

LGBT
PEOPLE AND
SECURITY SECTOR
REFORM
in the Republic of Serbia

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Title

LGBT PEOPLE AND SECURITY SECTOR REFORM
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In 2011, Public Policy Research Center conducted a six-month project titled “Vulnerable Groups and Security Sector Reform: a Case Study of LGBT” on the relationship dynamics of LGBT people and the police / Ministry of Interior (MoI) and the Armed Forces of Serbia / Ministry of Defence (MoD). The research was based on the assumption that the security sector institutions *relationship with* and *attitude toward* members of LGBT population is one of the indicators of change in their culture i.e. a part of the process of the so-called “second generation” reforms. The research team sought to examine how non-heterosexual individuals perceive the ongoing process of reforms in the security sector institutions, especially in regard to possible improvements of their own security. The intent was also to contribute to the increase of interest in the “security community” for the issue of LGBT people’s relationship with the security sector. The ultimate goal of this project is to improve communication and cooperation between the two communities.

The project team - Svetlana Djurdjevic-Lukic, coordinator of research, Jelena Radoman, lead researcher, Marija Radoman and Branka Andjelkovic - thank all the participants of focus groups, interviewed officials at the Ministry of Defense and Ministry of Interior, NGOs *Labris, Gayten-LGBT, Gej strejt alijansa* (Gay Straight Alliance), *Grupa za podršku mladim gej muškarcima – Izadi* (Support Group for Young Gay Men –Come Out); *Omladinski centar CK13* (CK13Youth Center)and *Ženski prostor* (Women’s Space).

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GLOSSARY

Out – describes an individual who is identified in public and/or professional life by sexual/gender/biological sexual identity.

Bisexual – a person whose sexual orientation is directed towards people of both genders; or, a person who is emotionally, socially or psychologically invested in people of both genders.

Coming out – a term that comes from the phrase coming out of the closet, but now commonly refers to the process of revealing the identification of a lesbian, gay, bisexual, trans or intersex person. It occurs at two levels: as a self-discovery and as a public disclosure.

Gay (male) / gays – a man who is physically and/or emotionally only attracted to persons of the same sex.

Heterosexism – the belief that heterosexuality is the only legitimate sexual orientation. The presumption that all people are heterosexual (may be conscious or unconscious). Heterosexism is often manifested in the form of ignoring lesbians and gays, examples including the writings of the press about love, couples and relationships that make no reference to same-sex couples.

Homophobia – the fear, intolerance, violence and hate toward homosexuality.

Identity – “sexual/gender” sexual identity (lesbian, straight, gay, bi, asexual individual) and gender identity (transvestite, transgender, transsexual individual).

Lesbian – a woman who is sexually and emotionally attracted to women.

LGBT – acronym representing lesbians, gay men, bisexuals and transgender individuals.

LGBTTIQ – acronym for lesbians, gay men, bisexuals, transgender, transsexual, intersexual and queer individuals.

Straight – means, above all, something proper or right, non-deviant, something not mixed but also something conventional, which does not deviate from norms which are generally accepted as “normal” and “natural”.

Transgender – a comprehensive term used to describe different people, behaviors, and groups for whose it is common to oppose, partially or completely, their imposed genders and gender roles. Transgender does not apply to sexual orientation of individuals.

Transsexual individual – a person with a clear desire and intention to change his/her sex, as well as a person who has already partially or completely modified (including hormone therapy and/or surgery) his/her body, expressing her/his gender and/or sexual identity and sense of self.

Igbt populacija i reforma sektora bezbednosti u republici srbiji

EXECUTIVE SUMMARY

The subject of this research is the relationship of the security sector institutions (the Ministry of Interior and Ministry of Defense) of the Republic of Serbia with the LGBT people and the attitude toward them. The attitude of these two institutions toward non-heterosexual people is taken as an indicator of cultural change of the institutions, which in turn is an indicator of the progress in reforms and entry into the so-called “second-generation security sector reform.” In addition to document and policy analysis, the insights into MoI and MoD relationship with and attitude towards the members of these vulnerable groups are obtained through official talks with representatives of these institutions. The insights into how the LGBT people perceive these institutions, as well as the perception of their personal safety, the team got by organizing five focus groups, three of which were held in Belgrade, one in Novi Sad and one in Niš. Two focus groups were organized shortly before the scheduled Pride Parade date (2nd October 2011).

The main findings of the research indicate that in spite of a satisfactory legal framework established in the Republic of Serbia that outlaws any kind of violence and discrimination against LGBT people, non-heterosexual persons perceive that their personal security is threatened. This primarily pertains to physical security, but also economic security and a threat of being victims of discriminatory treatment in employment and the exercise of other rights.

The degree of trust in institutions that were the subject of research is low, resulting in reluctance of persons of non-heterosexual orientation to report cases of violence and discrimination. Previous experience with the police is a key factor determining the LGBT people's perception of the police and the expectations regarding the institution. The reluctance to report incidents to the police is brought in connection with long-term processes before judicial bodies, which do not produce expected results, but also with fear that the act of addressing the institution would turn into new discrimination. Causes for the lack of trust include the belief that the institutions operate according to well-established practices, that they are burdened by the legacy of abuse in the past and that they have not gone through lustration process. Distrust in the Armed Forces of Serbia, however, partly comes from misunderstanding the role of military in the modern security context, but also from the lack of familiarity with the reform processes implemented by the institution. Implementation of the reform process in both institutions has been partially recognized, but there is no perception of the connection between these processes and improvement of the personal security of LGBT people. Experience with but also willingness to address the police differs significantly between activists of LGBT organizations and non-activists,

but also between those members of the population living in Belgrade and those living in smaller towns in the interior of the country.

Based on the main findings of this research, this concrete policy proposal resulted in a series of recommendations aimed both at improving the legal and procedural framework towards better position of LGBT people in Serbia, and at better cooperation of the MoI and MoD with LGBT organizations, but also with less visible members of LGBT population. Here the emphasis is on more active measures that institutions should take to better present official policy toward these groups and the results achieved in the framework of security sector reform, so as for organizations dealing with the protection of victims of violence and discrimination to establish mechanisms for cooperation with the MoI and MoD. The ultimate goal of this project is to improve communication and cooperation between the two communities – LGBT people and the “security community”.

The research included an overview of the experience of other countries concerning the treatment of LGBT people in general and specifically in relation to the security sector. Although the European institutions are increasingly paying attention to the status of sexual minorities, non-heterosexual people still face discrimination in employment, are exposed to violence in schools, discrimination in terms of health services, and police inaction on threats and physical attacks on them, and serving in the armed forces is not everywhere without issues in practice. Given the insufficient available data, it is difficult to see the exact place of Serbia in comparative perspective, apart from being able to conclude that there is no direct institutional discrimination against LGBT people generally, thus in the security sector as well, but there are no sectoral policies for their social inclusion either.

INTRODUCTION

According to experts, Serbia today has legal norms that are in line with European anti-discrimination standards when it comes to minority groups: the Law on Prohibition of Discrimination, the Law on Gender Equality, and signed international documents such as the European Convention on Human Rights, and Resolution against any discrimination and violence against LGBT people. Currently operating in Serbia there are three institutions in charge of combating various forms of discrimination (Ombudsman, Commissioner for Equality, and the Commissioner for Information of Public Importance and Personal Data Protection).

However, satisfactory legislation is not in accordance with the practice of respect of the minority rights, which, *inter alia*, was recognized and reported by the European Commission in its regular annual report on Serbia's progress in 2010. (European Commission, 2011:28).¹ Inconsistent application of antidiscrimination norms is present in the work of the state administration. This is present in particular in terms of attitude to different gender minorities and persons with different sexual orientation.

Through the prism of uncertain status of lesbian, gay, bisexual and transgender (LGBT) persons in terms of ensuring their safety and non-discriminatory treatment, Public Policy Research Centre conducted a project in 2011, titled "Vulnerable Groups and Security Sector Reform: a Case Study of LGBT", on the reach and progress of security sector reform in Serbia. The research was based on the assumption that the sectoral institutions' relationship with and attitude toward the members of the LGBT community is one of the indicators of cultural change in these institutions. In fact, the abandonment of the culture of secrecy and militarism, and the adoption of the postulates of "good governance" (which include transparent and accountable management of public affairs in relation to the policies of national and human security, culture of the emphasized respect for human and minority rights and their routine protection, openness to cooperation with civil society organizations) are the main characteristics of the "second generation" security sector reform.

The research team wanted to determine the achieved level of change reviewing how the current reform processes in the security sector institutions contribute to improving the safety of the LGBT community. The main indicators of the way in which the MoI and MoD treat members of these minority groups were current strategies and documents of these two institutions, the official interpretations obtained through interviews with representatives of the MoI and MoD, and interviews with representatives of LGBT community about

¹ "Most exposed to discrimination are the Roma, women, persons with disabilities and the LGBT community."

the attitude of security sector institutions towards them, the source for the latter being the data obtained by working with focus groups of LGBT people.

This report is organized into several parts. At the beginning there is a glossary that explains words essential to understanding the contemporary discourse of LGBT community. The first part of the report defines the concept of security sector reform and gives a brief overview of the security sector relationship with LGBT communities in other countries (legislation solutions and practice in relation to LGBT communities in Europe and the United States), especially when it comes to hate crimes and serving of members of LGBT people in the military. The second part provides an overview of legal regulations in Serbia regarding the status of this minority population in society, especially the work of security sector institutions. The analysis took into account existing laws and regulations in the Republic of Serbia, annual reports and other publications of LGBT associations and other organizations dealing with human and minority rights in Serbia that monitored the position of this community. In the third and most extensive part, the authors present their findings based on focus groups with non-heterosexual people organized in Belgrade, Novi Sad and Niš, and based on interviews with representatives of the Ministry of Interior (MoI) and Ministry of Defence (MoD), including the police and Armed Forces of Serbia as well.

The fourth part deals with the conclusions of the research, and in the fifth part of the report the authors offer recommendations that could contribute to improving policies and practices of security sector institutions regarding LGBT minorities, as well as increase of confidence of LGBT population in the two institutions. Specific activities / measures are proposed that should help establish regular communication, and more intensive sensitization of the “ministries of force” to contribute, through practical action, to increasing of the security of LGBT people in their everyday life and non-discriminatory treatment in employment and work in the MoI and MoD.

1. SECURITY SECTOR REFORM AND LGBT: EXPERIENCES OF OTHER COUNTRIES

1.1 Security Sector Reform

Security Sector, in the narrow sense of the term, refers to traditional state actors that use force (armed forces, police, and the intelligence community) and the systems that oversee and/or monitor them (managing ministries, parliamentary oversight committees). In the broader sense of security sector, the reference expands to include the judiciary, penal and human rights protection systems, customs, financial police, private companies operating within the security sector and civil society (research and professional organizations, non-governmental organizations, media) with a vested interest in security issues. Security Sector Reform is a concept designed and developing as of late 1990's and refers to a framework in which internal problems within elements of the public sector responsible for providing internal and external security are resolved. The ultimate goal is the realization of efficient and effective security of the state and its citizens in the context of democratic governance (Hänngi, 2004).

Given that implementation is carried out across strategic-doctrinal, normative-legal, and organizational-functional areas, Security Sector Reform includes numerous technical components. Yet, it is not a technical undertaking solely concerned with the creation of an efficient and effective military, police force and security agencies. It is profoundly political as it deals with the most sensitive state sectors, challenging the existing balance of power, entrenched interests and dominant paradigms (Nathan, 2009). The laws themselves will not have the corresponding effect if they are not accompanied by zealous enforcement, which is not technical but a political issue *par excellence*. Security Sector Reform therefore assumes the existence of an internal societal consensus with regard to the basic assumptions of the reform, security challenges, risks and threats, as well as the manner in which the roles of individual security forces will be defined and overseen.² At the core is the position that security sector problems are not only those related to the armed forces, but rather “general issues related to government administrations. For example, a narrow focus on the professionalization of the armed forces to the detriment of efforts to strengthen the

² These elements were lacking in the State Union of Serbia and Montenegro and thus rendering a complete reform of the security sector impossible. Detailed explanation available in Djurdjevic-Lukic, 2006.

rule of law and the role of civilians in the management and overseeing of the security sector would be counterproductive and potentially dangerous” (Hendrickson, 1999).

In accordance with the progress of reforms and changes within the security environment, it is a process within which the goals change. Therefore, it difficult to identify a moment when the process can be considered successfully completed. In that sense, Security Sector Reform is an ongoing process, which is also the case in states with a developed democracy. Consequently, some theorists make the distinction of two generations of reform. In the first generation of Security Sector Reform, the focus is on establishing civilian democratic controls (or oversight) over security actors, achieved primarily through precise norms, stipulating the scope of and de-politicizing institutional structures. The second generation of reforms focuses on further consolidation of democratic procedures which secure the control mechanisms and the transparent implementation of reforms by these structures and institutions, improving their efficiency and effectiveness and general inclusion of civil society (Edmunds, 2004). Following the establishment of formal procedures, the next step is establishing the rule of law in a non-discriminatory manner across all levels including vis-à-vis women and so-called vulnerable groups – ethnic, sexual and other minority groups. Starting in 2001, the Republic of Serbia has been carrying out Security Sector Reform in the context of overall democratization and Euro (Atlantic) integration Serbia is currently in the process of transitioning into the second generation of reforms, and this research is meant to contribute to reviewing the depth of the reforms through an analysis of the security and non-discrimination levels of the LGBT population within the security sector. How the security sector institutions treat sexual minorities is considered by the research team as one of the indicators of achieved reforms and changes in security sector culture.

1.2 The European experience in treating the LGBT population

Issues such as human rights, security and the non-discrimination of lesbian, gay, bisexual and transsexual individuals (LGBT) are important on their own, but also serve as indicators of the level of democracy within a society as a whole; non-discriminatory treatment of this population is an indicator of a certain level of “good governance” by the government administration. European institutions pay an increasing amount of attention to the status of these groups within EU member states, as well as in the European countries that are outside of the EU borders. The Council of Europe Parliamentary Assembly adopted Resolution 1728 (2010) on *Discrimination on the basis of sexual orientation and gender identity* – prohibiting such types of discrimination. On a global level, at the beginning of 2011, the *United Nations Human Rights Council* adopted a *resolution* on violence and *discrimination against* lesbian, *gay*, bisexual and transgender (*LGBT*) *people*. Two recently published reports indicate that numerous legal changes have enabled their improved social, economic and safety status (Council of Europe, 2011; ILGA Europe, 2011). However, the LGBT population is still on a daily basis confronted with discrimination while seeking employment, it is faced with violence in schools, discrimination in access to healthcare services, and inaction of the police in cases of threat of harm and physical attacks against them.

ILGA Europe came up with discrimination indicators and published a map and index ranking individual European countries in regards to the position of this minority group. The map and index rank the legal and administrative frameworks of all European countries into 24 categories, on a scale from 17 (the highest attainable rank: respect for human rights and complete legal equality of the LGBT population) to -7 (the lowest rank: blatant abuse of human rights and discrimination against the LGBT population). Trends in 2011 and main conclusions are as follows:

- ❑ Not one European country can boast that they have achieved equality for the LGBT population within their society, not even those which scored the highest on the ILGA Index, like, for example Great Britain (12.5 points), Sweden or Spain (12 points respectively).
- ❑ There are significant differences between countries in Europe in regards to LGBT rights: while their legal status has improved significantly over past few years in some countries (as is the case in Germany and Portugal), in many others there has been no progress in regards to the treatment of LGBT people (e.g. Cyprus, Italy, Latvia, Malta, Turkey, Ukraine), while in some (Lithuania and Hungary) a regressive trend is noted
- ❑ 14 countries (including one EU member) are in the so-called „red zone“ because discrimination and frequent human rights abuses against the LGBT population are common occurrences.
- ❑ With regard to respect for human rights or securing legal equality for LGBT members, most EU members find themselves ranked near or below average (ILGA Europe, 2011)

The Council of Europe stresses that LGBT persons are frequently victims of hate crimes, both in public and within family. This population is also subject to police blackmail and harassment. LGBT members often do not report these incidents due to a lack of trust in the institutions that are responsible for the security of their citizens. On the other side, state agencies often do not know how to react to these types of crimes due to a lack of training and sensitivity to such cases.

Official data as to the scope and nature of police harassment of the LGBT population is very rare. The same problem exists with regard to hate crimes committed against members of the LGBT community. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) reports that 15 of the total 27 EU member states collect data on violence and hate crimes committed against the LGBT population. However, even in those cases, police reporting on those types of assault is still in an early stage. According to an ILGA Europe report on cooperation between the police and LGBT organizations in Europe, there are very few programs that conduct police training with a goal of successfully identifying and solving hate crimes committed against the LGBT population. An example of good practice was the establishing of liaison officers within the Scottish Police following the adoption of the Equality Law by the Scottish Parliament in 2009. Police and LGBT community representatives cooperated through an established working group (starting in 2002) while working on the law. Immediately after adopting the law, the Scottish Police started actively informing the LGBT community on how to recognize and report hate crimes. At that

same time, the police began keeping records and publishing data on violent acts. Another example of best practice is the adoption of a *Plan against the Discrimination of Homosexual and Trans-sexual Individuals in Catalonia, Spain*, in 2006. This resulted in the creation of a new position within the Prosecutor's Office in Catalonia, namely the Prosecutor against Homophobia and Transphobia, which has resulted in more timely identification and processing of hate crimes. For the first time, in 2008, the police published data on hate crimes committed against LGBT and that also contributed to the improved protection of that population (ILGA Europe, 2010).

As already noted in the mentioned reports, dealing with hate crimes remain a complex issue in EU member states. Germany, for example, is considered as a country in which a due attention is paid to the rights of the LGBT population (having scored 10 points on the ILGA ranking). Germany has a complex system in place for combating hate crimes, including specially trained police forces (OSCE, 2009). Yet, reporting on hate crimes is incomplete, thus preventing comprehensive insight into the scale of violence perpetuated by homophobia and transphobia. In 2009, Germany reported 164 incidents motivated by sexual orientation; of which 45 were defined as acts of violence.

Slovenia assumes an average or middle position among new EU members when considering the rights of LGBT population (5 points). LGBT persons in Slovenia often hide their sexual identity in public because society continues to respond with prejudice to displays of intimacy between people of the same sex. According to the reports by the national LGBT associations, the most common forms of violence aggression that LGBT persons are exposed to physical assaults, threats, intimidation, hate speech, and denied access to services mainly in health care. The same reports indicate that there is little research on the occurrence and frequency of violence perpetuated against members of the LGBT community. Police reports on homophobic violence are particularly rare, despite the fact that more than 63% of research participants reported that they had previously been victim to that type of attack. With regard to LGBT victims of violence, those cases are treated in the same manner as any other cases, even though homophobia is an explicit motive for some criminal acts. Hence the lack of data on the occurrence and frequency of attacks against LGBT because in most cases, these attacks are never reported (EU Agency for Fundamental Rights, 2010).

Elements of the legal framework: Germany, Slovenia, Spain

Human Rights – International conventions:

Unlike Spain who has ratified Protocol no. 12, *The Convention for the Protection of Human Rights and Fundamental Freedoms* prohibiting discrimination, Germany and Slovenia have signed but not yet ratified the Convention. In addition, all three nations are Parties to the UN Declaration on Sexual Orientation and Gender Identities of 2007, while Spain is also a Party to the Yogyakarta Principles of 2006.

Criminal Code:

Consenting same-sex sexual acts are legal. The age of consent is equal for all sexual acts.

Anti-discrimination:

In all three nations, discrimination based on sexual orientation is prohibited in the areas of social protection, health, education, housing, service delivery and exchange of goods.

Legal provisions against violence and hate speech:

Sexual orientation is covered in the German law on hate and violence but is not explicitly mentioned. At the same time, sexual orientation is recognised as aggravating factor for inciting violence. The Spanish Law against Hate Crimes explicitly mentions sexual orientation and recognizes it as an aggravating factor for inciting violence. The Slovenian Law against Hate Crimes makes no mention of sexual orientation.

Source: ILGA Europe: Rainbow Europe Map and Index, May 2011.

Spain is in many regards one of the EU countries in which members of the LGBT community enjoy a relatively favorable status. However, homophobic and transphobic incidents or hate crimes still often do not form part of national statistics and reported cases, despite the fact that discrimination and violence based on sexual orientation are considered criminal acts. Homophobic outbursts of hostility are considered an aggravating factor in the demonstration of violence in Spain, and sexual identity is explicitly taken into consideration in legislation that deal with hate speech and hate crimes.

1.3 LGBT and the armed forces

Policies and practice with regard to LGBT persons serving in the armed forces differ significantly from country to country. Based on a respect for human rights and equal opportunities within the armed forces, OSCE member states have softened or abandoned the prohibitive policies for lesbians and homosexuals to serve in the armed forces.

One can speak of three general policies with regard to the treatment of LGBT individuals in the armed forces:

- ❑ Policies legally excluding LGBT persons from serving in the armed forces or, if they serve regardless, their contracts can be terminated,.
- ❑ “Don’t ask, don’t tell” policy where the LGBT individuals are allowed to serve in the armed forces as long as they refrain from publicly displaying their orientation; and
- ❑ Policies where lesbians and homosexuals fully participate in the armed services, in accordance with international standards on non-discrimination (OSCE/ODIHR & DCAF, 2008).

In EU member states, lesbians and homosexuals are generally allowed by law to either openly serve in the armed forces or a subject to the “don’t ask, don’t tell” policy. However, legal regulations do not implicitly mean their active implementation. For example,

in Slovenia, the Law has been in effect since 1998 but with weak results. In Germany, in accordance with rulings in 2000, tolerance vis-à-vis people of different sexual orientation is an obligation of all those employed in the army. In Spain, there are no obstacles for homosexual and lesbians to openly serve in military and since 2009, the same applies to transsexuals (PALM Center, 2009).

The “don’t ask, don’t tell” policy was in force in the United States for many years. It meant that candidates would not be questioned about their sexual orientation, but would be fired in case they displayed non-heterosexual orientation on job. Bill Clinton’s campaign promised to end this limitation. Upon entering into office though, he was faced with a resistance from the military leadership, who openly opposed changing the policy. The separate stance of the military leadership in direct opposition to the position of their civilian Commander in Chief marks a shift in civil-military relations.³ Only in the beginning of 2011 was this limitation terminated.

In Great Britain, the ban for homosexuals and lesbians to participate in the armed forces was overturned in 2000, following a ruling by the European Court for Human Rights on 27 September 1999. The then-Minister of Defense, announced a new policy which was based on the need to maintain combat effectiveness, and the principle of group cohesion and discipline. Again, that policy was based on factors such as mutual trust and respect, and the need to avoid behavior offensive to others. Operational effectiveness was not damaged nor did it decline after 2000 and one internal government report defined the change as a solid success resulting in fewer problems than could have been expected. The Royal Navy even initiated a campaign to recruit homosexual members and to promote the equal treatment of homosexual and lesbian recruits (OSCE/ODIHR & DCAF, 2008).

This last example illustrates affirmative action toward the LGBT population in the armed forces: their active engagement. This is, for example, the policy approach adopted in The Netherlands, which fosters acceptance and integration of homosexuals and lesbians in the armed forces, including their protection from discrimination and harassment. In order to achieve the recognition of LGBT population and promote their service in the armed forces, informative, educational, and legal support and advice have been provided (OSCE/ODIHR & DCAF, 2008).

³ In all fairness, Clinton did not have the support of the Republicans, and only a portion of the Democrats in Congress supported this policy change. In addition to the President, Congress, the White House, the Justice system and public opinion, played an important role in both the legal codification and the termination of this policy. See, for example, Marybeth P. Ulrich, 2011 (draft).

2. SECURITY SECTOR REFORM AND LGBT IN SERBIA

2.1 Security sector reform in Serbia

Due to the specific nature of transition in our country, including armed conflicts and difficulties associated with the processing of committed war crimes, government changes via pacts with parts of the security structure, unresolved issues of national borders and unstable governing coalitions, security sector reform was not a constant priority over the past ten years and was carried out at varying speeds (Popović et al., 2011). However, since the end of the insurgence in the south of Serbia, at which point cooperation was established between the police/Ministry of Interior of Republic of Serbia and OSCE, including other international organizations; followed by the changes within the Ministry of Defense in 2003 (of then the State Union of Serbia and Montenegro), and particularly after State Union state ceased to exist, reforms have been carried out without contest. The emphasis was initially placed on establishing a new security organizational structure and reducing the number of members in the Army (organizational and functional areas), while later the focus has been on adopting key laws and strategies (normative – legal and strategic doctrine areas).

This process has been largely completed, however experts still debate as to whether the issue of first generation reforms has been finalized (CCVO, 2009) or it is still ongoing (Watkins, 2010). An increase in professional knowledge of security matters is noticeable in civil society organizations and academic circles, as well it is the creation of space for greater participation of women in security structures. The process of formulating and adopting a National Action Plan for the Implementation of UN Security Council Resolution 1325 on *Women, Peace and Security* represent solid foundations for gender equality. The process included both “power ministries”, and contributed to creation of linkages with non-governmental and international organizations, and to forming channels of cooperation for female professionals in these areas, such as the Women Police Officers Network (WPON) in Southeast Europe.

2.2 Legal Framework and Legal Status of LGBT

Nevertheless, the LGBT people did not find itself included in this SSR wave, given that their rights haven't been explicitly spelled out in this process; nor there was a consistent demonstration of political will to improve their position or create additional formal

or informal mechanisms, or a coalition of governmental and non-governmental actors to promote non-discrimination. Undisputedly, the legal framework which regulates the position of the LGBT population in Serbia is generally satisfactory, and provides a legal foundation for the protection of LGBT persons, i.e. banning discrimination against sexual minority groups on any basis. In addition to the most general legal acts in effect (the Constitution and Criminal Code), discrimination on the basis of any personal characteristics is banned – and sexual orientation is further regulated by the Law on the Prohibition of Discrimination, which was adopted in March 2009⁴. Discrimination has been recognized and prohibited by other sectoral laws such as the Labor Law, Law on Higher Education, Law on Public Information and the Youth Law. After passing the Law on the Prohibition of Discrimination, the Law on Gender Equality (December 2009), as well as signing various international documents (from the European Convention on Human Rights to the *United Nations Human Rights Council's resolution* on violence and *discrimination against lesbian, gay, bisexual and transgender (LGBT) people* in March 2011), according to expert evaluations, Serbia's legal norms are consistent with European standards. Also, there are three institutions in Serbia mandated to combat various forms of discrimination: the Ombudsman, the Commissioner for Protection of Equality, and the Commissioner for Information of Public Importance and the Protection of Personal Data. The position of the LGBT people is being followed not only by LGBT organizations but also by expert organizations that deal with the status of human rights and the legality of the state administration's actions in Serbia (Cvejic, at al, 2011, Petrović, 2011, Kosanovic at al, 2010).

Nevertheless, one must not forget the context in which the Law on the Prohibition of Discrimination was passed: the law proposal was initially removed from the Parliamentary agenda (on the initiative of the Serbian Orthodox Church) and then was passed with a slight majority. The major obstacle in the passing of this law was the “controversial” Article 21 which had the greatest implications for the LGBT population, stating that “sexual orientation is a private matter and no one can be called upon to publically declare their sexual orientation. Everyone has the right to declare their sexual orientation and any discriminatory treatment resulting from this type of declaration is prohibited”.

The greatest shortcoming in the legal regulations in Serbia with regards to the position of LGBT persons is the lack of the institution of “hate crimes”. Based on the experiences in other countries and LGBT organizations in Serbia, it would contribute to the efficient processing of cases against persons charged for committing violence and other crimes against the LGBT population. The LGBT organizations themselves claim to be generally satisfied with the legal framework regulating the position of this minority group, but state that the main problem lies in the inconsistent enforcement of the legal regulations protecting this population from various forms of abuse of human rights and freedom.

An example that illustrates that the legal framework is solid when there is a will for consistent enforcement can be seen in the recent ruling on “hate speech”, the first of its kind in

⁴ Article 13 of this law describe severe forms of discrimination as “*inciting inequality, hatred and intolerance based on ethnic, racial or religious affiliation, language, political affiliation, gender, gender identity, sexual orientation or disability*”.

Serbia.⁵ Furthermore, LGBT activists themselves have concluded that there is no evidence of institutionalized discrimination in Serbia, but that at the same time, there does not exist a specific policy for the social integration of this minority group (GSA, 2010).

When the laws regulating the work of the military and police in the Republic of Serbia are in question, they address discrimination in the most general terms with regard to the position of members of the military, i.e. the behavior of police employees. The Army of Serbia Law is more precise as it explicitly forbids discrimination on the basis of gender or any other personal characteristic.⁶ The Law on Police only generally addresses the issue, and stipulates that “authorized officials shall not discriminate on any grounds”⁷, without mentioning exactly what those grounds could be.

The topic of security for members of the LGBT population is an integral part of their daily lives, as their fear from becoming victims of violence restricts their freedom of movement, choice of style and communication, which is often auto-censored out of fear that it would incite negative reactions. Security and the perception of personal (physical) security is also an important factor in determining the quality of life of LGBT persons in Serbia and is conditioned by the extent of homophobia in society in which LGBT individuals live, work and dwell in Serbia⁸ In a context of security sector reform and the change of culture in key security institutions in Serbia, this study based on a selected sample, aims at describing LGBT perceptions of their own personal security with a separate focus on how being LGBT affects relations towards and with the police/MOI and military/MOD, including the position of LGBT working in these two institutions.

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- 5 A verdict of the High Court in Belgrade which issued a first instance verdict supporting the GSA lawsuit against the newspaper “Press” for hate speech. The Court ruled that readers’ comments published July 2, 2009 on the Press Online website were hate speech against the LGBT population..
- 6 Serbian Military Law, article 13. „Privledging or punishing a member of the Serbian Army in regards to their rights or responsibilities on the basis of of race, religion, sex or national origin, ancestry or any other personal attribute is forbidden...“
- 7 Police Law, article 35.
- 8 The prejudice against LGBT is illustrated by *Strategic Marketing* research data from 2009. 13.4% of respondents consider sexual orientation a major cause of unequal opportunity, while 10.4% of respondents consider it to be a partial cause. In regards to (im)possibility of employment in state institutions, 27.4% of respondents believe that sexual orientation is a barrier. Job discrimination (against LGBT) in the private sector is perceived as greater than discrimination on the basis of ethnicity: with 27.7% of respondents believing that sexual orientation has a negative effect. For details, see the HDR, UNDP, 2011 Opinion Poll conducted for the needs of the Gay Straight Alliance carried out by CeSID 2010 confirmed that nearly 30% of respondents consider the topic of homosexuality as something that is imposed by NGO’s and 36% believe it to be a “Western invention” which is dangerous to society (50%) and represents an illness (70%). More than 70% of respondents were against public manifestations such as Gay Pride Parades. This and updated data: Cvejic et al, 2011.

LGBT people and Security Sector Reform in the Republic of Serbia

3. RESEARCH FINDINGS

The research focus was on identifying the perceptions of the LGBT people about the work of the MoI and MoD: whether they trust these institutions, what is the attitude of LGBT toward these institutions, and what are the formative elements that influence the relationship between the LGBT minority and the security sector. Focus groups were chosen as the most suitable qualitative method for collecting information on the positions and perceptions of LGBT people. A total of five (5) focus groups were conducted – three (3) in Belgrade, one (1) in Novi Sad and one (1) in Nis. The results later showed that experiences of respondents in Novi Sad and Nis considerably differed in relation to those of LGBT members living in Belgrade. The weakest response and the least willingness to participate in this study was shown by gay men and lesbians in Nis. This can be explained by blatant homophobia to which the LGBT are exposed in smaller and more traditional communities.

Answers collected from the focus groups were systematized according to research topics and divided into several segments:

- Perceptions of personal safety (as individually interpreted or understood) and of main threats to personal safety;
- Have the participants experienced violence in connection with their LGBT identity, whether they reported the violence to the police and how the police reacted in those situations; based on their previous experiences, whether or not they would report cases of violence in the future;
- How members of the LGBT perceive the work of the police and MoI; how they see the roles of these institutions in society and the visibility of the achieved reforms; the possibility of LGBT to work in the MoI, reaction of the MoI with regard to the Pride Parade;
- LGBT perceptions of the roles of the Serbian Armed Forces (SAF) and Ministry of Defense (MoD) in society, of the attitudes toward people of different sexual orientations that work in the MoD and the SAF, and of trends in MoD reforms;
- Recommendations and suggestions for additional security sector reform measures that would contribute to improving the personal safety and non-discriminatory treatment of members of the LGBT.⁹

⁹ Detailed explanation of the focus groups methodology and questionnaire used for moderating the discussions are given in the Annex 1 and Annex 2 of this report.

At the same time, interviews with representatives of the Ministry of Defense and Serbian Armed Forces, the Police Force and MoI were conducted (10 persons in total), to shed the light on the legal framework and policies of these institutions in their treatment of LGBT people, both regarding the LGBT security as citizens (primarily related to the work of Police and MoI) and as employees in the „power ministries“.

3.1. LGBT perceptions of their safety and police measures

A sense of endangered personal safety is the major threat most strongly felt by LGBT on the streets or in a public spaces.¹⁰ Based on statements and explanations by the focus group participants, it was also noticed that the sense of endangered personal safety changes depending on the political context or general social developments. Thus the sense of threat to personal safety is more intense in the period just before the Pride Parade, when the rights of the LGBT people are being debated publicly and there is more access to the media for homophobic interlocutors and/or those inciting violence against the LGBT community.¹¹

As some focus groups' participants noted, the female members of the LGBT population are even more vulnerable than the males in terms of personal safety, particularly in smaller, more traditional communities where their identity, economic and every other independence represents a threat to the patriarchal value system and makes them exposed to assaults and violence.¹²

Economic security is the other category of personal safety that LGBT people feel is threatened because of their sexual orientation. It is primarily manifested by the concern of securing and maintaining employment.¹³ The majority of those interviewed said that they did not expect that their employment would be terminated explicitly because of their sexual orientation, but the contract termination would be disguised in other formal explanations so to conceal the underlying discrimination based on their LGBT identity.¹⁴ As a result of such perceptions, non-heterosexually oriented people develop defense mechanisms to conceal their identities, as preventive protective mechanisms to avoid discrimination.¹⁵

10 Some of the most frequent responses were along the lines of: „The feeling of personal safety is at the top place for me. I see that the situation is generally instable, but that is nothing new – that is how it has been here for decades. In my opinion, the situation is worsening. Second on the list is economic stability or security“.

11 „I have no problem walking down the streets in any sense, that is not an issue for me. But these days, for example, there is non-stop talk about the Parade, safety and security, and since I will attend the Parade, it all has an effect.“

12 Statement of a female activist from Nis.

13 „A sense of endangered personal safety is the most important for me. Second is a fear that I may lose my job. As far as I know, there is no legislation in Serbia which would save me from losing it because of my sexual orientation, for example. Especially today when people are losing jobs for nothing.“

14 „It rarely happens that someone is fired because of his/her LGBT identity. Even if there was a law to prohibit such practice, – and there are some laws which proscribe anti-discrimination – there will be no evidence that can be presented at Court.“

15 „I do not feel that my sexual orientation as a problem at work as I have taught myself to self-censorship..“ (non-activist). „One needs to practice acting and mimicry both at work and in society. This is very tiring, and I think that most of the LGBT are not even aware to what extent they are doing it. (non-activist).“

When the relationships toward and between LGBT and security sector institutions are in question, the fact that LGBT see a correlation between observed threats and the actions of political institutions in Serbia is of particular relevance. Namely, focus group participants explicitly stated that the observed threats endangering their security were a result of the political and social discourse through which institutions, such as the Serbian Orthodox Church, political parties' representatives and representatives of other high level state institutions, at best fail to call for the respect of basic human rights in their public appearances and, in extreme cases, implicitly or explicitly justify violence and discrimination against this minority. According to a number of focus groups' participants, one reason for the lack of confidence in institutions and reluctance of the LGBT to report acts of violence to the police is the uncertainty and unpredictability of the state institutions' reactions.¹⁶ Furthermore, activists and members of this population not only see the „power ministries“ as institutions in which they have no confidence but also as the very institutions which should evoke trust, according to their mandate and mission.¹⁷

However, MoI representatives assert that the security of minority groups, including the LGBT people, is a priority in police work. During training, police officers study „working with minority groups“ and are provided with a textbook on this topic. The Police force conducted mapping of the gathering points of LGBT, official and unofficial, so that citizens present at those locations can be safe and protected.¹⁸ This protection is not always visible, but LGBT NGOs that collaborate with the police and report to the police events that are of security concern, know that they are present.¹⁹

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- 16 „When LGBT turn to them (institutions) they never know what kind of response they will get.” „I first think of the Church and political structures that seem to play around with our safety. I think they are responsible because they provide the impetus for violence in public and constantly through the media, so I have the biggest problem with that.” (non-activist).
- 17 „Based on my many years of experience working at an SOS hotline, I can say that the average trans or gay person is extremely afraid of institutions such as the police or the armed forces, but the institution that should be closer, more accepting and open is the Ministry for Human and Minority Rights.” According to the words of this activist, when he was in direct contact with representatives of the Ministry for Human and Minority Rights (current Administration for Human and Minority Rights), he came to the startling conclusion that a high representative of that institution „did not know what LGBT meant” and when asked by activists what the institution was doing with regard to this minority „aside from taking ideas and strategies that NGO's initiate and come up with” responded: „Well, we do not have an operational plan or strategy, and in any case, elections are approaching and we are just figurines here” (statement from an activist and focus group participant from the Gayten Organization).
- 18 Interview with the MoI representatives on October 21, 2011. Informal gathering areas, so-called „cruising areas” (usually parks), are where gay men and other LGBT members normally gather. These areas exist in almost every city. The problem with these informal places in terms of security is that gays are often an easy target for homophobic attacks. According to statements by respondents in Nis, the police are familiar with the existence of such gathering areas, but do not offer there any protection.
- 19 Interview with the MoI representatives, October 21, 2011. With regards to the situation in other Serbian cities, we did not get a clear answer. The explanation was that there are no NGO's that gather LGBT that are in contact with the police.

3.2. Perception of police as an institution

LGBT, and citizens as a whole, do not have daily contacts with the Ministry of Defense and Serbian Armed Forces. Contrary to this, relations with police officers are of far greater and direct importance to members of the sexual minority groups. While conducting the interview on the topic of relations between the LGBT minority and the police, the research team focused on the issue of whether the focus group participants had been exposed to violence or the threats of violence; and if so, whether they contacted the police and how the police reacted in those situations. Also, how their previous contact with the police affected their current attitude toward that institution, i.e. would they currently or in the future report incidents of violence.

Previous experiences with the Police and the Ministry of Internal Affairs are key factors that determine the perceptions and expectations of the police by LGBT people. Aside from previous personal experience or the experience of someone known, key formative elements for the LGBT relation with/toward the police are political messages originating from top state officials representing these institutions – in this case, the police. Political messages and value statements regarding LGBT rights made by representatives of institutions, most often in the context of the organization of the Pride Parade, are generally recognized by LGBT as the attitude of the institution, which implements hierarchically, top-down. Thus, focus group participants believe that lower ranking police officers carefully monitor public statements made by the Minister of Internal Affairs with regard to respecting the rights of LGBT, aligning their treatment of LGBT to the position taken by the Minister.²⁰ In addition to the importance of the political messages disseminated by the highest representatives of these institutions in public, it is necessary to note that LGBT believe that the police should serve as a public service to citizens, but that at the same time, this is rarely the case.²¹

The perception of the police as a political institution, rather than a service to society (or citizens), was noticeable when focus groups' participants shared their first/immediate associations to the word „police“. In their responses, some participants answered along the lines of: „those are authoritarian structures“, or „Kosovo during the 1990's and torture against the Albanian populations (...) and “still work in line with those policies“. The perception of the police as a political institution by a certain number of the respondents stems from the lack of lustration in the MoI, and is cited by LGBT as one of the reasons for their lack of trust in the police. The legacy and organizational structure are two things that LGBT respondents taking part in this research indicated as detrimental factors when evaluating the work of the police as an institution, more so than the actual police practice itself. It should be pointed out that the police is not an exception: when compared to other state institutions, the same observations were made (“burdened by an authoritarian legacy”).

20 „Dačić is one of the most cooperative (as revolting as that is for me to say, bearing in mind his SPS affiliation), and there is some progress, but they are still not educated“ (activist).

21 „There is a fear of being powerless when facing violence, which is subtly referred to as discrimination. I do not have faith in government institutions, and therein lie infinite number mechanisms for, indirect discrimination. There is no awareness that the police force is a service to society and that our taxes pay their salaries and enable that service to function – this, in the current collective discourse in our society does not exist.“

Such perceptions of the police suggest that invested efforts by the MoI (in collaboration with donor organizations) to change the image and move closer to vulnerable populations are not very visible to LGBT. Representatives of the MoI pointed out that in 2005 the Ministry had initiated cooperation with non-governmental organizations through roundtable discussions that were held in 13 towns throughout Serbia to familiarize themselves with the various issues and problems faced by „vulnerable groups“. Ever since the MoI has been conducting „diversity trainings“. Specifically, in cooperation with the OSCE Mission in Serbia, members of all police departments underwent training in Kent, England (and later as coaches shared their experiences with other colleagues) on ways and methods for the police to adapt and adequately react to the various problems of vulnerable citizens, from disabled to LGBT. In addition, the obligation to respect diversity was introduced and will be further institutionalized through the Police’s Community Development Strategy.²²

One of the important elements defining the police as an institution is its role in securing the Pride Parade. This event, which has drawn a lot attention over the past two years, largely determines the LGBT population’s perception of the police. Before its image was determined through Kosovo and civic demonstrations, today it is the Pride Parade.²³ The realization of this event was equally important in determining the attitude of the general LGBT community towards the police, as it was the participation in the organizing committees preparing the parade in determining the relations between the inner circle of activists and the police. An activist that took part in the organization of the 2010 and 2011 Pride Parade, stated: „Thankfully, I did not have to participate in the negotiations with the police regarding „Pride“, neither this year or last year. I know that these talks are very difficult and inefficient due to the fact that there are many games at play, obstructions, attempts to exert pressure and intimidation with the hope that the other side will give up or abandon its position”.²⁴ On the other side though, the MoI referred to this very cooperation around the organization of the 2011 Pride Parade and the fact that the press conferences, event promotions (putting up posters), and „Pride Week“ (events organized in the week before the planned Pride Parade) were not marked by any attacks, and are examples of the police concern for LGBT safety.²⁵

22 Interview in the MoI, October 21, 2011. An LGBT organization was informed that a strategy was being prepared, but commented that the process was taking too long and that it had received no feedback on their proposal to train/familiarize the police with LGBT problems submitted in 2009.

23 Mass events often represent and create collective memory – one respondent described this stating that “whether we wanted to or not, we witnessed an event of historical importance by being present at the Pride Parade.”

24 Similar statements about the pressure during negotiations were made by an activist participating in a focus group in Belgrade who was a member of the organizing committee in 2009, when the Pride Parade was prohibited. A third activist, also from Belgrade and involved in the Pride Parade organization shared this opinion with regard to the negotiations.

25 Interview with the MoI representatives, October 21, 2011.

3.3. Assaults on the LGBT and MoI responses

Willingness to report cases of violence or threats of violence is to a greater extent present with activists of LGBT organizations in comparison to non-activists, as a result of their professional engagement related to LGBT rights advocacy and work they do on a daily basis in direct contact with LGBT people.

The responses of activists obtained from the focus group held in Belgrade, exhibited a consensus regarding the expectations that the police would react and perform their duty regardless of the sexual orientation or gender of the person reporting an incident or seeking police intervention. Their belief that the police would react positively is based on the fact that the police are aware that incident reporting is done by LGBT activists, engaged in some non-governmental organizations. One of the participants believes that the position of someone who “uses the services” of the MoI very much agrees with them, as they feel safe from the standpoint of a defender of human rights. Their belief is that by virtue of being a part of an organization that deals with the protection of human rights, they already act from a “protected” position and are aware that this is a sort of privilege they enjoy.²⁶ Nevertheless, activists in Belgrade are aware of the fact that the same confidence in police response is not shared by gays and lesbians who do not have access to non-governmental organizations, the media and other channels that could provide them with some kind of “protection”.²⁷

Despite negative experiences, there is awareness amongst activists that cases of violence must consistently be reported.²⁸ As for non-activists, their confidence in the operation of the police also depends on their previous experiences with that institution. Some have had positive experiences interacting with institution and would thus be willing to report incidents again.

26 „When I am out, in the streets, I am publicly recognizable, but for some reason I am not frequently aggressed. I had a fight recently, but nothing since then – not even a slur, threatening message or provocation. But the catch with ‘coming out’ publicly and especially being involved with Pride organization, is that we have protected ourselves to a great extent by this very visible public engagement. And that’s not because the police are supposedly “on our side.” (Statement of an activist from Novi Sad.)

Other activists in Novi Sad do not have such positive experiences despite the fact that they are involved in LGBT organizations. One participant believes that the simple fact that someone is associated with a LGBT organization will not be of much help in an interaction with the police: “The only thing that sparks a reaction from them is when you mention the Pride Parade”. He confirmed the premise that the majority of people not involved in activism do not report incidents because they fear that the information could be leaked to the public (to the media, and similar).

27 An activist stated the following: „I am very confident when it comes to the police -- despite the fact that the majority of people I communicate and collaborate with have absolutely no confidence in them whatsoever.”

28 An activist from Novi Sad: “Simply, something somewhere is recorded”. The organization IZADI (COME OUT) who we visited two days before the Pride Parade had submitted a list of anonymously reported incidents of assaults against the LGBT community which was compiled the Centre and Novosadska lezbejska organizacija (Novi Sad Lesbian Organization). The reference to this initiative: <http://ck13.org/za-sigurnost-u-svom-gradu>.

However, if one experience was negative, the probability of no further addressing of the police is higher.²⁹

There is also an intermediate step: verbal threats and assaults that are reported to LGBT organizations, who are familiar with the identity of the person reporting the incident, but do not wish to forward the information further. Hence, LGBT activists who, in the scope of their scope also have a mission to offer support and legal assistance are a good source of information on assault and discrimination victims and they are in direct contact with non-activists seeking advice and support. One activist thus testifies: “Based on research and our daily contact with those people, they do not want to report violence. These people are simply scared whether they are gay, trans, queer; because these are concentric circles of fear. This is a fear of further “outing“, and these cases, when reported, are slow and inefficient. Furthermore, Serbia is one of the leading countries in the region in corruption – so how can one expect a socially stigmatized individual, such as a gay, trans or something else, to find a job for example. Thus, the level of reporting is minimal and there is no confidence in state institutions, which in my opinion, is fully justified.”

Specific experiences of violence among activists, the incidents themselves as well as the police reactions have been various. One participant recounted the attack on the Women in Black office that took place just before last year’s Pride Parade. The police response was adequate, but later, the accused were not prosecuted by the courts and state prosecutor. Another participant recounted a verbal assault from a few years ago when he was in a group where one person was recognized as a LGBT activist (which was also the cause for the attack). Even though the event ended without major incident, he (the participant) expressed dissatisfaction with the police response as they did not react at the time (the police officers simply walked past a club where the incident took place, despite the fact that they had to suspect something was going on, based on the shouting and the entire situation). A participant in Novi Sad shared an incident which took place just before the Pride Parade scheduled for October 2011, and that was the attack on *Crna kuća* (Black House) with Molotov cocktails the night before and the cancelling of the bus service that was to transport a large group from Novi Sad to the event in Belgrade.³⁰

The unwillingness to report violence, incidents and threats to the police can be explained to a great extent by the fact that even if the police fulfil their duties, responding timely and adequately, what follows is a lengthy and uncertain process before the judicial authori-

29 A participant, roughly 17 years old: “I was attacked by soccer fans at the bus station. Two police officers were present at the station but no one did anything. They lit a cigarette and looked at me while they (the fans) were spitting and offending me.” He addressed the police officers, but they completely ignored his pleas while surrounded by the group of fans. The incident ended as the young man managed to get on a different bus and leave. Today he does not think he would address the police if something were to happen again: “I do not have enough faith in them to call them”

30 “The driver simply cancelled the bus service. There was an attack the night before as well. That was not the first attack on the CK (Black House), we have had two other attacks over the past few months. First, it was a bunch of graffiti, which we painted over; and then the window facing the street was smashed during the screening of a movie – a brick was thrown, breaking the glass, but thankfully the brick hit no one and no one was hurt. This third attack though was the most extreme – three Molotov cocktails were thrown at Crna kuća (Black House) at around 3 AM. Luckily, someone happened to be there so the fire was put out, no one was hurt and there was no-substantial damage either. Suspicions are that this is not the work of an organized group, but rather some informal group or a group of individuals.”

ties. The perception of uncertainty of the end result of the entire process of reporting and processing an assault and/or threat of violence is substantiated by well-known examples from LGBT activists, for example, the case before the judicial authorities involving organizers of the 2009 Pride Parade that testified in court in the indictment against the organizations *Obraz* (Honor) and “1389”.³¹In addition, a risk associated with reporting an incident is a risk of public “coming out”, both at the time of reporting the incident and later again, in court, if the case gets before the judicial authorities when membership in minority LGBT community becomes public; at which moment the information becomes accessible to a wide group of people – from the police to all those present at public hearings. Thus, according to the statements of interlocutors, the reporting of incidents, cases of assault or threats of violence becomes an entrance into a new system of discrimination, this time institutional. The resistance to reporting of incidents to the police was also stated by interlocutors who believe the police to be ineffective in providing security, given that they react only after an incident has already taken place, and are not proactive and preventive.

The Ministry Internal Affairs, however, stressed that immediate action is taken on all reported assault incidents; moreover, top police officials are informed of all assaults on minority groups and such attacks are recorded in a separate category in monthly and annual reports and analyses.³² Police officers are obligated to respect diversity, and to encourage LGBT organizations and persons to contact them in the event of any problems. If no response is made to a report, unprofessional behaviour can be reported to the Internal Affairs Sector and the Sector for the Protection of Legality.³³

It is admitted that there are not enough women in the police force to ensure that patrols that respond to calls are mixed, but it is stressed that there are enough women for the procedural steps and that women in the police force are being directed to monitor gender-based violence.³⁴ Namely, many focus group participants believe that women are more sensitized to LGBT problems, and for that reason it is important to them that a woman is also in police patrol.

According to reports by *Gej strejt alijansa* (Gay Straight Alliance), there has been improvement in professional standards of police work but they believe that the majority of police officers are still not ready to work with this population. However, this organization also makes a connection between the efficiency of police work with the efficiency of the judicial authorities, noting that “in order to solve such key problem of LGBT community, it is imperative that the prosecutor’s office and judicial authorities start fulfilling their duties as defined by the Serbian Constitution and international legal standards” (GSA, 2009). Several focus group participants expressed the view that they did not want the police to simply “go through the motions”, but that they wanted them “to also believe in what they were doing”. This remark was made in reference to the issue of whether it was sufficient for the police to protect Pride

31 „The police come after something has already happened.”

32 Interview with the MoI representatives, October 21, 2011. We did not receive specific information regarding the types of assaults, in terms of numbers, types and locations for specific periods – with the explanation that such data was for internal use.

33 Interview with the MoI representatives, October 21, 2011.

34 Interview with the MoI representatives, October 21, 2011.

Parade participants or whether these people should be aware of the reasons why this group of people was protesting and demanding their rights. Such expectations are perhaps too high for the moment, taking into account the degree of education on non-discriminatory policies in the society. The MoI is working on raising awareness on this issue in the police, but the goal for now is that even those force members who have personal biases, do not discriminate against non-heterosexual persons, and act professionally in all situations.³⁵

LGBT activists also stressed that there are differences in police work in relation to the size of a settlement, so that if they happen to believe that the police attitude toward LGBT community has improved, they tie this improvement primarily with Belgrade but not for smaller settlements as well: “In Belgrade, I also have no confidence in the police, but in smaller settlements the attitude of the police to citizens is such that it is much more un-professional, manipulative and so on” (activist). One participant explained the difference between Belgrade and Novi Sad on the issue of security: “There is a difference, Novi Sad is different and it is a smaller community. I am out in the street mostly at night, between 11 PM and 4 AM and you see all sorts of things, but I have never felt particularly threatened.”

Another participant pointed out the particularities of very small communities and how those environments effect perceptions of the LGBT community regarding their personal safety: “I was attacked. I am from a very small place – population roughly 4,000 inhabitants. Although I have not been directly “outed”, everyone who knows me knows I am gay. The homophobic attack turned into a physical altercation, after which I took refuge. In that kind of situation had the police come, I would have simply ended up as the “guilty” one or the one “to blame”. This participant also believes he could not report the attack because of his family, as he could not be protected and anonymous in a small settlement.³⁶

Therefore, in addition to differences in the activist experiences, big – even critical roles are played by cultural factors and environment, which is supported by the research team findings since the experiences of cooperation with the police in the three cities – Belgrade, Niš and Novi Sad – differed significantly. In Niš, activists and non-activists have a very similar attitude toward the work of the police. It is significantly worse when compared to Belgrade and Novi Sad, where although occasionally there are negative reactions, there are also positive examples.³⁷ The reason for this attitude toward the police stems from the

³⁵ The need to review the scope of police responsibility with regard to the subsequent procedures under the responsibility of the prosecutor’s office was also mentioned.

³⁶ Participants agreed on the existence of the small community paradox: if an attack takes place, the perpetrator will be uncovered very quickly because the “everyone knows everyone” phenomenon serves as a type of protection. Also, families and neighbors always protect “their own”; the attacks differ from those in bigger cities and there is very little, if any visibility.

³⁷ Participants in the Novi Sad focus group cited some examples of positive police responses: “During a movie screening last year, security was provided. There were plain-clothes police officers present. There was a female police officer sitting inside with guests, sipping a beer at the bar, resembling a lesbian watching the movie. At some point, her phone rang with a Lady Gaga ring tone and I thought to myself – this woman is totally masked, infiltrated us and blended in – see what they are capable of! I was pleased.” An activist from Novi Sad stated that he believed that there was not a very developed cooperation between the NGOs and the police and that the relation should be worked on, and admitted that “maybe “our” mistake is that we do not communicate enough with them. But I also believe that they could make the first step, since they know where gays and lesbians gather and that those are risky security zones.”

general fear of exposure of gays and lesbians themselves (here we are dealing with a more homophobic environment in comparison to the north of the country) and is based on specific incidents in the past.

Specifically, the relation between the LGBT community from Niš and the police is strongly shaped by specific events that have taken place in this local context and marked the relation between this minority group and the police and their attitudes to each other with a lack of confidence in the police and unwillingness to establish cooperation. The reference here is made to an incident that took place in 2007 when the police in Niš interrupted a public gathering of the LGBT community members. The police were initially called to secure the assembly and protect public peace and safety. The police checked the identity of all present LGBT members, and put their personal identification information on a list drafted on that occasion. Furthermore, three Niš-based LGBT activists were taken into custody when they asked that the police officers state the reason that they were checking identities. They were later punished for misdemeanour offence of not being in possession of identification documents.³⁸

Since that incident, LGBT organizers have not submitted requests to the police to secure their gatherings. Even though this incident dates back four years, its effect is that both non-activists and activists representing LGBT rights from Niš do not interact with or report incidents to the police. A more far-reaching consequence of this incident is that LGBT activists and non-activists from Niš that participated in the focus group were convinced that the police keep records on persons with different sexual orientation in Niš and that this is an institutional police practice that they refuse to abandon, dating back to the 1970's and 80's when homosexuality was still categorized as a crime.

A similar incident, but with milder consequences, was cited by LGBT organization activists from Novi Sad. There was a mention of a piece of "old data" about Novi Sad police force "collecting and making a list of gays and lesbians"³⁹ back in 2005. Both of these incidents also confirmed that a small number of activists and non-activists are informed of the Law on the Protection of Personal Data and the treatment of sexual orientation in the legal

38 Source: Internet, <http://www.gayecho.com/Aktivizam.aspx?id=6328&grid=2001&page=4>, GSA 2007 Report Also, according to testimonies from the organization for the protection of the LGBT community LAMBDA, those who refused to be subject to identification checks were also taken into custody without any explanation: "The police were waiting for them in front of a café, asked them to produce IDs and started to make a list of all the party goers. When I myself went out and asked that they explain what right they had to make lists of people, the police commander called in the Intervention Brigade and ordered them to take me into custody. I said that I would enter into the police van on my own, but they shoved me in anyway, which is confirmed by the injuries I sustained to my right and left upper arms. Two other activists were taken into custody, and when one of them tried to call a lawyer, her mobile telephone was taken away (Jelena Ajdarević, a LAMBDA activist, as in GSA 2007 Report, excerpt from the daily newspaper *24 sata*). The Niš Police Department denies the accusation that they made a list of party goers: "Either at or in front of "Azuro", café no person was taken into custody on the 5th of July. Furthermore, no identification checks were conducted at the location nor was there any sort of list making or counting. The party itself was not announced in advance and charges were brought against the organizers" – stated Lidija Pavlović, the Niš Police Department Spokeswoman for *24 sata*, (the statement was taken from the GSA 2007 Report). The incident was confirmed during our focus group.

39 I don't know if this is still the case now, though I believe it is, I believe they have data on who the activists are, who works where and who does what. But that is like operational intelligence and I think that is OK, it does not bother me personally. I think that the data stored on some computer in some data base, would end up coming handy to me later on" (an activist's response).

framework, on the rights guaranteed to them by this Law, but also on the assistance they can get from the institution of the Commissioner for Information of Public Importance and Personal Data Protection.

3.4. LGBT positions within the “ministries of force” and attitudes toward Serbian Armed Forces

When asked whether they would work at the Ministry of Internal Affairs or the Ministry of Defence, the majority of respondents answered positively. About one-third of the focus group participants still expressed a dissatisfaction with these two institutions, seeing them as symbols of repression, while a few clearly stated they would have no problem working at those institutions. One participant believed that, as a lesbian, she could enjoy equality in the security sector, and that working in the security sector would represent a challenge for her. The responses were more negative with the non-activist group, particularly from gay men.

However, the participants that expressed a positive attitude with regard to the question of working at one of these two institutions noted that the MoI would never hire them “into their ranks” or that they would quickly be expelled if their sexual orientation were revealed. The same apprehension was expressed with regard to joining the Serbian Armed Forces, with certain focus groups participants stating that they could not foresee what the reaction in the workplace environment in that institution would be if it were revealed that some members of some group were of a different sexual orientation. Thus, in a new magazine focused on the gay community an account is given of a commander who “gave a lesson” on homosexuality as an illness to new recruits in the ranks of the professionalized army.⁴⁰

On the other side, in talks with us, the official representatives from both ministries stated that, in line with the Constitution and all laws in effect, neither the Armed Forces nor the Police discriminate based on or ask about the sexual orientation of their employees. This question was not raised in the old recruitment system of compulsory military service either, and does not appear at any of stage of hiring of new recruits in the professional service.⁴¹ Both ministries, in particular the Ministry of Defence, insist on the changes that have been taking place over the past few years in regard to the number and visibility of women in their ranks.⁴² It is striking, however, that the implementation of the United Na-

40 “All the Things You Can Do in the Army as a Gay”, *Optimism: All the Things You Can Do in Serbia as a Gay*, no. 1, June 2011, pg. 13–14.

41 Incorrect information was cited about this when describing the situation within the Armed Forces of Serbia in the already referenced *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel*, OSCE/ODIHR & DCAF, Sarajevo, 2008. (Translated into several languages), but our interlocutors from the Armed Forces of Serbia and Ministry of Defence were not familiar with its contents.

42 The Ministry of Defence was the key stakeholder in the preparations of the national action plan to implement UN Security Council Resolution 1325 “Women, Peace and Security”, and just recently the first class of female cadets have just graduated from the Military Academy.

tions Resolution 1325 “Women, Peace and Security” was not accompanied by an increased interest in the position of LGBT members in the security sector institutions.

In the Armed Forces and the Ministry of Defence, as was pointed out during the interview, there is an elaborate data transfer system on newly adopted laws and conventions signed by the Serbian government, and this information is shared with employees during regular staff meetings held twice a month. Thus even the lowest levels of the hierarchy are aware, for example, that the Serbian government signed the Resolution against any discrimination and violence against LGBT people in March 2011,⁴³ something the general public was hardly able to learn through the public media outlets.

It was also pointed out that it is feasible to focus the attention on potential discrimination problems. This is feasible within the systemic monitoring of interpersonal relations, which includes monthly staff meetings and an annual survey of 20% of the Force. In addition, there are 90 psychologists, a Military Disciplinary Court (two instances) that employees can turn to. According to statements made by the competent officials from relevant departments of the MoD and the Army, including the aforementioned disciplinary court, lawyers, psychologists and human resources and strategic planning staff, there has never been any signal or any specific objection related to potential discrimination of LGBT people.⁴⁴

The MoI representatives stated that they have been inviting members of the LGBT community, through their NGOs, to apply for positions with the Ministry and that they would have no objections to members of sexual minorities working in that institution.⁴⁵ Participants in one of the focus group told us that they had never received any sort of invitation from the MoI to seek employment within that institution. Our question: “Do you think that you are welcome there?” – was met with sneers. It is interesting that the perception within the MoD is that, in line with the legal framework, an open call for LGBT individuals to seek employment with the Ministry of Defence and Serbian Armed Forces also is a type of discrimination since sexual orientation can have no influence on hiring policy.⁴⁶ So it turns out that the recent article in the media entitled “The Serbian Army is Gay-Friendly” does not mark the onset of any active measures of attracting the members of the LGBT community to join these institutions.⁴⁷ It appears that misunderstandings such as this stem from a incomprehension of the term “gay-friendly” by journalists and general public. Namely, “gay-friendly” implies a friendly support to people of this orientation, and as such differs from policies that treat sexual orientation as an “inappropriate question, like asking who someone voted for.”

43 Interview at the Ministry of Defence, October 31, 2011.

44 Interview with the representatives of the Ministry of Defence, October 31, 2011.

45 Interview with the representatives of the Ministry of Internal Affairs, October 21, 2011. The example was mentioned of an openly gay person working at the Police Department on operational activities related to this field, since the MoI wish to increase contact with this community.

46 Interview with the representatives of the Ministry of Defence, October 31, 2011.

47 “The Serbian Army is Gay-Friendly”, Alo, October 10, 2011, Internet, http://www.alo.rs/vesti/42423/Vojska_Srbije_je_gej_frendli (in Serbian)

Based on interviews with the LGBT community members, with activists and non-activists alike, it is evident that the professionalization and other reform processes undertaken by the Armed Forces of Serbia have little effect on this minority group's perception of the Army as an institution. Namely, the attitude of a gay man toward the Army and MoD as institutions is mainly formed through their own experience of compulsory military service, either as standard service as a conscript in the barracks with a weapon or as a civil servant. Lesbians and LGBT activists have been forming their attitudes toward these institutions indirectly, primarily based on the roles played by the predecessors of these institutions in the wars that took place in former SFRY in the past. Attitudes toward the Army's legacy and the role that its predecessors had in the recent wars, as well as current events, such as the unsolved cases of soldier suicides, also affect the attitudes of gay men toward the Army as an institution.⁴⁸ Some respondents still perceive the Army as a closed, authoritarian and hierarchically constituted structure with a predominant "macho" culture, listing those conservative values as the main reasons why they would not work in the Armed Forces of Serbia. The fear and uncertainty as to what kind of situation they would find themselves in if their LGBT status were "uncovered" was listed in the second place amongst the reasons why they would not apply for employment with that institution.

Participants of one focus group made a link between their negative attitudes toward military institutions and the incomprehension of the current foreign policy of the country and its security agenda (are we a militarily neutral state or will we be joining NATO?) and related incomprehension of the role and significance of the Army in state security (if we are neutral, what purpose does the army serve?), but also their own personal safety ("I do not see how and in what way the Army contributes to security").⁴⁹ There were, however, opinions that the Ministry of Defence has become more progressive and communicates better with the external environment.

The experiences of LGBT community members that work in these security sector institutions are one of the factors that define the attitude of LGBT community toward these institutions. According to the results of the focus groups, these experiences of LGBT community members working within these institutions positively sway the attitude of the members of LGBT community given that the participants have stated that people close to them do not encounter problems at workplace in the security sector as a result of their sexual orientation, which for the most part is tacitly tolerated. For example, female LGBT members with female friends working in institutions of the security sector answered that they could envision working and making a career at the Ministry of Defence, in the professionalized army, and within the Ministry of Internal Affairs.

48 The "Topcider" Affair is explicitly mentioned as an example of an unsolved case involving the Serbian Army.

49 "Looking in from the outside, I really have the perception that the Ministry of Defence has become more progressive... We have a professional army, compulsory military service has finally been done away with, and for the majority of the youth, that is totally OK. And thirdly, the way in which the Ministry of Defence externally communicates is positive." (A Novi Sad focus group participant).

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4. CONCLUSIONS

Despite the legal framework that outlaws violence and discrimination against non-heterosexually oriented people on any basis, members of the LGBT community in Serbia perceive that their personal safety is threatened. The basic threat to personal safety cited by participants of this study is the physical threat, while the intensity of the perceived threat to their personal physical safety changes depending on the social context and dominant public discourse on the LGBT community. A concern for personal safety in public spaces is accompanied by fear of economic insecurity, most often described as concern for establish and maintain employment. Fear of being discriminated against or being victims of violence leads many members of the LGBT community to adapt their lifestyles so that their LGBT identity is not always recognizable in public.

Non-heterosexual persons mainly do not relate the protection and improvement of their personal security with the reform processes undertaken by the security sector institutions, specifically the MoI and MoD; nor with the operations of those mentioned or any other bodies of state administration. Namely, most members of these minority groups do not believe reporting violence or incidents in which they were victimized contributes to an increased sense of security since the institutions: the MoI, MoD and particularly the judicial system, and even some parts of the system in charge of protection of human rights, are recognized as ineffective. The perception of the security sector institutions by most of the focus group participants is that they are insufficiently reformed, that they operate based on the principles of already established institutional practices and that they show no sensibility toward individuals and their personal security. For the most part, such impression is based on previous experiences of individuals with these institutions. For example, previous experiences with the Police or Ministry of Interior – be it personal or of a person from one's circle of friends or acquaintances, on the occasion of incident reporting are key factors which determine the LGBT community perception of the police and expectations relative to this institution.

This research shows that the specific experiences of violence amongst activists, both the very incidents and the police response, are varied and differ significantly between activists and non-activists, as well as between those living in Belgrade and those living in the interior of the country. Thus the activists who are more visible and more exposed to possible attacks are also more prepared to report incidents and/or threats to the police, which will respond faster and more actively than they would if the incident is reported by a less visible or recognizable person from the LGBT community.

There are a large number of less visible and less publicly exposed non-heterosexual individuals who report incidents and threats to the support services within LGBT organi-

zations, but at the same time, are not prepared to report them to the police. The lack of willingness to report violence, incidents and threats to the police is explained to a large extent by the fact that, even if the police respond quickly and appropriately, what follows is a lengthy and uncertain process before the judicial system. That way, problems within the judicial system reflect back on attitudes toward the police, given that there is a clear recognition of the link between the two institutions which need to jointly lead to the prosecuting of those who perpetrate violence. Proceedings before judicial authorities, as well as reporting cases to the police, both carry the risk of increased public exposure, which in turn, brings greater danger that those who report violence or threats of violence would be more exposed to that same violence in the future. In short, many of the focus group participants have most specifically expressed their unwillingness to report incidents to the police, stating that the act of reporting violence and/or discrimination marks an entry into a new round of discrimination.

The impression shared by a significant number of discussion participants was that in the majority of cases, the police is not ready to perform routine protection of the LGBT community, particularly in smaller towns or communities. At the same time, there is recognition of change which has taken place, that this is no longer “Milosevic’s” police, but that these changes “have not come from within, but rather under pressure from the outside”.

Aside from previous personal experience or the experience of one’s inner circle, one of the key formative elements in the relationship with/attitude toward the police but the army as well are political messages sent by high ranking state officials representing these institutions. Political messages and value judgments made regarding LGBT minority rights are interpreted as the positions of the institution implemented top-down throughout the hierarchy structure. This is particularly the case with statements made by the Interior Minister, but also other high-ranking state officials, on the topic of organizing (or not) the Pride Parade.

Impressions regarding the reforms that took place “due to pressure from the outside” refer to the internal process within the Ministry of Defence, the reform of which, according to the observations of our discussion participants, are brought into relation with NATO and that they are carried out according to “NATO standards” (despite a very clear negative stance vis-à-vis NATO expressed by certain activists). As was the case with the Police, the perception of the institutions of the Ministry of Defence and the Armed Forces of Serbia as well is mainly formed on the basis of previous experience, and that is compulsory service in the AFoS (gay men), or the most recent (mis)use of the Army.

Based on discussions with members (M/F) of the LGBT community on one side and official representatives of state institutions on the other side, there are notable differences between what are the official policies of the MoI and MoD, which confirm the non-discriminatory behaviour toward the LGBT persons, and the distrust of the members of this sexual minority group sceptical that they would encounter non-discriminatory treatment in these institutions. On this basis, it can be concluded that the mechanisms and channels of communication between these institutions and vulnerable minority groups are inadequate. The fact that, according to the statements made by relevant representatives of both ministries, no employee has ever reported any kind of discrimination, sounds really

good. However, this approach, not allowing even the smallest possibility that concealed discrimination however may exist, seems a bit unrealistic.

The Ministry of Interior has not properly publicized the diversity training efforts, development of community policing, and the existence of records on attacks specifically targeting this vulnerable minority group. Obviously there are still problems, in terms of insufficient capacity for continual trainings and sensitizing of police officers for work with the LGBT community outside Belgrade, and also there is an inadequate number of women in police patrols – and it is exactly women that could contribute to improved communications with the LGBT community. However, there is an impression that the Ministry of Interior feels the need to intensify communications with LGBT community, but it is still not clear what priority level would be assigned to this issue once the “dust settles” regarding the cancelled Pride Parade.

When it comes to the Serbian Armed Force, most respondents perceive the Army as a closed structure that does not issue clear information regarding the internal reforms underway: a majority of the discussion participants lacked a significant insight into the fact that the AFoS has been professionalized and the consequences that fact entails. This implies the need for improved communication and better informing of the public, and with that the LGBT minority groups as well, on the reforms processes within this institution and the achievements of the professionalization of the army, but as of a more or less technical process but in a manner which would put in the prominent position the safety of individuals and communities. The insight gained about the priorities of the Ministry of Defence implies that MoD has recently been focused on the acceptance of the biggest minority group – women – as equal, which creates the impression that attitude towards the LGBT community is not and will not be subject of increased attention for some time to come.

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5. RECOMMENDATIONS

5.1 Improving the legal and procedural framework

- ▶ Introduce the category of “hate crime” in the Criminal Code, *as this would enable faster and more efficient identification and prosecution of homophobic and transphobic crimes*. Serbia should improve the legal framework by adopting amendments to the Criminal Code and introduction of “hate crime” as a specific crime, and increasing penalties for crimes of violence committed because of race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disability, and other reasons.
- ▶ *Introduce a more precise legal wording of the laws governing the operation of the Army and police of the Republic of Serbia that would explicitly rule out discrimination based on sexual orientation*. This implies that there should be a provision in the Law on the Serbian Armed Forces stating that insults of the dignity of a subordinate on the basis of his / her sexual orientation can be grounds for initiating disciplinary proceedings against members of the Serbian Armed Forces, and that there should be a provision in the Law on Police stating that an authorized official shall act without discrimination on the basis of sexual orientation.
- ▶ *Establish a formal system of monitoring and public reporting on reported and prosecuted cases of attacks and discrimination against non-heterosexual minorities*. This is required to ensure accurate data in order to make informed policy decisions to combat violent hate crimes and hate crimes prosecutions evaluation. Such systems should record incidents and attacks, and oppression, and should be more widely available. At the same time, Serbia should introduce procedures for evaluating the success of the police and prosecutor’s office in investigating and prosecuting hate crimes.

5.2 More active measures of the MoI and MD

- ▶ *MoI and MoD should work more actively on informing the general public and therefore members of the LGBT community too on reform process and achievements* focused on the safety of citizens and communities, rather than the technical aspects of reform.

This would increase confidence and facilitate access of LGBT community to security structures.

- ▶ *MoI and Ministry of Defence should continue sensitizing its members on LGBT people's rights*, actively encourage their non-discriminatory behavior and sanction any unprofessional treatment of LGBT people in their ranks or outside them.
- ▶ *MoI should establish/improve the communication of the police and LGBT community, especially in areas outside of Belgrade*. This is of great importance because it would boost LGBT confidence in the police, contribute to reporting of hate crimes and help better and more accurate police work, including prevention.
- ▶ *Include LGBT organizations in all forms of cooperation between the MoI and MoD with non-government sector*, not only in terms of their physical safety but also in the public discussion of laws and strategies from the scope of these ministries.
- ▶ *Minister of Interior and other top officials of the security sector should be continuously sending the message about the unacceptability and criminality of all forms of discrimination against LGBT people* and directly promoting non-violence and tolerance in their public addresses, regardless of the current political climate.
- ▶ *It is essential that the leadership of the police / MoI continue an active and timely engagement around continuous and safe assembly on the occasion of the Pride Parade*, because it is a symbol of freedom of expression for sexual minorities. This would help the increased sense of social belonging of the members of the LGBT population, and also contribute to their safety because the involvement of the police would send a message to potential perpetrators of violence that it intends to protect the rights of sexual minorities.
- ▶ *Implement additional training programs for police officers in connection with the treatment of the LGBT community*, be it as victims or as perpetrators of misdemeanor offenses, and improve training already in place in cooperation with the NGO sector. Increased training should cover those officers who will come into direct contact with members of the LGBT population.
- ▶ *Increase the number of women - police officers on patrol engaged in security of places and events of assembly of the members of the LGBT population*, as well as on teams who come into direct contact with them.
- ▶ *Implement training programs within the Armed Forces of Serbia in relation to LGBT minority rights* in order to prevent any kind of discrimination based on sexual orientation of LGBT persons employed in the Army and MoD.
- ▶ *Consistently apply all available mechanisms for the protection of security and other rights of persons of non-heterosexual orientation who are not activists of LGBT organizations*. The non-existence of LGBT organizations in many areas cannot be the reason for the absence of an active attitude in terms of police protection of the rights of these citizens.

5.3 A stronger integration of the LGBT community

- ▶ *Organize joint workshops for the members of the “ministries of force” and organizations that deal with LGBT support.* In order to reduce mistrust and possible mutual misunderstanding between the two communities i.e. prejudice due to different cultural patterns, what is necessary is more continual contact in a neutral atmosphere, outside incident situations.
- ▶ *Non-governmental organizations gathering or representing the LGBT population should seek cooperation with the security structures more actively,* such as establishing contact persons at the relevant police departments.

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ANNEX 1. Methodology

The research focus was on identifying the perceptions of the LGBT people about the work of the Ministry of Interior and Ministry of Defence: whether they trust these institutions, what is the attitude of LGBT toward these institutions, and trends in relationship between the LGBT minority and the security sector. Focus groups were chosen as the most suitable qualitative method for collecting data on the positions and perceptions of LGBT people.⁵⁰ A total of five (5) focus groups were held. The research team's plan was not only to obtain data related to the most active and most visible LGBT organizations, as are usually the ones located in big cities. Therefore, three (3) focus groups were held in Belgrade and the remaining two (2) outside of the "center", in Novi Sad and Nis.

Apart from different geographic characteristics, the sample included non activists (M/F) as well as the LGBT activists (M/F) that are professionally engaged in the protection of LGBT rights.⁵¹ The assumption was that activists would be more familiar with the operations of security sector institutions, and based on the actions of the organization that they are working for, would be able to provide a broader picture of the status of of the LGBT community in society; as well as the reactions, primarily by the police, in the event of incidents and violence against the LGBT. On the other side, "non activists" (M/F) provided us with what is presumably the position of LGBT individuals living an "average or normal life". It should be noted that those members of our sample were familiar with the topics discussed. This points out to the fact that they are in one way or another connected to the organizations that invited them to participate in focus groups, which means that they are familiar to an extent with activism (whether as a client/user of LGBT organization services or as a friend of activists). It is very difficult to access members of the LGBT community who have no connection to activism whatsoever. The problem is in gaining the trust of people of different sexual orientations who never publicly speak out about their experiences, even when they are in the group of "gay friendly"⁵² persons, which presumably is a safe place for them.

All of the mentioned sample characteristics to a certain extent skew the research results toward the positive bias. In other words, we assume that the results obtained from the

⁵⁰ The goal of every focus group is a deeper understanding of the phenomena being investigated/studied (Milas, 2005).

⁵¹ Difficulties in getting to/gaining access to LGBT people, were bypassed by inviting respondents (M/F) to the focus group by an acquaintance (in this instance, by invitation from an activist with whom we had already established cooperation).

⁵² Persons not of the LGBT persuasion but show sensibility for the issues and are supportive.

focus groups' discussions are optimistic with regard to the real position of these people. Attacks on the LGBT community are frequently in a gray zone, as many LGBT people do not report these attacks to the police; and they do not have contacts with organizations that could offer them some sort of support. In principle there is no difference in who is the victim of violence (can be an "activist" or a "non activist"), but there is a divergence when looking at who is in a position to report the violence and who has sufficient support and personal courage to do so. Whether or not the violence is reported can be seen as indicator of a problem at the institutional level.

The sample group was composed of 12 women, 28 men, five (5) respondents that are either transgender or transsexual. This variance can be explained by the fact that there are more gay (male) LGBT activists than lesbian or transsexual (the number of "gay organizations" is greater than the other two, as is the general number of "out" people are male⁵³).

In the sample 31 respondents are from Belgrade and 14 from Novi Sad and Nis. Below is the sample according to age groups:

Age	15 – 20	21 – 25	26 – 30	31 – 40
Number of participants (M/F)	1	8	20	16

LGBT persons that participated in the focus groups come from different cities, have different political backgrounds, experience in activism and are of different age. As we did not have LGBT individuals with similar experiences and perceptions of the security sector, these differences provided versatile data and enabled us to obtain detailed insight into the respondents' attitudes and experiences. We visited the following organizations: LABRIS – Lesbian Human Rights Organization in Belgrade, Ženski prostor (*Woman's Place*) in Nis, GSA – Gay Straight Alliance in Belgrade, GAYTEN – LGBT Belgrade and IZAĐI (GET OUT) Support Group for Young Gay Men in Novi Sad. Staff, as well as associates of these organizations, attended the focus groups. Representatives from other human rights organizations who deal with the protection of people with different sexual orientations (Regional Center for Minorities and Women in Black in Belgrade) also took part in the focus groups. Worth noting is that participants in the focus groups were representatives of the Pride Parade Organizational Committees from 2001, 2009, 2010 and 2011. Some of them were involved with the Parade organization as a staff in their organizations and others were volunteers/activists.

When interpreting the results, it is important to bear in mind the events and processes that can influence the perception of the group. This study was designed in early 2011, and was by no means in affected by the issue of the Pride Parade 2011. However, during the field research in September and October, LGBT security, particularly in the context of the Ministry of Internal Affairs' right to ban the event based on security considerations, was a dominant topic in public. The events surrounding the "Pride Parade" mobilized the LGBT who were not previously active or did not have articulated political stances, and this fact

⁵³ Persons who have declared their LGBT status in any way.

was taken into account when performing the analysis. The first two focus groups (in Belgrade and Novi Sad) were held the week before the planned Pride Parade (scheduled for October 2), and the remaining focus groups were postponed until after that date, due to expectations that the possible holding or banning of the event would affect the positions/stances of certain individuals.

Answers collected from the focus groups were systematized according to research topics and divided into several segments:

- Perceptions of personal safety (as individually interpreted or understood) and of main threats to personal safety;
- Have the participants experienced violence in connection with their LGBT identity, whether they reported the violence to the police and how the police reacted in those situations; based on their previous experiences, whether or not they would report cases of violence in the future;
- How members of the LGBT perceive the work of the police and MoI; how they see the roles of these institutions in society and the visibility of the achieved reforms; the possibility of LGBT to work in the MoI, reaction of the MoI with regard to the Pride Parade;
- LGBT perceptions of the roles of the Serbian Armed Forces (SAF) and Ministry of Defense (MoD) in society, of the attitudes toward people of different sexual orientations that work in the MoD and the SAF, and of trends in MoD reforms;
- Recommendations and suggestions for additional security sector reform measures that would contribute to improving the personal safety and non-discriminatory treatment of members of the LGBT.

LGBT people and Security Sector Reform in the Republic of Serbia

ANNEX 2. Questionnaire

1. What do you see as the biggest threat to your security? Explain and rank the threats.
2. Have you been subject to assault (psychological or physical) as a LGBT individual? Did you report that incident? To whom? If not, why not? If so, how would you evaluate the manner in which police officers dealt with your case? How did the officers react? (immediately, slowly, avoided reaction, etc.)
3. Have any of your LGBT friends been a subject of assaults (psychological or physical)? Are you aware as to whether they reported the incident? To whom? How did your friends evaluate the treatment of police officers dealing with their 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 with the Serbian Armed Forces? If so why? If not why not?
6. Would you apply for a job with the police/MoI of the Republic of Serbia? If so why? If not why not?
7. Do you know of anyone from within your LGBT community that would like to work in one of these two institutions?
8. Do you believe in the unbiased and non-discriminatory behavior of the police/MoI in the cases dealing with violence based on stated or presumed sexual orientation? Do you think the police are adequately trained and aware when dealing with cases of LGBT rights' abuse? Have they been sensitized?
9. Has the information of your sexual orientation (or anyone you know, a friend), being misused and such information was not used in accordance with the stipulations of the Law on the Protection of Personal Data? If those rights were abused, did you have enough trust institutions to file a complaint, or speak up to someone? If yes, to whom?

10. Have you noticed a change in the behavior of the police toward LGBT individuals over the past few years? What are those changes, where do you see them? Since when?
11. Are you familiar with the concept of Security Sector Reform? In your opinion, what reforms have taken place/been implemented in security sector? What reforms are missing? Do the laws have to be improved or trainings are needed (of security structures to comply with the existing laws, judicial institutions, journalists, so to through them change general sentiment)?
12. Who is most engaged in security sector reform: international organizations, governmental and non-governmental; Government, relevant ministries; politicians, local NGOs (what type - Human Rights, specialized security sector, LGBT NGOs, etc.); members of the MoI, MoD; their unions and other similar professional organizations?