

## VIOLENCE AGAINST LGBT<sup>1</sup> PERSONS<sup>2</sup>

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**Abstract:** Violence against LGBT persons in Serbia, like everywhere, is mostly caused by homophobia, irrational fear, hatred and hostility towards persons of different sexual orientation other than heterosexual, including those that are just so perceived. LGBT persons have been exposed to violence of various kinds, shapes and intensities occurring at various places of execution. It is violence committed in public places (streets, parks, bars, gyms, concerts, workplaces, etc.), private homes (parental and partners' families), and institutional environment (schools, hospitals, prisons, social institutions, sports clubs, religious institutions, etc.). As regards the type of violence, there are psychological / emotional violence, hate speech as verbal violence, physical violence, economic / existential violence and sexual violence. Certain differences should be perceived in relation to gender, age and type of female / male members of the LGBT population. Thus, violence against lesbians is different from violence against gay men and transgender persons, violence against children and young LGBT persons is different from violence against the adult LGBT persons. One person might frequently suffer more than one of these types of violence, committed at several places of significance.

**Keywords:** LGBT persons, homophobia, kind of homophobic violence, places the commission the acts of violence, young LGBT persons, the role of the police, the role of the educational system, the role of legislation

### INTRODUCTION

Every second citizen in Serbia believes that homosexuality is a disease, and every tenth believes that the "wrong" sexual orientation is to be cured by beatings<sup>4</sup>. It is still a greater shame that somebody's child is a gay, than a criminal, even a murderer<sup>5</sup>. The violent attack on a twenty-eight old German citizen - who arrived in Belgrade to support local gay population in struggle for their civil rights - beaten in the centre of Belgrade, in the night between the 12th and 13th September, is thus the event in accordance with the norms of behaviour by those who "OK" fags beating, lesbians knife stabbing, trans persons trampling<sup>6</sup>.

However, most of persons in fact are not aware of these cases of violence, discrimination, insults, and belittling that occur against the LGBT persons, mostly because this information usually remains reported by the media, while the victims themselves rarely speak out<sup>7</sup>. But in spite of the public silence, there are enough evidences indicating that the LGBT community in Serbia lives in a society where homophobia, violence and discrimination are widespread. In such circumstances, the LGBT community lives in fear, uncertainty and invisibility, both in private and public spheres, being one of the most marginalized social groups in Serbia. National statistics on cases of discrimination and violence based on sexual orientation and gender identity does not exist, what means that the non-governmental reports are practically the only source of such information. Also, there are no polls and surveys conducted by the state authorities, but only by the NGOs<sup>8</sup>. But in spite of this lack of official data, it should be borne in mind that any, even the smallest act of violence against an individual because of hers/his difference, is the scary, threatening message sent to the whole group that it is undesirable and that its diversity is to be punished<sup>9</sup>.

1 The LGBT acronym refers to lesbians, gay men, bisexuals and transgender / transsexual (recently labeled just as trans \* persons).

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4 Đorđević K., 2014, Strah treći partner u homoseksualnim vezama, Politika, 03.05. <http://www.politika.rs/rubrike/Drustvo/Strah-treci-partner-u-homoseksualnim-vezama.lt.html>

5 Jovanović I., Mihajlović ., 2014, Sad znam gde sam grešio, Blic, 12. 10. <http://www.blic.rs/Vesti/Politika/501822/Djilas-Sad-znam-gde--sam-gresio>

6 Ilić Dejan, 2014, Ne palite sveće, Peščanik.net, 15.09.2014. <http://pescanik.net/2014/09/ne-palite-svece/>

7 Nikić Tatjana, 2014, Zašto JA idem na prajd, Krovna organizacija mladih Srbije, 27. 09. <http://www.koms.rs/zasto-ja-idem-na-prajd/>

8 LGBT zajednica živi u strahu, neizvesnosti i nevidljivosti, decembar 10, 2014 <http://labris.org.rs/lgbt-zajednica-zivi-u-strahu-neizvesnosti-i-nevidljivosti/>

9 Mentalno zdravlje i naša četiri zida <http://labris.org.rs/mentalno-zdravlje-i-nasa-cetiri-zida/>

## CAUSES, TYPES AND TIME OF OCCURRENCE OF VIOLENT ACTS AGAINST THE LGBT PERSONS

Violence against LGBT persons is also called the violence because of their sexual orientation other than heterosexual and gender identity outside of the strictly binary division between women and men. Sexual orientation is physical, sexual, emotional, spiritual, and other attraction to persons of different (when it is called, a heterosexual orientation), or of the same sex (when it is called, a homosexual orientation or same-sex). It is innate, and not the result of errors in education, previously experienced violence, gay propaganda, the influence of peers, fashion, not to mention that the cause might be the fact that a young person or child only sees a person of same-sex orientation.

Violence against others because of their actual or just perceived sexual orientation is based on homophobia (homo same, just as + *phobos*, fear). Homophobia is an irrational fear, hatred, bigotry, violence towards persons of different sexual orientation other than heterosexual, including those that are only so perceived. Violence against LGBT persons is of various kinds, shapes and intensities.

Possible division is also in accordance by place of execution, and there is violence committed in public places (streets, parks, bars, gyms, concerts, workplaces, etc.), private (parents'<sup>10</sup> and partners' families), and institutional (schools, hospitals, prisons, social institutions, sports clubs, religious institutions, etc.). By type of violence, there is psychological / emotional violence, hate speech as verbal violence, physical violence, economic/existential violence and sexual violence. Violence can also be differentiated by gender, age and type of female/male members of the LGBT population. There is difference between violence against lesbians of violence against gay men and transgender persons. Violence against children and young LGBT persons is different of violence against adult LGBT persons. It is possible, and practically frequently happen, that one person suffers more of these types of violence mentioned, also committed at several previously mentioned places.

Violence against LGBT persons falls into the category of so-called hate crimes because such acts are the result of mechanisms of homophobia. Such acts are regularly followed by the elevated rate of underreporting, invisibility and even denial of the existence or at least attempts to reduce its frequency, severity and consequences<sup>11</sup>.

Violence against LGBT persons has been documented as such mainly in the records of the group for the protection of the rights of LGBT persons. For example, research on violence, which LABRIS did for the period 2006/2010 indicates that 90% of respondents were informed of such cases against persons of different sexual orientation other than heterosexual, and 60% of the respondents had personally experienced violence because of a sexual orientation other than heterosexual. In two out of ten families in Serbia a homosexual child suffers violence, with the threat of eviction (even murder), "not to shame the family," in six out of ten relatives try to convince them that they are not normal and should be treated, only one out of ten families accepts such a child, or at least, ignores the child's sexual orientation (which can take a lifetime)<sup>12</sup>.

Almost all respondents indicate that they are victims of long-term emotional violence as the most common form of violence against the LGBT persons. Psychological violence consists in stigmatizing, avoiding, jeers, stereotyping, condemnation, provocation, rejection, devaluation, ignoring, denial, threats, intimidation, blackmailing, feigned courtship and provocation at school, in the workplace, sports clubs, humiliation, open accusations that they are all promiscuous, sick and sexual deviants.

Physical violence against LGBT persons includes pushing, slapping, hitting, kicking, beating, group attacks, obstructing work of clubs and cafes in which members of the LGBT community gather, attacking the offices of the group for LGBT rights, attacking LGBT cultural events such as art exhibitions, panel discussions, film screenings, etc.

Existential violence is very prevalent form of violence especially against young LGBT persons. It includes full/partial denial of the usual parental support and rejection by family, denial of funds, expulsion from homes, death threats, job loss, confiscation of valuable property especially housing, disinheritance, forced medical treatment, in and out of mental disorder institutions, and the like<sup>13</sup>.

Sexual violence against LGBT persons includes rape and attempted rape by an individual or group of rapists, incitement to prostitution, trafficking, exploitation of sexuality in pornography, sexual harassment

10 Kakva deca nam rastu? 26. 12. 2012 <http://www.gay-serbia.com/kakva-deca-nam-rastu-5511/> (Pristupljeno 1 septembra 2013)

11 Vlada Republike Srbije, Kancelarija za ljudska i manjinska prava. (2013). *Strategija borbe protiv diskriminacije, za period od 2013. do 2018. godine*, str. 42-52.

12 Pašić Danijela, 2012, Šta kad ti dete kaže da je gej, MONDO, 30.11. <http://mondo.rs/a269645/Info/Drustvo/MONDO-Sta-ka-d-ti-dete-kaze-da-je-gej.html>

13 Mirković, M., Mikašinović, J. (2013). Samo jednoj od deset porodica ne smeta što im je dete gej, *Telegraf*, 31.08. <http://www.telegraf.rs/vesti/814087-roditelji-o-lgbt-samo-jednoj-od-deset-porodica-ne-smeta-sto-im-je-dete-gej-video> (Pristupljeno 02. septembra, 2013)

involving physical contact, sexual harassment that does not involve physical contact, indecent assault, exhibitionism, voyeurism.

Peer violence or bullying LGBT persons because of their actual or perceived LGBT orientation is a particular problem: 65% feel unsafe at school, 58% suffer forced dispossession of personal belongings in schools, they are five times more absent from school, 28% drop out of school<sup>14</sup>.

Due to all said, as well as because of the lack of support, psychosocial assistance, adequate reaction of institutions, LGBT persons in the adolescent age are three times more prone to suicide than their heterosexual peers. Actually, they belong to the group that is the most exposed to the risk of suicide, such as persons suffering from depression or incurable diseases<sup>15</sup>. Only 10% of respondents reported the experienced acts of violence to the police. As the reason for their reluctance to report, they regularly mention their lack of trust in institutions, fear of continued torture and fear of disclosing their sexual orientation to family, school and workplace colleagues.

The period of announcements and organization of pride parades is the very special moment in escalation of all forms of violence against the LGBT persons, practically occurred at all of the mentioned places. At that time of heightened social tensions when announcement of the Pride Parade in Belgrade is issued, armies of children and parents in the eyes of the public become immoral, anti-clerical and anti-state gays<sup>16</sup>. According to the Constitution of the Republic of Serbia, citizens may assemble freely, and assemblies held indoors shall not be subject to permission or registering. The Law on Citizens' Assembly determines a procedure for exercising the right to peaceful assembly outdoors that is subject to the registration principle. Also, the Law stipulates that "...the competent authority may ban a public meeting to prevent interference... with the safety of persons and property..." which has usually been the basis for the prohibition of holding the "Pride Parade", as the competent authority could not control violence against participants expressed by fan and extremist groups.<sup>17</sup> Safety, particularly with regard to the exercise of the right to peaceful assembly is the most important priority in terms of LGBT persons. Without achieving complete safety, there can be no progress in the improvement of their legal and social status. The obligation of the state to protect all citizens from violence without discrimination should be met fully, and this requires more efficient operation of the police, judiciary and prosecution. The Government of the Republic of Serbia is showing willingness to ensure the right to freedom of assembly for citizens with different sexual orientation and gender identity. Practice has also shown professional progress of members of the police in protecting LGBT persons from violence.

These parades are not a provocation, neither the promotion of homosexuality, but represent a celebration of the day that is internationally accepted June 27<sup>th</sup>, as the Pride Day of the same sex oriented persons. Events titled as pride parades are in fact the LGBT protest which indicate a violation of rights, discrimination and marginalization of this group within the society. There are also some other similar internationally adopted days, for example, Women's Day, Day of Persons with Disabilities, Human Rights Day, etc<sup>18</sup>. The Pride Parade of 30/06/2001 in Serbia was the mass violence without adequate response of the state. On September 20<sup>th</sup>, 2009 there was a ban the parade. On October 20<sup>th</sup>, 2010 the Pride Parade happened in Belgrade but followed by the massive violence and vandalizing of the city and personal property, although with strict protection of the participants' safety. Thus, the pride parades and the pride events occurred in some moments in Serbia as factual denial of the right to free assembly and homophobic manipulation of facts, shifting responsibility from the perpetrators to the victims. It is also an opportunity for mass and public use of hate speech, as a form of verbal violence. For example, "If it should come to the gay parade, persons would break it. It will be a "parade over their noses." We know from the Bible what they did to Sodom and Gomorrah because of pederasty and similar illnesses: they were burned with fire."<sup>19</sup>

Attacks on LGBT rights activists are specific forms of violence against LGBT persons. Under this term are included attacks on official premises the LGBT groups, attacks on LGBT cultural manifestations of creativity, such as the attack on "Queer Beograd" festival, in September 2008, acts of violence and life threats against activists in places of their private residence etc.

14 Puača, M. (2009). Obrazovanje: Učenici i učenice gejjevi i lezbejke; Razvijanje jednakih mogućnosti, in M. Savić (ed.), *Čitanka, Od A do Š o lezbejskim i gej ljudskim pravima*, Beograd: Labris - organizacija za lezbejska ljudska prava: pp 247-242.

15 Vučaj, S. (2009), *Treći glas, coming out i lezbejke u Srbiji*. Beograd: Labris - organizacija za lezbejska ljudska prava.

16 Kišjuhas A., 2014, Podmazivanje ponosa, *Danas*, 03. 10. [http://www.danas.rs/danasrs/kolumnisti/podmazivanje\\_ponosa.889.html?news\\_id=290090](http://www.danas.rs/danasrs/kolumnisti/podmazivanje_ponosa.889.html?news_id=290090)

17 Cf. Constitution of the Republic of Serbia, "Official Gazette of RS", no. 98/06, Art. 54, the Law on Citizens' Assembly, "Official Gazette of RS", nos. 51/92, 53/93, 67/93 and 48/94, Official Journal of FRY, no. 21/2001 – decision of the Federal Constitutional Court, Art. 11

18 Zaštitnik građana. (2011). *Poseban izveštaj Zaštitnika građana o stanju ljudskih prava i društvenoj situaciji LGBT populacije u Srbiji (2009, 2010 do maja 2011)* Retrieved from <http://www.ombudsman.rs/index.php/lang-sr/izvestaji/posebni-izvestaji/2107-2012-01-12-14-02-53> (pristupljeno 2 juna 2013)

19 Vacić M, 1389 SNP Naši, Kurir, 1. 09. 2009. Verbal violence, hate speech and public statements, "If homosexuals have no shame, they will be prevented as in 2001. By St. Sava' cannon regulation, homosexuality was punishable by the death penalty, because of the spiritual health of the nation." - Obradovic M, Face, 01.09.2007. Press. "Belgrade Blood will flow, there will be a parade of shame" graffiti written on the eve of the Belgrade streets before the Parade in 2010, and widely disseminated on social networks, and as responsible were identified members of the right wing organization Obraz.

Young LGBT suffer multiple discrimination: because of their sexual orientation/gender identity (when they usually share the fate of the entire LGBT groups<sup>20</sup>, further combined with increased denial of the right to self-determination), if they are lesbians as women (when exposed to typical forms of discrimination against women, misogyny and male violence, further combined by their mother's rejection and female violence and rejection)<sup>21</sup>, but also because of their youth (when they suffer all forms of marginalization typical for young persons, further combined with the interruption of studies, the aggravated conditions in the labour market and finding a job).

## DOMESTIC AND SCHOOL VIOLENCE AGAINST LGBT PERSONS

Today, Fukuyama's question of whether we are poor because the economic situation is bad or because we have a "dysfunctional social habits" is topical more than ever. These are the deeply ingrained habits that would function even when the economic improvements exist, and continue to, instead to the progress, run in the opposite direction<sup>22</sup>. These dysfunctional social habits certainly include intolerance, acceptance of discriminatory behaviour as normal, the rejection of LGBT youngsters by their parental families, and their exposure to multiple risks of violence, homelessness and extreme poverty<sup>23</sup>.

Security is the top priority for all lesbians and LGBT populations of all generations and without it there cannot be any movement forward in the improvement of their status<sup>24</sup>. The fundamental right of all citizens is to protect the personal safety and the basic duty of every state is that they provide that protection<sup>25</sup>. That the family is not always serving the interests of women, and children, also some men, many authors suggest<sup>26</sup>, primarily taking as evidence of the prevalence of domestic violence, among who the most numerous victims are the LGBT children and young persons whose existence was strongly affected by misogyny and homophobic environment<sup>27</sup>.

During the Initial Seminar of the Office for Human and Minority Rights and the Council of Europe, held in mid-December 2012, it was pointed out that the family situation of LGBT persons is complex. It has increasingly become common that young LGBT persons, when their parents and family members learn about their sexual orientation, are ostracised and thrown out of their home and family. These are most often juveniles and young adults, many of whom did not finish their education and/or are unemployed, and therefore they usually end up as homeless persons. At this time, there are no preventive measures to prevent this problem or measures to ensure non-discriminatory housing conditions.<sup>28</sup> Safe houses still do not exist as a form of temporary housing of LGBT persons in the Republic of Serbia.

What for children and young persons is dangerous is preventing their development of their normal, innate sexuality, rejection, harassment, violence and discrimination, ejection from family, peers and school, which significantly complicates their maturation and causes psychological crisis, despair, depression and suicidal moods. As identity is inherited nature (nature) and education (nurture), a pair of scissors in between "nature" and "nurture", comes to the development of an interior homophobia that leads to hatred and contempt of her/him<sup>29</sup>. Because of this attitude of the family, increasingly points to the problem of the increased risk of homelessness young LGBT rejected by their families, which is all the more dramatic in times of high unemployment and a general crisis.

To domestic violence against LGBT members, traditional social welfare institutions do not yet have an adequate answer, but neither activism also did not find adequate resources for organizing regular shelters, nor yet defined the basic principles of operation. Lesbian movement in addition, still loath to transgender women, perceived as to possess "the equivalent of male identity"<sup>30</sup>.

20 Živanović, Ž. (2013). Mladi opravdavaju nasilje nad LGBT populacijom, *Danas*, 16 april, društvo, 4

21 Mother of transgender daughter (who incline towards the male gender) do not accept them because they want daughters and therefore lead the family battles, that occasionally daughters solved by finding protection of grandmothers, sisters and aunts. Devor, H. (1997). *FTM: Female-to-Male, Transsexuals in Society*. Bloomington: Indiana University press.

22 Fukujama, F. (1997). *Sudar kultura, Poverenje, društvene vrline i stvaranje prosperiteta*. Beograd: Zavod za udžbenike i nastavna sredstva. Str 20.

23 One of the poster inscriptions on all regular rallies of lesbians is "They expelled me out of the house." Tanjug i B92, Protest za jednaka prava svih, 11 decembar 2012, vesti

24 Strategija prevencije i zaštite od diskriminacije. Pp. 46. [http://www.ljudskaprava.gov.rs/images/pdf/Strategija\\_jul\\_2013.pdf](http://www.ljudskaprava.gov.rs/images/pdf/Strategija_jul_2013.pdf)

25 Pleck, E. (1987). *Domestic Tyranny, The making of social policy against family violence from colonial times to the present*. New York, Oxford: Oxford University Press. Pp. 3.

26 Stacey, J. (1996). *In the name of the family, Rethinking family values in the postmodern age*. Boston: Beacon Press. Pp. 51.

27 Califia, P. (1997). *Sex changes: the politics of transgenderism*. San Francisco: Cleis Press. Pp5.

28 At the Initial Seminar of the Council of Europe and Office for Human and Minority Rights of the Government of the Republic of Serbia held on 13 December 2012, several participants indicated an increased risk of homelessness of LGBT persons rejected by their families.

29 Gelles, R. (1995). *Contemporary Families, a sociological view*. London: Sage Publication.. pp. 34

30 Califia, P. Pp. 3.

In education, there is a large degree of misunderstanding of the LGBT persons, causing reproduction of negative attitudes in educational institutions. School is a place of otherwise sharp gender differentiation, where the process of imposing social norms do not allow gender bias and is particularly rigid just the girls<sup>31</sup>. Each new generation completing their education in Serbia are ready for violence against different minority groups, particularly the LGBT persons. That way, suspended is the chance to open the door to new era of a better society. Measures are still not yet taken to raise awareness and improve level of information of persons, institutions, youth, media, public figures, political decision-makers. None level of the education system does provide information that homosexuality is not a contagious disease, but a minority variety of normal human sexuality, and that there is no risk of spreading of homosexuality by the way of open public speaking on that topic without prejudice. There is not any risk that gay pride parades and the same-sex unions if/when obtained legal recognition will cause the end of heterosexual families<sup>32</sup>.

The attitude of society towards others and different is to be best illustrated by their attitude towards the LGBT population: 80 percent of high school students believe discrimination against the LGBT persons is justified, while 38 percent of boys supports violence against the population. Permanent public negative reaction to the justified demands for increasing the protection of the rights of sexual minorities are still present in the dominant public discourse Serbia. This continually justify violence as an acceptable means of combating these undesirable "others". Homophobic discourse is still dominant in which same-sex love is still within the domain of prohibition and various societal taboos. Some political peoples' deputies are therefore free to animate their electorate by homophobic hate speech misusing the fact that they are legally protected by parliamentary immunity<sup>33</sup>. "Eligibility" of that type of violence is thus a clear political message, sent for years, either at meetings and conferences of differently coloured right winged political parties and movements, or at sporting events that are ideal for public (loudly) booth to express such views. Homophobic graffiti for many months contaminate public communication space of cities, and are to be found unfortunately especially and mostly around schools and colleges<sup>34</sup>. The education system has not to the moment found out the right answers and system solutions.

The root of the problem is that the very existence of the LGBT persons is perceived by the public as a threat to "healthy" or "natural" family, and that way to very heart of society as a whole. The wrong notion is almost common place in the public discourse of hatred toward the LGBT persons. Measures are needed to combat these negative and erroneous perceptions of the alleged "threat" to families that supposedly the LGBT are by their very existence. Necessary measures are effective against hate speech, especially those aimed at the efficient identification, prosecution and sanctioning the offender provoking, distributing, promoting and inciting of hatred and intolerance toward the LGBT persons, whether they are made at the public meetings, or by the media and the Internet, street arts or hate graffiti. It is very important to encouraging state officials and politically prominent personalities to publicly advocate for the respect of human rights of the LGBT persons and general societal tolerance. Inflammatory speech of public figures has the effect of cancellation of many years of efforts of institutions and civil society towards minimizing negative social perceptions of the LGBT population, contributing to the creation and maintenance of a negative atmosphere in the public towards the LGBT persons in Serbia may in the international context support a very negative image of Serbia in general.

Popular psychology adds its own, no smaller contribution to increasing prejudices, promoting the term "child of the wrong sex" as if homosexuality and trans-sexuality resulted from errors and omissions of parents in the upbringing of children. According to them, the problem arises when parents make certain gender stereotyped behaviour and attitude as a condition for accepting a child. Psychologists refer to situations in which a child of "the wrong sex" faces the obstacles in acceptance of her/his identity in the parental family a "ban to be her/his sex"<sup>35</sup>.

## STATE POLICY DOCUMENTS<sup>36</sup>

One of the recommendations of the Commissioner for Equality sent to the Ministry of Education and Science of the Republic of Serbia, the National Education Council and the Department for improving the quality of education refers to taking the necessary measures to ensure the implementation of affirmative

31 Rapoport, T. (1989). Gender Differential Patterns of Socialization in Three Agencies: Family, School, Youth Movement, 221- 230 in H., Bertram, R. Borrmann, (ed), *Blicpunkt Jugend und Familie*, Weinheim und Muenchen: DJI Deutsches Jugendinstitut, Juventa Verlag. Pp.223.

32 EurActiv (2013). *Propisi ne vrede bez promene svesti o LGBT*. Retrieved from <http://www.euractiv.rs/ljudska-prava/5140-propisi-ne-vrede-bez-promene-svesti-o-lgbt-> (Pristupljeno 1 septembra 2013)

33 Lider JS Dragan Marković Palma je najviše od svih poslanika davao izjave o LGBT populaciji, 41 put.

34 Mršević Z., (2014), Zločin mržnje, govor mržnje i grafiti mržnje - razumevanje povezanosti, odgovori na pretnje. Kancelarija za ljudska i manjinska prava, Beograd, pp 32-34.

35 Miliivojević Zoran, (2013). Dete pogrešnog pola, *Politika*, 12 juni (June 12).

36 Commissioner's Recommendation and the state's Strategy of prevention and protection against discrimination

and accurate display of same-sex sexual and emotional orientation, transgender, trans sexual and intersexuality in all textbooks (of both natural and social sciences), including examples of the distinguish LGBT individuals, and individuals as part of history, history of arts, and modern democratic societies. The position that nor child neither young persons should be afraid for own physical safety in their own family, or in an attended educational institution, has since long time adopted but to the moment it's like not as applicable to the LGBT pupils. Disposal of education reforms, especially indefinitely, is not the solution of the present situation. Non-discriminatory education obviously is one of the strong points of development and improvements, because the present education is dominated by unscientific, discriminatory attitudes towards the "others", including the LGBT persons. It is therefore important to examine the possibilities of non-discriminatory education as the instruments against intolerance, discrimination and readiness for violence towards those who are perceived as "other" or "different", which are more clearly manifested attitudes of young persons, acquired and supported in the educational system<sup>37</sup>.

The right to education must be effectively enjoyed without discrimination on the grounds of sexual orientation or gender identity. A certain amount of misunderstanding in terms of LGBT persons still exists in this field. This is visible in specific analyses of textbooks for primary and secondary schools produced during the last ten years in Serbia.<sup>38</sup> Also, one of the recommendations of the Commissioner for Protection of Equality sent to the Ministry of Education and Science of the Republic of Serbia, National Council and Institute for Improving the Quality of Education referred to taking necessary measures to ensure implementation of affirmative and correct representations of same-sex sexual and emotional orientation, transgenderness, transsexuality and intersexuality in all textbooks (of both natural and social sciences).<sup>39</sup> Lately, such practice has been increasingly changing through the work of specific public authorities.

In one of the listed Specific Objectives (4.4.5.4.), the Strategy of prevention and protection against discrimination ensures that the right to education is to be effectively enjoyed without discrimination on the grounds of sexual orientation, assumed sexual orientation or gender identity. Specifically is to be ensured protection of the right of children and youth to education in a safe environment, without violence, harassment, social exclusion or other forms of discriminatory or degrading treatment based on sexual orientation or gender identity. There should be raised awareness through the educational system about the fact that all persons are equal and that LGBT persons are also included in the circle of equal persons. There is a need to promote mutual tolerance and respect regardless of sexual orientation, perceived sexual orientation or gender identity. Provided should be objective information about sexual orientation and gender identity in school curricula and textbook material. Provided should be support and assistance in classes to LGBT pupils and students, as well as protection of teaching staff against discrimination, harassment, dismissal, due to actual or perceived sexual orientation and gender identity. It is necessary also to continue with ongoing monitoring of contents of textbooks and other teaching supplementary materials for primary and secondary schools and universities for the purposes of eliminating possible discriminatory contents related to sexual orientation and gender identity<sup>40</sup>.

## CONCLUSION

The main answer to question of what can be done is primarily in the consistent and strict obedience of current laws<sup>41</sup> including their enforcement, stipulated prosecution and punishment of offenders. Education is also necessary, as well as refraining from the use of hate speech, affirmative statements of the most responsible, and continuously changing curricula in primary secondary schools and colleges<sup>42</sup>.

The legislation in Serbia is relatively good, but the implementation in practice is another story. The State should give attention to the maintenance of the already existing services of NGOs by properly trained and qualified person. No institution can do it all alone; there must be cooperation between institutions,

37 Mršević, Z. (2013), Homophobia in Serbia and LGBT Rights, *Southeastern Europe*, 37: 60–87.

38 Towards a Non-homophobic Secondary School. An Analysis of a Portion of Secondary School Textbooks in Relation to the Treatment of Homosexuality. Editor: Dušan Maljković. Belgrade, 2008. This collection contains a qualitative and quantitative analysis of textbooks in Sociology, Art History, Philosophy, Biology, Psychology and Constitution and Rights of Citizens, listing numerous examples illustrating the existing situation in education.

39 Recommendation that the Commissioner for Protection of Equality sent to the Ministry of Education and Science of the Republic of Serbia, National Assembly, National Council of Education and Institute for Improving the Quality of Education, no. 649/211 of 10 June 2011 on elimination of discriminatory contents from teaching materials and teaching practice, and promotion of tolerance, respect for diversity and human rights, p. 2, 10-11

40 Strategija, o. Cit. Pp 48.

41 Laws which explicitly stipulate sexual orientation and / or gender identity as a generally protected ground against discrimination are the Labor Law, the Law on Higher Education, the Law on Public Information, the Broadcasting Law, the Youth Law, amendments to the Law on Health Insurance Law on Social Protection and the Law on Amendments and Supplements to the Criminal Law. However, these laws are not applied nor regularly neither properly.

42 Seksualno obrazovanje, tabu tema?, *RTS*, 2. februar 2013.

<http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/1259242/Seksualno+obrazovanje,+tabu+tema%3Fhtml> (pristupljeno 2. juna 2013)

independent bodies, non-governmental sector, education and media, as well as the necessary institutional synergy against extremism. There must be monitored and adequately documented cases of violence and discrimination. It is necessary to educate the staff working in institutions. Institutional procedures are underused due to the high level of distrust of LGBT persons in their work, their effectiveness, insufficient readiness to act and try to understand the specifics of LGBT existence and discretion<sup>43</sup>. Changes in the educational system should be monitored (and caused, initiated) and changes in family perception of LGBT youth. Families must work together to find a way to deal with discrimination and prejudice.

Serbia still does not answer the question of how to facilitate the parents' (lacking) acceptance of minority sexual orientation of their children and how their relationship is to become more tolerant and honest<sup>44</sup>. Dealing with the fact that their children are LGBT is a difficult and stressful process in which it is necessary to jointly break the silence. Parents are the only ones who can devote themselves unreservedly to the care, love and understanding of their LGBT children, while the educational system should offer methods and solutions. It takes time and support to come to an understanding that silence hides instead to connect persons, and it does not encourage self-confidence and self-esteem. The aim is that the different persons stop perceiving their difference in Serbia as bad destiny, and no longer choose isolation and loneliness but rather to accept their uniqueness as a connecting point with infinite varieties and richness of the world in which they live.

Violence, hate speech and intolerance as forms of publicly expressed homophobia have not yet been met by a timely, efficient and adequate institutional response. It should be noted that when talking about discrimination, it is often the discrimination of such intensity that it literally involves a threat to life. The state must denounce the negative effects of discrimination, violence and intolerance towards the others and the different instead of ignoring or even supporting them. It should not miss a chance to open the door to new generations of significantly better society. Any discriminatory policy is dangerous. The only reasonable goal, the only honourable goal is to fight for each and every citizen to be treated as citizens with full rights, regardless of their origin<sup>45</sup>. Basic human rights cannot be denied to any citizen under the pretext that we want to maintain a belief, a tradition, a custom. We also know that the driving force behind some of the possible ways and directions of changes may not be exclusively motivated by material well-being. Thus, we are all, and each of us, and not just the state authorities and/or politicians, obliged to take responsibility for our future<sup>46</sup>.

It is necessary to permanently analyse all possible moments of discrimination of the present system of education, since the school system still openly expresses intolerance, and proposals for changes still sound even utopian. There is a recommendation<sup>47</sup> that the teaching materials, teachers and their teaching practices and ways of working with male / female pupils foster awareness about diversity, promote non-violent culture, equality and non-discriminatory practices, as truly and necessary postulates of a democratic society based on respect for human rights; raising awareness of diversity, intercultural relations and common values through the presentation of famous persons of different ethnic and religious groups and cultures, etc; teaching contents and teaching materials should present different family models in contemporary society (single parents, foster families, families without children, same-sex partners family, etc.); elimination of stereotyping of gender roles / profession and encouraging varieties; insist on the multiplicity and complexity of human identity, value individuality, creativity and solidarity, regardless of gender.

As last, but not the least, it should be pointed out that the new concepts of gender and gender identity clearly indicate damages resulting from the rigid division of gender roles if strictly and forcibly applied. The rigid binary division of gender roles prevents LGBT girls and boys, women and men, to develop their full potentials and individuality if and when they expose them to rigid and violent forms of "normalization". There is even a movement to enable children to have acceptable interim period of gender neutrality, in the development of their own gender identity (which increasingly gained popularity during the nineteen-eighties and nineties)<sup>48</sup>. Perhaps it is one of the possible ways to mitigate rejection of the LGBT youth in Serbia.

43 Završna razmatranja Inicijalnog seminara za borbu protiv diskriminacije na osnovu seksualne orijentacije i rodnog identiteta u Srbiji.

44 Fetoski, I. (2012). Čutanje nije zlato, iskustva roditelja gej dece. Beograd: Siguran put mladih

45 Maluf, A. (2003). Ubilački identitet, Beograd: Paideia. Pp. 116.

46 Kamps, V. (2007). Javne vrline. Beograd: Filip Višnjić. Pp.6.

47 Poverenica za zaštitu ravnopravnosti. (2013). *Redovan godišnji izveštaj za 2012. godinu*. Retrieved from <http://www.ravnopravnost.gov.rs/> (pristupljeno 2 juna 2013)

Commissioner for Protection of Equality (2011). The recommendations of the Commissioner of the Equality Ministry of Education and Science of the Republic of Serbia, 2011 Recommendations to the Ministry of Education and Science of the Republic of Serbia, the Parliament, the National Education Council and the Department for improving the quality of education for the removal of discriminatory content from teaching materials and teaching practice and promoting tolerance, respect for diversity and human rights (part. No. 649/2011 of 10. 06. 2011). Retrieved from:

<http://www.ravnopravnost.gov.rs/sr/preporuke-mera-organima-javne-vlasti/preporuka-ministarstvu-prosvete-i-nauke-republike-srbije-skup%C5%A1tini-nacionalnom-prosvetnom-> (pristupljeno 3 septembra 2013)

48 Coltrane, S. (1997). *Gender and Families*. Thousand Oaks, London, New Delhi: Pine Forge Press, a Sage Publication Family. Pp. 109.

There is a requirement for awareness-raising training of police, as the recently implemented courses, aiming to improve the relation of police officers towards LGBT community and providing guidance as to how to exercise full cooperation with the community in order to ensure safety. These training courses aim primarily to reduce violence and homophobia, but also to provide the conditions in which police services are to become a place of trust in which LGBT persons feel protected from violence, abuse and discrimination<sup>49</sup>.

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<sup>49</sup> Pionirski poduhvat Policije i LABRIS-a, 120 policajaca bez predrasuda decembar 18, 2014. <http://labris.org.rs/pionirski-poduhvat-policije-i-labris-a/>

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