

OFFICE FOR HUMAN AND MINORITY RIGHTS

„DISCRIMINATION ON GROUNDS OF SEXUAL ORIENTATION AND GENDER IDENTITY”

With the aim of implementing the Council of Europe Committee of Ministers Recommendation CM/Rec (2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity, the Directorate for Human and Minority Rights has launched an initiative for participation in the implementation of the Council of Europe project called “Fight against Discrimination Based on Sexual Orientation and Gender Identity”. This initiative has been adopted, rendering the Republic of Serbia one of the partner countries in this project (together with Albania, Italy, Latvia, Montenegro and Poland).

The Directorate for Human and Minority Rights of the Ministry for Human and Minority Rights, Public Administration and Local Self Government has started development of the Strategy for Fight against Discrimination in the Republic of Serbia and the Action Plan in accordance with the recommendation of the Commissioner for the Protection of Equality. It has been planned to include civil society organizations into the development of the Strategy.

The National Strategy for the Fight against Discrimination would represent the first strategic document dedicated to the fight against discrimination that would treat this issue in a comprehensive manner and recommend activities for decreasing the general level of discrimination in the society. The implementation of the strategy would contribute to the process of further democratisation of the country, respect and improvement of human rights, development of tolerance in the society, acceptance of differences and respect of the equality principle, as well conflict prevention. The strategy would define the institutional settings and measures (short-term and long-term) in this area and would represent the umbrella document that would also confirm the fundamental determination of the country to systematically deal with discrimination and to improve the position of vulnerable groups and minorities. Additionally, the Action Plan for the implementation of the Strategy would provide the necessary framework and the concrete and comprehensive plan to define the priorities, necessary activities and the bearers of those activities, timelines for implementation and indicators of achievement.

Bearing in mind that the issue of hate crime prevention is to be dealt with in various manners during the process of drafting the strategy, and also that the Directorate supports the introduction of hate crime codification into the domestic criminal legislation, it is possible that some of the objectives encompass this issue as well. This would contribute to prevention and a decrease in the number of cases of violence against the endangered and vulnerable population groups.

The association Gay-Straight Alliance and the Lawyers' Committee for Human Rights have jointly launched an initiative for amendments to the Criminal Code, with the aim of codifying hate crime into the criminal legislation of the Republic of Serbia. This initiative has been supported by the Directorate for Human and Minority Rights as it is the standpoint of the Directorate that incorporating hate crime into domestic legislation is of great significance, since there has been an increase of violence based on hatred and intolerance in many segments of our society in the past several years.

In the Office for Human and Minority Rights and in the Office of the Commissioner for the Protection of Equality is going to start soon implementation of the project “Implementation of Anti-discriminatory Policies” for funding through IPA 2011 programme of the European Commission. The purpose of the project is the effective and efficient implementation of anti-discriminatory policies in accordance with European standards and best practices. The IPA 2011 project is to enable strengthening of different mechanisms for efficient application of anti-discriminatory laws and to support training of representatives of relevant state institutions, with the aim of improving respect for tolerance, equality and differences. Activities aiming at capacity building of the office of the Commissioner for Protection of Equality have also been envisaged within the project.

In August 2011, based on a public call for the award of finances to associations, the

Directorate for Human and Minority Rights awarded funds for 11 projects, with the total amount of 50,000 Euro. The goal of these projects is to improve and protect human rights in the Republic of Serbia through incentives for positive behaviour and activities of the wider social community towards endangered citizens' groups (persons with disabilities, children and the young, groups endangered on the grounds of gender, gender identity and sexual orientation and other endangered groups of citizens). The projects have been implemented in the period from July to December 2011.

The Ministry for Human and Minority Rights, Public Administration and Local Self-government, the Directorate for Human and Minority Rights, have implemented a public call for proposal for projects by different associations with the aim of improving and protecting human rights in Serbia within the "Human Rights Calendar 2012" programme. This programme marks each calendar month with a series of activities to contribute to improving the position of a certain social group/minority, to the promotion of values and the principle of guaranteed fundamental human rights. The area/theme of the month is connected to the United Nations holidays and other international holidays. In the "Human Rights Calendar", the month of June has been dedicated to the rights of LGBT persons and marking of the Pride Day on 24 June.

It is important to mention three court decisions having been taken recently (November 2011-March 2012):

The First Basic Court in Belgrade took a court decision on 2 November 2011 according to which it adopted the suit of the "Gay- Straight Alliance" against the Mayor of the city of Jagodina and the leader of the political party "Jedinstvena Srbija" Dragan Markovic Palma. Owing to this it was confirmed that he executed a severe form of discrimination on the basis of sexual orientation. He was banned to do it again, and ordered to pay court expenses. This was for the first time in Serbia that the court decision was taken against a politician for severe discrimination and hate speech against the LGBT population.

The Higher Court in Belgrade adopted a court decision on 29 February 2012 according to which Sima Vladicic threatened to the members of the LGBT population using a Facebook group "500.000 Serbs against the Gay Parade". He was sentenced to three months of prison or two years of suspended sentence. This was the first time in Serbia that the court decision was taken for endangering general safety by sending threatening messages on the Internet, and the first case that those threats were directed to all the members of the LGBT population, and not only to one person.

The First Basic Court in Belgrade sentenced Mladen Obradovic, the leader of the movement „Obraz“ on 28 March 2012 to ten months of prison for daring hatred and threatening members of the homosexual population prior to the cancelled Gay Parade in Belgrade in 2009, on the basis of the Criminal Code. The sentence taken against Obradovic presents the first sentence of that nature having been taken in Serbia.