

HOW DOES THE SECURITY SECTOR REFORM AFFECT HUMAN SECURITY IN SERBIA:

**REASSESSING THE IMPACT
OF SECURITY SECTOR
REFORM ON LGBT PEOPLE**

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Foreword

In 2016 the Public Policy Research Centre conducted the research entitled *How does the Security Sector Reform Affect Human Security in Serbia? Reassessing the Impact of Security Sector Reform on LGBT People*. The goal of this research has been to establish whether there have been changes in the policies of security sector institutions concerning the LGBT community as a vulnerable group. It is a continuation of the CENTRE's 2011 study entitled *LGBT People and Security Sector Reform in the Republic of Serbia*, which allowed us to make a comparative analysis of the earlier and new research findings. The main goal of the project is to present the recommendations for improving the work of security sector institutions and contribute to strengthening cooperation between state institutions and non-governmental organisations in the field of security, both at the national and local levels.

The project team consisted of: Svetlana Đurđević-Lukić*, Jelena Radoman, Marija Radoman, Tanja Jakobi and Jelena Šapić. Although Svetlana was not able to finish her work on this study, the CENTRE was guided by the multisectoral approach that she had established as a co-founder and director of the CENTRE. Bringing together the topics of her expertise – security sector reform, human security and situation of vulnerable groups – in 2011 Svetlana, for the first time, raised the issue of the security of LGBT people in the context of security sector reform. Thanks to her commitment, the CENTRE introduced this topic into public debate and on the agenda of policy makers.

CENTER would like to acknowledge the focus group participants and interviewees, as well as the representatives of the Ministry of Interior and the Ministry of Defence of the Republic of Serbia on their contribution to this research. We would particularly like to acknowledge the contribution of non-governmental organisations *Gayten-LGBT*, *Da se zna*, *Labris*, *Duga* (Rainbow), *Izađi* (Come out), *Ženski prostor* (Women Space) and *Kolektiv*.

The research was supported by the Democratization Department of the OSCE Mission to Serbia within the framework of the project “Consolidating the Democratization Process in the Security Sector in Serbia” funded by the Swedish International Development Cooperation Agency.

Executive Summary

Respect for human rights of LGBT people is an important indicator of the rights and freedoms exercised in a society. This study seeks to examine the progress achieved and the dynamics of the relationship between the security sector reform and the human security of people of non-heterosexual orientation. We have applied the qualitative method based on focus groups and in-depth interviews. Thirteen focus groups were held in five cities in Serbia (six in Belgrade and two in each of the following places: Novi Sad, Niš, Kragujevac and one in Šabac). The focus group participants were the LGBT people who are actively involved in the work of organisations and those who are not. In addition to the focus groups, the research included five interviews with LGBT people. The interviews in written and oral form were conducted with representatives of the Ministry of Interior and the Ministry of Defence of the Republic of Serbia. In assessing the progress and scope of the reform, we started from the findings of the CENTRE's 2011 study entitled *LGBT People and Security Sector Reform in the Republic of Serbia*.

The main findings of this year's research indicate a continued trend of expressed feelings of insecurity of LGBT people, distrust of the police and a lack of knowledge about the manner of operation of the Serbian Armed Forces. The feeling of insecurity is closely linked to the perceived arbitrary work of institutions and the government's high tolerance for violence, and does not depend on previously experienced physical violence. Unlike in 2011, the LGBT identity is not a primary, but additional source of insecurity. In such a context, coming out is one of the key problems and influences the ways of behaviour in different spheres of life. Many participants with whom the research team had an opportunity to talk consciously choose not to come out at work or among friends in order not to be discriminated against and potentially rejected by society. The smaller the number of LGBT people who are out, the higher the likelihood that the violence they suffer will remain unreported and that the discrimination they are exposed to will be more severe.

The respondents' trust in the police is at a low level. As in the previous research, the police activity has been assessed as highly politicized and dependant on political instructions received from the key political decision makers. Despite the distrust of the police, more than half of the participants in this year's research would report violence to put pressure on the police and public prosecutor's offices to punish the perpetrators. A vast majority of research participants are not acquainted with the reforms conducted by the Ministry of Defence and the Serbian Armed Forces. Negative associations to participation in the wars in the former Yugoslavia intensify distrust and negative attitude towards the military today.

The general conclusion is that LGBT people do not want and do not appreciate any form of parallel networks within the security sector. They expect that their safety and the safety of all citizens should be based on professional and non-discriminatory work of institutions.

Based on the main findings, the recommendations were issued to the security sector in order to improve the human security of LGBT people: information on the mechanisms designed for LGBT people should be visible and accessible; evaluations of training courses should be carried out and media campaigns should be adjusted to LGBT people as a target group. As regards the holders of executive power, it is essential that they send a clear message that violence is unacceptable and punishable and thus contribute to greater tolerance towards LGBT people in society.

Introduction

The study *How does the Security Sector Reform Affect Human Security in Serbia? Reassessing the Impact of Security Sector Reform on LGBT People* was prepared in 2016 and deals with the assessment of impact of the security sector reform on the improvement of human security of non-heterosexual people. The degree of respect for the rights of lesbian, gay, bisexual and trans* people¹ constitutes a litmus test for society as a whole – if they are not respected, then the rights of other vulnerable groups are at risk.²

In dealing with this topic, we started from two basic questions: whether the security sector reform is in compliance with the existing anti-discrimination legal framework and whether the work of security institutions contributes to the human security of LGBT³ people as a particularly vulnerable social group.

We asked these questions for the first time in the 2011 case study in order to assess the achievements of security sector reform in terms of the improvement of human security, by using the example of the security of LGBT people in Serbia. In this new study, we want to establish whether during the five years of implementation, these reforms have led to substantial changes in the feeling of security among non-heterosexual people. In the introductory part of this study, we give an overview of the key changes and guidelines for improving the status and security of LGBT people at the European Union (EU) level, and provide examples from the selected Member States. At the end of the introductory section, we present an overview of key novelties in the legal and institutional framework of the Republic of Serbia, which relate to changes within the security sector institutions regarding the protection of the rights of LGBT people.

In the central part of the study, we present the findings of this year's research based on the respondents' answers to the questions about major risks to their safety, areas of life in which they consider themselves to be vulnerable (public vs. private, i.e. in the street, at work, at home, etc.) and how they perceive the work of two traditionally key institutions in the security sector – police and army – either in general or in their work with the LGBT people. The study includes the responses of the Ministry of Interior (MoI) and the Ministry of Defence (MoD) of the Republic of Serbia regarding the specific measures undertaken by these two institutions within their purview to respond to the risks of insecurity of LGBT people. In

1 The term trans* people is increasingly used in literature to denote transgender and transsexual people.

2 Kenneth Roth, Director of *Human Rights Watch*, according to Koen Sloomaeckers *et al*, 2016.

3 Different sources use different acronyms, such as LGBTI, LGBTIA, LGBTIQ, LGBTIQS, LGBT+, etc. The acronym LGBT is used in this study as most frequent one. It refers to a wider range of sexual and gender identities than those contained in the acronym.

both studies we used a questionnaire that was originally developed in 2011, so that the findings are comparable, as stated further in the text.

The third part of this study contains conclusions and recommendations resulting from the CENTRE's research work. In accordance with the established CENTRE's practice, before finalising the text of the study, the preliminary results were discussed at the roundtable held on 28 November 2016 at the OSCE premises in Belgrade. This text is the final version of the findings, conclusions and recommendations, to which this form of public debate gives additional credibility.

Research methodology

The research *How does the Security Sector Reform Affect Human Security in Serbia? Reassessing the Impact of Security Sector Reform on LGBT People* is a qualitative research of the views of LGBT population in Serbia about their own safety and about how the two key institutions in the security sector, the police and the army, affect the safety of people of different sexual orientation by their actions. Since the goal of the research is to determine attitudes and beliefs, the choice of focus groups as a method of qualitative research has significant advantages.⁴ It allows the researchers to ask additional questions during the focus groups to examine thoroughly the respondents' attitudes, which would not be possible in case of using opinion polls or questionnaires filled by respondents as data collection method. On the other hand, data collection through focus groups also has some disadvantages, because the results obtained by using this method cannot be generalised. In this case it means that the results obtained cannot be considered relevant to all members of the LGBT population in Serbia. However, by applying the method of focus groups, the researchers gain a deeper insight into the meaning and motives of the respondents.

The study presents the findings of qualitative research based on 13 focus group (7 out of Belgrade and 6 in Belgrade) and five in-depth interviews with LGBT persons, which took place between June and September 2016. The focus groups were held in Belgrade, Niš, Novi Sad, Kragujevac and Šabac and a total of 79 people participated. Of that number, 44 persons were not activists (hereinafter referred to as "non-activists"), while 35 persons belonged to the group involved in activism (in an organisation or outside of it) or were occasionally involved in activism (the members of these two groups will hereinafter be referred to as "activists").

4

It is a qualitative research method that allows data collection in the form of group conversation – "Focus groups are like group discussions, group interviews" (Fajgelj, 2012). Also, focus groups have a certain "group dynamics and group interaction", which are sought to be captured in order to obtain information about certain attitudes and beliefs of the respondents (The Cambridge Dictionary of Sociology, 2006). "The main feature of the focus groups is to use group interaction to collect data and gain insights that would be difficult to reach without this interaction" (David Morgan, According to Fajgelj, Ibid). Group dynamics is important also in this study in order to shed light on certain forms of behaviour that would remain invisible without group conversation. However, this method may have some disadvantages: focus group participants can express mistrust, conformity, they can conceal their own views for different reasons, etc.

The division to activists and non-activist was important in order to determine whether there was a difference between the people who are not involved in activism and the people who are involved in activism.

Relying on the 2011 research, we believe that the experiences and perceptions of the two groups in terms of personal security and attitude to security sector institutions are significantly different. The activists, due to their engagement, have better access to information, contacts with security institutions (often personal contact with individual police officers) and generally higher level of self-confidence to ask for help if they need it, either from the institution or from other LGBT organisations. Access to information, which we consider to be an important factor in personal security, and the ability to get help more easily make this group specific and therefore we included in this „activist“ group also those who are close to the organisations or were once engaged in activism. Unlike them, people who are not involved in activism, or do not have active communication/contact with non-governmental organisations engaged in supporting LGBT population, often have a different view of their own security and need to consider whom to address in case of experiencing violence.

An important difference between these two groups is that the activists, due to the nature of their activity, are more exposed to violence and therefore they can be either equally vulnerable or sometimes much more vulnerable than persons who are not involved in activism. However, it turns out that some of these differences are not significant when the act of violence happens because anybody can be the victim. However, there are differences in terms of police actions and efficiency, which, judging by the findings of our research, are more efficient in dealing with activists than with non-activists. The reason for that may be that police officers believe that activists have greater power to publicly express their dissatisfaction with police work.

Compared to the 2011 research, the novelty in this year's research are in-depth interviews with people who experienced violence based on their sexual orientation and/or gender identity. These respondents presented concrete examples of the work of security sector institutions according to their experiences. These individual experiences enabled us to obtain more data and better quality material.⁵ We selected the respondents for in-depth interviews in the process of consultation with the LGBT organisations that informed us about their members who would be interested in sharing their experiences with us.

Applying this methodology, we have used all collected results to define recommendations. They should serve as a guide in creating a systemic and transparent approach to the elimination of security threats and risks faced by the LGBT people in Serbia.

5 In fact, the respondents provide more information in interviews, and they also feel safer to present such cases in an interview than in a group, while some data can be obtained only in an interview. It was important to us that the interviewees had confidence that the data on their personality would not be made public or misused. Also, it was important to us to get enough data to confirm their credibility so that they could really be presented as examples of how the security institutions work.

PART ONE:

Human security of LGBT population in the EU and in Serbia

1. Human Security Concept

The concept of human security was first introduced into public discourse in 1994 in the United Nations Development Programme's Human Development Report in order to cover a much wider range of threats than traditional ones directed exclusively towards the state (UNDP, 1994).⁶ If human security is viewed in this way, then it relates to the protection and improvement of basic rights and freedoms, hence to the essence of human life. (Commission on Human Security, 2003). This definition has been primarily adopted by the UN and its agencies that have a broader view of human security as **freedom from want**.

In contrast, the narrower understanding implies **freedom from fear** and focuses on all those threats to an individual arising from direct violence and whose manifestations can range from trafficking in weapons and drugs to consequences arising from the collapse of various countries. (Liotta and Owen, 2006). The supporters of this narrow standpoint draw on the fact that in the Post-Cold War Order there are no wars between states, but within them. Therefore, the approach to human security as *freedom from fear* emphasizes the necessity of action and early prevention while human security, defined as *freedom from want* deals with long-term planning and investment in sustainable development.

Both concepts are anthropocentric and aspire to universal values (UN, 2014). Also, they are based on the methods that do not involve coercion and relate to the security sector reform, diplomacy, post-conflict mediation and state-building process (Liotta and Owen, 2006). Since its introduction to the public discourse, the concept of human security has attracted great attention of researchers and policy makers, but has also provoked controversy given the numerous, diverse and often mutually incoherent interpretations of this concept.

6 The 1994 UNDP Report defines seven main categories: economic, political, personal, health, community, food and environmental security (UNDP, 1994). This definition can be seen as an umbrella that countries further adapt to their context and needs. For example, Norway and Canada have defined human security as personal, while Japan opted for economic security (Gasper, 2005).

2. EU Strategic Framework for the Protection of LGBT People

As of 2000 the institutions of the European Union, the European Council, the European Parliament and the European Commission have adopted a series of documents aimed at the elimination of threats to security of LGBT people and started to implement corresponding measures.

The *Treaty on the Functioning of the European Union*⁷, the *Framework Strategy for Non-discrimination and Equal Opportunities for All*⁸ and the *Charter of Fundamental Right of the European Union*⁹ are the starting points for the creation of individual documents on the situation of people of different sexual orientation. Based on these, in 2013 the **European Council** adopted the *Guidelines to Promote and Protect Enjoyment of All Human Rights by Lesbians, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons* (hereinafter referred to as: the Guidelines). In this document, the EU Member States agree with the provision that LGBT people should enjoy the same human rights that are prescribed by international documents¹⁰ and that it is necessary to conduct additional activities in order to ensure unhindered enjoyment of these rights. The following are singled out as priority areas in improving the rights of LGBT people: decriminalization, fight against discriminatory policies and laws, stopping homophobic violence, promotion of equality and non-discrimination and protection of human rights defenders. Thanks to the Guidelines, the rights of LGBT people are included in the EU external action and recognised as an instrument for measuring democracy in other countries (Council of the European Union, 2013).

Guided by this orientation of the Council, the **European Parliament** adopted a resolution in 2014 entitled *Roadmap against Homophobia and Discrimination on Grounds of Sexual*

7 Particularly Articles 10 and 19 of the Treaty on the Functioning of the European Union. Article 10 reads: "In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation", while Article 19, paragraph 1 provides: "Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (Consolidated Version of the Treaty on the Functioning of the European Union, 2012).

8 Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1 June 2005 – Non-Discrimination and Equal Opportunities for All – A Framework Strategy, 2005.

9 Article 21, paragraph 1 of the Charter of Fundamental Rights of the European Union reads: "Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited." (Charter of Fundamental Rights of the European Union, 2000).

10 They include: the Universal Declaration of Human Rights; the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs in the Promotion and Protection of Universally Recognized Human Rights and Fundamental Freedoms; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Elimination of all Forms of Discrimination against Women; the Convention on the Rights of the Child; the European Convention on Human Rights; the Treaty on the Functioning of the EU; the EU Charter of Fundamental Rights, etc.

Orientation and Gender Identity. Also, the European Parliament urged the European Commission to use its authority and adopt a single package of positive measures concerning the situation of LGBT people. The Parliament called on the Commission, Member States and other relevant EU agencies¹¹ to pay special attention to the situation of lesbians who are subjected to multiple discrimination and violence (European Parliament, 2014).

In addition, the European Parliament adopted the *Resolution on the Situation of Fundamental Rights in the EU (2013-2014)*. The reason for the adoption of this document was an increase in discrimination against vulnerable groups. As regards the situation of people of non-heterosexual orientation, the Parliament again called on the Commission to submit a proposal for a comprehensive regulation of LGBT rights in the EU Member States, which should include the legal recognition of gender identity. In its Resolution, the Parliament expressed strong disagreement with the fact that in most EU Member States transgender persons were treated as mentally ill. As a *modus operandi* for solving the problem of increasing discrimination, it was proposed to include the provisions on fundamental rights and freedoms in all security policies and measures (European Parliament, 2015).

In the spirit of these recommendations of the Parliament, in December 2015 the **European Commission** adopted a List of Actions for the period 2016-2019 (*List of Actions by the Commission to advance LGBT equality*). The List covered a wide range of topics: non-discrimination, education, employment, health, freedom of movement, asylum, hate speech / hate crime, enlargement policy and external policy (European Commission, 2015). There is a noticeable change in the paradigm of understanding human security – the European Council in its document talks about *freedom from fear*, while the European Commission went a step further and based its List of Actions on the understanding of human security as *freedom from want*. There is also a change in the paradigm of attitude towards LGBT issue – in fact, there is an increasing focus on the problems of trans* and intersex people. The aim of the Commission's actions is to increase the social acceptability of LGBT persons and enable more efficient implementation of legal provisions. The *List of Actions* applies in the Member States and candidates for EU membership. As of 2013, the European Commission always includes observations concerning the monitoring of the situation of LGBT population in its regular annual reports on the progress of candidates and potential candidates for membership. As regards Serbia,¹² the main contribution for the part of the report relating to the situation of LGBT rights is given by civil society organisations such as Labris and Gay Straight Alliance, since there is still no uniform statistics about violence against LGBT people at the national level.

Finally, it is significant that, as part of close cooperation with the European Commission, the EU Member States on 20 June 2016 adopted by consensus the *Agreement on the Protection of*

11 European Union Agency for Fundamental Rights (FRA), European Institute for Gender Equality (EIGE), European Foundation for the Improvement of Living and Working Condition (Eurofound), European Police College (CEPOL), European Union's Judicial Cooperation Unit (Eurojust), European Judicial Network (EJN), European Asylum Support Office (EASO).

12 Serbia obtained a candidate status for EU membership in 2012.

LGBT and Women's Rights and Gender Equality in order to implement more effectively the *List of Actions* and achieve protection and equality of non-heterosexual population.

3. Situation of LGBT People in the European Union

Although individual experiences of LGBT people vary and depend largely on the context and environment in which they live, there is a need to monitor and present these experiences collectively in order to gain insight into the degree of respect for their human rights and freedoms.

In the European context, the measurement of the degree of respect for human rights and freedoms of LGBT population is approached from different angles, i.e. from the position of the *Other*,¹³ from the perspective of LGBT people themselves and from the point of evaluation of legal and institutional framework. Thus, for example, the **Eurobarometer**¹⁴ regularly measures the level of discrimination in the European Union, starting with the position of the Other. Although, according to Eurobarometer, 71% of respondents agree that LGBT people should have the same rights as heterosexual persons, discrimination against LGBT people is more widespread than discrimination based on religious affiliation, age, disability and/or gender. Out of the total of 28,000 EU citizens who participated in the survey, 58% of respondents have agreed that there is discrimination based on sexual orientation and 56% believe that there is discrimination based on gender identity, which represents an increase compared to the 2012 survey (European Commission, 2015).

These findings correspond to the views that prevail among the members of LGBT community. In the most comprehensive study to date on the situation of the LGBT population in the EU, conducted by the **EU Agency for Fundamental Rights** (FRA), 47% of respondents reported that they had personally experienced some form of discrimination and/or mistreatment based on sexual orientation. The survey was conducted on the Internet in 2012, and 93,079 responses of LGBT people across the European Union were processed. The results obtained in this way are very important, considering the fact that in many countries there are no official statistics on violence against people of different sexual orientation. In addition, in the annual report of the Office for Democratic Institutions and Human Rights entitled *Hate Crimes in the OSCE Region*, only 10 of the 43 countries provided data on hate crimes against LGBT people. The main conclusions of the EU Agency for Fundamental Rights are as follows:

- A quarter (26%) of all respondents were exposed to attacks or threats of violence over the past five years;

13 The notion of the Other is closely related to the idea of identity or belonging to a group. It includes the *Self/Other* dichotomy, which is often understood as natural, and not as created social order and power relations.

14 Eurobarometer is a public opinion survey regularly conducted by the European Commission since 1973.

- Almost every third person of ten transgender respondents was a victim of violence or has been exposed to threats of violence more than three times in 2011;
- Most respondents who experienced violence (59%) in 2011 stated that the last attack or threat of violence had happened partly or entirely because they were identified as LGBT people;
- 17% of respondents reported to the police hate violence they had experienced. About 66% of respondents in all EU Member States said that they were afraid to hold hands with their partners. In case of gay and bisexual men, this percentage is higher and reaches 74% or 78% respectively;
- More than four-fifths of all respondents said that jokes about LGBT people were widespread in everyday life;
- Almost half of the respondents believe that the use of language offensive to LGBT people by politicians in their country of residence is widespread;
- Over 80% of the respondents in each of the EU Member States remembered some negative comments or cases of ill-treatment of young LGBT people in school;
- One in five respondents experienced some form of discrimination at workplace or in the job search process. This ratio is higher in the case of transgender people – one in three respondents;
- 18% of the respondents who have visited a coffee bar, restaurant, bar or night club in 2011 were subjected to discrimination on the basis of LGBT identity (FRA, 2014).

4. Legal Status of LGBT People in the EU Member States

In order to improve the situation of LGBT people, it is essential that the policy makers be constantly active and that there is a stable institutional framework. According to the **annual report of ILGA-Europe** (European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association) for 2015, Malta is an example of good practice. Their parliament unanimously adopted the progressive Gender Identity, Gender Expression Characteristics and Sex Act (GIGESC Act).

The law regulates the recognition and registration of gender and sex characteristics without any prior medical or surgical interventions. It suffices to submit a declaration of personal self-determination, and the procedure lasts up to thirty days. The law allows also persons under the age of 18 to submit such statements, but in this case the declaration must be signed also by parents/guardians or legal representatives. This law envisages changes in the

areas of health, justice and in the process of data collection as well as sanctions for hate speech or violence based on gender expression and sexual characteristics (Transgender Europe, accessed on 15/07/2016). The international community has assessed this law as an example of good practice that resulted in a number of initiatives and urged state institutions to change other discriminatory practices – hence the government banned the so-called conversion therapies. In addition, the government adopted a comprehensive *Action Plan on the Situation of LGBT People for the period 2015-2017*, thus demonstrating willingness to prosecute hate crimes, and committed to examine the existing hate crime protocols and ensure that the police undergo necessary training programmes and provide adequate victim support systems (ILGA – Europe, 2016).

In contrast to Malta, the long-lasting reluctance of political actors in Slovakia led to unequal treatment of LGBT people. The Slovak Government has excluded the LGBT group from the *Strategy for the Promotion and Protection of Human Rights*, with the intention to resolve their status by the so-called *Action Plan (AP) for the Equality of LGBT People for the period 2016-2019*, but later gave up on it because of the opposition of the *Alliance for the Family*, which brought together a number of political and religious organisations. The 2015 Report of the Council of Europe Commissioner on Human Rights for Slovakia assesses that the rights of LGBT people are especially at risk, and the Slovak authorities are recommended to extend legal provisions on hate crimes to all non-heterosexual identities and ensure respect for bodily integrity of trans* and intersex people. Changes in the political course of Slovak authorities had an impact on the mood of public opinion, and in the 2015 Eurobarometer survey only 36% of the respondents said that they agreed with the statement that people of non-heterosexual orientation should have the same rights as heterosexual people, while at the EU level the percentage of the respondents who agreed with this statement was 71% on average (ILGA-Europe, 2016).

Croatia, as the newest EU member¹⁵ and contextually closest to us, has made considerable progress in respecting LGBT rights. According to the ILGA-Europe report, Croatia has adopted a series of legislative measures including the Law on Same-Sex Union (2014), Regulation on partnership custody in lesbian relationships (which was adopted by the City Administration of Zagreb 2015) and the Law on International and Temporary Protection (in other words, the law on asylum seekers that contains a gender component) (ILGA-Europe, 2016). Also, at the initiative of civil society,¹⁶ the Criminal Code was amended to re-introduce the provision on prison sentences for the abuse in a public place. Civil society organisations mention that one of the reasons for re-introducing this article is the fact that despite frequent attacks on Roma and LGBT people, the perpetrators go unpunished if there is no physical injury (SDF – Serbian Democratic Forum, accessed on 25/10/2016.). Despite progress in the legislative framework, members of the LGBT community continue to face

15 Croatia became an EU Member State on 1 July 2013.

16 The request was submitted by the lesbian organisation Kontra, LGBT association Rišpet, organisation of Roma women Bolja budućnost (*Better Future*) and the Serbian Democratic Forum.

violence and discrimination. In a survey conducted in 2013¹⁷, about 68% of the respondents said that they had experienced some form of violence, but only 53% of the total number of cases were reported to the police (for comparison, 58% of the cases were reported to LGBT organisations). The most common forms of violence based on sexual orientation and gender identity are psychological abuse (60%), threats of physical assault (29%), stalking and intimidation (18%) and physical violence (17%) (Milković, 2013).

5. New Chapter of Security Sector Reform in Serbia: Work with Vulnerable Groups

The security sector reform in Serbia in the past period was marked by the reorganisation of security structures and the establishment of regulatory and strategic-doctrinal framework (Radoman et al, 2011). **Security structures** have been placed under civilian control by a series of laws and by-laws; their depoliticization, professionalization and internal organisational reform have been performed (Popovic et al, 2011), thus ending the so-called first generation of security sector reform. The reforms continue within the context of EU accession and harmonisation of national legislation with the EU acquis. Security structures, primarily the police, are the subject of reforms in the context of **Chapter 24: Justice, Freedom and Security**.

The security sector reform also includes efforts to establish gender equality and cooperation with vulnerable groups. In terms of achieving **gender equality** in the security structures, it should be noted that the National Action Plan (NAP) for the implementation of UN Security Council Resolution 1325 – Women, Peace and Security was adopted in September 2016. The NAP is an important instrument because it encourages the active role of women in security processes, conflict prevention and sustainable peace building. Representatives of civil society and local stakeholders were involved in its development. In addition, UNDP-SEESAC has worked on a greater visibility and a more active involvement of women in the military by strengthening regional cooperation.¹⁸

At the beginning of February 2014, the Ministry of Interior (MoI) of the Republic of Serbia adopted the **Action Plan to improve police work and cooperation with representatives and associations of sexually different persons** which, among other things, envisaged the improvement of training, work and cooperation of police officers with LGBT people, the

17 The survey included 690 respondents in Zagreb, Rijeka and Split. It was conducted by Zagreb Pride, lesbian organisation Rijeka – LORI and Queer Sport Split in the form of survey based on a semi-open questionnaire.

18 UNDP-SEESAC conducted a three-year regional project *Strengthening Regional Cooperation on Gender Mainstreaming in Security Sector Reform in the Western Balkans*. The main achievements are related to the maintenance of permanent regional cooperation on gender equality in the army, the provision of regular exchanges of information and knowledge between the ministries of defence and armed forces in the region, and the development of joint solutions to existing challenges concerning gender equality. The project improved the working conditions for women and provided opportunities for the advancement of women in the military (UNDP-SEESAC, 2014).

fight against hooliganism, extremism and domestic violence and the development of a handbook for working with LGBT people (Interview with Aleksandar Stojmenović, Liaison Officer for the LGBT Community, 14/11/2016, Labris, 2014). The improvement of training and work in cooperation with Labris began in 2014. For this purpose Labris prepared training programmes for police officers who then had an obligation to train their colleagues in their respective police directorates. The training was attended by 250 criminal police officers and general police officers from all police directorates, and then they trained 2,000 of their colleagues who perform permanent duty tasks. The two-day training included lectures on terminology, the legal framework regulating the legal status of LGBT people and the most common forms of homophobia and prejudice. The police officers also had the opportunity to attend training within the framework of EU twinning project¹⁹ *Support to the advancement of human rights and zero tolerance to discrimination*, implemented by the Office for Human and Minority Rights in cooperation with the Commissioner for Protection of Equality of the Republic of Serbia.²⁰

Another important novelty in policing is the introduction of a **Liaison Officer for the LGBT Community**. There are many differences in the stakeholders' opinions about the responsibilities and tasks of these officers, and it is evident that they are largely unknown to the broader LGBT community, as evidenced by the statements of the respondents in this research.²¹ At this moment, there is one officer at the national level and four officers at the local level (Belgrade, Novi Sad, Niš, Kragujevac), and there are plans for appointing an officer in each of the places: Šabac, Vršac and Pančevo (Interviews with the community, 29/02/2016). In accordance with the goals of the MoI Action Plan, the Handbook for Police Work with the LGBT population has been prepared and should be available on the website of the RS MoI in early 2017. The Handbook provides an overview of the existing laws governing the police work with LGBT people, in particular in order to enhance trust and strengthen cooperation. In 2016, the organisation Gayten-LGBT and Duga have been working on the development of additional protocols for police conduct towards trans* and LGBT people.

6. Legal Framework and Legal Status of LGBT People in Serbia

Serbia has made progress in building a legal framework for the respect of the rights of LGBT people (European Commission 2016). This was primarily due to the adoption of the Strategy of Prevention and Protection from Discrimination 2013-2018, and the amendments to the Criminal Code and the Law on Police. The **Strategy of Prevention and Protection from**

19 Twinning projects are a form of cooperation and exchange of knowledge between public administrations of EU Member States and partner countries.

20 Twinning partners are the Austrian Institute for Human Rights Ludwig Boltzmann and the Office for National Minorities of the Republic of Slovenia.

21 For more details, see section *Ministry of Interior (MoI) and the Police*, p. 33.

Discrimination 2013-2018 (adopted in 2013) recognised the LGBT population as one of nine vulnerable social groups, while the **Action Plan** for its implementation (hereinafter referred to as: AP, adopted in 2014) set forth a set of concrete measures to be taken. The AP provides measures²² that could contribute to a better situation of non-heterosexual people, if there is a political will for their implementation. By introducing **Article 54a in the Criminal Code**, “hate crime” has finally become part of the applicable legal framework in Serbia. This means that if a criminal offence is committed out of hatred based on sex, sexual orientation or gender identity, the court will take it as an aggravating circumstance.²³ In January 2016, **Article 5** was added to the **Law on Police**, concerning the prevention of discrimination on grounds of sex and/or gender identity,²⁴ by which the legal framework in this sector in relation to the security of LGBT people was harmonised (such a provision was introduced in the Law on Armed Forces in 2007).

The withdrawal of the Law on Equality between Men and Women from the procedure in 2016 is an example of good practice of independent institutions, the Women’s Parliamentary Network and NGOs. They joined their efforts in reacting to the change of title (originally it was supposed to be entitled the Law on Equality, but since the government invoked Article 15 of the Constitution of the Republic of Serbia²⁵, it was changed), gender designations and the lack of sanctions for violations of the Law, except in the area of media coverage and activity (Politika, accessed on 15/07/2016).

In the context of negotiations on the accession of Serbia to the European Union, further improvement of the rights and situation of LGBT people will be an integral part of **Chapter 23: Judiciary and Fundamental Rights**. The screening report stated that the legal and institutional framework for the protection of rights and freedoms was in place, but that administrative capacity should be strengthened. The main deficiencies relate to the practical implementation of the protection of rights and freedoms and the work of judiciary (the Office for European Integration of the Government of the Republic of Serbia, accessed on 13/10/2016). This conclusion is confirmed by the fact that a small number of AP measures aimed at improving the security of LGBT people were implemented by mid-2016. In addi-

22 Suppressing acts of violence, intolerance and threats to vulnerable social groups through conducting of efficient investigations and taking criminal justice measures and other forms of protection and record keeping; encouraging victims and witnesses to report cases of violence and threats based on their personal characteristics; ensuring access to justice through the improvement of judicial network, infrastructure, expertise, protection of procedural rights, etc.; ensure the monitoring of court proceedings related to the cases of violation of the prohibition of discrimination, facilitating the establishment of a database, etc.

23 The Criminal Code of the Republic of Serbia, Article 54a reads: “If a criminal offence was committed out of hatred because of race and religion, national or ethnic origin, gender, sexual orientation or gender identity of another person, the court shall consider that circumstance as aggravating, unless prescribed as a feature of the criminal offence.” (*Official Gazette of RS*, no. 121/12).

24 The Law on Police, Article 5: “Employees of the Ministry and the police shall treat everyone equally regardless of their race, gender or nationality, their differences arising from social background, birth, religion, political or other belief or affiliation, gender and gender identity, financial situation, culture, language, age or mental or physical disability” (*Official Gazette of RS*, no. 6/2016).

25 The government invoked Article 15 of the Constitution of the Republic of Serbia, which reads: “The State shall guarantee the equality of women and men and develop equal opportunities policy.” (*Official Gazette of RS*, no. 98/2006).

tion, the significant “hate crime“ provision has not been used as a basis for court decisions since its introduction because the criminal offences are classified by type and not by the perpetrator’s motive. This has resulted in the fact that the criminal offences committed out of hatred for people of different sexual orientation or gender identity are not taken as an aggravating circumstance from the beginning of the process, which minimizes the punishment. The fact that criminal offences are not recorded by the perpetrator’s motive makes it difficult to create a database at the national level that would allow obtaining reliable statistics on attacks against LGBT people.

As regards practical implementation of the guaranteed rights, the most common case is violation of the right to peaceful assembly of LGBT community.²⁶ In fact, the LGBT community was prevented from holding a public gathering – Pride Parade in 2009, 2011, 2012 and 2013, while in 2010 there were violent outbursts during the Pride Parade. Despite holding the Pride Parade in the past three years, the perception of LGBT people about security threats as a continuous source of insecurity has not changed. Many members of the community do not believe that they will be protected by the state and institutions (CKS – Center for Queer Studies, 2014). Therefore, the aim of this study is to assess the effects of security sector reforms through the LGBT people’s perception of their personal security, and to point out to policy makers the areas in which this sector should improve attitude and conduct towards LGBT people.

26 Annual Progress Reports of the European Commission for Serbia, ILGA-Europe annual reports, reports of EU FRA, Annual Reports of the Commissioner for Protection of Equality, Strategy of Prevention and Protection from Discrimination

PART TWO:

Human security perception of LGBT People in Serbia and their perception of the work of Institutions – 2016 research findings and their comparison with 2011 research findings

1. Security of LGBT People

1.1. Perception of Human Security and Major Threats

In response to the question of what the **major** threats to their safety are, the focus groups participants state first the **social and institutional environment** in which they live, work, establish emotional relationships, relationships with family, friends and other social connections. In that environment, the LGBT people in Serbia perceive a high degree of readiness to violence, which is not adequately punished. This results in their feeling of vulnerability and exposure to violence to which, according to the general impression, all citizens may be exposed in the context of increased readiness to the use of force in public places and at the same time the high level of tolerance to such behaviour by institutions.

The LGBT people interviewed by the research team think that all citizens may be exposed to potential verbal, physical or other violence in a society that, due to the traumatic past, the consequences of wars, transition, political abuse of institutions, is very insensitive to violence and absence of punishment. Moreover, being LGBT people, they are additionally exposed to threats of violence because of that characteristic that makes them even more vulnerable in the conditions of the high level of homophobia. According to the focus group participants, the unfavourable social environment is a result of the serious consequences of the events dating back to the last decades of the last century, manifested in the form of high

readiness to use violence in society, but also in the form of institutions that can be misused and/or which act arbitrarily.

Most focus group participants did not have their own negative experiences of direct assaults and/or threats based on their LGBT identity, but consider that they are at a greater disadvantage as regards their human security than the majority population. They find examples for this both in their **direct personal experience and the experience of narrow and wider circle of friends and acquaintances**. Direct personal experience includes fear from coming out to family and friends, fear from discrimination at workplace, feeling of vulnerability if they move and behave without self-censorship²⁷ in public places, threats of physical violence, verbal and physical abuse, intimate partner violence, blackmailing, discriminatory attitude of employees in public institutions and disregard of anonymity ethics, that is – inability to protect their privacy after contacts with institutions. **Being a member of the LGBT minority group is a factor of insecurity** that hinders and directs the entire strategy of living, from behaviour in the workplace to an increased caution in public places. The efforts invested by the members of the LGBT community in avoiding the possibility of physical attack, especially in public places, range from the minimum adjustments of social behaviour to the forced choice of a certain place or location of residence and essential lifestyle changes. Examples include the fear of movement late at night, choice of residence in the central urban, densely populated areas and avoiding the use of public transport.

“This is a deeper problem, the two of us are a couple and we prevent each other from showing any kind of mutual affection in the street, but then it somehow becomes a habit and when we travel abroad, where it is completely normal, we still have this fear of holding hands, embracing and walking. It is so ingrained and, I know, it’s a kind of unreal sense of security that you create by holding back in expressing emotions and, in fact, if you did what you really want to do, you would find yourself in a situation to provoke someone’s disapproval.” (non-activist, Novi Sad)

LGBT people state that the perception of their security is influenced by very **visible and well-known cases of violence and misuse of institutions that receive media attention in the country and society**, which do not necessarily have direct consequences for the life of particular respondents or respondents’ direct participation in these events. This is primarily related to political scandals (“the helicopter” case, “Savamala” case), criminal and corruption scandals, failure to suppress sports related violence and hooligan violence, statements of politicians and media reports about corruption in the police.

The respondents also perceive **the lack of action by institutions**, which should provide support to citizens in various domains of their life, such as security guarantees and non-discriminatory treatment (police and justice), health care and social protection. The focus group participants consider that, irrespective of the identity characteristics that arise from

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LGBT often talk about self-censorship in their behaviour to pass more easily through certain situations in daily life or protect themselves against violence in public places.

belonging to a minority group, they are exposed to the risks resulting from the ineffectiveness of institutions and their potentially arbitrary actions.

Hence, a large number of institutions, not just those dealing with the use of force and law enforcement, are perceived as **inefficient**, and their employees as often **uninterested** to do their job. When asked about police conduct, the focus groups participants say that even when the police officers responsible for direct contact with citizens perform their part of the job efficiently and well, their actions do not lead to the solving of cases due to the barriers in the system, whose overall functioning is determined by political will.

Since they do not believe in the work of the institutions that should improve their safety in public places, the respondents develop different strategies of behaviour in public places – whether they hold hands with their partners, whether they have a striking appearance, how they choose a place of residence and their immediate surroundings, and consequently have **different feelings of personal security**. Therefore, a small number of focus group participants characterised their personal safety as “negative security”, which includes the strategy of invisibility and hiding and investing considerable amounts of energy in adapting own appearance and fit in a lifestyle that is discrete and generally accepted, at least with respect to visible manifestations in public places.

*“What... protects our safety are not institutions but the security of invisibility. It is a kind of security but not the one that should exist in the rule of law state.”
(Activist, Belgrade)*

By **comparing the research findings from 2011 and 2016**, we can conclude that in 2011 the respondents saw their belonging to the LGBT community as the primary factor of physical insecurity, while the intensity of insecurity varied depending on the general political context (statements of the representative of authorities on the rights of LGBT people, the presence of homophobia and the explicit threats of right-wing groups in public discourse). In contrast, the 2016 research findings support the fact that belonging to the LGBT minority group is perceived as an additional factor of insecurity in a society that is unsafe for all its citizens. In fact, more respondents have stated that they feel exposed to the same type of threats to their security (e.g. violence in public places, arbitrariness of institutions and/or their failure to act) as the general population.

The noticeable positive change, compared to the findings from 2011, refers to the exposure to potential incidents and the feeling of fear felt before and during the **Pride Parade**. Unlike in the previous years, the reduced level of social mobilization because of the Pride Parade contributed to the less intense feeling of insecurity and exposure to violence, regardless of their own participation in the event.

“If I didn’t know that it’s being held [Pride Parade], I wouldn’t notice that something is going on.” (Activist, Novi Sad)

The extremist fan groups and far-right groups are most frequently mentioned as the source of unpunished violence during the Pride Parade. Some respondents think that the intensity

of fan groups' activities decreased compared to their organised actions in 2009 and 2010. The respondents believe that these groups are politically instrumentalised and controlled and consider that there are hidden connections between these groups and the police and government structures in general. It is thanks to such connections that the members of fan groups and right-wing organisations go unpunished, despite the fact that they provoked a series of incidents that entail criminal liability.

Coming out and reporting violence. Incidents involving threats of violence, or acts of violence, bring an increased risk for the LGBT people because reporting violence or threats on the basis of sexual orientation means coming out to the institutions and, very often, to the social environment. The fact that very few among them believe that the reported case of violence or threat of violence will be effectively prosecuted leads to the situation where the initiation of procedure increases the fear of coming out and additionally burdens LGBT people. It is also evident that the respondents who are out in the circle of their family and friends and who have no problems in that respect are more likely to report cases of violence because they would certainly be exposed to a lower risk of forced coming out in such a case.

"If something happened to me, I would first call my brother because I wouldn't like to initiate court proceedings or something like that. I wouldn't like to deal with that because I know I wouldn't get anything in return." (non-activist, Belgrade)

Coming out is still one of the factors that have a decisive role in whether the respondents will decide to report violence, especially when it comes to intimate partner violence. It is no longer about whether one person is empowered but whether they are both in a situation to come out. The institutions are expected to be discrete while handling such cases and to send a clear message that the information about the attack will be treated in a way to protect the identity of the LGBT persons concerned.²⁸ We recorded the problem of coming out at the time of reporting incidents or threats to the police in the 2011 research. The fear of disclosing personal information in judicial procedures was indicated in the 2011 research as one of the reasons for giving up on addressing institutions.

The respondents also avoid coming out in the work environment because they are afraid of the reaction of peers and superiors. None of the research participants reported to have been

28 Example: "I haven't experienced any physical violence, but I did experience verbal abuse a year and a half ago in Pobedina street. I was walking with my then partner, we held each other's hands, it was 3 or 4 p.m. and near Forum, it is in the downtown, there were some guys behind talking to us. I turned around and I saw three or four of them, they had the shirts with Dveri, Kosovo is Serbia, Obraz, whatever. They jeered "here they are, lesbians/ dykes", I cannot remember any more. This happened in the middle of Pobedina street and they followed us to the end of the street – it's really a rather short distance, but to me it seemed like I had to walk 50 km, and I was especially afraid for the safety of my girl because she was younger than me and she was not out. In fact, she came out to her family, and then when they learned that the two of us were in a relationship, they caused problems to her, her father threatened to come here because he found out where I worked. I know that it was much trouble for her, and I was worried about her. They [three of four guys with Dveri T-shirts] followed us to the end of the street, we jumped into the first taxi we saw and came to my house. I did not report it to anyone. Why? I think I was not empowered enough to do it and I could not expect from my partner to be ready to report it. If I were alone and it happened, [I'd do it] without thinking. But if I'm with someone – my partner, another girlfriend – I think I would not" (activist, Niš)

subjected to direct contempt, insults and the like on the basis of their sexual orientation and/or gender identity, and some of them stated that they worked in a tolerant and non-discriminatory working environment. These are most often higher education institutions in Belgrade.

The statement of one of the focus group participants best illustrates to which extent coming out determines the entire existence of an LGBT person:

“I don’t feel safe anywhere and at any time. I came out early – I’ve always had an awareness of identity. I think that this sexual orientation, unfortunately, affects absolutely the entire life. They say “do [whatever you want] between your four walls” but it is completely ridiculous. So it is economically, physically, emotionally [risky]. Friends distance themselves [from you] very easily, no matter how good you are. In every situation there is a danger of some betrayal or a threat or physical, psychological vulnerability...” (Activist, Belgrade)

1.2. Forms of Violence and Types of Threats to Security of LGBT People

Physical and verbal violence faced by the LGBT people in Serbia has a variety of forms. According to the Deputy Head of the Department for Public Order and Peace and the statements of focus group participants, the most common forms of violence are: **blackmails/threats of deliberately revealing their sexual orientation or gender identity to family and social environment, sexual blackmail and intimate partner violence**. Social isolation and closed nature of the community make these forms of violence even more certain and difficult.

“Violence in lesbian or gay relationships has not reached the ears of the community, let alone of the institutions.” (Activist, Belgrade)

The research participants also point to the widespread **problem of bullying** in primary and secondary schools (examples from Šabac) based on the perceived or future sexual and/or gender identity of pupils. What is particularly disconcerting is inadequate response or absence of response of professional and teaching staff in such cases.²⁹

The novelty in this research is the mentioning of **family environment**, or homophobic members of the family as a source of security risks for LGBT people. Those who are faced with this type of threat consider themselves to be less safe at home than in public places.

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A Labris activist has stated that this organisation is often addressed by professionals (pedagogues, psychologists) employed in schools who request training to learn how to act appropriately in a growing number of cases where their pupils come out. As regards bullying that includes the element of gender identity, it has been emphasised that the problem is a shortcoming in the protocol on combating bullying signed by the Ministry of Education, Science and Technological Development. Specifically, the protocol does not provide for sanctions in cases of bullying on the basis of sexual orientation and gender identity.

LGBT people may suffer violence/threat of violence not only on the basis of their sexual orientation and/or gender identity. For example, a lesbian can suffer violence/discrimination as a woman, Roma and/or person with disability. In this case we are talking about the *intersection* of different identities and statuses in society, which has different consequences for LGBT people. In fact, the member of the LGBT community can be attacked at the same time as Roma and lesbian, or just as Roma when the attacker is not aware of her sexual orientation and/or gender identity. In contrast, one respondent in a focus group said that he felt privileged and protected compared to other members of the LGBT community because he was a man, employed, residing in the city centre, which created his feeling of security.

Poverty is sporadically mentioned in the context of the lesbian community in Serbia, but it is certainly a factor that determines the type and intensity of security threats and strategies to improve their own safety. Long-term activism, visibility and investment of personal and professional efforts into improving the situation of LGBT people in Serbia have limited the professional and other choices to the LGBT community members, who therefore face with this additional factor that determines their overall social strategy.

This risk was only partially recognised in the 2011 research but in the form of fear of losing a job on the basis of discrimination due to belonging to the LGBT community. The 2016 research has not identified the fear of losing a job as one of the primary fears relevant to personal security but it is mentioned as a secondary risk of direct or indirect discrimination in the work environment.

1.3. Police Actions from the Perspective of LGBT People

The members of the LGBT community with whom the research team talked in the focus groups and interviews are interested in the police work and actions. Their views on the effectiveness and training of police officers and their willingness to do their job professionally, as well as the expectations of their actions, are clearly formulated.

Asked whether the police work contributed to the improvement of their personal security, the focus group participants mentioned only a few cases that had received a huge public attention and had been widely discussed in the context of abuse and suspected corruption in the police, such as “Savamala” case (non-activist, Belgrade), referring to them as cases that influenced their perception and opinion about the police as inefficient and instrumentalised institution that did not work for the benefit of citizens. These cases were given as examples in favour of the argument that the police tasks were of direct interest to the daily lives of citizens, including LGBT population, and that the conduct of police officers contributed to a sense of security, but could also become a factor of personal insecurity.

As regards the **police actions, there is no unified position on their impact**. Most of the participants in focus groups formed their views on the basis of their own experience in

reporting to the police the case of violence in their personal environment or on the basis of the experiences of their acquaintances and friends related to policing.

The first reason for the lack of trust in the police is their **inefficiency**. Some participants assessed that the police responded slowly, especially in cases of physical attacks and threats in a public place, often when these incidents were happening in the vicinity of the police patrols on duty.

Another reason for the lack of trust is the perception of the police as an oppressive institution, or fear that police officers' conduct would lead to new discrimination and threats. One of the lesbians who are attacked in a public place said, for example, that she had felt an instinctive fear of the police and thought that they would, upon arrival, begin to threaten them additionally. Contrary to her expectations, she was surprised with good, unbiased and calming response of the police.

The third source of distrust are the police actions and conduct in providing security for the Pride Parade. The participants of this year's Pride Parade stated that in direct conversation with the police officers who were securing the event they noticed a significant amount of prejudices that the police officers had towards LGBT people and work of LGBT activists. This primarily refers to the intense homophobia among these officers and their belief that the members of the LGBT community have a much higher social status.

"We were sitting and chatting informally when they approached us with the questions: who is a man, who is a woman of the two... at the beginning I didn't have their understanding at all... but I somehow found a way to get close to them. Those were the seemingly harmless comments but they are not. Are you filthy rich, all of you have money and travel across Europe to participate in the Prides abroad? – Yeah, yeah, I work for the minimum wage and this other girl is unemployed. That's how we managed to connect somehow. I convinced myself that I came out of that conversation richer for an experience and as a winner" (non-activist, Belgrade).

The fourth reason for the lack of trust in the police is the opinion that crime and corruption are widespread in this institution (Šabac, Belgrade). Regardless of whether it is based on personal knowledge (*"I know some people with serious criminal files working in the police."* – non-activist, Belgrade) or collective doubts in the wider community in which a particular person lives, this is one of the most serious reasons for mistrusting the police, regardless of the LGBT identity of the members of this vulnerable group.³⁰

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Public opinion polls on the trust in institutions and the prevalence of corruption in them indicate the conflicting perceptions of citizens about the extent of corruption in the police and at the same time the existence of public confidence in that institution. As regards Serbia, as many as 54% of citizens state that they trust the police, while only 4% of citizens believe that there is no corruption in the police. For more details see: "The Citizens' Opinion of the Police Force, the Comparative Analysis of Public Opinion Surveys Conducted in Albania, Bosnia and Herzegovina, Montenegro, Kosovo, Macedonia and Serbia" (Mandic, 2016).

The respondents state that the **reasons for trust** in the police are personal experiences in which the police responded to the cases of reported attacks quickly, professionally and without discrimination towards the people attacked. A few such examples were mentioned in the focus groups, including the case of attack in the bar “SFRJ”³¹.

Other situations where the police officers adequately responded were also mentioned. A gay man who reported to the police the harassment by a former partner encountered a well-intentioned and kind attitude of the inspector who invited and informed him about the details of procedure in such cases (non-activist, Kragujevac). The activist who advocates for the rights of transgender people said that the police officer acted in an informed and unbiased way in performing the task of routine stop and identification check of a transgender person (activist, Belgrade).

Based on the police conduct in the cases presented by the respondents, it seems that the expectations of police conduct, at least in some of the cases described, are very low. The mere fact that the police showed up at the site of the incident and worked without discrimination was appreciated by the LGBT community.

LGBT people do not assess the police work entirely from the perspective of their sexual orientation and/or gender identity. On the contrary, they form their views on the basis of the police action in cases of domestic violence, neighbourly quarrels, assaults and threats by unknown people in public places. One of the focus group participants talked about the case in which the police promptly appeared after she had found a minor child alone in the street at night (activist, Belgrade).

In contrast, as regards the **lack of trust in the police work**, their professionalism and well-intentioned conduct, the focus group participants gave numerous examples that ranged from believing in cooperation between the police and hooligan groups to some specific situations they witnessed. Thus, for example, the fact that the members of many fan and hooligan groups suspected of causing riots and threats are not prosecuted and walk free, is considered an indicator of their connection with the institutions with which they are associated. In addition, vulnerability and exposure of LGBT activists whose information on the place of residence is not protected, is taken as an indicator that they may be the target of attack that will not be prevented.

The activists of LGBT organisations, who participated in the roundtable discussion where the preliminary findings of this research were presented, criticise the work of the Ministry of Interior and the police, among other things, because of the lack of systematic approach in implementing reforms, which indicates that there is no substantial interest to set up a pre-

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“In the night between 26 and 27 September 2015, in the bar “SFRJ”, located in the Belgrade downtown, four lesbians were physically attacked by two N.N. persons. The four lesbians were sitting in the bar when a young man with a cap and hood hurriedly approached them and on that occasion inflicted bodily injuries on them and escaped. Five minutes later, another young man approached one of them and brutally physically assaulted her, inflicting injuries to her head. The case was reported to the police, the injured woman went to the Emergency Center the same evening.” (*Da se zna*, accessed on 29/11/2016)

dictable framework for police action and thus improve their attitude towards LGBT people. It has been emphasised that cooperation with the police, as well as with institutions in general, often depends on the motivation of individuals who work in them. This is confirmed by the occasionally good relationship between LGBT organisations and newly established liaison officers for cooperation, whose actions, however, are not defined by a clear and predictable framework.

1.4. The Impact of (Dis)trust in the Police on Reporting Violence

Personal experiences or experiences of other members of the community are very easily shared and become collective experiences in a relatively closed community such as the LGBT population.

“What is very important is that the LGBT community is small and that the social networks are strong within the community. It takes only a few people with negative experiences to spread these experiences throughout the population. The smaller the community, the stronger the social network.” (activist, Šabac)

Thus formed distrust of the police is a key reason why the LGBT persons are reluctant to report violence. They believe that such a step would expose them to additional, institutional discrimination – that a large number of people would be informed about their sexual orientation and/or gender identity, while the reported case would not be adequately solved. The focus group participant from Novi Sad who reported the threats to the police has stated that while he was sitting alone in the police officer's office “everyone who passed by came only to take a look at me.”

“It is a problem to report, because you're going to report it and then some inspector will be observing you and other colleagues will come to watch you. I was sitting during three shifts while giving a statement, waiting for this, waiting for that. Everyone who came to work, everyone who was finishing their shift, everyone who was returning from the field, passed through the office just to glance at me..” (activist, Novi Sad)

Despite the highly pronounced distrust, **more than half of the members of the LGBT community with whom the research team talked in 2016 would report cases of violence, incidents and threats to the police.** The explanation for this position is usually “that's the right thing to do” (Kragujevac) because it is a way of increasing the visibility of the community and of the cases of violence against its members, but it also puts pressure on the police and judiciary to resolve the reported cases of violence.

However, the respondents give a whole series of reasons that they would take into account in making a final decision on whether to report violence or not, especially because they usually note that “they know it will lead nowhere”. The decision would depend on:

- Particular case (“depends on who perpetrates the violence, whether it is the boss or a person in the street”)
- Type of attacks (verbal or physical)
- Presence of other persons (who is with them and whether that person has come out).

In addition, even when they do not believe that the case of violence will be properly prosecuted and when they are afraid that it will lead to an increased (negative) visibility of the person reporting the violence, the focus group participants point out that they would report such incidents to the competent institutions, but also to LGBT associations to leave a record and testimony of the violence and threats faced by the LGBT people in Serbia.³²

“The higher number of reported cases of violence opens the way for us to be safer. Maybe then something will be done about it. If there are more people who are out, they will be better recognised in society. But if we all keep quiet and say nothing...” (non-activist, Belgrade)

In the 2016 research, the participants who would not report a case mainly state that they would cope with the situation by themselves or they have a fear of “exposure”. This partly coincides with the 2011 research findings in which there was a striking distinction between the activists who would report all threats and/or attacks without doubt and non-activist who, if they had some previous negative experience in contact with police officers, would not report cases in which they were endangered.

In the 2016 research, the majority of participants would report the threats, verbal and physical attacks at least in order to leave the official record of the cases of attacks and threats to LGBT people. In the 2016 research, a large number of the members of the LGBT population in Serbia who would not report violence are afraid of disclosure; many of them suffer violence that remains invisible or suffer blackmailing by those who know that there will be no reporting. These things are crucial for understanding of why the cases of violence are reported or unreported.

Finally, this year’s respondents make an important distinction **between discrimination and violence, including insults and direct violence, and accordingly between the cases that they will not report and the cases that they would report.** This type of classification of offences did not appear in the previous research. Some of the views indicate that the perception of vi-

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In Kragujevac, the respondents showed a higher degree of trust in the organisations than in the police and institutions, as regards the reporting of violence. Jazas Youth was mentioned (there is a problem of not having other local organisations that would implement the support mechanism).

olence is mainly reduced to the active, aggressive manifestations of hatred, while intolerance or jeering in the street is not treated as something too threatening, and that there is no expectation that such a thing could be punishable and/or that the offenders could be prosecuted.

Many participants think that the **institutions are discriminatory, as described in the particular case of the police**. In order to get a fair and honest treatment, the individual must be privileged in a way, must have a “connection” that allows his or her entry into the normal procedure but also must be well informed about procedures, system and own rights. This refers also to one part of the respondents’ self-criticism, i.e. they believe that most LGBT people, like most citizens, do not know enough about their rights and legitimate demands from institutions.

The participants believe that in the atmosphere of general bureaucratic arrogance of public service employees, including the police, who also demonstrate the unprofessional attitude towards their duties, it is essential to be well trained for requests that citizens are entitled to submit to institutions. It refers to the treatment of all citizens, while in the case of the LGBT population, there is an additional burden arising from prejudice, ignorance, distrust.

“We are ridiculous to them.” (non-activist, Belgrade)

This is further related to the impression that the institutions, including the police, are unwilling to work preventively and do not take seriously the reports of verbal threats or threats of physical attacks and take into consideration only the cases of serious criminal offences, such as grave bodily injury. Distrust is enhanced also by the failure to prosecute old cases of violence against LGBT people, which creates the impression of a general lack of interest and marginalisation of security problems of LGBT people.

“You have to be super-privileged to exercise some basic human rights.” (activist, Belgrade)

As in the first research on this topic conducted in 2011, **a significant difference has been observed in the experience of communication between the representatives of LGBT associations and organisations who are also LGBT activists and very visible in the public scene in Serbia and the institutions, and the experience of LGBT persons who do not act on behalf of some of the organisations**. According to the testimony of Labris activist, based on her experience of witnessing the statement giving by LGBT persons in police stations, the police officers tend to treat such cases as irrelevant, and the victim as incompetent to give a statement and describe the incident. However, after the activist presented herself, the tone of communication would change and the entire case, at least at the level of taking statements and making a record, would be properly handled. According to the testimony of activists, another problem is the following: even if it is explicitly entered in the record that the motive for attack was sexual orientation or gender identity of the attacked or blackmailed person,

those qualifications are deleted when the case reaches the prosecutor's office, although they set the tone of the entire case.³³

Most focus group participants have expressed a very progressive attitude towards the institutions and the expectations of their work, to a greater extent than in the 2011 research. The institutions are perceived as user services that need to act professionally in compliance with their responsibilities, while their employees should act in a non-biased and discriminatory manner. In addition, the research participants did not express expectations that the police officers and employees of other institutions responsible for providing services to citizens, should and can (in the short period of time) change their preconceptions and understanding of different sexual and gender identities. These preconceptions may be highly discriminatory and filled with stereotypes about LGBT people. The key expectation is that they should perform their work impartially and independently of preconceptions and potential personal animosity towards the members of this vulnerable group. In contrast to the previous research conducted in 2011, the participants in this research have not stated the differences in their opinions about female and male police officers nor did they express their expectation that the increase in the number of women would contribute to less discriminatory conduct of the police and better insight in the needs of LGBT population in the communication with the police.

1.5. Security Sector Reform and Security of LGBT People

When asked about the prospects of reforms and changes both in the police conduct towards LGBT people and in general about the improvement of police effectiveness in protecting human security and the prevention of crime and corruption, most participants in our research pointed to some simplified causal links in the context of which, according to their interpretation, the reforms are implemented.

In the first place, the focus group participants believe that there are strict hierarchical relations in the police and army, based on which the entire work of these institutions is determined by the political tone of their leaders, i.e. key decision makers in the country. In addition, the respondents believe that due to the strict hierarchy, the orders are efficiently

33 "As regards some people close to me, so far we have been three times in the police station and reported the cases. In all three cases I was with the person who reported the case – until I personally say that I come from Labris, lesbian organisation, the police consider that person incompetent, irrelevant like the case itself, it's all absolutely meaningless until the moment comes when they ask me "who are you?" Then I say, I'm XX from the organisation Labris – and then the situation changes totally. Is it because I am acting on behalf of the organisation with which they cooperate or have an order from the top down – I have no idea what happens. In any case, they take a record in which it is explicitly stated why the person was injured or blackmailed – and there is always a motive – sexual orientation or gender identity. Then I take the case number, it is followed up upon and reaches the prosecutor's office, which unfortunately removes that aggravating circumstance and there we have a bug." (activist, Belgrade).

implemented from the top down to the lowest ranks. As a result, if the prevailing interest in society is to improve the relationship between the institutions and LGBT people, it will really happen in practice.

“I mean, when they send those police officers to the field, it seems that they have really prepared them a little bit lately. They are not astonished any more, at least not obviously. So I really think that something has been changing, and I can only imagine what’s going on in their minds.” (activist, Niš)

However, as regards the source of **impulse for reforms**, the focus group participants who have noticed legislative and organisational changes etc. believe that they are a direct result of EU conditionalities. However, according to them the problem is that the changes have resulted from the need to meet the formal requirements and demonstrate political will. Thus motivated changes do not become a regular practice in all parts of the institutions, nor do they influence the treatment of citizens.

When asked about whether they were informed that the Ministry of Interior had introduced special mechanisms for communicating with LGBT organisations, the focus group participants answered that they were not familiar with these mechanisms. Most focus group participants are either not acquainted with the existence of liaison officers, or if they have heard of their existence, they do not know who those persons are and how they can be contacted, which means that this reform has probably been conducted “in silence“, without media promotion, due to which the majority of LGBT population in Serbia have been deprived of access to the information about the existence of that service. The participants believe that the institutions, primarily the police, should work themselves on the promotion of their services so that citizens could be aware of their existence and instructed to use them.

Based on the interviews with the focus group participants that have no direct connections with the organisations for the promotion of LGBT rights, but neither with the activists of several LGBT associations in Belgrade, Niš, Novi Sad, Kragujevac and Šabac, there is an impression that the introduction of liaison officers and some specific data about them (names of police officers, contact phone numbers, their duties) are known only to a limited circle of LGBT activists from a small number of LGBT associations.

“As regards the police, something has really changed lately and I think that it is related to the fact that this woman, a focal point in Niš, is a really cool inspector. She has a friendly attitude and can be easily contacted, it’s not some sort of an institution, one call is enough to solve everything“. (activist, Niš)

Professional associations and non-governmental organisations (NGOs) are not the ones that need to compensate for that part of the functioning of institutions and to do their work on the promotion of special services, such as SOS hotlines and liaison officers. The problem would also be the professional capacity of LGBT organisations, particularly at the local level, since most of them are not in a position to have permanently engaged lawyers who could provide legal advice or specific assistance in the form of representation of LGBT people before the institutions. Moreover, findings from all focus groups indicate that members of

this minority and vulnerable community do not want and do not consider desirable appreciate any form of parallel networks, informal self-help groups, etc. They expect that their safety and the safety of all citizens should be protected by professional and unbiased work of the institutions that should operate within the framework of their powers and responsibilities.

“But he is not an institution... he’s just one person from the police that is appointed to be there... Why is he appointed to be here, and why one person? Why wouldn’t all police officers respect their citizens, protect their citizens? So why should we have one special person that will protect one particular group? It’s so terrible and I feel really ridiculous – what now, I have my security guard whom I don’t know? Why should we have someone for liaison? For what kind of liaison?”
(activist, Novi Sad)

These opinions are underpinned by the view that the institutions are not supposed to be a pillar and support network, but to work in accordance with their mandate. This is an important finding that will indicate whether the police and other institutions need specific mechanisms for the treatment of minority groups or whether the problem of their ineffectiveness arises from insufficient resources or inadequate use of the existing human and material resources.

Most focus group participants pointed out that the police needed **additional training in order to be better informed and more sensitized in communication with LGBT people**. This primarily refers to the basic levels of training on the rules of addressing and communicating with LGBT people, in a way that will not be offensive or based on the fear and ignorance of the basic facts about the LGBT identity. The reason for that are frequent impressions that police officers lack the basic knowledge regardless of which category of citizens they are dealing with, for example knowledge about the circumstances in which it is allowed to check citizens’ identification documents and whether they must provide an explanation as to why they are doing it, etc.

Examples were given where insufficiently clear communication of police officers was the basis for thinking not only that they acted in a discriminatory way, but also that they lacked knowledge about regulations. Thus, the two lesbians gave an example where the uniformed police officers approached them in the street and warned them that they should not publicly express intimacy, because it was violation of the law (it was unclear which one) and that it could provoke an attack (non-activists, Belgrade). In this way, the police commit indirect discrimination, if / when they impose the rule on LGBT people according to which they should not behave as heterosexual persons in public places to avoid potential attacks / incidents. At the same time, such police behaviour weakens the confidence in their own institution as a service that takes into account the needs of citizens and works to improve their personal safety.

By comparing these findings with the 2011 research, we come to the conclusion that the attitude towards and the expectations from the police rest on the same foundations, that is – on the previous direct or indirect experience with the police and the opinion on whether police officers then acted efficiently and without bias.

What is disconcerting is that the police continue to be perceived as a politically instrumentalised institution whose actions are determined by political messages from the top authorities, which are transmitted in that hierarchy to the lowest ranks of police officers who act accordingly. However, this is the reason why the 2016 research participants believe that the police action can be improved by a simple change of political guidelines for their work. In addition, the participants of this year's research perceive that the treatment of LGBT people has been introduced on the policing agenda, but do not think that it will necessarily lead to improvements in the human security of LGBT people. Rather, they believe that sporadic, visible cases, such as threats or discrimination, will be prosecuted in order for the institutions to demonstrate a general commitment to improving the situation of this minority group. This is attributed to the fact that the security sector reform is also conducted under the EU pressure, the result of which are the superficial effects that do not influence the inherited practice of institutions.

2. Institutional Policy – Five Years Later

2.1. The Ministry of Interior (MoI) and the Police

The perception of the LGBT people interviewed by the research team in 2016 with respect to priorities in the work of the police and the Ministry does not coincide with the official announcements and statements of the MoI representatives, according to which the **cases of threats and attacks against LGBT people are treated as one of policing priorities**. In addition to the introduction of specific mechanisms for communication and work with the LGBT community, it was pointed out that the police had improved their preventive work in order to strengthen the security of LGBT people and to ensure, among other things, the presence of police officers at the places of assembly of minority sexual groups.

According to available data, in the period 2011 – 2016 a large number of criminal complaints against police conduct in cases of threats and attacks against LGBT people were filed and reports were submitted to the competent prosecutor's offices.³⁴ In addition, since 2011 the police and the Ministry have significantly improved cooperation with sectoral LGBT organisations with which they perform joint activities, organise training courses for police officers and publish handbooks for the operation and conduct of the police with and towards the LGBT

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In the period 2011 – August 2016, 39 physical assaults on LGBT people were reported, including 5 persons who sustained grave bodily injuries and 14 persons who sustained light bodily injuries. 25 verbal attacks were reported. Criminal charges were raised against 28 persons suspected for 28 criminal offences; requests for initiating misdemeanour proceedings were submitted against 11 persons, and in 37 cases reports were submitted to the competent prosecutor's office. After reporting these events, 21 persons were brought into official police premises, of whom 12 were detained. In addition, there were 178 threats to LGBT people via social networks after which 143 persons (26 in Belgrade) were identified. 89 criminal charges were filed, and in 55 cases reports were submitted to the competent prosecutor's office.

people and protocols on cross-sectoral cooperation at the local level. Owing to this communication, the police have become more sensitised, a significant number of police officers are now equipped with the basic knowledge about LGBT people, their needs, concerns and rights.

However, there are certain disadvantages, such as a large number of similar activities and projects of the same scope. In addition, some suggestions of measures and conduct with respect to LGBT people go beyond the existing legal norms applied by the police in their work.

According to the information³⁵ available to the research team, the key change in police conduct towards the LGBT people, compared to the previous research, is the introduction of a mechanism of liaison officers with the LGBT community. As previously noted, this mechanism has existed for the period too short to allow us to assess its effectiveness. Based on the interviews with LGBT people, we have identified a clear lack of information and contact with police officers who have been assigned to perform the additional role of liaison officers at the national and local level. On the other hand, the MoI will not be able to compare the effectiveness of these mechanisms based on, for example, the number of misdemeanour and criminal offences committed against LGBT persons, or on the basis of actual or perceived sexual orientation, since the methodology of keeping records of these offences does not allow it.

There are two key areas of police work in relation to the LGBT population: prevention and repression. The preventive work is particularly intensified on the eve of the Pride Parade, particularly in relation to the threat posed by violent fan and hooligan groups, whose intensity has been declining over the past few years, according to the testimony of the representatives of the MoI Department for Public Order and Peace. The Department for Public Order and Peace is present in the field and performs informative work for the needs of the Criminal Police. In addition to emphasising good cooperation with the prosecutor's office, the cooperation with LGBT organisations through which to police obtain the information on cases of extortion, blackmail, assault, etc. is stressed. Prevention of attacks on LGBT people is also a process that requires time and constant efforts. What has been done within the police is sensitising police officers for the first contact with LGBT people, which is very important for the overall relationship between the police and the vulnerable groups and during which one should keep in mind the increased vulnerability of LGBT people in contact with that institution. Typical cases that are reported to the police through liaison officers refer to the frequent threats by means of electronic communication, but there are also sporadic cases of domestic violence in which the police, in order to solve them, contact the competent social welfare centres that further investigate the causes of violence.

Compared to the findings of the 2011 research, the MoI and the police obviously attribute a greater importance in their work to the treatment of persons of minority sexual orientation. According to the available information and the interviews conducted with the institution representatives, there is a systematic and disposed approach to analysing and monitoring the trends of the security of LGBT people and establishing cooperation with LGBT organi-

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Interview, Department for Public Order and Peace, MoI, 13 October 2016, Interview with Aleksandar Stojmenović, Liaison Officer for the LGBT Community, 14 November 2016

sations. Consequently, it is rather unlikely in 2016 to have the cases of checking the identity of LGBT people as happened in 2007 in Niš or to suspect that the police in local communities create registers of LGBT people, as recorded in the 2011 report.

The findings of our 2016 research confirm the fact that this progress has been more visible to the representatives of LGBT organisations than to most non-activists and activists who continue not to see any significant changes in police conduct and do not express a greater confidence in police actions.

2.2. The Ministry of Defence (MoD) and the Serbian Armed Forces

The focus group participants had the opportunity to assess the work of the police, either based on their direct personal experience or the experience of others and the general opinion on the functioning of that institution, but **they did not have any immediate insight in the work of the MoD and the mission of the Serbian Armed Forces**. This is a novelty in comparison to the 2011 research, during which a large number of male focus group participants spoke (affirmatively) about the work of the army on the basis of their personal experience during the regular military service.

None of the research participants brought into direct connection their own security and work of the Serbian Armed Forces, although its main mission and role (defence of the territorial integrity from external threats) was recognised by participants. The statements of the focus group participants also clearly show that the interest of citizens to closely follow the work of the MoD and the Serbian Armed Forces declined with the abolition of compulsory military service. Therefore, the members of vulnerable groups, in this case the LGBT people, do not pay much attention to their work or the reforms implemented since the beginning of 2000, because they do not see a particular motive to be more actively interested in the work of these institutions. However, **the associations that link the Army to the wars in the former Yugoslavia in 1990s are still present. The same applies to the police.**

“I always have negative associations with the Army. Firstly, only because I have anti-military beliefs and secondly, because I associate the Army with the wars in 1990s”. (non-activist, Belgrade)

Although the MoD undertakes some sporadic measures to improve its communication with the public and seeks to popularise the image of this conservative institution, there is an impression, based on the sample available to the research team, that these efforts do not reach citizens, irrespective of their social characteristics. There were no significant reactions to the given examples, such as the public promotion of cadets of the Military Academy, except for the remarks that they (focus group participants) were certainly not a target group of the MoD's promotional contents. The research participants who had an opinion on the work of the MoD and the Serbian Armed Forces, in addition to having the general impression that

these continued to be male-dominated, strictly hierarchical and conservative institutions, considered that these institutions were not interested in the LGBT population and as such would not even know how to integrate LGBT people into their ranks.

Regarding the intention to sign up for voluntary military service as an out person, a focus group participant says:

“Yes, but I had a meeting with the most responsible persons from the Army and asked them directly what would happen if I did that. I wanted to see what they would do and it shows that they would allow you to enter there, but who knows how a sergeant would behave, since they’re not alone... I have enough experience to assume, based on their reactions, how much they can be active in that respect. They don’t have even a basic idea of how they would manage to control it. I don’t think they don’t know exactly what’s going on. They are not even educated enough to be able to assume how a gay life looks like. They have that old principle of punishment – we’re going to put you somewhere, now they can’t be quite so explicit but they will put you in some isolated office where no one sees you.” (activist, Niš)

Article 149, paragraph 5 of the Law on the Armed Forces defines as disciplinary offence any conduct that insults the dignity of subordinate personnel, among other things, on the basis of sex. According to the letter sent to the Public Policy Research Centre as response to the questions regarding the attitude of the Ministry and the Army towards the LGBT population, these institutions do not discriminate positively or negatively based upon LGBT identity, while the status of employees is governed by the general regulations on the prohibition of discrimination and labour, in terms of legal and employment status. The previous Centre’s study “Mapping (non)-discrimination in the military education system in the Republic of Serbia”, conducted in 2013, pointed to numerous examples of discriminatory content in the textbooks used in the Military Academy (Đurđević-Lukić, 2013). Based on the recommendations of the Commissioner for Protection of Equality issued regarding the discriminatory content in the teaching material used in secondary schools, some partial changes were introduced in the textbooks (Commissioner for Protection of Equality, accessed on 29/11/2016).

Individual cases:

1. Zoran, Novi Sad (29 years old)

The respondent is an activist from Novi Sad, 29 years old. He talks about the attack that happened in 2011 (the same year when two Molotov cocktails were thrown on the Youth Centre CK13 in Novi Sad).

“That night I stayed longer at work and left the office later. I did not see them right away. And then I met a friend and accompanied him on his way home. We walked to his apartment. And then I was walking back home and they started coming towards me. And I don’t have such a habit to pay attention if someone is watching me... I mean, it never occurred to me that something like that would happen.”

After the attack, the respondent ended up in hospital with severe bodily injuries, a broken nose and stolen belongings.³⁶ According to his statement, the police responded well, although the attackers were not found either then or later. They knew that he was an activist; the case was covered by the media; the inspector offered him his phone number. After that, they used to come to most of the events organised by the group of which the respondent is a member: “He asked to inform them of when and what was on the programme. And they would come. They would also come to parties. They would come, sit down, have a drink and leave.”

In case of being attacked again, the respondent would report it. He knows that there is a liaison officer and believes that it is now much easier, but it is certainly easier to address the organisation first. He considers that the introduction of liaison officers is a positive development, as well as police reforms, change in police attitude, at least among inspectors and senior police officers. He says that they (LGBT) did not feel hatred during the Pride as

36 The 2012 report of Gay Straight Alliance on the same topic: “The attack on R.Z. (23) in Novi Sad – On 31 October 2011 a little after midnight R.Z. walked his friend home. On the way back to his house he was passing along the same route, when he was suddenly attacked by two unknown men. “I noticed two men who came out from the dark under the bridge and went towards me. They had hoods on their heads and held their hands in their jacket pockets. They passed on the left side so close to me there was barely room between us. In the next second I received the first blow to my back. The other man stood two-three metres behind the attacker while he was beating me. I remember only the first few blows, after which I lost consciousness. I wasn’t aware of anything till about 2 a.m., when I came to, got up and walked to the Clinical Centre Novi Sad. I realised that no one of the likely passers-by in all that time stopped to check if I was alive and what happened to me. At the time of the attack I was wearing very tight jeans, black jacket and black sneakers.” R.Z. received severe physical injuries, a broken nose, and the attackers stole his money and mobile phone. R.Z. reported the case to the Novi Sad police. According to the information received from the Ministry of Interior of Serbia, the attack was recorded as the criminal act of robbery referred to in Article 206, paragraph 2 of the Criminal Code, qualified by the Higher Public Prosecutor, and charges were filed against unknown attackers with the Municipal Public Prosecutor in Novi Sad, while the investigation of the case is still ongoing. In addition, according to the information received from the Ministry of Interior of Serbia, during the taking of R.Z.’s statement, it was not mentioned that the attack was motivated by his sexual orientation, and the police officers investigating this criminal offence did not establish that the attack had been motivated by the victim’s sexual orientation.”

before, but they are rather more afraid for their own safety, because they are the first target. He believes that non-activists, “ordinary members” of LGBT population are usually not well informed; they are afraid that if they go to the police someone will invite their parents.

He served regular military service, which he describes as a positive experience, as a part of growing up, although he would never work in that institution.

2. A man, Subotica

His unusual appearance (long hair, unusual clothing, way of walking, reputation of an artist) brought him a number of problems in the form of physical attacks and threats by unknown people in public places.

“In the beginning I thought it was up to me and that it had to do with the way I dressed and how my hair looked like (now I have greenish hair), but I came to the conclusion that it had nothing to do with it, because in the beginning when the attacks started, I looked like any other teenager. I wore sweatshirts and blue jeans and had a classic men’s hairstyle. I had no earrings, I wasn’t wearing necklaces, I was like any other teenager, but I experienced both verbal and physical assaults. So I think it’s my face, the way I move – this is something I can’t change. People seem not to know who and what I am and come up with a question of whether I am male or female. This has always been a question before any action – either physical or mental attack, but it always began with that question.”

In all situations, he asked the police to intervene and they regularly responded to these calls, although so far it did not lead to the identification and arrest of the perpetrators, despite the fact that at least in one case the attack was recorded by the video surveillance camera. While doubting the police efficiency, he criticises them for transferring the responsibility to him and saying “if that happens again, be sure to call us”, which indicates that violence is somehow normal and acceptable.

“It ends up with this sentence that the police officers always repeat, for example after the recent attack when I got light injuries, they said: “When something like this happens again, call us“. This is a sentence that they always say; I even got a special phone number that I can call the next time it happens.”

In addition, he considers that numerous identification checks (and the resulting payment of fines for not carrying an ID card) are excessive and believes that they mark him as potential offender.

“Then they ask me where I live, what I do and request some information that is none of their business. I think that the police officers who request this information should show me a badge and present themselves so that I know who is the officer, to avoid the situation where only I give my information, show my ID

card without knowing who I am talking to. Therefore, I believe that it should be the first thing, because in case of being addressed improperly or mistreated, I don't know who to report if I don't know the number of badge or the police officer's name. I believe that this should be like that, because if they want my personal data, they should show the number of badge or present themselves."

Although in this case there is no extreme distrust of the police and the institutions in general, which are regularly addressed by the research participant, there is doubt as to their efficiency and readiness to prosecute perpetrators.

3. Dragoslava Barzut, Da se zna

One of the cases that received considerable attention in 2015 and increased the visibility of violence against LGBT people in public places in Belgrade is an attack on the lesbians in the bar "SFRY" in Belgrade. Dragoslava Barzut, the founder of LGBT organisation Da se zna, is one of the attacked persons in this case. She talks about this experience and in general about the importance of coming out, which changes the lives of people, exposes them, but at the same time empowers and, paradoxically, protects them.

"And of course, there is no visibility, people are afraid of losing their positions, of ending up without the support of parents, without support at work. This is the complete exclusion from the system of family, society and any other. These are big and difficult things, it is clear that people cannot cope and struggle."

"They are all so accustomed to having a secret life and everything secret that they don't ask why... I don't know. These are very complicated issues. Complex, in fact. I think we are much safer than all of them, as much as it may seem paradoxical. We who are more exposed. Visibility protects you eventually."

The experience of physical attack (it is assumed that the attackers were the Rad fans), in addition to making her aware of the risk of being the target of attacks and exposed to violence on a daily basis, further empowered her for the contact with institutions (police and prosecutor's offices). She states that one of the main lessons learned from that experience is the necessity of knowledge of one's own rights with respect to the institutions.

"We should be well acquainted with our own rights. Our goal is to inform the LGBT people about their rights and what they can do according to law."

According to her testimony, and the testimony of her friend who was beaten up on the same occasion, the police responded relatively well, coming immediately after their call. They gave statements, the procedure was initiated, but the perpetrators were neither identified nor arrested. According to her, the problem arises when a particular offence is qualified in a certain way, which affects the entire procedure.

“The problem is that only the judge may eventually qualify the offence as a hate crime. My recommendation is to do that immediately ... what does it mean to me – an aggravating circumstance if the judgement is never delivered? I need it to be initially qualified as a hate crime to justify the investigation, because such investigation would be stronger than in ordinary offence cases. When I talked to the prosecutor, I asked why didn't you approve base stations, she said it was too expensive for an attack with light injuries, even though he threatened to kill us and it was obvious that we would have died there, if there hadn't been for that waitress.

Also, similarly to the personal story from Subotica, after reporting attacks or threats, the LGBT people feel to be in an unequal position, regardless of not being the perpetrators.

“They can't find lawyers. For example, in Valjevo they can't find lawyers who will defend the trans person. And everybody wants to defend the person who has committed an act of violence. You're not in an equal position right from the start; you are a victim, but in fact you are perceived as an abuser. In such a situation...things are twisted, if they don't have the support of parents, family or friends, people end up in hospital, lose their lives.”

4. Ana Zorbić, Belgrade

Her lesbian identity is in accordance with the professional, social, ethical and other choices that she makes. She does not feel threatened or exposed to the types of security risks and threats that would be different from those endangering other citizens, who are subjected to economic and every other type of uncertainty in Serbia nowadays. However, she understands that whether and when all this will drastically change depends only on political and other circumstances. She is aware of the many factors that affect our existence and is critical of social milieu in which she lives and works.

Regarding the work of the institutions, she considers that significant changes did occur compared to the period of five years ago, when the previous research was conducted, since it is rather unlikely that the situation that happened in 2007 in Niš could be repeated today. On that occasion the police intervened regarding the gathering of the LGBT community in the city, checking the identity of the event participants, and detained the organisers. She believes that this change occurred because the institutions were made aware that their work was monitored and assessed also from the perspective of their relations with LGBT people and attitude towards them. The fact that the rights and treatment of LGBT people have become an integral part of the efforts invested in the process of reforming the work of institutions and that this has happened under the influence of the donor community (OSCE) has sent a strong message to these institutions.

5. Helena Vuković, Belgrade

Thanks to Helena Vuković, former mayor of the Serbian Armed Forces, the public had the opportunity to get acquainted with the situation of transgender persons in the closed system, such as the Army and the Ministry of Defence, and about their problems in daily life. In her media appearances, she has particularly emphasised the problem of invisibility and inadequate legal regulations that apply to persons who are in the process of sex reassignment, which entails a number of other problems, of which the most common is the inability of employment. In a series of personal security risks for transgendered people, the most important is physical safety and fear of potential physical violence, to which, according to her, heterosexual people may also be exposed in the society in which it is very easy to resort to violence. She personally feels safe and has not experienced threats of physical violence. She believes that today, compared to the period of five years ago, the number of attacks on LGBT people has been reduced, as a result of their increased visibility, but also the visibility of cases of violence against LGBT persons, in which the offenders have been properly prosecuted and punished. Regarding the work of the institutions, she thinks that police officers are partially sensitised to lesbians and gay men, but not to transgender people. This problem is particularly acute at the local level, while in Belgrade the police conduct towards transgender sex workers should be improved because in that context there is an expressed problem of abuse of police powers. Like other participants in this research, she considered that the fundamental reforms in the conduct of police officers require a decision and order from the top of the structure, and that the tone of the institutional action is determined by the political willingness of key political actors in the country.

The same assessment applies to the work of the Ministry of Defense and the Serbian Armed Forces whose uniform and hierarchical organisation does not allow room for the protection of individual rights of LGBT persons. As shown on the example of her treatment in these institutions, there is silent discrimination, often on the basis of perceived sexual orientation, in the form of preventing promotion. The existing internal mechanisms for the protection of human rights are completely ineffective and established on poor grounds. The attitude towards LGBT people within the system can be changed through a consistent application of already adopted strategic documents and laws, modernisation of teaching contents in military education and putting pressure on the institutions by civil society organisations dealing with the protection and improvement of the situation of LGBT people.

PART THREE:

Conclusion and Recommendations

The findings of this research indicate that most members of the LGBT community in Serbia are necessarily concerned about their own safety since they are constantly aware of potential danger and of the need to be protected. Very few respondents in this research answered that they did not think about security issues at all. As regards the dangers perceived by the LGBT population as crucial to their security, it is noticeable that the threats related to their LGBT identities are neither the biggest nor the most important, but that their identity is only an additional factor of insecurity and is accompanied by other risks such as exposure to arbitrary actions of institutions, threats arising from the actions of extremist groups and widespread tendency towards violence in all aspects of social life, while at the same time the whole society and its institutions show a high degree of tolerance to violence.

The key risk is the potential exposure to threats to physical integrity, regardless of whether the person in question was a victim of physical assault or not. “Forced” coming out is related to this, i.e. the fact that the LGBT identity of the victim of physical violence would be considered a cause of attack and thus the victim would be unwillingly labelled in his or her environment (in the case of the LGBT people who have not come out). It is important to note that the LGBT population, i.e. the members with whom the research team had a chance to talk, consider that such a milieu and the threats to human security it generates are common to all citizens of Serbia, while the situation of LGBT people is only additionally threatened by a high degree of homophobia, ignorance and prejudice. This is a change compared to the 2011 research when the respondents felt that precisely because of their LGBT identity they could be the victims of physical assault in a public place, while five years later they observe an increased readiness to violence that can affect all citizens in society.

Streets, public transportation, places of mass gatherings are often perceived as the most vulnerable sphere, because these are the places of direct physical conflict and extreme violence, but we often forget that other spheres, such as workplace, family or groups of acquaintances could be the places of acute discrimination and violence when an LGBT people is not out. It is this year’s experience that revealed to us that a key source of insecurity can be a family or work environment, although in a small number of respondents. These differences are important, because they shed light on a large area in which the institutions should act to protect the LGBT population. However, it is necessary first to articulate that the reaction of institutions is needed in this sphere of life and then to develop and shape the institutional response to this need. One of the key remaining problems is the (in)visibility of violence and discrimination to which the LGBT people in Serbia are exposed. All of the above risks are even more stressed in the context of poverty and economic uncertainty, which has negative consequences on the overall life of LGBT people and their possibility of choices.

As the previous one, this research has shown that confidence in the police is at a low level. This means that the respondents generally do not trust the police, which is related to the general distrust of institutions. In fact, both in this and in the previous research the police work was rated as highly politicized and determined by political instructions coming from the key decision makers. The distrust stems also from the facts, according to the research participants, that the institutions operate as part of a specific system, that the issue of LGBT rights has been politicized, that their protection depends on the broader social context to which the police belongs, whereas such context is assessed primarily as conservative and the system is seen as inefficient and prone to corruption and protection of individual interests. The respondents believe in the efficiency of the police in cases where there is a political will to protect the safety of the LGBT community and prosecute perpetrators properly. Thus, the framework of the problem is placed in the sources of political power, where space for initiating the security sector reform is identified.

As regards the functioning of specific mechanisms introduced by the Ministry of Interior in policing, such as liaison officers, the time that has elapsed since their introduction is too short to allow us to assess their effects, particularly because the vast majority of research participants are not even aware of their existence. It has turned out that one of the threats lies in the fact that although the LGBT activists and organisations are largely familiar with the work and activities of the institutions, and the MoI is very open for their work and co-operates with them, they remain unknown to non-activists and other persons who are not in contact with LGBT organisations. On the other hand, almost all of this year's research participants expect a very professional, unbiased and efficient work, especially from the police, regardless of their personal views and preconceptions of police officers. In addition, the respondents expect the institutional functioning system to be predictable and not to depend on the motivation and willingness of individuals who work in them.

Distance in perceiving the work of the MoD and the Serbian Armed Forces is even larger than in the 2011 research. First of all, their work is unknown to the vast majority of research participants, who do not even show interest in gaining an insight into the scope of work and current activities within the purview of the traditionally most recognisable institution in the security sector. Removed from the centre of attention, these institutions are still subject to a high level of distrust and usually provoke negative associations related to their participation in the wars in the former Yugoslavia.

The results of all focus groups indicate that the members of this minority and vulnerable community do not want and do not appreciate any form of parallel networks or informal self-help groups, but expect that their safety and the safety of all citizens should be protected by professional and unbiased work of the institutions that should work within the scope of their powers and duties. This finding indicates that despite the expressed lack of confidence in an unbiased and efficient work of institutions, there is a basic consensus on the fact that the institutions have their powers within the framework of which their performance is evaluated, and they are expected to work impartially and effectively within their powers.

Recommendations

1. The holders of executive power should send clear messages that any form of violence against LGBT people is unacceptable and punishable, which will contribute to creating a social climate that fosters a greater degree of tolerance towards this vulnerable group.
2. The MoI and the MoD should work more actively on informing the general public, including the LGBT community, on the reform processes and achievements relating to the security of citizens and communities, rather than on the technical aspects of reforms. This would contribute to increasing the level of LGBT people's trust in security structures and facilitate their access to these institutions.
3. It is necessary to establish a formal system of monitoring and public reporting on the reported and prosecuted cases of attacks on the members of non-heterosexual minorities and the cases of discrimination to which they were exposed. This is necessary in order to provide accurate data that could be used as a basis for making reasonable political decisions in the fight against violent hate crimes and to evaluate the prosecuting of hate crimes. Such systems would register incidents, assaults and cases of persecution, and relevant data would be widely available. Moreover, Serbia should introduce a system of evaluation of the results achieved in the work of police and prosecutor's offices in the investigation, clarification and prosecution of hate crimes.
4. It is necessary to conduct a comprehensive analysis of the quality and scope of the previous professional development training programmes dealing with anti-discrimination and attitude towards the LGBT population, which were attended by police officers. The purpose of this analysis is to investigate the reason for unequal treatment of LGBT people by police officers and to make adjustments of future training programmes based on these findings. The aim of this analysis should be consideration of the further needs of the Ministry and the police and the formulation of types and levels of training, which should contribute to the advancement of the line Ministry's policy and the conduct of police officers towards LGBT people.
5. It is necessary to work on the promotion of measures introduced with the aim of improving the security of vulnerable groups and improving the police response to specific security needs of the groups of citizens, such as the mechanism of liaison officers. The institutional position of liaison officers for the LGBT community

should be defined more clearly, as well as their powers and duties in dealing with LGBT population.

6. Although the category of “hate crime” was introduced in the Criminal Code, it has not contributed to faster and more efficient clarification and prosecution of homophobic and transphobic crimes. Therefore, it is necessary to change the practice and procedures of courts in a way to allow that in the cases of violent crimes perpetrated because of race, religion, ethnicity, sexual orientation, sex, gender identity, mental and physical disability, the motive is identified at the very beginning of processing.
7. The staff of the Serbian Armed Forces and the Ministry of Defence should be sensitised to the minority rights of the LGBT population in order to achieve the uniform attitude towards and treatment of the LGBT population in the entire security sector.
8. The Military High School and the Military Academy should continue aligning their curricula and textbooks with the anti-discrimination framework of the Republic of Serbia.
9. In their official media appearances aimed at promoting the professional and regular military service, the Ministry of Defence and the Serbian Armed Forces should include messages for the LGBT community.
10. It is necessary to consistently apply all available mechanisms to protect the security and other rights of non-heterosexual people who are not the activists of LGBT organisations. The absence of LGBT organisations in many communities cannot be the reason for the MoI not to be proactive in protecting the rights of these citizens.
11. The non-governmental organisations that implement the programmes of training for police officers concerning the treatment of LGBT people should incorporate various topics in those training courses and adjust them to the various levels of knowledge and needs of police officers.

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ANNEX 1:

Surveys³⁷

In parallel with the implementation of the project **How does the Security Sector Reform Affect Human Security in Serbia? Reassessing the Impact of Security Sector Reform on LGBT People (2016)**, the Public Policy Research Centre conducted four surveys through its website with the main goal to encourage a wide range of people, primarily through social networks, to think about the situation of the LGBT community in the Serbian society and the key stakeholders that influence their security.

The results of our surveys show that there is a consensus among the respondents that discrimination against LGBT people is still pronounced in the institutions in Serbia and that members of this group can be employed in these institutions only if they conceal their gender identity and sexual orientation. In addition, the respondents perceive some progress concerning the security of LGBT people, but they believe that the security of this population continues to be very fragile.

Interested citizens, regardless of their sexual orientation, participated in these surveys. It is interesting that their assessments coincide with the assessments obtained in the focus groups held with the members of LGBT population.

1. Introduction

Since the goal of the project **How does the Security Sector Reform Affect Human Security in Serbia? Reassessing the Impact of Security Sector Reform on LGBT People** was to establish the level of achieved progress and to measure the dynamics of the relationship between the reforms conducted since 2011 and the human security of LGBT population, the survey questions have been designed to provide additional information as to whether the intensity of security threats against the LGBT population has changed and whether the general public and the LGBT population have noted some progress in the area of their security.

During the four months (June – October), we asked the following survey questions: “Do institutions in Serbia discriminate against the LGBT population?” (10 June 2016 – 10 July 2016), “Should the police employ additional measures to improve the security of LGBT

population in Serbia?” (10 July 2016 – 10 August 2016), “Has security of LGBT persons improved in the last five years?” (10 August 2016 – 10 September 2016) and “Are the LGBT people employed in the security sector institutions?” (10 September 2016 – 20 October 2016).³⁸ The possible answers for the first three questions are: “Agree”, “Partly agree”, “Undecided”, “Partly disagree” and “Disagree”. The answers offered for the last question are the following: “No, because these institutions do not approve their employment”, “No, because LGBT persons do not even try to enter these institutions”, “Yes, because according to the law everyone is equal” and “Yes, because LGBT persons refrain themselves from coming out.”

We have decided to cover the population aged between 15 and 44 (segmented in the sub-groups 15-19, 20-24, 25-29, 30-34, 35-39 and 40-44 years old), due to the fact that this group is relatively most active on the Internet and social networks.³⁹ In addition to age, the respondents were asked to enter information about the region in which they lived (Belgrade, Vojvodina, Šumadija and Western Serbia, Southern and Eastern Serbia). Technically, it was impossible to participate more than once in the individual surveys from the same IP address. The Centre was not able to otherwise determine whether the participants in the surveys provided accurate information about their age and place of residence.

Overall, the respondents aged between 20 and 34, from Belgrade, were most active in the surveys, and depending on the survey questions, they were followed by the respondents from Vojvodina, Šumadija and Western Serbia, and the smallest number of them were from Southern and Eastern Serbia.

The survey was posted three times on social networks (Facebook, Twitter and LinkedIn) with the accompanying text and photos, and in one case the survey question was accompanied by a short video clip that included an overview of the previous research findings and an invitation to participate in the new survey. The video post was most shared and had the highest number of online views (three times more than other posts). However, the number of respondents in each individual survey depended primarily on the period of time, rather than on the form.

This method of survey has a number of limitations: it is impossible to monitor whether the respondents actually belong to the specified age group and whether they really reside in the specified places; it is not possible to determine the percentage of respondents from the general population and the percentage of respondents from the LGBT community; it is not possible to know whether the respondents’ answers are based on their personal experience or the experiences from some other sources, for example from the media, other people’s ex-

38 The last survey was extended because the CENTRE had suspended the promotion of the survey on social networks for ten days after the tragic accident which was fatal for the CENTER’s Director Svetlana Đurđević Lukić.

39 According to the Statistical Office of the Republic of Serbia, the respondents aged between 16 and 24 are most active on the Internet, followed by the respondents aged between 25 and 54. At the same time, over 90% of the respondents in the age group 16-24 have accounts on social networks. Quoted from the Statistical Office of the Republic of Serbia’s *Use of Information and Communication Technologies in the Republic of Serbia*, 2016. According to the 2013 data of the agency Homepage, in Serbia, the most active Facebook users are aged 18-24 or 36.01%, followed by the users aged 24-34 or 25.98%. The users aged 35-44 make up 13.33% of the total number of Facebook users, while the percentage of other age groups is negligible. (MarketingITD, accessed on 16/11/2016)

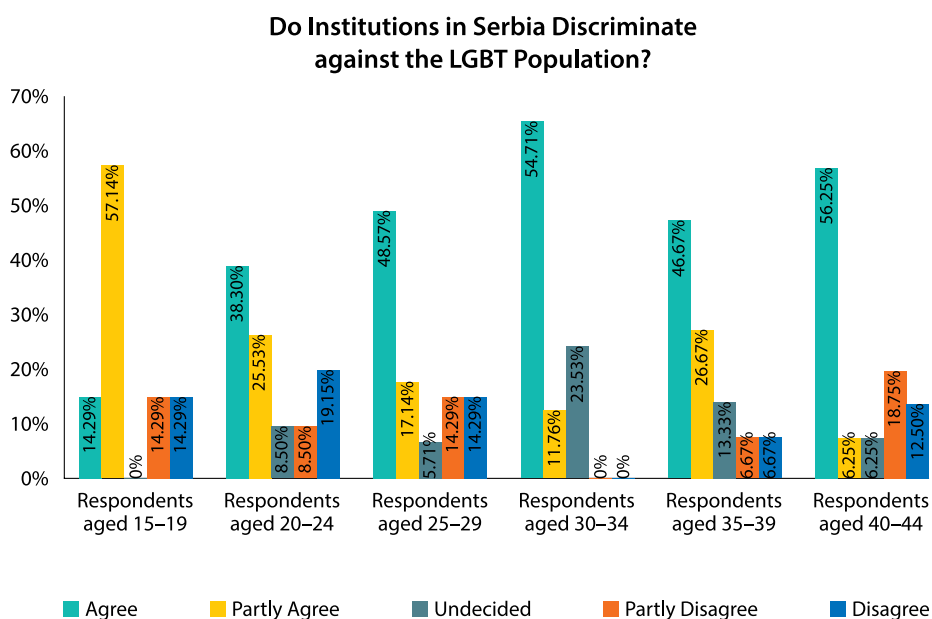
periences, etc.; as regards the age groups with a very small number of respondents, it is more likely that their views cannot be considered characteristic for the given age group.

2. Findings

2.1. Pronounced Discrimination and Some Institutional Improvements

More than three-fifths of the total number of respondents in the Centre's survey (67.2%) said they completely or partly agreed with the view that the institutions in Serbia discriminated against LGBT population. About one-fifth of the respondents stated that they completely or partly disagreed with the view that the institutions discriminate against the LGBT population, and approximately one-tenth of the respondents were undecided.

In the group of the respondents aged 15-19, 57.14% agree with this statement, while 14.29% partly agree. Overall, a total of 71.43% of the respondents in this age group believe that the



institutions in Serbia discriminate against the LGBT population. 28.58% of the respondents do not agree or partly disagree with this statement, and their votes are equally distributed between the two options (14.29% and 14.29%). There are no undecided respondents.

In the age group 20 -24, the views are slightly more diverse: 38.3% of the respondents completely agree and 25.5% of them partly agree with this statement (63.8% in total), while one-third of the respondents completely disagree or partly disagree with this statement (19.15% and 8.5% respectively). There are 8.5% of undecided respondents.

Similar nuances in the views are observed in the group of respondents aged 25-29, with a greater number of them believing that the institutions discriminate (48.57%) compared to the percentage of those who partly agreed with the statement (17.14%), which sums up to 65.7% of those who consider that the conduct of the institutions in Serbia is discriminatory, as opposed to one-third (28.58%) of the respondents who partly (14.29%) or completely (14.29%) disagree with this statement. There are also a number of undecided respondents – 5.71%.

In the age group 30-34, 64.71% of the respondents agree with this statement, while additional 11.76% partly agree with it (a total of 76.47%). There are very few respondents who disagree or partly disagree, while the number of undecided is extremely high – 23.53%. This is also a group of respondents smaller than the previous two groups, which is reflected in the percentage of responses.

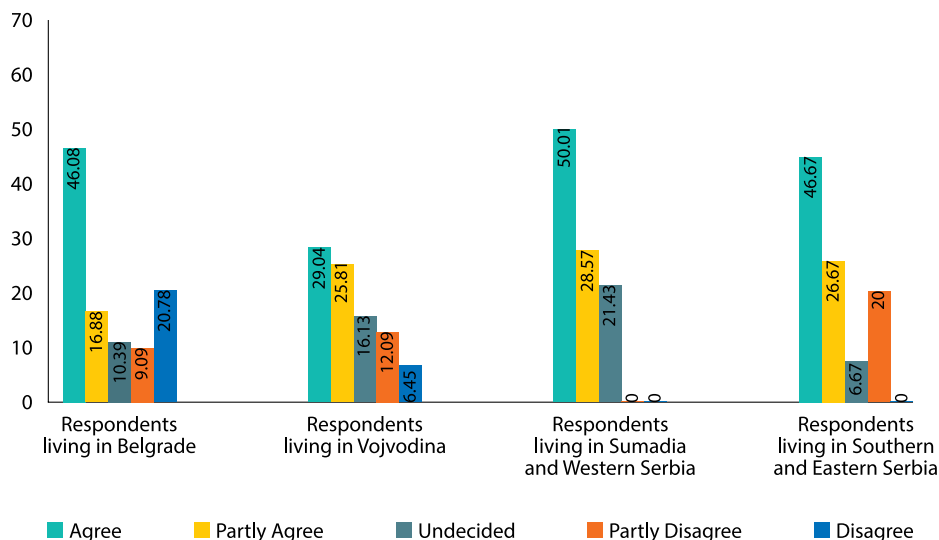
The views in the age group 35-39 are again more diverse: 46.67% of the respondents completely agree and 26.67% of the respondents partly agree that the institutions discriminate against the LGBT population, while 13.33% of the respondents completely or partly disagree with this statement (6.67% in each group), and 13.34% of the respondents are undecided.

About three-fifths of the respondents in the age group 40-45 completely or partly agree (56.25% and 6.25% respectively) with the statement that the institutions in Serbia discriminate against the LGBT population and one-third of the respondents partly or completely disagree (12.5% and 18.75% respectively). Approximately 6.25% of the respondents are undecided.

The respondents from Šumadija and Western Serbia and the respondents from Southern and Eastern Serbia – 78.58% and 73.34% respectively, completely or partly agree with the statement that the institutions in Serbia discriminate against LGBT population. About half of the respondents agree with the statement or more precisely – 50.01% in Šumadija and Western Serbia and 46.67% in Southern and Eastern Serbia, while 28.57% and 26.67% of the respondents, respectively, partly disagree with this statement.

A total of 64.94% of the respondents from Belgrade completely or partly agree that the institutions are a source of discrimination (48.06% completely, 16.88% partly), while the respondents from Vojvodina have divided opinions. Out of the total of 54.85% of the respondents, 29.04% completely agree and 25.81% partly agree with this statement, while slightly under half choose the opposite response.

Do Institutions in Serbia Discriminate against the LGBT Population?



Most of the respondents who completely or partly disagree with this statement live in Belgrade – 29.87% (20.78% completely, 9.09% partly), 19.35% of the respondents live in Vojvodina (6.45% completely disagree, 12.9% partly disagree), the highest number of undecided respondents live in Šumadija and Western Serbia – 21.43%, while there are no respondents who disagree or partly disagree. One-fifth of the respondents in Western and Eastern Serbia are undecided, while 6.67% of the respondents disagree with the statement that the institutions in Serbia discriminate against the LGBT population.

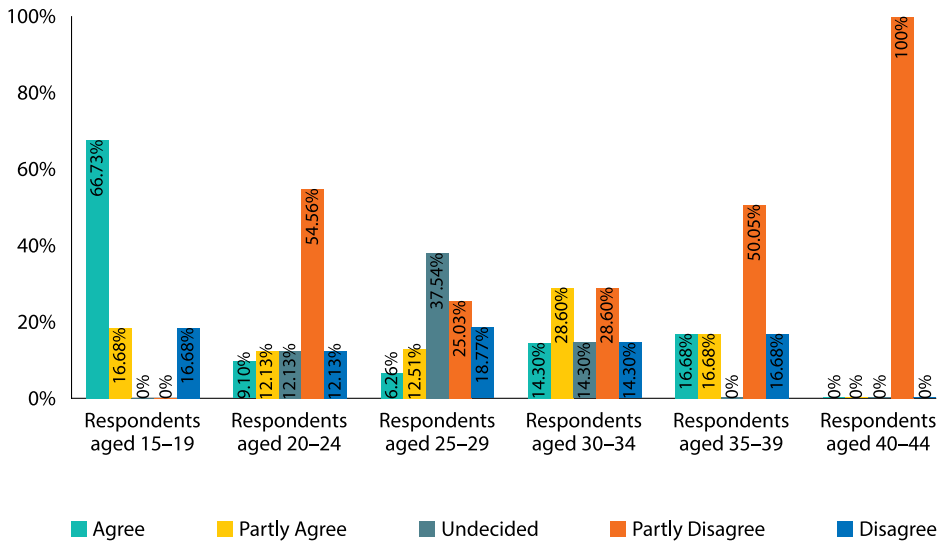
In all age groups the number of the respondents who completely or partly agree with the statement that the institutions in Serbia discriminate against the LGBT population is much higher (about three-fifths or more) than the number of those who completely or partly disagree with this statement (about one-third). The number of undecided respondents is relatively small. The exceptions are age groups between 30 and 34 and between 35 and 39, with the highest percentage of undecided respondents.

Also, as regards the geographical distribution of responses, there are no major oscillations: around two-thirds of the respondents consider that the institutions discriminate against, as opposed to one-third of the respondents who believe that this is not the case or who are undecided.

2.2. Security of LGBT Population Improved
Over the Last Five Years though Insufficiently

More than half of the respondents in the Centre’s survey agree with the statement that the security of LGBT population has been improved over the last five years. However, it is important to note that the number of those who partly agree with this statement is significantly higher than those who completely agree with this view. Roughly, the ratio of those who partly agree and those who completely agree with this statement is ten to one.

Has Security of the LGBT Persons Improved in Last Five Years?



The respondents in the age group 15-19 have rather uniform views regarding the question of whether the security of LGBT population has been improved over the last five years. Approximately 66.73% of the respondents agree with this statement, while additional 16.68% partly agree with it (a total of 83.41%). This is a group with a relatively small number of respondents.

In the age group 20-24, only about one-fifth of the respondents agree with the statement that the situation of the LGBT population has been improved, while more than half – 54.56% partly disagree. 12.13% of the respondents disagree and the same percentage of the respondents are undecided.

Most respondents in the age group 25-30 completely or partly disagree that there has been some progress (18.77% and 25.03% respectively) and almost two-thirds of them are undecided (37.54%).

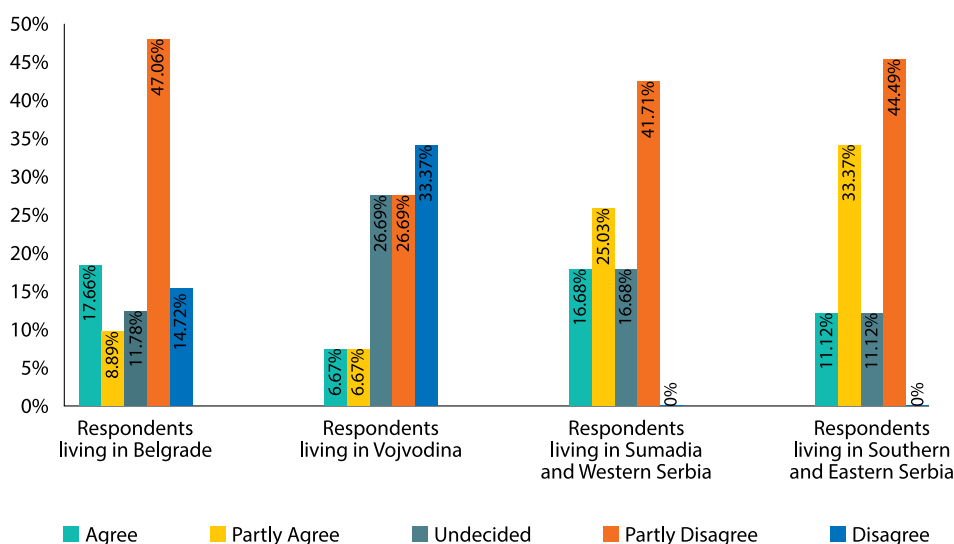
The respondents aged between 30 and 34 are completely divided; equal number of them partly agree or completely agree, and the same percentage of the respondents in this age group partly or completely disagree with the statement that over the past half-decade there has been some progress with respect to the LGBT population (42.9%), while the remaining respondents are undecided.

In the age group 35-39, again most respondents partly disagree that there have been changes (50.05%), while other answers are equally distributed (16.68%), and there are no undecided respondents.

In the oldest group in our sample, aged between 40 and 44, 100% of the respondents partly disagree with this assessment. This group also consists of a relatively small number of respondents.

Also, as regards the geographical distribution of responses, it is evident that the respondents largely refrained from taking maximalist positions (strong agreement or disagreement). Half of those who partly disagree that there has been a change for the better live in Belgrade, Šumadija and Southern Serbia, and Western and Eastern Serbia, while about one-third of the respondents in Vojvodina have this opinion, and the same share of respondents are undecided (26.69% in both groups). However, in Šumadija and Western Serbia and in Southern and Eastern Serbia about two-fifths of the respondents observe a relatively significant shift for the better (41.7% and 44.5% respectively), while about one-quarter (26.49%) of the respondents with the same opinion live in Belgrade, and slightly more than one-tenth (of 13.34%) of the respondents with such opinion live in Vojvodina.

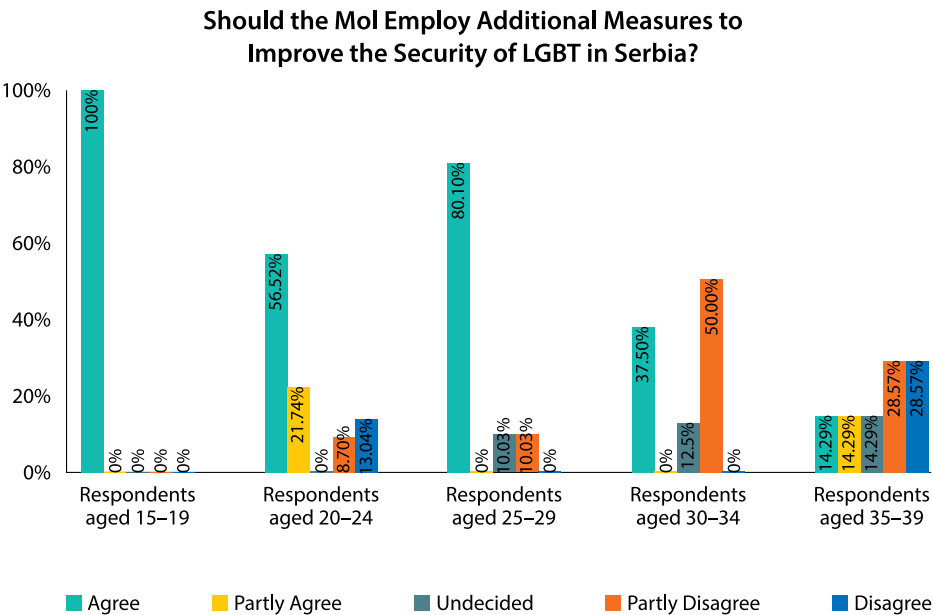
Has Security of the LGBT Persons Improved in Last Five Years?



Measured by age group and geographical origin, we can say that the respondents are much refrained in their opinions, and therefore the group of respondents who notice changes is dominated by those who see a partial progress, while the group of those who deny progress is dominated by those with moderately negative views.

2.3. Attacks on LGBT People Continue to Go Unpunished
and Low Level of Trust in the MoI and the MoD

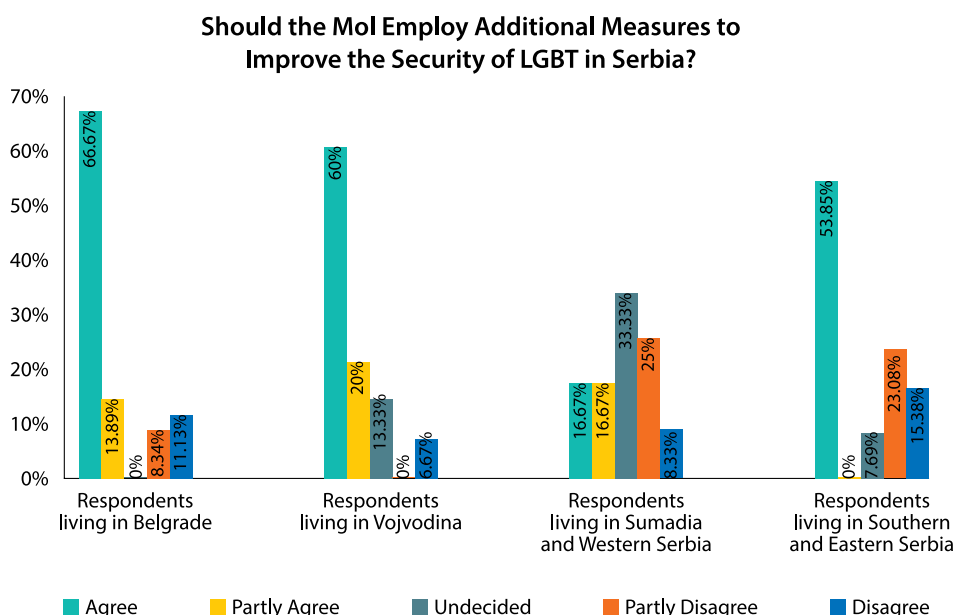
Most of the respondents from all parts of Serbia believe that the police should employ additional measures to improve the security of LGBT population in Serbia. Although it is a completely different method of collecting responses, these results coincide with our previous 2011 research and with the new research from 2016, in which a significant number of respondents who took part in in-depth interviews said that they rarely addressed the police because they did not have confidence that the MoI would respond if they reported violence they had experienced or threats of violence.⁴⁰



40 See more in Radoman et al, 2011. The survey findings make an integral part of the 2016 research.

In the Centre's survey, asked whether the MoI should employ additional measures to improve the security of LGBT population in Serbia, 13.5% of the respondents mainly agreed with that statement. If we add 54.03% of those who strongly agree, there are two-thirds of the respondents who support this statement. There are 9.45% undecided respondents, and about 23% of those who partly or completely disagree with it. More precisely, 12.15% of the respondents partly disagree with that statement, and 10.8% completely disagree. The percentage of responses by age groups and regions in Serbia varies significantly, partly due to the relatively small number of respondents compared to the first survey or more precisely – about 30% smaller.

Among the respondents who believe that the police should employ additional measures to protect the LGBT population the youngest age group is dominating – all of them have chosen an affirmative answer. Opinions in other age groups are somewhere in between: in the age group 20-25 – a total of 78.26% of the respondents agree completely (56.52%) or partly (21.74%) that the police should employ additional measures to protect LGBT people. The respondents aged between 25 and 29 choose this response in the four-fifths of cases (80.1%). In the age group 30-34, about 37.5% of them agree with this statement and about half of them partly disagree with the statement that additional police measures are needed. In the age group 40-44 a little less than one-third of them partly disagree and one-third completely disagree that additional police measures are needed (28.57% in each group).



In Vojvodina and Belgrade, most of the respondents believe that the police should introduce additional measures (80.56% and 78.26% respectively), followed by the respondents in Southern and Eastern Serbia. In Šumadija and Western Serbia, somewhat more than one-third of the respondents agree or partly agree that the police should introduce additional measures to protect the LGBT population, one-third of the respondents are undecided, while about one-fourth of the respondents partly disagree, and about 15% of them consider it unnecessary.

Most of the respondents in our survey, regardless of age group and geographical origin, consider that the additional police measures for the protection of LGBT population are needed. It is interesting that the findings of focus groups in our research show that some measures introduced by the police in the meantime, such as police work with the LGBT community and liaison officers for the LGBT community, have not been recognised among the LGBT people who are not activists, and they have neither been widely promoted in public⁴¹.

2.4. The Ministries of Force Closed for the LGBT People Who are Out?

About two-fifths of the surveyed respondents (42.65%) answered affirmatively to the question "Are the LGBT persons in Serbia employed in the security sector institutions?", but with one reserve – that their presence in the ranks of the Ministry of Defence and the Ministry of Interior was possible because they did not declare themselves as members of the LGBT population, while less than one-fifth of the respondents chose the answer "Yes, because they are equal".

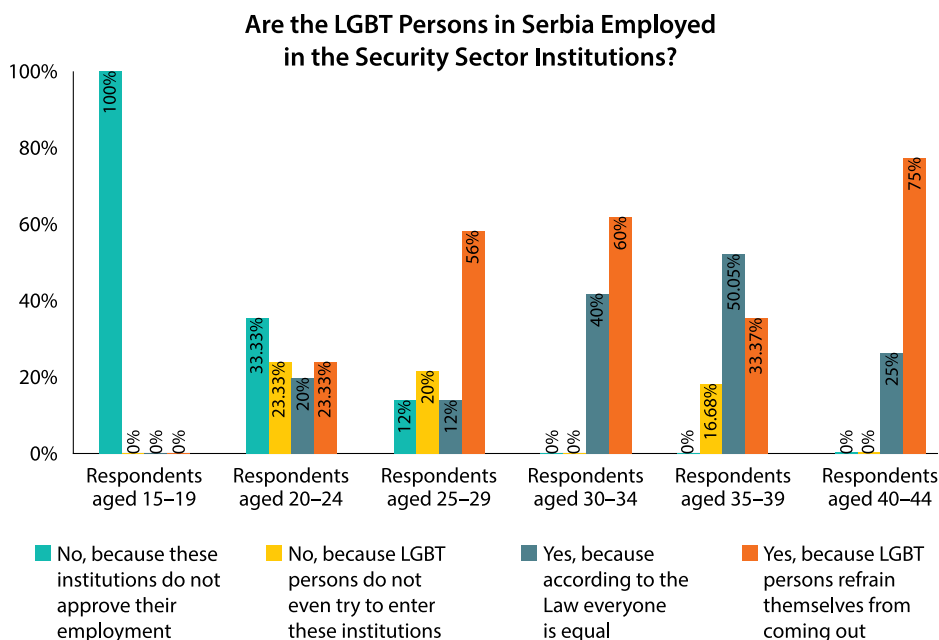
Such view is in accordance with the opinion expressed by the focus group participants in our 2011 research, when most of them had a positive attitude towards employment in one of these two institutions, but also said that the "MoI would never hire them into their ranks" or that they would be expelled very quickly upon revealing their sexual orientation. The same apprehension was expressed with regard to joining the Serbian Armed Forces, since some focus group participants stated that they could not foresee what the reaction in the workplace environment in that institution would be in case of revealing that they belonged to a group of different sexual orientation⁴².

The respondents in the age group 15-19, without exception believe that the members of LGBT population are not employed in the Army and the MoI because these two institutions do not allow it. The answers of the respondents in the age group 20-24 are almost equally distributed to all four options offered.

More than half of the respondents in the age group 25-29 (56%) believe that there are LGBT people in these two institutions, but only because they do not declare their sexual orienta-

41 Interview with Aleksandar Stojmenović, Liaison Officer for the LGBT Community, 14 November 2016

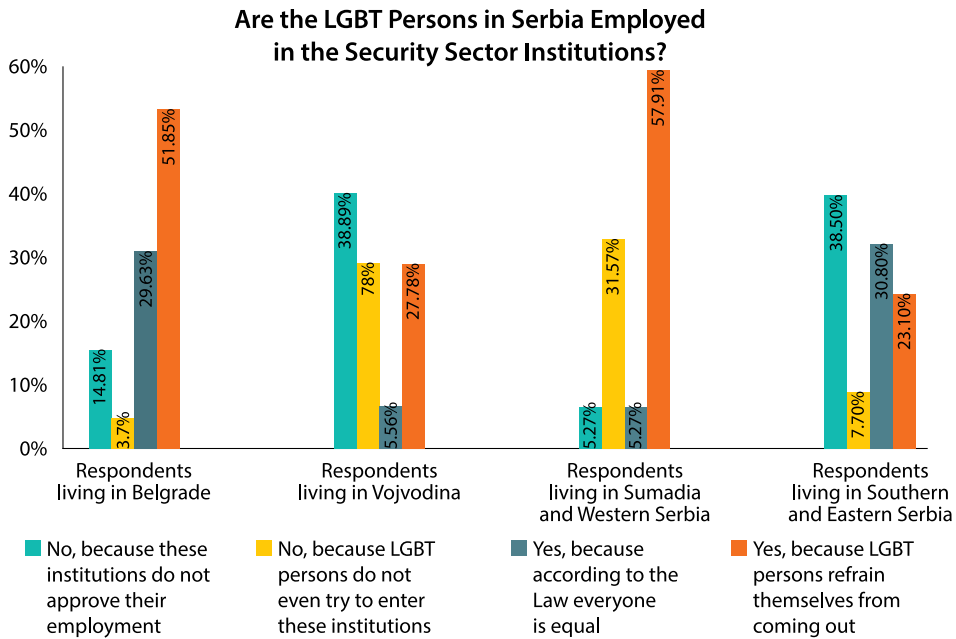
42 See more in: Radoman et al, 2011.



tion. About one-fifth of the respondents believe that LGBT people are not even trying to join the MoI or the MoD, while 12% consider that these institutions do not allow the entry of LGBT people into their ranks and 12% of the respondents have an opposite opinion – that there are LGBT people in the MoI or the MoD because they are equal under the law.

In the age group 30–34, 60% of the respondents believe that the LGBT people work in the police and the Army only because they conceal their gender identity or sexual orientation, and 40% of the respondents have the opposite opinion – that the LGBT people are the employees of these institutions equal under the law. This view is even more pronounced in the age group 35–40 (50.05%). 33.37% of the respondents believe that the LGBT people in the Ministry of Interior and the Ministry of Defence conceal their sexual orientation. Most respondents believe in concealing sexual orientation as a way of functioning – two-thirds, while only one-fourth of the respondents believe that the LGBT people are equal.

As regards the geographical distribution of answers, most of the respondents living in Belgrade and those living in Šumadija and Western Serbia believe that there are LGBT people in the Army and the police, but because they do not declare as members of this group (51.85% and 57.91% respectively), while the respondents living in Vojvodina and in Southern and Eastern Serbia mainly believe that LGBT people are not employed in the Army and the police because these two institutions do not allow it (38.89% and 38.5% respectively). About one-third of the respondents from both geographical areas think that there are no LGBT people in the ministries of force, because they are not even trying to join the Army and the police (27.78% and 31.57% respectively), while the number of those who think that there are LGBT people in these institutions because they are equal is marginal (about 5%).



If we divide the respondents into two groups: those who believe that there are LGBT people in these institutions and those who do not believe in that statement, irrespective of reasons, the respondents living in Belgrade, Šumadija and Western Serbia, and Southern and Eastern Serbia would choose the first answer, and the respondents living in Vojvodina would chose the second answer in the ratio of 60:40.

3. Conclusion

The findings of our survey show that the respondents believe that discrimination of LGBT people in the institutions in Serbia remains strong and that the members of this group may be present in these institutions only if they conceal their gender identity or sexual orientation. Although over the last five years some progress has been made concerning the security of LGBT people, according to the respondents, these steps forward are small and the security of this population is still very fragile. Trust in the Army and police is at a low level, and the majority of respondents consider that there is no place for them in these institutions, unless they conceal their gender identity or sexual orientation. Although the answers to these questions vary in different age groups and geographical origin, these variations are not too significant to allow us to draw meaningful conclusions.

Despite significant methodological limitations, the findings of the surveys are in general agreement with the findings of our study. Given that the survey participants were all citizens regardless of their sexual orientation, it is interesting to note that their assessments of the (in)security of the LGBT community and their treatment in society, in the Ministry of Interior and the Ministry of Defence, coincide with the assessments of the focus group participants all of whom were the members of the LGBT community.

The series of surveys is the CENTRE's attempt to examine the attitudes of citizens, regardless of their sexual orientation. In order to get a real insight into the views and opinions of citizens, it would be necessary to conduct a survey on a representative sample.

ANNEX 2:

Questionnaire

1. What do you see as the biggest threat to your security? Please explain and rank the threats.
2. Have you been exposed to violence (psychological or physical) as an LGBT person? Did you report that act? To whom? If not, why not? If yes, how would you assess the conduct of officials in handling that case? How did the officials respond? (Immediately, slowly, they avoided to respond, etc.).
3. Have any of your friends been exposed to violence (psychological or physical) as an LGBT person? Do you know whether your friends have reported that act? How did your friends assess the conduct of officials in handling that case?
4. To whom would you turn to in the event of a threat to your security in the future? Do you trust that the police would protect you in case of a threat to your security? If not, why not? Are you familiar with cases where the police successfully intervened in a case of LGBT attack? Based on your previous experience, what would be your immediate reaction to witnessing an attack on someone?
5. Would you apply for a job in the Serbian Armed Forces? If yes, why? If not, why not?
6. Would you apply for a job in the Serbian Ministry of Interior? If yes, why? If not, why not?
7. Do you know anyone in your LGBT community who would like to work in one of these two institutions?
8. Do you believe in the unbiased and non-discriminatory conduct of the police/MoI in the cases dealing with violence based on stated or perceived sexual orientation? Do you think the police are adequately trained or aware to know when to act in case of violation of the rights of the LGBT population? Have they been sensitized?
9. Have you (or any of your acquaintances, friends) experienced that the information about you being a lesbian or gay is used contrary to the provisions of the Law on Personal Data Protection? If there is a violation of these rights, do you have trust in institutions – for example, would you file a complaint, address someone, and who?

10. Have you noticed any changes in the attitude of the police towards the LGBT people in recent years? What are the changes, how do they manifest? Since when?
11. Have you heard of the concept of security sector reform? In your opinion, what reforms in this sector have been implemented? What reforms are missing? Is it necessary to improve the legislative framework and deliver training (of the security structures for compliance with the existing laws, judicial structures, journalists, and through them influence the change in the general public mood)?
12. Who is most engaged in the security sector reforms: international organisations – governmental or non-governmental, the Government, relevant ministers, some politicians, national non-governmental organisations – of which profile (for human rights, specialised in the security sector, LGBT organisations, staff of the Ministry of Interior, the Ministry of Defence, their unions and similar professional organisations)?