

CASE
STUDY
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LGBTI Equal Rights Association

2019 ERA – LGBTI Equal Rights Association for the Western Balkans and Turkey
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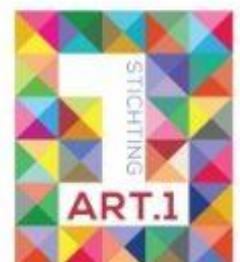
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1. Background

This case study was prepared in the framework of the project “Youth Artists for Change” funded by the Dutch Ministry of Foreign Affairs through the Creative Twinning scheme. The main goal of the project is to utilize film, theatre, podcast and storytelling activities as powerful awareness raising and advocacy tools with primary focus on young people (14-24 years old). The project takes place in four countries of the Western Balkans: Albania, Kosovo, North Macedonia and Serbia through the alliance of seventeen organisations working with arts, culture, gender equality and LGBTI+ rights. We are very happy to point out that many ERA members from all these countries are involved in the project and are cooperating with Stichting Art 1. This alliance connects young people of different cultural backgrounds through activities such as launch of LGBTI+ film festivals, photo exhibitions, debates and multiplier events to disseminate the results of the project.

2. Overall Objective and Case Study Questions

The overall purpose of the case study paper is to understand the rights of LGBTI persons situation in Serbia as of 2018 and the main developments during 2018, by making an overview of the political, legal and social context as well as the cultural and arts scene currently existing in the country. The study will have final recommendations and conclusions and will serve as a mechanism to monitor and evaluate the outcomes of the project [“Youth Activists for Change”](#) to be implemented in Serbia in 2019-2020.

3. Methodology

The methodology for this case study included the following:

- Desk Research and literature review
- Interviews with Serbian LGBTI activists

4. Executive Summary of rights of LGBTI persons in Serbia

The situation in Serbia did not change much in recent years, with implementation of existing legal frameworks and legal gaps as a key issue. Political will to support lesbian, gay, bisexual, trans and intersex (LGBTI) human rights is still on a declarative level and often used as a “pink-washing” tool. [Ana Brnabić](#), the first woman and lesbian serving as a Prime minister of Serbia, still does not adequately include LGBTI issues on the agenda of the [Government of Serbia](#) and does not see it as a key concern in Serbia. In addition, there has been no progress around the adoption of laws on registered partnership for same-sex couples or on legal gender recognition. Furthermore, implementation of the [Action Plan for the National Anti-Discrimination Strategy for the period 2013 - 2018](#) was at a very low level, with activities being severely behind schedule. Levels of hate crime continue to be high. Progress in education has improved, as 6 out of 8 textbooks with discriminatory content have been changed. There is still high concern about bullying based on sexual orientation and/or gender identity and expression in high schools. Intersex persons remain invisible in the society and without any institutional and legal support. There are some significant annual events and spaces, but queer arts and cultural scene is almost entirely concentrated in two largest cities of Serbia - Belgrade and Novi Sad. There are no comprehensive and sustainable state policies and financial support related to LGBTI culture¹. However, changes in social and cultural life of

LGBTI communities are happening, and at a much faster pace in comparison to the institutional and governmental progress, with grass roots developments giving the community and Serbian society a new face. More importantly, these cultural and social events are a tool to empower the LGBTI community, free them from fear and isolation and ultimately, they could contribute to an increased pressure towards government and society to accept LGBTI persons.

5. The legal and social situations of LGBTI in Serbia

Even though the legal framework in Serbia for the respect of fundamental rights of LGBTI people is mostly in place, the level of implementation of this framework is very problematic and slow. There are still significant legal gaps, such as inexistence of any legal form of same-sex partnership, no adequate legal gender recognition and no mention of intersex persons, to name a few. Reports dealing with the position of LGBTI people, such as [“Being LGBTI in Serbia”](#) by the United Nations Development Program in Serbia, all indicate that the LGBTI population is one of the most discriminated groups in Serbia, along with Roma peopleⁱⁱ. In addition, trans individuals, LBT women, LGBTI youth, LGBTI people with disabilities, LGBTI Roma, LGBTI persons living in rural areas and LGBTI people living with HIV are particularly stigmatized and exposed to multiple discrimination. Intersex people are practically invisible within the society and within the legal and policy framework of the country. There is no comprehensive data on the position of LGBTI elderly.

▪ Protection from discrimination

LGBTI people still face high levels of discrimination and are one of the most discriminated against groups in Serbia. Serbia has fifteen laws that contain anti-discrimination provisions. In 2009, a comprehensive Law on Prohibition from Discriminationⁱⁱⁱ was adopted, which specifically bans discrimination based on sexual orientation and gender identity. This law also led to the establishment of an independent national human rights institution focusing on anti-discrimination – [the Commissioner for the Protection of Equality](#), that has a mandate to, *inter alia*, provide opinions and recommendations based on individual complaints and to launch strategic litigation cases *ex officio*. However, the anti-discrimination legislative and normative framework has not been used adequately. The lack of free legal aid prevents many LGBTI people from seeking justice^{iv}, as Serbia is still waiting for the introduction of Law on free legal aid into its legal system. As a result, Serbia has poorly developed case-law related to protection from discrimination based on sexual orientation and gender identity and expression (hereinafter: SOGIE). Sex characteristics are not enlisted as protective ground and multiple discrimination is not covered within the law. The Commissioner for the protection of equality has done very little in 2018 to publicly stand for the human rights of LGBTI people. As such, LGBTI people are reluctant to submit complaints to this institution, or the [Protector of Citizens](#) (Ombudsman), preferring to instead report cases only to CSOs^v. Serbia had a [Strategy for Prevention and Protection from Discrimination \(2013-2018\)](#) and relevant [Action Plan](#) for its implementation, adopted by the Government of Serbia in October 2014. Some of the most important measures were to take concrete steps in tackling cases of discrimination against LGBTI individuals and to draft laws on gender identity and same-sex partnership. However, no actions for the implementation were taken by the State. Process of the preparation of the new strategy should include LGBTI CSOs as well. During 2018, [the Public Health Strategy in the Republic of Serbia \(2018-2026\)](#) and the [Strategy for the Prevention and Control of HIV Infection and AIDS \(2018-2025\)](#), with the accompanying Action plan, were adopted. For the first time the strategy recognises trans people as a target group.

MSM (men having sex with men) and trans women living with HIV/AIDS face multiple discrimination in Serbian society^{vi}. LGBTI youth still face high levels of stigma and discrimination by their family members, school peers, teachers and school administration. Sex education and civic education does not cover LGBTI topics in a non-discriminatory way. The majority of local government youth offices lack financial and professional capacities to work with LGBTI youth and youth living with HIV/AIDS^{vii}. Action Plan following Chapter 23 of EU Accession process is also of relevance, but concrete results related to rights of LGBTI people are still to be expected^{viii}. High levels of discrimination occur in everyday life of LGBTI people, especially in education, employment, healthcare, within state institutions, but also within their families, in media and on the internet.

- **Access to Justice, Protection from Violence and Hate Crime**

Cases of violence in Serbia are not being reported regularly and adequately, due to fear of further stigmatisation, secondary victimisation and discrimination by public authorities, as well as due to lack of information of available mechanisms for protection. LGBTI people lack confidence in addressing these institutions because they are afraid to come out or because of their earlier experiences with the institutions not reacting at all or reacting inadequately when they did address them. When reported to the authorities, to the police as the first instance, incidents of homo/transphobia occur quite often, if the incident is being reported individually without representatives of CSOs being present. When and if the case reaches judiciary, the processes are very slow and guarantee little or no support to the victims. Case-law on protection from violence is poorly developed. Only one case received final verdict as hate crime based on sexual orientation^{ix}, even though Criminal code of Serbia^x recognises crimes committed on the grounds of SOGI as aggravating circumstance since 1 January 2013. Sex characteristics are not enlisted as protective ground in any law. The United Nations Human Rights Committee has highlighted a very high number of acts of violence against the LGBT community in its concluding observations on Serbia^{xi}. There is no systematic data gathering of hate crimes by the State, which creates serious problems and gaps in documenting and reporting of hate crime incidents. Moreover, hate crimes against LGBTI persons are usually not investigated sufficiently, not labelled and not sanctioned as cases of hate crime. There has only been one conviction of a perpetrator for hate crime against LGBTI person in six years after the introduction of Article 54a, even though the LGBTI CSO [“Da Se Zna!”](#) had registered 34 instances of disturbances and hate crimes against LGBTI people between November 2017 and October 2018 solely^{xii}. In conclusion, LGBTI individuals in Serbia are still very vulnerable to violence, harassment and hate crimes, have lack of support from public authorities and mostly rely on LGBTI CSOs and their resources.

- **Protection from Hate Speech**

Although prohibited by law, hate speech remains widely spread in the media, on the Internet and in graffiti, particularly in the run up to the Pride Parades^{xiii}. One of the main problems in Serbia related to hate speech based on sexual orientation, gender identity and expression and sex characteristics (hereinafter: SOGIESC) is that it is not adequately sanctioned, even in

cases when high state officials promote such acts. The presentation of the [picture book](#) in Belgrade by association [Rainbow Families](#) from Croatia (which prepared the book) in cooperation with local organization [Geten](#) in April 2018, caught the attention of Mr. Nenad Popović, [minister for innovations and technological development in the Government of Serbia](#), who called on social networks for the “urgent stop of import of gay picture books, while the Government is trying every possible way to encourage higher birth rates.” He also stressed that one “should stand up” for those “who want to convince us that having same-sex parents is fine”. Local organizations, like Da Se Zna! and Geten-LGBT, responded to Popović’s statement, arguing that such statement is unreasonable from a Government which has already adopted a Strategy for Prevention and Protection against Discrimination. The organizations questioned the Government’s “deep commitment to the issue of human and minority rights” and argued that such statements violate a number of laws, including the Constitution, and that they lead to further stigma, discrimination and marginalization of LGBTI people in Serbia. Even though Commissioner for the protection of equality established discrimination in this case and recommended to the Minister to apologize to the LGBTI communities, he publicly refused to do so and faced no additional sanctions taken by the Commissioner itself or the Government of Serbia. Without adequate response to this case, the situation escalated when one of the most successful rock musicians in Serbia and former Yugoslavia - Borisav Bora Đorđević, from the group “Riblja čorba”, was asked to comment on the topic of the abovementioned picture book in a TV show. He made a series of discriminatory statements and openly called to shoot those involved with the picture book, which Commissioner for the protection of equality found to be hate speech. He did not publicly apologize to LGBTI communities, as recommended by the Commissioner.

▪ **Access to Employment**

According to the current Labour Law^{xiv}, discrimination based on sexual orientation is forbidden. Gender identity and expression and sex characteristics are not enlisted as protective grounds. LGBTI individuals still face problems in the employment process and at the workplace, because of their SOGIESC. When their SOGIESC becomes known or is presumed, LGBTI individuals are exposed to harassment, intimidation and humiliation^{xv}. This happens throughout the entire labour market, including when applying for a job, within working environments and within promotion processes. In October 2018, UN Human Rights Team in Serbia in cooperation with ERA, its member organizations in Serbia, the Commissioner for the Protection of Equality in Serbia and UN Global Compact in Serbia launched the [Standards of Conduct for Business Tackling Discrimination against Lesbian, Gay, Bi, Trans and Intersex People](#). The Standards were the first to be launched in this part of Europe and to be translated into a local language. As the first of this kind to be introduced, they have been endorsed so far by three major companies operating in Serbia: [ERNST & Young](#), [ERSTE Bank](#) and [Hemofarm](#).

▪ **Access to Education**

LGBTI pupils face high levels of discrimination, harassment and bullying in schools in Serbia. Various studies have shown that educational materials (textbooks, curricula), as well as educational staff, are not gender sensitive, and promote and perpetuate traditional gender roles in all educational levels. Progress was achieved in relation to textbooks, as 6 out of 8 textbooks with discriminatory content have been changed^{xvi}. There is no comprehensive and mandatory sex education in schools. Discriminatory attitudes and tolerance towards peer-to-peer violence and bullying against LGBTI students are widespread in schools^{xvii}. Serbian anti-

discrimination legislation provides comprehensive protection for LGBTI people, including a Rulebook on miscellaneous criteria for recognizing the form of discrimination by employees, children, pupils or third parties within educational institution^{xviii}, which provides protection based on SOGI. However, evidence from the experiment presented in the report [“Discrimination against sexual minorities in education and housing: evidence from two field experiments in Serbia”](#) suggest that discrimination exists in enrolment to primary schools. Data presented in this report was collected via telephone interviews in January and February 2017. According to the survey results, 7th grade boys that were perceived to be gay/effeminate were three times as likely to be refused enrolment into a primary school (even though primary education is compulsory and refusal is prohibited by law). And even when those boys were accepted into a school, they met with twice as much hesitation and delay by school administrators in accepting their enrolment^{xix}. In their work with LGBTI youth, Group COME OUT encountered cases of refusal of enrolment of two trans persons, based solely on their gender identity. There is no comprehensive data available on the position of children of same-sex parents within the educational system.

- **Position of trans persons**

Trans people in Serbia are still subject to discrimination and violence, including physical violence, threats and bullying. Moreover, many trans people face rejection from their families and are forced to leave their homes^{xx}. The amendments on the Law on Registry Books^{xxi} and the Rulebook on sex change^{xxii} that were adopted in 2018 focused closely on legal gender recognition, but in such a way that trans persons are still required a year-long hormonal therapy and psychiatric evaluation as a pre-condition for changing documents^{xxiii}. Even though (forced) sterilization is not a mandatory part of the process anymore, trans persons are still not allowed to change their personal documents based solely on their self-determination and their identities are being pathologized. Having in mind the expected changes on trans related conditions within WHO’s ICD 11 and latest legal solutions in the field in Europe, the authorities missed the opportunity to adopt legal framework that will be in line with international human rights standards and best practices. Because of these conditions, many trans people cannot change their personal documents through a quick, transparent and accessible procedure. Many problems arise when their personal documents don’t match the outer appearance^{xxiv}, putting them in a situation of distressing uncertainty of their private life and the recognition of their identity. If married and with children, before changing personal documents, trans persons have to divorce, or it is done automatically, since same-sex partnership/marriage is not available in Serbia. Hence, parental rights are also at question.

- **Position of intersex persons**

Intersex persons are socially and legally invisible. There is no collected data about their number, experiences and quality of life. Available reports indicate widespread ignorance among representatives of institutions, including doctors and health workers, resulting in potential significant violations of human rights^{xxv}. There is a lack of medical experts, existing expertise and established protocols on intersex conditions and health. Media use the derogatory term *hermaphrodite*. There are no laws, bylaws and procedures in Serbia specifically regulating the position of intersex persons, including protection from hate crimes and discrimination.

- **Freedom of assembly, association and expression**

Freedom of assembly, association and expression is regulated and guaranteed by Serbian laws. Freedom of association and peaceful assembly are guaranteed by the general Law on public gathering^{xxvi} and the Constitution of Serbia. Several large-scale events, as well as smaller local level LGBTI events, took place in Serbia during 2018 with support of authorities, including [Pride parade “Ponos Srbije”](#) in June 2018 and Pride parade [“Belgrade Pride”](#) in September 2018. The latter also included Pride week with 65 events and [opening of Pride Info Centre](#) – a public space for the LGBTI community. There were no major incidents. In April 2018, the first [LGBTI Community Centre in Serbia was opened in Novi Sad](#), with the financial support under the programme of [European Youth Capital Novi Sad 2019](#), primarily targeting LGBTI youth and their families. Since its opening, it gathered significant number of young people and their family members, and had no incidents so far. The programme of the Community centre is focusing on providing social support to the LGBTI youth and their parents, along with the psychological support to those in need. First group of 10 parents have gone through a support group programme, after which they continued gathering in the Community centre and organizing their activities, as a non-formal group. In comparison to previous years, there were less number of law enforcement engaged in the protection of the events. However, strong presence of police is still required. This is paving the way for enjoyment of the full right to assembly for LGBTIQ people. In December 2018, LGBT+ Counseling Center was opened in the premises of the Institution of Culture [“Božidarac”](#), with the support of the local Belgrade municipality of [Vračar](#)^{xxvii}. This is a result of an advocacy programme of Da se zna!^{xxviii}. As a part of the manifestation OUR PRIDE, organized by Pannonian Human Rights Platform (to which COME OUT is a member), 5 LGBTI activities were organized in public spaces across Novi Sad in December 2018. One of them was the first ever public activity of LGBTI youth speaking about their personal experiences, discrimination and difficulties they are facing. In April 2019, LGBT CSO [Egal](#) opened a [drop-in center for LGBT persons](#) in Belgrade, aiming to provide all necessary support to LGBTI people. 13 – 17 May 2019, first [Novi Sad Pride Week](#) was organized, with 15 activities covering different topics. First [Novi Sad Pride Assembly](#) was held on the May 17, marking the IDAHOBIT.

6. Changing society and empowering the community through arts and culture

▪ Overview

LGBTI culture in Serbia is fragmented, underdeveloped, not adequately visible and supported. The society is still far from having diverse and comprehensive queer arts and culture, containing different and sustainable sets of its existence – from queer arts and cultural theories, exhibitions and public debates to more commercial programmes, such as different sets of bars and clubs (that often mix with arts). The latter seem to be more visible and show progress in development. In overall, entertainment spaces such as drag shows, DJ sets, music and clubbing events have multiplied. Many of the events and initiatives are directly connected to civil society and local LGBTI CSOs. While the situation is far from ideal, there is a significant change going on and this is all thanks to a growing LGBTI scene. Even though individual artists and independent initiatives face many obstacles, they are still strongly contributing to the changes related to overall visibility of LGBTI communities in the Serbian society. There is no systematic data available on LGBTI culture in Serbia, including historical data on LGBTI movement, LGBTI public figures or LGBTI cultural scene and arts. There are no museums in the country that have LGBTI specific contents and programmes, while LGBTI specific museum exhibitions and items are extremely rare. Local galleries show sporadic interest in queer arts and culture. This refers to both historical and contemporary exhibitions and items. LGBTI specific cinematography and television programme has improved in the recent years, but

there is still no content that is LGBTI exclusive, keeping the LGBTI topics in the spotlight. Representation of literary and other work with LGBTI thematic is still sporadic, but the overall improvement and visibility is showing. Despite all these challenges, the shrinking space and rare opportunities they are provided with, local LGBTI individuals and groups working closely with queer arts and culture have immensely contributed to the overall position and visibility of LGBTI people in the Serbian society through their personal dedication and efforts.

- **Legal and policy framework**

The current Law on culture^{xxix} guarantees, *inter alia*, freedom of expression in cultural and artistic creativity and openness and availability of cultural content; respecting the cultural and democratic values of local, regional, national, European and world traditions and cultural diversity and intercultural dialogue; integrating cultural development into the socio-economic and political long-term development of a democratic society; and democracy within cultural policies. It recognizes fostering cultural and artistic creativity of socially sensitive groups as one of the general interests. Law on Cinematography^{xxx} recognizes, *inter alia*, preserving the continuity, freedom and diversity of cinematographic creativity and protection of minority groups in cinematographic works as general interest. It is forbidden by this law to place on the market and publicly display a cinematographic work advocating for or encouraging discrimination, hatred or violence against a person or group of persons, including on the basis of their gender, their sexual orientation or some other personal grounds (the list is not exhaustive). Law on public information and media^{xxxi} recognizes supporting the production of media content for the purpose of protecting and developing human rights and democracy as one of the general interests. According to this law, Republic of Serbia is involved in co-financing projects in the field of public information in order to achieve general interests. Furthermore, incitement to discrimination, hatred or violence against a person or group of persons through ideas, opinions or information that are published in the media represents hate speech and is forbidden, including on the basis of sex, sexual orientation or other personal characteristic. However, the law also states that there is no hate speech without intention of inciting discrimination, hatred or violence against a person or a group of persons. Establishment of discriminatory behaviour or treatment is not qualified by someone's intention and in that sense, this law is not in line with human rights standards addressing discrimination. Law on public media services^{xxxii} stipulates implementation of internationally recognized norms and principles, and in particular respect for human rights and freedoms and democratic values, as one of the six main principles public media services in Serbia are based on. Respect and representation of basic human rights and freedoms, democratic values and institutions and the promotion of a culture of public dialogue, as well as meeting the needs in informing all parts of the society without discrimination, taking into account especially socially vulnerable groups, are recognized as general interests according to this law.

- **Current arts, cultural and social scene in Serbia**

Film and cultural festivals

LGBTI themed film and cultural festivals started growing during the past decade. Some of them were pioneering and had a strong impact in the entire Western Balkans region.

Merlinka Festival

The Merlinka festival is an annual LGBTI film festival in Belgrade. The festival was founded in 2009 by the [Gay Lesbian Info Centre](#) and the [Belgrade Youth Centre](#) and it is the leading, most important, prominent and diverse LGBTI festival not just in Serbia, but the entire Western

Balkans. It screens feature, documentary and short films from all over the world that deal with LGBTI topics and attracts the audience beyond borders of Serbia. The festival is of immense importance when it comes to raising the visibility of LGBTI related topics and the representation of LGBTI people. This festival is a major moving force to the overall queer cultural scene in Serbia. Its regional importance is also shown through festival editions in the neighbouring countries such as Bosnia and Herzegovina. 6 - 9 December 2018, the festival reached its jubilee, being held for the tenth time. During the four festival days, more than 100 movies from 35 countries were screened, including award-winning movies and performances from many European countries (with focus on German cinematography), Paraguay, Argentina, Peru, Brazil, Kenya, Israel, Iran, India, Burma, Taiwan, China and Australia.

Belgrade Pride Week

Since 2014, Belgrade hosts the annual Belgrade Pride. The pride is celebrated with a week of events ranging from film screenings to human rights conferences with the main attraction being the Pride march through the city streets. The pride is an important event to raise the visibility of LGBTI people among the population and to publicly fight for the improvement of rights of LGBTI persons. The pride also has a great impact on community building and bringing LGBTI people together. In 2018, it hosted many different events, workshops and exhibitions.

Falafel – festival of Jewish and Israeli LGBT+ movies

Falafel is an educational film festival which was organized by CSO [Haver Serbia](#) (with support from Cultural Educational Centre and Merlinka festival) for the first time in 2018, on the occasion of the International Day against Homo/Bi/Transphobia. The festival combines LGBTI, Israeli and Jewish community and culture. Program of the festival consists of the movie projections, panel discussion, photo exhibition and food tasting and actualizes various social issues, in the context of the fight against prejudice, discrimination, anti-Semitism, homophobia and xenophobia. Its second edition was successfully organised in May 2019.

Queer Film Day in Novi Sad

As a part of the Novi Sad Pride week, one day was designed as the Queer Film Day, where one short film and one documentary were screened. Movie “Voli me” shows the human relationships of two vulnerable and misunderstood groups, while movie “Silvana” is dealing with the human rights fight through rap music. “Silvana” won the first prize on the [International Queer and Migrant Festival in Amsterdam](#) in 2018.

Theatre Plays

Serbian theatre has had many plays dealing with LGBTI themes, and included both renowned theatres (such as National Theatre in Belgrade, Yugoslav Drama Theatre, Atelje 212 and Belgrade Drama Theatre) as well as independent theatres. Many of these are still parts of regular repertoires and these are the most recent ones:

I ostali

This play premiered on 29 January 2018 as a joint production of Ustanova kulture “Vuk” and Merlinka festival. The story behind the play is that every person is a minority at some point of their life. It deals with LGBTI topic as well and is being played at [Ustanova kulture “Vuk”](#).

Moj deda je aut

Premiered mid-2017, this [Belgrade Drama Theatre](#) play draw attention due to its theme of coming out of an elderly man in the context of the Serbian society and family values. Moj

deda je aut (“My grandfather is out”) is about a man who, following the death of his wife, wants to spend the remaining days of his life with another man and his family getting used to this fact. The play is part of the regular repertoire and was very much visited during 2018 and 2019.

Moja ti

This play, premiered mid-2017, was part of regular repertoire of famous Belgrade based theatre [Atelje 212](#) during 2017/18 and 2018/19 season. It deals with the problem of age, ideological, sexual and gender discrimination. The protagonists are old women, some of them partisan, communists, lesbians, mothers, certainly women who, during the time of liberal capitalism, were forced to fight with the most diverse male cultural gender norms and examples of ideological degradation of the values for which these women fought their entire life.

Exhibitions

LGBTI-themed exhibitions are growing, but queer artists still have no adequate financial and structural support, as well as LGBTI-specific public space that could be used for their exhibitions.

Queer Salon

Queer Salon is an annual cultural event held during Belgrade Pride Week. [The 2018 edition](#) focused on photography, bringing together three artists whose work is (fully or partially) focused on LGBTI and queer subculture: Aleksandar Crnogorac, Igor Mađinca i Aleks Bartol.

Trans Balkan Exhibition

Photographer Aleksandar Crnogorac portraits trans people from Serbia and the region in his photo series “TransBalkan”. With his exhibition, he raises the visibility of trans people of Serbia and the Western Balkans region. Next to every portrait is a biography about each individual with a personal quote, which gives an insight into the struggles trans people have to overcome and the discrimination and stigmatization they have to face every day. Aleksandar’s photo series was exhibited during Queer Salon 2018, in Youth Centre of Belgrade in February 2019 and during the Novi Sad Pride Week in May 2019. The exhibition is currently being presented across the entire Balkans.

We Exist

As a starting point of Belgrade Pride Week 2018, an exhibition by famous photographer Sever Zolak was held at Prajd Info Centre. The exhibition portrayed persons from different marginalized groups, including LGBTI+ persons, persons with disabilities, Roma, elderly, women and children.

Literature

LGBTI-themed literature has developed in the past years and includes authors of different generations. Many of them are young authors whose tendencies are to break societal silence related to LGBTI persons in Serbia, including by using literature as a form of human rights activism.

Papirne Disko Kugle

Published at the [very end of 2017](#), LGBT-themed novel named “Papirne disko kugle” (“Paper disco balls”), focusing on women football players of former Yugoslavia by writer and activist Dragoslava Barzut, was promoted across Serbia during 2018, including in [Belgrade](#), [Novi Sad](#),

[Pančevo](#) and Niš. The novel was nominated for two literature awards – Biljana Jovanović Award and Žensko Pero.

[Život pod ružičastim trouglom](#)

“Život pod ružičastim trouglom” („Life under the pink triangle“) is an LGBTI-themed novel by Marko Mihajlović [published in early 2018](#). The novel focuses on the life of Darel, who died during the Second World War in a concentration camp in Germany wearing a pink triangle (which was used by the Nazis to mark gay men).

[Lice današnjice](#)

A book named “Lice današnjice – (auto)biografija kolektivne (ne)svesti“ („The face of today – (auto)biography of collective (un)consciousness“) by Stefan Mihajlovski was published [mid-2018](#) and was promoted in several towns across Serbia. It focuses on problems caused by violence and depression, including violence and depression experienced by LGBTI persons. It is also followed by a [short movie](#) under the same title.

Magazines and internet portals

LGBTI-themed magazines and online portals were the first forms of public addressing of the current situation on rights of LGBTI persons in Serbia.

[Optimist](#)

Optimist is a LGBTI-themed monthly magazine. It informs on current LGBTI related topics, such as events, happenings, trends, music, movies and lifestyle. It also has interviews with LGBTI people from the country and the region, making the voice of LGBTI communities stronger, clearer and more sound. The Optimist magazine has a strong informational value, raises the visibility of LGBTI topics among the LGBTI communities and represents a unique example of a LGBTI-themed press edition in the entire Western Balkans.

[Ponos](#)

Ponos (English: “Pride“) is official magazine of Belgrade Pride. It reflects upon the current situation on rights of LGBTI persons in Serbia, but as well features interviews with artists, politicians and public figures. On the occasion of Belgrade Pride in 2018, Serbian Prime Minister Ana Brnabić gave interview for Ponos magazine.

[Gayecho](#)

Gayecho is an online information portal that informs on LGBTI-related topics and developments in the country and in the world. The website has an informational value and raises the visibility of LGBTI topics among the community.

[Gay Serbia](#)

Gay Serbia is a website, that informs on LGBTI-related events, culture, arts, sports, queer history and news in Serbia and the world. The website has an informational value and raises the visibility of LGBTI topics among the community. It also has a section for chatting and a forum to discuss and exchange certain topics.

TV Shows

Television in Serbia was mostly silent towards LGBTI themes, rarely included LGBTI characters in TV series and movies and had only occasionally spoken about issues LGBTI citizens of Serbia face. Many TV shows had a high level of tolerance towards hate speech against LGBTI people.

[Jutro će promeniti sve](#)

“Jutro će promeniti sve” (“Morning will change everything”) is a TV series which was premiered on the national public broadcaster [Radio Television of Serbia](#) in 2018 and is considered to be one of the most successful TV series in Serbia of the past decade. [Within 40 episodes](#), it focuses on life of four persons in their early thirties, living in Belgrade. The story also covers LGBTI topics through one of the main characters, who is questioning their sexual orientation. The team behind the show [won “Duga” \(“Rainbow”\) in 2019](#), the annual award given by CSO [Gay-Straight Alliance](#) to those who contributed the fight against homophobia and transphobia and the improvement of rights of LGBTI persons in Serbia.

[Život priča: Nije Kriv](#)

In May 2018, a very popular [Prva TV](#) talk show named [„Život priča“](#) by the author Tatjana Vojtehovski, which focuses on different life stories of people in Serbia, hosted a young LGBTI person named Stefan, who talked about his difficult life experience growing up as LGBTI in a small town in southern Serbia.

[Reality Show “Zadruga”](#)

Despite receiving many negative remarks from the general public, this reality show programme on [TV Pink](#) included a lesbian and a bisexual woman as participants in its 2018 and 2019 editions, which raised the level of visibility of LGBTI topics among the audience following this type of programme. The two women participated in different shows on TV Pink, where they were also addressing the issues LGBTI persons in Serbia face.

Queer events and spaces as forms of community empowerment

Bars and clubs for LGBTI people are important to create safe spaces for LGBTI people to get to know each other and have a good time without fearing harassment. Bars and clubs can bring LGBTI people together and strengthen and empower the community. Sharing joy and celebrating LGBTI artists and culture, that are usually ridiculed from society, can be very empowering. Unfortunately, the biggest number of LGBTI, or LGBTI “friendly” bars and clubs are situated in Belgrade, while other cities across Serbia are lacking this form of community empowerment.

Bars

[XL Bar, Belgrade](#)

XL Bar is one of the most famous LGBT venues in Serbia and the main hangout for LGBT persons and their friends. It is centrally located in Belgrade, close to the main square and pedestrian zone.

[Smiley Bar, Belgrade](#)

This is a small, yet very popular LGBT cafe bar in Belgrade. It is well known among the community. It is located at the very heart of the city, in between two main squares and next to the main pedestrian zone of Belgrade.

[Mistik, Belgrade](#)

Mistik is LGBT and straight friendly café bar and night bar in central Belgrade, open to the public throughout the entire week. It hosts parties over the weekend.

[Kafe Šupa, Belgrade](#)

Kafe Šupa is a LGB friendly café that also hosts both cultural events (book promotions, poetry nights, mini-concerts, smaller exhibitions) and parties. It is located in the central zone of Belgrade.

[Café-bookstore Nublu](#)

This is the only LGBTI bar-club in Novi Sad. It gathers significant number of LGBTI community and promotes the LGBTI music artists. Nublu is the only LGBTI space out of four that remained open in the last several years. It hosts cultural events, exhibitions, book promotions, screenings, parties, etc.

Clubs & Parties

[Clubs Musk & Musk Machine, Belgrade](#)

Musk is a compact but popular gay bar & dance club in central Belgrade. Musk machine is a bigger gay club, located in the central zone of Belgrade. Both host regular parties which are very popular among gay and bi men.

[Infinity Nightclub](#)

Infinity is a nightclub based in central Belgrade, on the same address where Pleasure club used to be. It gathers LGBT community and organizes different kinds of LGBT-themed parties.

[Mercury, Belgrade](#)

Mercury is a club in central Belgrade, which organizes different kinds of LGBTI themed parties and events.

[WB Community](#)

WB Community is a party brand that exists for 8 years and organizes LGBTI parties in Belgrade known as Queer Traffic Lights parties.

[Rainbow Party Belgrade](#)

Rainbow party hosts monthly parties for LGBT people in Belgrade. Rainbow is open for the whole LGBT+ spectrum and 'stright-friendly' persons.

[Belgrade Bears](#)

Belgrade Bears has been organising regular party nights and special events in Serbia for almost 10 years. Bears & men-only party nights are usually held twice a month at Club Three Dots.

[Kulturni Centar Grad, Belgrade](#)

Even though the Kulturni Centar Grad is not solely a LGBTI space, it hosts many LGBTI related events, like drag shows, meetings of a trans support group or public screenings of Ru Paul's Drag Race.

The Tronic Lab

The Tronic Lab (Laboratory of Heavy Electronics) is a Belgrade based collective of independent artists working in queer visual movement, whose gatherings evolved into series of recognized witch house and indie parties, celebrating indie (independent) art through clubbing.

[Haus of KayGie](#)

Haus of KayGie is a creative event planning platform that supports drag artistry, club kid fashion, queer culture and monster fantasies. It is located in Belgrade.

Efemerne konfesije

Efemerne konfesije are collective organising shows that are a hybrid of performance art, cabaret, concert, and dance show. They put in references to political and social realities — sometimes local ones, sometimes global ones. The ideas they stand by are those of solidarity, ideas of the left, reflecting on topics they find important: the migrant question, the place of women and men in society, gender identities, modern spirituality.

Firchie Think Tank Studio

Firchie Think Tank Studio is based in Novi Sad and is not solely a LGBTI space, but gathers one part of the community that feels safe to express themselves as a part of the LGBTI community.

Cultural Center LAB

Based in Novi Sad and organizes different artistic activities, out of which some have LGBTI thematic. One of the first drag performances in Novi Sad were held there.

Youth Centre CK 13

This centre was established in 2008. It gathers the "alternative" scene in Novi Sad and it is the place where first ever LGBTI activities started implementing in 2009. Since then, they are great supporters to the entire LGBTI community.

7. Conclusion

Laws and policies

Significant efforts have been taken to set up the legal and policy framework for the protection of LGBTI persons in Serbia during the last ten years. However, unlike in some countries in the region, it is quite noticeable that this trend has significantly slowed down in the recent years. Despite some concrete predefined time-settings within Strategy for the protection and prevention from discrimination (2013-2018), the missing legal gaps are still in place. Political will to ensure progressive actions on the matter taken by the State is undoubtedly missing. Serbia has no laws on same-sex partnership or legal gender recognition even though the Working groups for the preparation of these laws were already supposed to be established. Intersex persons remain invisible in the Serbian legal and policy framework. Legal protection from discrimination still suffers from inconsistencies in implementation, poor case-law and lack of trust in public institutions by LGBTI communities, with no concrete set of actions for overcoming such developments taken by the State. Hate crime cases are still not explicitly defined as such due to inadequate implementation of criminal law provisions, inconsistencies in investigation and criminal procedures. Hate speech is not properly sanctioned even when it is openly used by high state officials. Measures to openly combat stigmatization of LGBTI individuals, bullying of LGBTI pupils in schools or securing safe working environments for LGBTI employees are weak and inconsistent. In conclusion, Serbia needs to significantly improve its capacities and resources in implementing current legal and policy framework and has to secure political will and proper institutional engagement to complete its LGBTI legal and policy framework, that suffers serious legal gaps strongly affecting lives of its LGBTI citizens and their equal treatment and position in the society.

Arts and Culture

LGBTI related arts and culture are very important for the community and for improving the social environment for LGBTI people. Queer arts and culture can empower the community. By portraying and celebrating LGBTI people, who are usually ridiculed or have to hide their true identities from the society, queer arts and culture can raise the self-worth and confidence of LGBTI people and increase their visibility among general population. Queer arts and culture are important for representing LGBTI people. Queer artists raise the visibility of LGBTI people by broaching the issue of LGBTI related topics. LGBTI art offers a new perspective and tells stories about identities who don't fit into the heteronormative society and usually remain invisible. Another important attribute of queer arts and culture is that they can shift people's attitudes away from fear and shame towards acceptance. By getting an insight into LGBTI people's lives and into their experiences, queer arts can give the society a greater understanding of LGBTI people and can counter the stigmatization. This two-way process ultimately leads to a more tolerant society, enriched with pluralism, solidarity and understanding and gives and empowers LGBTI persons individually and as communities. LGBTI culture, bars, clubs, safe spaces and queer events are very important for building a community and bringing people together. Creating spaces, especially safe environments where everybody can feel welcomed and where LGBTI people can get to know each other, is important to avoid isolation of LGBTI people and to prevent developments that may negatively affect their well-being. Most of the queer arts and culture of Serbia are located in the capital Belgrade and to some extent, in the second largest city of Serbia – Novi Sad. That is why many LGBTI people in Serbia move to these cities. LGBTI people in smaller cities and rural areas have hard access to queer arts and culture. Being outside of the big cities is difficult for LGBTI people who have no places to get to know each other and to address issues affecting the LGBTI community. LGBTI people and topics remain invisible in smaller cities and rural areas. That is why it is important to also develop queer culture and art scene across the entire country. With growing efforts of local community and grass-root groups and individuals who are significantly contributing to the overall queer and arts scene in Belgrade and Novi Sad, which definitely has an important impact on changing social perceptions, it may be expected that this trend will spread across the country. Regular and peaceful pride events that were happening in the past years certainly are an added value and a solid foundation to this.

8. Recommendations

Laws and Policies

- It is primarily necessary to provide stronger and visible political commitment to overall improvement of position of LGBTI persons (including persons living with HIV/AIDS) and ensuring proper implementation of the current legal and policy framework for the protection of LGBTI people in Serbia.
- It is necessary to increase efforts around adoption of Law on registered partnership for same-sex couples and Law on gender identity, dealing with legal gender recognition.
- It is necessary to ensure adequate representation of LGBTI issues (including topics related to HIV/AIDS) in the new National Anti-discrimination Strategy (2019-2025), as well as proper representation of LGBTI CSOs in the process of its making.
- It is necessary to fully implement existing legal frameworks dealing with protection from discrimination, hate speech and hate crime against LGBTI persons and persons living with HIV/AIDS.
- It is necessary to increase the level of cooperation between LGBTI CSOs and NHRIs.

- It is necessary to ensure proactive approach in prevention and protection from bullying and violence in schools based on SOGIESC and HIV status.
- More efforts should be taken to provide adequate visibility of intersex persons and sex characteristics should be included as a protective ground in the legislation and policies.
- Significant efforts should be taken on economic empowerment of LGBTI persons, since recent data shows that LGBTI persons are in a more delicate position in terms of their overall socio-economic position and are more often exposed to discrimination and prejudice, which affects their well-being and life conditions.

Arts and Culture

- Current legal and policy framework should be implemented in the way that will also clearly support queer arts and culture and provide resources to LGBTI artists and initiatives, as well as others involved in raising visibility of LGBTI people through these aspects.
- Promotion of measures of affirmative action towards LGBTI topics should be more structured and sustainable. Queer art is important for the visibility of LGBTI people, but queer artists face discrimination as LGBTI people and therefore have stronger obstacles to overcome in order to be successful. That is why it is crucial to fund and support queer artists in order to bring their art into the public. Exhibiting queer art in galleries and museums or opening queer exhibitions may be beneficial for the social situation of LGBTI people.
- Museums and galleries should become available for LGBTI content and items. LGBTI specific cinematography and television programme should be provided with more media space and financial support.
- Representation of literary and other work with LGBTI thematic should be strongly encouraged and supported.
- As most of the queer arts and culture of Serbia are located in two largest cities, it is important to bring more queer arts, culture and events to places outside of Belgrade and Novi Sad.
- Creating arts and cultural scene outside of these two cities is crucial for improving the social environment for LGBTI people. Through arts LGBTI people can express their traumas. Therefore, doing arts can be beneficial as a healing process. That is why it is important to not only support queer artists but also encourage LGBTI people to express themselves through arts and culture.
- Organizing events or workshops where LGBTI people can perform arts, like painting classes or theatre workshops, can be beneficial in order to improve the mental health of LGBTI people.

ⁱ For the purpose of this study, LGBTI culture or queer culture includes culture shared by members of LGBTI communities: gays, lesbians, bisexual, trans and intersex persons.

ⁱⁱ [Being LGBTI in Eastern Europe: Serbia Country Report](#), p.7

ⁱⁱⁱ https://www.paragraf.rs/propisi/zakon_o_zabrani_diskriminacije.html

^{iv} [LGBTI Enlargement Review 2018, prepared by ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey and others](#), p. 28.

^v *Ibid*, p. 28.

^{vi} *Ibid*, p. 28.

^{vii} *Ibid*, p. 28.

^{viii} [Written Contribution to the Report on Legal Gender Recognition of UN Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity](#), submitted by ERA – LGBTI Equal Rights Association for Western Balkans and Turkey (ERA), PINK Embassy Albania, Streha LGBT (Shelter), Pro LGBT, CEL Kosova, Subversive Front, The Coalition Margins, Association Spectra, Egal, Gayten – LGBT, Legebitra, TransAkcija Institute, Pembe Hayat and SPoD on 19 June 2018, p. 18.

^{ix} <https://www.lgbti-era.org/news/criminal-verdict-hate-crime-reached-first-time-serbia>

^x https://www.paragraf.rs/propisi/krivicni_zakonik.html

^{xi} [Equality in Practice -Implementing Serbia's Equality Laws](#), p.16

^{xii} [LGBTI Enlargement Review 2018, prepared by ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey and others](#), p. 27.

^{xiii} [Being LGBTI in Eastern Europe: Serbia Country Report](#), p.8

^{xiv} https://www.paragraf.rs/propisi/zakon_o_radu.html

^{xv} Shadow Report Labris, p.3

^{xvi} [LGBTI Enlargement Review 2018, prepared by ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey and others](#), p. 27.

^{xvii} [Being LGBTI in Eastern Europe: Serbia Country Report](#), p.8

^{xviii} <http://www.mpn.gov.rs/wp-content/uploads/2015/08/Pravilnik-diskriminacija.pdf>

^{xix} <https://www.lgbti-era.org/one-stop-shop/discrimination-against-sexual-minorities-education-and-housing-evidence-two-field>

^{xx} [Written Contribution to the Report on Legal Gender Recognition of UN Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity](#), submitted by ERA – LGBTI Equal Rights Association for Western Balkans and Turkey (ERA), PINK Embassy Albania, Streha LGBT (Shelter), Pro LGBT, CEL Kosova

Subversive Front, The Coalition Margins, Association Spectra, Egal, Gayten – LGBT, Legebitra, TransAkcija Institute, Pembe Hayat and SPoD on 19 June 2018, p.17

^{xxi} https://www.paragraf.rs/propisi/zakon_o_maticnim_knjigama.html

^{xxii} <http://www.pravno-informacioni->

<sistem.rs/SIGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2018/103/5/reg>

^{xxiii} <http://transserbia.org/vesti/1482-donet-pravilnik-o-nacinu-izdavanja-i-obrazcu-potvrde-nadlezne-zdravstvene-ustanove-o-promeni-pola>

^{xxiv} [LGBTI Enlargement Review 2018, prepared by ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey and others](#), p. 29

^{xxv} [Intersex Research Study](#), p.37

^{xxvi} https://www.paragraf.rs/propisi/zakon_o_javnom_okupljanju.html

^{xxvii} <https://www.lgbti-era.org/news/counseling-center-lgbt-people-opened-belgrade-serbia>

^{xxviii} This activity is a part of the project "Public Advocacy in Local Communities" implemented by Trag Foundation

^{xxix} https://www.paragraf.rs/propisi/zakon_o_kulturi.html

^{xxx} https://www.paragraf.rs/propisi/zakon_o_kinematografiji.html

^{xxxi} https://www.paragraf.rs/propisi/zakon_o_javnom_informisanju_i_medijima.html

^{xxxii} https://www.paragraf.rs/propisi/zakon_o_javnim_medijskim_servisima.html