21, 2009, Belgrade Police arrested Ivica Mihajlović (30) and Novica Radisavljević (36) for suspicion of murdering Minja Kočiš.¹ In mid July 2009, District Prosecutor's Office in Belgrade pressed the charges against these two for suspicion of criminal act of brutal murder.

In 2009, the last hearing in the case of murder of Minje Kočiš was held on December 10, 2009 at 10 a.m. in the District Court in Belgrade.

Besides the panel of five judges, presided by judge Rastko Popović, the hearing was attended by the attorney representing the family of Minja Kočiš, Deputy District Prosecutor, defendants Mihajlović and Radisavljević, defendants' attorneys, representatives of non-governmental organizations, Anti-Trafficking Center, Lawyers' Committee for Human Rights and Gay Straight Alliance, as well as the journalists from the news agencies Beta and Tanjug.

At this hearing, the first accused Ivica Mihajlović confessed that he had murdered Minja Kočiš.

Certain charges are true, and some are not. It is true I committed the murder and I am ready for my sentence. It is not true that Novica gave me the reasons to commit this murder and it is not true that he helped me.

I met Novica few years ago in prison. We lived together in Belgrade, in Dragoslava Srejićeva street for a month or two. We were friends.

Novica used to visit Minja, and was telling me how she was transsexual, that he did not know if she was a man that looked like a woman. He described her appearance and constitution. I was joking with him and asked him questions out of curiosity. He told me that he did not have intercourse with her. He also told me that, when he paid her for her services, he saw that she had a lots of money in her wallet.

I wanted to see who she looked, since Novica told me she was transsexual. Actually, I just wanted to take the money from her, to gain profit illegally.

I took her telephone number from Novica telling him I wanted to have sex with her. Then I contacted Minja, without consulting Novica, and told her I wanted her services. I took a knife from a closet located next to the TV in our apartment. That was Novica's knife and he took it everywhere expect when he went to work. This happened on January 8 (2009) around 6 p.m.

After a while I came to her address. Novica told me she was fragile and short, but when Minja i.e. Mihalj opened the door I did not feel well, because he was taller than me, bigger and bulkier.

¹ Belgrade Police solved the murder of Minja Kočiš, Official YouTube channel of the Ministry of Internal Affairs of the Republic of Serbia, January 21, 2009, <http://www.youtube.com/watch?v=dUkcsDHfZXw>

I was thinking of going back home, but I decided not to give up, because I thought that Mihalj was still different from other men.

Right away, at the entrance I hit him with my fist. He resisted, there was some wrestling, and the door glass was broken. After a bit of a struggle, we were on the floor. I wanted to calm Mihalj down, because he was very aggressive. I pulled the knife out and asked him to calm down. He took a piece of glass and then I stabbed him in the shoulder area.

Mihalj reacted even more aggressively and he was scared, he wanted to defeat me, and then I stabbed him again in the chest. Both stabbings happened while he was lying on the floor.

Then he calmed down and stopped resisting, he did not move anymore, but he was still alive. I stood up and started looking for the money. Mihalj was looking at me, and I think he was lying on his stomach. He tried to stand up and then I grabbed his shirt and pulled him from the front door towards the room. I was looking around the room and searching for the wallet in the little closet.

Finally I found the wallet, but I did not move things around. I also took two cell phones I found. Mihalj was still alive, I jumped over him and went out of the house. I did not turn off the regular phone in the apartment, because I thought Mihalj could crawl to it and call for help, but I did not call for help although I thought of that. I left the door ajar, and I did not close it completely in order for someone to see Mihalj and help him.

I pulled out the cards from both phones and threw them away. I threw the wallet in the trash, but before that I had taken 10 Euros and 2000 dinars out of it.

Then I went to Novica's. I did not tell him anything. Novica was getting ready for work because he was working night shift, he stayed in the apartment for a short period of time and shortly after that he left.

I realized I had made a big mistake and that it was impossible for me to stay at Novica's place. I packed and left the house.

I did not intend to kill Mihalj. The fact that the victim was transsexual does not have anything to do with the murder. I do not have anything against transsexual persons. I admit that I killed him but there are no excuses. I know that I still have nine and half years of prison plus 30 or 40 years for this crime and I am ready to endure this.

First, Novica was arrested, and then me. My statement in the police and before investigators was not influenced by anyone.

During the investigation I stated that Novica had waited for me in the car at the end of the street, that we had organized everything, that he had given me the idea for the murder and that he had also given me the knife. That is not true and I said that, at a time, because I was angry with Novica. I was furious and I wanted to decrease my responsibility.²

Novica Radisavljević denied participating in the murder of Minja Kočiš.

First, I would like to say that I am not guilty of any of the charges. My only guilt are my previous convictions and for letting Ivica live with me.

I met Ivica in the correction facility in Nis in 2000. He escaped from the correction facility by jumping over the wall. I met him again in 2008 in Požarevac. He asked me to help him during the winter and let him live in my apartment.

I agreed to help him. He lived in my apartment, he used my telephone. He did not work anywhere, I supported him, although there were practically no expenses. I had a good salary working as a security guard, around 500 Euros, and my grandmother was sending me money.

I went few times to the address where Minja lived, few times in December 2008 and in the beginning of 2009, last time it was on January 7, but I went to see Jelena, who was a prostitute, not Minja. Jelena is a smaller woman, in mid thirties, with dark brown hair. I am sure Jelena is female because I slept with her, and there were never other people in her apartment. On that day, January 7, I was going to see Jelena, but I came back before I got there, because she called to tell me she could not see me.

I never knew or saw the victim, Minja. On the day of the murder, January 8, I was in Požarevac due to some family problems. When I came back to the apartment in the evening, I saw Ivica there, but I was in a hurry and I did not speak with him, I just got ready and went to work. That was around 10 p.m.

When I came back in the morning, I saw that Ivica had left, that he took 140 Euros, telephones and Raiffeisen bank ATM cards and left me a short message saying that he had to leave.

On January 20, I was suddenly arrested near Bajlonova pijaca (open market). Many policemen jumped on me, arrested me and took me to the Municipal police station in 29. novembra street.³

After presiding judges stated that Mihajlović said that Radisavljević had talked about Minja, Radisavljević repeated that "he had never spoken about any transsexuals nor did he have any relationship with a transsexual person ". He said that he „had just spoken about Jelena's looks ". He said that kept repeating that when he was interrogated in the police station, but „the policemen kept insisting that he confessed having intercourse with Minja “.

Presiding judge then asked Radosavljevic if he remembered what he had stated to the police and signed the statement after that, Radisavljević said he had signed the statement but without reading it: "I listened to my statement being dictated out loud, but I did not know what it said. Also, I read that statement, but after the charges were pressed, my attorney showed it to me. Ivica was probably pressured and that is why he kept repeating that I used to tell him about trans person."

Presiding judge asked Radisavljević about possession and carrying of the knife used by Mihajlović to murder Minja, Radisavljević said he did not have any knife nor did he ever had one.

² GSA's report from the hearing in a trial for the murder of Minja Kočiš, Internal documentation of GSA, December 2009

³ Ibid.

IV RIGHT TO PHYSICAL AND PSYCHOLOGICAL INTEGRITY

1. Attacks based on real or believed sexual orientation / gender identity of the victim

1.1. Attack on S.T. (24) in Zeleni venac, Belgrade

On March 9, Women in black (ŽUC) and Coalition Against Discrimination (KPD) organized the protest in front of the Serbian Presidency because of the withdrawal of the Anti-Discrimination Law from the parliamentary procedure due to the pressure from religious communities. Because of the iconography at the protest, including many peacekeeping and rainbow flags, as well as noticeable participation of GLBT persons and due to homophobic campaign portraying this law as “law on fags”, on that day several incidents occurred and all of the victims were gay men.

On that day, around 2.30 p.m., S.T. (24) was returning from his civil military service. He was standing with three of his friends at the bus stop, line 12 in Zeleni venac (former Beobanka). He was talking on the phone with one of the friends he was waiting for, and using peripheral vision he noticed someone was watching him. S.T. thinks he attracted the attention because he was wearing “castro “ hat and the badges on the strap of his bag. The next thing S.T. remembers is that the attacker hit him with a fist in the left cheek. This punch made S.T. fall on the ground and the attacker continued kicking him. He only saw that the attacker was about 20 years old and was wearing black gym suit with the hood.

After the attack, S.T. immediately went to the Military Medical Academy (this institution provides health care for individuals serving civil military service), where he was diagnosed the fracture of cheek bone. Also, military police took his statement, but S.T. does not have any information if any steps were taken in order to catch the attacker.⁴

1.2. Attempted assault on A.S. (22) and L.P. (28) in Kalemegdan, Belgrade

After participating in the street protest against withdrawal of draft Anti-Discrimination Law from parliamentary procedure, organized on March 9, 2009, by ŽUC and KPD, around 3 p.m. , A.S. and L.P. were sitting on the bench in Belgrade fortress Kalemegdan. A. S. noticed a group of young men standing on their left side about ten meters away, watching in their direction.

One of them came closer trying to look at A.S. and L.P., and then he went back to the group and told them something.

In few moments they all came closer and surrounded us. Two young men stood next to me, on my right side. One of them was about 17, had short black hair, and was wearing a black jacket with a white badge. The oldest of them was probably their leader, and I would say he was from 25 to 32 years old, no hair and was wearing white jacket with print, and he grabbed both of us

⁴ Statement of S.T. about the assault in Zeleni venac on March 9, 2009, Internal documentation of GSA

by or shoulders and asked: "Guys, do you belong to gay population?" L.P. responded that we did not and I confirmed.

It seemed as if they believed us and I was sure they were ready to go away. Then, the other man on my right side noticed L.P.'s shoelaces and harshly asked him: "What kind of shoelaces are those?" L.P. calmly said that a friend gave them to him.

After that, the leader of the group told them: "It's not them, let's go ", and the others listened and left without a word. L.P. and I stood up and went to the Republic Square. L.P. tried to find the police, but there was no one on Kalemegdan or anywhere in Knez Mihajlova street. We dialed 92 and reached police station Stari grad, and reported the case to the operator.⁵

The operator in the Police station Stari grad told them that they would send the patrol and check what was going on. Operator did not take any contact information from A.S. and L.P.

1.3. Attack on Simon Simonović (27), the founder of the movement "No alternative for Europe "

On May 21, 2009, after the finals of the Cup of Serbia, three football hooligans, supporters of FC "Partizan" attacked one of the founders of the movement "No alternative for Europe".

I was coming from the game with two friends. First I heard someone shouting: "There he is, European pussy! You want to organize gay parade in Serbia. " I heard someone running behind my back, and I felt strong punch in the back of my knee. I felt sharp pain, and later the doctors told me that they tore my veins.

I stumbled. I almost turn completely toward them when I felt someone punching me in my face. They broke my nose, tore my lips. I started running as much as I could. There were many policemen everywhere but the attackers ran as soon as they saw the crowd gathering. There were three of them, all of them about twenty years old, wearing gym suits, and jackets similar to spitfire jackets, but they had hoods.

I wanted to file a criminal complaint against non identified individuals. I knew there was no use, that it would not help catch the attackers but it is important to talk about it. It important to register these violent attacks if we plan to resolve them .

In the next 45 minutes, I was limping around the stadium. The policemen were everywhere, special units, I spoke to at least 20 policemen. They were sending me from one to another and none wanted to take my statement. In the end, I spoke to one of them that was in charge and he said that they could not make the minutes because they did not see the attack. He advised me to go to Emergency room, where there is a policemen on call who must take my statement.

In the Emergency room they examined me, took care of my injuries, and after that a policeman who was supposed to take my statement just took my first name, last name and telephone number. ⁶

In the next ten days, Simonović lied unable to move, but no one from the police contacted him to take his statement or inform him about the steps that they made.

⁵ The statement of A.S. about the incident in the Kalemegdan park, Internal documentation of GSA, March 9, 2009

⁶ Statement of Simon Simonović (27) about the attack, Internal documentation of GSA, May 21, 2009

1.4. Attempted assault on Boris Milićević (36) in front of his place of residence

In the night between July 19 and 20, 2009, the President of GSA, Boris Milićević was coming back from work. He was walking down the street where he lives, and at that time there were no other people around, then a black car with Belgrade license plate went by and a male voice shouted: "Fag, we'll cut you!" After couple of meters, the car started to stop.

At that moment, Milićević was about ten meters from the entrance to the building, he ran, entered the building and then his apartment, thus, stopping the possible continuance of this incident.

On July 20, Milićević submitted the written report about this incident to the relevant department of internal affairs in New Belgrade. After about ten days, Milićević also gave oral statement in the police station in New Belgrade. The inspector who took his statement told him that the police probably could not do anything and warned him that few hundreds of football fans of the FC Red Star lived in the same block as he.

Few days after this incident, another incident was registered in Zeleni venac, where a group of four young men tried to attack Milićević, but this attack was prevented because he was with a woman, and she managed to stop a taxi and Milićević left the scene.

GSA did not inform the media and general public about these incidents, primarily because they did not want to speculate about the reasons and intentions of these incidents, but also because serious consequences were prevented. GSA informed its local and international partners about these incidents.⁷

1.5. Attack on N.A. (30) and S.M. (22) in the night bus

In the night between August 6 and 7, 2009, N.A. and S.M. were in the center of Belgrade on the Republic Square, and they planned to take the night bus and go home.

We entered the bus through the front door and sat on two empty seats, in the mid section of the bus. S.M. sat next to the window and I sat next to the aisle.

Before entering the bus we noticed that there were supporters of Red Star with visible signs, more than 10 of them including two girls. They were very noisy and aggressive. The two of us just looked at them and realized that it would be good to listen to the music. Each of us took one part of the mp3 player headphones and we listened to the music.

The ticket seller was close, he was selling the tickets. After a short period of time, while I was paying for the ticket, someone pulled the headphone from my ear. I turn around and I saw a hooligan standing above me and threatening: "Why are you listening to that queer music, you stupid lesbians!" and I said: "Hey kid, sit down and don't be rude!" Then, from the back of the bus the others started screaming: "Kill, kill the fag! We'll screw you, lesbian sluts! Whores! "and similar insults and threats.

I spoke to the ticket seller: "Aren't you going to do something?", and he answered: "What can I do to them?", and I said: "Well, you can throw them out of the bus!" Then the group turned

⁷ Report of the incident, July 21, 2009, Internal documentation of GSA

to me with the worst insults and threats, and one girl took my sunglasses and broke them. She threw broken sunglasses in my face.

I stood up and responded. One of the men hit me in the head, and after that I saw a larger group of them standing up and heading towards me. All this started somewhere close to the Serbian Assembly while the bus was moving. They started hitting me in the head, kicking me, and hitting me in the stomach and the back.

For some time I kept standing and after that I feel, and they kept hitting. I don't know how long it lasted, I just remember punches, screaming and pain. I was trying to see S.M. and I saw two of them holding her close to the door. I wanted to stand up and protect her, but I couldn't.

The next moment I remember was when the bus was standing at the stop at Ada Ciganlija, when two policemen entered the bus and pooled me out because I was lying on the floor. I kept telling me that I was beaten up and asked them to protect me, but one of them pushed me away from the bus and asked for my ID. I showed them that the people in the back of the bus hit me, but the police would not enter the bus.

Also, I asked them to take S.M. out, and one policeman asked me: "Who is that?" I responded: "My girlfriend", and he said with the smirk: "What girlfriend? You mean a friend!?" They did not ask her to come out and were making comments about me being lesbian.

While the bus was standing, one of the guys was at the door shouting different insults and they took him out. He continued with these provocations in the presence of the police: "Junkie! Motherfucking junkie!" and another thing, he hit me in the face. I was revolted and tried to hit him back. Police separated us, drove the patrol car and put me in it. While I was entering the car, they were taking the statement from that guy. Then, I started calling the policeman to come and he opened the door and asked what I wanted. I told them that they were taking me in, without asking me any questions, and they did not even ask for that person's ID. Then the policeman asked for his ID.

Then the special police unit took me and him to the police station in Banovo Brdo, where he gave the statement, and although I was feeling weak I was put into the cell. I had a headache, I was throwing up and felt dizzy, and in that situation I was brought the piece of paper with the statement of this guy, full of lies and I did not want to sign that piece of paper.⁸

After release from the police, N.A went to the Emergency room where it was conformed that she had several injuries of the head, legs, stomach, bruises, as well as dizziness and throwing up etc. As a consequence of this attack, N.A. had a concussion.

GSA informed the Police directorate of the Ministry of Internal Affairs of the Republic of Serbia about unprofessional behavior of their employees, as well as their partner non-governmental organizations in Serbia and international organizations.⁹

1.6. Attack on O.V. and his friends at the entrance to the gay club Hram X

In the night between August 7 and 8, 2009, around 02.30 a.m., O.V. and his boyfriend S.C. and their friends Đ. and N. came to the club Hram X (former Hrabro srce) in the street Admirala

Geprata 14 in Belgrade, in order to have fun and spend rest of the night there. At the entrance, there was some commotion with security guards that ended with beating of O.V.

In the night between August 7 and 8, 2009, around 02.30 a.m., I came to the club Hram X with my friend Đ., his boyfriend N., and my boyfriend S.C., and we stood in line to be searched by the security guards before entering the club. The first of us went in the club and took a drink, while the rest of us were standing in line in order to enter the club. The security asked from our friend, who had already entered not to bring drinks out, because only waiters brought drinks out, and he did as they said.

Also, the discussion started between one of the security workers who was older, stronger, short, around 50 years old and someone that we did not know.

I thought they would calm down, I went in with S.C, but then I noticed that the security workers, three of them, were beating N. One of the attackers is the brother of the owner of the club Hram X, he is bold, and about 1,80m tall. First, Đ. asked them: "Why are you beating him?", but right away they hit Đ., and he fell. Then I came and put my hand on N. in order to protect him from beating, but the owner's brother hit me twice in my face, and I tripped on the wall and fell. They continued hitting me, and the owner's brother kicked me twice in the head, and the other used their fists and hit me in the head. That lasted for about two minutes. After that they told us: "Get lost!"

N. helped me, he felt better, and S.C. was inside, not knowing, at a time, what was going on. The owner's brother was threatening me: "Do you want me to break your bones, why are you still here!?" I was covered in blood. Taxi drivers that saw me were shocked. I called S. on his cell phone and told him to go out. The owner of the club went out. I asked him: "what is this all about?!" I did not know where I was. The owner of the club stood and listened to me. S.C. went out, and the chief of the club Crni told him to take my white shirt off, it was completely covered in blood.

Crni told someone to bring water so I could wash my face on the street, and when I cleaned myself up, I went to the restroom with S.C. and tried to pull myself together. They were washing me. When they saw that bleeding could not be stopped, S.C. took a taxi and brought me to the Emergency room. They were examining me until 6 a.m. I did not report to on-call policeman, for discretion, since S.C. is married.

I took a taxi to New Belgrade where my aunt lives. I could not get up that day. I kept my clothes. I haven't seen Đ. and N. since. They are afraid of the security guards.¹⁰

During the beating at the entrance of the club Hram X, O.V. got many head injuries, bleeding etc. All four of them decided not to report the case to the police, nor take any legal actions for the fear of their families finding out about their sexual orientation.

1.7. Attack on NN person in Karadordev park

P.Ž. (21) told GSA that in the night between August 25 and 26, 2009, two older minors attacked one man about 30 years old in Karadordev park. P.Ž. and three of his friends were sitting on the bench, when one of two attackers approached them saying: „Come with us to beat this fag! He asked us to suck his dick! “

⁸ Statement of N.A, Internal documentation of GSA, August 17, 2009

⁹ „Increase of violence against GLBT persons in Belgrade“, public announcement issued by GSA, on August 21, 2009

¹⁰ Statement of O.V., Internal documentation of GSA, August 10, 2009

Two attackers then started beating the man who was sitting on a nearby bench. „These kids were really wild. One of them broke the bench in a second. First, I thought they would beat us as well “, P.Ž. said in his statement for GSA.

Soon after the attack the police came and took the statement from the victim. The police took the statements from P.Ž. and his friends, but not about the incidents but about the reasons why they were in the park.¹¹

GSA did not succeed in contacting the victim.

1.8. Attack on S.A. (30) in Karađorđev park

S.A. from Belgrade described the attack which occurred on October 3, 2009 in Belgrade:

That night there was a concert of Antonis Remos in Belgrade. After the concert, I went to one of the gay clubs with my friends, and after 3 a.m. I went to Karađorđev park. I was drunk, but I remember very well what happened. I sat on a bench in the park next to the meteorological station “Belgrade “, the closest one to the Pasterova street. After some time, a guy came and asked if he could sit on the bench next to me. There were no other people in the park.

He asked me what I was doing there, what I was looking for, and I tried to give general answers because he seemed strange. In the end he asked me if I wanted to go somewhere, and “have some action “, and I said I did not want to. But, he was persistent and apologized for being pushy. Then another young man appeared, he was shorter, and did not approach us, but was standing next to the stairs that go from the park towards Pasterova street. The guy on the bench told me that that was his friend, and that they wanted someone for a „threesome “ and that is why he was pushy. He told me he was horny, showing me his pants, he had an erection. His story started sounding more convincing.

He and I went down the stairs and that is where I met his friend and they asked me to go somewhere “ for some action “. But, in front of the building across the street, some 20 meters away I noticed two more men. When I asked if they were also their friends, they responded that they did not know them and that they were not their friends. We crossed the street and when we were on the sidewalk on the opposite side of the street, I felt that one of them pushed me on the ground. They started kicking me, and the other two came and started doing the same. I heard them screaming „fag “ and similar insults, but everything happened so quickly. Then I saw that they used the knife to cut the strap of a little bag where I carried my wallet. Everything lasted for about a minute and soon after they ran away. Later that night I saw I had a cut on my back, almost 3 centimeters long.

The next day, I reported the attack to the police. The inspector was very kind and I did not experience any inconvenience due to reporting everything that had happened to me. In the end he told me he thought that drug addicts did that because they wanted money and that used to happen before. He advised me to be more careful if I go to such places. Although my cell phone was in a bag, they did not even ask for that number, because they could locate the telephone if it is ever used again. The next day, the other inspector called me and asked almost the same questions about the entire incident.¹²

¹¹ Statement of P.Ž. about the incident in Karađorđev park, Internal documentation of GSA, August 26, 2009

¹² Statement of S.A. about the assault in Karađorđev park in Belgrade, Internal documentation of GSA, October 3, 2009

The police never contacted S.A. after that about this case, and he heard from the friends that the group with the same description was organizing same beatings close to the Train station in Belgrade.

1.9. Attempted assault on V.N. (19) close to the building of RTV B92

On October 3, 2009, around 11.30 p.m. , V.N. (19) was in Zoran Đinđić boulevard coming back from work. When he passed Maxi supermarket next to the building of RTV B92 he heard a group of young men shouting at him: “Look at this fag“, “You pussy“, etc.

There were about ten men in front of the supermarket, as they usually sit there every night. I continued to the newspapers stand, which was some 20 meters away and then I heard them screaming: “Pussy, we’ll break you!“. I was standing in front of the newspapers stand and, when I was done buying some things, I called a roommate with whom I live in a nearby building, asked him to come and pick me up because they continued insulting me. Then, I noticed that some of these men were making phone calls. When my friend came, we headed back to our apartment but then we heard some commotion. We realized they started chasing us (two or three of them). We also heard car breaks behind us. We ran and somehow managed to enter out building through the garage.

When we got to the apartment we called the police to report what had happened. They told us that they would send a patrol car to check out the situation. A little bit later my friend went out to see what was happening, there was no police, while the attackers were still sitting in the same spot, in front of the supermarket.

He recognized that some of the attackers were guys who live in the same neighborhood and he claims that one of them is one of the founders of the Movement 1389, but he does not know his name.

V.N. and GSA do not have information if the police took any s in order to catch the attackers.¹³

1.10. Attack on Adorjan Kurucz (30) and Đorđe Vuković (27) at the train station in Kula

On October 6, 2009, around 8 p.m., Adorjan Kurucz and Đorđe Vuković were at the train station in Kula, waiting for the train to Novi Sad. They were sitting on the bench in front of the railway building when a younger man approached them and attacked them.

It was about 8.10 p.m. A young man, about 20 years old, approached us and told me: “You are that one from Pink TV? That fag?“ He seemed very furious. We were quiet, and stood up and then he punched me with his fist. Đorđe and I resisted, we exchanged some punches and because we were physically superior since he was alone, the attacker ran away to the next street, throwing rocks at us.

After the attack, I went to the train manager and asked of him to call the police, because there was an attacker insulting the passengers, and their duty is to provide security of the passengers waiting for the trains. The police did not show up after 20 minutes, and the police station is not

¹³ Statement of V.N. about the incident close to the building of RTV B92, Internal documentation of GSA, October 4, 2009

more than 1,5 kilometers away from the train station.

I contacted one of my acquaintances who works as a journalist for daily newspapers Blic and she tried to find out why the police did not come. She told me that the train manager did not call the police because, as he said, he 'cannot call the police for every nonsense'.

The consequences of this attack are two bumps on my head, and Đorđe has a split lip.¹⁴

Kurucz and Vuković did not want to file criminal complaint against the attacker, since they believe that would not lead to catching and punishing him.

1.11. Attack on N.L. (39) and A.Đ. (37) in Zeleni venac

In the night between November 29 and 30, N.L. and A.Đ. went to the night club Tube and after that they stopped to take something to eat at one of the fast food restaurants. While they were waiting for the food, they noticed at the near-by bus stop, a group of fifteen football fans, ages 15 to 20, gathering after the football game Red Star – Partizan.

The football fans approached them and surrounded them, and one of them asked them: „What’s up fags, what are you staring at?“ After that, he tried to hit N.L., but he pulled away, tried to kick the attacker and fell. At that moment, he saw that the attacker was punching A.Đ. with his fist in the head. After hitting him, the attacker grabbed the money from A.Đ. Then, N.L. took his cell phone and called the police, which made the attackers run away.

The saleswomen in the fast food restaurant did not react at all. Soon, four policemen came, and wrote the report and asked for the description of the attackers. The policemen offered N.L. and A.Đ. to go to the police station Stari grad and file a criminal law suit against NN persons, but they refused explaining that they did not believe police would catch the attackers.¹⁵

1.12. Attack on D.P. (30) and A.A. (21) in Novi Sad

On December 12, 2009, early in the morning after a night out, D.P. and A.A. were drinking coffee in a well known café called Bistro in the center of Novi Sad. At that moment, there were many people in the café. Unknown man sitting at one of the tables stood up and came to D.P. and A.A.

He started shouting and threatening “Get out, you fag “, and then he pushed me and A.A. outside of the café, knocking me of my chair. We called the police and went back in, where we waited for the police. They showed up after some time, took our statements, checked our IDs, and we told them that the attacker was still somewhere inside, but we did not know at which table exactly because the place was crowded. The policemen told us that they would now worry about that and that we should leave, and we did as they said. So far we have not received any feedback from the police about the attacker..¹⁶

14 Statement of Adorjan Kurucz about the attack in the Train station in Kula, Internal documentation of GSA, October 6, 2009

15 Statement of N.L. and A.Đ. about the attack in Zeleni venac, Internal documentation of GSA, November 30, 2009

16 Statement of D.P. about the incident in café „Bistro“ in Novi Sad, Internal documentation of GSA, December 12, 2009

2. Threats based on the actual or supposed sexual orientation / gender identity of the victim

Threats based on the actual or supposed sexual orientation are the most common types of violence against GLBT persons. The biggest problem in cases such as this is the fact that state institutions do not pay any attention to these cases. Although, the police and prosecutor’s office have demonstrated, in the previous period, that they are capable of solving threat cases successfully (cases of the president of Serbia Boris Tadić, Božidar Đelić, journalist Brankica Stanković are some of the most popular), there is no data that any of the cases related to GLBT persons or defenders of the human rights of GLBT persons have been solved .

2.1. Threats to R.B. (35) on the Internet

On June 24, 2009, R.B. from Belgrade, member of several non-governmental organizations for civil rights, advocating for the human rights of GLBT persons, received the following message on his Facebook profile from Dž. Tb Gang: “You will be the first one to go at the parade, motherfucking fag ! TAURUNUM GANG IS WAITINGGGGGGGGGGGGGGGG.”

R.B. reported the threats to GSA, and after this, the organization filed a criminal suit in the department for minors in the District Prosecutor’s Office, against a minor presenting himself as a member of football fan group Taurunum gang from Zemun, for endangering the security of R.B., threatening to attack his life and body, breaking the basic human right to freedom of sexual orientation, in accordance with the provisions of generally accepted international law, verified by international contracts and local regulations , thus, committing a criminal act of racial and other discrimination and endangering safety.¹⁷

2.2. Threats to Predrag Pušelja (36)

In mid October 2009, Predrag Pušelja, one of the most popular Serbian Internet bloggers and a citizen of the Republic of Serbia, came to Serbia on business from France, where he works, and he checked the messages on his answering machine and found two messages consisting of the worst insults and death threats:

„Hey you big fag, what are you bragging about! You bastard! You freak, faggot! Listen you jerk, I’m gonna fuck your wife! You faggot, we’re waiting for you Belgrade, at the parade, next year, we’ll smash your head, do you understand, you fag”, is one of the threats Pušelja received.

Pušelja contacted his cell phone operator and found out that threatening messages were made from the land line telephone number in Canada, most probably Toronto. Pušelja notified GSA about these threats, and both Pušelja and GSA filed criminal complaints in police department Pančevo against NN person for several criminal actions: violation of equality, threats to safety, insults and racial and other discrimination.¹⁸

On September 16, 2009, Puselja wrote affirmatively about Pride parade in Belgrade, on his blog

17 „Complaint against underage football fan “, press statement of GSA, July 23, 2009

18 „Criminal complaint because of the treats “, public announcement of GSA, November 03, 2009

(www.blogowski.eu) and criticized the fact that it was cancelled. The title of the blog is "Pride parade 2009 – Belgrade".¹⁹

2.3. Police abuse of transgender Roma woman

On November 12, 2009, GSA filed a motion to the Head of the Department for the internal control of the police Dragoljub Radović, against unknown employee of the Ministry of Internal Affairs for abusing arrested transgender Roma woman.

A video clip appeared on the Internet site YouTube, and the owner of the account claiming to be the member of special police unit, is abusing a transgender person, of Roma nationality swearing: "You slut!", making her take her clothes off in front of him or he "would beat her up", taping the entire incident with his cell phone.

In its motion, GSA asked from Mr. Radović to, within his jurisdiction, take all necessary measures to determine the identity of the policeman, determine the facts, gather the evidence, investigate this case and make the decision in accordance with their mandate- initiate adequate disciplinary and criminal procedures to determine the responsibility of the policeman who abused transgender Roma woman.²⁰

Representatives of the Department for the internal control of the police met with the representatives of GSA regarding the motion, but the Department has not issued any statements if anything has been done in order to establish who the perpetrator was.

2.4. Threats to M.P. and Z.D. because of sexual orientation

Three years ago, M.P. (21) from Bačka Topola told his parents he was gay. His very conservative father threatened him at a time, he was furious. The father thought sexual orientation of his son was an illness, but according to M.P., he eventually calmed down. At the end of September 2009, M.P. told his father he was in a relationship, but he did not tell him who his boyfriend was.

Somehow, my father found out that I was again in a relationship with Z.D, who is much older than me, about 12 years. Few days later he started threatening me. He went to the police and found out where Z.D.'s permanent address was. He wanted to let me know that he "was ready to do something". He threatened to find Z.D. My father is a nationalist, he is not only bothered by the fact that I am gay, but also by the fact that Z.D. is Hungarian.

My father threatened to kill that "damn Hungarian faggot", and stalk me until the rest of my life to see where I am and with whom, and if he found me with some other "fag" he would kill him as well, since he believes they do things against my will, that they have to drug me first in order to do anything to me..... That he would do all that in order to isolate me completely from my friends, make everyone avoid me and that I should not engage in all that "sick stuff".²¹

After this M.P. left his home and moved to Subotica to the apartment of his partner's friend.

19 „Pride Parade 2009 – Belgrade“, <http://www.blogowski.eu/2009/09/16/parada-ponosa-2009-beograd>

20 „Police abuse of transgender Roma woman“, public announcement of GSA, November 12, 2009

21 Statement of M. P., Internal documentation of GSA, November 01, 2009

2.5. Threats to organizers and participants of the Pride parade

Members of the Organizing Committee of Pride Parade (OOPP) stated that they experienced regular threats from individuals and organized groups during preparations of this event.

Member of the Organizing Committee, Marija Savić speaks about that:

I was crossing the Karađorđeva street on a pedestrian crossing towards the park next to the arrival terminal of the bus station. At the traffic light, there was a dark green car YUGO. The driver first stepped on gas in order to frighten me, and when I ran across the street, he went through the red light and stopped next to me, on my left side. I ran to the park right away. I only saw that the driver had black/dark brown hair, and there was another man in a passenger's seat, and I heard the driver shouting: "You sick bastards, we will kill you all..." I did not manage to see the license plate number.²²

All members of the Organizing Committee received threatening text messages. We will mention just some of these messages in this report. Mostly anonymous Internet servers were used for sending these messages, mostly smsmonster.co.cc, as well as private cell phones, and foreign telephone numbers.

*Your motherfucking family is sick, get out of Serbia!
You should not try in vain! There will be bloodshed regardless of all the police and private security you hire, we are ready to do anything now, we're waiting...
We'll beat you up, you sick fags!
Go to Albania or Croatia together with you partners, you will be charred²³*

Threats were sent, on regular basis, by registered users of Internet social network Facebook.

Members of Organizing Committee reported these threats to the police on regular basis. Thus, on August 11, 2009, the police was submitted the documentation about the threats directed to the members of the Organizing Committee. On September 23, 2009, Majda Puača notified the police that her picture, exact address and telephone number were posted on the Facebook page of the group "1389", which could only be seen as a call to lynch. Besides general assurance of the police bodies that they were working on those cases, members of the Organizing Committee do not have any knowledge that any of the individuals were processed because of the threats directed to them.²⁴

Besides the members of OOPP, public persons who supported the Pride parade, and appeared in the promotional video, received the threats. In his interview for the magazine Story, the actor Nikola Đuričko stated that he and his family received threats after he had supported the Pride parade. Branislav Babić Kebra, musician from Novi Sad and singer in the band "Obojeni program" received the threats, as well.²⁵

22 Statement of Marija Savić, Internal documentation of Labris –Organization for protection of lesbian rights

23 Internal documentation of Labris–Organization for protection of lesbian rights

24 Constitutional appeal of five members of the Organizing Committee of the Pride Parade, paragraph 18, pages 22-23, October 19, 2009

25 Threats to Nikola Djuricko because of his support of gay parade, Mondo, September 28, <http://www.mondo.rs/v2/tekst.php?vest=148130>

2.6. Threats to the Secretary of State Marko Karadžić

Besides the unsolved cases of threats against GLBT persons and activists, there is another case showing lack of readiness of the state to deal with these extreme groups attacking all those who support the fight for human rights of GLBT persons. It is especially disturbing because this is the case of the state official. Marko Karadžić, the Secretary of State in the Ministry for Human and Minority Rights in the Government of the Republic of Serbia, well known to the Serbian public as a state official who supports all minority groups and human rights activists. He also supported GLBT community.

Because of this opinion, very soon, Karadžić became the target for many groups of extremists, and on April 9, 2009, the entire town of Pancevo was covered in posters with gay pornographic pictures together with the picture of Marko Karadžić and his statement from the TV show "Utišak nedelje" on TV B92, supporting the Pride parade in Belgrade. There was also the following text: "Will all those who supported the 'Law on fags'²⁶ participate in legalized orgies in the cities and streets of Serbia?" The poster was signed by "Black hand"²⁷, which is often used by formal and informal neo-Nazi and extreme groups.²⁸

On the following day, the Police department of the town of Pančevo announced that they initiated the investigation about this call to lynch of the Secretary of State, but has never issued the results of the investigation. Maybe the reason why there are no results of the investigation is the fact that police did not react to posting of tens of these posters in the busiest places in the town, calling to lynch of this high level state official.

None of the state officials reacted to this attack to their colleague i.e. the state. The announcements condemning the incident were issued only by non-governmental human right organizations and his party LSV. These raises the issues of the safety of the Secretary of State, but also the ultimate question: How will the state do something to protect its citizens from violence, when it does not do anything to protect its high level officials?

²⁶ "Law on fags" is a popular name for the Anti-Discrimination Law among right-wing extremist groups and conservative political parties.

²⁷ Black hand is a secret society, officially founded under the name Unity or death in the Kingdom of Serbia on June 10, 1910. This society had certain operations even before this time, organizing the events on May 29, 1903, when the king Aleksandar Obrenović and the queen Draga Obrenović were killed, thus, interrupting the reign of the dynasty Obrenović. Unity or death has certain pan-Slavic goals, among others, to unite all the territories of South Slavs, especially those belonging to Austro-Hungary. Gavrilo Princip, member of another organization „Young Bosnia“, was supported by the „Black hand“, and on June 28, 1914, in Sarajevo, he killed the Austrian Crown Prince Franz Ferdinand, thus, provoking the First World War.

²⁸ The Black Hand experienced its Intern reincarnation, when a group of Serbian hackers crashed Albanian and other sites at the end of 1998, before the NATO intervention in Serbia. For more details see: Serbian hackers „Black Hand“, Svet kompjutera, 11/98, <http://www.sk.co.yu/1998/11/skin03.html>

V RIGHT TO FAIR TRIAL AND EQUAL PROTECTION UNDER THE LAW

During 2009, GSA established Department for legal aid for GLBT persons in cases of violence and discrimination based on sexual orientation. Department for legal aid gathers documentation for the cases, gives legal advice, and if the victims agree, it initiates cases before judicial institutions in Serbia and represents the victims.

This is the first time that someone organized and systematically initiated cases in Serbian courts, prosecutors' offices and other authorities (police) in order to protect GLBT persons.

Although all of these experiences are completely new, the number of cases enabled us to get a glimpse of attitude of judicial and prosecutor's bodies towards the cases where one of the parties is GLBT person or the organization fighting for the rights of GLBT persons.

The most striking thing is the fact that, although two law suits were filed for collection of damages (one in April because of the ban of GSA's press conference in the Sava Center (SC), and another in July 2009 for hate speech in the newspapers Press), but no hearings were scheduled or held so far, which could have happened if the courts were more efficient.

The situation is similar with prosecutor's offices. During the previous year (in the period April-December 2009) four criminal suits were filed to relevant prosecutors in Belgrade. Two of them were filed for organizing Facebook groups intended against GLBT persons, spreading hatred, one of them was related to Facebook threats to the human rights activist and the other one for spreading hatred and discrimination of GLBT persons in the media.

Out of four criminal law suits, two were rejected, and the prosecutor's office has not issued any statement about the other two, although a sufficient amount of time has passed since the filing. After rejection of both criminal suits, GSA initiated criminal prosecution.

In one of the cases, the prosecution has just started, and GSA still does not have any comments on that, and in the other one, the prosecution started in June 2009 (Sava Center case) and the court has not taken any actions (the suspects were not interrogated, neither were plaintiffs).

The situation is the same in other criminal cases. One request for investigatory actions was filed. The request was to identify individuals who threatened and insulted the president of GSA via electronic mail. Although this request was filed at the beginning of May 2009, the court has not taken any actions to determine the identity of the person who sent the threats. Moreover, at the beginning of October, GSA received the decision rejecting the request as untimely. The appeal filed by GSA was accepted, but nevertheless, until today no actions have been taken.

In the case initiated in June 2008 (the plaintiff is Lazar Pavlović), no proofs were presented in the procedure (for example, neither defendant nor plaintiff were interrogated).

Thus, GSA concludes that neither the court nor the prosecutor's office took any actions, in any of the cases, in order to, at least, initiate the processing of suspects for criminal acts towards GLBT persons and start any of the cases.

At the end of 2009, there was a general re-election of judges in Serbia, and GSA determined

that the Supervisory board for re-election did not take into consideration the work of judges in the cases where GLTB persons were parties, as one of the criteria.

As a direct consequence of this, GLBT persons do not have or have little confidence in Serbian judiciary and rarely ask for the judicial protection.

1. The plaintiff Lazar Pavlović

The case is processed before the First municipal court in Belgrade, where it is registered under the number VI-K-1030/08.

In the period April 17-21, 2008, the defendant B.P. sent a great number of threatening text messages to the cell phone of the plaintiff Lazar Pavlović. Besides threats to life and body, these messages included insults, and all of it was caused by the sexual orientation of the plaintiff.

Although the criminal law suit was filed in June 2008, until today, neither the plaintiff nor defendant were interrogated. The last hearing scheduled for November 26, 2009 was not held, because the defendant did not show up. Due to the change of location of the court, the next one was postponed for the indefinite period of time, and the judge issued an order to bring the defendant in.

In case the defendant abuses his rights under the excuse of being ill, GSA will ask from medical institutions, through the court, to give opinion about the ability of the defendant to attend the hearings.

In 2008, municipal magistrate judge in Belgrade issued a fine in the amount of 10.000 dinars and the prison sentence of 20 days because of the threats to Lazar Pavlović, for the offense from Article 6 paragraph 2 of the Law on Public Order, and based on the Articles 84, 118, 232 and 235 of the Law on Minor Offenses. On October 21, 2008, the case was submitted to the panel upon the appeal filed by B.P, but the decision-making process has not been started.

The problem in this case lies in the fact that for a year and a half the court has not managed to interrogate the defendant, the plaintiff nor obtain any evidence. Since this is short criminal procedure it should be significantly faster and more efficient.

2. The litigation case for collection of damages against Public Company Sava Center

On April 24, 2009, GSA and its five members filed a law suit against Public Company SC claiming non-material damages due to violation of honor, reputation, personal rights and equality committed by the management of that public company against GLBT persons as well as for banning the use of public facilities just because it would be used by the organization engaged in protection of rights of GLBT persons. On February 28, the management of SC banned GSA's press conference, where the agenda of the conference was presentation of the report on the situation of human rights of GLBT persons in Serbia.

Along with the law suit, request for preliminary measure was submitted, with the intention to stop employees of the defendant from insulting the plaintiffs until the end of the trial.

On July 2, 2009, the plaintiffs received the decision rejecting the request for preliminary measure, and the appeal to this decision was submitted four days later. The appeal was rejected.

After that, the first instance court where the law suit was filed stated that it did not have territorial jurisdiction and the case was sent to the Fourth municipal court which has territorial jurisdiction.

Still no hearings have been scheduled, and the case has been with judge the whole time.

Since the judicial „reform“ is in progress and starting from January 1, 2010, there will be only one basic court in Belgrade, and it will not matter if the case is in the First or the Fourth court, but in December 2009 there were practically no hearings, and GSA did not file an appeal to the decision on the lack of territorial jurisdiction. From November 11, 2009, the case has been the Fourth municipal court.

In the meanwhile, GSA received the response to the law suit from SC, where they have procedural complaints, and stated that they did not prohibit the press conference and that they “are not in any relation with the plaintiffs, but only with Media Center, and in accordance with their (Media Center) primary business activities were obliged to provide plaintiffs with the space for organization of the press conference.”

3. Criminal procedure against the management of the Sava Center

In the period February 22-24, 2009, the defendant Dragan Vučićević, director of the Public Company SC and Rade Hinić, deputy director for congress activities of the Public Company SC, first banned the press conference of GSA, where the agenda of the conference was presentation of the annual report on status of human rights of GLBT population in Serbia in 2008, and after that they insulted GLBT persons in the media based on their sexual orientation.

On April 7, 2009, GSA filed a criminal suit against defendants in the Fourth municipal prosecutor's office, and after questioning of the defendants, plaintiffs and the witnesses in the police, it was rejected because they did not find grounds for initiating criminal procedure, and GSA was informed on June 8, 2009.

On June 16, 2009, after rejection of the criminal suit, GSA submitted the request for certain criminal investigation against above mentioned managers of Public Company JP SC.

According to the information received in the court registry office, the case was given to the judge i.e. judge's assistance (judicial assistant who acts on behalf of the judge) who will come back from vacation in mid August.

On September 17, the judicial assistant notified GSA's attorney that she did not schedule any hearings, but that she would do that in November, “if they did not more.”

According to the information obtained on November 4 in the criminal registry office in the Fourth court, since June 16, the case is with the judicial assistant and no actions have been taken (for example, questioning defendants, plaintiffs, witnesses etc.).

4. Criminal complaint against NN persons because of contents posted on the Facebook

On June 26, 2009, GSA filed a criminal complaint in the Third municipal prosecutor's office against several NN persons who claim they are: Jovan Bilbija from Belgrade, Božidar Karalić from Sremska Mitrovica and Andrija Petrović. All of them created and administered a group on the Facebook under the name „Stop the fags!!! Gay parade never in Serbia!!!“ where they allowed and encouraged the most serious criminal acts against GLBT persons, along with the insults, humiliation and discrimination of GLBT persons.

On September 2, 2009, the case was returned from the police department of the City of Belgrade from police processing, and was registered under the number Ktr-592/09 and was assigned to the deputy prosecutor Slobodan Nešović.

At the end of September, GSA submitted a filing in the Municipal prosecutor's office, along with the attachment-picture of the Facebook page, where the defendant Bilbija ridiculed the work of the prosecutor's office and the police.

Up until today, GSA has not received any letter or notification from the Third municipal prosecutor's office about the actions taken in the case.

5. Determining the identity of the individuals who threatened the President of GSA

In the period from February 6 to December 8, 2008, NN person, or persons, used electronic mail to send several messages, threatening and insulting the President of GSA, Boris Milićević because of his sexual orientation.

In order to be able to initiate criminal procedure it is necessary to determine the identity of the perpetrator of the criminal act. Therefore, on May 7, 2009, the request was submitted for certain investigatory actions which would order Internet provider, the company INT CS Ltd Belgrade to determine the identity of the individual who threatened and insulted or to determine his/her identity in some other way.

On October 6, 2009, GSA received the decision on rejection of the request of the plaintiff for certain investigatory actions, for missing the deadline. Two days later, GSA filed an appeal on October 13, 2009, to the criminal panel of the Fourth court. The appeal was accepted, and GSA was notified of that on November 20, 2009, but after that there has been no information about further steps in the procedure.

6. Criminal complaint against Mario Sarkezi because of the contents on Facebook

On June 1, 2009, GSA filed a criminal complaint against Mario Sarkezi from Zemun, who created and administered a Facebook group “Breaking of the gay parade on August 23 “where he allowed and encouraged the most serious criminal acts against GLBT persons, along with the insults, humiliation and discrimination of GLBT persons.

The Fourth municipal prosecutor's office gave this case to District prosecutor's office—Department for high level technological crime (even though use of Facebook is not high technology), and this case was further given to general District prosecutor's office on June 11, 2009.

The case was returned in procedure in the Fourth municipal prosecutor's office on August 26, 2009. This case now has a number Ktr-1229/09 and was sent to the Ministry of Internal affairs on September 29, 2009 for collection of necessary information.

Until today, GSA has not received any feedback from the Prosecutor's Office.

7. The proceedings against GLBT person

The proceedings were initiated against M.M. from Belgrade, for crossing the street as a pedestrian on the red light, on March 1, 2009 around midnight, thus, endangering the vehicle coming towards him, and in order to avoid him, it turned and hit the taxi which was parked.

M.M. claims that he did not cross the street on the red light, and that he was threatened, at a time, by the car which was speeding, and people from that same car insulted him and threatened him, and for this reason he wanted the police protection. The police protected him by taking him in the Police station Savski Venac. While he was taken to the Police station, the person in the car that hit the taxi, followed him, shouted and threatened him because of his sexual orientation.

This is probably an attempt to collect the damages caused by car accident.

GSA has not received the decision of the authorities up until today, although the defendant was questioned on June 22, 2009, and there is no information if the gathered evidence, submitted by GSA in writing at the time of examination, was accepted.

8. The law suit against the journalists of Press because of hate speech

On July 14, 2009, GSA filed a law suit in the First municipal court, against the journalist in the newspapers Press, the director of their web-department Iva Popović and the Editor of the web-department Nebojša Janković, in accordance with the Law on Public Information and Anti-Discrimination Law.

On July 2, 2009, the Internet edition of the newspapers Press published the text about Adorjan Kurucz, where he openly spoke about his sexuality and homosexual orientation.²⁹ Everyone could post their comments to this text via Internet. Most of the comments were the worst insults, call to murder, slaughtering and other threats, the defendant Press allowed posting of these comments on its Internet page.

One of the requests stated in the law suit is to prohibit posting of the same or similar contents and compensation. The first day after the law suit was filed, Press took all these comments off from its site.

²⁹ “I will be a gay icon”, Press, July 2, 2009, http://www.pressonline.rs/sr/vesti/dzet_set_svet/story/70974/Bi%C4%87u+gej+ikona.html

Although the case was assigned to the judge on July 31, 2009, up to this day no hearings were scheduled. Law on Public Information and Anti-Discrimination law, prescribe extremely short and strict deadlines for scheduling hearings in such cases.

Since it was determined that Iva Popović is no longer listed as an employee of the defendant, and Nebojša Janković is still listed as an editor of web-department, GSA withdrew the law suit against Iva Popović, and the court was submitted the excerpt from the site showing that Nebojša Janković is still employed by Press.

9. Criminal complaint because of the threats on Facebook

On June 24, 2009, under aged NN person, used electronic mail on Facebook, and threatened the plaintiff R.B.³⁰, that he would attack his life and body because of his sexual orientation.

On July 17, 2009, GSA filed a criminal complaint to the District prosecutor's office, Department for minors for criminal acts of endangering safety and racial and other discrimination.

This case was registered under number Ktm-854/09 and was assigned to deputy prosecutor, Papović Mirjana on September 17, 2009. So far, GSA has not received any notification.

10. Criminal complaint because of the threats to the blogger Predrag Pušelja

On October 12 and 13, 2009, Predrag Pušelja received text messages on his cell phone which included insults and threats because of the blog he posted on September 16, 2009, where he was representing the rights of GLBT person, and wrote affirmatively about organization of the Pride parade, and criticized banning of this event.³¹

The criminal complaint was filed in the police station in u Pančevo (where the plaintiff has permanent address), and another one was written for the police in Toronto (Canada) because the telephone number used to send these threats was registered in that city.

GSA has not received any information about this case.

11. Filing to the Department for internal control of the Ministry of Internal Affairs

In November 2008, the filing was submitted to the Department for internal control because of the insults and abuse of transgender Roma woman, along with videotaping of the event with cell phone and subsequent posting of the video clip on YouTube.³²

30 See Chapter IV, paragraph 2, item 2.1 of this Report

31 See Chapter IV, paragraph 2, item 2.2 of this Report

32 See Chapter IV, paragraph 2, item 2.3 of this Report

VI FREEDOM OF ASSEMBLY

During 2009, the opponents of GLBT community in Serbia systematically endangered the right to freedom of assembly of GLBT persons. There were incidents, including attacks on the locations of assembly, the conferences were prohibited, as well as festivals organized by GLBT organization, and the Pride parade, being the main event of GLBT movement throughout the world were not held.

1. Attack on the gay club X Zam in Novi Sad

According to the statement of a guest of the club, on Sunday, January 11, 2009, around 04:05 a.m., unknown men came in the gay club X Zam, located in the neighborhood of Klis in Novi Sad and attacked the guests.

Two guys came into the club, pushing the security staff. Then, they went on the dance floor, walked around pushing the guests aggressively. They seemed to be drunk. After few minutes they left. The security of the club did not react to that type of behavior.

Immediately after that, a younger man, about 20 to 22 years old, who had been in the club for quite some time, "asked us all to fight ". It seemed as if he wanted to fight with anyone. He tried to hit one girl but she managed to escape, and then he hit a guy with his fist and he fell immediately and after two steps he roughly pushed one young man and hit him with the fist in head so hard that the young man collapsed few meters away.

I came closer to see how attacked man was feeling and I saw the security guards convincing the attacker "to pull himself together " and go outside. Few people ran to the young man lying on the floor, who has a nose bleed and we tried to help him, but we were not aware of the severity of his injuries. We managed to help him a little bit, and take him outside.

The police came around 04:15 a.m. and started the investigation. Policeman Cekić interrogated the injured man, took his personal information, and then told us to urgently take him to Emergency room. The policemen asked who the owner of the club was, who was leasing the space, and then they asked the security who the attackers were and where they went.

The next day, we found out that the injured young man was in a state of severe shock and that the surgery was scheduled for January 16, 2009. He had a large hematoma, as well as a number of fractures of the skull. His head was hemorrhaging, and surgery was his only option.

On Thursday, January 15, 2009, they told us, in the hospital, that he was slightly better than on the first day. The head injury caused dizziness, had bad influence on his balance and control of movements. He could not walk due to neurological problems. Swellings changed its color, dislocated nose bones did not move, although there was great deal of pain and discomfort.

The operation was done on January 17, 2009, and the hospital stated that the general condition of the patient was stabile, and there were visible improvements. The doctors told us that it is difficult to give any view on further recovery, which would be long. The young man was released on January 19, 2009.³³

33 Statement of B.C, guest of the club X Zam about the incident, January 20, 2009, Internal documentation of GSA

GSA did not manage to establish direct contact with the victim, and after giving his statement B.C. stopped answering GSA's telephone calls, so there is no information about the actions of the police in order to catch the attacker and whether or not this case is processed before judicial institutions.

2. Attacks on gay club Apartman

The building where the club was located in 43 Karadjordjeva street was attacked twice, on March 11 and 21, 2009. Both times the hooligans used different gatherings in order to mobilize the crowd and attack this gay club. Better organization of extremists was caused by homophobic atmosphere in the period after passing the Anti-Discrimination Law, as well as the fact that Đorđe Zarić (24) was killed by a member of the special police forces.

The first attack occurred on March 11, 2009, after the protest of ŽUC in the Republic Square. Same as on every eleventh day of the month, on that day ŽUC organized a protests requesting that the July 11 be proclaimed the date when Serbia would commemorate the crime in Srebrenica. The members of the neo-Nazi and hooligan groups gathered that day with an intention to threaten and attack the activists of ŽUC, but, there was a large group of policemen on the Republic Square. When the hooligans saw they could not attack this assembly in the Square, they decided to attack the club Apartman.

According to the statements of eyewitnesses, dozens of masked attackers rushed in the entrance of the building where Apartman was located, tried to break the door of the club, threw one smoke bomb and broke almost all the windows on the stairway.

“First, there was a strong explosion in the building, they probably threw firecrackers, and then we could hear young men screaming and shouting, as they climbed up the stairs with bats and sticks in their hands. This group stopped on the third floor and started banging on the door of the club. They were screaming: ‘Fags, open up! Open the door, we want to beat you up!’ When they saw that no one was opening, they started breaking all the windows in the hallway, as well as all the lights in the building.”³⁴

„It is more than obvious that these were skins, who were frustrated by recent events related to homosexual population, and they decided to trash the club“, an witness Miroslav Tošić said, and added that the attackers want to break the door, enter the club and ruin it, but the sound of police cars stopped them.³⁵

Allegedly, the police started searching for the attackers, but despite their number and specific clothes, they did not manage to catch them.³⁶

The second attack on Apartman occurred on Saturday, March 21, around 10 p.m. That night around 7.30 p.m., in the Republic Square, the groups of anarchists and football fans organized joint protest against killing of Đorđe Zarić. After the end of the protest, around 9 p.m., a group of several dozens of hooligans left the crowd and headed to Zeleni venac, where they broke the glass in the restaurant McDonald's. Also, they broke the windshield on a car with Zagreb

license plates which was coming from the Brankov bridge. After that, they went to Apartman, with an intent to demolish it.

At that time, one of the participants of the gathering and regular guest in the club Apartman called the club manager in order to inform him about the intentions of the hooligans. The club manager called the police and notified them what was happening. Although it was close to 10 p.m., when in accordance with the standard procedure the police car should be parked in front of the club, no one was there when the hooligans arrived. First they started throwing rocks and broke four office windows, located on the first floor, and then they went in and wanted to break into the club. Soon after that, the police came and the hooligans ran away.³⁷

The police issued the statement that they had arrested 17 persons, out of which ten minors who participated in the riots after the protest. Against five adults, the criminal complaints were filed in the prosecutor's office, for suspicion of committing the criminal act of violence, the Ministry of Internal Affairs stated.³⁸

3. Attacks on the gay café Smiley

The extremists attacked Belgrade gay café two times, in March and August 2009.

In the evening of March 28, 2009, a group of fifteen minors entered and practically occupied the café Smiley. They climbed on the upper level of the café, where younger guests usually sit, and they started molesting them. They turned to one guest and started swearing and insulting him based on his sexual orientation. One of underage attackers slapped the guest. Soon after that the policemen from the police station Stari grad arrived and took the statements from the guest and attacker. After that, the group left the café.

In mid August, unknown perpetrators wrote the graffiti at the entrance of the café with the following messages “death to fags” and “we are waiting for you - 20. 9.”

“I came to my shift in the morning and I immediately noticed on the pillars and metal shutters that the graffiti were written. I immediately called the owner, and he called the police. I bought the paint in the nearby store and painted over the graffiti.”³⁹

The owner of the café together with GSA filed a request, in the police station Stari grad asking for police protection of the café. After that, the police used come to the neighborhood where the café is located, and asked questions about possible incidents or suspicious individuals.

Both attacks occurred in the period of increased homophobic atmosphere and threats to GLBT community in Serbia. The first attack occurred during a public debate on Anti-Discrimination Law, and the second one in the period of preparations of the Pride parade which was supposed to be held on September 20, 2009.

34 Target, Kurir, 12. mart 2009, <http://www.kurir-info.rs/clanak/beograd/kurir-12-03-2009/na-meti>

35 Stones thrown on gay club “Apartman”, Borba, March 12, 2009, <http://www.borba.rs/content/view/3492/123/>

36 Skinheads tried to demolish gay club, Alo, March 12, 2009,

http://www.alo.rs/vesti/13047/Skinhedi_pokusali_da_demoliraju_gej_klub

37 Statement about the incident in the club „Apartman“, Internal documentation of GSA, March 22, 2009

38 The attackers on McDonald's arrested, Mondo portal,

http://www.mondo.rs/s128654/Info/Hronika_i_Drustvo/Pohapseni_napadaci_na_Mek.html

39 Statement of the employee in the café Smiley about the incident, Internal documentation of GSA, August 28, 2009

4. Attack on gay club Hram X

On Sunday, July 12, 2009, around 3 a.m., unknown perpetrators threw tear gas in gay club Hram X in Admirala Geprata street.

At that moment, there were more than 200 guests and they all headed to the door in panic. One of the female guests was injured.

“It was a terrible feeling, you are unable to see anything nor to breathe. Maybe the worst part is that all the nerves in your body are drugged, and you literally have a feeling that every inch of your body and skin is burning. I was among the last ones to go out.”⁴⁰

In his statement to GSA, one of the guests spoke about unprofessional behavior of members of special police unit when they arrived after the incident. “We laughed all the time, they were so unprofessional, and they did not take any statement about what had happened, whether or not we saw someone suspicious.”⁴¹

The police has never issued a statement about this attack, or whether or not the attackers were caught. This presents a specific problems since the club “Hram X” is located on the ground floor of the building where the former Prime Minister of the Republic of Serbia Zoran Đinđić was killed. The fact that the state cannot catch the perpetrators of a criminal act at one of the most challenging safety spots, is the proof that the government is unable to protect itself and its citizens, or lack of enthusiasm to do that when it is related to GLBT persons and their gathering places.

5. Banning of the GSA's press conference in Sava Center

GSA planned to organize the press conference on February 26, 2009, in order to present the annual report on the status of human rights of GLBT persons. This conference was supposed to be held in one of the conference rooms of SC.

Two days before the date the conference was scheduled, deputy director for congress activities in SC, Rade Hinić used electronic mail and telephone to notify Media Center, which organized this conference on behalf of GSA, that he was canceling the lease of space for this event.

Director of Media Center, Gordana Mladenović notified GSA, by telephone, about these events and that Rade Hinić said that the conference was cancelled since it was a gay organization organizing it.⁴²

As a reaction to this cancellation, GSA organized a protest for 6.30 p.m. that day in front of SC, and according to the media reports there were about 100 members and supporters of GSA. Also, besides the demonstrators and journalists, there were numerous police forces, and two police cameras were videotaping this event.

At that moment, within the program of the film festival Fest in SC, the projection of the movie “Milk” about the gay activist Harvey Milk was just starting, and the members of GSA started

40 Tear gas against lesbians, Alo!, July 13, 2009, http://www.alo.rs/vesti/17175/Suzavcem_na_lezbijke

41 Statement of B.S. about the incident in the club Hram X, Internal documentation of GSA, August 14, 2009

42 It is interesting that Hinić notified Media Center about canceling of the GSA press conference, just before the press conference of KPD, whose members are GSA, and other LGBT organizations: Labris and Gayten.

distributing the announcement about the ban of the conference. The security of the SC started attacking the activists, and they became revolted and went to the big hall of this congress center. Once again, the activists of GSA tried to address the public at the beginning of the movie “Milk”. The security personnel, many of them under the influence of alcohol, attacked the activists, started hitting them and pushing them from the stage. The activists decided not to resist any longer and decided to go off the stage in order to prevent further conflict.

After this, the director of SC Dragan Vučićević gave the statement for the daily papers Alo!: „I don't have anything against them, except for the fact that I don't want to see them. You know where the fags gather in the city, so they should go there and organize the press conference. In Sava Center, only decent people can organize conferences. I think that fags are not welcome anywhere, and especially not in Sava Center.”⁴³

On February 24, Vučićević once again showed that he had issues with GLBT persons in his statement for the “News at 10” RTV B92. He was asked why he did not allow the conference organized by GSA and he said: „Because we do not want such gatherings in Sava Center. I don't mind if they gather somewhere else, but never in Sava Center.”⁴⁴

On February 24, Rade Hinić stated to the agency Beta that SC “is an international congress center and that everywhere in the world such institutions are used for serious assemblies... I do not want to discuss anyone's racial or gender orientation, but I think that this gathering can be held in some other place “.

The proof that this is a direct discrimination of both GSA, and GLTB persons, by SC, is the fact that the previous year (April 11, 2008) GSA had organized the press conference in that congress center, but Vučićević and Hinić were not in the management at that time, and at that occasion GSA presented the public poll research “Homophobia in Serbia – Prejudice out in the open “.

All legal actions undertaken by GSA, related to this case are discussed in Chapter VI of this report.

This event had its positive consequences as well. There was a substantial media coverage and we can say that this opened a huge media space for the issues of GLBT persons in Serbia, which was used in 2009, especially during the process of organization of Pride parade. Also, this is, unfortunately, the only public protest of GLBT persons organized in Serbia without physical violence.

6. Attack on the GSA press conference organized in Kragujevac

On March 9, 2009, GSA press conference, where the report on the status of the human rights of GLBT persons in Serbia was supposed to be presented, was interrupted when two unidentified persons broke the glass at the entrance door of the room where the conference was held.

At the very beginning of the press conference, a little bit after 6 p.m. in the Students' Cultural Center in Kragujevac, a group of five – six attackers broke the glass at the entrance of the facility, and the gathering was stopped. The participants of the conference heard the glass break, noise and insults.

43 They threw a homosexual out, Alo!, February 25, 2009, http://www.alo.co.rs/vesti/12712/lzbacili_napolje_homoseksualce
44 Firing or resignations in the Sava Center “, B92, February 25, 2009, http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=02&dd=25&nav_category=12&nav_id=346867

“GSA paid the lease to Students’ Cultural Center, and we did not call the police since up to that time there was no need for police protection of press conferences. The conference was just starting, when a group of 20 masked hooligans appeared from the Great park. First, they wanted to go to the conference room, but since the door was locked, some of them broke the glass on the door. Then, swearing and shouting they ran into the Great park “, Nenad Glišić, member of the management of Students’ Cultural Center stated for the daily newspapers Danas.⁴⁵

Soon after the incident, the police arrived to Students’ Cultural Center and inspected the crime scene. This building has video surveillance, which helped police catch some of the attackers. Đ.R. (21), V.A. (20) and N.K. (17) were brought before the judge. The police issued the statement that they were identified and arrested, and that the police was still searching for other individuals who participated in this incident.

A criminal procedure against these persons was initiated in the Municipal Court in Kragujevac, and according to the information available to GSA, the decision has still not been issued.

7. International queer film festival “Merlinka”

It took three attempts to Gay and Lesbian Info Center (GLIC) to organize queer film festival “Merlinka” in Dom omladine in Belgrade. First, the festival was scheduled for the period September 11-13, 2009. But the festival was postponed because of the fear that neo-Nazi and extremist group would attack the guests of the festival, since at that time, one week before the date the Pride parade was scheduled, there was a atmosphere of hatred and violence against GLBT population. The festival was postponed two days before it was supposed to start, and the management of Dom omladine stated that this was done due to “technical problems”.⁴⁶

The second time, the festival was scheduled for the period November 16-18. But, the leader of the Serbian orthodox church, patriarch Pavle passed away on November 15. Due to three days of mourning, the organizers of the festival decided to postpone this event for a month.⁴⁷ They decided to organize it in the period December 18-23, but the festival had a two-day break, on December 19 and 20, in order to prevent the extremists from attacking the guests of the festival, since many orthodox believers celebrate St.Nicolas those days.

8. Pride parade

Pride parade, i.e. Pride procession as it was later called by the organizers, should have been the main event in 2009, and would strengthen the activism, increase the visibility of GLBT community, improve the cooperation with state institutions in the process of inclusion of the GLBT community in the society, and weaken conservative tendencies in Serbia.

However, only one of those goals was achieved. The visibility of GLBT community was increased

45 Masked hooligans against sexual minorities, Danas, March 10, 2009, http://www.danas.rs/vesti/hronika/maskirani_huligani_protiv_seksualnih_manjina.3.html?news_id=155573

46 Merlinka festival postponed, B92, September 9, 2009, http://www.b92.net/kultura/film/vesti.php?yyyy=2009&mm=09&nav_id=380508

47 Merlinka will be held in December, e-Novine, November 17, 2009, <http://www.e-novine.com/kultura/kultura-vesti/32264-Merlinka-tek-decembru.html>

in the media. We could say that the communication with state institutions was raised on more professional level, there was no serious cooperation on creating policies that would help solve main problems of GLBT community in Serbia, such as violence and discrimination.

Unfortunately, Serbia still stays the only country where Pride parade has not been held yet, and where GLBT persons cannot exercise their constitutional human rights, such as freedom of assembly.

It is ironic that, on September 19, 2009, when it was decided that the Pride parade would not be held, the only winners were extremists and hooligans, and the government itself suffered the biggest loss. Only then did the state institutions and society as a whole realize that the authority of the state was taken over by the extremists, and that all citizens of Serbia, not only GLBT persons, did not feel safe and secure. Brice Taton paid this price with his life. On September 17, 2009, this French citizen was beaten to death by the hooligans. Taton died 12 days later from the injuries inflicted in this assault.⁴⁸

8.1. Initiating Pride Parade 2009

GSA initiated the process of organizing Pride Parade 2009, with all the media attention gained around the banned media conference in SC⁴⁹ and in the process of passing the Anti-Discrimination Law. On February 26, 2009, GSA presented the annual report, ‘This is a country for us’ in the Center for Cultural Decontamination and announced that it would do everything to make the Pride Parade happen in Belgrade in 2009.⁵⁰ During the next month, representatives of the GSA on a mini tour in Serbia (Nis, Kragujevac, and Novi Sad) in their media appearances insisted that the state allowed the Pride Parade.⁵¹⁵²

During March 2009, GSA has started the process of organizing Pride Parade. GSA was aware that the organization should not be monopolized by any organization and that the success of such events depended on the involvement of not only of all GLBT organizations, but also the entire community: representatives of places of assembly of GLBT persons, informal groups, mainstream human rights organizations, arts organizations, public figures, etc.. GSA saw Labris as the main partner in creating a broad platform for the organization of the Pride Parade, especially because at that moment other GLBT organizations showed great reservations about this event. GSA and Labris signed Memorandum of Understanding for organization of the Pride Parade, the Organizing Committee was formed and it had four Labris and four GSA representatives. Also, it was agreed that the Organizing Committee would be expanded according to the needs, but that the two organizations would jointly participate in it.⁵³

Boris Milicevic (GSA) was elected Chairman of the OO and Mary Savic (Labris) was elected Deputy. Other GLBT and mainstream organizations: Chris Center, Queer Beograd, Europe has

48 Allen and Sizan Taton: Hooligans come from good families, Politika, September 30, 2009, <http://www.politika.rs/rubrike/tema-dana/Alen-i-Sizan-Taton-Nasilnici-su-iz-dobrih-kuca.lt.html>

49 For more information please see Chapter V, item 2 and item 3 and Chapter VI, item 5 of this Report.

50 UN Mission: No tolerance for discrimination, Mondo, February 26, 2009, <http://www.mondo.rs/v2/tekst.php?vest=125977>

51 Gay population is the safest in Vojvodina, B92, March, 2 2009, http://www.b92.net/zivot/vesti.php?nav_id=347807&fs=1

52 Gay parade in the summer with the help of the Government and police forces, 24 sata, March 17, 2009, <http://www.24sata.rs/vesti.php?id=47713>

53 Memorandum of Understanding, march 31, 2009, Internal documentation of GSA

no alternative, as well as individuals who wanted to participate in the organization, joined the Organizing Committee. The date of the Parade was generally set for August 23, 2009, bearing in mind that the gay icon Madonna would be in Belgrade for the concert the day before, and that the concert would be attended by numerous visitors from the region and the world, and that the police would already be on standby. Announcement –support for the Parade was signed by 55 non-governmental organizations from Serbia and OOPP received a substantial support of international organizations. Because of conflict among GLBT organizations, GSA dropped out from OOPP on May 26, 2009,⁵⁴ and the parade date was changed and shifted for September 20, 2009.

8.2. The increase of violence and reaction of state bodies

In early June 2009, extremist right-wing organizations and hooligan groups initiated the campaign of threats against organizers of the parade and the entire GLBT community. At the beginning of this process, the atmosphere of fear and violence ruled, which is best illustrated by research conducted by Strategic marketing on May 6, 2009, when 54.41% of respondents answered that the pride parade would be violent.⁵⁵

Leaders of extremist organizations, Mladen Obradovic (Obraz), Misa Vacić (1389) and Ivan Ivanovic (Nasi) were the loudest, and the media provided space for the numerous statements of hatred and threats of violence to the organizers and potential participants.

In July 2009, Misa Vacić from the Movement 1389 announced that his organization would arrange for a counter rally, and that many patriotic groups, supporters and representatives of the Orthodox Church would take part.

‘September will work just fine. People are returning from their vacations, students begin school and sports fans have a season kick off’- he said and added that it was not about tolerance, but ‘the final humiliation of our people’. The attitude of many police officers was ‘we have to protect the embassies, but not gays’. Nine years ago they had their orders, and we all know what happened! ‘Vacić said.⁵⁶

Mladen Obradovic from Obraz informed participants that ‘all homosexuals will get what they deserve’.

‘We share the century-old SPC attitude towards homosexuals, and it states that this phenomenon is one of the most disgusting sins. Serbia should follow the example of Russia, where such events are prohibited. I believe that Belgrade Pride Parade will not happen, and if it does, we are ready. They know what they are going to get “We are waiting for them”, said the Obraz representative.⁵⁷

Daily newspaper ALO! conveyed the statements of the hooligan group leaders of Red Star and Partizan.

‘They will not allow advertising of disease in Serbia – that is for sure! The fact that they have complained to FIFA was really confusing for me, where do they get the idea? Do they know of any Fagot Cup, where the players play wearing thongs or where the fans come to the stadium wearing brassieres? They can do whatever they like in the privacy of their own homes, but organized in the streets in Serbia, where children are watching, I repeat, we will not allow it, and I believe all other normal people in Belgrade will not allow it –one of the leaders of ‘Delia’ said for Alo! daily.⁵⁸

One of the leaders of the Partizan fans, Sima Serbia said for Alo! daily that ‘gays are feeding on the beatings they receive and hence put themselves in the foreground. Sima Serbia demonstrated that he was aware that opponents of the Pride Parade will try to prevent it from happening by committing violent crimes with the following statement: ‘Most of all I am sorry for the people who will get arrested and brutally beaten in police stations that day’. When asked whether he will participate in the protests against the Pride Parade on replied: ‘If I answer that one, I would be immediately arrested’.⁵⁹

In early August of 2009, they started appearing in the media and drew the graffiti all over Belgrade with the message ‘Death to faggots!’, ‘Stop the gay parade’, ‘Out with the faggots!’, ‘Gay parade in Serbia? Never’, ‘We are waiting for you!’, ‘The Kosovo Serbs are without electricity and water, and in Belgrade stories about faggots run like water!’, Kill the fag’. in the central part of Belgrade alone, GSA registered over 50 sites with such graffiti and on August 21, the city cleaners announced that they had registered over 140 sites with graffiti, mostly with threatening content.⁶⁰

The campaign used methods which, in great detail, resembled the 90s secret services campaign that spread hatred towards other nationalities, which were declared the ‘enemies of the Serbianhood’. So the agency FoNet passed the false OOPP statement claiming that the criminal charges against 1389 for violation of the prohibition of neo-Nazi events and fascist associations were filed.

‘Upon entering the 1389 website, the pop-up window shows up, with a photo of convicted war criminal Veselin Slijivancanin and the inscription ‘Veselin Slijivancanin is a hero’, it is said in the false statement.

It refers to the Article 4 of Anti-Discrimination Law, about neo-Nazi events and fascist associations, stating that it ‘prohibits the presentation or any use of symbols which justify the persons who were convicted of war crimes’.⁶¹

With this false statement, publicized by almost all the media in Serbia, unpopular group and event are presented as opponents of Veselin Slijivancanin, who is a hero in the eyes of extremists and their supporters.

Serbian People’s Movement 1389 called out for ‘internal bidding’ to news agencies and photographers asking for a photo that shows the faces of the Pride Parade participants. These photos were planned to be used for the project ‘Protect your child’ whose aim was to help ‘Parents in identifying sexually deviant and protect their children from harmful influences’.

Misa Vacić from the Movement 1389 stated that in agreement with lawyers it was determined

54 For more information see Chapter XIII of this Report.

55 Opinion of the nation, Blic, May 6, 2009, <http://www.blic.rs/Vesti/Tema-Dana/91211/Stanje-nacije>

56 Gay parade in September, Alo!, page 3, July 21, 2009

57 The parade will take place where it should – in the center of Belgrade, Gradanski, August 3, 2009,

<http://www.naslovi.net/2009-08-03/gradjanski/defile-ce-se-odrzati-tamo-gde-mu-je-mesto-u-centru-beograda/1264008>

58 We will not allow fags strolling in their thongs, Alo!, August 13, 2009,

http://www.alo.rs/sport/18192/Necemo_dozvoliti_svrckanje_pedera_u_tanga_gacicama

59 Ibid.

60 Utility company “Cleaning” has cleaned 1.500 square meters of graffiti, 24 sata, September 18, 2009,

<http://www.24sata.co.rs/vesti.php?id=61629>

61 False announcement of the organization of the gay parade, Mondo, August 12, 2009,

<http://www.mondo.rs/v2/tekst.php?vest=143680>

that this offer did not contain elements of criminal act.

'The idea was not a call for lynch, but the formation of a unique gallery that would help people recognize gays and remove children from their environment. Gays are everywhere, it is a neighbor, a teacher, and when parents see the photo, they could say: 'Oh it that cousin of ours, we will not hang out with him anymore', said Vacić.⁶²

One of the key moves in the campaign of hatred and fear is spreading and publishing of Security and Information Agency's 'confidential' information, about the plans of the enemies of the GLBT community how to break the Pride Parade. In order to give credibility, the unconfirmed information was published in 'Politika' and 'Vecernje novosti', two high-circulation newspapers, which enjoy the respect of a large part of the public in Serbia. According to GSA, two daily newspapers have received information, i.e. article via agencies' e-mails originating from BIA and that was published almost in integral version under the heading 'Parade full of risks' (Evening News), and 'Parade of high risk (Politika).

According to the data 'Novosti' discovered, certain sports fan groups would cause incidents in the wider city center so the police would concentrate on those events. Another group of sports fans would then attack the gay parade participants with all available means.

State institutions, according to our sources, had knowledge of a large number of parents objecting to this method of showing sexual inclination would take part in the counter rally.

Apart from sports fans and right-wing groups and their sympathizers from all over Serbia and Republic of Srpska, their participation in the 'counter rally' announced students from some high schools. Text messages and e-mails inviting citizens to prevent the gay assembly were passed forward.

According to announcements, participants of the counter rally would gather in front of Faculty of Philosophy. For the first time together, the youth of the patriotic political parties announced their presence at the counter rally. The supporters of 'Obraz', '1389 Movement' and 'Nasi', as announced, would solely assault the parade participants and would not attack the police.

The participants of the counter rally announced that they would be caring stones, torches, Molotov cocktails, tear gas, firecrackers ... The right-wing organizations believed that they would not be able to control their extreme members. Apart from the parade participants and the police, the stores would also be under attack.⁶³

Politika newspaper wrote that it had the security services' assessment of the Pride parade.

That document stated that security services expected the arrival of many supporters of right-wing organizations from all over Serbia and Republic Srpska. Their data indicated that, in addition to the planned attacks on gay members of the population, the 'Rad' and 'Red Star' fans, were planning an attack on police officers who would be securing the event.

Their members (extremist group members) will blend in as parade participants so they could cause pellets within the Parade.

It was estimated that, during the Parade, the fights would result in a number of injured participants, citizens, and police officers. It was estimated that a large number of buildings would be damaged and that many crimes would be committed.

To the knowledge of the security structures the organization called 'Anarchic-Syndical

initiatives' would also participate in the 'counter rally' but they would use that opportunity for other purposes. According to what we know, they would attack police officers in order get revenge for the arrest of its members who threw Molotov cocktails at the Greek Embassy.⁶⁴

The president LSV Nenad Canak testified about the connections between the extremist organizations and the Government.

When asked by the RTV B92 journalist Danica Vučenić, why clero-fascists were not a security problem, Čanak replied: 'Well, because they work for the police and that has always been like that'.

B92: How do you know that ...?

Čanak: How do I know? From the simple reason that the police in Serbia has always .. not only in Serbia, but since we live in Serbia we are talking about it, always has an informal groups that serve as the country with a false identity card. Well, as during 90s we had paramilitary, quotation marks, unit that raged in Bosnia, Croatia, in Kosovo and here in Belgrade you had people who were beating people who were putting up the opposition posters by some unnamed persons. And afterwards, it was established that they all had official identity cards and were the members of the State Security Service of Serbia.

B92: Well, how is it that those clero-fascists groups do not represent a problem for the police ...

Čanak: I am talking about the clero-fascist organization Obraz, 1389, about, Nasi, etc..., to be very precise, we are talking about them.⁶⁵

The blog Belgrade Pride, lead by Robert Vasic, Jadranka Sudar and Savo Karalić who are also administrators of the Facebook group 'Support for the straight pride parade', was also used in spreading of the panic. On September 18, they announced that in front of the Faculty of Philosophy, before the beginning of the Pride Parade, 'the ceremonial burning of the Serbian flag in protest against the persistent institutional discrimination against GLBT population in Serbia will be performed'. 'This gesture of protest, which is totally legitimate form of expressing dissatisfaction in a democratic society, aims to attract the attention of Serbian and international public regarding the persistent discrimination against GLBT population in this country'.⁶⁶

This fact was successfully used in the media and the entire public, to link GSA, recognized as one of the initiators and supporters of the Pride Parade, with something that most citizens of Serbia recognized as an attack on the symbols of their state. The success of this diversion was proven by many calls that day, not just by the media who called to check this information, but from many partners and members of the GSA.

The appearances of Dragan Djilas, the Belgrade Mayor, Zarko Obradovic, Minister of Education and Zeljko Nikac, Assistant Chief of Police Directorate of Serbia in the program 'Utasak nedelje' on TV B92, on September 13, 2009, the same day when the BIA sent an e-mail to newsroom 'Politika' and 'Vecernje Novosti' with 'confidential information' about plans to attack Pride Parade, can demonstrate possible linkage of the government with these machinations.

64 Parade brings high risk, Politika, September 15, 2009, <http://www.politika.rs/rubrike/Hronika/Parada-visokog-rizika.lt.html>

65 Čanak: It is well known who threatens the parade, Kažiprst RTV B92, September 16, 2009, http://www6.b92.net/info/emisije/kaziprst.php?yyyy=2009&mm=09&nav_id=381816

66 Burning of the Serbian flag before the Pride parade, <http://belgradepride.blog.rs/blog/belgradepride/saopstenja/2009/09/18/protestno-paljenje-zastave-srbije-pre-pocetka-povorke-ponosa>

62 The citizens pay 390.000 Euros for the gay parade, Alo!, September 18, 2009, http://www.alo.rs/vesti/19398/Narod_placa_gej_paradu_390000_evra

63 Parade brings many risks, Večernje novosti, September 14, 2009, <http://www.novosti.rs/code/navigate.php?id=9&status=jedna&vest=156821>

During the entire program, the three were distancing themselves apart from Pride Parade and warning of the danger of violence during the event. They went a step further, presenting the view that for that the attackers are not responsible for the risk of violence, but the organizers, i.e. potential victims of violence.

When asked about the Pride Parade, Djilas answered with the warnings about violence:

We have various groups that are using each event to destroy the city, to beat someone, and they are always hiding behind some patriotic cause, which I, of course, condemn. I am the Mayor of Belgrade, and I say, people will gather at this event, arguably, they will have a maximum police protection, that I truly believe. How it could be prevented that someone throws a stone from a 30 meter distance, I do not know, I am not a professional, we'll see how it will go. I just wanted to draw attention to the problems which will after the event ends.

Here, I said, those who decide whether the event will be allowed, to, and those who organize it, is to bear the risk of everything else. I would really like, believe me, that people gather and express their views in the manner with which I disagree, but they have that right, no one can take that right from them, and that it all ends without a single broken head, without any consequences.

As a man who has spent much time in stadiums and various sporting events, in various roles, I know how it feels when thirty people, who behave as non-humans, run in on two of three unfortunate people that walk down the street. So, until the police arrives to jump in and to prevent it, they are already down and have already been beaten.

I do not see any real reason for someone to parade because he is of homosexual orientation or if he is heterosexual. It is their own thing, what does it have to do with others and I will always think this way, people can like it or not. What can I do.⁶⁷

Besides telling that the parade organizers are responsible for the violence of extremist groups, and asking the extremist not to carry out violence, Nikač compared GLBT people with polar bears. In only one sentence, Nikač mentioned that those who attacked 'those people' need to consider the consequences.

We ask all men, on all sides to act as the city people with respect and tolerance. These people, who share different values, other sexual orientations, I respect, I do not share their values, but I ask of them, that just as everybody else, under the Law on Public Assembly, submit a regular application, which they did. Colleagues from the police administration of the city of Belgrade will observe all aspects. They had meetings at the city level and among other things this was discussed. Mr. Djilas was direct and his team as well, although not legally authorized they would like to participate along with the Ministry of Internal Affairs and the Serbian Government and take care of our city and, they were all worried. So our idea and a request is that the organizer is very much obliged and empowered to take account of the event. Anyone can submit an application for a public gathering. For example, I can now apply to get a permit for an event on which I will get together with polar bears in the city of Belgrade and go through the city with the polar bears. I mean I do not want to compare those people, but I want to say that everyone must take responsibility; everyone is responsible for their behavior. It doesn't not relieve anyone from legal and professional obligations. Everyone has to take into account the

67 Who is raising our children, Utisak nedelje, TV B92, September 13, 2009, https://xs4.b92.net/info/emisije/utisak_nedelje.php?yyyy=2009&mm=09&nav_id=382603

consequences of his doing - and those who attacked these people.⁶⁸

In addition to the inarticulate, almost chaotic speech, he also spoke about what the police would do in order to prevent violence. Nikač was the first one who publicly mentioned the possibility of not having Pride Parade. Assistant Chief of Police Administration stated that GLBT people were not normal at this time.

We will be well organized, our Police Department, Police Directorate, Department for public order and peace, we have a good reference unit, because our goal is not to ... we'll try to suppress and separate these groups, to provide normal conditions for this public gathering, if it does happen, unless it is assessed that it is difficult to secure it.

According to the system of prohibition, that the public gathering could be formally banned after assessment by the experts. This is not our goal. The Constitution of the Republic of Serbia exists, and is based on international conventions and freedom of assembly.⁶⁹

One day we will prevail, and we who do not share the values of that population, as they call it gay. One day they will be normal, they will not have to be imposed themselves in this way. Perhaps these people have a problem, they want to impose. Perhaps they are stigmatized somewhere, I do not know that.⁷⁰

Zarko Obradovic also had to point out that he did not share 'that system of values shared by the organizers of Pride Parade' but as an experienced politician, he said that he respected 'their right to express their uniqueness.' When journalist Olja Beckovic asked whether he thought about appearing at the Pride Parade in order to send a message to high school students who were preparing to attack the gathering 'that they have no business obstructing it and that it should be respected' Minister of Education said: 'Frankly, it didn't occur to me that I should appear, because ... Because my presence there would send out the message that I share that value system, and I said that it is not the case'.⁷¹

The reluctance of politicians to send a clear message to the public that violence is unacceptable is best illustrated by the statement of Ivica Dacic, Serbian Deputy Prime Minister and also Minister of Police and President of the Socialist Party of Serbia (SPS).

Dacic said that the Pride Parade should be better prepared, politically, as the only aspect that is discussed is the one regarding security.

'Today, at the Government session, I will ask for a discussion regarding this event and I expect a certain political message. The Government should not keep quiet because this is a mix of political and police related issues' said Dacic for radio B92.⁷²

The reasons why politicians kept quiet about one of the most important political issues in Serbia, is perhaps best illustrated by the statement of the 'number one homophobe'; Dragan Markovic Palma, whose party, United Serbia (JS) is a member of governing coalition. 'The government session is today and I will ask the Government, as is this event is estimated as extremely risky, to cancel the parade of shame until further notice, to the year of 2150' he said.⁷³

The appearance of many politicians from the conservative opposition at 'Family walk', which was organized on September 12 as a warning to the participants of Pride Parade tells us that

68 Ibid.

69 Ibid.

70 Ibid.

71 Ibid.

72 Pride Parade: Instructions for the participants (VIDEO), Mondo, September 17, 2009, <http://www.mondo.rs/v2/tekst.php?vest=147023>

73 Ibid.

the extremist organizations and hooligans were backed up by the politicians.

Several hundred citizens participated at this event, on the streets of central Belgrade, organized by the Serbian congress called 'Dveri'.

Family walk began at 4 p.m. in front of the St. Sava temple, and the central city streets were filled with marching citizens and the sound of children's songs could be heard. Among the participants were the leader of New Serbia (NS), Velimir Ilic and his associates, Professor of Law Faculty Smilja Avramov, a former Minister of Religion Radomir Naumov (DSS) and musician Bora Djordjevic. Representatives of 'Dveri' claim to have support from of the Serbian Radical Party (SRS), Democratic Party of Serbia (DSS), NS, and, as stated, individuals from the Democratic Party (DS). Clergy of the church held prayer dedicated to the Holly Virgin and then appealed to the youth to give up abortion and turn the birth giving - one of God commandments.⁷⁴

This was not the only case in which the Orthodox Church practically supported the politics of violence of extremist organizations. The biggest support was provided by the one of the most influential priests in the Orthodox Church, Amfilohije, Metropolitan of Montenegro and the Littoral, who was substituting for, at that time, very ill Patriarch Pavle.⁷⁵ By calling the Pride Parade 'a parade of Sodom and Gomorrah',⁷⁶ on September 15, Amfilohije said that 'Church of God, as a guardian of sanctity of life and love and as a workshops of eternal life, cannot accept or approve the 'parade of shame - as a pride parade', especially when its imposing public violence against those who do not think alike'.

'Church never called out or is calling today, for violence against anyone, not even against those who choose the path of bestiality and death instead of the path of life.'⁷⁷

Although this was him trying to distance himself from violence, Amfilohije confirmed his opinion on what is to be done with GLBT people by citing the New Testament: 'the tree that bears no fruit is to be cut down and thrown into the fire'.⁷⁸

This statement of Metropolitan Amfilohije was heard in the public as none before, and on September 18, Backa's Bishop Irinej explained his fellow priest's position in order to reduce attacks on the Church. He went a step further and denied that the Amfilohije's position on this matter is the official position of the SPC.

Irinej said that 'Christians are not permitted to overrule misleads by force and violence, but with persuasion, and with the word and meekness to perform the salvation of people'.

In his public letter he also said that the Serbian Orthodox Church opposed the right to public expression of sexual orientation and recalled that it was the official position of Orthodox Christians and all traditional churches and religious communities in Serbia published more during the public hearing on the draft Anti-Discrimination Law.

"All other statements issued these days in church and public media, maintain personal opinions of their authors and do not represent the views of the Holy Synod, who after the adoption of the Anti-Discrimination Law did not discuss this subject, or the event in question," it was stated in Irinej's written statement to the media.⁷⁹

74 Hundreds of citizens in the Family walk, Mondo, September 12, 2009, <http://www.mondo.rs/v2/tekst.php?vest=146556>

75 Patriarch of the Serbian Orthodox Church Pavle passed away on November 15, 2009.

76 Sodom and Gomorrah, according to the Bible, were two cities destroyed because of sins of their people. In Christianity and Islam, these names have become synonymous with impenitent sin, and their fall with a proverbial manifestation of God's wrath.

77 Thousands of policemen will protect the gay parade, Mondo, September 16, 2009, <http://www.mondo.rs/v2/tekst.php?vest=146925>

78 New Testament, Mt 3,10

79 Irinej against violence at gay parade, Mondo, September 18, 2009, <http://www.mondo.rs/v2/tekst.php?vest=147188>

The proof that "homosexual panic" which ruled in Serbia, and later resulted with violence, were numerous graffiti writing on billboards of "Alma Quattro" company. The outdoor advertising company places their billboards where there is space. In July it launched its viral campaign "Love", by putting up colorful billboards with the word "love" in Serbian and English. This campaign was recognized by the homophobes as promotional action for Pride Parade and soon, many billboards had graffiti with a message "We are waiting for you", "Stop the gay parade" and others.⁸⁰

The orchestrated campaign of hatred and spreading of the fear, inarticulate responses of the state, primarily of the police, on threats and attacks on GLBT people throughout 2009 could have resulted in only one thing - the escalation of violence around the time of the scheduled date of the Pride Parade, whose victims were mostly foreigners.

During those days, sports fans, skinheads and members of extremist groups were chasing these days whoever they thought was suspicious.

French football supporter Brice Taton was beaten on September 17, 2009 in downtown Belgrade in Obilicev venac and as a result of the attack he died on September 29. On the day when the Pride Parade was planned, near the Kalemegdan fortress, two boys attacked the Australian tourist James P. Brown (25) who got minor injuries.⁸¹

Libyan citizen L.C., who studies in Belgrade, was also attacked in the park Tasmajdan on September 25 in the evening hours.⁸²

On September 20, thanks to his quick feet, William Juric (Urich), Chairman of the Board Inter Pride organization saved himself from the attack of the group of boys who were following him. Near the Republic Square a group of hooligans began to chase after him, but he managed to escape to a nearby police patrol.⁸³ Russian gay activist Nikolai Baev testified that at the Belgrade airport Surcin, skinheads and other nationalist groups were stalking him.⁸⁴

8.3. Cancellation or prohibition?

On September 14 it became very clear that the things had gone too far and that it will be very difficult to have the Pride Parade when OOPP requested from the police, with whom it had a good cooperation according to them, to announce measures to be taken to protect participants of the event. OOPP demanded from the Serbian Ministry of Internal Affairs "to announce measures that will be taken against those who attempt to forcibly prevent the Pride Parade, which included preventive activities and arresting those who are attacked the participants."⁸⁵

The same day the Government sent the spoken request to the organizers of Pride Parade to move their event from the plateau in front of the Faculty of Philosophy, to the location called

80 They recognized gays, Alo!, August 15, 2009, http://www.alo.rs/vesti/18235/Prepoznali_gejeve

81 Australian tourist beaten in Kalemegdan, Blic, September 21, 2009, <http://www.blic.rs/Vesti/Hronika/111648/Australijski-turista-pretucen-na-Kalemegdanu>

82 A Libyan beaten in Belgrade, RTV Vojvodine, September 26, 2009, http://www.rtv.rs/sr_lat/hronika/pretucen-libijac-u-beogradu_149682.html

83 Hooligans in Belgrade hunt for gays like wild dogs, 24 sata, September 21, 2009, <http://www.24sata.rs/vesti.php?id=61867>

84 Ibid.

85 Citizens are not polar bears, Announcement of the Organizing Committee of the Pride Parade, September 14, 2009

Usce or the plateau in front of the Palace of Serbia.⁸⁶

In the days that followed, OOPP and other GLBT organizations were subjected to great pressure from various sides and complete confusion in political and public space that lasted until September 19 when the Prime Minister met representatives of the OOPP and handed them police decision of displacement from the plateau in front of the Faculty of Philosophy to the location Usce or the plateau in front the Palace of Serbia. The Government presented this solution as a move made in order to protect the participants, while organizers insisted that this move was a ban of the parade, which was repeated at the press conference held on the same day in the Media Center and which informed the public that the Parade would not be held for those reasons. After the news that the parade would not be held, five members of OOPP Parade filed a complaint with the Constitutional Court with the request that the Court to issue a decision stating whether or not the state had banned the properly registered event.⁸⁷

Delivery of the mentioned decision about the parade, was understood by the organizers as the evidence that the Government would not change earlier verbally expressed position before the scheduled event. At the same time, the Government had violated the word they gave to the organizers and the public statement that it was ready to do everything in its power to ensure the realization of the right to gather for all the Citizens of Serbia.

The relationship between these two sides regarding this issue may be best illustrated by analyzing the debate between the organizers and the Minister for Human and Minority Rights Svetozar Čiplić and State Secretary in the Ministry of Justice Slobodan Homen on September 20 in B92's "Utisak nedelje" on whether the parade was banned or canceled.

At one point Minister Ciplic said: "Well, we do not seem to understand each other, all this time I am saying, no one has banned the event. We talk as if the Parade was forbidden." ⁸⁸

To OOPP's Dragana Vesovic statement that the police solution regarding the changing the reported location of the Parade to Usce represents a practical restriction of the event on the plateau, the Minister briefly replied: "Yes, yes." ⁸⁹

Slobodan Homen then intervenes, saying: "I would not in that way, use that formulation ... We know what it means to prohibit in the political sense. This means that something is not OK for the government."⁹⁰

8.4. Epilogue

OOPP saw a Government as most responsible for not having the Pride Parade and the reactions of a good part of the domestic and international public were very similar and substantially negative for Serbia. Media space for GLBT issue began to decrease significantly and the GLBT community in Serbia found itself in a setback situation returning to the conditions of extremely high level of violence and hatred, fear for their safety and dilemmas about whether they exhausted all means in the fight for organization of the Parade and ensuring the equality

⁸⁶ Pride parade – who won?, Utisak nedelje, TV B92, September 20, 2009,

https://xs4.b92.net/info/emisije/utisak_nedelje.php?yyyy=2009&mm=09&nav_id=383209

⁸⁷ Constitutional appeal of the five member of the Organizing Committee of the Pride Parade, October 19, 2009

⁸⁸ Pride Parade – who won?, Utisak nedelje, TV B92, September 20, 2009,

https://xs4.b92.net/info/emisije/utisak_nedelje.php?yyyy=2009&mm=09&nav_id=383209

⁸⁹ Ibid.

⁹⁰ Ibid.

for GLBT people.

Recognizing all the negative consequences of not having the Parade and the situation of the society, the state and GLBT community, GSA, talked with representatives of the LDP, DS, LSV, SDU, the Helsinki Committee for Human Rights and 'Europe has no alternative' movement and initiated the formation of the Coalition of Youth Against Violence. The coalition is founded on September 21, 2009. Realizing that the problem has far surpassed the issue of human rights of GLBT people alone, GSA and the Coalition insisted on mobilizing the state and the whole society in the fight against violence. On October 1, 2009, The Coalition organized a protest called "Walk Against Violence" which, according to police estimates, involved about eight thousand citizens.⁹¹

Proclamation of the Youth Coalition Against Violence including the request for "quick arrest and trial for perpetrators of criminal acts, and those who threaten all citizens, especially those who have different sexual orientation, was read at the event. It requires the freedom of peaceful assembly, which is one of the fundamental rights. It also requires the respect of human rights of all citizens, regardless of ethnic, political, religious or sexual orientation, and that the statements must always be accompanied by concrete action." ⁹²

All along GSA tried to obtain the political condemn of the violent responses to the notice that the Pride Parade would be held. After the decision not to have parade, GSA, in collaboration with its partners from the NGO sector (Belgrade Center for Human Rights, Civic Initiatives, the Helsinki Committee for Human Rights, Youth Initiative for Human Rights and the Lawyers Committee for Human Rights) addressed the Assembly of Serbia with the Declaration against Violence, calls to violence, hate crimes and hate speech and asked that it be adopted. The promotion of the Declaration was held on October 26, 2009 in the Media Center. National Assembly of the Republic of Serbia has not yet considered this Declaration.

⁹¹ Thousands of citizens in a Walk against violence, Mondo, October 1, 2009,

<http://www.mondo.rs/v2/tekst.php?vest=148417>

⁹² Ibid.

VII HEALTH PROTECTION

According to the Health Protection Act, section about the citizens' right to health protection, a citizen has the right to health care which is adequate for his condition, and the right to quality of health care which corresponds to the contemporary achievements of medical science and set standards.⁹³ This Act has been passed as a binding law on the territory of Republic of Serbia, and applies to all the citizens, regardless of their nationality, race, religion, sex, sexual orientation, or any other personal quality.

GSA has registered a number of violations of this Act, caused partly by the inexperience of the medical staff, and partly by inadequate supervision of their work by the Ministry of Health. GSA cannot determine the extent of such (mal)practice, firstly because of the closed nature of the health care system, and secondly, because of the patients' fear to report such cases, especially considering that health problems are part of personal privacy for each individual, which is why they often avoid speaking openly about them.

On May 17, 1990, the General Assembly of the World Health Organization (WHO) approved the report *International Statistical Classification of Diseases and Related Health Problems*, where for the first time it is stated that sexual orientation (heterosexual, bisexual and homosexual) by itself does not represent a disease or a condition.⁹⁴ In the previous report, homosexuality had been cited as a sexual personality disorder. The Serbian Association of Physicians changed its official position on May 14, 2008, to correspond with the position of WHO, and although there was an 18-year delay, medical staff in Serbia is obliged not to treat homosexuality as a disease.

Today, it is well known that homosexuality, as a sexual orientation is not treatable, but that with the help of psychotherapy one can treat the consequences created by the environment of a homosexual person. These disorders can be neuroses (anxiety, insomnia, depression), as well as psychoses (manic depression, schizophrenia, paranoia). All these disorders which stem from the negative attitude of the environment (family, peers, school, and society) can occur in people of all sexual orientations.

Even with the binding position of WHO, there has been scientific work written and published about the differences between homosexual and heterosexual people, in their brain structure, different armpit odors, in prenatal hormonal disorders, differing reactions on colors and sounds, differences in the length and width of the penis, difference in the proportions of the second and fourth fingers.

Psychiatrists had, until twenty years ago, made use of electroconvulsive therapy, aversive therapy, chemical or physical castration, lobotomy, and surgical sex change, in treating homosexual "patients". Psychotherapists can sometimes also take advantage of the vulnerability of their patients (or the parents who turn their children into patients) and move beyond the borders of the scientific, the therapeutic and the ethical in their psychoanalysis.

In psychoanalysis, there is little or no work which speaks convincingly about homosexuality, whether it is considered a psychological disorder or not. Even the founder of that branch of psychology, Sigmund Freud, came to the conclusion that homosexuality cannot be prevented or treated. Even though he believed that homosexuality is connected to the early phases of life and possible traumas, he did not offer a specific methodology by which the traumas he mentioned could be treated.

⁹³ Health Protection Act of the Republic of Serbia, Article 18.

⁹⁴ The International Classification of Diseases (ICD-10), chapter V, part F66, World Health Organization, May 17, 1990

1. Examples of inexperienced health education

Educational center of the Valjevo Health Center, with the support of the Ministry of Health, held a professional training course on December 4, 2009, with the topic "Prevention of suicide and suicidal behavior of young people". At this course, among other things, it was stated that "the reasons for suicide and attempted suicide are really complex. Very important factors are identity problems, sometimes homosexuality, underachievement in school, bad anger management, and very often, family problems."⁹⁵

In the textbook for the course "Hygiene and work medicine" on the sixth year of Medical school at the University of Belgrade, among some very valuable information, it is written that "education of young people should include the complete scale of risk factors which are caused by frequent changes of sexual partners, as well as all unwanted consequences. This especially applies to young people with a tendency to promiscuous behavior. Counseling and education are basic measures in prevention of sexually transmitted diseases. It is also indispensable to recognize possible deviations, which can appear in sexually disturbed persons. Causes can be very different, starting from hormonal disorders, fear of sexual activity, to wrong upbringing in the family, wrong identification models, etc. This is primarily homosexuality, which is being addressed in many countries in many different ways. This is a so-called risk group for spreading HIV infection. There are also other disorders of the sexual impulse – transvestitism, fetishism, pedophilia, zoophilia, sadomasochism, voyeurism, sodomy, gerontophilia and exhibitionism. All disorders of the sexual impulse require serious treatment and therapy."⁹⁶

In the biology text book for the third grade students of medical high schools, among other things, it is stated that "there are also such characteristics which in a lesser form deviate from normal behavior and are considered as deviant forms of behavior. Such characteristics include for example, the tendency towards criminal behavior, the use of alcohol and drugs, homosexuality, as well as many other characteristics which deviate from the standard of usual behavior among people."⁹⁷

We would also like to add here some information about the existence of the so-called Center for the treatment of homosexuality, created with "the purpose to lend a hand to people who have fallen into the clutches of homosexuality", which is run by a doctor M. P.⁹⁸, as well as to draw attention to public statements of certain people from the medical profession (who are politicians at the same time), who say that homosexuality is "a type of deformity, because such couples cannot have children".⁹⁹

1.2. The case of I. P. (27)

Since I was ten, I felt I was more attracted to men than to women. When I started high school, I experienced first problems with depression, because I had a hard time accepting my sexual orientation. It was hard for me to accept that I was different from others, and that this difference in our society was met with terrible judgment and discrimination.

I was extremely asocial, closed in my own world, which probably caused an even greater depression. When I no longer knew how to cope with my problems, I turned to the school

psychologist. I told her about my sexual orientation and I was glad because I was not judged. She referred me to a psychologist in a health center. I did not experience any unpleasant situations there as well, and I was referred to the department of psychiatry in the health center.

I visited the psychiatrist for the first time in mid 2001, and at that first meeting I did not mention my sexual orientation, but the second time, I gathered courage and told her I was gay. First, she attacked me why I did not tell her that the first time, and then she started with accusations and insults. Her position on homosexuality was that it was a disease and that we must work in order to change my sexual identity. At this time I accepted her position, because she was an authority figure. Her attempts to cure me included all sorts of judgmental talk and insults, and the therapy consisted of showing me photographs of naked men followed by scenes of bloody car accidents, surgeries, and tombstones or cemetery.

I heard from another gay boy who came to her for similar problems, but who had also attempted suicide, that she told him he should have better succeeded in killing himself, because he was not worthy of living. I was seeing this therapist in the period from 2001 to 2003. Every time she used the word "faggot" and always in an insulting way.

During my sessions with her, she suggested that I underwent the treatment in Drajerova street. Since I wanted to go to the university and I did not understand why I had to be hospitalized, I went to see another psychiatrist, who told me that there was no need for me to go to Drajerova, where they treat addictions. I confronted my original therapist and said I would not go to Drajerova. When I explained to her that I would not go there, but that I wanted to go to the university, she told me that I was not ready for Belgrade, that I only wanted to go there to participate in the orgies.

When I told her what was suggested to me – that I should go to Palmotićevo, - she said it would be better for me to go alone somewhere into the mountains where nobody would look at me and where I would be a threat to no one. It was then that she said she will not work with me anymore and that I should find another psychiatrist. After that, I went to see another psychiatrist, and after his recommendation, I spent three and a half months in a hospitalized environment in Palmotićevo, where I received appropriate treatment and where I was not judged because of my orientation.

After my return from Palmotićevo, I went back to my original psychiatrist and showed her my discharge papers, where the diagnosis was F33.2 (depression). She took the discharge papers, looked at them and then threw them furiously, saying that these papers did not prove anything. Because of the maltreatment and the wrong approach of that psychiatrist, I lost two years of my life, I did not finish the faculty I wanted, even though I had the opportunity. I will not even mention the emotional problems I had to endure.

I am giving this interview because I want to help other people who may have problems which I had. Unfortunately, I now know two other people who are seeing this psychiatrist – one of them was born in 1984, has the same problems and the same treatment from the psychiatrist, and accepts her opinions as correct. The other person is older, married and has a child. He got married to hide his sexual orientation. The therapy conducted by the psychiatrist in this case comes down to making him keep sexual relations with his wife.¹⁰⁰

1.3. The case of D. I. (23)

After coming to Belgrade to study, D. I. meets a woman five years older than her, whom she soon starts dating. After a few months, her mother discovers photographs in her mobile phone where D. I. is kissing her girlfriend. The mother decides to get her daughter back from Belgrade

95 "Prevention of suicide", the report from the professional training course 'Prevention of suicide and suicidal behavior of young people', http://www.dzmionica.rs/index.php?option=com_content&task=view&id=145&Itemid=1

96 Hygiene, prof. dr Radojka I. Kocijančić, Zavod za udžbenike i nastavna sredstva, Belgrade, 2009

97 Biology 3, authors D. M., M. A., A. S., V. D., the ninth edition, Zavod za udžbenike i nastavna sredstva Beograd, chapter Genetic conditioning of mental disorders, page 92

98 Interview from the daily newspapers Pravda, <http://www.cps.org.rs/pravda.pdf>

99 "Jovan Marić supports Đilas", BGD Novine, August 11, 2009, http://www.bgdnovine.com/bgd/index.php?option=com_content&view=article&id=2978:jovan-mari-podrava-ilasa&catid=58:domovi-zdravlja&Itemid=343

100 Report of the Association Duga, March 15, 2009

to her home town and to make her undergo psychotherapy at the local clinic. The psychiatrist there sets the diagnosis F20 (Schizophrenia-youth madness) and begins therapy with D. I., who runs away to Belgrade after a month, where she spends another two months in hiding from her mother. Mentally exhausted and after a recommendation, she gets in touch with a private therapist in Belgrade, who works with her for the following six months.

When my mother dragged me to the psychiatrist, I had to lie about my emotions and to deny that I was lesbian, because I could not take the constant interrogation and persuasions that I had been seduced by Belgrade pimps who are trying to sell me as a slave, and similar nonsense. He told me that I did not need such a disease as homosexuality in my life. In certain moments, I felt such a surge of anger and panic, that I do not know how I managed not to attack that psychiatrist. I cannot describe how suggestive he was, how he kept leaning into my face, how he insulted me and my father, who had left my mother. He claimed I wanted get back at my mother. He showed me pictures of men, and I lied that I really liked them and that I would like to have sex with them. After the fourth time, I was completely drained. I thought I could not hold out much longer. The psychiatrist's hatred was killing me. The only thing I could do was to run away.¹⁰¹

D. I. has continued her studies. In her medical chart at that local clinic still stands the diagnosis F20, which has neither been confirmed by the private therapist, nor later at a regular medical examination.

1.4. The case of S. D. (28)

According to his statement, he has always been attracted to the same sex and has never been attracted to girls. He has been in a relationship with five men, and in several more in what he calls "informal sexual relations". During his fifth relationship, his parents discovered he was gay and took him to see a psychotherapist who is a family friend. He started the therapy in order to "bring S. D. back to the right track", which included interference in S. D.'s private life by the therapist and his parents. The therapy was basically focused on making S. D. have sexual intercourse with a girl, and with that in mind, a girl who used to like S. D. was found and who agreed to become his "girlfriend". The therapist advised the parents to make an engagement party together with the parents of the "fiancé" and numerous friends of S. D. The therapy lasted for several months, and included S. D. signing a contract with the therapist, where he vowed never to have sex with a man again. All this time, S. D. took antidepressants from the group of selective serotonin uptake inhibitor. After a year, S. D. got married to the girl which was his "fiancé". The parental pressure stopped, as well as the sessions with the therapist. After that, S. D. decided to see another therapist, and at his first session he says that "he is still attracted to men, that he cannot get aroused when he is with his wife, and that he does not know how to step out of the vicious circle he has been drawn into." He is currently undergoing therapy.¹⁰²

Conclusion

GSA receives calls from people who suffer constant psychological pressure from their family, peers, bosses at the workplace, but also from medical facilities. There are a lot of examples of discrimination towards people who are more free in the way they dress and behave, and who in the eyes of health care workers are immediately flagged as members of GLBT population. They are often subjected to ridicule, unnecessary waiting, insults during examinations (the example of M. Đ. who was ridiculed during an exam by a surgeon in KBC Bežanijska Kosa,

¹⁰¹ Statement of D. I., Internal documentation of GSA
¹⁰² Statement of S. D., Internal documentation of GSA

when he came in for treatment of condiloma in the anal area¹⁰³), but also to severe violations of the right to health care, when these is a need for the help of the specialists in psychiatry or neuropsychiatry, as well as psychology.

Since the World Health Organization excluded homosexuality from the registry of psychological disorders in 1990, which has later been confirmed by the Serbian Association of Physicians, it is unethical, unprofessional and immoral for certain doctors to classify homosexual persons as patients with psychological disorders. This violates the rights of a GLBT person to a health care which "is adequate for their condition, and the right to a quality of health care which corresponds to the contemporary achievements of medical science and set standards."

GLBT people who decide to turn to a psychotherapist because of psychological problems caused by inadequate response of their environment, most often have the codes F33, F32, F20 and F20.6 in their medical charts, though in most cases there is no basis for that. Such stigmatization which is being conducted by certain doctors causes great inconvenience for the people of this sexual orientation, and even prevents them from applying to and doing jobs which they might want to do. Later expertise and correction of the already written psychological status, as a rule, never ends in a positive manner, most often because of "the protection of the medical profession and solidarity with fellow physicians".

GSA still considers the Counseling center for sexual orientation in the Students' Polyclinic in Belgrade to be the best example of good practice in cooperation between a health care facility and the members of GLBT community.

¹⁰³ Statement of M. Đ., Internal documentation of GSA

VIII THE RIGHT TO EDUCATION

Violence in Serbian schools, especially high schools, is widespread. The public often hears about fights between high school students¹⁰⁴ and about the student attacking their teachers¹⁰⁵. So, just in the first three days of the school year 2009/10, there were reports of two physical encounters between high school students in Belgrade¹⁰⁶, as well as a case of an attack with a knife on an elementary school student.¹⁰⁷ In previous years, there were also records of attempted murders¹⁰⁸ and murders of high school students by their peers¹⁰⁹.

Violence within the high school population has been the subject of several researches. The latest research by a non-governmental organization OKO shows that every second high school student has witnessed a fight, every sixth has witnessed a robbery, and every eleventh has witnessed sexual abuse. This research also shows that almost every fourth student states there has been harassment of homosexuals in his or her school. An especially disturbing detail is that eight out of ten high school students are afraid to report cases of violence.¹¹⁰

The research by CARE International, International Center for Research on Women and the Initiative of young men for the prevention of gender-based violence in North-West Balkans, conducted among high school students in Serbia in February and March 2009, and shows that over 60% of respondents think that violence against homosexuals is always justified. Over 70% justifies violence in defense of honor and would not be friends with homosexuals.¹¹¹ Furthermore, this research has shown that 21% of respondents in Belgrade have verbally attacked or threatened somebody they thought was gay or feminized, while 13% have participated in the beating of such a person. Situation is a little better in Prokuplje, where 11% of respondents answered affirmatively to both of these questions.¹¹²

Educational authorities have not defined a clear policy against violence in schools, especially when it is caused by homophobia, while perhaps the best illustration of how the government is not even aware of this problem is the meeting of Boris Dittrich, Advocacy Director of the LGBT Rights Program of the Human Rights Watch, and the representatives of GSA with Dragutin Brčin, Special Advisor to the Minister of Education, during Dittrich's visit to Serbia at the end of October 2009. While acquainting the representative of HRW with the educational system of Serbia, Brčin claimed with great conviction and certainty that the Ministry of Education has not registered one single case of violence or discrimination based on sexual orientation among hundreds of thousands of high school and university students.

104 "Two incidents in Novi Sad schools", B92, October 21, 2009,
http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=10&dd=21&nav_id=387952

105 "High school student beats up female teacher", Mondo, June 20, 2009,
<http://www.mondo.rs/v2/tekst.php?vest=138385>

106 "Three fights in three days of school", Mondo, September 3, 2009,
<http://www.mondo.rs/v2/tekst.php?vest=145788>

107 "New school incident, a boy attacked", Mondo, September 2, 2009,
<http://www.mondo.rs/v2/tekst.php?vest=145677>

108 "High school student arrested for attempted murder of schoolmate", December 2, 2009,
http://www.rtv.co.rs/sr_lat/hronika/uhapsen-srednjoskolac-zbog-pokusaja-ubistva-druga_161587.html
"Traces from the past", Večernje novosti, December 4, 2009,
<http://www.novosti.rs/code/navigate.php?id=14&status=jedna&vest=164592>

109 "High school student killed with a screwdriver", Press, October 19, 2008,
<http://www.pressonline.rs/sr/vesti/hronika/story/49424/SREDNJO%20KOLAC+UBIJEN+%20RAFCIGEROM.html>

110 "Every sixth adolescent has witnessed a robbery", Mondo, January 22, 2010,
http://www.mondo.rs/s158802/Hronika_i_Drustvo/Svaki_sesti_adolescent_prisustvovao_pljackama.html

111 Results of the research, Jovana Stojanovski, CARE International, December 2009

112 Technical summary of the initial research - Serbia, page 8, CARE International, December 2009

We cite here only one case as an example of what is happening to GLBT high school students in Serbia.

A student in one of the Belgrade's high schools, S. R. (16) told his classmates that he was gay during the second term of his first year, in the April of 2009.

I heard from many students that their parents forbade them to be friends with me, when they found out I was gay, and that they told them the typical stories how it was bad. Very few were those who were told that it was not important who loves whom. Most students avoided me at first, and then I was surrounded by a group of girls who thought that having a gay friend was really cool. Then, mostly because of school and the schoolwork we did together, I started socializing with other girls, while the boys still avoided me and treated me like I was the devil. Most girls changed their opinion and decided not to listen to what their parents were telling them. Later, I found it very interesting how some boys were able to speak to me only when they were alone, when nobody could see them, because maybe somebody could think they were also gay. Many conversations with them usually started in such a way that they would reproach me, probably just in case someone else was watching. And they would usually end with exhaustive questions on every topic of homosexuality, mostly on sex.

Every day my preparation for school was like a preparation for war which only continues and spreads. Since I had quickly become "popular" in school as "that faggot", this popularity quickly spreads through the hallways. Sometimes, I just put headphones into my ears, but I do not play the music, just to hear what they are saying. It is always the same, or similar: "There's that faggot", "Look at the faggot". Or, they sing "Kill, kill the faggot", shout "Death to faggots!" (or fags, or similar), or they just look at me as if I killed half of their family and get quickly away from me, out of fear. Sometimes they hit me, sometimes they gather round me and start shouting, counting from 10 to 0, and then begins that wonderful kicking game which leaves me nursing bruises all over my legs.

Also, even when they have nothing to do at home, mostly male students send me threats over the Facebook, just to remind me of the war which is expecting me tomorrow, and the day after, and until the day I leave the school, and maybe even after that.

It is just great to see the teachers, who are considered as educated and tolerant people, how they change their attitude towards a student who goes to school where they work. All praise to the exceptions. But, before I outed myself in the school, most teachers thought I was a great kid, a hardworking student, the best grades were simply falling into the registry book, while now it is all different. Second year has been really terrible, with a lot of negative and unnecessary comments by teachers directed at the whole class, with a particular dark look directed towards me, a lot of unnecessary eye-rolling, the applause of homophobic kids, some of whom are quite evidently "autohomophobic". Of course, the teachers are enjoying themselves. They probably derive great pleasure from the feeling of victory over a few different kids in one school, who are here only to get an education and then get on with their life.

For example, we are sitting in the class. The teacher is translating a text, students are writing into their notebooks. We come to the sentence: "And then Tulio fell in love with a girl." After a few seconds the teacher comments: "Better than falling in love with something else."

In the history class, we were talking about Byzantium and Rome and how people lived there. After a short time, we slowly started talking about the contrast between the today's society and that of centuries ago. Of course, since it was around the time of the Pride Parade, the GLBT population had to be the topic of conversation. I am looking at my teacher, I am listening to her, and I hear: "Homosexuals, it is not normal, it is against nature, it is a trend, all that needs to be killed". In that moment, everybody breaks into a spontaneous applause, all but few kids applauded. And, everybody is looking at the only outed faggot in the school.

Of course, there are also such teachers whose opinion has changed or they have never had a problem with it. One image is still in my mind, and whenever I think of it I feel warm around the heart. One teacher, who used to be the head of my class, found out about me. At first she was against it, even took me to the psychologist. But after that conversation, when she heard my entire story, and even saw my tears, she told me that if any of her children were like me, she would not be against it and would accept them for who they were. There are also such teachers who are curious, like my present head of class, who asks me questions about the male ballet dancers she works with, whether I know them and whether they are gay. Each time I have to explain to her that it is not any of my business outing other people.

I have met many others who have outed themselves to me, but asked me not to tell anyone. Actually, people talk and whisper about them too, here or there a word is directed at them as well, but nobody is sure about them, because they did not say it openly and characterized themselves like that. Some are braver and they stand up for themselves, some simply swallow it.

The most intriguing, the most widespread and the most interesting subject among horny teenagers is sex, but is it also the same with gay sex? Of course, there is that well-known: straight boys think lesbians are "great", straight girls think gays are "OK". Still, they all have questions on this great topic for me, which makes me laugh like a fool and makes me feel like a sexologist. Mostly, girls do not ask much, just a question here and there, just to get a little "education", while boys ask questions with such detail, even though they somehow already know many things. Usually, when that topic starts, there is also that other topic, who else is gay in our school? I never answer that question, I say that there are other gays, and that I know some of them, but that it is not up to me to out them.¹¹³

113 Statement of S. R., Internal documentation of GSA

IX ATTITUDE OF THE STATE TOWARDS GLBT POPULATION

During 2009, the Republic of Serbia showed that it was not ready for all the challenges created by increased visibility of the GLBT community and by its increased occupation of the public space. The fact was most visible in contradicting statements of government representatives, unwillingness to defend basic postulates of equality, especially in the process of adoption of the Anti-Discrimination Law and in organization of the Pride Parade. Also, in certain cases the state demonstrated discriminatory behavior, e.g. by banning the GSA's press conference in the Sava Centre.

1. The Pride Parade

The Pride Parade should have been an event which would, among other things, show that the government is ready to guarantee equality of all citizens in 2009. However, the opposite thing happened due to lack of courage and political responsibility of the state institutions.

The Government of Serbia refused to declare whether it supports the GLBT community and the Pride Parade, and reached the conclusion that the issue should be dealt with exclusively by the responsible ministries of the interior and of human rights. Thus the Pride Parade became solely a matter of security.

That is visible in the last – and only – public statement of the Serbian Government just before the Parade on September 17, 2009. Instead of sending a clear and undebatable message that violence is unacceptable and that they would deal with anyone who is endangering participants of the Parade, the Government praised Serbia for achieved democratic standards and called upon the citizens not to violate public order.

“Serbia is a democratic state with high standards of human rights and the right of every citizen is to express their constitutional liberties”, it was said at the Government session. “Government is calling upon the citizens to respect the Constitution and democratic values, not to violate public order and not to put other citizens in danger”, the Government of Serbia said.¹¹⁴

The Government got the first opportunity to express its position on the Pride Parade at the end of April, when the New Serbia's MP Miroslav Markićević asked the PM Mirko Cvetković whether he would participate in the Parade that non-governmental organizations announced for the summer.

Cvetković answered that he would not participate in the event, and that, as far as he was aware, no minister would either.¹¹⁵

An official letter of the Organizing Committee of the Pride Parade to all members of the government followed, with an invitation to participate in the event, but there was never a reply

¹¹⁴ The Government of Serbia and the EU supported the “Pride Parade”, Blic, September 17, 2009, <http://www.blic.rs/Vesti/Drustvo/111225/Vlada-Srbije-i-EU-podrzale-Povorku-ponosa>

¹¹⁵ Ministers answered questions, B92, April 30, 2009, http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=04&dd=30&nav_id=358242

to this invitation. However, members of the Government used the media to distance themselves from one of the most important political events in Serbia.

We were told in the Government of Serbia yesterday that the “Pride Parade” has not been discussed so far and that it probably would not be discussed. However, all ministers we contacted yesterday refused any possibility that they would appear at the gay pride.

Bogoljub Šijaković, the Minister of Religion, and Petar Škundrić, the Minister of Energy and Mining, being among older ministers, would not even talk about “such frivolous topics.”

Milan Marković, the Minister of Public Administration and Local Self-Government, shortly replied that he would not participate at the gay parade.

“I do not want to comment on that invitation. I only know that I will not be attending that parade,” Minister Marković said.¹¹⁶

Minister of the Diaspora Srđan Srećković said that he did not know exactly the date of the event, so that he could not plan his schedule on time.

“I will not participate at the event. I have nothing against anyone expressing their preferences of any kind, of course as long as they do not endanger the rights of others,” Minister Srećković said.

On the other hand, in the cabinet of Minister of Agriculture Saša Dragin, we were told that the Minister would not comment on the gay pride since he had not received an official invitation.

“In any case, we deal exclusively with agriculture,” Dragin’s cabinet said.

Minister of Justice Snežana Malović also did not want to reply directly whether she would support the gay pride since, as she put it, it is a highly sensitive matter.

“Anything said on the topic can be misinterpreted. I would not be involved in a debate which would question the rights of sexual minorities. I support the stance that there should not be any discrimination on the grounds of race, sex or sexual orientation,” Snežana Malović said.¹¹⁷

Minister of Internal Affairs, Dačić avoided for a long time to express his views on the Pride Parade, and thus his first reaction arrived only in mid September 2009. At the beginning, he too stressed the risks the event brought, but he also guaranteed safety of the participants.

“Risks of violence exist and anyone saying otherwise does not say the truth. From the point of view of the police, it is a high-risk event, and Serbia has not seen riskier one in a long time,” Dačić said to journalists in Belgrade during a break at a seminar organized by the Norwegian Ministry of Foreign Affairs. “We will do everything we can to secure public order, that is our job.”¹¹⁸

A few days later Dačić explained further what “everything we can” meant, and he said that “the event on Sunday, according to security assessments, carries risks and therefore we will have

¹¹⁶ Minister Marković participated at the GSA conference “Enhancing the rights of the GLTB population in Serbia through adoption of the Anti-Discrimination Law” in January 2007 where in front of around a hundred attendees he said: “I am aware of this population’s problems, everything is absolutely clear to me. I am willing to do everything.”

¹¹⁷ Ministers will not attend the gay pride, Press, May 3, 2009, http://www.pressonline.rs/sr/vesti/vesti_dana/story/64259/MINISTRI+NE%C4%86E+DA+IDU+NA+GEJ+PARADU.html

¹¹⁸ “Pride Parade” changes dates of football matches in Serbia, Sportal, September 13, 2009, <http://www.sportal.rs/news.php?id=9851>

to employ several thousand policemen.”¹¹⁹

However, it was obvious that the Minister of Internal Affairs had problems with some members of the Ministry. In many occasions members of police at various levels showed that they were not willing to protect all citizens and do their job professionally when it comes to GLBT people.¹²⁰

The difference between Dačić’s political statements and the situation on the ground is manifested in claims by the Organizing Committee of the Pride Parade that the police was frightening them, which they elaborated in their constitutional appeal: “During that meeting the representatives of the Organizing Committee of the Pride Parade were shown a video of a police cordon being broken by using a car, as an example of something that could happen; a possibility of hooligans flying paragliders over the participants of the parade, that they could throw sharp objects, which could not be stopped by members of the police, as well as a possibility of gun attacks and throwing bombs.”¹²¹

Apart from Minister Dačić, Minister of Human and Minority Rights Svetozar Čiplić also had an important role in the organization of the Pride Parade, by giving general support to the event and, considering his role in the government, by engaging in securing contacts between the Organizing Committee of the Pride Parade and institutions of the state in order to prepare the event better.

A first, Čiplić stated that, by adopting the Anti-Discrimination Law, the Government of Serbia had helped the organizers of the Gay Pride in Belgrade.¹²² After that he took a more decisive stance, and said that Serbia and Belgrade were ready for the Pride Parade, but that the event would not be supported nor promoted in any particular way by the Ministry and the Government.¹²³

In September, when activities of extremist groups got out of hand, Minister Čiplić said after a meeting with the Organizing Committee of the Pride Parade that they established jointly that the Pride Parade would “happen without problems.”

“Institutions of the state will support the event logistically so that it can go on without problems, and that constitutional freedoms (of participants of the Pride Parade) are promoted without obstructions,” Čiplić said to the Beta news agency and added that the organizers of the event “did not even seek for any other kind of help.”

Čiplić also said that the organizers of the Pride Parade and the representatives of the Serbian Government jointly concluded that “current participation of institutions of the state (regarding the event) is a sufficient level of cooperation.”

All this happened only two weeks before the announcement that the Pride Parade would not go ahead. The incapability of the state to support one of the main human rights is also visible in the fact that Čiplić said that no minister received the invitation for the event, and that they would individually decide whether they would participate.¹²⁴

¹¹⁹ Thousands of policemen will secure the gay pride, Mondo, September 16, 2009, <http://www.mondo.rs/v2/tekst.php?vest=146925>

¹²⁰ See Chapters IV and V of this Report.

¹²¹ Constitutional appeal of five members of the Organizing Committee of the Pride Parade, item 28, p. 5, October 19, 2009

¹²² The law is the best support to the “Pride Parade”, RTS, May 5, 2009, <http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/59617/Zakon+najbolja+podr%C5%A1ka+%22Paradi+ponosa%22.html>

¹²³ Serbia is ready for the Pride Parade, Mondo, June 13, 2009, <http://www.mondo.rs/v2/tekst.php?vest=137655>

¹²⁴ Čiplić: We expect the gay pride to go without problems, Blic, September 5, 2009, <http://www.blic.rs/Vesti/Drustvo/109429/Ciplic-Ocekujemo-da-gej-parada-prode-bez-problema>

The most scandalous attitude towards threats to the Pride Parade was expressed by the now former acting state prosecutor Slobodan Radovanović, who tried to diminish the importance and seriousness of announcements of extremist organizations that they would stop the event with all possible means. Radovanović characterized those acts as polemical tones.

“We cannot react to media headlines, we can react if there are some consequences. Regarding the media, I do not see something there, we have some conflicting arguments, these are polemical tones. Let me not comment on it now, but let us create conditions for it to end in order and peace”, Radovanović said.¹²⁵

President of Serbia Boris Tadić is known as a politician who is trying to avoid expressing his views about GLBT issues. However, President Tadić said something only a day before the decision was made not to allow the Parade in the atmosphere of violence and tension. Even then, Tadić did not mention GLBT people in his statement. “In Serbia, the Constitution, the laws and public order will be obeyed, and any sort of attack on the army, police, journalists, official personnel, as well as on other citizens, will not be tolerated and all legal actions will be undertaken against perpetrators.”¹²⁶ In this statement, Tadić also showed he had a problem expressing his views on GLBT issues, by saying that the cause for his reaction was “hooliganism of sports fans and attacks on foreign citizens in the last few days.”¹²⁷

President Tadić expressed this determination only “the day after,” when Belgrade entered the world media headlines by “banning the Pride Parade”, which is the way a large number of foreign and domestic media perceived everything that happened on September 19. He explained that there was a misunderstanding, and decisively said that Serbia should not be lectured.

“Serbia will always secure all the conditions for the Pride Parade to happen and that will continue in the future”, President of Serbia Boris Tadić said to the FoNet news agency, and added that the state would never back off in front of hooligans, but also remarked that no-one should lecture Serbia on human rights.

“There have been misunderstandings and misinterpretations in the public. Serbia, as a state, will never back off in front of hooligans and those who threaten,” Tadić said.

“Serbia today should not be given lectures in respect to human rights,” Tadić said, “because it adopted democratic laws on national minorities councils, on protection of minority rights and the Anti-Discrimination Law”, which he signed expressly.

“The Anti-Discrimination Law”, Tadić remarked, “is a real proof of the attitude of Serbia towards the rights of all citizens regardless of their orientation or identity.”¹²⁸

On September 21, 2009, the President of the National Assembly Slavica Đukić Dejanović said that she had not received an invitation to participate in the Pride Parade.

“I respect all differences, even the one related to sexual orientation, and I belong to a group of people who have always had an attitude that difference is something natural, which should be

125 Obratz says – We are waiting for you, prosecutor claims these are polemical tones, Borba, September 17, 2009, <http://www.borba.rs/content/view/9245/123/>

126 Tadić: The state will react to every form of violence, website of the President of the Republic of Serbia, September 18, 2009, <http://www.predsednik.rs/mwc/default.asp?c=301500&g=20090918111026&lng=lat&hs1=0>

127 Ibid.

128 Tadić: Serbia will provide necessary conditions for the Pride Parade, RTV Vojvodina, September 21, 2009, http://www.rtv.rs/sr_lat/politika/tadic:-srbija-ce-obebediti-uslove-za-povorku-ponosa_148704.html

supported and accepted. Homosexuality is not an illness, it is a variety. If the organizers of the Pride Parade had invited me to the event, I would have accepted the invitation and would have walked in Belgrade with them,” she said for the Danas daily.

“The event was not banned by anyone, but the decision on canceling the Parade was reached by the organizers themselves, considering the recommendation to move the event from the centre of Belgrade. The Government assessed that there was a high risk of violence, which in our region exists even more than elsewhere in the world.”¹²⁹

The only clear and unconditional support for the Pride Parade was given by the State Secretary of the Ministry of Human and Minority Rights, Marko Karadžić and by the Ombudsman Saša Janković. They announced they would participate at the Pride Parade.

2. Anti-Discrimination Law

Serbia adopted a general Anti-Discrimination Law in 2009 and thus made one of the main political steps which later enabled it to progress considerably in European integrations. This law was one of the conditions on the “Road Map” which needed to be fulfilled in order for the EU to grant visa-free travel for Serbian citizens in the Schengen area and to allow application of the Interim Trade Agreement with Serbia. As a consequence, Serbian President Boris Tadić applied for membership in the EU on December 21, 2009.

Adoption of the law marks a great victory for defenders of human rights in Serbia, especially considering that the campaign for its adoption lasted more than five years. However, the scandalous withdrawal of the bill from the parliamentary procedure after a pressure from religious communities led by the Serbian Orthodox Church, showed all the weaknesses of the state.

Six religious communities (the Serbian Orthodox Church, the Roman Catholic Church, the Islamic Community of Serbia, the Evangelical Church, the Christian Reformist Church, and the Jewish Community of Serbia) pressured the government to withdraw the bill which already arrived in the Parliament and passed all relevant committees. Thus a serious attack on the constitutional order of Serbia was committed, and the churches justified their actions by homophobic attitudes. Right-wing parliamentary parties joined the coalition with churches.¹³⁰

There were two important events surrounding the withdrawal of the bill: the first is the way the churches pressured the Government, and the second is manipulating the public by the churches in a public debate which followed.

According to media reports, the bill was withdrawn after a telephone call by the Synod of the Serbian Orthodox Church to the cabinet of the President of Serbia. This was discussed by Vesna Rakić Vodinelić, the Dean of the Union Law Faculty.

“The very same Government which adopted the bill, after a letter or a telephone call from someone from the Serbian Orthodox Church withdraws its own bill after a lousy justification from the religious communities. The Serbian Orthodox Church has never, to my knowledge, responded to an invitation to participate in a public debate or a round table, although, and I

129 I would participate in the Pride Parade, Danas, September 21, 2009, http://www.danas.rs/vesti/politika/ucestvovala_bih_u_povorci_ponosa_.56.html?news_id=172280

130 See Chapter X.

know this for sure, it received invitations”, Rakić Vodinelić explains.

Answering a rhetorical question whether someone from the Government could be called responsible because of such a treatment of the bill, Rakić-Vodinelić said that that was a question of political responsibility, and also of the very political responsibility of the PM who broke several laws and the constitution.

“Someone could, in theory, call upon the President of the Republic, that there are indications that he participated in the entire story. The telephone call, actually, went through the President’s cabinet. I heard about that in the Ministry of Human and Minority Rights,” Rakić Vodinelić concludes.¹³¹

According to informal speculations, a telephone session of the Government actually never took place, but the cabinet of the President of the Republic influenced the withdrawal of the bill from the parliamentary procedure. This was denied from the cabinet of the President to a journalist of the *Danas* daily, with an explanation that “the Government of Serbia is autonomous in its decisions.”

Minister of Labor and Social Policy, Rasim Ljajić, whose Ministry proposed the bill, said that he would ask other ministers and the PM whether he should ask for various churches’ opinion about every bill being adopted. Ljajić stressed that he had been informed about the withdrawal of the bill by employees in the ministry, and that the bill was withdrawn at a telephone session of the Government of which he had not been informed.

“I was not called under the excuse that it was impossible to reach me”, Ljajić said and added that on that day he was visiting Pčinj county.¹³²

In two weeks that followed, a passionate debate took place which involved also members of international organizations and bodies present in Belgrade.¹³³ The Church skillfully manipulated the public by using the homophobia of the Serbian society and unwillingness of the state to defend its proposal, by misrepresenting the Anti-Discrimination Law as a law on gay marriage.¹³⁴ Bishop of Bačka Irlnej was at the forefront of the attacks of religious communities on the bill.

While the Serbian Orthodox Church made public statements in which, in a round-about way, denied the right of citizens to express their sexual orientation, places focus of the law on gay marriage, and used the term “offense to morality and family life,” right-wing MPs were badly offending the GLBT community.¹³⁵ However, after a considerable pressure by the media, as well as by domestic and international organizations, the bill was resent to the parliament session and adopted on March 26, 2009, with minor changes.

131 Law expert Vesna Rakić-Vodinelić on withdrawal of the Anti-Discrimination Law, *Borba*, March 6, 2009, <http://www.borba.rs/content/view/3297/123/>

132 Serbian Orthodox Church and religious communities against Serbian Constitution, *Danas*, March 5, 2009, http://www.danas.rs/vesti/politika/spc_i_verseke_zajednice_protiv_ustava_srbije.56.html?news_id=155144

133 See Chapter XI of this Report.

134 Joint press release of traditional churches and religious communities on the Anti-Discrimination Law, March 6, 2009, [http://www.spc.rs/sr/zajednicko_saopstenje_predstavnik_tradicionalnih_arkava_verskih_zajednica_povodom_predloga_zakona_o](http://www.spc.rs/sr/zajednicko_saopstenje_predstavnik_tradicionalnih_arkava_verskih_zajednica_povodom_predloga_zakona_o_Clarification_of_the_main_stance_of_traditional_churches_and_religious_communities_on_the_Anti-Discrimination_Law,_March_11,_2009,http://www.spc.rs/sr/razjasnjenje_osnovnih_stavova_tradicionalnih_arkava_verskih_zajednica_o_predlogu_zakona_o_zabrani_di) Clarification of the main stance of traditional churches and religious communities on the Anti-Discrimination Law, March 11, 2009, http://www.spc.rs/sr/razjasnjenje_osnovnih_stavova_tradicionalnih_arkava_verskih_zajednica_o_predlogu_zakona_o_zabrani_di Statement: Banning of discrimination according to a personal preference is not the same as the freedom of expression of that preference, March 16, 2009, http://www.spc.rs/sr/izjava_zabrana_diskriminacije_po_osnovu_neke_licne_sklonosti_nije_isto_sto_sloboda_javnog_izrazavanj

135 See Chapter X of this Report.

Transgender persons were victims of this process, since they were left without protection from discrimination after the churches intervened. The withdrawn bill mentioned also gender identity and trans-sexuality as a basis for protection against discrimination in Article 21.¹³⁶ After the churches’ pressure, gender identity and trans-sexuality were deleted from Article 21 in the final version of the law, and Article 20 forbids discrimination against people who change the sex.¹³⁷

3. Banning of the GSA’s press conference in the Sava Centre

Banning of the GSA’s press conference in the Sava Centre served as a significant test to show how the state reacts to violence and discrimination against GLBT people.¹³⁸ Although it was a classical case of direct discrimination against GLBT people, the city of Belgrade – which owns the Sava congress centre – has done nothing to sanction the management which banned the press conference.

Mayor of Belgrade Dragan Đilas apologized to all citizens who were hurt by the cancellation of the GSA’s press conference. He said he expected the same form of apology from Dragan Vučićević, the director of the Sava Centre.

“I think this is more than enough for him”, Đilas said, answering a journalist’s question whether the director of the Sava Centre would be additionally sanctioned.

Đilas said that information is being gathered on how the cancellation occurred, and expressed his belief that the director of the Sava Centre reached the decision “out of security issues.”

“Every time a minority population gathers, we have problems in the streets of Belgrade,” Đilas said and added that the director of the Sava Centre had not found the best solution to solve the problem. Đilas said “no-one would be discriminated against” as long as he is the mayor.¹³⁹

Vučičević obeyed the mayor the same day. The director of the Sava Centre said that the only reason for the cancellation was security of the participants and visitors of the Belgrade Film Festival FEST.

“Everything else which was said in the public is speculations and vicious twisting of facts. I am deeply sorry if I hurt someone’s feelings by wanting to protect the participants of the press conference and visitors of the FEST, but also the very building which I am taking care of in the interest of all citizens of Belgrade. Learning from the previous experience, it was clear to me that it was a high-risk event, that such events regularly cause violent reactions of certain extremist groups, and that security of both the organizers and buildings, in which the events take place, is in danger,” Dragan Vučićević claimed.¹⁴⁰

President of the City Assembly Aleksandar Antić, who is also in a member of the Socialist Party of Serbia like the director of the Sava Centre, did not want to talk about the possibility that the

136 Anti-Discrimination Law, Article 21 item 2 and item 3,

http://www.stopdiskriminaciji.org/wp-content/uploads/2007/10/pz_o_zabrani_diskriminacije0061_cyr.doc

137 Anti-Discrimination Law, Article 20 item 2,

<http://www.stopdiskriminaciji.org/wp-content/uploads/2007/10/zakon-o-zabrani-diskriminacije.pdf>

138 See Chapter VI, item 5 of this Report.

139 Director of the Sava Centre apologized, *Blic*, February 26, 2009,

<http://www.blic.rs/Vesti/Drustvo/80986/Direktor-Sava-centra-se-izvinio>

140 Ibid.

management of the Sava Centre could be replaced until he gathered all information about the cancellation of the press conference. "According to information I possess, there are elements of misunderstanding, because the Gay Straight Alliance did not try to use services of the Sava Centre directly, but through the Media Centre. We will examine the relationship between the two, and also all the data on why the event is postponed," Antić stressed.¹⁴¹

The State Secretary of the Ministry of Human and Minority Rights, Marko Karadžić said, at that occasion, that the management of the Sava Centre should either resign or be replaced.

"It is disturbing that the individuals are putting their own attitudes above the Constitution of Serbia, which guarantees equality of all citizens. I am surprised that such discriminatory attitudes are defended by saying that the problem is not the place, nor the conference room, but the organizer," Karadžić said to the B92 TV station.

"The most moral thing would be for them to resign, and if they do not do it, they should be replaced," Karadžić said.¹⁴²

The Ombudsman, Saša Janković said that it is "simply not understandable" how an important cultural and social institution of the capital, such as the Sava Centre, allowed itself to act discriminatory towards a non-governmental organization which deals with protection of human rights.

"The illegal and non-understandable act of the managements of the Sava Centre must be remedied, and responsibility for the great damage to this public institution and the public must be established," the Ombudsman said.

Minister of Culture Nebojša Bradić said that he was worried by the decision of the management of the Sava Centre to cancel the press conference, and added that FEST had had a great tradition in our society and that it cherishes various film contents arriving from all over the world.¹⁴³

4. Attack on a GSA's press conference in Kragujevac

A reaction of the City Council of Kragujevac is an example how institutions of the state should react to attacks on the GLBT community. On March 9, 2009, a group of hooligans interrupted GSA's press conference in the Students' Cultural Centre in Kragujevac by throwing stones.¹⁴⁴ After the attack, the Security Council of the City of Kragujevac held a session. The Council consists of political leaders of Kragujevac, representatives of the police, lawyers, social and other institutions.

At an urgent meeting of leaders of the Security Council of the City of Kragujevac, after the violent incident which happened during the press conference of the Gay Straight Alliance in the Student Cultural Centre was scheduled, and it was concluded that Kragujevac had been identified as a safe community for a long time, and even proclaimed as the safest town in Serbia.

141 Homophobia instead of tolerance, Danas, January 26, 2009,

http://www.danas.rs/vesti/politika/homofobija_umesto_tolerancije_.56.html?news_id=154412

142 Gay activism is (not) for the Sava Centre?, RTV Vojvodina, February 25,

2009, http://www.rtv.rs/sr_lat/drustvo/gej-aktivizam-%28ni%29je-za-sava-centar_112641.html

143 Screening of the movie "Milk" stopped, RTS, 25 February 2009,

<http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/46680/Prekinuta+projekcija+filma+%22Milk%22+.html>

144 See Chapter VI, item 6 of this Report.

The security Council considers the last night's event to be a random outburst, which does not represent an actual state of security in the city. The City of Kragujevac will, as it has so far, do everything to make our citizens safe and to keep the credibility of Kragujevac as a safe town in Serbia, in cooperation with all the relevant institutions and their representatives in the Security Council.

The Republic of Serbia is a democratic state, which guarantees the right to be different and to express being different, and no-one can use violence in order to deny a different opinion. Everyone of us can and must articulate their agreement or disagreement at the level of using arguments, it was concluded at the meeting of the Security Council.¹⁴⁵

Soon after this press release the attackers were arrested, and their trial is still going on at a court in Kragujevac.

145 Press release of the Council for safety of Kragujevac, March 10, 2009,

http://www.kragujevac.rs/S_A_O_P_S_T_E_Nj_E-86-1-515

X THE ATTITUDE OF POLITICAL PARTIES TOWARDS GLBT POPULATION

The GLBT issue in Serbia is essentially a political issue, but the political parties are systematically trying to avoid speaking about it. During 2009, only LDP, LSV and SDU gave support to the GLBT community. The other pro-European parties, which form the governing coalition, mostly avoided to openly support the GLBT community, making only general statements about the equality of all citizens. What presents a special problem, which shows that they have no clear policy on the GLBT issue, is the fact that there have been homophobic statements by certain politicians from these parties. Of course, right-wing parties were the leaders of homophobic attacks on the GLBT community during 2009. The intensity of these attacks at certain times could lead to the conclusion that these parties were giving political support to the extremist organizations which were committing violence against GLBT people and community.

1. Banning GSA's press conference in Sava Center

LDP requested that the decision of SC management, by which GSA's press conference was unable to take place, be revoked.

"This kind of behavior is the most direct form of discrimination, along with the cynical remark about the serious nature of the Sava Center. In every public place there must be room for registered organizations which fight against discrimination and for the protection of human rights," LDP stated.

This party also announced that they would "insist on having this decision reexamined and changed, and that all registered gatherings should be allowed in a public building, such as Sava Center, without any form of discrimination or judgment calls made by the management".¹⁴⁶

Aleksandra Jerkov, LSV's Member of Parliament, said that the decision of the Belgrade SC management was "scandalous". "It is scandalous that Sava Center, at the insisting of its director, made a decision by which such a congressional institution does not provide the same rights to one segment of the population as it does to all the other citizens of Serbia," Aleksandra Jerkov told the news agency Beta.

She remarked that this gesture by the SC's management proved that Serbia has not yet grown past the time when citizens were being divided, first on the basis of nationality, later on the basis of politics, and now even by sexual orientation, which is clearly forbidden by the Serbian Constitution.

She also posed the question of who all the people in managing positions were, and why the prosecution tolerated hate speech against gay people, which was even being mass-spread via Internet.¹⁴⁷

SDU strongly condemned the decision of SC management, as well. "Without getting into the business policy of the Sava Center, we emphasize that the decision which was made, as well as the explanation given by the vice director Rade Hinić, represents a crude violation of basic human rights," it was said in SDU's statement.¹⁴⁸

146 Protest of the Gay Straight Alliance in the Sava Center, RTS, February 24, 2009,
<http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/46556/Protest+%22Gej+strejt+alijanse%22+u+Sava+centru.html>

147 Sava Center: Gay conference cancelled for safety reasons, RTV Vojvodina, February 24, 2009,
http://www.rtv.rs/sr_lat/drustvo/centar-sava:-gej-konferencija-otkazana-iz-bezbednosnih-razloga_112603.html

148 Incident in Sava Center, Danas, February 25, 2009,
http://www.danas.rs/vesti/hronika/incident_u_sava_centru.3.html?news_id=154376

A councilman in Belgrade City Council Andreja Mladenović (DSS) said that SC as a public company is involved in organizing FEST and that it has the right to allow or not to allow an organization to hold a press conference.

“They can hold the conference wherever they want and I don’t see a reason why anybody should make Sava Center permit them to hold this conference,” Mladenović said.

He assessed this as an attempt to politicize FEST.

“There is obviously a need to draw attention away from the major issues in this society, such as the economic crisis, the Government’s incapacity, so they’re making up issues such as this,” Mladenović said.¹⁴⁹

2. Anti-Discrimination Law

The governing coalition continued to show indecision in defending GLBT population from violence and discrimination during the procedure of passing the Anti-Discrimination Law. After the unconstitutional withdrawal of the Law from parliamentary procedure, under the pressure of religious communities, the representatives of the governing parties explained this by stating that they wanted to hear the opinions of churches, even though the Law had previously gone through a six-month public debate in which religious communities could have participated. DS, the strongest party in the governing coalition, with their policy of not antagonizing religious communities and their coalition partners SPS and JS, who had problems with the special protection of sexual and gender minorities, nearly led to the Law being overturned. With an amendment by SPS, deleting the protection from discrimination based on gender expression from the Article 21, the Law was finally passed. The president of JS, Dragan Marković Palma, will certainly be remembered as the icon of the homophobic campaign to overturn the Law.

LDP played particularly significant part in saving the Law.¹⁵⁰ During the public debate the MPs of this party were the only ones who gave affirmative statements on the GLBT issue.

Ivan Andrić, an MP from LDP, stated that he expected the Government to return the Law unchanged into Parliament, because otherwise it would be meaningless and just a letter on a paper, if the suggestions of religious communities were to be accepted.

“When you look at the changes which religious communities are suggesting, you can see that in several places they completely transform the essence of the law, they completely nullify any special form of discrimination, they nullify court rulings as means for fighting discrimination, which makes the entire law meaningless and it becomes just a piece of paper,” Andrić said.

He said that he would not mind seeing two men kiss, but that it was unacceptable to make this law only about that, because the most important thing is that all people in Serbia are born equal and they must be viewed as such.¹⁵¹

On March 16, 2009, LDP also held a meeting in the Parliament with the representatives of Coalition Against Discrimination and other non-governmental organizations, in order to support them in their efforts to get the Law passed as soon as possible, without any changes.

“Our party has prepared two amendments, but we will also accept the suggestions of the NGO representatives and present the amendments they suggest,” announced Čedomir Jovanović, the president of LDP, at the meeting of the representatives of LDP with the civil sector, as well as with the experts who worked on drafting of the Law.

LDP expressed doubt that any major changes would occur, even with the adoption of the then current draft law, if the forces behind the withdrawal of the law from parliamentary procedure started influencing its actual enforcement.

“That is why we must provide not only agreement for the adoption of the law, but also for its enforcement, so that the law does not remain only a piece of paper,” the leader of LDP concluded.¹⁵²

Due to its long-term consistent support to the GLBT community, LDP is often the victim of homophobic attacks in public. An example of this was a verbal attack on LDP by the president of one of the municipalities of Niš, from the party DSS.

On March 25, 2009, at the press conference of LDP’s council group, journalists received a document made from official transcripts containing the speech made by the president of Niška Banja City Council, Zoran Vidanović (DSS), at the city council which was held the previous day. LDP stated that the records clearly show how this party was called “el peder” party [translator’s note: “peder” means “faggot” and “el pe der” is a play on the pronunciation of the party’s name LDP-“el de pe”], and that such vocabulary put a stop to, up to then civil, political communication in the City Council.

That same afternoon, Vidanović made an announcement and publicly apologized, according to the Anti-Discrimination Law, and regarding the press conference of LDP’s council group, to all minority groups who felt hurt by his speech, and he claimed that “*lapsus linguae* (slip of tongue) was the cause of the misunderstanding.”¹⁵³

DS adopted the tactics of silence and getting the majority needed for the passing of the Law behind the scenes. During the heated argument, the only one who said anything was Jelena Trivan, spokeswoman for DS, who kept explaining that her party wanted to hear the religious communities as well, and that the Law was not about gay marriages.

DS’s spokeswoman Jelena Trivan claimed that the reason for withdrawal of the Law was additional adjustment.

“For the adoption and implementation of such an important law, it is necessary to achieve general and wide support of all relevant factors,” Trivan explained, adding that DS stood for absolute equality of all citizens.¹⁵⁴

“What the Law states has absolutely no connection with various speculations. I have a problem with the fact that MPs do not understand the law, for days there has been a debate about gay marriages, which are neither defined nor proclaimed by the Law, and the Law does not deal with this issue,” Trivan said.

She said that she did not know the content of the religious communities’ remarks, but that they should be heard only if they amend the law and do not change its spirit or essence, as well as that they were not expecting problems during the passing of this bill in the Parliament.¹⁵⁵

152 Anti-Discrimination Law should emphasize that Serbia is a secular state, Borba, March 17, 2009, <http://www.borba.rs/content/view/3739/123>

153 Abbreviated insults, Večernje novosti, page 8, March 26, 2009

154 Gay is (not) OK, Kurir, March 6, 2009, <http://www.kurir-info.rs/clanak/vesti/kurir-06-03-2009/gej-ni-je-ok>

155 Majority of MPs in favor of suggestions of the churches, LDP against, 24 sata, March 11, 2009, <http://www.24sata.rs/vesti.php?id=47380>

149 Change of management in Sava Center because of the banning of GSA?, Mondo, February 25, 2009,

<http://www.mondo.rs/v2/tekst.php?vest=125810>

150 This party had submitted this draft law prepared by the KPD, and the Government used this draft to prepare its draft.

151 Majority in favor of the Church, LDP for gays, Pravda, page 4, March 12, 2009

That there is a way to contribute even less than DS to public debate, was shown by its coalition partner SPS. The chief of the MP club of this party, Branko Ružić, gave only general statements at that time, saying that “the law was important for the citizens and the Republic of Serbia, for all institutions, including religious communities, which have voiced their opinion. These objections have been properly incorporated in the Law.”¹⁵⁶

Even though it belongs to the family of conservative and people’s European parties, G17+ played a valiant role of the defender of the Law among the governing parties. Representatives of this party did not often speak during the public debate, but they always determinedly defended the Law.

Suzana Grubješić, chief of the MP club of G17+, stated that their MPs would vote for the Law, not only because it was necessary for the “Shengen White List”, but also because it is a necessary Law which would stop all kinds of discrimination.¹⁵⁷

The comment of Zeljko Ivanjija in the popular daily *Blic* speaks of the decisiveness of G17 plus not to permit churches to intervene.

The Government of Serbia missed the opportunity to allow a parliamentary debate on the preliminary draft of the law, in which the parliamentary groups would have stated their positions and in which the representatives of Serbia could have discussed and taken a stand on this very important topic. This way, we have, in front of us, the law which is a result of governmental post factum elaboration.

The conclusion, which inevitably follows, is that clearly it is very easy to sell a lie for the truth, because an average Serb to this day thinks that the proposed law promotes gay marriage, which is certainly not the case. And the positions of the religious communities and social groups, soccer fan clubs and all those who respect – as they say - what is ‘natural’ in tradition, are those for whom it is most natural for women to be in the kitchen, mentally challenged to be in strait jackets, homosexuals to be beaten up, transsexuals to be murdered, and foreigners to be untrustworthy . . .

In the analysis of our Serbian reality we have to begin from the postulate of the state that “all humans are equal before the law” and the postulate of the church that “all humans are equal before God.” Bishop Pahomije was not held accountable for his alleged sexual abuse of four boys while Ilarion, the former head of the Manastir Hopovo, was not held accountable for ‘encouraging improper sexual behavior with the boys.’ In the process ‘game’ of the Supreme Court of Serbia these cases were overruled as untimely, so the state was not required to take a stand towards these criminal acts. Why are we giving the priority to the state? Because besides other purposes, sanctions serve to deter future transgressions, while burning in hell does not.

*Why should the state create a legal framework for sanctioning every form of discrimination? Because we do not want to burn in hell just because we are different and still equal before God.*¹⁵⁸

The President of United Serbia (JS), one of the political parties in the governing coalition, Dragan Markovic Palma, attempted to topple the law. During a public debate he lead a crusade against the Law itself and the gay population. His remarks more often than not, crossed the line of

156 Strong debate about “gay law “, Pravda, page 2, March 19, 2009

157 Anti-Discrimination Law still does not have majority, Politika, March 17, 2009, <http://www.politika.rs/rubrike/Politika/Antidiskriminacioni-zakon-josh-bez-vecine.lt.html>

158 MPs according to the needs of the Government or religious MP, Blic, March 19, 2009, <http://www.blic.rs/Vesti/Tema-Dana/84178/Poslanik-po-meri-Vlade-ili-bogougodni-poslanik>

good taste and will certainly enter the compilation of trash comments of the parliamentarians in Serbia. We are hereby enclosing his legendary interview for the daily *Press*.

President of JS, Dragan Markovic Palma says that the parliamentarians from his party will not vote “under any circumstances” in favor of the Anti-Discrimination Law, even if he is “thrown out of the governing coalition.” *Marković says for Press that he cannot support the draft law which allows “gays to freely express their queer nature,” and reveals that one MP, from the opposition, is gay.*

- The JS representatives in the Parliament will not vote in favor of the law, even if that costs us our place in the governing coalition. I am famous for being a good host, I have developed Jagodina and I have what to do with my time. MPs who are members of the Socialist Party of Serbia (SPS) will vote in favor of the law, but we from JS will not, even if we are no longer welcome in the governing coalition.

You are the loudest in opposing the Law and you stubbornly insist that it is because of the homosexuals. What do you have against the?

- I do not have anything against fags, but I am against public display of queer behavior. Let the fags go somewhere and do what they want behind closed doors, but not in public, in front of others. Should we allow them to put together fag theatre plays? And our children should watch all that? And the rest of us have to worry about being accused of discrimination? And the employee can say nothing to the employer who is openly displaying his homosexuality at work! What more . . .

The Government claims that this law is in accordance with the European standards. You are a famous European, in Jagodina you brought all European ambassadors...

- This law is not in accordance with the European standards! All traditional churches and religious communities in Serbia nicely explained that there is nothing in this Law which corresponds to laws which are applied in the European Union.

When we speak about homosexuals, since 2001 when you entered the Parliament, you claimed that there were gay MPs with whom you said you would not even have coffee with. Are there any gays today in the Parliament?

- There is one! He is constantly wiggles his hips. I will show you, in the Parliament, who he is, so you can judge for yourself whether or not he is a fag, so that you don’t accuse me of exaggeration because I cannot stand them.

Is he your coalition partner, in other words is he a member of the ruling coalition?

- He is not from our coalition; he is a member of the opposition. But, I will not tell you from which party.

How did you conclude that this MP is a homosexual?

- How? Easy! He always wiggles his hips. And he has nice, properly shaped, well groomed eyebrows. He maybe even waxes himself. And the way he walks to the podium of the Parliament! How he wiggles his hips, I have to look away. If you could only see him...

Why can you not look at him? Do you know that experts claim that the most ferocious homophobes in fact are those who try to hide their own homosexual drives because this scares them?

That is ridiculous! How can you expect me not to turn away when I see something like that? And what are you saying? God help me if I have something in common with faggots! I just cannot look at them!

We all remember well your statement that you would run to the pilot if you met homosexuals in the plane.

- I was asked what I would do if I saw two men kissing next to me. I said that I would ask the flight attendant to find me another seat, and if there wasn't one available, then I would go to the pilot.

And what would you do if he was also gay?

- Ha, ha, very interesting.

What would you do if this gay pilot started to flirt with you?

- Well, there is no chance of that, because everyone knows my positions.

Do you think that your political views are known in British Airways or Lufthansa?

- Come on, even the foreigners know them!

Antrfile: There is no man in Jagodina who wiggles his hips!

You insist that there are no homosexuals in Jagodina. How do you know this?

- Maybe there are some, but I don't know about it because I don't hang out with them.

Did you notice anyone who wiggles his hips in Jagodina as an opposition member whom you suspect of being gay?

- I don't know, I don't look at men in Jagodina. When I walk through the city, I speak with half of the Jagodina population and they all seem normal to me.¹⁵⁹

On the other side, the conservative right-wing opposition creates the main political base for the church's demands. Although the representatives of these parties claim that they have no contacts with the Serbian Orthodox Church, they said everything the church could not and they compete to make the most homophobic statements.

"With this law, you cannot regulate private life, nor can you abuse other people who are normal and ask them to be fine with the pseudo-normal behavior of the gay minority," warned the MP from the Democratic Party of Serbia (DSS) Milos Aligrudic.¹⁶⁰

"The law is in one part restrictive, it narrows down the freedom of speech, while favoring specific

¹⁵⁹ Homosexuals in the Parliament, Press, page 6, March 17, 2009

¹⁶⁰ Promotion, Dnevnik, page 2, March 26, 2009

freedoms which have created concerns in the public," said the DSS MP Nikola Lazic.¹⁶¹

Aleksandar Vucic confirmed that there was a connection between SPC and, at least, his Serbian Progressive Party (SNS).

"If there amendments are acceptable for traditional churches, I do not see why they would not be acceptable for our party as well. But, if our churches say that it is still a blasphemy, than it will not be acceptable ",Vucic stated.¹⁶²

The members of the Progressive Party submitted 21 amendments to the Law, asking for deleting of the Article 21 which imposes sanctions for discrimination of those who express their sexual orientation.

"Freedom of each person is limited by equal freedom of other people. Therefore, the first sentence should stay as it is (sexual orientation is a private thing and no one can be forced to express it publicly), but the second sentence should be deleted, the one that says that anyone can display his/her sexual orientation. Why? Because that way they jeopardize mine. It jeopardizes the right to equal freedoms ", Božidar Delić, MP from the SNS, in charge of writing amendments on behalf of this party, stated..¹⁶³

The MP from the SNS Jorgovanka Tabaković was much harsher, comparing homosexuality with sodomy and pedophilia.

"It is unacceptable to , under the name of equality and freedom, promote public display of 'personal preferences'. This opens the doors for sodomy and pedophilia to be protected as individual preferences ", Tabaković explained .¹⁶⁴

Tomislav Nikolić, president of SNS and head of MP group Go Serbia, said that they would vote for the Anti-Discrimination Law if it was specified that everyone has the freedom to express their sexual orientation, but not in front of the children or minors.¹⁶⁵

Nikolić used this debate about the Law as fuel for some unresolved issues with his former colleague from SRS Elena Božić-Talijan.

The MPs from SNS were distributing the copies of the article published in 2008, to other MPs, in which the Secretary General of SRS Elena Božić-Talijan, allegedly said she did not have anything against gay population. In this article with the title „Gay relationships are Ok as well “ it written that Elena Božić believe that oral sex is not something disgusting, she went one step further, stating that lesbian and gay relationships are OK.

President of SNS Tomislav Nikolić, during a debate with the radicals, said that they should speak to their general secretary instead of calling on other MPs to vote against the Anti-Discrimination Law.

¹⁶¹ Four warnings for the radicals, Danas, March 26, 2009, http://www.danas.rs/vesti/politika/radikalima_cetiri_opomene.56.html?news_id=156896

¹⁶² Gays pulled through, Kurir, March 14, 2009 2009, <http://www.kurir-info.rs/clanak/politika/kurir-14-03-2009/prosli-pederi>

¹⁶³ Let them be gay, but I don't want to be threatened, Glas javnosti, March 16, 2009, <http://www.glas-javnosti.rs/clanak/politika/glas-javnosti-16-03-2009/neka-bude-gej-al-da-me-ne-ugrozava>

¹⁶⁴ The opposition defends the arguments of the church, Večernje novosti, March 17, 2009, <http://www.novosti.rs/code/navigate.php?id=1&status=jedna&vest=140254>

¹⁶⁵ Governing coalition believes is support, Danas, March 19, 2009, http://www.danas.rs/vesti/politika/vladajuca_koalicija_veruje_u_podrsku.56.html?news_id=156274

“When you are calling for a vote against this Law, why don't you call the Secretary General of SRS. If she has an amendment to this Law, let her say what she thinks about the gay population. When you are naming people, then name your own members, the ones who are propagating that gay is OK, and stop yelling and insulting people in this Parliament,” Nikolić said, referring to the said text.¹⁶⁶

Elena Božić-Talijan declared the text to be untrue, claiming that it was written by Nikolić's mistress. She claimed that she only said at the time that gays should not be ostracized, but that she did not have either a positive or a negative attitude towards them. “This attitude of mine still holds today, while all the things written before the quote are tendentious, and the text was written by the mistress of Tomislav Nikolić,” Talijan said speaking in the Parliament.¹⁶⁷

Along with JS, it was SRS that had the most homophobic attacks on the Bill. The chief of MP group of SRS Dragan Todorović lied that the World Health Organization still defined homosexuality as a disease: “Homosexuality is still being regarded in accordance with the decision of the World Health Organization, there are many diseases among humans, such as kleptomania for example, but because they are sick they are not allowed to attain certain rights. The problem with homosexuals is same so to speak.”¹⁶⁸

Aleksandar Martinović from SRS explained that “religious cults and homosexuality are not normal. These provisions are against the Constitution and the traditional moral values of the Serbian people.”¹⁶⁹

SRS members of parliament really went beyond the limit when they distributed posters with private photographs of Boban Stojanović, activist of the GLBT organization Queeria, which were put together by “Naši”, an extremist organization.

The posters contained inscriptions calling the Anti-Discrimination Law a “Law on fagots” and claimed that Queeria was financed from the budget of Serbia with 256,500 dinars.

The radicals not only distributed these posters to the other MPs, but also to journalists. The posters showed Stojanović in underwear, but also represented him holding a whip and wearing a nun's outfit. The radicals had received these posters from right-wing organizations – the society “Naši” from Aranđelovac and the Movement 1389.

MP Aleksandar Martinović (SRS) said that these photographs offended the Serbian Orthodox Church and all believers.

“These photographs are a proof that this is not about evil twisted fundamentalists persecuting poor unhappy homosexuals, but that there is an open war against the Serbian Orthodox Church and against all traditional moral values,” Martinović said.

One of the posters claimed that Queeria was being financed from the budget of Serbia with 256,500 dinars, while the headline said: “While Serbs are getting sacked, look who is being financed by Boris Tadić and the Serbian Government.”¹⁷⁰

Radicals also tried to bring the Law down through obstruction, presenting around 400 amendments to the Law. Todorović said that the proposed law was “mixing apples and oranges, everything was thrown in so as to hide the attempt to destroy our society.”

166 SRS against discrimination, Kurir, March 26, 2009,

<http://www.kurir-info.rs/clanak/politika/kurir-26-03-2009/srs-protiv-diskriminacije>

167 Four warnings for the radicals, Danas, March 26, 2009,

http://www.danas.rs/vesti/politika/radikalima_cetiri_opomene.56.html?news_id=156896

168 Majority for the Church, LDP for gays, Pravda, page 4, March 12, 2009

169 Gays pulled through, Kurir, March 14, 2009,

<http://www.kurir-info.rs/clanak/politika/kurir-14-03-2009/prosli-pederi>

170 Once again hate speech by SRS, Emportal, March 19, 2009, <http://www.emportal.rs/vesti/srbija/82824.html>

“What will happen if a certain population, which will be given the right to be different, for example pedophiles, receive the right to express their disease without any problems and under the protection of the law?” asked Todorović.

To the comment that the Law does not protect pedophiles, Todorović replied that “pedophilia is very widespread” and that the Law had “a strong connection to that phenomenon.” He added that homosexuality used to be regarded as a disease and that pedophilia is today being regarded as such, but that it certainly would not remain that way in the future. He remarked that the Government, after withdrawing it, returned the Law without any changes, which only showed that “the Government is like a straw in the wind – it turns with every different gush of wind.”

MP Aleksandar Martinović (SRS) also spoke during the debate about the announced Pride Parade in Belgrade.

“Are you going to allow pedophiles, necrophils and sodomists to march through Belgrade?” Martinović asked, with a thunderous applause by fellow radicals.¹⁷¹

“The purpose of this law is to destroy the biological constitution, the moral values and the vital interests of the Serbian people,” said Aleksandar Martinović of SRS, assessing this law as “the continuation of NATO aggression on Serbia.”¹⁷²

SRS members of parliament created a spectacle at one point during the parliamentary debate, by giving a pair of pink pantyhose to the Minister for Human and Minority Rights Svetozar Čiplić.

Todorović said that he was aware that the governing coalition would adopt the Anti-Discrimination Law, and that therefore he had prepared a humble contribution to that road towards EU.

“As opposed to some who have taken off their pantyhose in the parliament, I will give you one pair, which you will need for Europe,” Todorović said, and showed the pink pantyhose to everyone, and then gave them to Čiplić saying “You will need this when you enter EU.”¹⁷³

NS party was expected to be against the law, and the “people-oriented position” of this party was best demonstrated by their MP Miroslav Markićević.

At one point, spotting Aleksandar Jugović (SPO), he said:

- Here is an authentic Ravnogorac who will vote for the faggots!

Later he also addressed this remark to Suzana Grubješić (G 17+):

- Grubješić family are Ravnogorci, you're not really going to vote for a communist law, are you?

When he received the reply that the law was not communist, Markićević answered:

- What do you mean it's not, faggots are communists!

Markićević also remarked at one point:

*- Now Bajro (Bajram Omeragić, an MP for SDA) will be able to have four boyfriends.*¹⁷⁴

171 500 amendments to the Law submitted, Alo!, March 19, 2009,

http://www.alo.rs/politika/13262/Zakon_zatpan_sa_500_amandmana

172 On “sexual pathology”, Kurir, page 2, March 24, 2009

173 Four warnings for the radicals, Danas, March 26, 2009,

http://www.danas.rs/vesti/politika/radikalima_cetiri_opomene.56.html?news_id=156896

174 500 amendments to the Law submitted, Alo!, March 19, 2009,

http://www.alo.rs/politika/13262/Zakon_zatpan_sa_500_amandmana

Markićević later explained that it was only a joke.

Omeragić did not find this joke very funny.

“Markićević has a jovial spirit, he probably said that for entertainment reasons. I do not know why he chose to put me in this context, but I will invite him for a coffee and we shall see. I will not press charges, he knows that I am against gay marriages, and I would never vote for gay couples to adopt children,” Omeragić was adamant.¹⁷⁵

3. Pride Parade

Political leaders have one of the decisive roles in critical moments of any society. Their courage in leadership should provide a calm transition of the society through such periods. Serbia is currently in one of the key periods when it must choose between the politics of the '90s and the modernization of the society and inclusion into European currents.

Like in other situations when the GLBT issue was on the agenda, most of the pro-European parties in Serbia were unable to gather courage and overcome their opportunism in the case of Pride Parade. They spent their time during 2009 weighing their political messages between human rights standards and obligations towards EU and the international community, on one hand, and the homophobic opinions which are prevalent in their voting body, on the other. Therefore, they sent often confusing messages, which showed that the governing parties did not have a defined policy on the GLBT issue. At times, the politicians of governing parties even directly spoke against Pride Parade.

Unlike them, the extremist organizations and conservative parties sent clear messages to their voters, in accordance with their ideologies, and by that they managed to successfully mobilize a great part of the public in the process of spreading fear and gaining support for prevention of the Pride Parade. A direct result of this was the victory of the politics of violence from the '90s.

The first reactions to the announcement of the Pride Parade came from the politicians of the parties that opposed it.

“I think that the Government should put aside the problems of economic collapse, laying off workers and the bankruptcies of many companies, and urgently deal with the issue of the gay parade. Because, you know, you can catch Europe from the front, but you can also do it from behind,” was the sardonic comment of MP Aleksandra Janković (NS party) for the newspapers Kurir, speaking about the appeal of Pride Parade organizers to the members of the Government to attend this event.

Dragan Todorović, vice president of SRS, was shocked by Cvetković's¹⁷⁶ distancing himself from the parade even though it was “the highest accomplishment of the Anti-Discrimination Law, which they adopted.”

“So, they are deceiving Serbian citizens. They say one thing, but they think and do another thing. If there was a meeting of the Government and they concluded they would not attend the gay parade, I would like to know if the Minister of culture Nebojša Bradić was sustained or voted against it,” said Todorović.¹⁷⁷

Janković was later more direct in her speeches against the Pride Parade. “This is not a good moment for organization of the gay parade. I feel that it is a highly provocative assembly for many people in Serbia. Violence at this parade is certain,” she said without irony to the newspapers Press.¹⁷⁸

In her campaign of spreading fear, she had to use her favorite argument about the conspiracy of the gay lobby. “The Parade is being propagated by the gay establishment, which is aggressively sacrificing the rest of the homosexual population for its own purposes and financial goals, for which there have investors from various centers.”

Many individuals among the gay community are asking for the justification of their representation by certain organizations. Many gay activists are actually not gay, but they realized it is a modern, profitable business, Jankovic said.¹⁷⁹

One of the failures in organizing the Pride Parade was the lack of political preparation of the event, as well as the pressure on pro-European political parties to be clear and support the Pride. Therefore, the public was mainly getting the messages of the extremist organizations, which were threatening with violence. With this in mind, the GSA asked Serbia's political parties on September 9 to make a clear stand that there must be no violence at the Pride Parade.

The GSA is calling upon all political parties in Serbia to send a clear and unequivocal message to their voters, members and parent organizations that the Pride Parade should take place without violence and unrest. Such peaceful and non-violent events are a legitimate means in fighting for rights of all citizens, including this one, which is a peaceful and non-violent legitimate mean for fighting for rights of all citizens, including GLTB persons in Serbia.

The Gay Straight Alliance expects the conservative parties, which do not support GLBT population, such are the Serbian Progressive Party (SNS), Democratic Party of Serbia (DSS), New Serbia (NS) and others, to also show their political maturity and send this message to their voters.¹⁸⁰

Also, the GSA informed their international partners about the nonexistence of political support for the Pride Parade. The Rainbow Rose, GLBT observer member of the European Socialist Party, reacted by sending an open invitation to the Serbian President and the DS Chairman Boris Tadic to support the safe organization of the Pride Parade. These two moves caused a political discussion in mid-September, but it was already too late to change the mood among the public.

Serbian Radical Party (SRS) parliament deputy Gordana Pop Lazic said, at a time, that she did not understand the need to publicly express such an intimate thing.

The gay parade has a destructive influence on the youth. The goal of this society should be establishing of a positive model of behavior, in accordance to the will of God, which is bearing off spring. We cannot physically fight those who think differently, but we will try to influence social consciousness” Gordana Pop-Lazić stated.¹⁸¹

New Serbia President Velimir Ilic said his party will not take part in violence on participants of the parade, but that the government bears responsibility for possible clashes.

178 Gay Parade on August 23?!, Press, May 27, 2009,

http://www.pressonline.rs/sr/vesti/u_fokusu/story/66648/GEJ+PARADA+23.+AVGUSTA!.html

179 Who needs this?, Kurir, June 15, 2009 2009, <http://www.kurir-info.rs/clanak/vesti/kurir-15-06-2009/kome-treba>

180 Parties to request prevention of violence during the Parade, Statement of GSA, September 9, 2009, http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=1169:aktivnosti-stranke-da-pozovu-na-sprecavanje-nasilja-na-povorci&catid=36:aktivnosti&Itemid=60

181 Support for gay parade is slightly increasing among Serbian politicians, 24 sata, September 14, 2009, <http://www.24sata.rs/vesti.php?id=61320>

175 How many boys does Omeragić have?, Kurir, March 20, 2009,

<http://www.kurir-info.rs/clanak/politika/kurir-20-03-2009/koliko-decaka-ima-omeragic>

176 Prime Minister of the Republic of Serbia

177 Blackmail, Kurir, May 3, 2009, <http://www.kurir-info.rs/clanak/vesti/kurir-03-05-2009/ucena>

We cannot participate in something that goes against Christianity, our tradition and roots. I will not allow the EU to re-educate. We are proud Serbs (DELIJE), but we cannot physically fight the gays because we do not want any contact with them. In this difficult economic and political situation in Serbia, we have better things (to do) than parading the streets. The Government is responsible for possible clashes and problems which the parade could cause”, said Velimir Ilic.¹⁸²

Democratic Party of Serbia (DSS) demanded on September 15 from the organizers to give up the PrideParade, accusing them of being responsible for raising tension among the public and retreating their earlier stand that sexuality is an intimate issue of an individual and should not be made public.

“Just like it would be stupid to have a group of men gather with slogans/signs “We love women”, it is just as stupid to have a group of men gathering with signs “We love men”, said the head of the DSS Information Service Slobodan Vuksanovic.

Vuksanovic said the DSS respected the right of every individual to make choices, but the Pride Parade’s organizers “are only needlessly stirring up the public and rising tension among the people”

“I think it would be for the best if, in a democratic spirit and with respect of all the rights of the people to their own choice and intimacy, this story ends by abandoning of the parade in a democratic spirit”, Vuksanovic said.

According to him, sexual orientation is an intimate part of each individual and their privacy.

“There is absolutely no reason for homosexuals in Belgrade to make a parade because they will not help themselves with it, nor will they improve their position, and live more peacefully. Needlessly, they are just causing the backlash of the public, bringing the majority into an unpleasant position to explain to their children and grandchildren what that is all about, but children at that age are not capable of understanding it.”, Vuksanovic said.

He added that the gay population, just like any other social group, can hold meetings “at any other, closed location, choose the hall, venue and hang out there “¹⁸³

The ambivalent position of Tomislav Nikolic’s Serbian Progressive Party (SNS) was especially interesting. The so-called ‘progressives’ are striving to build an image of a modern European, conservative party both locally and internationally. Throughout the entire 2009, this party noticeably tried to avoid any statements on issues important for the GLBT community.

SNS President Tomislav Nikolic did not give a stand on the Pride Parade, while his deputy Aleksandar Vucic assessed in May 2009 that “there are more important things in Serbia than holding of the gay parade”. “I will not participate in the gay parade and I will not judge those who participate”, he said at the time.¹⁸⁴

Following the escalation of violence on the streets of Belgrade in September, the politicians tried to spin the public by focusing mainly on violence against foreigners, but without speaking about its cause. At the end of the September, Vucic did not speak about homophobia, but xenophobia of the Serbian society.

He told Politika daily at the time that every appeal by the progressives is directed against violence and “to condemn the bandits who beat up foreigners for no reason”

¹⁸² Ibid.

¹⁸³ DSS: Give up from organizing the parade, RTV Vojvodina, September 15, 2009, http://www.rtv.rs/sr_lat/drustvo/dss:-odustati-od-odrzavanja-parade_147659.html

¹⁸⁴ Gay parade on August 23?!, Press, May 27, 2009, http://www.pressonline.rs/sr/vesti/u_fokusu/story/66648/GEJ+PARADA+23.+AVGUSTA!.html

“Beating up foreigners is something which is very strange. I wonder how is it possible that the authorities cannot stop it, by using intelligence or any other way. That, I cannot understand”, Vucic told Politika.

Using his role of an opposition leader, Vucic solely held the government responsible. Also, only after the events, he showed all of his decisiveness in condemning the violence at the Pride Parade. “It simply seems to me that we would have been absolutely ready to stop that and root it out. How come they cannot secure the gay parade? I do not have to like the gay parade, but all who are taking part must be safe “, he said.

“No one can endanger their physical integrity. We have the police and physical force. They can wear a hood at a wedding. They can do it on the street also, but if they throw a rock, they will be arrested in five minutes”, Vucic told Politika.¹⁸⁵

Due to his restrained stand as well as the prevailing opinion in Serbia that “the Progressives” are the political sponsor of extremist groups, with ‘1389’ especially tied to this party, at the end of 2009, Vucic had to publicly distance himself from violent groups.

“I will emphasize again. To those who think that they can bring back the violence and get pardoned for it when the Serbia’s government changes by SNS coming to power, I say in advance, do not count on it, because it will not happen, we will be very rigorous”, Vucic told TV B92 and repeated that this party, if it was in power, would not allow the endangering of the Pride’s participants.¹⁸⁶

Until the Rainbow Rose intervened, the ruling parties tried to speak as little as possible about the Pride Parade to avoid losing voters’ support.¹⁸⁷ Instead, they insisted that the state officials (Ivica Dacic and Svetozar Ciplic) give the stand and an answer to this issue. Statement by the Socialist Party of Serbia (SPS) spokesman Djordje Milicevic could illustrate their reasons. In mid-June, Milicevic said that everyone had the right to their own sexual orientation, but that he was personally against public display of it.

“It would not be good for this event to take place because it is well know what kind of problems we have come across in past years”, Milicevic said.¹⁸⁸

Among smaller coalition partners, Serbian Renewal Movement (SPO) best illustrates the fear of having their stand. Not only did this party tried to take a neutral stand, but even when it did, it was through an anonymous source.

“Our party stands for family and Christian values, but also for liberties of all citizens guaranteed by the Constitution. We do not deal with homosexual relations. However, with regards to the holding of the parade, we take a neutral stand”, said the SPO source who insisted on anonymity.¹⁸⁹

President of the Democratic Party (DS) Political Council and one of its founders Dragoljub Micunovic, perhaps gave the best explanation about the challenges facing Serbia’s strongest ruling political party

“Serbia has the laws which guarantee the rights to all citizens and we will respect them.

¹⁸⁵ Vučić: Cure xenophobia in society, Politika, September 30, 2009, <http://www.politika.rs/rubrike/Politika/Vucic-lzlechiti-ksenofobiju-u-drushtvu.lt.html>

¹⁸⁶ Dačić: Strong against the hooligans, RTV B92, December 25, 2009, http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=12&dd=25&nav_category=11&nav_id=400451

¹⁸⁷ About the level of homophobia in voting body see the report „Homophobia in Serbia – Prejudice out in the open“, GSA, 2008, http://www.gsa.org.rs/cms-run/press/pdf/istrazivanje_ljudska_lbgt_2008_za_gsa_cesid.pdf

¹⁸⁸ Who needs this?, Kurir, June 15, 2009, <http://www.kurir-info.rs/clanak/vesti/kurir-15-06-2009/kome-treba>

¹⁸⁹ Support for gay parade is slightly increasing among Serbian politicians, 24 sata, September 14, 2009, <http://www.24sata.rs/vesti.php?id=61320>

Therefore, we will also respect the Anti-Discrimination Law, but I do not parade and do not know why you are asking me this question”, Micunovic asked in his statement to 24 sata daily.¹⁹⁰

DS slightly moved forward, but only when the situation got out of control or when the holding of the Pride failed and Bruce Taton died. The party's youth joined the Coalition of Youth Against Violence which organized “The Walk Against Violence” on Oct 1, 2009.

In accordance with their ideological stands., the LDP, SDU i LSV again supported the GLBT community in this issue.

LDP leader Cedomir Jovanovic announced he would take part in the Pride Parade and showed all local politicians how to defend human rights. In his public address to the Serbian Prime Minister Mirko Cvetkovic, he bravely supported the GLBT community.

The Government must react at its session on Thursday and show readiness to stop violent perpetrators. Organized political forces are hiding behind them with the goal to fight all who are different, because that is the way to stop Serbia from becoming different and better. Therefore, the Government must not hide behind confused police cordons which will be sent to chaos, but rather stand in front of them

The position of the Prime Minister obliges You to react to the problem which is much deeper than the marginal extremist groups that threaten with violence, tramping over both the Constitution and the laws adopted by the state. Today is not the time for appeals and requests to the organizers to back off in front of the organized mob; this is the last moment for the state's action towards those who are threatening with violence, which they have also demonstrated so many times in the past.

Everything begins with what appear to be small things. Both, the historical steps forward as well as each downfall and abuse of human dignity. The same happened twenty years ago when in Serbia and outside, people were suddenly stripped of their lives and everything they had just because of their nationality. It was not different when instructed youth tore down half of the city because of nationality or political affiliation. The excuse was Kostunica who was in power. Today there must be no backing down before those policies with militant wings and street bandits that are planning to cause chaos on Sunday.

The state cannot give or take away anyone's right to freedom and equality, because the people have this right regardless of the state's will. The state that you govern must do something much more important - protect the freedom, stand by it and send a message that it will no longer tolerate violence, endanger life and safety of those whose diversity bothers violent perpetrators and those who inspire them.

Only after Your decision, can the Government's ministries efficiently implement what they are obliged by laws which we adopted together.

React immediately. Politicians have an obligation to take care of their coalition, but they do not have the right to place the interests of the coalition before the interests of the society. In particular, you do not have the right to place the main focus on the interests of the anti-European, dark and backward policies because that will destroy our future. When the Prime Minister is silent, then it is also difficult for all those who implement the law, policemen, judges,

190 Support for gay parade is slightly increasing among Serbian politicians, 24 sata, September 14, 2009, <http://www.24sata.rs/vesti.php?id=61320>

prosecutors and others.¹⁹¹

SDU also supported the GLBT community and demanded from the authorities to “secure the rights for the Pride participants which all citizens of Serbia have and punish those who are threatening with violence”.¹⁹² This party condemned “the decision of the Government of the Republic of Serbia to capitulate before the threats of pro-fascist groups and unable holding of the “Pride Parade” in down town Belgrade.¹⁹³

In his criticism of the statements made by many politicians and other public figures that sexuality is a private matter of each individual, SDU President Zarko Korac noted/wrote in his column: “As long as you cannot publicly speak about being stripped of your rights, your problems are private, meaning they are not of an interest for the society as a whole. Only when your right to public existence is recognized, you are able to start the painstaking fight for your rights.”¹⁹⁴

LSV President Nenad Canak assessed that the statement comparing the Pride Parade with Sodom and Gomorrah by the Serbian Orthodox Church Archbishop Amfilohije “only added oil to the fire and strengthened support to clero-fascist youth who has been preparing for days for a bloody clashes with the Pride's participants”.

He accused Ampfilohije that “in this way, he violated basic principles of Christianity, bringing the Parade's participants in direct danger”, as well as that with a “sentence that Serbian Orthodox Church is not calling for the violence, he prepared the excuse and secured an alibi in case of the destruction, the torching and the looting of Belgrade”.¹⁹⁵

191 React, do not hide behind the cordon, Letter to the Prime Minister, September 16, 2009, <http://www.ldp.rs/vesti/reagujte,-nemojte-se-kriti-iza-kordona.84.html?newsId=2316>

192 Provide safety of the participants of the Pride Parade, Announcement of SDU, September 17, 2009, <http://www.sdu.org.rs/nastxt21.html>

193 Announcement of SDU, September 19, 2009, <http://www.sdu.org.rs/nastxt22.html>

194 Class of anatomy, Žarko Korać, Pešćanik, September 19, 2009, <http://www.pescanik.net/content/view/3680/1216/>

195 Amfilohije should consult Pahomije and renew his knowledge, Announcement of Nenad Čanak, president of LSV, September 17, 2009,

<http://www.lsv.org.rs/cnt/index.php?uid=aWRfRbm9kZT0yNDkmaWRfcGFnZT00OTY2JmFjdGlvbj1kZXRhaWxz>

XI THE ATTITUDE OF NATIONAL AND INTERNATIONAL ORGANIZATIONS TOWARDS GLBT POPULATION

1. The attitude of the mainstream human rights organizations in Serbia

Apart from the members of the Coalition Against Violence, mainstream human rights organizations in Serbia have up to 2009 given support to the GLBT movement and community only on the level of principles. It is safe to say that one of the main achievements in the strengthening of the GLBT movement in Serbia is the fact that these organizations, as well as international human rights organizations, systematically supported the GLBT organizations in every critical situation during 2009.

For instance, GSA received the support of a large number of non-governmental organizations when they strongly condemned the banning of GSA's press conference in the Sava Center in February 2009, as well as the attack on a press conference in Kragujevac.¹⁹⁶

Furthermore, the role of non-governmental organizations was key in preventing religious communities to overturn the Anti-Discrimination Law. The Coalition Against Violence and dozens of her partner organizations played the main role in publicly advocating for this law, not only by lobbying for this Law, but also by insisting on condemning homophobic arguments of its opponents.¹⁹⁷

Non-governmental organizations also gave support to the Pride Parade with a petition "Let the Pride Parade be", signed by 55 organizations and over 1300 citizens.

2. The attitude of international organizations and institutions

GLBT organizations have managed to fully internationalize the issue of the status of GLBT people in Serbia in 2009. Practically all international bodies and organizations which operate

¹⁹⁶ "Call for urgent removal of Sava Center management", The Announcement of 14 non-governmental organizations, February 25, 2009, http://www.yihr.org/sao.php?id=456&lang=_bhs
"Apology of Belgrade Mayor is not enough", The Announcement of 43 non-governmental organizations, February 27, 2009, http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=689:izvinjenje-gradonacelnika-beograda-nije-dovoljno&catid=36:aktivnosti&Itemid=60
"Discover the participants of the incident at GSA's press conference in Kragujevac", The Announcement of the Coalition Against Violence, http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=747:otkriti-ucesnike-incidenta-na-konferenciji-za-stampu-gsa-u-kragujevcu&catid=36:aktivnosti&Itemid=60

¹⁹⁷ "A new scandal: Law withdrawn under the pressure of Serbian Orthodox Church", The Announcement of the Coalition Against Violence, March 4, 2009, <http://www.stopdiskriminaciji.org/arhiva/novi-skandal-zakon-povucen-posle-pritiska-spc>
"Withdrawal of Anti-Discrimination Law from procedure impermissible, The Announcement of the Coalition Against Violence and 36 non-governmental organizations, March 4, 2009, <http://www.stopdiskriminaciji.org/arhiva/nedopustivo-povlacenje-zakona-protiv-diskriminacije-iz-procedure>
"Against amending the proposed Anti-Discrimination Law", The Announcement of the Coalition Against Violence and 117 non-governmental organizations, March 6, 2009, <http://www.stopdiskriminaciji.org/arhiva/protiv-izmena-predloga-zakona-protiv-diskriminacije>
"STOP to overthrowing of the Anti-Discrimination Law", The Announcement of the Coalition Against Violence and 85 non-governmental organizations, March 11, 2009, <http://www.stopdiskriminaciji.org/arhiva/stop-rusenju-zakona-protiv-diskriminacije>

with Serbia, as well as diplomatic missions of many countries, showed support to the GLBT community in Serbia. This was a clear message to the Serbian Government that Serbian EU integrations would also be measured to a great extent by the level of respect for human rights of all minority groups, including GLBT people.

One of the more important moves of the Council of Europe in providing support to the GLBT community in Serbia was the support of Thomas Hammarberg, who wrote the preface for the 2008 annual report of GSA.¹⁹⁸ Furthermore, in its report on the honoring obligations which Serbia took upon by joining the Council of Europe, the Parliamentary Assembly of the Council of Europe mentioned the banning of GSA's press conference in Sava Centre, as well as the threats and violence which GLBT people experience. Moreover, the attempts of churches to stop the Anti-Discrimination Law from being passed were mentioned in a negative context.¹⁹⁹

United Nations in Serbia expressed deep concern about the banning of GSA's press conference in the Sava Center, in the statement of the UN Office in Belgrade. "This action represents discrimination which is contrary to the Serbian Constitution and the norms of international law", the statement says.²⁰⁰

Concerning this case, Ruth van Rhijn, acting Head of the Human Rights Department of OSCE in Serbia, also stated that Serbia was bound by its Constitution and international laws to protect the rights of all her citizens.²⁰¹

During the process of lobbying for the Anti-Discrimination Law, GSA used its contacts with various international organizations, which led to statements on this issue from Thomas Hammarberg, the Commissioner for Human Rights of the Council of Europe, Human Rights Watch, ILGA Europe, IGLHRC, Rainbow Rose, GLBT Intergroup of the European Parliament, etc.²⁰²

GLBT community in Serbia received the greatest international support ever, during the preparations for the Pride Parade. OSCE and UN commended the cooperation of the NGO sector and the Serbian Government in organizing the Pride Parade.²⁰³ OSCE, the Delegation of the European Commission, and the Office of the Council of Europe also expressed regret about the cancellation of the Pride Parade, saying that threats, intimidation and non-

tolerance had triumphed over dignity, tolerance and pride.²⁰⁴ Rainbow Rose addressed a letter to the Democratic Party, which began a wider political discussion in Serbia about this manifestation²⁰⁵, and many other organizations voiced their support as well.²⁰⁶

After the unheld Pride Parade and the removal of the GLBT rights issue from the political and media agenda, Serbia received a visit, at the invitation of GSA, from Boris Dittrich, Advocacy Director of the LGBT Rights Program of the Human Rights Watch. Dittrich met with several members of the Serbian Government and the officials from various ministries, the President and the Vice-president of the Serbian Parliament, as well as with the representatives of the Serbian Association of Judges, of MP clubs, of GLBT organizations, etc. The result of this visit is the official letter of the HRW to the President of Serbia, Boris Tadić, asking from government bodies to respect the rights of GLBT people and stresses their importance in the European integrations of Serbia.²⁰⁷

Another important contribution in the international support to the GLBT community in Serbia is the constant pressure of political representatives of the EU and the members of the EU, who warn about the status of GLBT people in Serbia in their communication with the representatives of the Serbian Government.²⁰⁸

Some of the more effective tools in bringing Serbia and other countries of South-East Europe, candidates or potential candidates for membership in the EU, to respect and protect human rights of GLBT people, are also the reports of the European Commission on the progress of each country in their EU integrations. Thanks to the lobbying of ILGA Europe, but also because of the problems GLBT communities face in the countries of ex-Soviet block who had become members in the previous waves of admission, the EU has realized that a stronger insistence on human rights protection represents a useful means in bringing future members to more fully adopt the common values of the EU. These reports, therefore, in the last couple of years regularly cover the status of GLBT persons in future members of the EU.

Mentioning the criticism which the Government had sustained for withdrawing the Anti-Discrimination Law from the parliamentary procedure under the pressure of religious communities, the Serbia Progress Report of the Commission for 2009, among other things, states that the Government did not react appropriately to the death threats addressed at the

198 "Homophobia in Serbia", February 2009,

http://www.coe.int/t/dg4/anti-discrimination-campaign/ressources/focus/focus_serbia_en.asp

199 "Honoring the obligations and commitments by Serbia", PACE, April 9, 2009,

<http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc09/edoc11701add.htm>

200 "Majority of population negatively about sexual minorities", Danas, February 26, 2009,

http://www.danas.rs/vesti/hronika/vecina_stanovnistva_negativno_o_seksualnim_manjinama_3.html?news_id=154501

201 "Apology by Đilas not enough", RTV B92, February 27, 2009,

http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=02&dd=27&nav_category=12&nav_id=347223

202 "Human Rights Commissioner Thomas Hammarberg: Ban All Discrimination", March 8, 2009,

http://www.coe.org.rs/eng/news_sr_eng/?conid=1120

"Adopt comprehensive law against discrimination according to the standards of the Council of Europe", CoE Office in Belgrade, March 12, 2009, http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=762:usvojiti-zakon-protiv-diskriminacije-u-skladu-sa-standardima-se&catid=34:vestidyn&Itemid=61

The Letter of Boris Dittrich to the Deputy Prime Minister Božidar Đelić, March 10, 2009,

<http://www.hrw.org/en/news/2009/03/10/letter-vice-prime-minister-european-integration>

"European Parliament Intergroup asks for urgent return of Anti-Discrimination Law into Parliament), March 9,

2009, http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=741:intergrupaevropskog-parlamenta-trazi-hitno-vracanje-zakona-za-zabranu-diskriminacije-u-skupstinu&catid=34:vestidyn&Itemid=61

"The letter of LGBT network of PES to the Democratic Party regarding the withdrawal of Anti-Discrimination Law",

http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=749:pismo-LGBT-mreze-pes-demokratskoj-stranci-povodom-povlacenja-antidiskriminacionog-zakona&catid=34:vestidyn&Itemid=61

"The letter of ILGA Europe to the government authorities of Serbia regarding the withdrawal of Anti-Discrimination

Law from parliamentary procedure), March 6, 2009, http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=730:pismo-ilga-europe-drzavnim-organima-srbije&catid=34:vestidyn&Itemid=61

203 Joint statement of OSCE and UN in Serbia, September 18, 2009

204 Joint statement of the OSCE mission, the EC delegation in Serbia and the CoE Office in Belgrade, September 21, 2009, http://www.coe.org.rs/def/news_sr_def/?conid=1359

205 "European gay left-wing expects protection of the Pride Parade", Rainbow Rose, September 7, 2009,

http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=1191:aktivnosti-evropski-gej-levicari-ocekuju-zastitu-povorke-ponosa&catid=36:aktivnosti&Itemid=60

206 "ERSTE Foundation supports Pride Parade", July 24, 2009,

<http://www.belgradepride.rs/saopstenja/erste-fondacija-podrala-povorku-ponosa.html>

"Pride Parade receives great international support", September 1, 2009,

<http://www.belgradepride.rs/saopstenja/povorka-ponosa-dobila-veliku-medjunarodnu-podrsku.html>

"Support of Spanish LGBT Federation", September 12, 2009,

<http://www.belgradepride.rs/iz-medija/podrka-panske-LGBT-federacije.html>

"Support of Queer Zagreb", September 13, 2009,

<http://www.belgradepride.rs/saopstenja/podrska-queer-zagreba.html>

"Human rights fighters targets of attack", Amnesty International, September 15, 2009,

<http://www.belgradepride.rs/iz-medija/zastitnici-prava-meta-napada.html>

"Serbia to stand in the way of persistent homophobia", Human Rights Commissioner of the Council of Europe

Thomas Hammarberg, September 15, 2009,

<http://www.belgradepride.rs/iz-medija/srbija-da-stane-na-put-upornoj-homofobiji.html>

"Dutch Embassy supports Belgrade Pride Parade", September 16, 2009,

<http://www.belgradepride.rs/saopstenja/holandska-ambasada-podrzava-beogradsku-paradi-ponosa.html>

"Statement of support to the Pride Parade by EU Swedish Presidency", September 17, 2009,

<http://www.belgradepride.rs/iz-medija/izjava-podrske-povorci-ponosa-od-strane-predsednitva-svedske.html>

207 Letter to the President of the Republic of Serbia, HRW, November 16, 2009,

<http://www.hrw.org/en/news/2009/11/16/letter-president-republic-serbia>

208 An example of this strategy of the international community can also be found in the preface of this Report by Ulrike Lunacek.

Secretary for Human and Minority Rights, Marko Karadžić, made because of his defense of GLBT rights.

The European Commission's Serbia Progress Report for 2009 notes that the incidents which include hate speech, threats, or physical assaults on GLBT population have not been properly investigated and the perpetrators have not been brought to justice.

In the part about discrimination, the Report commends the adoption of the Anti-Discrimination Act, but certain definitions related to discrimination still require clarification. The numerous exceptions are wider than allowed by European standards, while the right of non-governmental organizations to prosecute cases of discrimination before the courts still needs to be clarified.

Vulnerable groups, which include the GLBT population, remain the most exposed to discrimination.

The freedom of peaceful assembly is guaranteed by the Constitution and the Government is directly responsible for efficient exercise of this basic right, it is said in the Report of the European Commission. The EC states that the planned Belgrade Pride Parade had to be cancelled in September 2009, at the last moment, because the Serbian authorities could not guarantee the safety of the participants. The organization of this event was clouded by threats made by extremist and right-wing groups directed to the organizers and participants, as well as by a general climate of prejudice against the GLBT community.²⁰⁹

XII MEDIA VIEW ON GLBT POPULATION IN SERBIA

During 2009, the Serbian media have made a great step forward in covering topics related to the GLBT issue. If the GLBT organizations spent the year 2008 trying to get some media space, in the year 2009, due to the banning of GSA's press conference, the adoption of the Anti-Discrimination Act and the preparations for the Pride Parade, they achieved the goal of not allowing their activities to be ignored by the media. Unfortunately, one of the major consequences of the cancelled Pride Parade was decreased media interest in GLBT issues. However, despite the considerable increase in the visibility of national GLBT organizations in the media, a larger number of news articles was still covering the stories from abroad or from show business.

As an illustration of this trend, here is the GSA's analysis of the amount of news published by national media, done with the aid of the web news aggregator www.naslovi.net.

By comparing the number of texts which contain the word "gay" in the year 2008 with the year 2009, the results show that their number is more than double in 2009. During 2009, 988 of such texts were published, while in the previous year that number was 457 (an increase of 116%).

The analysis also clearly shows that the word "lesbian/s" is much more infrequent. During 2008, the word "lesbian" was mentioned twice, while in the next year it was mentioned five times ("lesbians" 17 and 24 times, respectively), which leads us to conclude that women are significantly less visible than men in the media space, even when discussing the GLBT issue.

When comparing the last two quarters of 2009 (before and after the unheld Pride Parade), the analysis shows that the media covered the GLBT issue much less in the last quarter. In the period July-September, 361 articles containing the word "gay" were published, while in the period October-December there were only 163 articles, i.e. a decrease of 55%.

By using naslovi.net, we were also able to do a rough analysis of the "political correctness" of the language in the media. GLBT movement has succeeded in persuading the media to considerably lessen their use of the word "homosexual", which is considered inappropriate as it is a relic of the age when same-sex sexual orientation was pathologized. This word was used during 2008 in 57 texts, and during the next year in 89 texts (an increase of 56%). It was used less frequently than the word "gay", but also the increase in its usage is significantly lower than the increase of the usage of "gay", which means that the increase of media interest in GLBT issues was not followed by an increase in the use of inappropriate vocabulary. This conclusion is also based on the fact that the offensive word "faggot" for gay people was used in 2009 in only 15 texts (compared to 13 in 2008).

It is also important to analyze the appearance of Serbian GLBT organizations in the news on this topic. During 2009, there were 272 articles which discussed the activities of national GLBT organizations, out of a total of 988 articles about GLBT issues. The most frequently mentioned organization is GSA (155 articles), then Queeria Center (56), GLIC (31), Labris (24), Gayten (3), Queer Belgrade (3). This analysis tells us that GSA appears more than all the other GLBT organizations, but also that the organizations which were included in the Belgrade Pride Committee together have fewer appearances than each of the organizations which were not included in the Organizing Committee. The Organizing Committee of the Pride Parade, as a separate body, is mentioned in 44 articles.

209 Enlargement Strategy and Progress Reports 2009, Serbia Progress Report, October 2009, http://ec.europa.eu/enlargement/pdf/key_documents/2009/sr_rapport_2009_en.pdf

There is a similar situation with the appearance of GLBT activists or outed GLBT persons. The most frequently mentioned are Boris Milićević from GSA and Boban Stojanović from Queeria Center (44 times each), followed by Predrag Azdejković (GLIC – 23), Dragana Vučković (Labris, Belgrade Pride Organizing Committee – 20), Adorjan Kurucz (a participant in the TV-show “The moment of truth” – 9), Marija Savić (Labris, Belgrade Pride Organizing Committee – 5), Dušan Casanova (Belgrade Pride Organizing Committee – 4), Majda Puača (Queer Belgrade, Belgrade Pride Organizing Committee – 2), Lazar Pavlović (GSA – 1).

Apart from the fact that this media image speaks of an increase in the public interest about the topic of GLBT issues in Serbia, or of divisions within the GLBT movement, it must be emphasized that the media throughout the year gave a significant amount of space to the hate speech and threats by members of extremist right-wing organizations, which, along with the inadequate response of the authorities, greatly increased the level of violence in general, and specifically against the GLBT people.

The event which highly influenced the way media covers GLBT topics was the support of media associations to the GLBT community, given during 2009 especially by the Independent Association of Journalists of Serbia and the Independent Association of Journalists of Vojvodina. These associations offered strong support to the activities of GLBT organizations in all major events. However, like the Government, the Journalists’ Association of Serbia (which had been the only journalist organization in the communist period of Serbia) avoided to address GLBT topics in any way.

XIII GLBT MOVEMENT IN SERBIA

The increased visibility of GLBT issues and organizations, as well as the social and political processes that took place during 2009, especially the adoption of the Anti-Discrimination Act and the organization of the Pride Parade, have influenced the entire GLBT movement which has therefore experienced certain changes, at the same time being placed before new challenges.

The GLBT movement and its organizations started the year 2009 mainly in inherited relations which included a somewhat lesser mutual conflict and individual instances of cooperation, but also a chronic lack of communication, of mutual exchange of information or a mutual strategy on any question related to the GLBT population.

Moreover, the GLBT organizations were characterized by very different approaches to the GLBT issue and different areas of action (e.g., health care, education of the media, working with transgender people, etc.), different ideological frameworks, as well as the lack of political leadership regardless of whether it applied to individuals or organizations.

The banning of GSA’s press conference in the Sava Center and the passing of the Anti-Discrimination Law opened up a completely new, media and political, space of action, and the GLBT community, the NGO sector, the political subjects, government authorities, media associations, as well as the interested public, started to observe closely events on the GLBT activist scene.

In these two instances, GLBT organizations showed a higher level of solidarity and mutual support than ever before. However, after GSA initiated the process of organizing the Pride Parade, many organizations involved in this process met with new working conditions, such as increased visibility and the competition of approaches and ideas, which, along with the lack of adjustability for a so-called higher cause, led to the renewal of conflict between GLBT organizations. This conflict culminated at the end of May 2009, when the organization of this event was taken away from GSA and GSA stepped out of the Belgrade Pride Organizing Committee.²¹⁰

Bringing this conflict before the public by the Pride Organizing Committee and attacking GSA considerably influenced the public perception of the weaknesses of the GLBT movement, overshadowing the importance of the Pride Parade and weakening the support received up until then from various organizations, institutions, political factors and individuals.²¹¹ Nevertheless, even though this conflict was often used during the entire process of organizing the parade, as an argument against giving support to the Pride Parade, it also contributed to a unique step forward from the usual practice and the expected escalation of mutual conflicts. GSA, and later the Queeria Center, which stepped out of the Belgrade Pride Organizing Committee in August 2009, gave support to the Pride Parade and engaged all their resources to make it happen, regardless of their differences with the Pride Organizing Committee.

²¹⁰ The Announcement of the Belgrade Pride Organizing Committee, May 26, 2009, <http://www.belgradepride.rs/saopstenja/saopstenje-organizacionog-odbora-parade-ponosa.html>

²¹¹ As an illustration of this, here are the titles of two articles published by two newspapers which are on the opposite sides of the political spectrum – “Bickering bitches” (right-wing newspapers Kurir) and “Parading eviction” (liberal newspapers e-novine.com): “Bickering bitches”, Kurir, May 28, 2009, <http://www.kurir-info.rs/clanak/vesti/kurir-28-05-2009/popickali-se> “Parading eviction”, May 27, 2009, <http://ea.4e.1343.static.theplanet.com/2009-05-26/e-novine/paradna-isključenija/1169994>

The tendency which became recognizable during the preparations for the Pride Parade, reflected in the creation of three currents among GLBT organizations and their position on this event (from which one current was against organizing the parade), sustained itself with slight changes until the end of the year and it will most probably continue to work in the same manner in the following period.

In the meantime, at the initiative of Belgrade Pride Organizing Committee, after the unheld Parade, the GLBT organizations tried to gather round a joint Platform. However, the proposed Platform deeply affected the autonomy of all organizations, which was the main complaint of the majority present, especially under the conditions which require very close cooperation of GLBT organizations without taking into account different approaches and the real state of affairs. The joint conclusion of the GLBT organizations was that the proposed Platform needed to be amended and adjusted to the real needs and capabilities, and this process is still ongoing.

Even though unity of the GLBT movement in Serbia has not been achieved yet, the social and political processes that took place during 2009 have certainly contributed to its strengthening and have given occasion for mild optimism. The increased visibility of GLBT problems and making these topics relevant, a greater support, an increased number of GLBT and heterosexual people interested in GLBT activism, a greater recognizability of GLBT leaders and organizations, as well as other advances which have been achieved, are certainly a good basis for continuing work on the status of GLBT people in Serbia.

GLBT movement, as a rule, is not unified anywhere in the world, and we should not have such high expectation in Serbia in this phase of the process of its formation, but the GLBT organizations should use the experience from 2009 and establish better communication and exchange of information, show greater support and solidarity with the victims of violence and discrimination, agree on possible joint activities and mutual support, and above all establish a code of mutual “non-attack”, bearing in mind that they all share common goals in the interest of the whole GLBT community in Serbia.

Different focuses of their action and different doctrines should become an advantage in the following period for the GLBT movement in Serbia, and not a cause of conflict within it – especially when we consider the fact that great challenges lie ahead of the GLBT movement, the problems related to GLBT people which yet need to be solved, a bigger political and social responsibility than up till now, and concrete results which need to be achieved.

XIV RECOMMENDATIONS

GLBT people in Serbia still suffer violence and discrimination, from psychological to physical violence from their family, their environment, their partners, the opponents of the GLBT population, as well as members of organized extremist groups. The GLBT population, due to a high level of homophobia in society and the danger it faces every day, belongs to the most endangered communities in Serbia, a fact which has been confirmed by the data of the Ministry for Human and Minority Rights.

General goals which should be achieved by implementation of these recommendations are:

1. Security and safety of GLBT people – reducing violence and discrimination,
2. Raising awareness in the society and in the institutions about the priorities and needs of the GLBT people,
3. Reducing homophobia and transphobia in all social and political spheres, and
4. Strengthening the trust of GLBT people in the actions of government bodies.

Solving these problems requires a clear expression of political will by all politicians, especially those who have high government and party functions. The President of the Republic of Serbia, the Government of the Republic of Serbia, the Parliament of Republic of Serbia, and pro-European political parties ought to publicly advocate for the protection of human rights of all citizens, including GLBT citizens, and condemn all violence, discrimination and hate speech, consistently and in every situation. Pro-European political parties should incorporate the GLBT issue into their programs and policies, and create space for GLBT people to work freely and openly in politics.

The Government ought to approach strategically solving of the problems of the GLBT community in Serbia, and it should establish closer and long-term cooperation with the representatives of the GLBT community.

For this purpose, the Government in cooperation with the GLBT organizations ought to develop and implement a national strategy for reducing violence and discrimination against GLBT people. The development of this strategy should include categories such as family, work environment, educational system, health care system, cultural and media space, etc.

Furthermore, the country should develop and implement mechanisms for monitoring the state of GLBT human rights in Serbia, since the Government does not have such mechanisms and the monitoring of GLBT human rights in Serbia is currently being done exclusively by GLBT organizations.

An indispensable responsibility of the Government is to systemically implement the newly adopted Anti – Discrimination Law. The implementation of this law is the key starting point for all other steps which need to be taken in the process of solving the status of GLBT people in Serbia.

Because of the escalation of violence in 2009, it became clear that the GLBT community is one of the most endangered and vulnerable groups in Serbia, it is necessary to establish a practice of information exchange about the issues which are important for the safety of GLBT people in Serbia. For this purpose, we recommend the creation of a Council, which would

include the representatives of the Ministry of Internal Affairs, the Ministry for Human and Minority Rights, the Ministry of Justice, the Ministry of Education, the Ministry for the Youth and Sports, the Ombudsman, the Prosecutor's Office, GLBT organizations, etc.

The priority in solving the status of GLBT people is certainly their safety, i.e. the prevention and reduction of violence against them, where the key role belongs to the state, above all the police, the prosecution and the judiciary.

The Ministry of Internal Affairs of Serbia, in cooperation with GLBT organizations, needs to raise awareness, educate and train the members of the police to work with the GLBT community in Serbia.

The high level of inefficiency of the prosecution and the judiciary in the cases of violence and discrimination against GLBT people, organizations, or in some cases the entire population, represents certainly one of the most difficult obstacles in solving the status of GLBT people in Serbia. It is indispensable to establish a good judicial practice, to raise awareness and educate prosecutors and judges in order to overcome this problem.

Violence and discrimination against GLBT people is located in the so-called "gray area". It is, therefore, necessary that the police, the prosecution, and the judiciary establish a practice of monitoring such cases, as well as all cases of hate crimes and discrimination. For this purpose, they should create a database and statistics on these cases.

The state has a responsibility to provide all its citizens with the equal opportunity to exercise their right to public assembly. The Pride Parade of GLBT people is a legitimate political tool in the fight for equality, freedom and tolerance. The ability to freely hold the Pride Parade is one of the major criteria for determining whether the Republic of Serbia is ready to treat all of its citizens equally and show determination in following the path to Europe.

The international community should continue with its good practice of monitoring the status of GLBT people in Serbia and of treating this issue as a measure of Serbia's progress in the European integration processes.



FOND ZA OTVORENO DRUŠTVO - SRBIJA
FUND FOR AN OPEN SOCIETY - SERBIA

www.fosserbia.org



**CIVIL
RIGHTS
DEFENDERS**

www.civilrightsdefenders.org