

2014-10-16

## Fråga-svar

### HBtQ i Serbien

#### Fråga

- Hur är myndigheternas attityd generellt gentemot HBtQ-personer?
- Hur ser den sociala situationen ut för homosexuella män i Serbien nu? Är de socialt accepterade?

#### Svar

##### Myndigheterna och HBtQ

Migrationsverket (2014):

I september 2013 ställdes en prideparad in för tredje året i följd sedan polisen förbjudit arrangemanget av säkerhetsskäl. Med anledning av agerandet identifierar EU-kommissionen avsaknad av politiskt stöd för skydd av hbt-personers rättigheter och implementering av konstitutionella rättigheter, men även myndigheternas bristande kapacitet att hantera hot från radikala grupper.

Enligt Belgrade Centre for Security Policy et al anmäler hbt-personer ofta inte våld som de utsatts för. Det finns enligt organisationerna många anledningar till att sådant våld inte anmäls till polis och bland dessa återfinns misstroende för och rädsla för polisen. Samtidigt finns rapporter om att polisens attityd gentemot hbt-rörelsen har förändrats till det bättre och att polisen skyddar platser där hbt-personer möts.

Även amerikanska utrikesdepartementet redogör för att våld mot och diskriminering av hbt-personer är ett allvarligt problem och att få attacker rapporteras offentligt av rädsla för ytterligare trakasserier bland offren. Vidare hänvisas till hbt-aktivister enligt vilka hbt-personer inte anmäler många våldsamma attacker eftersom offren inte tror att deras fall kommer att hanteras korrekt och för att undvika att falla offer för ytterligare övergrepp från polis eller

allmänhet. Aktivisterna anser även att avsaknaden av korrekta reaktioner på våldsbrott mot hbt-rörelsen uppmuntrar förövare att fortsätta genom dödshot och attacker.

EU-kommissionen beskriver bland annat hur hanteringen av diskrimineringsfall mot hbt-personer har blivit mer aktiv och ser detta som ett resultat av bland annat polisutbildning.

Belgrade Center for Human Rights redogör för att polisen inte har reagerat adekvat på anmälningar om hot mot hbt-aktivister, utan vägrat vidta några åtgärder "tills något händer". Samtidigt konstateras att polisens attityd gentemot hbt-personer förbättrades under 2012 och att polisen börjat skydda platser där hbt-rörelsen demonstrerar, även om polisens behandling av hbt-personer varierar i landet. Vidare ges exempel på fall av våldsbrott mot hbt-personer där polisen agerat effektivt. Även Amnesty rapporterar om ett enskilt fall där den serbiska polisen agerat. (s. 14-15)

#### Human Rights Watch (2014):

Despite landmark court decisions and a strengthened legal framework for the protection of lesbian, gay, bisexual, and transgender (LGBT) rights, members of the LGBT community continue to face intolerance and harassment. A local human rights group reported at least 30 threats per month on social media against members of the LGBT community involved in organizing the 2013 Pride Parade. In September, Serbia's National Security Council banned the Pride Parade for the third consecutive year again citing security concerns. The Constitutional Court in May held that the ban on the 2011 Pride Parade violated the right to freedom of assembly and awarded damages to the Pride Parade Belgrade association. The Appellate Court in Novi Sad, northern Serbia, set a legal precedent in January when it fined a man for discriminating against a colleague on grounds of sexual orientation by calling him a derogatory term.

The criminal code was amended in December 2012 to prohibit hate speech on grounds of sexual orientation and gender identity, and to include hate motivation, including against LGBT people, as an aggravated circumstance in sentencing. The government adopted a national strategy for prevention and protection against discrimination in June. (s. 2)

#### US Department of State (2014):

Same-sex couples were deprived of any form of legal recognition and had no rights as a family even if they cohabited. Same-sex couples were not allowed to adopt children jointly because the law did not recognize any parental or custodial rights and obligations for a same-sex partner's child. (s. 29)

#### Gay Straight Alliance (GSA) (2012):

According to a study by the Public Policy Research Centre called “Vulnerable Groups and Security Sector Reform (SSR) in Serbia: LGBT Case Study”<sup>13</sup> presented in December 2011, LGBT people still have little confidence in the work of security institutions and are unwilling to report cases of violence and discrimination to the relevant institutions. However, GSA noticed a somewhat different trend during 2011 regarding the cases that were reported to this organisation. A higher number of victims of violence and discrimination than was the tendency in previous years reported their cases to the police, often at their own initiative, i.e. after the incident they would first address themselves to the police, and they showed a greater readiness to fight for their rights through institutions. It is too soon to tell whether this trend will turn out to be the rule, but it is certainly a strong basis for furthering the cooperation of LGBT organisations with the police and the judiciary, as well as strengthening the confidence of the LGBT population in the work of judicial institutions. (s. 15)

#### EU Council of Europe, EU Commissioner for Human Rights (2011):

The 2009 Anti-discrimination Law, the Criminal Code, the Labour Law, the Law on Public Information and several other pieces of legislation provide for protection against discrimination on grounds of sexual orientation.

The Commissioner has noted with satisfaction that in 2010 and 2011 there has been increased understanding of the work and activities of LGBT organisations by Serbian politicians. This was particularly evident before and during the 2010 Belgrade Pride Parade when eminent persons and politicians supported the organisers, not least by joining the participants during the Parade.

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Notwithstanding the progress made in the fight against discrimination, homophobia remains a serious problem in Serbian society. According to the Equality Commissioner, discrimination on the ground of sexual orientation is widely present as a result of prejudices against LGBT persons in the public. LGBT persons and many of those who speak up for the human rights of LGBT persons are still victimised. The majority of LGBT persons are still hesitant to use available legal remedies. Bullying of LGBT persons in schools has also been noted. Additional measures are therefore needed to fight violence and discrimination against LGBT persons, including vigorous implementation by courts of the criminal provisions concerning hate crimes. (s. 19-20)

## **Social acceptans**

BBC News (2014):

Serbia's first Gay Pride march for four years has been held in the capital Belgrade, amid huge security, including special forces and armoured vehicles.

Waving rainbow flags, hundreds took the short march through empty streets.

Authorities had cancelled the event every year since marchers were attacked in 2010 - nine years after Gay Pride was first held in Belgrade.

Serbia is keen to show increasing tolerance as it seeks to join the EU, the BBC's Guy De Launey says.

Keeping Brussels happy is undoubtedly the motivation for allowing the Gay Pride march to go ahead, our correspondent in Belgrade says.

Prime Minister Aleksandar Vucic had announced he would not attend the event due to prior engagements - but also made it clear he would not have gone even if he had been free.

Our correspondent says that reflects widespread feelings in Serbia. The patriarch of the influential Orthodox Church has condemned the event.

Two-thirds of respondents to a survey four years ago said they viewed homosexuality as a disease.

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On Saturday evening, anti-gay rights campaigners demonstrated in the capital in anticipation of the Gay Pride march on Sunday.

But the influence of the far right has declined in recent years, our correspondent says, and several government ministers have spoken in favour of the march.

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The march in 2010 was the only gay pride parade to go ahead in the Serbian capital since 2001.

US Department of State (2014):

Although the broadcasting law prohibits discrimination on the grounds of sexual orientation, some media carried slurs against LGBT individuals. Negative images and prejudices about LGBT persons were common in the media. The tabloid press continued to publish articles with hate speech directed against the LGBT population and interviews with representatives of homophobic right-wing groups. (s. 29)

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (2014):

Media outlets reported several occurrences of physical attacks (including stonethrows and beatings) on people perceived to be LGBTI in Belgrade, Novi Sad, and Kuršumlja. (s. 149)

Labris (2013):

In Serbia, despite of the legal framework that guarantees respect for human rights and anti-discrimination, there is a high level of homophobia and time is needed for the citizens' perception to change.

Public opinion survey called "Citizens' attitudes towards discrimination in Serbia," conducted by the Office of the Commissioner for Protection of Equality and CESID during November 2012, was intended to provide continuous monitoring of the attitudes of citizens about the existence of discrimination and the degree of (in)tolerance and widespread prejudice, as well as the level of social and ethnic distance among certain social groups. The study included a random representative sample of 1196 people aged over 15 in the Republic of Serbia. 30% of the respondents would object to having LGBT neighbors, 32,5% do not want LGBT people as colleagues, 40,6% would object against an LGBT boss, 48,4 % do not want a statesman to be LGBT, 46,2% do not want LGBT person as a friend, 58,8% do not want an LGBT person to be a teacher, and 79,5% do not want LGBT people in their family. The growth of intolerance is also noticeable, since in 2009 the percentage of those who were against having an LGBT person as a family member was 69%, while in 2012 this percentage increased to 80%. Commenting on the survey conducted by the Office of the Commissioner for Protection of Equality, former Director of the Office for Human and Minority Rights, Dušan Ignjatović, said that the LGBT population is characterized by the level of their acceptance, i.e. lack of acceptance in their families.

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The study entitled "Attitudes toward people of different sexual orientation," which was done in April 2012 by Labris and Ipsos Strategic Marketing confirmed that "public attitudes are softer" when they are given a justification why it would be necessary to adopt a Law on registered same-sex partnerships. The study included 1067 respondents older than 18 in 67 Serbian municipalities.

In the entire sample, only 29% believe that people with different sexual orientation are discriminated against in Serbia, but there is visibly high presence of intolerance against people of different sexual orientation, despite the notion that this group of people in Serbia is not discriminated against, because 48% of the respondents would not like an LGBT person as a close friend, 40% are against having an LGBT boss at work, and 35% do not want an LGBT person in their neighborhood.

As expected, the highest support was given to the right of having social security and inheritance of property - the right to social security was supported by 62%, the right to inherit property by 60%, the right to pension by 53%, the right to marriage by 22%, the right to a registered partnership, but not marriage by 45%, and the smallest percentage was in support of the right to adopt children, by 9%.

Close to half of the population would change their attitude towards their favorite celebrities, if they found out that the celebrity is of a same sex sexual orientation - one in five would stop to watch, listen, or cheer for that person, while only 4% would have even more respect for the courage to be honest about sexual orientation.

An interesting fact is that 92% of people older than 60 said they did not know any LGBT person in any field, from any country and from any era, which creates a fertile ground for stereotypes, prejudice and hatred. 34% of respondents believe that LGBT people are not sick but are certainly harmful to society and that the state should deal with them, while 26% believe that the government should protect the rights of sexual minorities, as well as any other minority.

The annual report of the Belgrade Centre for Human Rights on the situation of human rights in Serbia shows that 80% of high school students support discrimination of LGBT people, while 38% of boys aged 14 to 19 years justified violence against LGBT people.

The research that included 800 high school students done in July 2012 and presented by YUCOM - Lawyers' Committee for Human Rights, confirmed worrisome results among high school students. Only 16% out of 800 students who participated in the study think that LGBT population should have the same rights as other citizens, which means that almost 80% approve of some kind of discrimination against LGBT people. By far the most tolerant region is Vojvodina as there were 30% of students who said: "equal rights for all."

The study showed that among high school students in Serbia the least desirable friends are members of LGBT population, Albanians and Muslims, while nine percent of respondents said they do not get along with the Croats and Roma people. There were 30% of students who "socialize with everyone", which means that 70% do not explicitly want to hang out with at least one minority group, and it seems that girls are more tolerant than the boys. The respondents think that the Roma people are by far the most exposed to any kind of discrimination, second and third place, depending on the school, are LGBT people and people with disabilities. (s. 37-38)

Global Post (2011):

The man, who asked that we identify him only by his initials, I.J., to protect his identity out of fear for his life, has often experienced the brutality of a hyper-macho, homophobic mentality that LGBT advocates say is pervasive in Serbia. Activists say it is a fiercely homophobic culture that begins with the anti-gay teachings of the Serbian Orthodox Church, further legitimized by major political figures and enforced by a violent street culture of nationalist thugs and soccer hooligans.

After enduring repeated discrimination and abuse from an early age and fleeing to the city of Novi Sad for a better life, I.J. was approached on October 31 by two large men in tracksuits and beaten in the head near his home. He was left unconscious in the street for two hours. No one stopped to help and when he finally awoke, the

city's emergency services refused to send an ambulance to pick him up.

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Though more than half of Serbians say they oppose violence against homosexuals, more than two thirds believe homosexuality is a disease. LGBT Serbians and their allies report that the country's society is rabidly intolerant of sexual minorities, often equating gays and lesbians with the inhabitants of the doomed Biblical cities of Sodom and Gomorrah, painting homosexuality as a Western import bent on destroying the Serbian nation and its Christian religion. Serbian authorities cancelled this year's gay pride march in Belgrade, scheduled for October 2, citing concerns about violence. Nationalist extremists and soccer hooligans rioted during last year's bitterly contended event, the first since 2001, injuring dozens. Orthodox priests and nuns surrounded the participants, clutching crosses and burning incense as hundreds booed and jeered. Ultimately, thousands of rioters used the march as a jumping-off point for a spree of looting and violence.

Although the Orthodox Church officially condemns any violence committed against gays, it also awarded Interior Minister Ivica Dacic an honorary "White Angel" medal five days after he announced the ban on this year's pride parade. Serbian religious and political leaders regularly support each other's homophobic statements and actions, fueling an aggressive brand religious nationalism in a country still dealing with the bloody legacy of war and genocide — and still looking for a scapegoat.

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## Källförteckning

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