



Gej Strejt Alijansa Gay Straight Alliance
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KOPORAK KOPORAK [STEP BY STEP] REPORT ON HUMAN RIGHTS STATUS OF LGBT PERSONS IN SERBIA 2010



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THANKS!

Members of Gay Straight Alliance

Victims of violence and discrimination
who gathered the courage to speak out and report their cases

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Police officers who protected Pride Parade participants

Partners from the NGO sector:

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International partners:

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State institutions:

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The Democratic Party, Democratic Left Roma, G17 plus, the Liberal Democratic Party, Democratic League of Vojvodina, Alliance of Vojvodina Hungarians, the Social Democratic Party of Serbia, Social Democratic Union, the Socialist Party of Serbia, the Serbian Progressive Party, Serbian Radical Party, Serbian Renewal Movement, the Green Ecological Party - Green

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24 hours (24 sata), the Associated Press, Avala, B92, Beta, Blic, Danas, Dnevnik, e-newspapers, FoNet, Happy TV, Index Radio, Infobiro, Mondo, MTV, the Independent Association of Vojvodina Journalists, Independent Association of Journalists of Serbia, NIN, Radio Belgrade, Radio Free Europe, Pink, Politika, First TV, Radio 021, Radio Belgrade, Reuters, RTS, Studio B, Evening News, Tanjug, Serbian Association of Journalists, Time (Vreme) Yellow Cab

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And all the others who support LGBT people in Serbia.



GSA FOREWORD

The Pride Parade is undoubtedly the most significant event in 2010 for the human rights of lesbian, gay, bisexual and transgender (LGBT) people in Serbia.

This event greatly contributed to an increase in visibility for LGBT people and the visibility of problems that this population faces every day and that are primarily related to a high degree of homophobia and discrimination as well as high exposure to violence.

These problems cannot be resolved only by a Pride Parade but through a systematic approach and specific measures. The issue of the LGBT population is very complex and it affects all segments of the system from the police, to the justice system, culture, health, education, economy and many others.

It is the responsibility of the state and its institutions to take, in the future, all necessary steps to ensure, protect and promote the equality of all citizens of our country regardless of their personal characteristics.

Sincerely,
Gay Straight Alliance

I INTRODUCTION FRAMEWORK

Prevention and reduction of violence and discrimination against LGBT people is certainly imposed as a priority when it comes to improving the status and equality of rights of LGBT people in Serbia.

Serbia has an adequate legal framework for combating violence and discrimination against LGBT people. In addition to the Serbian Constitution and the Criminal Code, there are in force several more laws that sanction discrimination based on sexual orientation, above all the Anti-Discrimination Law, the Labor Law, the Law on Higher Education, the Law on Broadcasting and the Law on Public Information. Unfortunately, legislation in Serbia still does not recognize the institution of “hate crimes” that in many developed countries is treated as an aggravating circumstance in judicial proceedings.

Although there is a legal framework as well as a great number of recommendations to reduce violence and discrimination provided by European institutions, the Council of Europe and the United Nations, Serbia so far has not a single strategy or so-called “harmonized sectoral policy” related to LGBT people and their social inclusion, even if it has adopted some 30 strategies in various fields. Chronic problems of implementation, i.e. lacking the mechanisms and willingness for enforcement of existing laws, is perhaps the most strikingly obvious example of the attitude towards the LGBT population.

The most important political process that is currently taking place in Serbia is certainly European integration and by the end of 2011 Serbia’s candidacy status will be known, in other words, whether or not it meets the initial conditions required to become part of the EU in the near or distant perspective. This process should be viewed primarily as a great opportunity to realize all the necessary changes and improvements that Serbia has failed to fulfill for so many years now, mostly because of generally known reasons.

Previous reports by the European Commission (EC) on the progress of Serbia’s accession to the European Union devoted considerable attention to human rights and most endangered minority groups, including the LGBT population. The Commission’s recommendations to reduce violence and discrimination are very clear and unambiguous, and European standards in terms of balancing the rights of people with different sexual orientation include a wide range of areas such as employment, access to goods and services, the right to freedom of assembly, etc.

Unlike previous years, politicians have become more affirmative in their statements related to the human rights of LGBT people. Clearly expressed political will is one of the important factors that, after several attempts, led to the Pride Parade. On several occasions, state institutions treated the question of LGBT population as very important, and the efforts of the Ministry for Human and Minority Rights, Ministry of Internal Affairs, Parliamentary Committee on Defense and Security and the City Administration also played a major role in organizing the Parade.

When we talk about human rights for LGBT people in Serbia, we certainly cannot speak any more about the existence of institutional discrimination, but only about individual cases. However, the question that remains is when state institutions should take concrete steps, particularly for the adoption and implementation of systematic measures to reduce violence and discrimination against the LGBT community and promote tolerance.

Unlike certain developments that took place in the political sphere and at the state and institutional level, Serbian society is still a very homophobic one. Right-wing extremist organisations continue

to be strong and well-organised, which was most evident during the Pride Parade. Although a large number of participants in the attack were arrested and prosecuted, numerous questions regarding the actions of extremists have still not been raised and therefore not yet resolved, including their methods of funding, their political strongholds, and the level of endangerment to public safety and security of the citizens by these actions and structures.

According to the poll, repeated after 2008, and in 2010, and conducted by the Gay Straight Alliance and CeSID, it can be said that in the meanwhile a rise in homophobia occurred, in the most general terms, and that prejudice against the LGBT population is still very strong. Only with the claim that homosexuality is an illness is there a small decrease in the number of those who agree with that statement, from 70% to 67%. However, this percentage is still very high and proves the “persistency” of public opinion in spite of the fact that homosexuality was long ago removed from the official list of diseases. Regarding all other claims, homophobia is still very high, in some respects and somewhat larger than before (for example, compared to 2008, 6% more people believe that homosexuality is very dangerous to society - 56%). The most worrying attitude is the one that states that even half of the people in Serbia would reject their loved ones in the event they find out that they were gay, and that 90% of people consider different sexual orientation as a major obstacle to socialization.

Therefore, in the future, especially during the election year, it will be very important for political factors not to succumb to the temptation to “pander” to the majority, keeping in mind their ratings, and not to distance themselves from clear and concrete support for the LGBT population, or to ignore issues of tolerance and respect for human rights, considering them less important.

The majority of LGBT people in Serbia do not need research to find out how high the level of homophobia around them is – they face its consequences on a daily basis in their homes, schools, and workplaces, on the street, among friends ... everywhere. They suffer from high ambient pressure and often they continue to try in vain to adapt to the majority’s heterosexual discourse, which is reflected in the poorer quality of their lives. They often lose their jobs or are harassed by colleagues and superiors if their sexual orientation is disclosed or suspected, they get thrown out of their living spaces, abused by parents and family members in an attempt to “re-educate” them, they are exposed to threats, hate speech and discrimination at all levels and are often victims of violence, both by individuals and by organised extremist groups. They often decide not to report cases of violence and discrimination to the relevant authorities because of the chronic lack of trust, fear of further victimization and stigma in the region. When they decide to do so, legal proceedings are dragged through the justice system for years, and perpetrators are either set free or just symbolically punished. They are constantly reminded how unwelcome they are by graffiti threats, insults and hatred, which they pass by daily in Belgrade and other Serbian cities.

Certainly, it would take much more space than this to show the true and complete picture of the situation, but what should be the essential question of this report is whether or not anything is changing, and to what extent these changes are positive and fast.

II SUMMARY

The year 2009 was certainly a very important year for the LGBT movement itself and for the LGBT population in general. The Law Against Discrimination was adopted, wide public debate was opened about the rights of LGBT people in Serbia, and a parade was planned for September 20, 2009, and, even though it never took place, additional questions were raised concerning the relations between the state and minority groups, the strength of state structures to adequately deal with the violence, as well as questions about the causes of violence that spilled over the whole society and the ways of preventing this violence. Also, the issue of the Parade taking place is actualized in the institutions of the European Union and has aroused great interest of the international community.

All these questions remained open, and in 2010 finally there were specific, visible improvements, primarily in relation to the political elite towards the human rights of LGBT people and state institutions' access to this issue.

Most parliamentary parties in Serbia have for the first time publicly and positively identified the human rights of LGBT population through dialogue with LGBT activists, reaching a political consensus on the condemnation of violence and discrimination against LGBT people.

A much greater number of state institutions than in the past supported the human rights of LGBT people and LGBT organisations through activities they conducted, and primarily through the organisation of the Pride Parade. The concerns of the LGBT population in Serbia were by LGBT activists discussed and they cooperated with the presidents of the Serbian Parliament, the Ministry for Human and Minority Rights (MHMR), the Ministry of Interior (Mol), Ministry of Justice, the Public Prosecutor, the Committee on Security and Defense Assembly Serbia, Belgrade Mayor, the Assembly of the Autonomous Province of Vojvodina, the Agency for European Integration and Cooperation with Associations of Belgrade, the Ministry of Health, Ministry of Youth and Sports, Ministry of Labor and Social Affairs, Ministry of Culture, the Ombudsman, the Office of the Serbian EU Integration, Commissioner for equality and a large number of deputies. By the end of June 2010, the Serbian President Boris Tadić received a delegation of LGBT activists and supported the parade.

The first Pride Parade in Belgrade was held on October 10, 2010, and over 1000 participants attended, including a significant number of representatives of state institutions, diplomatic corps, international organisations, NGOs and MPs. The State, unlike in 2009, demonstrated an unequivocal commitment to the protection of the parade's participants and on that day the police played a key role in the fight against the many hooligans and extremists who tried to prevent the parade and attack its participants.

Also in 2010, LGBT movement was mostly supported in the implementation of its activities by and among local and foreign NGOs and international organisations and diplomatic missions. The media in 2010 continued to monitor issues related to the LGBT population. Some of them visibly improved the previous negative attitude towards these issues but, unfortunately, there are still those who provide space for hate speech and sensationalism.

However, despite these obvious improvements, it seems that concrete steps to improve the position of LGBT people and reduce violence and discrimination have not yet been taken. Although the issue of LGBT is very complex and touches many areas of society, there is an evident lack of strategic approach by state institutions and a lack of system solutions.

The work of the judiciary in cases of violence and discrimination based on sexual orientation, although slightly improved in comparison to 2009, still can be characterized as slow and not sufficiently efficient since the perpetrators in these cases get mostly mild punishments, or are admitted free.

Although the education system is one of the pillars of any society, education authorities still show no willingness to deal with bullying and discrimination based on sexual orientation in educational institutions, there is a non-negligible number of textbooks with great amounts of homophobic attitudes, and a great number of teachers continue to play to this sentiment while communicating with their students.

The LGBT population still cannot be satisfied with the lack of systematic implementation of the Anti Discrimination Law. The first step in the implementation of this law - the choice of the Commissioner for Equality (Commissioner) remained more in the shadow of divisions in the NGO sector than it contributed to public promotion of the significant role of the Commissioner and tolerance towards minority groups. Problems with training for the Office of the Commissioner were repeated despite previous experience with the creation of the Office of the Ombudsman and the Commissioner for Information of Public Importance, which once again brings into question the seriousness of the state to establish an independent regulatory body.

The lack of adequate implementation of the Prohibition of Discrimination in Employment and Labor Law also slowly crystallizes as a problem that can lead to very negative consequences for LGBT people in the near future, primarily in terms of the great potential for discrimination and bullying in the workplace.

An important step forward, compared to previous years, occurred in the LGBT movement. It is primarily related to the Pride Parade when all LGBT organisations, regardless of whether they were directly involved in organizing the Parade or not, endorsed this event to a greater or lesser extent.

III RIGHT TO LIFE

The murder of Dragan Fišer (21) in Belgrade

Dragan Fisher (21), was found dead January 12, 2010, at about 11:30 pm in New Belgrade's Boulevard Milutin Milanković, not far from the hotel "Holiday Inn".

Fišer's naked body, covered with numerous injuries, was discovered in a thicket nearby the railroad by a resident of nearby settlement.

"I was in " Super Vero "and going back through the bushes in order to shorten the way home - reported a visibly shaken Roma man who did not want his name published. - In the distance I saw completely naked man lying down. He was facing the ground. The body was completely blue. "

Doctors have seen numerous head injuries, and there were traces of blood on his arms and hands.¹

"When I saw the corpse, it's really a monstrous murder. The body was turned face down, the face is completely unrecognizable, the anus as the coordinator has seen it, seemed in a terrible state. I think it's a horrible, horrible murder. Clothing was scattered, he only had his watch on his hand and socks on this feet. Aside from that, nothing else, says Zoran Vasić of the Association of Roma 'Oasis'"²

Belgrade police inspectors arrested a 22 year-old Roma boy, the main suspect for the night between Tuesday and Wednesday in New Belgrade boulevard Milutin Milanković killed Dragan Fišer (21) from Pančevo. He was determined to 48 hours withhold and if the police failed to gather sufficient evidence, on Friday he should be brought to the investigative judge of the High Court in Belgrade. Police investigators suspect that Dragan Fišer was, on the lawn near the hotel "Holiday Inn", beaten with belt and a stick, until he died after being beaten by one person. According to initial assumptions, the crime was preceded by a sex act between attacker and victim. Then a quarrel ensued which turned into a bloody showdown. It remains unknown whether the killer and victim were in a homosexual relationship or a criminal forced Dragan Fišer to have sex. The completely naked and mutilated body was discovered by Roma man from the nearby wild settlement. Autopsy of the body revealed numerous injuries on his body, and death occurred due to severe blows to the chest. This dismissed speculations that a young man being heavily boated has fainted and died frostd during the night.³

In the location of the murder of Roma boy Dragan Fišer (21) yesterday around 15 pm one, so far unidentified man was arrested, while he was searching the area. A resident of the settlement and a secondary raw material collector, nearby the New Belgrade railway station, who two days

1 "Death due to wood", Večernje Novosti, January 13, 2010, http://www.novosti.rs/code/navigate.php?Id=9&status=jedna&vest=168006&title_add=Smrt%20zbog%20drva&keyword_add=ubistvo%2C%20pronajden%20les

2 "An investigation into the death of a Roma boy", B92, January 14, 2010, http://www.b92.net/info/vesti/index.php?yyyy=2010&mm=01&dd=14&nav_id=404122

3 "Love brought on the crime", Evening News, January 14, 2010 http://www.novosti.rs/code/navigate.php?Id=9&status=jedna&vest=168127&title_add=Ljubav%20donela%20zlo%2C%20Din&keyword_add=ubistvo%2C%20pronajden%20les

earlier discovered a mutilated body of the unfortunate fellow, said that the suspect was carrying a bag with a knife and plenty of condoms.

“I went to Block 24 and from the street Milutin Milanković I have noticed an unknown man in the thicket where I had previously found the body of Dragan. I knew the crime scene investigation is long over, so I stopped and watched for several minutes the man who seemed to be looking for some proof in the grass. I approached him from behind and managed to throw him down, and I had previously informed the police. When I approached him I have noticed that he is middle-aged, light-skinned and I would say not Roma. Part of his chin was freshly hurt as when someone is injured, testifies visibly excited resident of a Roma settlement near the railway station in New Belgrade.

Otherwise, in the course of yesterday, at the scene of the crime, a bloodied gold necklace was found that belonged to an unhappy fellow citizen. Unofficially, it could be heard that in the vicinity was observed a used a condom, which is significant, given the fact that the unfortunate twenty-year-old was raped before being brutally murdered.⁴

The GSA has failed to gather more details from the investigation of the case, so the motive of the killing remained as so; under-explained.

⁴ “Searched the place of murder, got arrested”, Politika, January 15, 2010, <http://www.politika.rs/rubrike/Hronika/Pretrazivao-mesto-ubistva-pa-uhapshen.lt.html>

IV INVIOABILITY OF BODILY AND PSYCHOLOGICAL INTEGRITY

1. Attacks on actual or perceived sexual orientation / gender identity of the victim

1.1. Attempted attack on Boris Milićević (37) in front of a building where he lives

Boris Milićević was returning from downtown to his apartment in the evening of April 21, 2010. As he was going toward the building where he lives, he walked past three young men standing about twenty feet away from his building. One of them recognized him and spit on him, exclaiming: "You, fag!" while the other two began to curse and spit in his direction.

Milićević continued at rapidly growing pace towards the entrance of his building. At that point, a family of four and another older woman passed by him and those three young men and probably prevented them from attacking him. Spitting and insults continued until Milićević entered the building.⁵

Given that similar incidents occurred in the past, the GSA has asked the Belgrade police to provide adequate protection for Milicevic, while criminal charges were submitted against three unidentified persons.

1.2. Attacks on M.A. (26) from Vršac in his workplace

M.A. (26) from Vršac, in the framework of his work duties in Vršac company "Marketing Plus" Ltd. often went with his colleagues on a short business trips to villages and towns in the vicinity of Vršac, where they shared marketing materials. One of his colleagues, Dario Kovačević from the village Vlajkovac near Vršac, is increasingly interested in why M.A. is hanging out just with boys and why there is never a girlfriend in his surroundings.

We started a usual short business trip outside Vršac. I sat in the back seat of a company car and in front of me was my younger brother, who worked in the same company. Next to me, on the left, is Dario, who at one point that began his usual roll-call and questions why I do not have a girlfriend, and since I was beside him, he this time abruptly snatched my mobile phone and started to read my messages.

I tried to recover my phone, told him to stop such a behavior, but in vain. Very quickly, reading the content of messages, he realized I was gay. He put on the disgusted face and started to insult me badly and cursed "Ugh, a fag, you make me sick!" "You suck, fag, you should be put on the stake!" "All of you should be killed!" I tried not to answer, I even tried to calm him down saying, "well, it is ... Come let me go now".

It was all in vain. He started hitting me hard with his fist in my left shoulder, continuing with insults and curses. I tried to get out as much as I could, I told him I would sue him in the court over this

⁵ Report on the incident April 22, 2010, internal documentation GSA.

and asked him again to stop, but it was as if it gave him even more power. Because of the blows I have received, a strong epileptic seizures came upon me (I have had epilepsy for several years). At this point, he, according to my brother, ceased to harass me, and my brother, Dario, and a company car driver refreshed me with some cool water so I came back after the attack was over. From Dario's shots in the arm, a huge bruise appeared on my arm.

Afterwards, on several occasions when we met downtown, regardless of the job, every time he would start to speak loudly pointing at me: "Faaag! People, this is a fag, ordinary fag "and the like.

Exactly one month later, i.e. June 14, 2010, almost the same incident as the first one occurred. Again we went by car on a business trip, when Dario, while driving the car, unprovoked, started in the same manner as the first time, to insult or denigrate me, calling me names because of my homosexuality. This time his blows had hit my left thigh, and once again I have suffered an epileptic seizure.

Finally I had enough and I firmly decided to go to the very end and to sue him in court.

M.A., after the failure of the first lawsuits filed against Dario Kovačević for light bodily injury, recently addressed the legal department of GSA, which represents him in court, free of charge.

1.3. The attack on German citizens D.M. (18) and minor P.R. in Ada Ciganlija

Kristijan Živanović (18) from Belgrade, was arrested after he, on August 12, 2010, at Belgrade's Ada Ciganlija, near the cafe "Pipils" stabbed with a knife, injured and robbed German citizens Dominic Miller (18) and a minor P.R. During the police hearing, Živanović said that he had attacked them because they "acted as members of the gay community."

*"He did not resist arrest, and during the search we have found the knife he used in the attack as well as stolen phones, money and a gold chain. At the hearing, the suspect admitted the attack, but said the motive was not the robbery. To our surprise, he said that he was annoyed that they were German citizens and hugged and kissed on the promenade, "said the Belgrade police."*⁶

*Kristijan Živanović was employed in a cafe at Ada as a night watchman. A few months ago he was fired. On his "Facebook" profile he posted pictures with a pistol in hand, and he is a member of the group opposing a gay parade in Serbia."*⁷

The GSA sought from the Ministry of Internal Affairs and other competent authorities to examine and shed light on the true motives for the attack and to notify the public, as well as to timely prosecute the case and severely punish the perpetrators according to law.⁸

6 "Stabbed the boys because he thought they were gay", Blic, 13. August 2010. , <http://www.blic.rs/Vesti/Hronika/202414/Izbo-mladice-jer-je-mislio-da-su-gej>

7 Ibid.

8 "Urgently examine and shed light on the true motives for the attack on German citizens", GSA press release, August 13, 2010.

1.4. The attack on D.P. (30) in a nightclub in Bečej

In the night between Friday and Saturday, September 17 and 18, 2010, the number of unidentified persons attacked the D.P. (30) in the nightclub Stage in Bečej.

As I danced on the dance floor I felt a strong blow to the back of the head, which knocked me forward, and then, as I lay face down, it was followed by other strong kick in the head, above my right eyebrow, causing severe pain and bleeding.

The attacks then stopped and when I got up I couldn't see the attackers, because they were either out of the club or sheltered by going back into the crowd.

At the time, the disco was packed, on the dance floor there were also a lot of people, the half-light, with neon lights and light show, and I was semi-conscious and unable to look for or identify the attackers, but I felt my blood flowing from the wounds to my head, so I just went to a nearby bar. There was a friend of mine with whom I had come to the disco, and I invited him to immediately leave the club and later explained to him what happened, because he did not see the lightning attack.⁹

In the days before the attack on D.P., the signing of a petition was organised in Bečej, asking local authorities to ban local promotional tribune announcing Belgrade Pride Parade.

Among the people it was known that I will be one of the participants of announced promotional tribune, and that I was gay, so I am convinced that these were the motives for the attack on me.

The head injury was taken care of at a doctor's clinic in Bečej, but my forehead is permanently scarred, as a physical consequence of the attack. After the doctor gave me his opinion and report, I reported the case to local police, where the record was made with my statement and a description of all events.¹⁰

The Legal Service of the GSA has, due to the attack on D.P. , filed a criminal complaint against unknown persons to the Higher Public Prosecutor's Office in Novi Sad.

1.5. Attack on Ž.S. (23) in front of the gay club "Apartman" in Belgrade

In the night between September 25 and 26, 2010, approximately a minute after the midnight, Ž.S. (23) was attacked in front of Apartment gay club in Belgrade.

My friend and I came to the party as to listen to some good music that was played at the beginning by our friend Ž.S. and to witness the announced presentation of a magazine. Three of us were just about to leave a minute after midnight. We went out and stood briefly in front of the entrance to the building where the club is located. We headed to a parked car close to building entrance stairs and at that moment I have noticed three people who seemed like hooligans to me. I suggested that we do not go there because the three of them seemed daunting. Then together we looked again to the car and since there was no one, we went up. I told Ž.S. to hold my hand, just in case

⁹ The statement of D.P. regarding the incident at the club Stage in Becej, Internal documentation of GSA, December 08,2010.

¹⁰ Ibid.

We climbed the stairs and the three of them surrounded us and walked a few feet behind us. Then they wondered what kind of party is held down there in the club, so we said it's the promotion of a book in order to discourage them to continue to follow us. Then the young man, medium height, with short light brown hair yelled: "What a book, you mother fucking faggot!" He ran towards us and at the same time he kicked Z.Š. really hard in the head, which caused him to fall. I started dragging the perpetrator and asked him to leave my friend, on which he said: "No matter what you pray, man!" and continued shooting him in the head, face, breaking Ž.S. glasses, and after that the blood started to flow from his nose.

Our friend returned on the double to the club to ask internal security for help. I kept pulling the perpetrator who at one point had turned to me, leaning over as if he wants to hit me. Then I noticed that his hand is injured because he had a bandage. I have not seen the other guy's face, but he was wearing camouflage pants, had a short hair and a rustle jacket. He also participated in this attack. The third guy standing by the side pulled me and told me to pick up the glasses that flew somewhere on the cobblestones.

My attacked companion Z.Š. started to cry, and then some bigger men who drank beer in the vicinity came running in order to help us. They wanted to physically settle the account with Ž.S.'s attackers but we asked them not to do so. The bullies have since retreated and hid in the park.¹¹

The attacked one suffered great mental stress, as did the two of us who were with him. He shivered and was on the verge of tears. His glasses were broken in half, and there were red marks on his nose from strong blows. I noticed that he has blue circle around his left eye. Concluding that has not undergone major physical trauma (fractures, internal bleeding or concussion), we immediately drove Z.Š. home in our friends car.

After that we called some of the people who were still at the party as to warn them about potential danger from the attackers. Later, the police conducted an investigation there, and we subsequently made statements to descriptions of attacks and attackers.¹²

Legal Service of the GSA due to the attack on Z.Š. filed a criminal complaint against unknown persons.

1.6. Attack on the activists "Woman in Black" in the eve of Pride Parade

During the night before the Pride Parade held on October 10, 2010, at about 01:30 am, two unknown young men raided the "Women in Black" premises in Belgrade, and brutally, with a hammer, attacked the activists present. On that occasion, a woman was injured.

"It was not a random incident and that is proved by the fact that these young men have entered the room loudly demanding for "fags" among the present audience, wanting a physical fight," reads the statement ("The Woman in Black", objection by the author.).

"Women in Black" has assessed the motives of the attack as political attitude and homophobia

11 The statement of K.P. regarding the incident nearby club Apartman, Internal documentation of GSA, September 26, 2010.

12 The statement of S.L. regarding the incident nearby club Apartman, Internal documentation of GSA, September 26, 2010.

and demanded of the authorities to find the perpetrators and punish them as soon as possible.

“The politically motivated attack on the activists of Women in Black took place because we clearly and unambiguously support LGBT rights and the organisation of the Pride Parade, as well as political engagement of Women in Black also implies a clear condemnation of the crimes committed in our name,” says the statement issued by “Women in Black.”

In the emergency room, Beta news agency was told that a woman violated in the attack’s eyelid was cut and nose injured and that she was transported to the Emergency Centre. The police remained silent regarding this incident.¹³

According to the findings of the GSA, the attackers had chased present activists around the premises of “Women in Black” and only thanks to the presence of mind of attacked ones a greater number of injured in the attack was avoided. After that attack the assailants ran out of room, and present activists immediately alerted police and the organisers of the Pride Parade about the incident.¹⁴

1.7. The attack on M.C. (19) in Belgrade during the Pride Parade

M.Č. (20) from Belgrade headed on Sunday, October 10, 2010, just after 12 am, to his friend as they can prepare for the exam. Because of Pride Parade the public transportation route was changed, he decided to go by foot. Moving across the Republic Square, he noticed in several places small groups of hooligans, who nervously walked around, and some were sitting on benches nearby the mall “Staklenac”.

I was about to pass Terazije, but I noticed that there was a lot of tear gas, and realized that the police forces were dealing with hooligans, so I opted for another, slightly roundabout way. After I turned in Makedonska Street, and passed by the Sport cafe, I overheard running behind my back and soon after I have received a punch in my head. The two assailants, who had hoods on their heads, larger build, continued hitting me in the face. They managed to shoot me down to the ground and continued to kick me in the head and stomach. The entire attack lasted about a minute.

Once they stopped beating me, they fled. At that point I was approached by a bypassing young man and woman, and they helped me get up and took me to the nearby ambulance. There I was given the first aid, and afterwards taken to the Emergency Centre.

The Emergency Centre, upon my arrival, was full of injured people. I noticed that at the time there were injured hooligans as well as injured police officers. Hooligans shouted and insulted others present, especially one foreigner, and people in his company.

I was very afraid because of what happened, and I just wanted to go home. For this reason I did not want to look for other assistance, or to report the incident to the police.¹⁵

13 “Hammer attack on the activists ‘Woman in Black’”, Kurir, October 10, 2010, <http://www.kurir-info.rs/beograd/cekicem-na-aktiviste-zene-u-crnom-53957.php>

14 The statement of the “Woman in Black” activist about the attack on the night before the Pride Parade, internal documentation GSA, October 10, 2010.

15 The statement of M.C. on attack, October 27, 2010, internal documentation GSA

1.8. The attack on Kurt Blaser (24) Swiss citizen, after the Pride Parade

Kurt Blaser, Swiss citizen (24) was physically attacked by several young men in a restaurant in Belgrade's municipality of Zvezdara on his way back from the Pride Parade. According to the GSA information, Blaser and several male and female parade participants, after the police transported them to one of the locations in the city, went to a nearby restaurant. Shortly after they were seated at one of the tables in the restaurant, a group of young man runs into restaurant, heading towards them, and one of them kicked Blaser's leg in full force, knocking him to the floor. The attacker and his companions then tried to attack the others accompanying Blaser, and Blaser was again brutally kicked in the head and body as he lay on the floor.¹⁶

The attackers then quickly ran out of the restaurant and the attacked ones and others present at the restaurant informed the police and parade organisers about the incident. Blaser, who was severely beaten, was cared for in the Emergency Centre, and in addition to the visible injuries to the body the attack also resulted in mild amnesia.

Two protesters were lying side by side in room number five. And across from them - the Swiss. Time is of the visit, the family came to troublemakers. They do not allow us to talk to them. They refuse any possibility of being photographed.

- What were you thinking, Novica, joining the mob? - asks the mother of one of them. - Look at you now, what condition you are in. All this was not needed. Novica is trying to excuse himself that he was not the one who attacked the militia, or wanted anyone to get hurt. All he wanted, he says, was to show his standings.

Immediately across from him, every few minutes, Kurt Blaser (24) wakes up. He does not talk to anyone, because he does not know the language, and he is a bit scared because he had heard who is in a bed next to his. He is willing to tell us what happened to him, but because of a concussion, he does not remember almost anything.

- I came by car for a holiday in Belgrade a few days ago, and I planned to go to the parade - tells Kurt. - The last thing I did was to participate in the march. Perhaps someone has attacked me while I was returning from the event.¹⁷

1.9. The attack of activists in a police van after the Pride Parade

Upon returning from the Pride Parade held in Belgrade on October 10, 2010, in the early afternoon, a large group of hooligans brutally attacked a police vehicle that was transporting male and female parade participants to safe locations throughout the city.

A group of eight parade participants was attacked in Bulevar kralja Aleksandra nearby Vukov Spomenik while being transported in a police patrol car to a secure location after the Parade. The vehicle was attacked by a group of 20 hooligans who managed to stone and partially open the vehicle door with shafts. While attacking, the group kicked and threw stones at the vehicle. At the

¹⁶ From the conversation with the witness of the attack after the Pride Parade, internal documentation GSA, October 10, 2010.

¹⁷ "All hurt are taken care of", Večernje Novosti, October 11, 2010., <http://www.novosti.rs/vesti/naslovnna/aktuelno.69.html:303410-Zbrinuti-svi-povredjeni>

last moment, the driver managed to break through the clutter and to escape the attackers. During the attack the vehicle was damaged and the lock of the door was completely deformed from the blows. Parade participants are drawn safely from the vehicle at the construction site next to a police station in Zvezdara using machines to cut metal and with the assistance of workers from the site. Activists were able to record pulling out of the car by cell phone.^{18 19}

1.10. Attempt to attack K.S. (18) from Šabac

K.Š. (18) from Šabac, two days after the Pride Parade in Belgrade, was attacked by three youths as he walked the city.

The day after the Pride Parade, on Monday, October 11, 2010, I felt scared because on television and internet I have seen what kind of violence happened in Belgrade the previous day. I was afraid to leave the house. On Tuesday, October 12, 2010, I walked along one of the central streets in Šabac. I have spotted that three young men, about my age, walking on the other side of the street, are following me for several minutes. Suddenly they started throwing stones at me. Luckily, they have missed me. I turned back to see them escaping.

Two weeks after this event I have heard that another boy was beaten by the same group. Bullies have been expelled from high schools that they were attending, and left to the police, and the beaten young man did not appear at school for a long time after suffering violence. The same group of thugs spoke in the city that they want to beat another guy whose name they do not know, but by the description of a friend who told me about it, I have realized that they have me in mind. I let her know that I am not afraid, because I know what I'm doing and I know how to take care of myself, but nevertheless I have noticed that she was afraid for me.²⁰

1.11. The attack on N.N. young man in a tram in Belgrade

L.S. from Belgrade was heading home after an outing, on October 30, 2010, some time around 4:30 in the morning, via public transport, when he observed six young men aged 16 to 25 harassing a young man because of his perceived homosexuality.

I went into the tram at the station near the hotel "Moskva". In the last rear seats were six young men, who drank beer and smoked. Right away that scene made me think that there could be some confrontation with them. At Slavija square station, a young man of about 20 years old with long hair and tight jeans entered the tram, and these six men immediately noticed. They began to call out to him first, although I have not heard exactly what, and then they approached him, and the youngest of the group hit him in the head with his fist and then kicked him while another young man who was behind spit on him.

The boy ran away in fear all the way to the driver, literally bursting into the cabin, and remained closed in there. The six men continued to threaten him, calling him names, and often approached the driver's compartment. They called him: "fag", "patient" and the like. The most terrifying thing for

¹⁸ "Activists attacked in a police vehicle", a press release of the Centre for practical Policy, October 10.2010.

¹⁹ "Pride Parade 2010: Pulling out from the police vehicle after the attack of hooligans", YouTube channel of the Centre for practical Policy, October 10, 2010, http://www.youtube.com/watch?v=_2orPZ2YMPc

²⁰ The statement of K.S. about the incident, October 31, 2010, internal documentation GSA

me was when he was told they would go with him up to the last station if that is what takes them to get him. The boy remained silent and did not do or say anything. All this lasted about 10 to 15 minutes. It all ended when the driver opened his front door while the trolleybus was standing at a traffic light, and the boy ran out and away.²¹

2. Threat from actual or perceived sexual orientation / gender identity of the victim

2.1. Threats to D.Š. (29) because of sexual orientation, in the Youth House in Lajkovac

D.Š. (29) on Saturday, February 20, 2010, performed in the House of Youth in Lajkovac as a pianist with his rock band from Lazarevac. After completing the performance he sat at one of tables, slightly apart from the rest of the company in order to mentally relax from the hectic show. At the table about ten feet away he saw a group of four to five youths, who were all in their early twenties.

They waved to me, imitating the feminine movements with obvious intent to provoke me. I decided to ignore it all until the moment in which the crumpled Kleenex flew to my table. I got up and walked up to them to ask them to stop their provocations. I asked why they behave in such a way so one of them said that he only wanted to offer me a beer. I said I do not drink beer and turned to leave when the other one, taller and slightly older boy addressed me with a question "Man, did you like men?" I replied that I was gay and that they should not be particularly concerned.

The kid who addressed me with a question, came to me with visible disgust on his face: "So you are gay?" I told him it's not a nice way to call people with different sexual orientations. He asked me: "Did Boki from Big Brother fuck you?" I answered him that Boki is not my type, as well as no one of those present here, and therefore they do not need to worry, on which he replied: "Well, you do not know, fag, what table you came to. Do you know that I could kill you now?" I asked him why he would kill a gay person and tried to explain to him that such thinking is wrong, but he gave me no opportunity to speak, but kept repeating: "Get out of here right now, I could trample you" and similar statements in which he threatened me with violent behavior if I were not to remove myself from the premises.

Before I went back to my table, I told him: "You should talk to someone who may explain to you why you have the need for aggressive attitude towards people different from yourself." Since I didn't show that his intimidation had given any effect, even though I was pretty scared, he kept threatening saying: "Stop it when I tell you! Back there, fag, before I trample you " I, however, returned to my table.

My older brother saw that something was going on and, after I explained the situation to him, he approached this young people and asked them what the issue is, to which they replied that I wanted "to fuck their friend." My brother and another friend saw the leave of all the guys who insulted me and threatened me from the premises. There were no physical incidents, but my brother and friend also received insults: "How can you defend gays? Then you are definitely gay. I'll get you!"

21 The statement of L.S. about the incident in a trolley, October 30, 2010, internal documentation GSA

Threats and insults continued over the next few following days via Facebook, especially in the private profile of V.T. my friend and the singer of the band I play with. Moreover, V.T. was personally offended by her fellow citizens because of friendship with me and for supporting those of homosexual orientation. Intimidation continued announcing “ambush” if I come back to play in Lajkovac and threats of beatings, for which I no longer dare to go to Lajkovac without an escort companions.²²

D.Š. did not want to report threats to the police.

2.2. Threats to M.T. (25) and I.I. (29) because of their sexual orientation

M.T. (25) from Belgrade announced to his brother on February 26, 2010 that she wanted to move out of his apartment in Belgrade, where she lived from the time when she came to Belgrade to study. Surprised by her decision he asked her why she wants to do so and with whom is she planning to live with after moving out. When she said she would live “with a friend that she knows very well” the brother became hysteric, insulting her and telling her “that’s not normal, that she is insane, queer and that nobody normal aged 25 wants to live with a girl friend.”

He told me that he looked at pictures on my Facebook profile and that he saw that I hang out with abnormal people, gays and lesbians. He insisted that it is not normal to hang out with people who are ten years older than me, and that such persons cannot be my friend. Then I told him that this was not my friend but a girlfriend.

At that moment he began to behave like it was the first time in his life that he had heard such a thing. He said that our relationship will have to stop if I wanted to be a man, that in our family nobody is abnormal so that I can’t be abnormal either, and that if I’m not going to solve it for myself, he would solve it for me.

He threatened to tie me, and take me to the countryside village to look after sheep, lock me in a room, break my arms, legs and spine, that he will find I. and that he will trump her. He asked me for her phone number so that he can tell her all this in person. He threatened to break me if I by any chance go back to Belgrade.

Before the whole debate, before I got up, my brother called our mother and told her that I was not normal, that I’m a lesbian and that I want to go back to Belgrade because I was called by “those insane people of mine, gays and lesbians,” that I lie that I have only one exam remaining before finishing my studies so I want to remain in Belgrade as long as possible. I do not know exactly everything he told her, but from a later conversation with my mother I have found out that he was mentioning I. as one of these abnormal people, and consulted with my mother when she should let me go to Belgrade, saying that it is not a problem to keep me locked up for three months if necessary. Mother said he has no right to keep me locked up and that she does not believe in all these stories that he told her.

My brother’s wife later confirmed that he is serious about his threats. She asked me what I’m going to do if he catches us together in the apartment. “You heard what he said, he will kill her on the spot, for he hates gays and lesbians the most in the world.”

²² The statement of D.S. about violent threats, March 02, 2010, internal documentation GSA

My brother spent literally the whole Friday at work so we have not seen each other that day, and I feared all day long when he will come and what he will do to me.

In the meantime I managed to move out of the apartment.

I still do not feel safe. I. and I have ruled out a landline telephone, I even ruled out my cell phone fearing threats and harassment. I. just goes to work and I don't go anywhere. We're afraid he will easily find out the address of the apartment we are at the a moment since he can now look for a phone listing on the Internet, and will easily determine which one of dialed numbers belongs to her, and based on that number he can easily find out the address of the flat where we are now.

We are afraid because his usual behavior is very aggressive, and when drunk he is totally out of the control.

He also told everything to my father, who called me and told me to return to our home otherwise he will come over and pick me.²³

M.T. and I.I. did not want to report threats to the police or to prosecute for domestic violence, because the brother of M.T., soon ceased to harass them.

2.3. Insults to Dragan Lončar (38) and V.V. (32) at the Civil Society Organisations Fair

Dragan Lončar (38) and V.V. (32), on Friday, June 11, 2010, were at the Civil Society Fair at the Belgrade Nikola Pasic Square, where they went to visit the booths of other organisations to deliver informative leaflets about the tribune organised by the GSA and to collect signatures for a petition in support of the Pride Parade. The reactions of those present at the stands were very positive, until they finally, at the end of their tour, approached the stand of Municipality Stari Grad, located across the GSA booth.

There we were welcomed by a man in his thirties, who was sitting with two children and another young man, in my estimation in his twenties, who was standing in front of the stand with another woman. Dragan addressed them saying: "Hello, we are from the Gay Straight Alliance ..." which immediately caused a stormy reaction from young men who stood in front of the stand. Not allowing Dragan to even complete his sentence, he entered into his face, saying, "Get out of here! Get lost, right now!" We stopped, being confused by a very unpleasant situation. The young man, seeing that we have not drifted away as he demanded, repeated in the same threatening tone: "Do you hear what I have just said, get out of here now!"

When I have slightly recovered from the shock and when I understood what is happening to us, I objected to his rude tone, and if he is not interested in communication it may be expressed in a civilized manner, without discrimination and abuse, to which he moved toward me as to push me to leave, and repeated: "Get lost, get out of here!" so I reacted saying: "Do not physically touch me", by which I was able to prevent this verbal violence from transfusing in a possible physical violence.

At this point, Dragan noticed that all the time we were actually in front of the Municipality Stari

23 The statement of M.T., March 02, 2010, internal documentation GSA

Grad stand, which made us even more excited and shocked, regarding the fact that such discrimination was possible in front of an open stand of official institutions, municipalities, where we both live, pay taxes and vote. Realizing this, we commented loudly on how we shall report this incident to the municipality, which then triggered a reaction of a woman who was standing in front of the stand. She presented herself to us as a Municipality Stari Grad newspaper reporter. She explained that the young men are from the Municipal Waterpolo Club (Stari Grad) and tried to convince us that we have no basis to do such a thing.

The whole event culminated, however, when a man who was sitting all the time, intervened by asking: "Do I have the right to protect my children?" After I asked him whether he felt the need to protect his children from our "good day to you ", he answered that he protects his children from us, gay people. Then he stood up, approached us and began to howl, bringing his face to mine. He asked why we would like to report the case when the boy, by his standards, did nothing wrong. I replied that no one, especially not on the behalf of the municipality I live in, has the right to insult me with the words like "get lost" and "disappear" and that such a behavior is offensive and disparaging. I explained that as a conscientious citizen and a resident of the Municipality of Stari Grad, I believe that in such cases one must react as to decrease their number. The reaction of a men was getting increasingly heated over the time and he raised his tone, approaching us closer and closer, addressing us with a questions like: "Well now, what you will, that he is put to sleep?" Then I asked him to tone down, because his behavior disturbs me, which led to counter- or even louder and ruder yelling and behavior .

At that moment Dragan withdrew with me to leave, which we did, visibly upset by what had just happened to us. We went to the store to buy water and reported the case to three police officers that we met along the way. We gave them our identity card for inspection, and they went to the stand in question, where the whole incident took place. Upon return, the policemen came up to us to inform us that they have written down their ID cards numbers and that we have the possibility of filing report in a Stari grad police station located in Majke Jevrosime Street.²⁴

Legal Service of the GSA's requested information from Stari grad police on persons verbally attacking Dragan Lončar and V.V. so that GSA legal service may file a criminal complaint with the competent court.

2.4. Mental torture of M.D. (25) from Jagodina because of sexual orientation

The Gay Straight Alliance was addressed by the end of August 2010, by M.D. from Jagodina, asking for help. During the summer of the 2010, M.D. informed her husband that she wants a divorce. Taking advantage of the fact that she is lesbian, he than decided to take revenge.

In order to prevent divorce, the husband "came out" without my permission, that is, spread throughout the wider family that I am a lesbian. I suffer mental torture, because he is constantly threatening me and insulting me. He forbade me to go anywhere without his knowledge or consent. I no longer have access to the Internet or phone, even my cell phone. Sometimes, I take advantage of his extended leave during the day and go out for a short time to make a telephone call. Luckily, I was not physically mistreated. I guess he is aware that is a sure way to lose custody of our child in court.

²⁴ The statement of V.V about the incident, June 13, 2010, internal documentation GSA

I have failed to find a job, nobody calls me for interviews, and I constantly log in various competitions. This is a small town, and in a small area I live they all know it all. Currently I have nowhere to move, to get out and I am forced to live in such circumstances with my child in his house. The whole family has rejected me, just because I'm a lesbian. My environment believes that I deserve to be a slave and that the husband has the right to do to me whatever he wishes.²⁵

GSA has provided legal assistance to M.D. request for a temporary housing in a safe house for women victims of violence.

2.5. Death threats to A.S. (25) and two of his friends at the "Ušće" shopping centre in Belgrade

A.S. (25) and two of his friends went shopping on October 12, 2010, to the mall "Ušće", planning to go to the cinema to see a movie. After they entered the boutique "Bershka" on the second floor, and while looking at clothes, they were approached by the bigger man, aged between 30 to 35 years.

Loud and in the sight of all present, he asked, "Guys, I'm sorry, are you gay?". "What?" I spoke in disbelief. "Are you gay? You seem gay to me," he repeated. "Well, you really look like it to me too," I said, referring to his distinctive way of dressing, "but I don't ask you that. That is something you cannot ask people! "" Why? "He asked. "Let go, move away, I do not want to argue with," I finished.

The man turned to leave, but suddenly exclaimed loudly: "Death to gays!" And very loudly he repeated the same several times while leaving the shop and while going down the hall and shopping centre. Several people around started to laugh. I approached one worker who was unhappy with his behavior and mumbling something to herself. I asked if they had security at the boutique. She said that not every store has its own individual security, but that there is a security service in the shopping mall.

With two of my friends I went down to the first floor and found security. I told them what just happened and described the attacker. Over their walkie-talkies he reported to others what had happened and told them to be aware of the possibility of new incidents. One of the security guys told me that he would seek for bully and make him leave the facility but cannot do anything else. I asked if there are security cameras in the shop, to which I received a negative answer, and learned that there are cameras only in the corridors of the mall. Finally, he apologized for the incident that we had experienced. I did not think I should I report the case to the police.²⁶

25 The statement of M.D. on domestic violence, August 26, 2010, internal documentation GSA

26 The statement of A.S. about the incident, October 13, 2010, internal documentation GSA

V RIGHT TO A FAIR TRIAL AND THE RIGHT TO EQUAL PROTECTION AND LEGAL REMEDIES

In 2009, the GSA established the Legal Support Service for LGBT people in cases of violence and discrimination based on sexual orientation and gender identity. Legal service documents cases, provides legal advice, and if the victim has agreed to it, starts the process before the judicial authorities of Serbia and represents victims.

Legal Support Services organise and systematically initiate proceedings before the courts, prosecutors and administrative agencies (the police) to protect LGBT people.

Although the experience gained during this process is brand new, the number of cases initiated in 2009 and 2010 enabled us to get a picture of the relation of judicial and prosecutorial authority towards the cases in which one of the parties is LGBT organisation that fights for the rights of LGBT people.

In a few cases, since the victim is from less protected social groups (women, lesbians), victims are more difficult to decide to initiate any action because they fear harassment and retaliation by government jobs, the environment, family and friends.

However, in most cases, people that have turned to the GSA for help want to prosecute the perpetrators.

What strikes me in the first place is the fact that, in most cases, after the criminal charges are filed, the prosecution does not take any action to detect and prosecute perpetrators, and no information about the action taken is sent to the applicant the Gay Straight Alliance.

And when prosecutors reject charges and allow the GSA and injured parties to initiate a criminal investigation, one is to face a court that normally does not carry out any of activities claimed or proposed for implementation in the investigation.

It is positive that in 2010 two cases were completed in which members of the LGBT affected population were involved (the case of Lazar Pavlović threats and threats of the case through Facebook R.B). Both cases were completed by punishing the perpetrators, but with a symbolic punishment.

Civil proceedings that were instituted, such as an action for damages against the Sava Centre and against the company Press Ltd. according to the Law on Public Information, is very slow. The case against the Press Ltd. ended on February 22, 2011, although the suit was filed in July 2009, and in a lawsuit that has been prescribed for urgent proceedings.

The proceedings against Sava Centre are on hold for more than six months on the GSA appeal as the trial judge considered that this case must be judged by the Law on Public Information, though initiated by a completely different basis. The GSA will continue to provide legal help to the victims of breaches of human rights before judicial and administrative authorities of Republic of Serbia, and also, when all domestic remedies are exhausted, they will be represented before the European Court of Human Rights in Strasbourg and, if necessary, before some of the United Nations Committees.

1. Completed cases

1.1. Accosted Lazar Pavlović

The case was conducted before the First Basic Court in Belgrade, under the number 9-K-2163/10. The defendant B.P. from Rušnja, during the period of April 17 to 21, 2008, he sent a number of threatening text messages to cell phone of accosted Lazar Pavlović. In addition to the threats associated with attacks on life and body, and messages containing insults, all of it was just because of sexual orientation.

After filing a criminal complaint in June 2008, and several delayed hearings, on November 12, 2010, the procedure was completed and the defendant was sentenced to three months imprisonment suspended for two years.

1.2. Criminal charges for threatening R.B. via Facebook

The minor N.A. threatened on June 24, 2009, via e-mail and social networking site Facebook, R.B. to attack his life and body because of the presumed sexual orientation, for which the defendant, taking into consideration the content of the threat, said he considered him a homosexual.

The criminal complaint was filed July 17, 2009. The District Prosecutor's Office, Department for minors, for crimes of Endangering the safety and Racial and other discrimination.

After the reorganisation of the judiciary, proceedings are pending before the High Court 1-Km-428/10. After the investigation and trial, the juvenile was sentenced for committed offense on July 13, 2010 warning note, but the written decision has not yet been delivered.

2. Cases In Progress

2.1. The case for damages against JP Sava Centre

The GSA and its five members have filed a lawsuit against JP Sava Centre, on April 24, 2009. For the non-pecuniary damages for breach of honor, reputation, personal rights and equal treatment by the insults that were uttered by that public company's executives at the expense of LGBT people and for banning the use of object used by the public only because the user was an organisation that deals with protection of the rights of LGBT people. Management of the Sava Centre banned the GSA from holding a press conference on February 26, 2009, at which a report on the human rights of LGBT people in Serbia was to be presented.

Along with the suit, the action proposed and a temporary measure that would prohibit employees of the respondent to offend the prosecutors by the end of the trial.

Prosecutors received on July 2, 2009 the decision rejecting a temporary measure, and the appeal to this solution is reported four days later. The appeal was rejected.

Thereafter, the trial court where the suit was filed declared invalid territorial jurisdiction and the

case was sent to the Fourth District Court as a territorial jurisdiction. To date, no hearing has been specified; the case has remained all this time with the judge.

As a “reform” of the judiciary took place, and since January 1, 2010, cases for the basic courts of Belgrade concentrate, it was irrelevant to us whether the case is in the First or Fourth Court, and in December 2009, the trials almost were not even scheduled, so the GSA has not appealed the decision on jurisdiction. The case is from November 11, 2009 in the Fourth District Court.

In the meantime, the GSA received a response to the complaint by Sava Centre, where they, except for procedural objections, state that they have not banned the press conference and that they are not “in any relationship with prosecutors, but only with the Media Centre that are in line with the core competencies required to provide space for prosecutors to hold conferences.”

To the above allegations, we answered on December 3, 2009.

After the court re-organisation, the case was maintained by the First Basic Court, under the number 43-P-53478/10. We submitted the urgency in February and May 2010 requesting to schedule the hearing. However, on June 1, 2010 we have received the decision from the First court - announcing its basic lack of jurisdiction considering that the case should, in their opinion, be a subject of High Court.

We submitted an appeal June 7, 2010 , and the case is as of July 4, 2010 before the High Court.

To date there has been no change.

2.2. Criminal proceedings against the top managers of Sava Centre

Defendant Dragan Vučićević, Director of Sava Centre, and Rade Hinić, Assistant Director for Congressional Affairs JP Sava Centre, in the period between February 22 and 24, 2009 firstly banned a press conference of the Gay-Straight Alliance that wanted to present an annual report on human rights of LGBT people in Serbia, and then used the media to insult LGBT people because of their sexual orientation.

On April 7, 2009 GSA filed a criminal complaint against the defendants before the Fourth Municipal Public Prosecutor’s Office, and the prosecution, after taking statements from the accused, victim and witness in the police force, rejected it because they did not find grounds to initiate criminal proceedings, of which the GSA was informed on June 8, 2009.

After rejecting the criminal complaint, on June 16, 2009, the request was submitted to conduct criminal investigations against the JP Sava Centre managers.

To date, and to our best knowledge, no investigation was carried out, although we have filled, on June 11, 2010 an urgency letter as to have action taken in criminal investigations.

The new number of the case before the First basic Court is 3-Ki-6378/10.

2.3. Criminal charges before the Third OJT because of Facebook content against unknown persons

On June 26, 2009 GSA filled a criminal complaint before the Third Municipal Public Prosecutor's Office against several unidentified persons posing as: John Bilbija from Belgrade, Bozidar Karalić from Sremska Mitrovica and Andrija Petrović, who created and administered Facebook group called "Stop the gays! Gay parade in Serbia, never!" which allowed and encouraged the most serious crimes against LGBT people, with insults, humiliation and discrimination against LGBT people.

On September 22, 2009 we have received in the Registry a notification that the case was registered under Ktr-592/09, and was entrusted to the deputy prosecutor Slobodan Nešović.

In late September, the GSA submitted to the Municipal Public Prosecutor's Office a brief of writings with an attachment-recording of the Facebook page where the defendant Bilbija ridiculed the prosecution and police work.

Prosecution dropped the charges and we have received notice of rejection May 5, 2010.

We took over the prosecution and filed a request for an investigation before the First Instance Court on May 13, 2010. The case was filed in court under the number 8-Ki-15110/10.

From the date of application we are not yet scheduled by the court for attendance and presentation of any of the proposed evidence and we have not been notified if the court has conducted a single criminal investigation.

2.4. Determining the identity of the person who has threatened Boris Milićević

Unidentified person, or several persons, in the period from February 6 to December 8, 2008 repeatedly via e-mail threatened and insulted Boris Milićević, at the time the president of the GSA, because of his sexual orientation.

To be able to initiate criminal proceedings, one needs to know the identity of the perpetrator.

Therefore, on May 7, 2009, before the Fourth District Court a proposal was submitted to undertake certain investigative actions that would order Internet service provider company INT CS Ltd. Belgrade to disclose the identity of the person who threatened and insulted, or to reveal his identity in any other way.

After five months, on October 6, 2009, we received a decision to reject the proposal for undertaking a specific investigation for the allegedly missed deadline.

We filed an appeal on October 8, 2009 and the case was as of October 13, 2009 before the Criminal Chamber of Fourth Court on the basis of appeals. The complaint was accepted and we have received that decision on November 20, 2009.

Following the reform of the judiciary, the case got a new number in the First Instance Court 9-Ki-12851/10.

The investigating judge has acted on our proposal for establishing the identity of the person / persons who are in question, but did not receive information from companies INT CS Ltd. Belgrade because the company stated they do not have the requested information.

Requests are sent by email to Facebook and Gay Romeo, but no response was received. A court ruling from August 25, 2010 rejected proposal to undertake certain investigative actions because we have not provided any information about the identity of the accused. We complained about the above solution.

The Court accepted the appeal and returned the case for retrial. Since receiving the decision, which we filed an appeal on November 5, 2010, we have not received any report from the court whether the court obtained through diplomatic channels the identity of the defendants from the Facebook.

2.5. Criminal charges for Facebook content against Mario Sarkezi

Criminal charges were brought to Fourth Municipal Public Prosecutor's Office, on June 1, 2009 against Mario Sarkezi from Zemun, who created and administered a group on Facebook called "Breaking the gay parade on August 23" which allowed and encouraged calls for the most serious offenses against LGBT people, with insults, humiliation and discrimination against LGBT people.

The Fourth Municipal Public Prosecutor's Office forwarded the case to the District Public Prosecutor's Office-Department of cyber crime, and from there the case is forwarded to regular district public prosecutor's office on June 11, 2009.

Notice of dismissal of criminal charges is received on December 11, 2009, and on December 21, 2009 the request was submitted for investigation against Mario Sarkezi.

After the court reorganisation, case is filed in court in the First Primary Court under the number 3-Ki-7284/10.

Although the urgency is filed on June 11, 2010, no investigative activity was conducted in this process.

2.6. The lawsuit against the newspaper "Press" for the hate speech

The lawsuit was filed against the newspaper "Press" to the First Municipal Court on July 14, 2009, under the Public Information Act and the prohibition of discrimination.

Specifically, on July 2, 2009 the Internet edition of the daily Press was published on Adorjan Kurucz where the noted person talks openly about her sexuality and homosexual orientation. The above text was open to any interested person to comment via the internet. Although hate speech is banned, the vast majority of comments containing the lowest insults, calls to murder, slaughter and other threats, the defendant Press allowed on its website.

We are seeking, among other things, to ban the publication of the same or similar content plus compensation.

The first day of the filing of the complaint, the defendant removed all comments from his Internet site.

The first hearing was held on June 15, 2010. During the proceedings, court hearing was conducted by the prosecutor Boris Milićević and the second accused Nebojša Joksimović, Press web editor, and all the written evidence supplied were read.

The first instance procedure was finished on February 22, 2011, and we are still awaiting the verdict.

2.7. Discrimination of M.D.

Because of discrimination, offending and badgering professor M.D. by the director of the school in which M.D. was employed, complaint for prohibition of discrimination and damages was filed on March 11th, 2010 to the Basic Court in Novi Sad.

Several hearings have been conducted up to date, and the next one is scheduled for October 2011. Until now, statements were taken from the prosecutor, the respondent – director and several witnesses.

2.8. Insults and coercion toward Boris Milićević

On April 21st, 2010, several people, in the vicinity of the building in which they lived, spat, offended and harassed Boris Milićević, former president of GSA.

On April 23rd, 2010, criminal charges were filed against several people. We have not received any notification from competent authorities up to this date.

2.9. Stormfront case

Sometime in 2010, NN persons, under pseudonyms, created a forum on website "Stormfront" where, in the period from July 4th, 2010 until August 1st, 2010, uploaded, encouraged, assisted, enabled and allowed uploading, together with the list of persons who had given public support to the Pride Parade, articles, among other things, containing heavy offenses and hate speech toward LGBT population.

In August 2010, GSA pressed criminal charges, but we have not received any information about the progress of the case up to date.

2.10. Family violence because of lesbian orientation of M.D.

In September 2010, Gay-Straight Alliance was contacted by M.D. who had suffered family violence from her husband because of her same-sex sexual orientation.

GSA's Office for Legal Support helped her to prepare an Appeal to the Centre for Social Work, which is authorized to issue referrals for safe houses.

2.11. Violence toward D.P. in a disco club in Bečej

On September 18th, 2010, D.P. from Bečej contacted the GSA's Office for Legal Support, because on September 17th, 2010 he had been beaten by an NN person at disco club "Stage" in Zelena Street in Bečej, because of his same-sex sexual orientation.

GSA pressed criminal charges against NN person to Higher Public Prosecutor's Office in Novi Sad, but we have not received any information about this case up to this date.

2.12. Discrimination against B.M. from Zrenjanin

On October 9th, 2010, GSA was contacted by B.M. from Zrenjanin because an employee at Zrenjanin Police Department, having learned about his sexual orientation in the line of duty, called his family and informed them about the sexual orientation of B.M, without obtaining or requesting his approval.

B.M. had family problems with his family members because of such conduct of law enforcement agent.

GSA filed a remonstrance to Zrenjanin Police Department and Internal Control of the Police Department, and after the procedure had been implemented, the process was concluded with finding that there was no responsibility from the part of their employee.

2.13. Disc jockey Ž.S. beaten

In the night between September 25th and 26th, 2010, after leaving club Apartman in Belgrade, where he had previously played music, Ž.S. was beaten by several NN persons.

GSA prepared and, in early October 2010, filed criminal charges to the competent prosecutor's office.

3. Other cases

3.1. The trial of Miša Vacić, leader of the movement SNP Naši 1389

On October 30th, 2009, the First Municipal Prosecutor's Office submitted a request to press charges against Miša Vacić, one of the leaders of the movement SNP Naši 1389, because, in September 2009 he spread discriminatory ideas against members of LGBT population, requested from newspaper editorial boards to send him photographs of Pride Parade participants and in other ways hindered the organisation of the Pride Parade in 2009. He was also accused of illegal possession of weapons.

After reorganisation of courts, the case is filed under no. K-4071/10.

The accused was heard on October 25th, 2010.

Representatives of GSA and Labris were, in the said request to press charges, proposed as witnesses in the proceedings, and have already come twice to hearings that were postponed upon request of the defendant or his lawyers. The next hearing is scheduled for June 13th, 2011.

3.2. Trial of people charged with murder of transsexual Minja Kočiš

For two years in a row, GSA representatives have been monitored the trial of people charged with murder of transsexual Minja Kočiš from Belgrade.

After the transsexual employee Minja Kočiš (39, born Mihali) was killed in her house in Vračar, Belgrade, on January 8th, 2009. Because of suspicion of murder, on January 21st, 2009 the Belgrade police arrested Ivica Mihajlović (30) and Novica Radisavljević (36), and in mid July, the Higher (formerly District) Public Prosecutor's Office in Belgrade pressed charges against these two people for first degree murder.²⁷

Until the beginning of 2010, one hearing took place at the court, i.e. main hearing in which the defendants testified. From that moment and until the mid of 2010, hearings in the trial of defendants charged with committing the murder of Minja Kočiš were postponed several times. A hearing was once postponed on March 12th, 2010 because the case file that had been submitted to the Court of Appeals for ruling upon complaint of one of the lawyers of the defendants was not returned to the Higher Court (formerly District Court) until the day of the hearing.²⁸

The following time, hearing was postponed on April 12th, 2010, because of absence of attorney Vera Đurović-Bojović who is representing the first respondent Ivica Mihajlović as a public defender.²⁹

The following time, a hearing was postponed on May 11th, 2010, after the case was again, after the appeal of defendants, had been retained by the Court of Appeals.

Aleksandar Olenik, attorney of the family of murdered Minja Kočiš, therefore concludes that this is a case of idleness, negligence and disinterest of officials at the Court of Appeals.³⁰

Hearings were postponed several times after that because of the judge, president of the panel of judges, was unable to come to the trial.

27 Report on human rights situation of LGBT people in Serbia in 2009 "No retreat, no surrender", III Right to Live, Murder of transsexual Minja Kočiš, page 17; GSA, Belgrade

28 "Postponed hearing of the killers of Minje Kočiš", GSA press release, March 12, 2010.

29 "Trial of the killers of Minje Kočiš postponed again", GSA press release, April 12, 2010.

30 "Negligence of the Court of Appeals prevents administration of justice", joint press release of GSA and Anti-Trafficking Centre, May 11th, 2010

VI INVIOABILITY OF DWELLING

1. Breaking into the apartment of Marko Karadžić, State Secretary at the Ministry of Human and Minority Rights

On January 8th, 2010, unknown people broke into the apartment of the State Secretary at the Ministry of Human and Minority Rights, Marko Karadžić and ransacked it. During that time, Karadžić was having lunch in his parents' house and, when he returned to the apartment, which is located on the fifth floor of a building without elevator in Belgrade, he found chaos and disorder. The League of Vojvodina Social Democrats (LSV), where Karadžić was a member and official, requested in their announcement that police and competent authorities find the perpetrators as soon as possible and to notify the public and LSV about that.³¹

*"Is this a message used by someone who wants to show that they know where I live and that they can enter any time they want, I don't know", said Karadžić and added that he hopes that competent institutions will do everything they can to solve this case.*³²

Several human rights organisations, Anti-Trafficking Centre, Centre for Advancement of Legal Research, Civil Rights Defenders, CHRIS network, Gay-Straight Alliance, initiative for inclusion VelikiMali and the Lawyers' Committee for Human Rights – YUCOM, expressed their concern related to the security incident that had occurred to Marko Karadžić and asked the state authorities to find the perpetrators and immediately bring them to justice.

*Since nothing was stolen from the apartment, it is clear that this is a case of message, i.e. threat made to the State Secretary in this manner. Such threats can be linked with his appearances during his mandate, during which he clearly spoke for the protection of human rights and freedom of all citizens of Serbia. Additionally, Karadžić was using every opportunity to call to account all those who are spreading hate speech and violence and, in this, he has become one of the representatives of the government who is the most fervent advocate for the respect of human rights in every occasion.*³³

*We think that the latest incident and breaking into the private apartment of Marko Karadžić has questioned his safety. At the same time, if the state is not capable of guaranteeing the punishment of those who are threatening to the State Secretary it will not be possible to fully guarantee security and safety of all citizens of Serbia.*³⁴

Front Line, international organisation for the protection of human rights defenders, also reacted to this incident and in its press release it asked Serbians government to "immediately conduct a profound and unbiased investigation on the break into the apartment of the State Secretary of the Ministry for Human and Minority Rights, Marko Karadžić, so that people who are responsible

31 "Ransacking the apartment of Marko Karadžić", Mondo, January 8, 2010, http://www.mondo.rs/s157557/Srbija/Premetacina_u_stanu_Marka_Karadzica.html

32 Ibid.

33 "Condemnation of the breaking into the apartment of State Secretary Marko Karadžić", joint press release of NGOs, January 9th, 2010, http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=1761:saopstenje-osuda-upada-u-stan-drzavnog-sekretara-marka-karadzica&catid=36:aktivnosti&Itemid=60

34 Ibid.

for this would be brought to justice in accordance with international standards.”

Front Line believes that the breaking into the apartment of Marko Karadžić could have been an attempt to intimidate him and prevent him from conducting his work within the government on the protection of human rights. Front Line requires from the government of Serbia to guarantee to human rights defenders in Serbia that they can work without fear of retaliation under all circumstances, freely and without any limitations, including judicial harassment.³⁵

2. Attempt to break into the apartment of Lazar Pavlović, president of Gay-Straight Alliance and a member of Organisational Board of the Pride Parade 2010

On September 21st, 2010, at 12 o'clock, an unknown man banged on the entrance door to the apartment of Lazar Pavlović, president of GSA and a member of Organisational Board of the Pride Parade 2010. Pavlović was not in the apartment at the time, but his partner was in the apartment and he did not open the door.

When, reacting to the noise, a neighbor came out into the hallway to see what was happening, that person asked: “Does Lazar Pavlović live here” When she answered affirmatively, he asked: “Why did he remove his last name from the door, so that we cannot find him?”, adding that Pavlović is living an “unnatural life”. Soon afterwards this person left the building.

President of GSA reported this incident to the Ministry of the Interior, which is currently conducting investigation at the scene.

Gay-Straight Alliance and its president, as one of the recognizable LGBT activists in Serbian public, have been exposed to various risks, incidents and threats before, and they always notified the police about such cases in a timely manner. However, this incident happened in front of the door of the apartment in which the president of GSA lives, and the address of which is known to a very small number of people and, for these reasons, this incident is very disturbing for Gay-Straight Alliance.³⁶

GSA did not notify the media and wider public about this incident, primarily because it did not want to prejudice the intentions for making the incident and because more serious consequences had been avoided in this incident. All relevant local and international institutions, governmental and non-governmental organisations, as well as parliamentary political parties in Serbia were notified about this incident.

After thorough investigation, the police provided 24-hour police protection and security surveillance around the building where Pavlović lives.

35 “Break-in at the home of State Secretary for human rights, Mr. Marko Karadzic“, press release of FrontLine, January 16, 2010.

36 GSA press release on the incident, internal letter to local and international institutions, organisations and political parties, September 21st, 2010.

VII PROTECTION OF PERSONAL DATA

Unauthorized disclosure of sexual orientation of B.M. (38) to members of his family

On October 8th, 2010, B.M. (38) from Zrenjanin went to a meeting with Bojan Marković, head of the Zrenjanin Police Department, regarding security situation about the possibility of a large number of people from Zrenjanin going to participate in the Belgrade Pride Parade. The next day, B.M. was called by his niece who told him that he must not visit him any more because of his sexual orientation.

On Saturday, October 9th, 2010, my niece M. told me that Sandra Veličković, who works as a secretary of the Chief of the Zrenjanin Police Department, called my daughter-in-law M. and told her: "Here, Boris has just left the Chief's office. I didn't know that your brother was a faggot. We talked about Pride Parade. I didn't know that your brother-in-law was involved in all this."

After this conversation, my daughter-in-law forbade her daughter, my niece, to come to see us, because "the old man is a faggot". It was very difficult for my parents, who live with me, because M. is their only granddaughter.³⁷

GSA submitted a request to press charges to the Chief of the Zrenjanin Police Department and Police Internal Control because of discriminatory action of the employee Sandra Veličković and violation of provisions of the Personal Data Protection Law.

³⁷ Statement made by B.M. on the conduct of employee at Zrenjanin Police Department, October 23, 2010, internal documentation of GSA

VIII FREEDOM OF ASSEMBLY

PRIDE PARADE

In 2009, the lack of unity within LGBT movement was often used as an excuse to explain, and by many to justify, the failure to organise Pride Parade, although the true reasons then were certainly not related to the (lack of) unity within the movement, but with the lack of true political will and readiness of institutions to organise the Parade.

In May 2010, GSA and Queeria Centre submitted an invitation to all relevant LGBT organisation to jointly make a decision to hold Pride Parade. Consultations within LGBT movement regarding this decision lasted for almost two months, and afterwards the Gay-Straight Alliance, Queeria Centre and the Group for support to gay men from Novi Sad established an Organisational Board and initiated the process of organisation of Pride Parade.

Campaign to support the Pride Parade officially began on June 10, 2010, at the Civil Society Fair in Belgrade, by signing petition by citizens. Already on the first day, several hundreds of signatures were collected, among which is a signature of Vincent Degert, the head of the Delegation of the European Union to the Republic of Serbia and a few people from cultural and public scene.



Attitude of state and city institutions toward Pride Parade

If LGBT community should express a wish to organise the Pride Parade, the Ministry for Human and Minority Rights, as well as other competent ministries, shall provide their support, said, on June 1, 2010, **the Minister for Human and Minority Rights Svetozar Čiplić**. In his statement to Tanjug, Čiplić said that “there has been a great shift and a step forward against the conditions and atmosphere that were prevalent last year”, because, as he said, judicial proceedings are conducted against those who expressed their opposition to the Pride Parade last year.

At the panel discussion dedicated to the position of gays, lesbians, bisexual and transgender persons (LGBT) in Serbia, held on July 9 within the 11th Music Festival “Exit” in Novi Sad, **the Minister of the Interior Ivica Dačić** said that any form of discrimination toward such people is unacceptable. “As a politician who advocates European values and democracy, I support the ‘Pride Parade’, and as the Minister of the Interior, it is my duty to ensure safety of its participants.”

At the end of July, a meeting was held between Pride Parade organisers and members of the parliament **Committee for Defense and Security** who supported Pride Parade in Belgrade and announced that the state would do everything to ensure security during this event.



“This is the test for the entire Serbia, and we must not allow certain minority and extremist groups, and this is certainly not the attitude of the majority of Serbian society toward the issues that you are raising, to win this time, but it is clear to both you and us that such groups are not under control of either police or the state security service or MP’s”, said on this occasion the Committee chairman **Dušan Bajatović**.³⁸

A member of the Committee, MP DS **Konstantin Samofalov**, said that he is positive that Serbia will prove to be a democratic and civilized society.³⁹

38 http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=2523:aktivnosti-podrška-odbora-za-bezbednost-paradi-ponosa&catid=36:aktivnosti&Itemid=60

39 Ibid

MP of Social Democratic Party (SDP) **Meho Omerović** said that the state is “at the test” and that it is necessary to send a message to the citizens that extremists and bullies will be prevented from disturbing the safety of this event “because they must not be more powerful than the state”.⁴⁰

Safety of Pride Parade participants, as the most important aspects of this event, was the topic that was given the most time and attention, both by the organisers and by state and city institutions that participated in this process.

Negotiations between the organisers and the police had started about three months before the Parade was held, and all segments of security strategy were discussed at these meetings, such as location, route, date, estimated number of participants, responsibilities of security officers, safety of participants when coming to and leaving the Parade, etc. The organisers proposed to the police three possible locations in the centre of the city for holding the Pride Parade, and after security assessments, Manjež park was selected as the place for gathering and the rout that runs next to a large number of government institutions, that will be used during the Pride Parade.



Based on the proposal of the Organisational Board of Pride Parade, a coordination body was established, consisting of representatives of institutions whose engagement and mutual coordination are necessary for the successful organisation of the Parade. In addition to Parade organisers, members of the coordination body were the Minister for Human and Minority Rights Svetozar Čiplić, State Secretary at the Ministry of Justice Slobodan Homen, Head of Police Department Mladen Kuribak with his associates, representatives of the Assembly Committee for Defense and Security, representatives of the State Public Prosecutor’s Office, Ombudsman’s

40 Ibid

Office and representatives of the City Authority delegated by the mayor of Belgrade. Cooperation with police and coordination body was correct and, unlike in 2009, without pressuring the organisers and requesting changes in the planned activities, postponement or cancellation of the Parade.

10.10.2010.

Over 1,000 participants of the Parade gathered in Manjež Park in Belgrade, among others the Minister for Human and Minority Rights Svetozar Čiplić, Head of the Delegation of the EU to the Republic of Serbia Vincent Degert, Head of OEBS Mission in Serbia Dimitrios Kipreos, Head of the Office of the Council of Europe in Belgrade Konstantin Jerokostopulos, ambassador of the USA Mary Warlick, ambassador of the Netherlands Laurent Stokvis, member of the European Parliament Marije Cornelissen, leader of LDP Čedomir Jovanović, members of the Assembly Committee for Defense and Security Marko Đurišić, Konstantin Samofalov and Edip Šerifov, members and representatives of DS, G17+, LDP and SDU, Nataša Kandić, Miljenko Dereta, numerous activists of the non-governmental sector and representatives of cultural and public life.



Parade organisers, from the stage erected in Manjež, send the following requests to the state authorities:

1. Preparation and implementation of the national program for fighting homophobia, violence and discrimination against LGBT persons

2. More efficient work of the police, prosecutor's office and courts on cases of violence and discrimination based on sexual orientation, as well as on cases of threats toward male and female activists for LGBT rights; urgent processing of all reported cases and finding and punishing the offenders in accordance with the laws of the Republic of Serbia
3. To introduce the concept of hate crime in the Criminal Code of the Republic of Serbia, as well as monitoring and analysis of judicial cases on the basis of motive of the offense
4. implementation of the Anti Discrimination Law on all levels and promotion of the right to sexual orientation as one of the basic human rights
5. Preparation and implementation of the program for sensitization of employees at state institutions with respect to sexual orientation and LGBT human rights, primarily for employees in judicial institutions, prosecutor's office and police



In the presence of heavy police force, the Parade participants safely walked the planned route from Manjež Park to the Student Cultural Centre (SKC), where a short party was held, after which the participants, as had been planned earlier, were transported by police cars to safer locations in the city or police stations. Most of the Pride Parade participants were not fully aware of what was really happening outside the area dedicated for this event, as well as of how aggressive the well organised extremists were trying to get to the Pride Parade participants.

MORE than one hundred injured police officers, at least 200 arrested demonstrators (16 minors), demolished shop windows and head offices of political parties, two burnt police cars, overturned garbage containers, broken traffic signs, tear gas that, because of the wind, reached almost all parts of the city – that is the balance of several hours long confrontation between the police and demonstrators who protested on Sunday because of the organisation of the “Pride Parade”.

Around 16:30, when the situation in the streets of Belgrade somewhat calmed, and demonstrators began to leave in small groups, the Minister of Health Tomica Milosavljević announced that a total of 150 people were injured. Out of this number, 131 of them are police officers. Two police officers suffered severe injuries, but are not in life danger.

However, this number was changing minute after minute, because new injured people were coming to the Emergency Centre until late evening hours – as soon as they would leave one colleague, police vehicles, under rotating lights, would return to the “battle field”, and the action of identifying and arresting the offenders lasted the entire afternoon.

The riots started at 10:00, when the first rocks were thrown from the crowd of about 250 hooligans gathered on Terazije Square, as well as another bigger group near Slavija Square.

Bricks, bottles, pieces of traffic signs were flying around, and the vandals were even breaking stone garbage containers, in order to make “missiles” out of them. The demonstrators then broke into two groups.

At the same time, from the direction of Autokomanda, about 200 demonstrators rushed at the gendarmerie near the Saint Sava temple. Special forces managed to encircle them in Karađorđe's Park. Two helicopters were continuously flying over the wider city centre.

When it was clear that the mob would not manage to interrupt the Parade, they assaulted state institutions and head offices of political parties. The hooligans broke into the National Assembly, caused fire at the head office of the Democratic Party in Krunska Street and demolished the head office of SPS on Students' Square.

The most dramatic event happened in Krunska Street, where headquarters of the democrats are located. Thick smoke gushed from the yard of the villa at 12:20 and the witnesses said that even gunfire was heard from the crowd armed with rocks and torches. Fire started in the garage, and At the moment of assault there were several employees in the building. Among them was one pregnant woman! The police quickly broke the bullies, and fire was put out.

Almost simultaneously, the police used tear gas on Terazije Square. Even this did not stop the hooligans who approached the police from the back in Kraljica Natalija Street and made them withdraw toward Kralja Milana Street.

The battlefield then moved to Kolarčeva, Knez Mihailova and Vasiņa streets. The building of SPS was on the Students' Square was showered with Stones, and the crowds were so numerous that the police officers at one moment had to find shelter in the head office of the socialists. Windows on the first floor were broken, the door demolished.

About 200 vandals – mostly minors – walked from there to the French embassy and threw stones at it. In front of the Embassy of Austria, the vandals overturned a police car and set it on fire.

The gendarmerie then started down the street, and the hooligans, in panic, were jumping over tram tracks and running to Kalemegdan. Most of them fell into the ambush and were arrested. However, about one hundred of them managed to get to Karađorđeva Street, from where they attacked the police again.

The last serious conflict happened around 15:00 on Terazije, when the crowds began to diverge. Soon, after six hours of violence, streets of Belgrade were peaceful again, but also another “healing of wounds” began.

It is estimated that the damages suffered by Belgrade in these riots amounts to more than one million euros. Most damage was suffered by containers and public transportation vehicles, but also several shop windows in the city centre were broken. In this manner, one offender tried to steal a children's bicycle from a shop on Terazije.⁴¹

Reactions

President of Serbia **Boris Tadić** strongly condemned the destructive violence and vandalism on the streets of Belgrade, as well as assault on police officers. - Rioters and organisers of violence will be arrested and brought to justice - said Tadić. - The right to free speech is guaranteed by the Constitution, and the assault on police officers represents an assault on the Republic of Serbia. Tadić said that the state is ready to deal with vandals and hooligans who endanger the safety of citizens. - Serbia will ensure human rights for all citizens, regardless of their differences, and no attempts to deny their freedom with violence would be tolerated - said Tadić.⁴²



The mayor of Belgrade **Dragan Đilas** said to the reporters in front of Albania Palace on Terazije Square that the most important thing is that no lives were lost, but that material damages was caused that, based on the first estimates, amounts to about one million euros.

41 Evening News: Replay of violence in Belgrade <http://www.novosti.rs/vesti/naslovna/aktuelno.69.html:303181-Sukobi-policije-i-demonstranata-zbog-Parade-ponosa>

42 Ibid

Đilas said that this is a sad day for Belgrade, which is demolished and ruined, and said that the police had reacted in the extent in which they could have, because the groups that were demolishing the city were very well organised. At the same time, he said that the Pride Parade will not bring anything good to those who organised it.

After being booed while speaking to the press, Đilas said that it is no such a problem that individual citizens are treating the mayor in this manner, but the bigger problem is the fact that they are destroying Belgrade.

He pointed out that there are those who will use every opportunity to destroy the city, to attack the police, passers-by and emphasised that it is needed to truly deal with those who participated in the violence and organised it.

“If all this ends in misdemeanor charges again, we will again have a new reason for someone to destroy the city” said Đilas.

The mayor called on everyone “regardless of what rights they have, not to organise events that lead to such things”, and the state authorities to severely sanction those who are using such events to destroy the city.⁴³

Deputy President of SNS **Aleksandar Vučić** said that this party condemns violence in the streets of Belgrade and believes that the offenders should be held responsible, but also that it is necessary to identify the reasons of dissatisfaction of these young people.

At the press conference, Vučić said that the true reasons of their dissatisfaction is misery, poverty, unemployment, and that they do not have hope and see no perspective, and added that he is not sure that after yesterday’s Pride Parade the position of LGBT population will be better.

“Everybody who committed major crimes must be brought to justice, but we believe that we should not be hypocrites, as government representatives are today, who will use different criteria to measure their own actions than those used for actions of others”, said Vučić.

When asked by the reporters whether he, as a politician, feels responsible for this, Vučić gave a positive answer, emphasizing that all politicians are responsible for the situation in the country.

Vučić emphasised that the competent authorities should have, by means of prevention, determine what the situation was and whether people’s lives could be put in danger and, accordingly, either postpone this event or ensure that it is held peacefully.⁴⁴

The Democratic Party of Serbia announced that it is always against violence, but that the government is most responsible for the events that happened in Belgrade on Sunday and that it would have been wise to cancel the Pride Parade.

The greatest responsibility lies with the authorities of Serbia that have made a real siege of the city. Does the image of empty Belgrade and such siege should be sent to the world and does one democratic country should allow itself such a situation, said the spokesman of DSS Petar Petković at the press conference.

43 Blic- Djilas: Parade will not bring anything good to the organisers, October 10, 2010.
<http://www.blic.rs/Vesti/Drustvo/211249/Djilas-Parada-nece-doneti-nista-dobro-organizatorima>

44 RTS: Condemning the violence in the streets, October 11, 2010

In his words, all those who are responsible for destruction of the peace should be held responsible, which is under jurisdiction of courts.

When asked whether violence during the meeting “Kosovo is Serbia” and the fact that offenders from those demonstrations were not punished, was a stimulation for this violence, Petković replied that DSS does not feel any responsibility for it, and that the Democratic Party also participated in the organisation of the meeting.

I Serbian Radical Party condemned violence and accused the government of being responsible for incidents after the Pride Parade.

“Tadić’s regime bears all the responsibility for bloody violence in the streets of Belgrade yesterday. The government should not have allowed holding of an event that was known to represent a high-risk gathering”, said SRS in the press release.

Condemning every kind of violence, SRS said that the government must preserve the public peace and order in any situation in accord with the law.⁴⁵

Commenting on the events during the Pride Parade, President of the Liberal Democratic Party **Čedomir Jovanović** said that because of vandalism and demolition of Belgrade it is necessary to have an extraordinary session of the Government of Serbia, the state and city parliament.

“Yesterday’s events showed that the state itself is in danger, and we consider it our duty to help her, and the first step is truth, because the attacks were politically motivated, very well organised, had political objectives and could not be explained with the struggle for traditional values, which are in our society jeopardized by the participants of Pride Parade”, said Jovanović at a press conference at the National Assembly.

Jovanović stressed that the Serbian Patriarch Irinej should make a statement about the hooligans attacking the police from backyards of churches and said that it is a devastating truth that SPC must publicly deny some statements of their leaders, who support bullies.

According to him, the destruction of Belgrade was organised by those who are opposed to Serbia’s European integration.

He recalled that yesterday the Serbian Parliament building was attacked, as well as the ER, RTS, and that he interprets the attack on head offices of DS, SPS and LDP as attack on parties that are leading European politics. Jovanović said that the Liberal Democratic Party expresses its full appreciation to the police, and provides full support for RTS.⁴⁶

Social Democratic Union has welcomed yesterday’s Pride Parade and expressed gratitude to the police that were, in their assessment, steadfast in performing their duties.

“We thank all our members and the citizens of Belgrade and Serbia for the expressed courage to participate in this historic occasion, despite the real danger during the entire meeting from a large number of extremists whose goal was clearly to kill as many true patriots who attended the meeting”, they announced.

45 Ibid

46 Ibid

Social Democratic Union points out that the state should bring to justice all the organisers of the yesterday's, as they put it, "attempted massacre in Belgrade".⁴⁷

The European Commission has assessed the Belgrade Pride Parade as a "confirmation of freedom of expression" and the rejection of any discrimination.

A day after the Pride Parade in Belgrade, European officials welcomed the Serbian Government's determination to protect this meeting.

"The EU is a community of values which guarantee the freedom of association, freedom of expression and the rejection of all discrimination, including those related to sexual preference", said the spokeswoman of the Commission Maja Kocijančič.

In our opinion, the spokeswoman of the High Representative of the Union for Foreign Affairs and Security Policy of the EU, Catherine Ashton, "Serbian authorities supported the event and took measures to ensure safety".

In this, she responded to reporter's question on whether it is a simple truth that yesterday a parade of homosexual activists took place in Belgrade, which caused severe conflict, was a breakthrough for the realization of human rights in Serbia, taking into account the fact that the European Commission gave too much importance to it and that the Head of EC delegation in Belgrade was among the participants of the parade.

Maja Kocijančič stressed that the gay parade in Belgrade "was essentially an expression of such (European) values".

Serbian authorities were determined to protect the rights of participants of the Pride Parade to demonstrate, and they acted professionally and with restraint, in order to enable this event to take place, she added.⁴⁸



⁴⁷ Ibid

⁴⁸ B92- EU: Parade as an endorsement of freedom, October 11, 2010

Pride Parade – summary and conclusions

Participants of the Pride Parade were protected by over 5000 police officers.

According to media reports and police estimates, some 6,000 opponents of the Parade i.e. members of right-wing extremist groups and hooligans took to the streets that day and tried to attack the participants of the Parade in which the police managed to prevent them

No participant of the Parade was injured during this event and upon its completion two attacks on participants of the Parade were recorded, one on a Swiss citizen and another on a police van that transported the participants.

In clashes with the extremist, 147 police officers were injured and 249 people arrested. The physical damage that was caused by the extremists in Belgrade is estimated at more than a million euros.

While the Pride Parade was held under heavy police security which included the closure of a large number of streets around the Parade route and strict security rules, the significance of this event is in the fact that the parade, after several failed attempts in previous years, was finally held for the first time in Serbia. It is up to state institutions and LGBT movement to contribute, with their actions, to the following Parade being safer than the previous one, and to gradually reducing the number of police officers that is necessary to protect the participants.

Pride Parade 2010 is very significant for the fact that the state has for the first time expressed its willingness to fully empower and protect the right to freedom of assembly for LGBT people and their supporters

One of the most common arguments used by opponents of the Pride Parade concerning the sexualization of the event and the most probable appearance and behavior of the participants was, after the Parade, left without any stronghold, since the parade did not look even the slightest bit the way they had claimed it would.

Much larger number of LGBT people appeared at the Parade than expected by the organisers and, after the Parade, although it is still not a very visible phenomenon, there is an increasing number of those who admit their different sexual orientation to immediate surroundings, parents and friends.

Pride Parade – instead of the epilogue

Blog B92, October 11, 2010 at 18:28 – antonacchi

“In some ways, yesterday was the culmination of over two decades of activism in Serbia, from “Arcadia” of Lepa Mladenović and the late Dejan Nebrigić, we finally came to what is the first concrete step in winning a more tangible freedom. Put in historical perspective, Pride shows how hard it is to win freedom, and it also shows that, although it is hard, freedom must be won, for otherwise nobody will give it to you. Put in historical perspective, yesterday’s event is a reason for pride and, if properly used, it can be the beginning of a new stage in the struggle for LGBT right. The road to equality will not be easy, but somehow parade initiated it, and this is very important”.



IX RIGHT TO WORK

Anti-Discrimination Law in Article 16, paragraph 1, prohibits discrimination in the area of labor, i.e. violation of equal opportunities to establish employment or enjoyment on equal footing all rights in the field of labor such as the right to work, free choice of employment, advancement of one's career, vocational advancement and professional rehabilitation, right to equal compensation for work of equal value, to just and favorable work conditions, vacation, education and joining the union, as well as protection against unemployment.

Article 18 of the Labor Law prohibits direct and indirect discrimination against persons seeking employment or employees, with respect to gender, language, race, color, age, pregnancy, medical condition or disability, national origin, religion, marital status, family responsibilities, sexual orientation, political or other opinion, social origin, property, membership in political organisations, unions or any other personal characteristic.

Poor enforcement of existing legislation in the protection against discrimination at work quite often causes various problems to many people who are different from the majority based on any personal trait.

The first study of the treatment of LGBT people in work environment in Serbia, as part of a comprehensive survey of public opinion on homosexuality conducted during 2010 by Gay-Straight Alliance and CeSID, showed that in Serbia not much attention is paid to the phenomenon itself, as well as to regulating discrimination in the workplace.

The results of in-depth interviews with owners, directors, managers or other managers of large, medium and small enterprises in Serbia have shown that lack of knowledge about the "subject" and the essence of discrimination is very high. Although everyone claims that there have been no cases of discrimination, a situation in which discrimination would appear carry a risk from not knowing how to react or from reacting in a wrong way and more in line with personal feelings and attitude towards the phenomenon and LGBT people, than in accordance with some written procedures.

When asked how they would behave towards LGBT person on the job, most people say they would treat them like all other employees, and others say that "they do not know how to behave, because they have not had LGBT people in their vicinity".

No one openly said that they would have a problem hiring an LGBT person as long as that person meets the criteria for the position they are applying for, and all say that their "professionalism and attitude towards work" is all that matters.

Two high school directors examined emphasize that their position "specific" because they would have to take account of whether the parents of children attending school had something against the employment of LGBT people in the school.

Educational institutions deviate from this rule. Two high school directors interviewed emphasize that their position is "specific" because they would have to take into account whether the parents of children attending school have something against the employment of LGBT people at the school. Both respondents believe that they would face resistance of some parents, but do not know how they would react in such situations, so they would "have to consult with professional services, in the ministry" and the like.

Discrimination against M.D. (34) working as a professor at a vocational high school

M.D. (34) was employed as a professor at a high school. Although he was being hired on a temporary basis for four years in a row, i.e. each time for one year of the duration of employment agreement, he was very committed in performing his job. Students were pleased with his work, the manner in which he transfers knowledge. Everything has changed after the appointment of the current director.

I am half Montenegrin, half German. I worked part-time in high school as a teacher. The school where I worked is providing several educational profiles, of both 3rd and 4th degree.

When V.B. was appointed as the school director, problems have begun. She immediately took away my norm, i.e. the sufficient number of classes. Since, according to systematization of work position, a permanent hire was foreseen for my work position, educational inspection, after my intervention, ordered the school to advertise vacancy, and the director did this. I met all the criteria for the job but, based on director's decision, nobody was hired.

After the media covered fashion show that I organised in 2006 the director insulted me in the teachers' room because I was gay. Previously, she read an article in a daily paper about my fashion show, from which it was possible to make a conclusion about my sexual orientation. She called me: "faggot!" and similar names, and she also insulted me on ethnic basis.

People talked about not only me being gay, but also that I was involved in Satanism. Later, I heard from some colleagues that she spoke to some people in the smoking room about me, and that someone then said: "A faggot should not be working at a school."

After my employment agreement expired, I lost my social security contributions. Upon my reaction, the inspection issued an order that all outstanding social security contributions should be paid.

When taking the "professional exam" for my subject, only I had to pay the fee, whereas schools were paying this fee for everybody else.

Recently, the director abolished the department in which I teach the most professional subject. Instead, she established a department for a completely different course of education, although there is data that confirms that the abolished department is providing education for future personnel that are in deficit. The director engaged a new professor from Belgrade, who had already had the full number of classes at the school.

I have heard that she pressured colleagues in Niš and Belgrade not to hire me in any school, because she knew that I would be willing to work in Niš, if necessary.

In late August 2009, I filed a complaint requesting annulment of the decision to terminate my employment.⁴⁹

In early 2010, M.D. contacted GSA asking for legal help, after which the GSA's Legal Support Office pressed charges against V.B. for prohibition of discrimination and payment of damages.

⁴⁹ Statement of M.D. on discrimination at workplace, January 5, 2010, internal documentation of GSA

X RIGHT TO EDUCATION

Although the education system is one of the pillars of any society, education authorities in Serbia still show no willingness to deal with bullying and discrimination based on sexual orientation in educational institutions.

The degree of exposure of students to violence and discrimination in educational settings because of their sexuality is still high. Information on cases of violence and discrimination against students in schools does not easily come to GSA, both because of the fear of victims from additional stigma and new problems, and because of the lack of quality mechanisms within the educational system for monitoring and prevention of peer violence and discrimination.

memorable is the statement of Dragutin Brčín, special advisor of the Ministry of Education who, in late 2009, in an interview with a representative of the Human Rights Watch (HRW) Boris Dittrich, with great conviction and certainty claimed that the Ministry of Education had not registered even a single case of violence or discrimination on the basis of sexual orientation among hundreds of thousands of students and pupils.

In the surroundings comprised mostly of teenagers with raging hormones, it is logical, unfortunately, that female students are exposed to sexual harassment from their peers. A study conducted by UNICEF within the project “School Without Violence” has shown that one of ten female students at elementary schools in Serbia was touched by a boy in the manner that would make her uncomfortable. Girls in higher grades are touched by boys on their breasts or buttocks, and they often spend their breaks in the classroom in order to avoid this. Although this phenomenon is widespread, it is rarely discussed at schools, and such offenders typically get away without punishment, because female students are too ashamed to ask for help. When asked whether someone touched them in the manner that was uncomfortable for them, 5.9 percentage of them said that it had happened once or twice, and 4.1 percent admitted that something like that happens repeatedly. Most common victims are female students at sixth, seventh and eighth grade, who are touched by passing boys on their breasts or buttocks. Although this makes them feel uncomfortable and insecure, most of them decided to keep quiet. Dragana Koruga, research coordinator, said that big problem is the fact that children are raised, from very early age, in accordance with stereotypes, parents are fostering the “macho” pattern with boys, fearing that they would become homosexuals: “I have spoken with boys who oppose such treatment of female students from their classroom, but they say that if they do not behave like the majority, then they are not men, and if they do this, they hurt the girls”, said Koruga for “Blic”.

“We like the most to beat up those arrogant emo kids. They gather around the First Gymnasium, and sit around doing nothing. Friday evening we go there, we jump on them and go to the city. Why do we beat them? Because they are fools, you know, they cut themselves, they cut their own arms with a razor. And they look like faggots.” M. J. (17), technical high school, Kragujevac⁵⁰

“God forbid that someone admits that he’s gay. He’d never show up again. We’d torture him over and over. At the end he’d stop coming. Those who f... in ass will have their c... trashed. We have many people from movement ‘1389’ and ‘Obraz’. There is a boy who is totally feminine. Sometimes we make fun of him in the classroom, but we defend him from others. Once I slapped a kid who started making fun of him.” M. P. (17), “Nikola Tesla” high school, Belgrade⁵¹

50 “Violence in schools: Do not talk to him, nail him”, Vreme br. 998, February 18, 2010

51 Ibid.

Another thing that also maintains the high level of homophobia in high school environment and which also influences the forming of negative attitude toward LGBT population among young people is still the existence of not insignificant number of textbooks expressing homophobic attitudes, which describe gays and lesbians as people with hormonal disorders, with disorders of sex drive, etc, and a large number of teachers are still reproducing such attitudes in their communication with students.⁵²

Case of S.R. (17), a student at one of Belgrade high schools

I have rarely had thoughts of suicide, but this time I thought about this, I wanted to run out on the street, to be hit by a car, although probably even then nobody would lift my mangy body, nobody would pay attention to the body lying there, actually some would, but those who know me.

Every day I am more disgusted with life, and all this started that evening when I was in first grade when, sitting on a swing I said that I was different, that I am a homosexual. The previous story was recorded, or at least a part of that story, and this is a new one, like a second volume of a novel about a boy who is, because of his honesty and wish to be accepted, deprived of being treated in a normal way.

This time, the reason was conversation, actually the blame of events is the fact that there was no conversation, because what happened I would not call conversation, but discrimination.

"There is S! There is the faggot, hey, gay, do you want to fuck? Take it up the ass, you faggot!"

If I walk down the school hallway, a snowball can suddenly hit me, if it is winter, or anything of no value for them, and which they have at hand. This is usually followed by a comment: "I am sorry, faggot, I did this on purpose." Tripping, name calling... it is pointless to mention everything. In the hallway, I am not allowed to have peaceful conversation with people who are close to me, because someone would always sabotage and offend me.

I am not allowed to laugh, I spend breaks behind the school, with a few girlfriends. I go down the hallways with my head down, as if I am headed for execution, as if they would burn me at stake, and there are also comments, looks that I cannot endure any longer, pointing fingers, gossip, interrogations, assumptions – I have become everything that is the worst.

I wear coat so that they would not make comments about my clothes, I never take it off when I am at school, I don't want to, no matter how hot it is.

PE class is maybe the worst class for me, there are boys, thinking arrogantly that the point of the class is for them to prove who is more "manly", I don't know what they are thinking... and there is the faggot. I have never called anybody any names, I did not want to get into a conflict, I have played fair. In the dressing room everything is empty around me, some will even wait for me to change clothes and only then enter the dressing room. After the class has started, the professor calls students to check who is absent, and then creates a line in which students should stand one next to the other. However, I am always left alone in the middle, while others are moving away from me, creating a distance of several meters from both sides of the "line".

If anything is practiced on a PE class, such as serving in volleyball, nobody would throw the

⁵² "Toward a non-homophobic high school", Analysis of a part of high school textbooks regarding the treatment of homosexuality; Gayten LGBT; Belgrade, 2008.

ball to me, it will either be thrown to someone else or thrown to the opposite direction, which is followed by the comment: "Go and take it, faggot!"

I cried at the class today, I was nauseated, nauseated from myself. I went to a remote corner of the PE hall and held my stomach, with my head down, I expected to throw all of it out any moment, even my internal organs, if necessary.

Nobody has ever asked me how I feel. It's not that I expect that, but it would mean something to me. Everybody is pretending not to notice, they laugh at everything I say. I do not mean only the boys here, but no girl who is maybe my "good friend" has never asked me how I am and how I feel about everything that is happening to me.

The next day I went to see the director, I waited for a long time in front of the office and met the school psychologist. I talked with her, explaining the situation that was happening, and how I felt at the PE class. She told me to come back tomorrow to her office. She came in to announce me to the director, and present in the office was also the school policeman and deputy director.

The director asked me what the problem was. Although I hesitated because I did not feel comfortable because of the presence of the policeman and the deputy, who had not been familiar with the problem, I still started talking, talking at the same time to the policeman and director. I said that I had big problems again with other students because of being gay, that they harassed me and insulted me. The policeman suddenly changed his facial expression, telling me that this was normal and that this is the way for everybody to have fun. After I replied that this was not fun at all and that I have to suffer all sorts of unpleasant behavior, that I am often scared when I am at school, the policeman asked me to give him the names of students who were harassing me. Since his attitude from the moment when I entered director's office did not inspire confidence, I didn't want to give him the names, because I was afraid that he would not solve anything, but that I could have even bigger problems later on. He nevertheless continued to insist that I give him names of those students and give him my father's telephone number..

I decipher to get up and leave, because I did not feel that the problem could be solved. I felt even worse, and I didn't want to go to classes, because I thought that the director could be looking for me. While standing outside the school, I saw the school policeman who was going toward his car and he only gave me a short disinterested look.

Later that evening I talked with my homeroom teacher. She told me that "I created an unpleasant situation for myself" and that she has many gay friends who are not talking about their sexuality. She asked me whether I had considered enrolling to a different school, and I replied that that would be cowardly and running away from the situation, and that the bullies would want exactly that – for me to disappear, but also that everything would come into the open very quickly even if I changed the environment, because all it would take is for one student from the new school to know one bully from the old school.⁵³

The intensity of fear from additional stigma from the surroundings and harassment because of one's own sexuality among LGBT high school students can be seen in the case of A.R. (22) who, in late 2010, mustered the courage speak about what had been happening to him during high school, starting from 2004.

53 Statement of S.R, February 23, 2010, internal documentation of the GSA

Case of A.R. (22), a student at one of Belgrade high schools

At the end of elementary school I had my first romantic experiences and my first relationship with a boy. When in September 2004 I enrolled at the High School for Electrical Engineering “Rade Končar” in Belgrade, on the first day of school a boy from my class recognized me, since he knew some people from my class in the elementary school. That is how people in the new high school surroundings found out that I was gay on the second day of school year.

Approximately on the third day of school, when I went out to the schoolyard during the break, in less than two minutes a crowd of people from my and neighboring class gathered. Everything started with some conversation, they were asking sarcastic questions like “so, how are you, what’s up” and, among other things, they asked me to tell them something about myself... I was puzzled with this question, not knowing how to answer, because the answer to such question includes so many things. Then they started calling me names and shoving me around: “You filthy faggot, does your mom know?!” and the like. I could not react, I was afraid of possible physical lynch, since there were about fifteen of them. Somehow I managed to hold through and I asked them to leave me alone.

At that moment there was no security or any professor in the schoolyard. Three guys from that group started hitting me, I heard someone calling them to stop. It didn’t last long, but sufficient for several bruises to appear later. In addition to that pain, I also felt an even stranger pain, I could not breathe, and I heard buzzing. The next thing I remember was waking up in the ER. The reason was acute high blood pressure – the excessive stress caused a new disease that I would be fighting for the next few years, a rare form of hypertension with frequent and severe seizures.

I told my mother that I had been attacked but I did not dare to say why, since at that time my mother did not know about my homosexuality. And I was afraid of further bullying at school and possible bad treatment by professors if they should find out, knowing that I live in homophobic environment. Still, I managed to relatively easily talk my mother into trying to transfer me to another school because I was afraid to go back to “Rade Končar”.

We reported the case to the homeroom teacher, who reacted by having a strict conversation with students. Since our request for transfer to a different school, submitted to the Ministry of Education, had been rejected, I returned to “Rade Končar” after more than month and a half.

Soon after returning to school I was assigned as a weekly school detail. Between two classes I went to the bathroom to wash the sponge, when I was caught up by a boy in the hallway who warned me that some of the students want to beat me up. I knew that this was not a joke, so I reported it to the director. After that, things would usually end with swearwords and insults from other students. At that moment my mother did not want to continue fighting for my transfer to a different school, so my health deteriorated, I spent more time in hospitals than in school, and even when I was not in hospital, I was skipping classes. The result was that I failed the second year of school.

After starting the second grade again, the same problems kept happening, and since the support from professors was subsiding, my mother made a decision to transfer me to a different school. I finished the second year at the High School for Electrical Engineering “Stari Grad”, but the hypertension would not let me continue regular education. I graduated from high school part time, and until the end I fully recovered my health, which was quite a shock for most doctors, while others claimed that all the health problems were the consequence of enormous stress.⁵⁴

54 Statement of A.R, October 19, 2010, internal documentation of GSA

XI HEALTHCARE

Pursuant to the Law on Healthcare, in the part that is related to the rights of citizens in the procedure for implementing health care, citizens have the right to health care that corresponds to their health condition and the right to the quality of health care in accordance with the latest achievements in medical science and the prescribed standards.

On May 17, 1990, the World Health Organisation deleted homosexuality from the official classification of mental illnesses and disorders.

On May 14, 2008, the psychiatric section of the Serbian Medical Society confirmed that “same sex orientation that is not responsible for difficulties in establishing a relationship with sex partner does not appear in the applicable ICD-10 Classification of Mental Illnesses as a disease. Since our country is a member of the World Health Organisation, it is implied that we are sharing their opinions, that same sex orientation is not a mental disease.”⁵⁵

Despite this, still the most widespread prejudice against same-sex oriented diseases in our society is that homosexuality is a disease (67% of people in Serbia, of both sexes, are sharing this opinion).⁵⁶

On September 16, 2010, in the midst of preparations for the Pride Parade, the daily paper Alo! published an article entitled “Doctor for Gays”, describing the activities of the so-called Centre for the Treatment of Homosexuality⁵⁷, which is run by a certain Dr Miroљub Petrović.

“There are several levels in the treatment of homosexuality. The first is informative. We try to explain to the patients that sexual drive is stimulated or not stimulated consciously in our mind and that sexual intercourse is not a physiological need. The strong gay lobby and unhealthy surroundings teach us that it is natural to chose partners of the same sex, and individuals that are hungry for love and confused with wrong values, not knowing for better, engage in such relationships”, says Dr Petrović.

In his words, homosexuality is a severe psychiatric disorder that appears as a consequence of poor upbringing, unhealthy life, as well as the use of narcotics.

“In order to cleanse the spirit, first it is necessary to clean the body. Poor quality diet, consumption of cigarettes and alcohol are causes of almost all diseases of the modern society, and that is why we teach our patients to prepare healthy food. We advise them to watch TV shows and read books that do not contain violence and other destructive content. In order to be cured, it is necessary to change the way of life and thinking, the entire system of values”, he explains and adds that it is the “fact that gay population has become a victim of a global system that destroys humankind”.

“The most horrific sexual abuses and murders are an indispensable part of a life style that the members of this population are drawn into. Unlike other places where murders take place in a predictable manner, in homosexual environments they are accompanied by mutilation and murder

55 Response of the Psychiatric Section of the Serbian Medical Society to the letter from Labris – Organisation for lesbian human rights nor. 62/08 from May 6, 2008.

56 Research report “Prejudices Exposed – Homophobia in Serbia 2010”; GSA, CeSID; Belgrade, 2010.

57 <http://www.gaycure.comlu.com>

of the worst kind of ranting, which shows what kind of disease this is. Participating in bizarre sexual rituals, and a dominant position of celebrating monstrous holidays such as Halloween, are just some examples of manipulating with these people,” our respondents say, whose clinic is under construction on Fruška Gora.

“The purpose of our centre is to reach out to people are in the shackles of serious illness of homosexuality. We believe that among the victims of this disease there are many who want to get cured”, Dr Petrović concludes.⁵⁸

On this occasion, nine LGBT organisations and groups reacted by sending an open letter to the Minister of Health, Tomica Milosavljević.

We believe that, as a doctor and minister of health, you do not have to be reminded of the position of the World Health Organisation and Serbian Medical Society on the fact that homosexuality is not a disease, but one of the varieties of human sexuality, and that the right to be different and right to free expression of sexual orientation is guaranteed not only by the constitution of the Republic of Serbia, but also by many national laws.

What concerns us the most is the fact that through such “activity”, which is conducted by the said Petrović, and especially for construction and operation of clinics of such profile, certainly numerous licenses and permits are necessary that are, or at least should be, within the competencies of the Ministry of Health.

For this reason, we ask you to immediately notify the public on the status of this and similar clinics in Serbia, if any, i.e. whether the Ministry of Health has enabled, in any way whatsoever, construction and operation of such clinics and/or centres, as well as on the position of the Ministry of Health with respect to this issue and what specific actions the Ministry is taking in order to sanction this type of quackery, which violates a series of national laws.

Additionally, we hereby invite you to, in accordance with responsibilities and the power of the function you perform, address the public of Serbia regarding the most serious bias that is dominant in our society where as many as 67% of the citizens, according to the last survey, believe that homosexuality is a disease. We believe that your public appearance and scientifically grounded explanation denying such prejudices could significantly contribute to the understanding of the position of LGBT people in Serbia and their social inclusion.⁵⁹

Four days later, the Ministry of Health reacted and, in its press release, confirmed that Miroljub Petrović does not have license to operate, and that homosexuality is not a disease.

The Ministry of Health reminds that Serbian healthcare system comprises of institutions and other forms of healthcare organisations (private practice) that are established for the purpose of implementation and provision of healthcare, as well as medical professionals and medical associates who are conducting medical activities. Regardless of the form of organisation and form of ownership, healthcare activity can be conducted upon the obtained consent – evaluation of the Ministry of Health that the prescribed requirements have been fulfilled, and after registering in the registry of the competent authority.

58 “Doctor for Gays!“, Alo“, September 16, 2010, http://www.alo.rs/vesti/31016/Doktor_z_a_gejeve

59 “LGBT organisations: An open Letter to the Minister of Health”, open letter, September 16, 2010, http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=2577:lgbt-organizacije-otvoreno-pismo-ministru-zdravlja&catid=36:aktivnosti&Itemid=60

The provision of healthcare involves application of scientifically proven, tested and safe methods and procedures, which include safe and efficient medications and medical devices of good quality, medical procedures, as well as conditions for the provision of healthcare.

The provision of healthcare may also involve approved methods and procedures of traditional medicine, i.e. tested, professionally indisputable traditional, complementary and alternative methods and procedures in diagnostics, treatment and rehabilitation, that have positive influence or could have positive influence on human health or condition, and which, in accordance with the applicable medical doctrine, do not represent healthcare services.

The Ministry of Health did not issue operating permit for the operation of the Centre for Treatment of Homosexuality. The said Miroslav Petrović is not in the register of healthcare workers maintained with the Serbian Medical Chamber, which means that he does not have a license to conduct medical practice in the territory of Serbia. Address of the said centre is not known. Health inspection of the Ministry of Health has submitted all available information to the Inspectorate of the Ministry of the Interior, with which it will cooperate on this case.⁶⁰

60 “regarding the open letter of LGBT organisations submitted to the Minister of Health on the so-called Centre for the Treatment of Homosexuality”, press release, September 20, 2010, <http://www.zdravlje.gov.rs/showelement.php?id=2797>

XII AVAILABILITY OF SERVICES AND GOODS

Discrimination in providing services in Plato bookstore in Belgrade

During her visit to bookstore Plato in Knez Mihajlova Street in Belgrade on January 6, 2010, I.K. (28) browsed the books and noticed something unusual on one of the shelves.

I noticed that on shelves with books "Social Theory" there are some books that were stacked backwards, so that only the back cover can be seen, and neither the title nor the author of those books were visible. I turned them around and saw that these were books written on gay subjects. The books were relatively old, from 1990's, and worn. There was also a book entitled "Being Gay in Serbia". Next to it there were some feminist books, such as "Dictionary of Feminist Terms" and the like, but those feminist books were not turned backwards.

I was very upset because of this, I wondered who and why would turn those books backwards. Three store assistants were standing next to me at that moment, so I approached them and asked them why these books were turned backward. Two store assistants immediately left, without giving any answer. One of them stayed and told me: "I am fighting with homophobic colleagues. They are turning these books, I put them back, and then they turn them again. Sometimes they also turn feminist books. Only another female assistant is returning the books, but the others are turning them backwards" he said that it had been happening for a while, and that I was the first one to notice it. He added that he fights with them every day. He talked some more, but I could not listen any more. Everything was turning around, I felt nauseated.⁶¹

Reacting to this case, representatives of GSA talked with some employees at the said bookstore, warning them about the possibility of pressing charges because of discrimination in providing services, after which the described bad and discriminating practice in their work has stopped.

61 Statement of I.K. from January 19, 2010, internal documentation of GSA

XIII ATTITUDES OF POLITICAL PARTIES AND GOVERNMENT INSTITUTIONS TOWARD LGBT POPULATION

1. ATTITUDE OF POLITICAL PARTIES

Taking into account the need to overcome negative consequences of the failure to organise Pride Parade in 2009 and to improve the position of LGBT population, in March 2010, Gay-Straight Alliance (GSA) submitted an invitation to parliamentary political parties in Serbia to open a dialogue on the issues that are important for LGBT people in Serbia, such as the strategy for reducing violence and discrimination and improving the freedom to assemble, i.e. possibility of organizing the first successful Pride Parade.

Most of the parliamentary political parties responded to this call and separate meetings were held with Serbian Radical Party (SRS), Liberal Democratic Party (LDP), G17+, Democratic Party (DS), the Alliance of Vojvodina Hungarians (SVM), Social Democratic Union (SDU), League of Social Democrats of Vojvodina (LSV), Social Democratic Party of Serbia (SDPS), Serbian Progressive Party (SNS) and Serbian Renewal Movement (SPO). Within this cycle of discussions, GSA also met with Slavica Đukić Dejanović, president of the parliament and vice president of the Socialist Party of Serbia (SPS).

Despite numerous attempts of the GSA to make a contact and hold meetings with the Democratic Party of Serbia (DSS) and New Serbia (NS), these meetings were never held, and the GSA assessed this as a disconcerting but clear position that these parties do not want to open a dialogue with LGBT community on violence and discrimination suffered by this community in Serbia.⁶²

All parties with which the GSA held meetings have made a step forward against the positions they had advocated before and showed willingness to communication and cooperation with LGBT community. For the first time, all parties that participated in the dialogue publicly supported human rights of LGBT people and condemned violence and discrimination against them.

It is especially important that the Serbian Radical Party, which is regarded by the local public as one of the most conservative parties, and the Serbian Progressive Party, as a conservative party with major stronghold in the electorate, clearly took the position against violence and discrimination against LGBT people. SNS has pointed out that all state authorities must comply with the Constitution and the laws they adopted and, in this respect, must prevent any form of violence and discrimination on the basis of sexual orientation.

Meeting with the Alliance of Vojvodina Hungarians has shown that political representatives of ethnic minorities have adopted clear position that the issue of the rights of minorities does not only include ethnic communities, but other minority groups as well.

Democratic Party, as the most powerful ruling party, has shown true willingness to cooperate on the solving of concrete practical problems that LGBT people are facing in their daily lives, as well as strategic approach to this issue. DS especially emphasised that the issue of human rights, and therefore rights of LGBT people in Serbia, is an inseparable part on the road to Europe.

62 http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=2301:sastanak-gsa-spo&catid=36:aktivnosti&Itemid=60

Expectedly strong support for equalization of rights of LGBT population and the holding of Pride Parade, and which they have also shown many times in the previous period, GSA obtained through this dialogue from G17+, Liberal Democratic Party, League of Social Democrats of Vojvodina, Social Democratic Union and Social Democratic Party of Serbia.

After the dialogue with parliamentary political parties that was completed in early May 2010, political parties that had participated in it did not change their position they had taken regarding the need to respect human rights of LGBT population and reduce violence and discrimination against this population.

MP's Elvira Kovač (SVM), Željko Ivanji (G17+) and Nataša Vučković (DS) were, within the Delegation of the Assembly of Serbia, notably active in the Parliamentary Assembly of the Council of Europe (PACE) in lobbying and adopting the Resolution against discrimination on the basis of sexual orientation and gender identity that was adopted in early April 2010 at PACE. In the discussion about the Resolution, Elvira Kovač represented, in her capacity as the Vice President, the parliamentary group of the European People's Party (EPP) in the Parliamentary Assembly and in her speech she enthusiastically advocated the adoption of the text of the Resolution, which had been prepared by Andreas Gross, an MP to PACE from Switzerland.

MP's and representatives of the Democratic Party, Liberal Democratic Party, G17+ and Social Democratic Union also attended the Pride Parade.

In December 2010, for the first time in Serbia, publicly declared gay and former LGBT activist Boris Milićević has become a member of the main board of a political party, at the Assembly of the Socialist Party of Serbia. SPS also expressed its support to LGBT population in its newly adopted party program.

2. ATTITUDE OF GOVERNMENT INSTITUTIONS

After its dialogues with political parties, the GSA started a dialogue with state institutions as well, also on issues related to violence and discrimination and organizing Pride Parade. Institutions that participated in the dialogue are: President of the Republic of Serbia, the Ministry of Youth and Sports, Ministry of Justice, Ministry of Culture, Office for European Integrations of the Government of the Republic of Serbia, Ministry of Labor and Social Issues, Ombudsman, Committee on Defense and Security of the Assembly of Serbia.

In this round of dialogues, despite the invitations that it had sent several times, the GSA did not manage to hold a meeting with the Ministry of Education and Mayor of Belgrade.

Cooperation and communication with the Ministry for Human and Minority Rights was continuous throughout the 2010, whereas cooperation with the Ministry of the Interior was the most prominent during preparation and holding the Pride Parade.

"What we need is systemic and long term solution of the status of LGBT people in Serbia", was the conclusion from the meetings held by the GSA with representatives of the Ministry of Youth and Sports and Ministry of Health on May 5, 2010. **Deputy Minister of Youth and Sports, Snežana Klačnja**, condemned every type of violence and discrimination, emphasizing that this ministry is recognizing LGBT population as especially vulnerable to such phenomena. It is also said that the National Strategy for Youth was created on the principle of respecting human rights and that it represents a good basis, the implementation of which provides opportunity

for cooperation in resolving top priority problems of LGBT population, and these are exactly violence and discrimination, as well as freedom to assemble.”⁶³

“**Director of the Office for European Integrations, Milica Delević**, expressed her position that LGBT organisations should direct their activities toward monitoring of full implementation of relevant laws in this area, such as the Anti-Discrimination Law and Labor Law. Additionally, she said that it is very important to monitor the activities of state authorities that were taken in order to remove the objections that the European Commission stated in the Annual Report on the Progress of Serbia, primarily in the area of attitude toward minority groups, which would represent a control of the rule of law in Serbia, i.e. solution to the political issue of the right to respect differences, which is guaranteed by the Constitution”.⁶⁴

“Representatives of GSA talked with the **state secretary of the Ministry of Justice, Slobodan Homen**, about the need to institutionalize hate crime within the criminal code, as well as the need for continuous monitoring of judicial processes that are related to violence and discrimination of LGBT people and continuous dialogue between the Ministry of Justice and LGBT organisations, in order to reduce the level of possible obstruction of such cases. Slobodan Homen agreed that changes in legislation are necessary in order to ensure full rights of LGBT people in Serbia, but primarily good enforcement and implementation of the existing laws, such as the Anti-Discrimination Law”.⁶⁵

“The central topic of discussions with **Minister Rasim Ljajić** was discrimination at workplace on the basis of sexual orientation and approaches that could be taken in solving this problem. The common conclusion is that the exercising of right of LGBT population in Serbia should be approached strategically and continuously work on the reduction of homophobia, violence and discrimination, with emphasis on preventive action.

Minister Ljajić also said that the state should ensure all conditions for the holding of Pride Parade, so that LGBT population could exercise their right to assembly, which is guaranteed by the Constitution”.⁶⁶

“**Deputy Ombudsman Dr Zorica Mršević**, in a dialogue with the GSA, emphasised that the Ombudsman of the Republic of Serbia will support the organisation and holding of Pride Parade, which represents exercise of the right to public assembly, which is guaranteed by the Constitution and ratified international documents”.⁶⁷

“On June 30, 2010, **President of Serbia Boris Tadić** received a delegation of gay and lesbian organisations from Serbia and supported organisation of Pride Parade in Belgrade.

63 http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=2315:sastanak-gsa-mos-mz&catid=36:aktivnosti&Itemid=60

64 http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=2380:sastanak-gsa-kei&catid=36:aktivnosti&Itemid=60

65 http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=2393:sastanak-gsa-homen&catid=36:aktivnosti&Itemid=60

66 http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=2417:sastanak-gsa-ljajic&catid=36:aktivnosti&Itemid=60

67 http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=2446:vesti&catid=36:aktivnosti&Itemid=60

It was mutually concluded that the organisation of Pride Parade will represent a civilization step forward and show that Serbia is becoming a society that is safe for all its citizens, regardless of their differences and sexual orientation.

Another topic discussed at the meeting was the position of LGBT people, whereby the activists informed President Tadić on daily threats they receive daily and on difficulties they have in their daily lives.

The delegation was comprised of Gay Lesbian Info Centre, Queeria Centre and Gay-Straight Alliance”⁶⁸

68 http://www.gsa.org.rs/cms-run/index.php?option=com_content&view=article&id=2484:vesti&catid=36:aktivnosti&Itemid=60



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