

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

18 September 2015
AI Index: EUR 70/2470/2015

Prides in Belgrade: An opportunity to strengthen protection of fundamental rights for LGBTI people in Serbia

Ahead of the very first Trans* Pride in Belgrade, as well as the third Belgrade Pride March to be held on 20 September, Amnesty International is calling on the Serbian authorities to commit to improve the situation of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, and fight the widespread discrimination and prejudice still prevalent in Serbian society..

Amnesty International supports Pride marches everywhere to uphold the rights to freedom of expression and freedom of peaceful assembly of LGBTI people, as well as an important opportunity to increase the visibility of the LGBTI community as they seek to achieve equal rights and protection from discrimination. The organisation calls on the City of Belgrade, the national security commission and the police authorities to ensure both events are allowed to go ahead as planned and are adequately protected from any threats of violence or attacks by counter-demonstrators.

Amnesty International also calls on the authorities to ensure the rights enshrined in Serbia's constitution and anti-discrimination legislation, providing protection against discrimination on the grounds of sexual orientation and gender identity are not just guaranteed on the day of the Pride marches.

On the occasion of the first trans* visibility event in the country, Amnesty International calls on Serbian authorities to uphold the rights of trans* people, a community heavily marginalised in Serbian society. The organisers and participants of this event, through standing up for their rights, are fighting injustice affecting all transgender people, including the restrictions to their right to choose their legal gender.

Currently, legal gender recognition is possible in Serbia only through a gender reassignment treatment including irreversible surgery and sterilization. To access surgery, an extensive psychiatric diagnosis is needed; a burdensome process is also necessary to complete the change of personal records and documents.

Amnesty International calls on Serbia to ensure that transgender people can change their legal gender without being required to satisfy criteria that violate their human rights, such as compulsory sterilization and forced divorce. Transgender individuals may or may not choose to undergo some, or all, possible forms of gender reassignment treatment. Legal gender recognition should not be made contingent on psychiatric diagnosis, medical treatments, single status or age requirements.

Amnesty International calls on states to allow transgender people to obtain documents reflecting their gender identity through quick, accessible and transparent procedures on the basis of the individual's self-declaration.

In addition, further steps must be taken to improve the situation of LGBTI people in the country as a whole, including by protecting them against any form of discrimination, as well as homophobic and transphobic hate crimes.

Background

Serbian anti-discrimination legislation prohibits discrimination on the grounds of both sexual orientation and gender identity.¹ However, LGBTI people in the country still face high levels of discrimination and prejudice, with transgender people being particularly discriminated against and marginalised.

For the first time since 2010, the Belgrade Pride went ahead in September 2014 with adequate protection by the police from potential violence by counter-demonstrators. Approximately 1,000 people marched through central Belgrade. Local authorities had cancelled the event between 2011 and 2013 due to alleged security threats, without taking concrete measures to address them. Before and after the Pride in 2014, several demonstrations against the rights of LGBTI people took place, and a number of violent incidents were reported elsewhere in the city, resulting in a small number of injuries.

In April 2015, the Commissioner for the Protection of Equality, an independent body tasked to consider complaints of discrimination, found that the Army of the Republic of Serbia and the Ministry of Defense committed grave acts of discrimination against Helena Vukovic, a transgender officer and one of the organisers of the Trans* Pride. The Commissioner found that the authorities unlawfully dismissed the officer and sent her into early retirement by declaring that the officer's „psychiatric diagnosis could damage the reputation of the army”. The Commissioner called on the authorities to issue a public apology and to take measures to fight transphobia and increase tolerance in the army.²

On 4 September 2015, Predrag Azdejkovic, the founder of the Gay Lesbian Info Centar, one of the organisers of Trans* Pride was attacked, kicked and verbally abused by two men while travelling on Belgrade's public transport. The Commissioner requested urgent measures to investigate the attack and called on the authorities to investigate and prosecute the hate crime and to not tolerate homophobia and transphobia.

Public Document

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK

www.amnesty.org

1 Zakon o zabrani diskriminacije („Sl. glasnik RS”, br. 22/2009)

<http://www.ravnopravnost.gov.rs/images/files/zakon-o-zabrani-diskriminacije.pdf> **Error! Hyperlink reference not valid.**

2 Pritužba UG E. protiv VRS i ministra odbrane zbog diskriminacije po osnovu rodnog identiteta u oblasti rada
http://www.ravnopravnost.gov.rs/index.php?option=com_jdownloads&Itemid=0&view=finish&cid=1652&catid=18&lang=rs