

Saša Gavrić and Jasmina Čaušević

**FROM DEMEDICALISATION  
TO SAME-SEX MARRIAGE:**  
A CONTEMPORARY  
LGBT HISTORY OF  
THE WESTERN BALKANS

Saša Gavrić and Jasmina Čaušević

**Title**

From Demedicalisation to Same-Sex Marriage:  
A Contemporary LGBT History of the Western Balkans

**Authors**

SAŠA GAVRIĆ and JASMINA ČAUŠEVIĆ

**Translation into English**

Aida Spahić

**Proofreading**

Academic Proofreading  
[www.academicproofreading.com](http://www.academicproofreading.com)

**Layout and book cover**

Feda Bobić

**Publisher**

Belgrade Pride/Pride Society  
[www.prajd.rs](http://www.prajd.rs)

**For the Publisher**

Marko Mihailović

Published in Bosnian, Croatian, Serbian language by  
Buybook, Sarajevo/Zagreb, 2020.

Published in Macedonian language by  
Foundation Open Society Macedonia, Skopje, 2021.

The book covers developments until the end of 2020.



The book has been developed and published with the support of the Open Society Fund Bosnia and Herzegovina. The English edition has been published with the additional support of Civil Rights Defenders. The views or opinions expressed in this book are those of the authors and do not represent the views and opinions of the Open Society Fund Bosnia and Herzegovina.

ISBN 978-86-903566-0-7

Saša Gavrić and Jasmina Čaušević

FROM DEMEDICALISATION TO  
SAME-SEX MARRIAGE:  
A CONTEMPORARY LGBT HISTORY  
OF THE WESTERN BALKANS

Belgrade, 2021.



# Table of Contents

Foreword	7
Authors' remarks	9
INTRODUCTION	11
<b>1. SOCIALISM AND "UNNATURAL FORNICATION": HOMOSEXUALITY BEFORE 1990</b>	19
1.1 Historical and Social Context	19
1.2 Gradual Liberalisation: The Party, the State and Homosexuality	22
1.3 Gradual Liberalisation 2: Sexology, Art and the Media	29
1.4 Towards the End of an Epoch: The Beginnings of Gay and Lesbian Activism in the 1980s	35
Bibliography	43
<b>2. NOTHING IS THE SAME ANYMORE: THE NINETI</b>	45
2.1 Historical and Social Background	45
2.2 The World Health Organisation: Homosexuality is No Longer a Disease	50
2.3 The Invisible Recognition: Decriminalisation of Homosexuality	53
2.4 Entering the Scene: Transgender Issues	56
2.5 Development of Gay-Lesbian Activism	59
Bibliography	65
<b>3. EUROPEANISATION AND DEMOCRATISATION: DEVELOPMENT OF THE LGBTI MOVEMENT AND RIGHTS AFTER 2000</b>	67
3.1 Historical and Social Background	67
3.2 LGBTI Rights are Human Rights: Development of Human Rights Standards of LGBTI People	72
3.3 Activism by Western Standards: Establishment and Development of LGBTI Associations	78

3.4 Taking It to the Streets: Pride, Parades and Pride Marches	84
3.5 Legal Protection under External Influence 1: Anti-Discrimination Laws	91
3.6 Legal Protection Under External Influence 2: Hate Crime and Domestic Violence	99
3.7 Legal Protection under External Influence 3: Rights of Transgender People	107
3.8 Conquering the Public Space: Pop Culture, the Media and the Arts	114
Bibliography	127
<b>4. LGBTI RIGHTS IN THE THIRD DECADE OF THE NEW MILLENNIUM: CHALLENGES, OBSTACLES, OPPORTUNITIES</b>	129
4.1 Identity Politics	129
4.2 New Forms of LGBTI Movement's Organising	133
4.3 Greater Visibility, Greater Acceptance?	137
4.4 Love is Love: Same-Sex Partnership and Marriage	144
4.5 Demedicalisation of Transgender and Non-Binary Identities	149
4.6 A New Letter to Complement LGBT: I as in Intersex	151
4.7 Political Homophobia: The Old Right-Wing, New Attacks	154
Bibliography	160
AFTERWORD	165
Chronology of Events	167
About the Authors	170

## FOREWORD

The LGBT+ community in Southeast Europe has always been under pressure; exposed to pogroms and violence. Between excommunications from all-mighty religious communities and punishments as harsh as the death penalty, the situation was historically dire across the region, while a sense of community-belonging was limited, if any. The liberalisation until WWII was slow, with mere suggestions that states shouldn't have a say in what goes on in the bedroom. The war itself was a period of continued prosecution, however explaining the attitude towards the LGBT+ community during the communist era that followed is more complicated, especially in the case of the former Yugoslavia.

Growing up in socialist Yugoslavia as a gay man, family, social circles and the state were all sources of pressure and stigma. I heard the term "gay" for the first time when the dissolution of Yugoslavia was underway. Prior to this, feeling attraction towards other males was all that I knew, coupled with social norms that it was a 'sickness' I must hide. Many decades later, in this book and several similar publications, I discovered processes that followed in the aftermath of WWII, which were potentially positive for the community. Statistics about a relatively low number of judgements for "unnatural fornication" are a good example of this. However, unlawful harassments by police and secret services were amplified, and left LGBT+ persons without the possibility to seek justice or reparations.



The fall of communism and bloody breakup of Yugoslavia countries brought about new challenges for LGBT+ communities in the region. As part of the first LGBT+ organisation in Belgrade (Arkadija), I remember that many members were afraid to provide their ID's for registering the organisation fearing persecution. At the same time, being even a human rights activist was a long and precarious process, while disagreements among communities in different countries were not uncommon. Most of us were part of the anti-war movement at the time, but there were growing calls for the LGBT+ community to become more nationalistic.

From today's perspective, it looks like the real progress for the region's LGBT+ community started at the beginning of the 21<sup>st</sup> century. After two decades of legislative changes, improving access to justice, increased visibility and the rise of several prominent activists and organisations, our work has culminated with advocacy for marriage equality (or laws on same sex unions). Despite these significant developments and clear changes in the attitude of citizens across the region, violence and discrimination still represent major challenges for the community. This book offers an excellent comparative overview of the struggle for LGBTI+ rights and recognition across the region, with in-depth explanations of processes, stakeholders and developments throughout this critical period.

**Goran Miletić**  
Director for Europe and MENA  
Civil Rights Defenders

## AUTHORS' REMARKS

This is a book primarily for those interested in the chronology of the development of the legal and political relation of societies and states towards LGBTI communities in the Western Balkans, from the moment homosexuality stopped being viewed as a disease until today – thirty years later. The style that we applied is not academic (*Fachbuch*), rather it is non-fiction (*Sachbuch*). However, given that our approach is based on an extensive literature review, we adhered to academic standards in its writing.

The intention was not to offer an original academic work, but a book that collects the knowledge of the last 30 years and, thus, offers a select overview of the past. This is a reference book that informs the readers of the key ideas and authors that have delved into some of the addressed topics, issues or problems. The sources we used are indicated after every chapter.

As the title suggests, we have dealt with history, but we have not embarked upon historical analyses because we lack the knowledge of historical methods. History here is not a scientific discipline in the narrow sense; it is a general term denoting the writing about past events. With enthusiasm and dedicated work, we tried to conquer our lack of personal historiographical expertise in the process of writing and interpreting the materials. We did not present Yugoslavia as an extremely totalitarian country in its treatment of homosexuality because the facts we collected and included here do not corroborate such a claim. We avoided romanticising the story of Yugoslavia, as we

did its unilateral criticism, especially that which stems from the ethno-nationalist discourses that emerged after its dissolution.

Our work on this book was also a form of escapism in the time of the Covid-19 pandemic and the various social insecurities. Much more important than the personal tribulations of working on this book was the idea that LGBTI and queer people, particularly the younger ones, should know their history – a history of perseverance, pride and the long struggle for the recognition of the right to dignified life. Given that we have collected a rich pool of references about LGBTI history and topics, the literature we list after every chapter is also an overview of academic papers, reference books and texts written and published in the Western Balkans. We rely here on parts of those books and we refer all those who would like to get a deeper insight in the given periods or topics to search our sources, certain that their research will lead them even further.

**Saša Gavrić and Jasmina Čaušević**

## INTRODUCTION

The 1990s began, in many ways, with the most important event in the contemporary history of homosexuality. On 17 May 1990, at the 43<sup>rd</sup> World Health Assembly in Geneva, the 10<sup>th</sup> revision of the International Statistical Classification of Diseases and Related Health Problems (ICD-10) was adopted, which contains codes of diseases, symptoms, pathological conditions, social circumstances and external causes of injuries or diseases. A classification was removed from the long list of codes that would change the lives of millions of gay, lesbian, bisexual, even queer, people around the world. ICD-10 explicitly underlined that, “sexual orientation, by itself, is not a disorder”. It was the first time, since the World Health Organisation introduced this classification of diseases and disorders after World War II, that homosexuality was not among the diseases.

This historical fact inspired the idea to collect all reference works in one place and give an overview of what happened over the last thirty years in a region that has had different names, but which we define as the Western Balkans. How has the contemporary gay and trans history developed in the Western Balkan countries? What influenced the demedicalisation and decriminalisation of homosexuality? How did LGBTI activism develop in the region in this period? How did legal protection develop, and which areas did it include? How have the processes of democratisation and Europeanisation affected the lives of LGBTI people? These are just some of the questions the answers to which we have been pursuing during our work on this book.

The more liberal part of the Yugoslav public sphere opened the paths to the normalisation of homosexuality through culture, art, sexology, even the media, relying on scientific facts, popular songs, films and positively toned newspaper articles. The gay and lesbian artistic and media productions were becoming richer and more diverse. However, despite these developments, the removal of homosexuality from the list of diseases in 1990 went almost unnoticed in Yugoslavia, as well as in Albania. This did not really come as a surprise because, in that year, both of these countries were going through the deepest changes since World War II. Before its bloody dissolution, Yugoslavia was largely in a transformative phase – from a one-party to a multi-party-political system, from a planned to a market economy, from a federation to the independence of its republics. Albania was also undergoing a comprehensive transformation – from one of the most closed socialist states into a young liberal democracy. What happened was a complete disintegration of a structure that, until then, had guaranteed economic and social rights in the form known to these two countries.

In the third millennium, Slovenia and Croatia, partly due to their historical specificities and advantages over the rest of Yugoslavia, as well as the support of Western Europe, managed to join the European Union (EU); other, newly formed, post-Yugoslav states – Bosnia and Herzegovina (hereinafter: BiH), Montenegro, (North) Macedonia, Serbia, and later also Kosovo, as well as Albania, embarked on an endless path of democratisation, transition, Europeanisation, EU integration and reforms. They are still on this path and are experiencing similar ups and downs. Due to the historical context, the common past and mutual links, this book often refers to events in Slovenia and

Croatia; however, as these two countries experienced a different economic and socio-political development because of their specificities, not only over the last 30 years but also earlier, in this book, we focused on the recent gay and trans history in Albania, BiH, Kosovo, Montenegro, North Macedonia and Serbia – the six countries that, today, comprise the so-called Western Balkans. Our intention was to tackle the developments that lesbian, gay, bisexual, trans and intersex communities have undergone in these six countries, and to track the path from the demedicalisation and decriminalisation of homosexuality to the gradual legal protection from violence and discrimination on the ground of sexual orientation, and later gender identity and sex characteristics.

In these six countries, LGBTI communities have undergone major changes over the last 30 years; we only use 2020 as a moment to reflect on the past developments, and to learn the lessons and anticipate developments in the near future. Although the focus of this book is on the 30 years from the 1990 decision by the World Health Organisation until 2020, we began with the period following World War II for the purpose of providing a bigger picture and tracking the lines of change. Therefore, the first chapter reflects the treatment of homosexuality by socialist Yugoslavia and socialist Albania. The chapter outlines the gradual liberalisation process and the approach taken by Slovenia and Croatia, which was different than that of the other Yugoslav republics. We show in this chapter that the narratives in Yugoslavia and Albania mostly focused on homosexuality, whereas trans and intersex issues were not addressed; ultimately, this was also the case in the rest of Europe. We have traced real time and we introduce – with increased visibility during the 1990s and especially in the third millennium – the

trans and intersex issues chronologically, i.e., later in the book. The invisibility of trans and intersex issues is only a reflection of the times; it is by no means our neglect of these identities or communities. However, we have consciously decided to leave intersexuality out of the title, bearing in mind that this is a brief overview of the specific points in contemporary gay and trans history.

The book follows the chronological developments of the key socio-political circumstances, as defined by mainstream culture and politics. After the introductory part, where we deal with socialist Yugoslavia and socialist Albania (chapter one), the book is divided into three parts (chapters two, three and four). The second chapter refers to the 1990s, the period of wars and disintegration, which had an ambivalent impact on LGBT people. The 1990s were the years in which the demedicalisation and decriminalisation of homosexuality happened; however, these were also the years when our societies destroyed one system to replace it with a new one, the construction of which will never be completed. Ethno-nationalisms were being normalised through the excessive influence of religion and the re-traditionalisation of the rigid, binary definitions of gender roles and relations – all of which had a great impact on how the Western Balkans societies treated gay and trans issues. The 1990s were also the years when the first gay-lesbian activist initiatives emerged. The third chapter addresses the period from 2000 until today. The end of wars and conflicts in 2001 and the democratisation processes in the Western Balkans, along with Europeanisation and the global acceptance of the rights of LGBTI people, helped and enabled a significant development of LGBTI activism. In addition to gay-lesbian activism, issues relating to

trans and intersex people gained increasing visibility in civil society and the media. In the fourth chapter, we give an overview of topics that dominate public narratives – old topics framed into new discourses of rightist initiatives, and generally of the challenges of LGBTI activism today. In this part, we do not and cannot give a final answer to the question as to whether identity politics are meaningful. We address the issue of the existence of the LGBTI movement in the Western Balkans as a social movement in the classical understanding of the term, and we present some of the challenges of *gender ideology*. Despite all these being very complex topics, we have provided a brief overview of the framework of our thinking, relying on contemporary theoretical thought.

To avoid the trap of using terms that were non-existent in the discourse of the time for the present day sake of correctness – we consciously use different terms and acronyms in this book. In the chapters that do not address trans and intersex issues, we write about homosexuality, gays and lesbians, or sexual orientation. When the chapters tackle trans issues, we write about LGBT people, rights of LGBT people and gender identity. Finally, if the processes include intersex people, we use the acronym LGBTI and the phrase, sex characteristics. In rare situations, we also address issues of queer and/or non-binary people. Due to limited space and our intention to portray general tendencies, we cannot, unfortunately, discuss the status of individual communities or contributions of all individuals, groups or associations that have been and still are active in this region. Some of our friends, who have read the book in its making, noticed a lack of intersectional approaches to economic and social, as well as labour rights of LGBTI people. There are studies on these important topics, and we



decided not to address them because we think they deserve separate research and much more space than this book can offer.

We use the phrases *rights of LGBTI people* and *LGBTI rights* interchangeably. We underline that we never treat LGBTI rights as special rights because the rights of LGBTI people are an integral and inalienable part of universal human rights. 'LGBTI rights' is a phrase that we understand as a legal and political concept, according to which all human beings acquire certain inalienable rights by their birth. Although the term 'sexual and gender minorities' is often used, we have consciously chosen not to use it. In addition, tracing real time, we use the name Macedonia to refer to events before it became North Macedonia in 2019, when it changed its constitutional name. Also, as Kosovo's independence has not been recognised by Serbia and BiH, due to its specific path in the development of LGBTI rights and activism both before and particularly after 1999, Kosovo has been addressed as a separate unit, without entering into a debate on whether or not it is an independent country.

The first draft differed greatly from the final version of the book. Contrary to the usual process wherein a book is supplemented with information, we chose a different path. A large part of the data that we initially included has been left out in the process of re-reading – despite the fact that some were extremely interesting excursions – to present, as concisely and clearly as possible, the lines of development of ideas that this book focuses on. The book is, in our view, a selection of the most important points in the contemporary LGBTI history of the Western Balkans. The fact that we fail to mention some events or

occurrences in no way diminishes their significance – it reflects our wish to make this book clear as well as a reflection of our positions. Relying on the feminist standpoint theory, we must explain the positions from which we contemplated this book. Since this theory advocates that knowledge is situated, i.e., that knowledge is never neutral and is a product of social, political and many other influences and circumstances, so is the knowledge we present here a product of our personal experience. Our researchers' starting point in writing about the social circumstances that shaped the lives of LGBTI people also reveals our experiences, knowledge, identities and practices. We socially contextualised the historical and legal facts in a way that seemed most truthful to us to portray the path of liberalisation of treatment of LGBT issues. Unfortunately, some information we deemed important, we simply could not find, as the Balkan publicist and academic community deal with the contemporary history of LGBTI communities only to a limited extent. We hope that this book succeeds in presenting a synchronic and diachronic development of the attitudes of certain segments of society towards LGBTI issues – through different ideological paradigms, time and space.

Finally, as we cannot read Albanian and given that there are not many books and texts on Albania that we could find in English in the available databases, we turned for help to journalist and activist **Kristi Pinderi**, who shared his knowledge and helped us get a deeper understanding of the Albanian historical and social context. We owe him great gratitude because without his contribution, the interpretation of the developments in Albania would remain superficial, at times erroneous and certainly scarce. We also thank the following people most deeply for

the solidarity, goodwill, and time they took to read our book and give critiques, comments, insights and advice on how to refine it. These are: **Selma Alispahić** (sociologist from Sarajevo), **Bojan Bilić** (Professor at the University of Bologna), **Emina Bošnjak** (Executive Director of the Sarajevo Open Centre), **Slobodanka Dekić** (PhD Candidate in Anthropology in Belgrade), **Natasha Boshkova** (Legal Advisor, Coalition Margini from Skopje), **Hana Čopić** (PhD Candidate in Antisemitism Studies in Berlin), **Franko Dota** (historian and Programme Coordinator of Zagreb Pride), **Marko Jurčić** (Activist for Zagreb Pride), **Antonio Mihajlov** (President of the Subversive Front Association from Skopje), **Goran Miletić** (Director for Europe, Civil Rights Defenders), **Lepa Mladenović** (lesbian activist and feminist from Belgrade), **Kristian Ranđelović** (intersex rights activist from Belgrade), **Jovan Džoli Ulićević** (Executive Director of the Association Spektra, Podgorica). Each has greatly contributed to the improvement of the text. Without their intervention in our manuscript, this book would not have seen the light of day, as we would have never dared to offer it for publication.

# 1. SOCIALISM AND “UNNATURAL FORNICATION”: HOMOSEXUALITY BEFORE 1990

## 1.1 Historical and Social Context

The complexity of and difference between Yugoslav and Albanian socialism, in all aspects, including their relationship to homosexuality, deserve much more space than this book can offer. However, we will here present some key developments that seem important for the explanation of the context that affected the lives of people, including lesbian, gay, bisexual and transgender people.

The Socialist Federal Republic of Yugoslavia (SFRY) was the name of the former state that comprised republics and autonomous provinces – the current states of Slovenia, Croatia, BiH, Serbia, Montenegro, Kosovo and North Macedonia. The SFRY was respected globally for its anti-fascist position, its resistance to Stalinism and its membership in the Non-Aligned Movement. It was formed during World War II as the successor of the Kingdom of Yugoslavia and existed for almost 50 years.

During World War II, Albania became an international battlefield, with the Nazis withdrawing in 1944. Enver Hoxha, who headed the communist army, was getting stronger in that period. After World War II, the until then semi-feudal Albania became an industrial country; it did not say *No!* to Stalin, but rather it withdrew from the Warsaw Pact and turned to China, thus becoming the most closed

country in Europe. This meant, among other things, that Albanians lived in fear of the secret police; that atheism was prescribed; that land was confiscated from the rich; that some mosques and churches were turned into warehouses or cinemas; and that an enormous number of people experienced the torture of a repressive regime. However, not everything was negative. Socialism meant strong emancipation for women in this country in terms of work and education. They were equally as represented in the education system as men, thus shedding the darkness of illiteracy. In addition, Albania was one of the rare countries in Europe in which women comprised almost half of the total workforce, which was a rare case globally.

After World War II, Yugoslav socialism enabled the modernisation and industrialisation of the rural society. The Yugoslav self-governing model of socialism, implemented since the end of the 1940s until 1990, is a well-known model in self-government theory. Following a conflict with Stalin in 1948, Yugoslavia chose its own model of political and social order and a form of socialism that differed from other models in Eastern Europe. It encompassed workers' self-government and social self-government as forms of a broader political system. The 1963 Constitution proclaimed self-government in SFRY as the general system of governing social affairs, whereas the right of citizens to self-government was at the top of the list of citizens' inviolable and inalienable freedoms, rights and duties. The state government system, from the municipality, province, republic and to the federation, was based on self-government principles. The highest authorities of the republic comprised various councils, communities and unions, through which the citizens, at least formally, governed and

pursued their interests in all spheres of life.

Each Yugoslav republic and province had a specific economic and social development within the federation. The implications of this fact created differences between the republics that continued to grow into the 1980s. The gradual liberalisation of repressive policies against the Albanian population in Kosovo began in the late 1960s; for instance, Kosovo Albanians were allowed to fill positions in administration and the police; the University of Prishtina was opened, providing education in the Albanian language, and it became possible to express Albanian identity in SFRY. However, the growing economic crisis that hit Yugoslavia contributed to the deepening of the inequalities between the prosperous north and the poorer south of the country.

In such social settings, albeit with significant differences that will be discussed in later chapters, homosexuality was not a public topic, either in Yugoslavia or Albania; even when it was, in smaller audiences, it was treated as a disorder and gay people were labelled as immoral or sick. A brief study shows that the Albanian State Archives categorised all materials on homosexuality from 1912, the year of Albania's independence, until 1945 and the start of communist rule, under the section entitled, Unnatural Crimes. When the communists came to power, a more sophisticated archiving method was applied to homosexuality-related documents; not everything was placed in a single file, like before, and every institution now had its own archiving section. The Communist Party in Albania continued to treat homosexuality as a criminal offence punishable by long-term imprisonment. Homosexuality, as a

topic, was kept out of the public eye; the number of imprisoned homosexuals was hidden and there were false accusations used as a powerful tool to destroy someone's life. As our collocutor put it: "I have heard from a journalist that homosexual men would have been threaten by *Sigurimi* to become secret collaborators. A former employee of the State Archive admitted that accusing someone for homosexual acts was a way of blackmail, often a tool used to force some of them to try to deny it with any possible way available to them, even by transforming them into collaborators. I don't want to speculate, but if that is true, it is a very interesting moment to be explored, albeit a dark one". In general, Albanian society was very aggressive to gay men. This situation lasted almost for the next 50 years. It seems that in Yugoslavia, when it comes to the treatment of homosexuality, liberalisation in various social areas began much earlier.

## 1.2 Gradual Liberalisation: The Party, the State and Homosexuality

We have not obtained information, for example, on whether workers' councils within labour organisations in socialist Yugoslavia discussed the needs of gay and trans workers. This would be all the more interesting to reveal given that the communist ideology did not have a decisive position on homosexuality – which left room for a non-uniform attitude of party leaders towards homosexuality.

Croatian historian and activist Franko Dota, in 2017, defended, as far as we know, the first doctoral thesis on the topic of the social, legal and media history of

homosexuality in socialist Yugoslavia. We will include here only some of his findings, quoting also from his interviews given to different media outlets in the Western Balkans region.

In his memoirs, *Revolutionary War* (Revolucionarni rat), Milovan Đilas, a prominent member of the Communist Party of Yugoslavia, wrote about how homosexuality was treated among the partisans in the so-called People's Liberation Struggle during the World War II. He described a situation when Rifat Burdžević, the Secretary of the Sandžak (Region) Committee of the Communist Party of Yugoslavia, told him that the soldiers of the Serbian battalion revealed that one Muslim, a good soldier and communist, was a homosexual. Burdžević was in a dilemma "whether to execute the monster", and Đilas wrote: "I was also not aware of the Party practice or of anything on the topic by Marx or Lenin. But my common sense concluded that such vice exists also among the proletarians, not only bourgeois decadents, but that the depraved cannot hold functions or be party members." This opens space for the assumption that partisan leaders, due to difficult circumstances of war, were somewhat more tolerant of homosexual soldiers, but were intransigent within the party.

As shown by Franko Dota, several archives hold numerous court judgments passed against men who engaged in same-sex relations in the period before the adoption of the 1951 Yugoslav Criminal Code. An interesting and unique example is a 1950 judgment convicting four women from Osijek (Croatia), seamstresses in a cooperative, of lesbian relationships, in addition to the crime of petty fraud. From 1945 to 1977, around 1,500 men were convicted throughout Yugoslavia, including with suspended



sentences and so-called administrative sanctions. Dota presents information indicating that during this period, around 100,000 men were convicted in West Germany, 70,000 in Great Britain, 30,000 in Italy and 12,000 in Austria. Although Yugoslavia did not stand out by the number of cases, the persecution was quite fierce before the adoption of the 1951 Yugoslav Criminal Code and spread fear, insecurity and exclusion among gay men. This topic deserves further research, especially in the archives of BiH, Montenegro, Kosovo, North Macedonia and Albania.

In 1949, during the times of the intensive persecution of gay men, the Communist Party of Yugoslavia discussed homosexuality, officially and at a very high level. In the Yugoslav Federal Ministry of Justice, the party and judicial elite proposed full decriminalisation of same-sex relationships in Yugoslavia and the introduction of a uniform age of consent at 14 for all consensual sexual relations. The discussion was led in the context of the drafting of the Yugoslav Criminal Code. A range of progressive solutions were discussed, starting from the fundamental idea that the protection of sexual morality is a bourgeois, obsolete and religiously burdened concept and that modern socialist society should not interfere with the sexual morality of citizens; the state and the judiciary should sanction only those cases that unequivocally include a victim. An expert discussion was initiated around this topic with dozens of institutions participating, including law faculties, courts and the police. However, the majority of the judicial profession, with the important exception of members of the academia, opposed the idea of decriminalisation and demanded that the crime of “unnatural fornication” be retained in the future Criminal Code.

From today's perspective, this incredibly modern initiative by a group of judicial experts could have been revolutionary if the Ministry of the Interior had not joined the discussion, compiling a document claiming that gay men are criminogenic and spoil the youth, with some even being enemies of socialism. In the end, the Ministry of Justice had to give in to the police and let homosexuality be treated as a crime.

Socialist Yugoslavia inherited legal provisions from the Kingdom of Yugoslavia – developed under the influence of Prussian and Austrian law – which punished sexual intercourse between men with five years of strict imprisonment. This punishment was also applied after World War II in the absence of a new, socialist Criminal Code. However, the maximum sentence was reduced from five to two years of imprisonment and suspended sentences were introduced. The new Yugoslav Criminal Code came into force in 1951 and, since then, the number of suspended sentences has started to increase compared to prison sentences, which we interpret as the first step in liberalising attitudes towards homosexuality, given the entire socio-historical context. A few years later, in 1959, legislators reduced this sentence to one year of prison.

<p>Петак, 9 март 1951</p> <p style="text-align: center;">Завођења</p> <p style="text-align: center;">Члан 185</p> <p>(1) Ко лажним обећањем брака наведе на обљубу младолетно женско лице које је навршило четрнаест година, казниће се затвором од три месеца до две године.</p> <p>(2) Гоњење се предузима по приватној тужби.</p> <p style="text-align: center;">Противприродни блуд</p> <p style="text-align: center;">Члан 186</p> <p>За противприродни блуд између лица мушког пола, учинилац ће се казнити затвором до две године.</p>	<p style="text-align: center;">СЛУЖБЕНИ ЛИСТ ФНРЈ</p> <p style="text-align: right;">Број 13 — Страна 205</p> <p>(2) Гоњење се може предузети само ако је тако закључен брак докнител на разлога наведених у ставу 1 овог члана.</p> <p style="text-align: center;">Омогућавање закључења недозвољеног брака</p> <p style="text-align: center;">Члан 192</p> <p>Претседник или овлашћени члан народног одбора или матичар који својом службеном радњом допусти да се закључи брак који је по закону забрањен, ништав или се сматра непостојећим, казниће се затвором до три године.</p> <p style="text-align: center;">Ванбрачни живот са малолетним лицем</p> <p style="text-align: center;">Члан 193</p> <p>(1) Пунолетно лице које у ванбрачној заједници</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Provisions on “unnatural fornication” in the 1951 Yugoslav Criminal Code

May we conclude that the 1951 Criminal Code decriminalised lesbian relationships? What we can say, in general, is that in communism, as was the case in the system that preceded it and, as time will show, in the system that followed it, female homosexuality was perceived as unimportant because an emotional and erotic relationship between two women was not seen as a real threat to the patriarchal system. In legal terms, lesbian relationships in the socialist Yugoslavia, as in many other parts of Europe, were considered to be lewd, not unnatural fornication.

Although sanctions for homosexual acts were gradually becoming more lenient in the socialist Yugoslavia, compared to the Kingdom of Yugoslavia, in the 1950s, homosexuality was considered *bourgeois and perverted* and a product of *insatiable capitalism* to which only decadent intellectuals, the bourgeoisie, priests and non-workers, i.e., spoilers of healthy working youth, could incline.

Yugoslav medical and legal experts, especially in Croatia and Slovenia, began advocating for decriminalisation very early on. As we have learned from the Slovenian sociologist Roman Kuhar, expert discussions on the need to decriminalise homosexuality began in Slovenia in the mid-1950s; thus, in 1956, the 'Report on homosexuality in their 1968 'Report on Social Pathology' (Izveštaj o socijalnoj patologiji) as a "less dangerous social phenomenon" and opposed repressive measures; they agreed that homosexuality should remain classified and valued as a "negative sexual activity," but they advocated its decriminalisation because "Yugoslavia is one of the few countries where homosexual contacts between two adults who voluntarily agree to it are still criminalised" and that repression does not solve anything.

In the mid-1970s, at one of the party commissions, the political leadership of the state agreed that homosexuality should be decriminalised, but that final decisions should be made by each respective Yugoslav republic and province. After the 1974 Yugoslav Constitution granted jurisdiction for criminal legislation to individual republics and provinces, the article which criminalised sex between men was removed in 1977 from the criminal codes of Slovenia, Croatia, Montenegro and the province of Vojvodina. The aforementioned debate in Slovenia resulted in the discussion about this topic as early as 1974, at the Commission for the Adoption of the Criminal Code. The legislature's awareness of reality is seen in the fact that in 1977, they criminalised marital rape, long before the rest of the country or the world. It is clear, however, that decriminalisation was not the result of activist struggle, but the decision of respective republic and provincial authorities, although a gay subculture was emerging in Yugoslavia in the 1970s, especially in Ljubljana and Belgrade.

In some places in Yugoslavia, there have been attempts to medically treat homosexuality, as the references show – mostly in the circles of Zagreb and Belgrade clinical psychotherapy. As Croatian activist Marko Jurčić points out, in this period, the answer to the question if something was considered a disease or not could be found in portrayals of homosexuality in medical textbooks and psychiatric manuals. As we discuss in more detail later, the crucial turn in the understanding of homosexuality occurred in 1973, when the American Psychiatric Association removed homosexuality from the list of mental disorders, because it was proven that homosexuality has no psychopathological elements and, therefore, does

not require treatment. This decision undoubtedly accelerated the recognition of the human rights of gays and lesbians.

The struggle to stop the social persecution and stigmatisation of homosexuals was often repeatedly initiated, and this continued happening even after Tito's death. Namely, data show that at the Communist Party Congress in 1985, a well-known theatrologist in Belgrade, Jovan Ćirilov, requested that this topic be addressed. The fact that sexology, and even sociology, in socialist Yugoslavia were ahead of law is seen in the position of the most famous Yugoslav sexologist, Marijan Košiček. Writing in 1986, he stated that the, "conclusion seems to emerge not only that homosexuality is not a social evil, but that it is even less harmful to society than heterosexuality" (see Nebojša Jovanović, 2013).

However, while homosexuality was being gradually normalised in Yugoslavia through sexology, the media, law and culture, as we will see in the next chapter, in Albania, there other struggles were leading in the public space. The attitude of socialist Albania towards homosexuality was extremely negative, to such a great degree that it was not addressed or discussed in public, other than in the context of it being a severely punishable crime.

The Enver Hoxha regime sanctioned same-sex intercourse with long prison sentences, harassment, loss of all civil rights and banishment. Article 137 of the Albanian Criminal Code regulated crimes against social morality and stated that pederasty, which included male and female same-sex relationships, was punishable by up to ten years of imprisonment.

It would be important and interesting to explore the consequences of this treatment on lesbians and gays from that time.

### **1.3 Gradual Liberalisation 2: Sexology, Art and the Media**

Although homosexuality and communism were labelled a major threat to the American way of life in the United States in the early 1950s, and the Cold War encouraged paranoia, among other things, because anyone could be a homosexual or a communist, Yugoslavia turned to the West by strengthening its relations with America in the 1960s. Everyday consumerism and the aesthetics that moved from social realism towards modernism and the avant-garde in culture and art, were also the specifics of Yugoslav socialism. Globally, the 1960s and 1970s were the years of political crises, but they also witnessed the birth of social movements – the new left, the student movement, the feminist, and even the global gay rights movement.

Changes also took place in Yugoslavia, although not so revolutionary. Homosexuality in Yugoslavia was pathologised in medical texts, including in therapeutic and educational literature. The majority of psychiatrists were under the influence of canonical texts of medical sexology, which understood homosexuality as a biological or psychological condition; this further influenced the legal discourse and the need of the state to protect youth from homosexuality.

However, there was a sphere in Yugoslavia in which the liberalisation of same-sex desire happened before it did in the legal sphere. It was sexology: a

discipline close to both medicine and psychology. Sexology emerged in the late 19<sup>th</sup> century and played a key role in defining homosexuality as one of the forms of human sexual behaviour. Most probably, the first book entirely dedicated to homosexuality published in Yugoslavia was a translation of the book *Homosexuality* (Homoseksualnost) by Lorenzo Viganedi Rocca (published by Epoha Prosvjeta, Zagreb, 1968). The first book by a Yugoslav author entirely dedicated to homosexuality is *Framed by One's Own Sex* (U okviru vlastitog spola) by the Croatian neuropsychiatrist and sexologist Marijan Košiček (published by Mladost, Zagreb, 1986), which will be discussed later.

Nebojša Jovanović, a scholar from BiH, gives a unique insight into homosexuality in the sexology literature of socialist Yugoslavia: "Numerous sexology publications addressed homosexuality and, thus, introduced different, sometimes mutually contradictory information and views on homosexuality in public, as a rule articulated in terms of its social (in)acceptability. Needless to say, that the dominant discursive currents of sexology were heteronormative, insofar as they never questioned the heterosexual family with children as the most fundamental and most sublime social achievement. Yet, this does not mean that all Yugoslav sexologists have belittled or condemned homosexuality as something that entails punishment, prevention or treatment. Moreover, some influential sexology works directly opposed the legal discrimination of 'unnatural fornication' among men and, presumably, contributed to the repeal and non-application of paragraph 186".

In the first widely popular sexology book in socialist Yugoslavia – *Sexual Life* (Polni život) by Nikola Palić in

1953 – homosexuality is a non-pathological category. Palić further writes that, “In the criminal codes of many countries, both in the West and in the East, there is no ‘paragraph for homosexuals’. Science has not yet given a reliable answer as to what causes homosexual sex drives. It is our job to understand the essence of the phenomenon given by nature and not to search for a disease in it. Any disease should be treated, however, no treatment helps in this case” (see Nebojša Jovanović, 2013).

Despite these progressive thoughts, as stated earlier, in one part of Yugoslavia the law stopped persecuting homosexuals only 25 years later; in the other part, it would take 40 years for homosexuals to no longer be persecuted. In some parts of society, same-sex love continued to be stigmatised. We found out about the change taking place in society from Jovanović’s text, which states that Košiček was inspired to write *Framed by One’s Own Sex* by the fact that “homosexuality has become louder lately: it increasingly demands the right to express itself freely”. Košiček criticised the classification of homosexuality as perversion, as well as the heteronormative position that transforms sex drive into the urge to preserve the species. Jovanović further states: “Košiček warns that prostitution, sexual violence, sexually transmitted diseases, problems with pregnancy, and incestuous abuse of children are, as a rule, more closely and more often associated with heterosexuality. Insisting that “society can only benefit from the acceptance of sexual relations between people of the same sex as a natural form of sexual life, equal to that between people of the opposite sex”, he argues that “homosexual partners should be given the right to marry and have children, biological or adopted”.



All this has an impact on the formation of gay subcultures in Yugoslavia. It all started in the late 1960s, under the influence of the sexual revolution and gay liberation in the West, as well as the more relaxed political situation in Slovenia due to the booming economy. The gay group, ŠKUC Magnus, which was active within the student cultural centre in Ljubljana, organised the first gay disco, in 1984, in the premises of the student alternative club K4. Gay nights in K4 became an important part of Ljubljana's alternative scene and have been frequented by people from all over Yugoslavia, as well as Italy and Austria. In this way, Yugoslavia, through Ljubljana, included the gay and lesbian scene in social and cultural life. Although homosexuality was still largely confined to private spaces, there were also public places where gay men met. Roman Kuhar stated in his 2012 text that on the other hand, "lesbians never met in parks, saunas or any other public space [...] the fact that lesbians did not know each other (unlike gay men) and that their contacts were limited to private meetings organised through newspaper advertisements resulted in the delayed establishment of the lesbian movement in Slovenia".

In Yugoslavia, the media had already started reporting about homosexuality by the early 1970s. Media representations of homosexuality in the Slovenian press, from 1970 to 2000, were analysed by Slovenian sociologist Roman Kuhar; he primarily recognised a range of repetitive mechanisms of negative stereotyping (sexualisation, medicalisation, HIV/AIDS, insisting on the mysterious nature of homosexuality), which, although in unequal proportions, were accompanied by attempts at normalisation, mainly through assimilation into the heterosexual matrix. Zagreb-based newspapers had

no problem with publishing photos of same-sex kisses either. As of the end of the 1970s, the articles by Vesna Kesić, and other engaged journalists, presented a more informed and increasingly positive picture of homosexuality; the media began to point out, always on the basis of scientific findings, that it is not a mental disorder. For example, in 1970, the high-circulation Zagreb weekly, *Vjesnik u srijedu*, published a photo report from the first ever pride parade, without any negative intonation. Under the headline, 'New Sexual Uprising in New York', the editorial staff opted for photo captions claiming that, "thousands of brave homosexuals and lesbians have held a joyful protest rally against the law and social norms". We recall that, in 1970, in almost all U.S. states, as well as in New York, the homosexual act was also a criminal offense.

The music scene offers plenty of material about same-sex love. In the second half of the 1970s, songs were published, very different in genre, which thematised lesbian and gay love and desire. The question remains whether this was really the intention of the songwriters or whether the LGBT community subsequently loaded them with meanings. Some well-known examples of this are: *Neki dječaci* (Some Boys) by Prljavo kazalište; the explicitly lesbian *Moja prijateljica* (My Friend) by the band Xenia from Rijeka; *Preživjeti* (To Survive) by KUD Idijoti; *Ana* by Videosex; and *Ramo, Ramo* by Muharem Serbezovski. On the other hand, many songs composed in the 1980s outlined the mainstream social context, stereotypes, prejudices and stigmatisation of the lesbian and gay population; examples include, *Retko te viđam sa devojkama* (I Rarely See You with Girls) by Idoli, produced by Goran Bregović and *Javi mi* (Let Me Know) by Zabranjeno pušenje. The band Šarlo

Akrobata released a song in 1981 entitled *Balada o čvrstim grudima* (A Ballad on Firm Chest). Although it was never included on their record, the *Ballad* was sung by Dušan Kojić Koja and Aleksandar Berček in a 1981 film directed by Miša Radivojević *Dečko koji obećava* (The Promising Boy). However, the absolute gay-lesbian anthem, at least in BiH, which celebrates freedom of choice, both then and now, is the traditional Bosnian *sevdalinka* *Snijeg pade na behar, na voće* (Snow Has Fallen on Blossoms and Fruits).

One of the most important events from this period – the 1984 Ljubljana festival *Magnus: Homosexuality and Culture* – shows that Yugoslavia opened a space in culture for gay people to express themselves, their wishes and values, and to feel free. The way in which this gay and lesbian culture festival could have been perceived in the public is also visible from the writing of the aforementioned sexologist Košiček, who otherwise had a positive attitude towards homosexuality. As Nebojša Jovanović states, however, “such attitudes did not prevent him from condemning certain forms of gay activism, attributing them to militant and vulgar homosexuals who ‘act provocatively, intrusively and even aggressively which only increases the society’s aversion to them’ thus reinforcing the negative stereotype according to which they are all first and foremost ‘debauchers’”.

The artistic and media production of gay-lesbian themes was especially rich in Slovenia. However, the attitude towards homosexuality was marked by dividing lines between the north and the south; this was because spaces of freedom were opening in Slovenia, and somewhat less in Zagreb and Belgrade, while in BiH, Montenegro, Kosovo, central Serbia and Macedonia, no significant forms of visible homosexual

have been documented. This uneven liberalisation, and the lagging of the southern parts of Yugoslavia behind the northern ones, will continue; this is one of the reasons why we excluded Croatia and Slovenia from this overview of the contemporary LGBTI history of the Western Balkans – they experienced a different development of visibility and rights than other Yugoslavian successor states.

There could be absolutely no question of any visibility of gay topics in arts and the media in Albania. As we learned from activist Kristi Pinderi, indications of some trends in the general liberalisation of social conventions emerged on the 11<sup>th</sup> edition of the Song Festival in 1972. Here, singers wore more diverse dresses and the music was more complex, with a jazz overtone. The communist regime did not tolerate this and most of the artists who participated in the Festival were arrested.

#### **1.4 Towards the End of an Epoch: The Beginnings of Gay and Lesbian Activism in the 1980s**

During the 1980s, people lived in newly built houses and apartments that were bought on loan or granted by companies. For Yugoslavs, the loans were favourable, but the state borrowed (and not only from the International Monetary Fund), which led to an economic crisis during the 1980s. However, in general, people did not perceive this as crisis in their daily life. The 1980s marked the culmination of the idea that socialism was the most efficient and most humane economic system. Education and healthcare were free of charge and the state was secular. The last

Yugoslav Prime Minister, Ante Marković, advocated for a *new socialism* and the transformation of Yugoslavia into an efficient state, whereas the idea of creating new states still seemed impossible.

While the first multi-party parliamentary elections were pending in Slovenia and Croatia, the gay and lesbian activist scene began to emerge. Yugoslav feminists worked closely with lesbian activists, and there was a growing debate on socialism, as practiced then, not being an ideal ideological paradigm. Yugoslavia was not lagging behind the West; the first major festivals were organised in Ljubljana from 1984, radio shows hosted by gay people or dealing with gay-lesbian topics were produced in Belgrade, Ljubljana and Zagreb, and the community throughout Yugoslavia found its ways of meeting and socialising. Some gays and lesbians also met through ads in erotic newspapers; they socialised at private parties, and met at cruising sites in larger cities, such as parks or public toilets.

While working on this part of the book, we lacked documented events from certain parts of Yugoslavia. There certainly must have been gay-lesbian events during this period in BiH, Montenegro, Macedonia and Kosovo, but we found only sporadic written traces. Despite the enormous repression, a form of gay-lesbian community must also have existed in socialist Albania.

In the 1980s, feminists and lesbians in Belgrade met regularly in the feminist group Women and Society (*Žene i društvo*), which had a sister group under the same name in Zagreb. In the preface to the edited volume Sisterhood and Unity (*Sestrinstvo i jedinstvo*, see bibliography), which deals with (post) Yugoslav

lesbian activism, Lepa Mlađenović, a Belgrade activist and one of the first out lesbians in Yugoslavia, remembers somewhat romantically: "It was among the sisters of Ljubljana-Zagreb-Belgrade that the word "lesbian" was spoken with such beauty for the first time in Yugoslavia. Those were the late 1980s, when we started to get organised into feminist groups. [...] Falling in love with women in Yugoslavia in the 1980s went hand in hand with the first feminist insights that all women were exposed to male violence. In addition to male violence, we also had to deal with social expectations of preserving the hetero-family that could not, in that historical period, understand lesbian love, it could only reject it or possibly be silent about it. The literature we had to read in school made no mention of lesbians."

In the late 1980s, feminist activism continued to develop. In Ljubljana, Zagreb and Belgrade, feminists founded helplines and launched magazines (among them *Kareta* and *Feminističke novine*). In addition, the first lesbian group was established in Slovenia in 1987: the LL - Lezbična Lilit. Lesbians in Belgrade organised *ad hoc* lesbian discussions within the feminist group Women and Society, and lesbian issues were discussed at Yugoslav feminist meetings.

Lepa Mlađenović further recalls: "In December 1987, feminists from the Slovenian feminist group Lilit decided to organise the first Yugoslav feminist gathering in Ljubljana. About forty activists gathered at this exciting conference. There were many topics, but two of them had been completely novel to all of us and the entire history – male violence against women and lesbian love. Until then, these two topics had never been on the socialist agenda that we used to call 'women's issue'. This time, the programme

included a few lesbian topics led by Suzana Tratnik, active in organising lesbians in Ljubljana, and Slađana Marković from Belgrade”.

To avoid romanticising the past and to remind ourselves that class is also a determining identity element, we refer here to an event from the 1987 Ljubljana gathering. Namely, during the Ljubljana lesbian gathering, one of the most famous Croatian and Yugoslav feminists, Lydia Sklevicky, spoke about a working-class lesbian who decided to come out during the discussion held in Zagreb in 1981 within the Women and Society section of the Sociological Society of Croatia. The highly educated lesbians, “who could afford to bear the stigma of lesbianism” because they were “in a way a part of the social elite” failed to show solidarity with a lesbian who worked as a typist. One can rightly ask to what extent all these activist initiatives focused in practice on the red bourgeoisie, i.e., the educated and well-off elite in the Yugoslav socialism, with no real contact with the working-class lesbian and gay community or that of other social layers.

Feminists, lesbian and gay groups, created at the University of Ljubljana, along with the radio show *Frigidna utičnica* (Frigid Socket), which was broadcast from Zagreb, encouraged the creation of the first lesbian group in Croatia - the Lila Initiative. Lesbian feminists from Croatia, who also participated in the activities of ŠKUC LL, and the Women’s Group Trešnjevka, initiated meetings in Zagreb for the participants to discuss, among other things, lesbian issues. The Lila Initiative, founded in mid-1989, ceased to exist as early as May 1990, right after the first multi-party elections. Like many other organisations, Lila lost the space from which they operated.

Special mention here goes to the radio show *Frigidna utičnica*. The first public discussions on homosexuality in Yugoslavia, along with the gay and lesbian film festival in Ljubljana, were initiated in Toni Marošević's radio show, *Frigidna utičnica*, on Zagreb's Youth Radio. The author of the show, which dealt with various marginal socio-political topics, was openly gay. Marošević publicly said several times that he was called to a meeting in the League of Communists of Croatia because of the show. At these meetings, the League suggested he form a gay and lesbian branch of the Party. *Frigidna utičnica*, which was broadcast in 1985, met with media resentment from Zagreb's newspaper *Večernji list* and Belgrade's newspaper *Večernje novosti*; it was soon shut down. Youth Radio, however, continued to progressively report on society, politics and culture, following the trend of the most influential magazines of the time, which enjoyed the favour of the League of Communists and the League of Socialist Youth - primarily *Polet*, but also *Start* and *Danas*.

Confirmation that Yugoslav gay and lesbian activism was recognised and visible can be found in the history of ILGA World - the International Lesbian, Gay, Bisexual, Trans and Intersex Association. We learned that in November 1987, ILGA organised a regional meeting for eastern and south-eastern Europe in Budapest, hosted by an informal group of Hungarian activists. There were 30 gays and lesbians at that meeting and they discussed the legal and social position of lesbians and gays in Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania and Yugoslavia, as well as HIV/AIDS prevention and testing, and cooperation between lesbian and gay groups in eastern and south-eastern Europe. Furthermore, in April 1990, the fourth regional conference for eastern



and south-eastern Europe was organised in Leipzig in East Germany; it was attended by about 30 lesbians and gays from Poland, East Germany, Yugoslavia, Czechoslovakia and the USSR, and 20 guests from the West. The participation of activists from the Western Balkans continued during the 1990s.

The best illustration of how gay and lesbian activism was utilised for serious political turmoil is the event associated with the aforementioned Ljubljana gay and lesbian film festival. As we learned from the text by Roman Kuhar, the fourth festival was planned for 25 May 1987: the birthday of Josip Broz Tito, the former president of Yugoslavia. The Belgrade daily *Politika* reported that, "no one in Ljubljana is upset about the gathering of homosexuals," and that, "no one seems to mind that the festival starts on May 25." The author also informed the readers about the incredible fact that in Ljubljana, "homosexuals are not seen as something to be mocked or ridiculed. Homosexuality is treated as a personal matter." The fact that the gay-lesbian festival was scheduled on Tito's birthday was perceived in Belgrade as a provocation and was utilised in the existing political tension between Belgrade and Ljubljana. At the time, there were already suspicions that Slovenia intended to leave the Yugoslav federation, and the festival served as a convenient means of putting pressure on the Slovenian government. When the scandal broke out, the Slovenian government, under pressure from the Yugoslav federal government, issued a public statement, stating that the organisation of such a festival posed a threat to the health of the population in Ljubljana. The Health and Social Welfare Committee then issued a statement saying the authorities should ban the planned assembly, not only because it was dangerous for health, but

also because of possible economic consequences that could affect tourism in Yugoslavia. The committee believed that such a gathering would prevent *ordinary* tourists from coming to Yugoslavia. It was assumed that the participants of the festival not only planned to discuss the topic of the festival, but also to practice it.

Fearing that Yugoslavia could become 'a promised land for faggots' (obećana zemlja za pedere), the Bosnian weekly magazine, *As*, suggested that every straight Yugoslav man should wear a label that read, "Warm Brothers. No, thank you!". The Slovenian media reacted differently. The reports were mostly in favour of the gay and lesbian movement, simultaneously trying to deconstruct AIDS as a gay disease. The 1987 festival scandal not only revealed how fundamental homophobia in society could be triggered as soon as an attempt was made to create moral panic, but also how homosexuality could be used and exploited for politics. This may have been the first time that gays and lesbians found themselves in a position where political opponents clashed over their bodies and lives. We see, and this will be discussed later in the book, that such instrumentalisation of sexual orientation and gender identity has continued happening to this day.

As far as Albania is concerned, there were no beginnings of activism until the late 1980s, either through informal initiatives or groups, or through the existence of, for example, secret gathering venues. As our interlocutor Kristi Pinderi in our interview with him described, in the context of activism, this period was one of complete darkness. He added that: "Nevertheless, there were some public figures who could dare to have some kind of queerness

exhibited in public. That is not to make any claim whatsoever about their sexual orientation or gender identity, but it is important to acknowledge that when a public figure exhibits intentionally or unintentionally some behaviours that from a micro-sociological perspective might be perceived as challenging the conventions, they automatically become point of referral, as many people see in them some sort of underlying representation. For instance, I recall Panajot Kanaci, the most illustrious ballet choreographer, who was unmarried (again, I am not claiming anything here); he lived in the centre of Tirana and he had some mannerisms – behaviour, way of speaking, of walking, the voice, and all other elements of gender expression - that would have been perceived, even with the old conventions, as the mannerism of a non-binary person. He was respected till the end and never had any issue, or at least not publicly. That coexistence and tolerance towards diverse mannerisms exhibited by artists was, and it is still, fascinating”.

## *Bibliography*

- Bojan Bilić (Editor, 2016): *LGBT Activism and Europeanisation in the Post-Yugoslav Space: On the Rainbow Way to Europe*. London: Palgrave Macmillan.
- Bojan Bilić and Marija Radoman (Editors, 2018): *Sestrinstvo i jedinstvo. (Post)jugoslo(a)venski lezbe(i)jski aktivizam*. Novi Sad: Mediterranean Publishing.
- Bojan Bilić and Sanja Kajinić (Editors, 2016): *Intersectionality and LGBTI Activist Politics. Multiple others in Serbia and Croatia*. London: Palgrave Macmillan.
- Franko Dota (2017): *Javna i politička povijest muške homoseksualnosti u socijalističkoj Hrvatskoj (1945.-1989)*, Zagreb: Faculty of Philosophy, Doctoral Thesis.
- Jasmina Čaušević (Editor, 2014): *LGBT čitanka 3. Identiteti, aktivizam, pravo*. Sarajevo: Sarajevo Open Centre.
- Jasmina Čaušević and Saša Gavrić (Editors, 2012): *Pojmovnik LGBT kulture*. Sarajevo: Sarajevo Open Centre.
- Marie Janine Calic (2019): *A History of Yugoslavia*. West Lafayette: Purdue University Press.
- Marko Jurčić (2012): *Povijest LGBTIQ aktivizma u Hrvatskoj*, in Aida Spahić and Saša Gavrić (Editors): *Čitanka LGBT ljudskih prava*, Sarajevo: Sarajevo Open Centre.
- Nebojša Jovanović (2013): *Seksologija, muška homoseksualnost i film u socijalističkoj Jugoslaviji*, in Lada Duraković and Andrea Matošević (Editors): *Socijalizam na klupi: jugoslavensko društvo očima nove postjugoslavenske humanistike*. Pula/Zagreb: Srednja Europa/Sveučilište Jurja Dobrile u Puli.
- Xhensila Kadi (2014): *The approach towards gay marriage in the Albanian legislation and society*, *Academicus International Scientific Journal*, Issue 9, 79-92.
- Roman Kuhar (2012): *Topla braća, hvala ne! Historija slovenskog gej i lezbijskog pokreta*, in Aida Spahić and Saša Gavrić (2012, Editors): *Čitanka LGBT ljudskih prava*, Sarajevo: Sarajevo Open Centre.

## ***Interviews and online articles***

Bio jednom protivprirodni blud. Kako se kažnjavala homoseksualnost u Jugoslaviji (2015): <http://www.e-novine.com/drustvo/120844-Kakokanjavala-homoseksualnost-Jugoslaviji.html>

Info sesija: Između tradicije i seksualne modernosti: homoseksualnost u socijalističkoj Jugoslaviji (2016): <https://lgbti.ba/info-sesija-izmedu-tradicije-i-seksualne-modernosti-homoseksualnost-u-socijalistickoj-jugoslaviji/>

Intervju dr. sc. Franko Dota: Žrtve progona homoseksualaca u Jugoslaviji trebaju postati dio našeg sjećanja (2017): <https://www.crol.hr/index.php/politika-aktivizam/8989-intervju-dr-sc-franko-dota-zrtve-progona-homoseksualaca-u-jugoslaviji-trebaju-postati-dio-naseg-sjecanja>

Intervju Franko Dota: Biti gej u SFRY, zbog 'protuprirodnog bluda' osuđeno oko 500 muškaraca (2016): <https://www.crol.hr/index.php/kultura/7447-biti-gej-u-SFRY-zbog-protuprirodnog-bluda-osudeno-oko-500-muskaraca>

Ivana Dračo (2013): LGBT pjesme sa prostora bivše Jugoslavije (i neke kasnije). <https://lgbti.ba/lgbt-pjesme-sa-prostora-bivse-jugoslavije-i-neke-kasnije/>

Neprirodni blud koji podriva temelje socijalistčke Hrvatske (2010): <https://www.jutarnji.hr/vijesti/neprirodni-blud-koji-podriba-temelje-socijalisticke-hrvatske/2211960/>

Sidita Kushi (2015): Gendered legacies of Communist Albania: a paradox of progress. <https://www.opendemocracy.net/en/5050/gendered-legacies-of-communist-albania-paradox-of-progress/>

## ***Websites***

<https://ilga.org/ilga-history>

## 2. NOTHING IS THE SAME ANYMORE: THE NINETIES

### 2.1 Historical and Social Background

The 1990s brought great changes in Europe. East and West Germany united, the Warsaw Pact dissolved and a long process of political and economic transition of countries in central and eastern Europe began, ultimately resulting in a major enlargement of the EU in 2004. These changes also resonated in the Western Balkan countries.

What started in the 1980s, ended in the early 1990s. The socialist constitutions of the Yugoslav republics, but also of Albania, were amended or replaced by new ones. The constitutional changes enabled multi-party elections and the introduction of market economies. Economic and social systems started collapsing. Referendums were held in the Yugoslav republics and, in just two years, socialist Yugoslavia disappeared from the map of Europe. The period of war and other conflicts in the former Yugoslavia began: in 1991, in Slovenia, followed by the wars in Croatia (1991-1995), BiH (1992-1995), and Kosovo (1998-1999). Civil unrest, although of a different nature from the Yugoslav ethnic wars and conflicts, also claimed the lives of hundreds of civilians as well as police and army members in Albania in 1997.

Lepa Mlađenović explained succinctly and precisely what happened in the early 1990s in her text in the edited volume *Sisterhood and Unity (Sestrinstvo i jedinstvo)*: a publication about thirty years of

lesbian activism in the post-Yugoslav space. She writes that, "When the Berlin Wall fell, on November 9, 1989, new enthusiasm with many political initiatives swept across Eastern Europe, including Yugoslavia. Alternative culture, student presses, conceptual art, the environmental movement, rock bands [...] all of this has already been largely on the scene. [...] That year, lesbians and gays in Belgrade began to organise in the group named Arkadija, the sixth Gay and Lesbian Film Festival was held in Ljubljana. Feminism spread throughout Yugoslavia; we travelled to meet each other, talk and insist on sisterhood. However, the news on state TV spoke of a harrowing reality - the victory of nationalist parties in the republics' elections." Then, in mid-1991, the war began. Mladenović continued: "We stopped holding Yugoslav feminist meetings. There was no more Yugoslavia, and soon there were no more trains, no motorways, no Brotherhood and Unity highway to Zagreb, Ljubljana or Sarajevo. Borders closed; telephone lines were interrupted. The news announced casualties from the front, and, a little later, cases of rape in the war."

The first multi-party elections in BiH, held in 1990, brought to power three national political parties representing the three dominant ethnic groups in BiH – Bosniaks, Croats and Serbs – regulating the country's political life. After the declaration of independence of Slovenia and Croatia, at the end of February 1992, a referendum was organised for the independence of BiH, which was declared on April 5 of the same year; after this point, increasing tensions ensued and, in April 1992, the war began. Until the Dayton Peace Accords were signed in December 1995, BiH experienced massive human rights violations, including war crimes against civilians,

rape, expulsions and genocide. Over 105,000 BiH citizens lost their lives, and almost a million people never returned from exile. In 1996, a slow process of reconstruction and return began.

The rest of Yugoslavia – Serbia and Montenegro – also went through a dark period in the 1990s. Under Slobodan Milošević's autocratic rule, Serbia and Montenegro took part in the wars in Croatia and BiH, and then headed to Kosovo. However, there were also positive stories at the micro level. Anti-war groups emerged in Belgrade and, in the fall of 1991, feminists founded the Women in Black anti-militarist initiative to protest against the Serbian regime, and students took to the streets year after year. It was from these structures that the first Serbian gay-lesbian groups, Arkadija and Labris, emerged. During the wars that destroyed the former Yugoslavia, there was no place for lesbian and gay rights in the newly established mainstream civil society organisations. As Lepa Mladenović explained: "the centres were concentrated on war crimes, refugees and opposition to nationalist ideology" (see edited volume *Sisterhood and Unity*). Resistance movements against Milošević did not create space for the demands of the gay-lesbian community.

Milošević's government experienced a total collapse in Kosovo, pursuing an apartheid regime during the 1990s, and war and the brutal ethnic cleansing of Kosovo Albanians in the late 1990s. Only with the intervention of NATO forces in 1999, was the Kosovo war stopped and Kosovo Albanians returned to their destroyed homes. Another consequence of the fatal Serbian policy was that Kosovo Serbs, who were a minority before these events, mostly left Kosovo. With the arrival of the United Nations (UN)



Interim Administration, the so-called UNMIK, a new phase of independent development in this former Yugoslav province began. Changes in Kosovo have not stopped with this.

In 1992, Macedonia found itself in a situation where all republics, except for Montenegro, declared independence and withdrew from Yugoslavia. Although it left in a peaceful way, its path was not at all easy. Complete economic collapse, isolation and non-recognition from the international community, due to the blockade and embargo imposed on it by Greece, placed this former Yugoslav republic in a difficult situation. Demands for the equal status of Albanians in Macedonia have further complicated the situation. Society's vulnerability was particularly evident in the early 2000s, when clashes broke out between Albanian rebels and Macedonian security structures.

Even the most isolated communist country in Europe, Albania, went through a transition in the early 1990s. It experienced constitutional reforms, the introduction of a multi-party system and economic liberalisation. In Albania, the 1990s were also a time of economic collapse, civil unrest and autocratic tendencies. Perhaps the worst situation was in 1997, when mass protests and riots took place, claiming several hundred lives. However, compared to the socialist regime, Albania became a space of freedom in the 1990s.

Throughout all of this, including the period of reconstruction and economic changes as well as the constant inter-ethnic tensions and social retraditionalisation, there was little room for alternative movements and LGBT activism. A more significant presence of LGBT topics in the social

mainstream would come later. Explaining the social context in which LGBT people in BiH lived, the founder of the former Q Association from Sarajevo, Svetlana Đurković, wrote in 2007, referring to the draft Declaration of the Bosnia and Herzegovina Gay and Lesbian Association: "This declaration offers a historical overview and it names communism, war, nationalism, post-war pro-Islamic authoritarian government, the economy, and numerous scandals involving the police, political parties and government as barriers to lesbian, bisexual and gay organising: For lesbian and gay people, the year 1997/1998 was the embodiment of the collapse of their social movement, with the expulsion of an openly gay man from the military, the closure of a cafe known as a gathering place for lesbian and gay people, and the government's unreasonable controls over any organising". We underline here that, unfortunately, the Bosnia and Herzegovina Gay and Lesbian Association was never registered as an organisation.

The situation is vividly described in a quotation from the Report on Lesbians in Yugoslavia, written by Jelica Todosijević and published by the International Gay and Lesbian Human Rights Commission (IGLHRC) in 1995: "Being a lesbian in Yugoslavia means that you don't exist at all. You don't exist legally; you don't exist illegally. You are an offensive word, a bad character from a cheap novel or a heroine from the midnight porno movie on the Third Channel of Belgrade Television. Being a woman who loves women means to live hard and in fear. [...] A woman in Yugoslavia is validated by the man who she is with. If she chooses the way of living, she desires, it means that she's condemning herself to the endless battle for her integrity" (See text by Irena Dioli, in Bilić/Radoman 2018). This description could be extended to all other countries in the Western Balkans in 1995.

## 2.2 The World Health Organisation: Homosexuality is No Longer a Disease

Globally, the 1990s began with a central event in the contemporary history of homosexuality. As we have already noted in the introduction to this book, on 17 May 1990, the 43<sup>rd</sup> World Health Assembly in Geneva ended with the adoption of the 10<sup>th</sup> revision of the International Statistical Classification of Diseases and Related Health Problems - ICD-10. The ICD-10 contains codes of diseases, symptoms, pathological conditions, social circumstances and external causes of injuries or diseases. The development of the ICD-10 started in 1983, while its first application commenced only four years after the adoption. A classification was removed from a long list of codes, invisible to the general public in the Balkans, that would change the lives of millions of gays, lesbians, bisexual and queer people around the world. The ICD-10 explicitly underlines that, "sexual orientation, by itself, is not a disorder". It was the first time, since the World Health Organisation introduced this classification of diseases and disorders after World War II, that homosexuality was not among the diseases.

This change at the UN level was preceded by decades of changes at national levels. When the Australian and New Zealand College of Psychiatrists – the first ever body that regulated the work of psychiatrists at the national level – removed homosexuality from the list of diseases as early as 1973, changes soon occurred in the United States. Since 1952, the American Psychiatric Association (APA) has been publishing the Diagnostic and Statistical Manual of Mental Disorders (DSM Manual), the first version of which also listed homosexuality as a personality disorder.

As the American gay and lesbian movement grew stronger in the late 1960s, protests were also directed against the APA's attitude toward homosexuality. In 1970, gay activists stormed the APA Congress in San Francisco, interrupting speakers and protesting against their discriminatory views. The following year, activists of the Gay Liberation Front continued to protest, crashing the APA Congress again. There is an anecdote that gay rights activist, Frank Kameny, grabbed the microphone and said, "Psychiatry is the enemy incarnate. Psychiatry has waged a relentless war of extermination against us. You may take this as a declaration of war against you" (Bayer 1981). These activist actions were part of a broader anti-psychiatric movement that emerged in the 1960s, questioning the legitimacy of psychiatric diagnoses. Faced with data from psychiatric research by Alfred Kinsey and Evelyn Hooker, the APA discussed, at its annual meeting in 1973, whether homosexuality should be in the APA nomenclature. The Committee on Nomenclature led a long discussion on what constitutes a mental disorder and concluded that homosexuality did not meet the criteria. In December 1973, the APA Board of Directors also confirmed this decision, removing homosexuality from the DSM Manual. From today's perspective, the fact that the decision of the Board of Directors had to be confirmed by a referendum of the APA membership is somewhat shocking. Finally, 58% of APA members supported the Board's decision. Today, it would be inconceivable for members of a professional association to vote on scientific facts. The sixth edition of the 1974 DSM Manual no longer listed homosexuality as a disorder, and the positive impact of this change was felt around the world. However, despite certain emancipatory steps taken during socialism in Yugoslavia, this decision did not

have any significant impact on the professionals there.

In the Western Balkan countries, the 1990 decision of the World Health Organization was not formally confirmed until the 2000s. The response of the Psychiatric Section of the Serbian Medical Association of 14 May 2008 to the Belgrade-based lesbian organisation Labris was that same-sex orientation is not a disease. Similar statements by medical associations followed in other states.

Thirty years later, in 2020, good news arrived from Albania. In May, the Board of Directors of the Association of Albanian Psychologists banned the so-called conversion therapy that has long been controversial, recognising a problem present around the world for decades. Conversion therapy was used to change or suppress one's sexual orientation or gender identity. Although a symbolic act with no legal consequences, this decision was important; it made a shift in Albania towards a complete ban on conversion therapy, including a ban on its advertising, as Germany and Malta had done, with the introduction of criminal provisions in the legal framework. Conversion therapy was also used in other Balkan countries and throughout Europe. Its prohibition has been recognised as a new challenge by the European umbrella organisation for LGBTI rights, ILGA Europe, whose Rainbow Index assesses all countries as to whether or not they have legally banned new forms of psychiatric abuse of LGBTI people.

Although homosexuality was taken off the list of disorders in 1990, the ICD-10 brought a significant reorganisation of the classification system, including new gender diagnoses. Under adult behavioural

disorders and personality disorders, a new category of gender identity disorders emerged, which included diagnoses of transsexualism, dual-role transvestism, gender identity disorder of childhood, and other gender identity disorders. The system continued to label transgender and transexual people as ill, which only changed in 2019, as will be discussed later.

May 17, 1990 is remembered as one of the most important days for the modern LGBTI movement. Throughout the Balkans and the world, this day has been celebrated since 2005: first as IDAHO, the International Day Against Homophobia, and now as the International Day Against Homophobia, Biphobia, Interphobia and Transphobia – IDAHOBIT. This is also a day when the attention of the authorities, media and civil society organisations is greatly focused on issues of discrimination and violence against LGBTI people.

### **2.3 The Invisible Recognition: Decriminalisation of Homosexuality**

The 1990s brought many contradictions. On the one hand, the wars in the former Yugoslavia and the transition processes entailed social retraditionalisation, a rigid understanding of gender roles and relations, and an increasing dominance of homophobic views of traditional religious communities in society. This environment was anything but favourable for gay, lesbian, bisexual and transgender people. On the other hand, the 1990s are also remembered as a decade when all Western Balkan countries decriminalised homosexuality and male same-sex relationships, i.e., when the first step was taken to transform legal systems from

persecution into the legal protection of gay people.

As we pointed out in the first chapter, from the very beginning of socialist Yugoslavia, the attitude towards homosexuality has not been unequivocal, nor can we speak of strong persecution or constant repression. After the first five or six years following the World War II, the pressure of the police subsided; the trials were rarer, and some relaxation and liberalisation commenced. During all this time, there were discussions in professional circles, and occasionally in public, about the meaningfulness and expediency of punishing same-sex intercourse. There was also a growing number of prominent intellectuals, sexologists and legal experts who advocated the necessity of decriminalisation and were actively engaged in the cause, writing scientific papers and presenting such proposals in the print media. With the new Yugoslav constitution of 1974, criminal law came under the jurisdiction of the republics and autonomous provinces. Republic and provincial criminal codes were adopted and, in 1977, the criminal offence of consensual “unnatural fornication” was removed from the criminal codes of Slovenia, Croatia, Montenegro and the Socialist Autonomous Province of Vojvodina.

With the break-up of Yugoslavia, Slovenia, Croatia and Montenegro adopted new criminal codes that confirmed the earlier decision that a consensual relationship between two men is not something to be addressed by criminal legislation. Although one can often find information in the academic and activist literature as well as in the publications of international organisations, that BiH decriminalised homosexuality in the post-Dayton period by adopting

the criminal codes of its federal units the Republika Srpska, in 1996, and the Federation of Bosnia and Herzegovina in 1998, decriminalisation actually happened during socialist Yugoslavia. In 1991, the Assembly of the Socialist Republic of Bosnia and Herzegovina passed amendments to the Criminal Code and deleted the criminal offense of consensual “unnatural fornication”. Unfortunately, we could not find information as to why the decriminalisation took place then; however, it is well-established that it is a matter of delayed harmonisation with decisions of other Yugoslav republics. The year 1991 was a year of liberalisation; it marked the introduction of a multi-party system and civil rights in the BiH constitutional order, and one can assume that the criminal code was modernised during this wave of changes.

Decriminalisation in Serbia, today’s North Macedonia, Albania and Kosovo happened in a different context. Vojvodina and Kosovo lost their autonomous status in 1990. Since then, the Criminal Code of the Socialist Republic of Serbia, including the provision on unnatural fornication, has been applied to the entirety of Serbia, including both Vojvodina and Kosovo. In 1994, during the darkest times of the Milošević regime and the time when Serbia, among other things, took part in the wars in Croatia and BiH, the criminal code was amended and homosexuality decriminalised. This change came about without any public debate. The decriminalisation was confirmed by the adoption of the new Criminal Code in 2005.

Albania and Macedonia decriminalised homosexuality in 1995 and 1996, respectively. In these countries, changes also happened without much debate or public visibility. Unlike the changes that took place during socialist Yugoslavia, this decriminalisation occurred, in



part, because of the international influence, bearing in mind the integration processes of these countries into the Council of Europe and their accession to the European Convention on Human Rights. Under the auspices of the UN Interim Administration Mission in Kosovo (UNMIK), Kosovo got the Provisional Criminal Code in 2003, and confirmed the decriminalisation of homosexuality, declared by the Serbian Parliament, in 1994.

We can conclude that the process of decriminalisation in most Western Balkan countries is partly the result of a change in attitudes among legal and medical professionals, but also of international pressure, especially with respect to accession to the Council of Europe. Decriminalisation did not happen as a result of significant social changes, as was the case in some Western European countries. During the 1980s and later, court proceedings were not conducted at all, so decriminalisation did not *de facto* change much in the daily lives of gays, bisexual men and trans people. Discriminatory attitudes and violence remained. The majority of the population continued to believe that lesbian, gay, bisexual and trans people were ill and that they should keep their sexual orientation or gender identity within their four walls.

## 2.4 Entering the Scene: Transgender Issues

Although the visibility of trans issues and trans people occasionally emerged during socialism, in the 1990s, they became increasingly visible in medicine, the media and culture. It was particularly so in Belgrade, or Serbia in general.

Želimir Žilnik, a Serbian film director, made the film *Marble Ass* in 1995, in which Vjeran Miladinović Merlinka played the lead role – a trans sex worker who lives in the suburbs of Belgrade with her friend Sanela, dreaming of a better life, and who restrains, comforts and emancipates her very violent clients. The film was screened at the Berlinale Film Festival where it won the top prize in the gay-lesbian film programme – the Teddy Award. There is a video on Youtube of the show *Stavovi* by TV Novi Sad Plus from 1997, with Merlinka and Sanela as guests; at that time, they were called transvestites, perhaps in the absence of the more appropriate term – trans women. The show was held live with an audience in the studio and, seen out of context, everything seemed usual, normalised.

Thus, homosexuality has not been on the list of disorders since 1990, and the tenth 1990 revision of the ICD introduced a significant reorganisation of the classification system, including new gender diagnoses. The term “gender identity disorder” was introduced. A number of clinical approaches to transsexuality, diagnostic systems and criteria were developed, which included topics such as sexual attraction to the same sex, dressing preferences and children’s identification with a gender, etc. Transgender and transsexual people were still being medicalised, while in Belgrade, a group of medical experts performed sex reassignment surgeries.

That the Western Balkans has a centuries-old tradition of deviating from the existing binary gender system is also confirmed by the tradition of the so-called “sworn virgins”, in Albanian *burrnesh* or *virgjinëshë*. According to this custom – with roots in the interpretation of medieval law and found today in Albania and the

border areas of Montenegro, Kosovo and North Macedonia – in families without a male child, one female child takes the role of a man at the request of parents or the wider community; they take a vow of celibacy, wear men's clothing and behave like a man. This is a socially constructed practice that changes the gender identity of a female person to meet the patriarchal expectations. Sworn virgins have been in the focus of both anthropologists and artists; there have been films and books about them, including a documentary produced by National Geographic within its 2002 series, 'Taboo'. Socialist Albania did not actively suppress this practice, nor did it strengthen it; consequently, this medieval tradition has survived to this day. It is estimated that several dozen sworn virgins live in Albania today. The news from 2016, when the media in the region reported the death of the last Montenegrin sworn virgin, Stana Cerović, confirmed that not only Albania practiced this tradition. The 1991 film by Serbian director Srđan Karanović, *Virdžina*, shed light on this topic. Although transgender people today live in a different understanding of gender and gender roles, it is important to preserve the memory of this tradition.

Trans activism, as we will see in the next chapter, did not find a significant place in the early 1990s activism, which focused on the needs and rights of the gay and lesbian community. The Western Balkan countries did not recognise trans people in the 1990s, either legally or socially; this encouraged invisibility, stigmatisation and violence, which ultimately led to systemic discrimination against trans people, as there were no laws on change of name and personal data, nor access to health rights. It took another 20 years for social and political changes to take place that, at least slightly, improved the position of gender non-

conforming, transgender and transexual people.

## 2.5 Development of Gay-Lesbian Activism

The political and economic liberalisation in the Western Balkans also marked the beginning of the creation of an activist movement. Small steps were being taken to create civil society and advocate for the human rights of LGBT people, mostly focused on gays and lesbians, with limited understanding of the needs and rights of bisexual and trans people. The central events were certainly taking place in Belgrade, bearing in mind that other parts of the Western Balkans were either going through wars or post-war reconstruction, or they simply lacked a movement, from which various activist groups emerged, including those that promoted LGBT rights.

Somewhat influenced by the events in progressive Ljubljana, Belgrade activism started to emerge at meetings in the famous Belgrade hotel, Moskva, in 1990. The gatherings of activists in early 1991 resulted in the establishment of Arkadija, a group for the promotion of lesbian and gay human rights and culture. Arkadija's first action was a letter sent to other gay and lesbian organisations and groups, which openly condemned the radicalisation of society and militarism. The main goal of this association was certainly the decriminalisation of homosexuality. Its activities at the time revolved around advocacy in the media and a number of protests against the political abuse of homosexuality. Arkadija did not have premises or permanent sources of funding, and their protests were almost exclusively broadcast by independent media and reported in some feminist publications in Belgrade.

Arkadija's activists often gave statements to the media, wrote for newspapers, participated in television and radio shows, and collaborated on the show, *Dee Gay*; this was broadcast on Belgrade's B-92 radio, as well as on shows of other radio stations, which occasionally discussed homosexuality on their night programme. Since it was founded at the time of the break-up of socialist Yugoslavia and the beginning of the war, Arkadija's activists gradually conquered the public space. As early as 27 June 1991, International Pride Day was marked in memory of the Stonewall Uprising in New York. A panel discussion was organised at the Youth Centre in Belgrade on the topic of gay and lesbian activism, culture and art. Although it attracted the attention of the public, this gathering passed without a single incident. However, with greater public visibility, gay and lesbian activism started facing a growing resistance, which included physical attacks.

In 1993 and 1994, Arkadija published two issues of the Arkadija bulletin, which included topics such as lesbian/gay coming out, celebration of the International Pride Day, decriminalisation of homosexuality, and a great focus on raising AIDS awareness and prevention. The culture section of the bulletin included short reviews of gay and lesbian books and poetry, an authentic story about a lesbian coming out, materials from workshops and, finally, a survey entitled, 'What do Belgrade citizens think about lesbians?'. Three hundred and fifty copies of the bulletin were printed. Lesbian Studies were launched within the Belgrade Centre for Women's Studies, active in the period from 1994 to 1997, with the lecturers Lepa Mladenović, Zorica Mršević and Ria Convents from Belgium, Ingrid Foeken and Anja Mulenbelt from the Netherlands, and Chris Corinne from Great Britain. The year 1994 was generally

important for gay activism in Serbia. In addition to the decriminalisation of consensual homosexual relations, Arkadija was finally registered as a formal association of citizens with the Ministry of Justice of the Federal Republic of Yugoslavia after years of refusal by the authorities to register this association.

In March 1995, the lesbian rights group, Labris, was founded, which first operated within Arkadija, but later became independent. Labris aimed to empower lesbians, to work to increase lesbian visibility, and connect with lesbian groups across Europe. The activists met in the premises of Belgrade women's associations - the Centre for Women's Studies, the Autonomous Women's Centre and Women in Black; they organised meetings and workshops and worked on promotion of lesbian rights in the media. As part of its work, Labris launched its magazine in 1995; this was published until 2012, and in the following years, it published books of poetry and conducted research on the level of homo- and lesbophobia in Serbia. In fact, Labris is the oldest LGBTI organisation in the Western Balkans. It has been operating continuously for 25 years for the benefit of the lesbian and wider LGBTI community in Serbia.

With the arrival of the internet in the Balkans, in 1998, the website Gay-Serbia.com was launched, which is a web portal for the LGBT community of Serbia and Montenegro and beyond. Following the example of this site, especially after 2000, portals were launched in all other countries of the Western Balkans. In the same year, the Campaign against Homophobia was launched to improve the position of lesbians and gays in Belgrade; this was an activist initiative aimed at advocating for gay and lesbian rights.

Despite these activist beginnings, the reality was far gloomier. Memories of two murders illustrate the circumstances in which LGBT people lived in Serbia. Vjeran Miladinović Merlinka spent the last years of her life living in the observatory at the Belgrade fortress, Kalemegdan, where she also engaged in sex work. In 2002, she wrote the autobiographical novel *Tereza's Son* (Terezin sin). She was killed on 22 March 2003 and, despite the trial and the evident culpability, the perpetrator of her murder was never punished due to the alleged lack of evidence. This is how one of the most widely read Serbian daily newspapers, *Blic*, reported on Merlinka's murder: "Vjeran Miladinović was the first person to declare himself a transvestite. He always wore women's clothes, mini-skirts, high heels and make-up, stating that for years he provided sexual services to various male clients, mainly in Gavriilo Princip Street, near the *Zeleni venac* market. He used to say that his clients were of different ages, from minors to elderly gentlemen, and that many of them had families or were known public figures. However, he never named any of his clients. Lately, he had been saying that he had retired, that he found 'the love of his life'". She was one of the main protagonists of Želimir Žilnik's film *Marble Ass*, and she collaborated with this director in the film *Pretty Women Walking Through the City*. The murder of Vjeran Miladinović Merlinka, then perhaps the most famous trans person from the Balkans, remained unsolved even after court proceedings ended. The panel of judges acquitted the defendant.

Dejan Nebrigić was the first out gay man in Serbia. He joined the peace movements of the 1990s after refusing war mobilisation by telling a military psychiatrist that he was gay. He was an activist, writer and theatre critic, and studied philosophy. In 1990, Dejan Nebrigić, together with a lesbian activist, Lepa Mlađenović,

and about twenty other activists, participated in the founding Arkadija. He was also one of the founders and collaborators of the anti-militaristic, peace magazine, *Pacifik*, in which he edited the gay and lesbian section during 1992 and 1993. In 1993, he joined the Women in Black peace organisation and edited the *Women for Peace (Žene za mir)* magazine. During 1998 and 1999, he worked as the executive director of the Campaign against Homophobia. On the night of 29 December 1999, on his 29<sup>th</sup> birthday, Dejan Nebrigić was brutally murdered by Milan Lazarov, Nebrigić's former partner and son of a man who Nebrigić had sued in early 1999 for threatening his safety.

The mainstream media in Serbia, as elsewhere in the Western Balkans, reported sensationally on LGBT issues in the 1990s, most often about scandals related to the sexual orientation of famous show business figures. Other examples of reporting focused on crime and murder, also nurturing a sensationalist approach. We learn from the Belgrade magazine, *Vreme*, in 1999, that a gay man was placed in a mental institution by a psychiatrist after an argument; it was only thanks to the quick reaction of the Campaign against Homophobia activists that the person was saved from forced hospitalisation.

An interesting case of sensationalist reporting happened in Kosovo. As Kosovar activists Myrveta Bajrami and Vlora Krasniqi note in their article: "In the early 1990s, the editorial board of one of the most famous dailies in Kosovo (*Koha Ditore*) received an unusual e-mail mentioning the wedding of two women. Everyone was shocked. The wedding was held in Novi Sad, Vojvodina, and as stated in the e-mail, 'Igballe R, an Albanian from Kosovo, and Rachel from England got married'". Igballe Rugova continued her



activism in Kosovo and became one of the central figures of the women's movement in the Balkans.

One year before the decriminalisation of homosexuality in Albania, the first activist group, Gays of Albania, was founded in 1994, which was an extremely important and courageous civic act. Activism still remained in the private sphere, while rare media appearances provoked anger and hate speech in wider society. The situation was the same in 1995, when the founder of this activist group was interviewed by the daily newspaper *Koha Jonë*. During the early 1990s, there was a small group of very young poets who tried to establish a small oasis of an avantgardist environment in Albania. One of them was the poet Ilir Belliu who lived in severe poverty and was found dead at the age of 30. In the journalistic circles, it was a known fact that he was gay. Kristi Pinderi noted that even today, almost 20 years after his death, no information can be found about his personal life. Belliu published only one book while alive; two more were published after his death. As a tribute to this poet, our interlocutor Kristi Pinderi translated one of Ilir's verses from Albanian into English for this book:

Për në ishullin e njeriut / Towards the island of man  
 duke udhëtuar, / traveling,  
 pata frikë / I got scared  
 mos më vërente i vdekuri, / being seen by the dead man,  
 dhe u struka / and I hid  
 në ekzistencë. / in the existence.

The situation of LGBT activism in the 1990s was generally sombre and largely limited to events in Belgrade. In other regional centres in BiH, Montenegro, Macedonia, Albania and Kosovo, the LGBT community certainly existed and survived, but mostly within *its four walls*. Unfortunately, we did not find any records of significant events or major activist groups.

## ***Bibliography***

- Damir Banović and Vladana Vasić (2013): *Seksualna orijentacija i rodni identitet: pravo i praksa u BiH*. Sarajevo: Sarajevo Open Centre.
- Myrvete Bajrami/Vlora Krasniqi (2012): *LGBT pokret na Kosovu*, in Aida Spahić i Saša Gavrić (Editors): *Čitanka LGBT ljudskih prava*, Sarajevo: Sarajevo Open Centre.
- Ronald Bayer (1981): *Homosexuality and American Psychiatry: The Politics of Diagnosis*. Princeton University Press.
- Bojan Bilić and Marija Radoman (Editors, 2018): *Sestrinstvo i jedinstvo. (Post) jugoslo(a)venski lezbe(i)jski aktivizam*. Novi Sad: Mediterran Publishing.
- Jelisaveta Blagojević and Olga Dimitrijević (Editors, 2004): *Među nama. Neispričane priče gej i lezbejskog života*. Beograd: Hartefakt Fond.
- Jack Dreschner (2015): *Queer diagnoses revisited: The past and future of homosexuality and gender diagnoses in DSM and ICD*, in *International Review of Psychiatry*, October 2015; 27(5): 386–395.
- Svetlana Đurković (2007): *Nevidljivo Q? Pitanje ljudskih prava i potreba LGBTIQ osoba u Bosni i Hercegovini*. Sarajevo: Udruženje Q.
- Sonja Gočanin (2014): *Počeci LGBTI organizovanja u Srbiji – Pismo iz Slovenije koje je pokrenulo istoriju*, in Jelisaveta Blagojević/Olga Dimitrijević (Editors): *Među nama. Neispričana priča gej i lezbejskog života*. Beograd: Hartefakt Fond.
- Michael Kirby (2000): *Psychiatry, psychology, law and homosexuality – Uncomfortable Bedfellows*, in *Psychiatry, Psychology and Law*, 7, 2, 139-149.
- Marija Savić (2011): *Istorija LGBT aktivizma u Srbiji* in Saša Gavrić/Lejla Huremović/Marija Savić (Editors): *Čitanka lezbejskih i gej ljudskih prava*. Sarajevo: Sarajevo Open Centre and Heinrich Boell Stiftung.
- UNDP (2017): *Being LGBTI in Eastern Europe. Serbia Country Report*.

## ***Interviews and online articles***

- Intervju dr. sc. Franko Dota: *Žrtve progona homoseksualaca u Jugoslaviji trebaju postati dio našeg sjećanja* (2017): <https://www.crol.hr/index.php/politika-aktivizam/8989-intervju-dr-sc-franko-dota-zrtve-progona-homoseksualaca-u-jugoslaviji-trebaju-postati-dio-naseg-sjecanja>

Preminula poslednja crnogorska virdzina (2016): <https://www.blic.rs/vesti/drustvo/preminula-poslednja-crnogorska-virdzina/fw1hyqy>

Stephen Vider and David S. Byers (2015): A Half-Century of Conflict Over Attempts to 'Cure' Gay People. <https://time.com/3705745/history-therapy-hadden/>

### **3. EUROPEANISATION AND DEMOCRATISATION: DEVELOPMENT OF THE LGBTI MOVEMENT AND RIGHTS AFTER 2000**

#### **3.1 Historical and Social Background**

The new millennium in the Western Balkans brought great changes and constant turbulence. The signing of the Ohrid Framework Agreement in August 2001, between the president of Macedonia and the presidents of the four largest political parties of ethnic Macedonians and ethnic Albanians, ended the last armed conflict in the Balkans. The period of war and armed conflict in the former Yugoslavia, which began in 1991 in Slovenia, ended in Macedonia in 2001.

The long-awaited democratic changes in Serbia took place in 2000. Under pressure from large demonstrations, Slobodan Milošević acknowledged that he lost the election for president of the Federal Republic of Yugoslavia. The party coalition, the Democratic Opposition of Serbia, won a narrow victory. In January 2001, Zoran Đinđić became the Prime Minister of Serbia. A spirit of optimism spread throughout Serbia, which had a great influence on LGBT activism. Time has shown that these changes were not sustainable. Over the next two decades, Serbia experienced various political ups and downs. In 2012, the current president of Serbia, and the president of the Serbian Progressive Party, Aleksandar Vučić, established the foundations of his long-term rule. Despite opposition pressure, Vučić's dominance in political processes in Serbia remains unquestioned.

The general elections in the fall of 2000 in BiH brought to power the Democratic Alliance for Change: a coalition led by the multinational Social Democratic Party of BiH. Under pressure from the international community, for the first time since the war, national parties (the Bosniak Party of Democratic Action, the Serb Democratic Party and the Croatian Democratic Union of BiH) were not in power, and the Democratic Alliance for Change formed a state government with then moderate Serb parties: the Alliance of Independent Social Democrats and the Party of Democratic Progress. The change was short-lived, as nationalist parties took power again in the autumn of 2002, which has not changed to this day. Bosnia and Herzegovina's consociational political system reproduces nationalist ideology and, thus, regularly brings the national, right-wing and centre-right parties to power. After 2006, when the international community decided to minimise the activity of the High Representative, without interfering in daily political events, imposing laws and removing undesirable politicians from the political scene, a phase of stagnation and general regression began in BiH. Since then, nationalist politics, extra-institutional decision-making and corrupt political practices have dominated. The long-awaited constitutional reforms never happened, and from today's perspective, BiH has never been more distanced from substantial reforms.

After the NATO bombing of the Federal Republic of Yugoslavia and the adoption of UN Resolution 1244, the UN administration was established in Kosovo at the end of 1999. The Serbian civilian government, police and army withdrew and a *de facto* independent political system was created, with a provisional constitution, institutions and a legal system. Kosovo

introduced its own Assembly, president, government, judiciary and local self-government. After the failed negotiations between Belgrade and Prishtina, the Assembly of Kosovo, with the mentorship and great support of the Western powers, declared independence in early 2008 and adopted its Constitution the same year. It is, at the same time, the only constitution in the Western Balkans that explicitly prohibits discrimination based on sexual orientation. In the first years after the declaration of independence, the new state was recognised by a large number of UN member states; however, after 2015, that process began to stagnate. After several countries subsequently withdrew their recognition, the number of countries having diplomatic relations with Kosovo revolves around 110. Kosovo is not a member of the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE) or the UN, which poses particular challenges when it comes to full implementation of human rights standards developed by these and other international organisations. Although a comprehensive agreement between Belgrade and Prishtina was supposed to be announced for years, with the mediation of the EU and under pressure from the United States, no such agreement has been reached; however, significant sectoral agreements have been signed.

The aforementioned 2001 Ohrid Framework Agreement put an end to the conflict in Macedonia, acceded to the constitutional changes that enabled the country to have a consociational political system. Since then, either the coalition led by the left-wing Social Democratic Union of Macedonia (SDSM) or the coalition led by the right-wing Internal Macedonian Revolutionary Organisation – Democratic Party for Macedonian National Unity (VMRO-DPMNE) has

been in power. Since 2008, their partner from among the ethnic Albanian parties has been the Democratic Union for Integration. Nikola Gruevski and VMRO-DPMNE ruled Macedonia from 2006 until the spring of 2017, when another change of government took place. With the arrival of SDSM, Macedonia and Greece resolved a conflict almost three decades old and, in 2019, Macedonia was renamed to North Macedonia. The LGBT community remembers the rule of VMRO-DPMNE for trying to define marriage as a union of woman and man, for limited anti-discrimination legal protection, without explicit mention of sexual orientation or gender identity in legislation, and for failing to prosecute multiple homophobic attacks on the LGBT Support Centre in Skopje.

A bipolar division of the political scene was not specific to North Macedonia. We find a similar situation in Albania, where struggle for power after the fall of the socialist system was led between the right-wing Democratic Party and the left-wing Socialist Party – with them alternating every eight years on average. Albania has successfully transformed from the most closed country in Europe to a country undergoing a transition to a modern democracy. Despite being a member of NATO, the government in Tirana is under constant pressure from the opposition and criticism from the international community.

The only country without any major change of government during the period we address in this book is Montenegro. The Democratic Party of Socialists of Montenegro, led by Milo Đukanović, has been in power since the first multi-party elections in 1990. The party has undergone various transitions and ruled the country continuously, together with coalition partners, until 2020. Montenegro's independence,

Montenegrin nationalism, Euro-Atlantic integration and complete separation from Belgrade politics were some of the pillars that dominated their politics. After the parliamentary elections in 2020, Đukanović lost power. A very diverse coalition of left and right parties formed the government. A full commitment to EU integration over the last two decades also had a major impact on LGBT equality in this country. Although it is a traditional society, with a conservative understanding of gender roles and gender equality, this country is demonstrating enviable progress when it comes to the rights of LGBTI people. This will be discussed further in the next chapter.

At the Thessaloniki summit in 2003, the EU confirmed an earlier decision and sent a clear message that the countries of the Western Balkans have a place in the European family. Since then, only Croatia has managed to meet the membership requirements, with the significant support of Western powers; in 2013, it became the 28<sup>th</sup> member and the last country to join the EU. The other six countries of the Western Balkans, that we primarily deal with in our book, are still in the integration process, but they are far from full membership. The power of EU integration, with the application of the so-called conditionality, has significantly weakened. The Balkan states are increasingly recognised in studies and reports of international organisations as failed states, captured states, illiberal democracies, and elected autocracy or hybrid regimes. All these political changes and turbulence have a great impact on the level of protection of human rights of LGBTI people, as well as on their everyday life.



	Albania	BiH	Monte- negro	Kosovo	North Macedonia	Serbia
Council of Europe membership	1995	2002	2007	-	1995	2003
NATO membership	2009	Membership Action Plan, 2018	2017	-	2020	No intention of becoming a member
Stabilisation and Association Agreement with the EU enters into force	2009	2015	2010	2016	2004	2013
Candidate country status	2014		2010		2005	2012
Start of negotiations with the EU	2020		2012		2020	2014

Progress in the Euro-Atlantic integration of the Western Balkans

### 3.2 LGBTI Rights are Human Rights: Development of Human Rights Standards of LGBTI People

The 1990s proved to be important for the decriminalisation of homosexuality and ending the medicalisation of gay people. The 2000s were the years when standards for the protection and promotion of human rights of lesbian, gay, bisexual, transgender and intersex people were finally developed internationally. Non-governmental organisations (NGOs) in the Western Balkans took them over and largely based their work on these standards.

At the UN level, in the post-World War II period, various universal human rights instruments have been adopted, such as the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights (both 1966), the Convention on the Elimination of All Forms of Racial Discrimination (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979) or the Convention on the Rights of the Child (1989), laying the foundations for national policies and laws. However, it is noteworthy that none of these documents explicitly mention sexual orientation, gender identity or sex characteristics. Discussions on LGBTI rights have been under way since 2006, including resolutions and joint statements in the General Assembly and the Human Rights Council. They testify to the gradual presence of a debate on the rights of LGBTI people in UN bodies. Nevertheless, the greatest success is the appointment of an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity in 2016 by the UN Human Rights Council. After 2010, the issue of the rights of intersex people became an emerging topic discussed at UN committees.

In the absence of a separate document that systematically establishes standards for the protection and promotion of human rights of LGBTI people, in November 2006, a group of independent human rights experts drafted the Yogyakarta Principles; this document interprets and elaborates the existing universal human rights standards from the perspective of sexual orientation and gender identity. The document is named after the venue of the expert meeting, the city of Yogyakarta in Indonesia. The principles were amended in 2017, so that they

now include issues related to gender expression and sex characteristics, with the aim of better protecting transgender and intersex people. The Yogyakarta Principles explain the obvious; namely, that all the rights protected in UN documents apply to LGBT people, including the principle of equality and non-discrimination, the right to security of person, freedom of expression, association and assembly, freedom of movement, the right to private and family life, as well as economic, social and cultural rights. Although this document has never been adopted by the UN General Assembly or the Human Rights Council, it is regularly used and cited by various UN committees and UN special rapporteurs, as well as LGBTI activists around the world. It is undeniable that these principles have contributed to a more inclusive understanding of human rights and the fact that they cannot be applied selectively when it comes to LGBTI people. The document was, generally, positively received; however, regardless of its non-binding form, it has been attacked by the governments of countries that have discriminatory laws against LGBTI people, especially by some countries in Africa and Asia.

The situation is somewhat better with respect to standards at the level of the Council of Europe. Central to this is certainly the European Court of Human Rights in Strasbourg, which, since the 1980s, and especially since the 2000s, found discrimination on grounds of sexual orientation and gender identity in dozens of cases. Cases such as *Norris v. Ireland* (1988) established a standard of decriminalising same-sex relationships between adult men. Many other cases confirmed the right to public assembly and association, the right to regulation and protection of same-sex partnership (the cases of *Schalk and Kopf v. Austria* and *Oliari and Others v. Italy*), and the right to

gender identity and the legal recognition of gender identity without the sterilisation of trans people.

Among the many LGBTI cases before the Strasbourg court, the only case from the Western Balkans was *X v. the former Yugoslav Republic of Macedonia*, in which a decision was made in early 2019. In this case, a transgender man who was diagnosed with “transsexualism” by a specialist clinic in Belgrade, and who had started hormone therapy, was unable to change his gender marker and unique ID number in his personal documents. Despite multiple appeals and trials, his request was denied. The court found that his rights to private life guaranteed by Article 8 of the European Convention had been violated. Despite activist advocacy, North Macedonia has failed to ensure adequate changes to the legal framework. The person was allowed to change his gender marking, but for all future cases the law remains unclear. We can expect other cases from the Western Balkans in the coming period, bearing in mind that an increasing number of LGBTI people, activist groups and same-sex couples are opting for strategic litigation, with the aim of achieving legal changes with the successful cases.

In 2010, the Committee of Ministers of the Council of Europe adopted the Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity. Although only a recommendation, this document, perhaps, defines in the most systematic way what the member states of the Council of Europe must do when it comes to protection against discrimination and violence, family life and sex reassignment adjustment, as well as equality in employment, education, health,

housing and sports. Member states have reported on the measures taken twice so far. This document is often used in the countries of the Western Balkans to advocate for concrete measures and changes. The latest 2019-2023 Strategy for Improving Quality of Life of LGBTI People in Montenegro, thus, refers to this recommendation, and the first strategy, for the period 2013-2018, was based on it entirely.

For the countries of the Western Balkans, the standards of the EU are certainly as important. The 2000 Charter of Fundamental Rights of the EU explicitly prohibits discrimination based on sexual orientation. This is also one of the few international documents that mentions sexual orientation among the prohibited grounds of discrimination. In 2000, Directive 2000/78/EC of 27 November 2000, which established a general framework for equal treatment in employment and occupation, was adopted. The standards from this directive are transposed into national legislation throughout the EU and the countries that are in the process of joining the EU must also commit to them. The proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation – the so-called Equal Treatment Directive – was drafted in 2008 and adopted by the European Parliament; to date, however, it has not received the support of the Council of the EU and, therefore, could not enter into force. Negotiation processes for EU membership also play a special role for the Western Balkans because the rights of LGBTI people are put on the agenda through the negotiation chapters. As we have shown in this book, visa liberalisation for the countries of the Western Balkans is the best illustration of how the EU manages to condition legal changes for the benefit of LGBT people.

ILGA Europe, the umbrella European LGBTI civil society organisation based in Brussels, plays an important role in the struggle for the human rights of LGBTI people. ILGA Europe has helped many LGBT organisations, especially in their beginnings, including organisations in Albania, BiH and Montenegro, for example, with capacity building, networking with EU institutions, as well as with small grants. ILGA Europe has also played an important role in making activists in the Western Balkans understand the importance of EU integration processes and the legal mechanisms that exist at the EU and Council of Europe levels.

However, no international organisation has adopted a comprehensive and binding document to date, such as a convention to protect and promote the rights of LGBTI people. Not only is the UN, due to the rigid attitudes of many African and Asian countries, far from drafting and adopting some form of a convention on the elimination of all forms of discrimination against LGBTI people, this is, unfortunately, also true of the Council of Europe. We have had the opportunity to see how divided the European continent is in terms of the implementation of progressive policies related to gender equality during the public debates on the ratification of the Istanbul Convention in the countries of Central and Eastern Europe. It will take some time before the framework for the adoption of a comprehensive and binding LGBTI convention is created. Until then, activist movements from the Western Balkans must rely on less binding documents, creating political will and strategic litigation before the Strasbourg court.

### 3.3 Activism by Western Standards: Establishment and Development of LGBTI Associations

During the 2000s, LGBTI activism developed in all Western Balkan countries and became an integral part of civil society. In most cases, activism manifested itself through registered civil society organisations and, in some cases, in the form of activist groups and mainstream organisations for the protection and promotion of human rights in general, for which work to promote the human rights of LGBTI people was only one of the goals. In many countries, HIV/AIDS programmes have also played an important role, establishing drop-in centres, working with the community and creating a safe space for LGBTI people. This has had a particular positive impact on gay men and the trans community. Embassies, international NGOs and development programmes, which have increased financial assistance for LGBTI projects since the 2000s, also played an important role. The availability of foreign funding has enabled the professionalisation of LGBTI activism, but it has also resulted in the partial separation of organisations from the community. All of this has placed LGBTI organisations, along with some other organisations that advocate human rights, in the group labelled *foreign mercenaries*, as right-wing and some other groups in the Western Balkans have called them ever since.

With the founding of Arkadija and Labris in the 1990s, the foundations were laid for the further spread of LGBTI activism in Serbia. Gayten-LGBT also developed from Arkadija in 2001, changing its name to Geten in 2019; it was inspired by the world of androgynous beings described in Ursula Le Guin's *The Left Hand of Darkness*. Geten made gay-lesbian activism inclusive

for the trans community, and this organisation, along with Labris, is the oldest in Serbia. Serbia is certainly the place where the largest number of organisations and groups appeared and acted. Many of them, such as the Novi Sad group *Izađi*, also operated outside the capital, especially in Novi Sad, Niš, Kragujevac and Šabac. Specialised organisations were established that focused on community empowerment and advocacy, as well as organisations that dealt exclusively with the rights of trans people, intersex people, or lesbians within the Roma community. Groups and NGOs working on the promotion of LGBTIQ identity through art and culture emerged and disappeared, and Belgrade became a place where intensive work was done on the academic and scientific promotion of queer studies. Yet, despite all these efforts, few organisations have really managed to build continuity and gain a foothold within the LGBT community. Most organisations were reduced to the work of several key activist figures, whose exit from activism or departure from the country meant organisations' disappearance. Labris is certainly one of the few bright examples of continuity – despite the changes that have taken place in the organisation and composition of the team, despite the ups and downs, this organisation is still active.

The fact that Belgrade has two prides today, the official pride and counter-pride, as well as a Pride Info Centre that operates all year round in the city centre, a bi-monthly LGBT magazine, as well as the long-standing LGBT film festival Merlinka, all speaks of a significant presence of LGBTI life in the Serbian mainstream, but also of diversity and ideological division within the LGBTI movement itself. The cooperation of LGBTI organisations with other civil society organisations resulted in concrete proposals



for laws on gender identity and registered same-sex partnerships far earlier than state institutions even thought of working on these issues, which shows the potential of the activist movement in Serbia. There will be more on this later in the book.

In Montenegro, Macedonia and BiH, LGBTI activism has, to an extent, been influenced by Serbia and the neighbouring countries all this time. During 2003, the first LGBT organisation in Montenegro was established – Free Rainbow – which laid important foundations for the community, but which did not last long. In the second decade of the new millennium, LGBT Forum Progress and Queer Montenegro emerged. Montenegro is a good example of a place where human rights organisations, in general, have done a lot for the visibility and acceptance of LGBT people. Thus, organisations such as Juventas from Podgorica carry out significant activities with institutions as well as with the LGBT community, creating a safe space for independent development of LGBTI activism. Juventas and the organisations gathering around the informal Coalition Together for LGBT Rights, were also the initiators of the drafting of the first government action plan to improve the position of LGBTI people in Montenegro. The relationship of civil society with the authorities is also interesting. While Montenegro, in comparison with other countries, continuously proves to be open to the human rights of LGBTI people, the relationship between the government and civil society has not always been cooperative. The preferences of certain government representatives for certain civil society organisations and indications of *pink washing* have been sharply criticised by mainstream activism. Although it is the smallest society in the Balkans, specialised organisations have emerged within the LGBTI movement whose focus has been on the

rights of lesbian, bisexual and queer women (Stana Association) as well as the rights of trans, intersex and gender variant people (Spektra Association). Montenegro had drop-in centres and shelters for LGBTI victims of violence very early on. However, in recent years, good cooperation between government and civil society has shown concrete results, not only with respect to adopting and implementing action plans, laws and organising safe pride parades, but also when it comes to specific, specialist needs of LGBTI people, such as funding gender reassignment procedures for trans people and funding community programmes from public ministerial budgets.

At the same time as LGBTI activism began in Montenegro, the first organisations were being formed in Macedonia. Equality for Gays and Lesbians (EGAL) was formed in 2003, and MASSO in 2004. Each in their own way, these organisations lay the foundations of activism. During 2007, the Coalition for Sexual and Health Rights of Marginalised Communities – *Margini* was formed. In addition, the LGBTI Support Centre began operating in 2012, as a branch of the Helsinki Committee, as well as LGBT United, an organisation from Tetovo; in 2013, both the Subversive Front and the National Network for Combating Homophobia and Transphobia were established. The Margini Coalition has made a significant connection between the human rights of LGBTI people and sexual and health rights, as well as the rights of drug users, sex workers and people living with HIV. The Subversive Front focuses on supporting the mental health of LGBTI people, which has greatly helped to empower marginalised communities and advocate for better institutional policies and practices. The long-standing rule of the right-wing coalition around the VMRO-DPMNE political party,

in conjunction with the constant attacks on the rights of women and LGBTI people, have influenced the establishment of a strong link between the LGBTI and the feminist movement. This led to new informal groups and feminist initiatives becoming a stronghold, especially of lesbian activism.

In 2004, the first organisation for LGBTI and queer rights was registered in BiH - Association Q. The association emerged from an informal initiative that was active for almost two years. Association Q, at that time the only LGBT organisation in BiH, dealt with the psychological and legal empowerment of the community, participated in national and international advocacy, appeared in the media, and operated at the regional level in Southeast Europe (i.e., the SEE Q network). An important, turning point was certainly the 2008 Queer Sarajevo Festival, which exposed the readiness of right-wing groups to organise and spread violence, and the unwillingness of the state to protect the festival of queer culture and art. After some time, Association Q ceased to be active and BiH had a period without any active organisation. Only in 2010/2011, did the Sarajevo Open Centre fill this activist space. The organisation is still active, combining LGBTI activism with work on women's and human rights in general. In addition to them, the Tuzla Open Centre, the Cure Foundation and Okvir from Sarajevo, and Kwart from Prijedor are currently active. Other initiatives and associations, formed in Sarajevo, Mostar, Zenica, Bihać, Tuzla and Banja Luka, unfortunately, did not survive and disappeared after a few months or a year or two of activity. The emergence and disappearance of LGBTI initiatives is, of course, not a feature of activism only in BiH, but also in other Western Balkan countries.

An interesting development has certainly taken place in Kosovo. After 1999, with the arrival of the UN administration, civil society, in a relatively small Kosovo, received great support. While very progressive activities were taking place at the political and legal level, such as the adoption of the first anti-discrimination law in the Western Balkans in 2004, which included sexual orientation as a ground for protection, things were a little slower in terms of activism. In 2005, the Centre for Social Emancipation (QESh) was established, which was registered as a stand-alone organisation in 2008. Initially, QESh had a similar role as Association Q in Sarajevo, acting as the only visible organisation in Kosovo, on various fronts – from supporting victims of violence to combating homophobic attitudes in teaching at the University of Prishtina. Other organisations were founded later, and mainstream media and human rights initiatives, such as the Kosovo 2.0 magazine or the Dokufest Documentary Film Festival, played an important role in social emancipation. The continuing pressure of the international community on the Kosovo authorities has also facilitated the work of the NGOs. Today, QESh is no longer active, and the Centre for Equality and Freedom (CEL) and the Centre for the Development of Social Groups (CSGD) are still on the scene.

After the first steps during the 1990s, activism in Albania developed in the 2000s. Mainstream organisations for the promotion of human rights also played an important role. Thus, in 2008, the Children's Human Rights Centre of Albania (CRCA), the Human Rights Group and the Albanian Helsinki Committee jointly marked the International Day against Homophobia. Nevertheless, the central role was played by LGBTI organisations that still operate today: the Alliance LGBT, PINK Embassy, Pro-LGBT and OMSA. Since

2014, there is also a special shelter for LGBTI victims of violence, Streha, which receives not only people from Albania, but also victims from neighbouring countries. This is how Kristi Pinderi summed up the activism in Albania: "The first wave, launched in early 1990s, had a mission to decriminalise homosexuality. The second wave, as of 1995, tried to do some basic advocacy work and to raise awareness. The third wave of activism began after 2008/2009 by founding LGBTI organisations, which had budgets and staff, translated queer literature, launched websites, analysed school textbooks and entered institutions."

### 3.4 Taking It to the Streets: Pride, Parades and Pride Marches

With the fall of the Milošević regime in late 2000, incredible optimism emerged among gay, lesbian and trans activists. After violence, invisibility and a partial ban on their activities during the 1990s, activists believed better times had come.

The first pride parade in Belgrade was scheduled for 30 June 2001, under the slogan, 'There is Space for All of Us'. The organisers were the lesbian organisation Labris and the Gayten-LGBT organisation. Even before the participants gathered, some were attacked at the Republic Square by hooligans and members of right-wing organisations, including members of the *Obraz* movement, *Svetosavska omladina*, fans of *Crvena zvezda*, *Partizan* and *Rad* football clubs, and a priest of the Serbian Orthodox Church. The few police officers present did not initially react to the violence, until they themselves were attacked. Dozens of participants of the pride parade were injured, as well as several

bystanders, due to their presumed sexual orientation, as well as a number of journalists. Although there was no official reaction of government representatives, many reactions of mainstream NGOs, as well as prominent public figures, were heard in the media. The first pride parade in the Western Balkans had a bloody outcome and caused the complete isolation of the young LGBT movement from public life. The LGBT community experienced first-hand that the changes that took place with the coming to power of the Democratic Opposition of Serbia were not yet mature enough to protect all citizens.

The neighbours, Ljubljana in July 2001 and Zagreb in 2002, showed that a different scenario was possible, when the first pride parades were organised in these cities. Despite the violence and counter-protests, Zagreb successfully organised its first parade in the presence of the Minister of the Interior and members of the parliament. Violence decreased with time and the parades organised after 2010 transformed into protests against right-wing political developments in the country, with up to 10,000 participants.

After the 'Bloody Pride' in 2001, activists in Belgrade announced a new pride parade for 2004. Preparations took several months, but the parade was cancelled for security reasons in response to the escalation of violence in Kosovo and the burning of mosques in Belgrade and Niš in March 2004.

The third attempt to organise a pride parade in Belgrade did not happen until 2009. With great support from the international community and public figures, as well as the first major media campaign, LGBT activists worked to prepare for the pride parade. Threats came in from all sides; the Serbian

Orthodox Church issued an official statement, calling the parade a, “parade of shame, a parade of Sodom and Gomorrah”. There was no reaction from the prosecutors’ office to threatening graffiti and messages of violence in the media. A day before the scheduled pride march, the organisers announced that it would not take place. This was because the Ministry of the Interior decided to move the duly registered assembly in the city centre to the suburbs, to Ušće Park, allegedly for security reasons. Pride march organisers later received a written ban on the assembly. Majda Puača, a Labris activist and one of the members of the organising committee, said: “The symbolism of this event everywhere in the world is to symbolically walk through the centre of the city and show that we are equal citizens. We don’t want to walk on some field in Ušće, that would not be a Pride Parade”. Thus, the third attempt to organise the parade failed. The Constitutional Court of Serbia later ruled that this was in fact a ban of the pride parade.

The first parade took place in 2010. In comparison to a thousand participants, about 6,000 hooligans gathered, demolishing the city. This violence was used as an excuse to ban prides in 2011, 2012 and 2013. The bans were passed by national security bodies, raising the issue of the right to public assembly of a minority group to the level of war or natural disasters. The third ban in a row, in 2013, resulted in a spontaneous assembly of activists and the Night Pride. That evening, organiser and activist Boban Stojanović stated that, “No ban can stop us from being who we are. We are here every day of the year and we will show that they cannot destroy us”. The ban of the parade in 2011 was, again, subject to a decision of the Constitutional Court, and the final decision was made in favour of the applicants.

Finally, from 2014 to 2019, prides were organised regularly and the number of participants gradually increased. Since 2015, has Belgrade organised another pride parade, the Trans Pride, organised since 2016 as Pride of Serbia, Pride of LGBTI people. As of then, Belgrade has two prides: a small, informal public assembly, held under the name Pride of Serbia in June, the month of pride, and the official pride in the fall. The first pride outside the capital was organised in 2019 in the moderately liberal Novi Sad, the capital of the Serbian province of Vojvodina, which is to a degree expected.

Belgrade prides have shown that the right to public assembly of LGBTI people depends on politics, and that political power, not legal and institutional standards, decides how safe this public assembly will be for its participants. Good news arrived in the fall of 2019. Belgrade will host and organise the Euro Pride in 2022, as was decided at the annual conference of the European Pride Organisers Association in Bilbao, Spain. The prevailing opinion was that Belgrade needed Euro Pride more than Barcelona, Lisbon and Dublin – the cities that also applied.

In the second decade of the new millennium, pride parades were organised in Montenegro and Albania. In 2013, two prides were organised in Montenegro. In July, the first and only Seaside Pride was organised in the coastal city of Budva, with the participation of several dozen people and organised by the LGBT Forum Progress. Judging by media reports, this assembly left the impression that it was organised in a spontaneous and, somewhat, chaotic way. The first parade in Podgorica took place in October of the same year, organised by the Queer Montenegro association. Unlike the events in Budva, the Podgorica



pride parade has been organised continuously every year since then; it has been characterised by excellent police security, good preparation, a diverse programme, no significant incidents and a small but cheerful response from the LGBTI community and friends from other Western Balkan countries.

Public assemblies in Albania also manifest divisions on the activist scene. The organisations Aleanca LGBT (Alliance Against Discrimination of LGBT People) and Pro-LGBT launched a Tirana (P)ride in 2012, which was a bicycle pride parade with few dozen participants; in 2014, the first pride march was organised. The pride march and the bicycle parade have grown into larger events over the years, with several hundred participants. In parallel, the coalition gathered around the PINK Embassy organised similar assemblies, marches and festivals.

Following the positive developments in the neighbourhood, in 2017, Prishtina also hosted its first pride. Since then, for three years in a row, the pride in Prishtina has been a big event, without a large police presence and with a great response from young people and the LGBTI community. For three years in a row, one of the most open Prides has been organised, with the coordination of all three existing LGBTI organisations.

During 2019, an end was put to first time pride parades organised in the Balkans. With its first prides in Skopje and Sarajevo, North Macedonia and BiH became the last countries in free Europe to host pride marches. While the Sarajevo pride march was probably the largest pride in the six Western Balkan countries, with about 3,000 participants, the pride in Skopje will be remembered for its scale, excellent organisation,

police work and interaction with citizens, without the need to turn it into a reserve, fenced off a few blocks away from the rest of the city, as was the case with the first prides in Belgrade.

The Belgrade prides and Seaside Pride in Budva have shown that hooligan groups and fan groups are ready for violence to express their dissatisfaction with the fact that LGBTI people are coming out of their four walls. There are not many examples of protests or public assemblies of some other minority group that have been attacked in such a brutal way and have, therefore, been under discussion by the national security council. The situation calmed down only at the end of the second decade of the new millennium, with better police control and greater pressure from the international community. Prides in all countries have faced protests and hate speech from politicians, representatives of mainstream religious communities and certain media outlets.

In recent years, high-ranking politicians have been increasingly attending pride parades. Former President of Kosovo, Hashim Thaçi, attended the first pride in Prishtina in 2017. Ana Brnabić, the first woman Prime Minister of Serbia and the second lesbian Prime Minister in the world, attended the pride parade in September 2017 after taking over the presidency of the Serbian government in June in the same year. However, the presence of heads of state, prime ministers, or ministers, unfortunately, did not have a long-term effect on the measures taken by governments. Montenegro is an interesting case, whose pride parade has never been attended by the Prime Minister or President since 2012; however, the government is implementing a second strategy to improve the quality of life of LGBTI people and, in 2020,

the Montenegrin Parliament adopted a law on same-sex partnership. Apparently, the support of politicians through their presence at the pride parades does not necessarily mean any action of governments.

It is extremely important to point out that the pride parades came with a high price for the organisers. Some of the organisers changed over the years, which is not necessarily a bad thing; however, some of them, due to their high visibility during the preparation of the parades, experienced such enormous pressure, due to threats and physical violence, that they had to leave their country. This was the case with activists from Montenegro, Serbia, Kosovo and Albania, who were forced to leave for Western Europe, the United States or Canada. Many of them also sought asylum.

Numerous other public protests have taken place over the past two decades, such as the 17 May marches – International Day Against Homophobia – or protests in front of governments and other institutions. It is interesting that sometimes these spontaneous and smaller assemblies managed to convey specific requests to governments better than prides did. In addition to personal desires and the need to organise the first pride parade, external pressure was exerted on activists. Activism in a country was not considered complete if a pride parade was not held in the capital. Almost two decades have passed from the first Belgrade Pride in 2001 to the first prides in Skopje and Sarajevo in 2019. It will be important to monitor how public assemblies will develop and what challenges they will face in the future, given the new right-wing tendencies in all Western Balkan countries. Yet, 2020 will certainly be remembered as a year without the majority of prides; this time, it was not because of threats from right-wing groups

or states' unwillingness to protect the assemblies, but because of the COVID-19 pandemic.

### **3.5 Legal Protection under External Influence 1: Anti-Discrimination Laws**

The most successful example of the Europeanisation of the Western Balkans in the context of LGBTI rights is, undoubtedly, the visa liberalisation process, which resulted in the adoption of anti-discrimination laws. Even without the professional critical mass or significant pressure and influence from the activist movement, the countries of the Western Balkans adopted, under external influences, an unprecedented legal framework for the protection of minority groups, including LGBT people.

From 2008 to 2010, the European Commission led a dialogue on visa liberalisation with Albania, BiH, Montenegro, Macedonia and Serbia. Kosovo, which had just declared independence and was in the process of being recognised by the international community, was not part of this process at the time. The goal of the dialogue was to remove these countries from the so-called black Schengen list of countries whose citizens must have a visa to travel to the EU, i.e., the Schengen countries. The European Commission's regulation required an assessment of various criteria related to illegal migration, public policies and security, all for the purpose of making sure that the countries that receive visa liberalisation do not become a threat to internal security or cause unexpected waves of migration. To abolish visas, the European Commission presented, in 2008, a very

clear set of requirements to all countries. Namely, each of the countries, among other things, had to adopt and implement a framework law that prohibits discrimination on various grounds. Visa liberalisation entered into force in 2009 for Serbia, Macedonia and Montenegro and in 2010 for Albania and BiH, and the assessment of progress was based on formal conditions. Interestingly, Montenegro and Macedonia were given the green light for visa liberalisation even though anti-discrimination laws were not passed in their parliaments.

Country	Name and month/year of adoption	Competent appeals body	Included grounds
Albania	Law on Protection from Discrimination February 2010	Commissioner for Protection from Discrimination	Sexual orientation, gender identity
BiH	Law on Prohibition of Discrimination July 2009 Amendments, August 2016	Institution of the Human Rights Ombudsmen	Sexual orientation, gender identity, sex characteristics
Montenegro	Law on Prohibition of Discrimination July 2010 Amendments in 2011, 2014 and 2017	Protector of Human Rights and Freedoms of Montenegro	Sexual orientation, gender identity, intersex characteristics
Kosovo	Anti-Discrimination Law February 2004 Law on Protection from Discrimination June 2015	Ombudsperson Institution	Sexual orientation, gender identity
North Macedonia	Law on Prevention of and Protection against Discrimination, April 2010 Amendments in 2014, 2015 and 2016 Law on Prevention of and Protection against Discrimination, May 2019 (declared unconstitutional in May 2020 and re-voted in Parliament at the end of 2020)	Commission for Protection against Discrimination	Sexual orientation, gender identity
Serbia	Law on Prohibition of Discrimination March 2009	Commissioner for the Protection of Equality	Sexual orientation, gender identity

The processes of adopting and amending anti-discrimination laws

All laws adopted in 2009 and 2010, except the one in Macedonia, included a ban on discrimination on the ground on sexual orientation and gender identity. It will later become clear that this was not accidental, because the VMRO-DPMNE government, led by Nikola Gruevski, systematically worked on the inequality of LGBT people.

The fact that the adoption of a comprehensive legal framework to protect LGBT people from discrimination is not a reflection of social change or increased awareness of the need to protect this minority group is confirmed by public discourses in all countries during the discussions about these laws. In BiH, representatives of the BiH Interreligious Council, an NGO that brings together the four traditional religious communities, even participated in the working group that drafted the law and contributed to spreading misinformation about its content. Responding to their request that the law should define marriage as a union of man and woman and that the law “discriminates” against religious communities, the then influential BiH member of parliament, Halid Genjac, commented: “I think that with all the standards we strive to ensure among all categories of society, the remark of the Interreligious Council regarding the possibility of same-sex couples adopting children deserves attention”. However, it is well known that the law does not tackle the issue of same-sex marriage or the adoption of children at all. The terminology in the law has also been changed under the influence of religious communities, so that “sexual orientation” was deleted from the draft law of BiH and, instead, the term “sex orientation” was used.

In Macedonia, sexual orientation was completely removed from the draft law due to right-wing

influence. Unlike the first draft that the government prepared, the final version, which was submitted to parliamentary procedure and later adopted, made no mention of sexual orientation. In Serbia, the influence of religious communities, especially the Serbian Orthodox Church, was so great that the draft law was withdrawn from the parliamentary procedure in order to organise consultations with religious communities. Not all ministers agreed with this move; the then line minister, Rasim Ljajić, stated: "We should be informed that in the future we need to send laws to churches, and only then submit them to formal procedures. Otherwise, it may happen that the adoption of any law causes such scandals". In his opinion, this was a dangerous derogation of democratic institutions and change of rules. The only country where the law was passed without a single vote against and without significant opposition was Albania. The then Prime Minister Sali Berisha even announced recognition of same-sex marriage in 2009, but this never happened.

In the past few years, there has been a positive development with respect to the legal framework. Bosnia and Herzegovina became the first country in Southeast Europe, and one of five countries in Europe, to explicitly prohibit discrimination on the ground of sex characteristics with the 2016 Amendments to the Law on Prohibition of Discrimination; this created a comprehensive legal framework for the protection of intersex people. A year later, Montenegro amended its law, which has since included a ban on discrimination on the ground of intersex characteristics. After several years of working on a new law, in 2019, the new left-leaning Government of North Macedonia and its parliamentary majority made possible the adoption of a new Law on Prevention of and Protection against Discrimination, which, finally, explicitly includes both

sexual orientation and gender identity. Unfortunately, this positive change did not last long because the Constitutional Court confirmed in May 2020 what the media reported on in 2019 – the law was adopted without the majority prescribed by the Constitution and the Rules of Procedure of the Assembly of North Macedonia. This meant that the parliamentary majority, led by the Social Democratic Union, which promised in its election campaign to pass a law and build, “one society for all”, did not invest enough efforts to secure the majority of votes needed to make the law constitutional. Although the Constitutional Court does not operate in a vacuum, the law was repealed. This left North Macedonia, for a few months, without a valid legal framework for protection against discrimination. The good news is that before the elections in July 2020, all important parties committed to the urgent adoption of this legal text immediately after the convening of the parliament. The law was re-voted in the parliament in fall 2020.

Today, there is a paradox that the countries of the Western Balkans have better and more comprehensive anti-discrimination laws than some EU member states, while the level of public support for LGBTI rights is significantly below the EU average. A 2015 National Democratic Institute survey found that 63% of parents in Serbia, 64% in BiH, 69% in Montenegro, 71% in Kosovo, 72% in Albania, and as many as 79% in Macedonia would, if they found out that their child was gay, try to treat them, physically punish them or make them leave home or stop communicating with them. Only 3% of respondents in Kosovo and 18% in Serbia stated that they had personal interaction with an LGBTI person. This study showed, like many before it, that personal interaction with an LGBTI person increases the chance of general acceptance of LGBTI people.



Negative attitudes towards LGBTI people are also manifested in the discrimination they experience. A survey among LGBTI people, conducted by the World Bank in 2018 in all countries of the Western Balkans except Serbia, showed that in all countries, between 92 and 95% of LGBTI people believe that discrimination on the ground on sexual orientation is common. According to this survey, between 15% (Albania) and 25% (Kosovo) of respondents had experienced unequal treatment in employment due to their sexual orientation in the past 5 years. Between 38 and 45% experienced a generally negative attitude towards LGBTI people in the workplace. Similar devastating statistics were found with respect to experiences of LGBTI people in schools and universities.

When these statistics are compared with the actual number of discrimination cases in courts, we come across a paradox. On the one hand, LGBTI people report a high level of discrimination in surveys, and on the other hand, in the countries of the Western Balkans, almost no one goes to court. Fear of the consequences of coming out, in conjunction with victimisation, the inefficiency of the judiciary and slow proceedings, unavailability of legal aid and low level of awareness of the specific legal framework and court proceedings, are just some of the reasons why so few LGBTI people opt for lawsuits.

The largest number of reports to non-judicial equality bodies, such as ombudspersons and equality commissions or commissioners, are submitted by NGOs. One of the most visible cases in the region related to the 2014 decision of the Serbian Commissioner for Equality, Nevena Petrušić, according to which the former Serbian Foreign Minister, Ivica Dačić, had to apologise

to representatives of the NGO Labris, who reported him for his discriminatory statement that homosexuality was not normal. Dačić met with the representatives of Labris in 2015 in the office of the Commissioner, but he did not apologise. In Albania in 2011, the Commissioner for Protection from Discrimination issued a recommendation to a member of parliament, Tritan Shehu, urging him to refrain from discriminatory language in the future. In 2013, the Ombudsman Institution in BiH issued a practical recommendation regarding the University of Sarajevo's procedure for reissuing diplomas after sex reassignment and change of personal name of a trans person, and in 2012 regarding the abolition of discriminatory blood donation procedures in the Federation of BiH. However, the conduct of the Ombudsman Institution in BiH has not always been so LGBTI sensitive. It took them three years, after a group of civil society organisations proposed to prepare a special report on the state of human rights of LGBTI people in 2013, to prepare and publish such a report in 2016.

Cases that end up in court are rare, but important. Kosovo trans activist, Blert Morina, requested that Kosovo institutions change his name and gender in his personal documents, which was made possible by the 2019 final judgment. A case of a gay couple who entered into a same-sex partnership abroad and who sought recognition of the partnership in BiH has been pending before the courts in BiH since 2017. Time will tell how courts will decide in this case, which in the long run should result in a change of the legal framework governing marital and family law.

To fight discrimination, some countries also adopted policies to combat discrimination against LGBTI

people in the form of government programmes, strategies and action plans. The best example is certainly Montenegro, which adopted, in 2019, the second multi-year Strategy for Improving Quality of Life of LGBTI people. The strategy addresses issues related to the social acceptance of LGBTI people, security and protection of human rights of LGBTI people, employment and access to work, health care, social protection and LGBTI tourism. Montenegro symbolically allocates EUR 250,000 annually for the implementation of the strategy, and the National Monitoring Team includes representatives of civil society and the LGBTI movement in the country. Albania is the second country to have an LGBTI-specific policy: the 2016-2020 National Action Plan for LGBTI People, which is the second of its kind; Kosovo implemented the action plan from 2016 to 2018; whereas other countries do not have such policies. Already in 2016, the Sarajevo Open Centre published a proposal for a plan of measures and activities, as a model for governments in BiH to develop an action plan. There has been work on its development for years now; however, BiH federalism, as well as the general burden of the political system with ethnic issues, led to the draft action plan for the equality of LGBTI people never being on the agenda of the BiH Council of Ministers. A new attempt to develop an action plan was launched in 2020, coordinated by the Council of Europe. Good news comes also from North Macedonia, where the government, in cooperation with the Subversive Front, has been working on the development of an action plan for the promotion of the rights of LGBTI people since the beginning of 2020.

Although laws and policies do not necessarily change the daily lives of LGBTI people, strategies and action plans create a framework for institutional

action. Montenegro has made a huge step forward in terms of localising LGBTI equality issues, for the first time implementing measures in small and rural municipalities. Thus, for example, the rural municipality of Kolašin adopted a local action plan to improve the quality of life of LGBT people in 2019. The situation is similar in Albania. It is also important that the action plans included significant training for the police, judges, prosecutors, doctors and other civil servants, which would not have happened without such public policies. Ultimately, strategies and action plans also facilitate the cooperation of NGOs with institutions, because LGBTI organisations have something to refer to when addressing institutions and proposing cooperation.

### **3.6 Legal Protection Under External Influence 2: Hate Crime and Domestic Violence**

Another legal novelty was introduced in the Western Balkans in 2000 – hate crimes. As history shows, various forms of crime existed on the ground of persons' affiliation with a particular group. From crimes against indigenous peoples in European colonies to the persecution of Jews, Roma and gays during Nazi Germany or crimes in the wars of the 1990s in the former Yugoslavia, hate crimes are a gruesome part of our history. They appear in various forms, from islamophobia and racism, through xenophobia and chauvinism, to homophobia and anti-gypsyism.

Following World War II, laws introducing prosecution for hate crimes mostly focused on the issues of race,

ethnicity and nationality, religion and skin colour. In modern times, the United States is leading in the definition of hate crime standards; however, we must not forget that the offence of inciting, inflaming and spreading hatred was first regulated in the Federal People's Republic of Yugoslavia in 1945 by passing a law prohibiting incitement to national, racial and religious hatred and discord. Shortly after the enactment of this law, the act of inciting national, racial or religious hatred, intolerance and discord was regulated by the Criminal Code of Socialist Yugoslavia. The criminal regulation of this offence was a consequence of the recognition of its harmfulness to society and the need to emphasise the importance of its sanctioning by the state. After the break-up of Yugoslavia, the provisions prohibiting incitement to national, racial and religious hatred were transposed into the criminal codes of its successor states. Albania had a different experience due to the radical atheism and secularism implemented by the communist regime.

The decriminalisation of homosexuality across Europe and the removal of homosexuality from the list of disorders by the World Health Organization has brought to light another problem – crimes based on homophobia and transphobia. LGBT people were no longer arrested and punished for same-sex relationships, and lesbians and gays could no longer be considered sick; however, the level of social acceptance has not necessarily increased. Fear of the unknown and bias remained, as did the violence experienced by this minority group.

At the international level, the campaign for the adoption of the so-called Matthew Shepard Hate Crimes Prevention Act in the United States gained

particular visibility. In response to the horrific murder of a young man, Matthew Shepard, in 1998, who was tortured and killed solely because of his sexual orientation, a 13-year campaign was launched to change and expand the existing U.S. federal legislation governing hate crimes, so that it includes issues of gender, sexual orientation, gender identity and disability. Amendments to the act were adopted only in 2009.

An important step on the European continent was the 2003 OSCE Ministerial Council Decision, which recognises the danger of hate crimes. The OSCE made a decision at the Permanent Council the following year, urging member states to pass laws prohibiting discrimination and criminalising hate crimes.

The presence of the OSCE through missions in all Western Balkan countries also had a positive influence on amendments to the criminal codes towards expanding the existing criminal provisions to include sexual orientation and gender identity as grounds for criminal offences. Where it is determined that a personal characteristic of an individual or a group served as motivation for a criminal offense, that fact must be taken as an aggravating circumstance in sentencing. It is noteworthy that these legal changes took place without a broad public debate or professional pressure. A key role was played by civil society and international organisations that worked directly with governments and parliaments to bring about these changes. In some cases, the changes took place even without pressure from civil society organisations. This fact is also confirmed by literature dealing with the Europeanisation of the Western Balkans. Laws are being passed without debates for the sole purpose of meeting the EU

membership requirements. An interesting situation occurred in BiH, where two of the three federal units introduced changes under the influence of international organisations, whereas the Federation of BiH amended its Criminal Code only six years later.

	The year of legislative amendment	Sexual orientation	Gender identity
Albania	2013	X	X
BiH			
Brčko District	2010	X	X
Federation of BiH	2016	X	X
Republika Srpska	2010/2017	X	X
Montenegro	2013	X	X
Kosovo	2012/2019	X	X
North Macedonia	2018	X	X
Serbia	2012	X	X

Overview of hate crimes legislation in the Western Balkans

The fact that the criminalisation of hate crimes happened more due to external influence and less due to internal pressures will have great consequences in the application of these provisions. There are rare cases of crimes, the motives of which have been properly documented by the police and the prosecutor's office. When convictions do happen, the fact that the crime was committed due to sexual orientation or gender identity of a person or group remains largely unrecognised; sentences are imposed without considering these aggravating circumstances.

After the aforementioned attack on the participants in the first Belgrade Pride Parade in 2001, hate crimes against LGBT people related to the right to public

assembly took place in other countries as well. We have already mentioned that in 2008, in Sarajevo, hooligans and religious fundamentalists attacked the Queer Sarajevo Festival, which was the first major public LGBT event organised by Association Q at the Academy of Fine Arts in Sarajevo. The attacks were not surprising, given that politicians, the media and religious communities waged a joint campaign against the festival. The festival was cancelled on the next day, after attacks, insults and persecution of participants throughout the city. Only two suspended sentences were passed for the crimes committed, and none of the perpetrators spent a day in prison. The Constitutional Court of BiH issued a symbolic decision in 2014, on the appeal of the organisers, finding: "a violation of the right to freedom of assembly under Article II / 3 i) of the Constitution of Bosnia and Herzegovina and Article 11 of the European Convention in that the public authorities failed, in accordance with the positive obligation under this article, to take the necessary measures to ensure a peaceful assembly organised in accordance with the law, due to which violence occurred between the opposing parties, and they failed to provide a clear legal framework to prevent and deter such or similar offences". This attack is deeply etched in the memory of the LGBTI community in BiH. At the time, the only organisation working on LGBTIQ rights, Association Q, gradually withdrew from the public; in 2010, it ceased to be active.

Violence during public events continued in BiH, with the worst example being a hooligan attack on the 2014 Merlinka Film Festival in Sarajevo. Although the police were notified of the assembly, they simply did not show up on time on second day of the festival. This time, the organisers did not stop the



programme. With the support of public figures from culture, art, liberal and leftist political streams, they proceeded with it the next day. This attack would find its epilogue, only at the Constitutional Court of BiH, which passed a decision at the end of 2018, on the appeal of 10 individuals and the Sarajevo Open Centre. It found that the authorities violated the freedom of assembly of the LGBTI community. As in the case of the judgments of the Constitutional Court of Serbia, no discrimination was established on the basis of sexual orientation or gender identity.

Similar attacks have been reported in Kosovo. At the promotion of the magazine *Kosovo 2.0* in 2013, entitled “Sex: LGBT life in Kosovo and the Balkans”, which addressed topics related to sexual and reproductive rights, LGBT rights and activism, right-wing fundamentalists crashed the event. Two days later, the offices of the Libertas association, which was operating in Prishtina at the time, were also attacked. The attack had its epilogue in court when three men were sentenced to imprisonment in 2014. Also, numerous attacks occurred during the organisation of prides and other public events in Serbia, Albania and Montenegro.

Associations working on the rights of LGBTI people are also frequent targets of attacks. One such example is a series of attacks on the LGBTI Support Centre in Skopje in 2012 and 2013; in 2014, an attack was carried out on the Damar café in the Skopje Old Bazaar, where the two-year anniversary of the LGBTI centre was being celebrated. None of these attacks were prosecuted, neither during the rule of the right-wing coalition led by VMRO-DPMNE nor under the government of the SDSM party, which has been in power since 2017.

Violence caused by homophobia and transphobia does not only occur during public events or against LGBTI associations, it primarily happens in the private sphere and is experienced by individuals, couples, small LGBTI groups and their friends and families. Some of these attacks have resulted in the desire and strength to initiate changes in society, such as the 2010 attack on Zdravko Cimbalević in Montenegro. After the attack, Zdravko made the decision to fight violence and discrimination, thus becoming one of the founders of the LGBT Forum Progress in Montenegro and one of the first out gay men. However, continued threats and pressures forced this activist to leave the country in 2013 and apply for asylum in Canada, where he lives today. Similar attacks have been reported elsewhere – such as breaking the hip of a gay man in Mostar in 2012, attacking a gay couple in an apartment they rented in July 2016 in Prishtina, or attacking a trans homeless woman in 2019 in Albania. Associations working on LGBTI rights document dozens of attacks each year. The vast majority never report them to the police, and those who do report often do not see an epilogue in court.

Due to the growing violence against LGBTI people and rejection by their families, special LGBTI shelters were opened in several countries. The organisation LGBT Forum Progress in Podgorica established a shelter for adult LGBTI people in 2011. Since then, this community service has been used by over 200 people from Montenegro and the wider region. From 2013 to 2016, this organisation ran the Centre for LGBTIQ Community. In Albania, a shelter for LGBTI people, Streha, was established in 2014. In addition to accommodation, reintegration activities are offered in Albania, including training and an employment

programme. All of these programmes are currently funded by international partners or donors. In addition, many countries have drop-in or day centres, as well as psychological and legal counselling centres where LGBTI people can receive support. An interesting event took place in North Macedonia in 2019, where a new Law on Violence against Women and Domestic Violence was submitted to the parliamentary procedure which, for the first time in the region, listed special services for victims of violence on the grounds of sexual orientation and gender identity. This is a positive example of policies and laws related to gender-based violence being developed in an LGBT inclusive manner. The law has been adopted by the new parliamentary composition after the parliamentary elections in 2020.

In all the above cases, the police, the prosecution and the judiciary showed a complete lack of commitment and misunderstanding of these crimes. The police often failed to conduct an appropriate risk assessment, especially with respect to public assemblies. We can assume that in some cases the omissions were not accidental, but were the result of political pressure, since political control over administration and security sector does exist. This situation, however, has changed over the past few years, due to significant pressure from civil society organisations and their international community allies. Hate crimes are increasingly becoming part of police training programmes. For example, Sarajevo Open Centre started working with the Sarajevo Canton police in 2013, and over 1,000 police officers have attended basic training on the rights of LGBTI people in just one year. There has also been excellent cooperation in Montenegro, Albania and Kosovo. On the other hand, the Serbian police have

been reluctant to cooperate with NGOs for years, claiming that they implement all training themselves or in cooperation with international partners.

The improved response by the police is evident when compared to earlier attacks on prides and other public assemblies; today, all the police in the Western Balkans professionally protect public events. Peaceful pride protests in 2019, in all Western Balkan countries, including the first prides in Skopje and Sarajevo, confirm this. However, challenges remain in prosecuting hate crimes, especially when the number of cases documented by NGOs working with the LGBTI community are contrasted with court judgments. Prosecutors' offices and courts must work to reduce deeply rooted homophobia and transphobia among their staff and begin to recognise sexual orientation and gender identity as a motive for crimes. Issues of appropriate prosecution of hate crimes, but also discrimination against LGBTI people, are recognised as a priority by international organisations, especially around 17 May – the International Day against Homophobia, Biphobia and Transphobia, which they have called for in their statements, campaigns and meetings for the last ten years.

### **3.7 Legal Protection under External Influence 3: Rights of Transgender People**

While the 1990s and 2000s brought about the decriminalisation of same-sex relationships, the removal of homosexuality from the World Health Organization's list of disorders, and protection against discrimination and hate crimes on the

grounds of sexual orientation and gender identity, transgender people remain medicalised and without adequate recognition by or response from the legal system. The ICD-10 significantly reorganised the classification system, and introduced new gender diagnoses. A new category of gender identity disorders has emerged under adult behavioural disorders and personality disorders. A new need, therefore, emerged in 1990 for the struggle of trans people to live in dignity.

The psychopathologisation of trans identity and trans life has had great consequences for trans people. Trans people in sex reassignment processes, in particular, face incredible challenges – from the lack of adequate professional support at national clinical centres, the inability to change the gender marking in personal documents, to forced sterilisation and complete medical transition being a prerequisite for exercising the right to change the gender marking. Some trans people, even today, live in a legal vacuum, without social acceptance and with denial of employment, which has driven many into extreme poverty and, in some cases, into involuntary sex work or suicide.

In such a social and legal context, the attitude of the Serbian Orthodox Church towards trans people is somewhat surprising. While the Church calls the pride parade a “parade of shame,” and a “stench of Sodom,” and condemns same-sex relationships, on the other hand, it speaks positively about church weddings of trans people who underwent sex reassignment. Thus, in 2019, the region was surprised by the news of the baptism of a trans man, Vuk Adžić, in the Serbian Orthodox Church in Podgorica. The church then emphasised that it was not a new trend, but an interpretation by the Patriarch of the

Serbian Orthodox Church Pavle from 1986; according to this, persons who have undergone a “complete medical transition” have the right to baptism and church wedding. Trans people who deviate from the established hetero-cisgender system did not receive the same treatment, of course. In contrast, the Islamic Community in BiH shared a clear negative attitude on its official website in 2009: “If it is a matter of changing the male to the female sex and vice versa, there is no doubt among Islamic jurists that this is strictly forbidden (haram) and represents the change of nature in which God created a particular person. Islam forbids even imitating people of the opposite sex, let alone changing one’s gender identity”.

With respect to medical practices and standards, Serbia has the richest experience. As early as the end of the 1980s, a paediatric surgeon and urologist, Dr. Sava Perović, founded a team of doctors who performed sex reassignment surgeries. Today, several teams, comprising experts in the field of psychiatry, endocrinology and surgery, operate in Belgrade, including with the Cabinet for Transgender Issues within the Clinical Centre of Serbia. In sensationalist media reporting in Serbia and beyond, Belgrade is presented as the Eastern European centre for medical tourism for surgical sex reassignment interventions. There are specialised doctors and therapists in Montenegro who provide trans people with advice, professional help and certain medical interventions during the reassignment process, and therapeutic support is also available in other Western Balkan countries. During 2019 and 2020, Sarajevo Open Centre also organised training for medical workers from BiH, hoping to improve access to health services for trans people in BiH. Until a few years ago, all medical interventions in the Western Balkans were performed in

Belgrade or in EU countries. This is gradually changing with the introduction of a number of interventions in other countries of the Western Balkans. To receive adequate support, trans people often have to cross borders, face constant scrutiny and discriminatory treatment, and cover all costs of medical transition. After the 2000s, only Serbia and Montenegro introduced medical procedure (co)financing.

Trans issues have been treated superficially and sensationally for the past three decades. A simplified, often discriminatory and insufficiently informed approach has been taken, especially by the media. Initiatives aimed at improving the position of trans people mainly came from NGOs working on LGBT rights. Among the first were Gayten LGBT from Belgrade, LORI Rijeka, Women's Room from Zagreb and Association Q in Sarajevo. In 2005, the first regional trans conference entitled, 'Transgressing gender: two is not enough for gender (e)quality,' was organised in Zagreb. The situation is better today because there are initiatives and groups launched by trans people for trans people: in 2012, the association, TransAid Croatia, was registered, and in 2013, the regional network, Trans Network Balkan, was initiated. The LGBTIQ organisation Queer Montenegro also helped in establishing a trans self-support group in Montenegro, which, in 2017, grew into an independent association, Spektra, that advocates for the rights of transgender, gender-variant and intersex people. Geten in Belgrade has been leading a self-support group for trans people since 2006, focusing, especially in the past few years, on the rights of trans and intersex people. In 2017, TransFormA was established in Macedonia, which is an initiative for the protection and promotion of the rights of transgender people.

The legal discourse in the Western Balkans changed, especially after the 2000s, when, with the adoption of new laws on personal names, laws on civil registers and public registers, it was finally possible to unconditionally change personal names and sex markers in personal documents; however, this was only possible provided that sterilisation or genitalia reconstruction had been undertaken, i.e. 'a complete medical transition', as is often said with stigma. Until then, trans people either did not have the opportunity to change their sex marking or did so semi-illegally; this was the case in Serbia, where all legal changes of sex had to be done in one Belgrade municipality and were recorded as mistakes at birth. In Albania, the legislation still does not allow for a change of name or sex marking; in Kosovo, the change is possible, but only with a court decision. As noted earlier, an adequate legal framework for sex change in personal documents has not yet been introduced in North Macedonia, despite the judgment of the European Court of Human Rights in the case of *X. v. the former Yugoslav Republic of Macedonia*.

A pragmatic step forward was made in Serbia in 2018, with the adoption of a new law on registry books based on the ruling of the Constitutional Court. According to the new provisions, which have been in force since 2019, a change of sex marking is possible with a psychiatric report, one year after the start of hormonal therapy and without surgical interventions.



	Change of personal name	Change of gender marking in personal documents	Health insurance covers the costs of transition
Albania	-	-	-
BiH			
Brčko District	X	X	-
Federation of BiH	X	X	-
Republika Srpska	X	X	-
Montenegro	X	X	X (de facto 100% of costs)
Kosovo	with a court decision	with a court decision	-
North Macedonia	X	-	-
Serbia	X	X	X (65% of costs)

#### An overview of the rights of trans people in the Western Balkans

However, in all Western Balkan countries, transgender issues are still treated as a medical disorder. Furthermore, without medical documentation, whether a psychiatric report (Serbia) or even a report on sterilisation or genitalia reconstruction (in other countries), it is not possible to match personal documents with gender identity. This practice is completely contrary to the judgments of the European Court of Human Rights in Strasbourg, as well as the good practices adopted in the countries of the EU, which began with the adoption of the Gender Identity, Gender Expression and Sex Characteristics Act in Malta in 2015. It is noteworthy that the European Court of Human Rights found that Council of Europe member states must ensure all conditions for medical care for trans people, i.e., provide them with gender reassignment surgery, hormone therapy and other necessary procedures, and that sex marker changes in personal documents

must not be conditioned by sterilisation or any similar interventions.

Given the legal neglect of this issue, the LGBTI activist movement in the region is actively advocating for a change of approach. Realising that they cannot wait for the state to act, a Model Law on the Recognition of the Legal Consequences of Gender Reassignment was published in Serbia in 2012. The model law was drafted by three partner organisations: the Centre for Advanced Legal Studies, Gayten-LGBT and the AIRE Centre. Professors Saša Gajin and Jelena Simić, as well as lawyers, Tanja Drobnjak and Violeta Kočić Mitaček and Gayten-LGBT activists, Milan Đurić, Kristian Ranđelović and Slavoljupka Pavlović, were involved in drafting the Model Law. This first draft law reflected a pragmatic approach – to introduce any regulation of the legal consequences of medical gender reassignment. It underwent several changes, including the latest version, from 2015, which is based entirely on the principle of self-determination and complete depsychopathologisation. The latest version also includes legal action in the case of intersex people. The law was submitted to parliamentary procedure in the Assembly of Serbia in 2019 by the president of the Liberal Democratic Party, Čedomir Jovanović; however, it still has not reached the agenda of parliament members. Unlike the proposal of NGOs, which is based on complete depsychopathologisation, Serbia voted for amendments to the law on registry books, which will enable trans people to change their gender marking, but only with a medical diagnosis.

Following the developments in Serbia, Sarajevo Open Centre developed models of gender identity laws for BiH in 2016. These define a special framework

law at the level of the state of BiH and special laws at the level of federal units (Republika Srpska and the Federation of BiH), given that different legal issues are regulated at different levels of government within the asymmetric federalism of BiH. In the same year in Montenegro, the Institute for Legal Studies, in cooperation with Juventas and Queer Montenegro, developed the Montenegrin model of gender identity law. The new 2019-2023 Strategy for Improving Quality of Life of LGBTI People envisages the introduction of a framework for legal recognition of gender and government work on this issue can be expected soon. Full, at least legal, equality remains a challenge for the third decade of the third millennium.

### **3.8 Conquering the Public Space: Pop Culture, the Media and the Arts**

After 2000, an increasing public space started opening for LGBTI and queer topics. There were more and more out LGBTI people in public life, who gave (young) people hope that they can live their life to their own liking. From the gay and lesbian activism of the end of the twentieth century, LGBTI activism developed at the beginning of the twenty-first in all countries of the Western Balkans.

Socio-cultural space was becoming increasingly occupied. As more LGBTI people wanted to speak about their lives on their own behalf, different types of artists emerged with a need to talk about the experiences and needs of these communities. Characters in feature films and series were inspired by LGBTI people, documentaries were made about what it means to be LGBTI, and theatre, literature and music

dealt with the topic in their own way. Specialised print magazines appeared, and the internet, through forums, dating sites and LGBTI portals, became not only a kind of refuge, but also an important place for the articulation of the movement.

At the Eurovision Song Contest, the annual festival of popular music and an extremely popular queer event, the Balkan countries also had their queer contestants, either openly LGBTI or recognised by the community as part of their culture, regardless of their sexual orientation. The greatest success was the Serbian singer Marija Šerifović, who won and brought Eurovision to Belgrade, but Sestre from Slovenia and Deen from BiH were also notable.

Festivals also occupied the cultural space and they, along with associations working directly on sensitising journalists, led to the editorial policies of an increasing number of media outlets taking an affirmative stance. Slowly, LGBTI topics became less sensationalist and more socially responsible. After 2000, significant cultural changes took place in the public space, and LGBT identities, themes and problems increasingly entered the worlds of both popular culture and classical art.

While the radio was still an important source of information, a night show on sexual diversity entitled, *Gayming*, was broadcast once a week from 2000 until 2004, as part of a series called, 'People with Us' (Ljudi sa nama), on the then highly popular radio Belgrade 202.

Although it is clear today which festivals had a longer and stronger impact on sensitising the public and enriching the cultural space, we will include here three festivals with similar names for the purpose of

comparing their approaches and scope. Following the example of festivals in Europe, Queer Zagreb, Queer Belgrade and Queer Sarajevo festivals were launched with the aim of promoting culture and art, combating homophobia and transphobia, and opposing heteronormative and patriarchal values of nationalism, clerical fascism, militarism, machismo and chauvinism.

In 2003, the Domino Association launched the Queer Zagreb Festival with the idea of deconstructing heteronormative theory and practice in Croatian and related societies. As the largest queer festival in Central and Eastern Europe, Queer Zagreb gathered hundreds of performers from the region and the world during its nine years of existence. In addition to promoting and exhibiting queer art, special attention was paid to the production of queer knowledge and art. After 2012, activities were carried out throughout the year, under the name, 'Queer Zagreb Season'.

A year after Zagreb, Queer Belgrade was created, with the aim of empowering people, entertaining and promoting queer politics. Queer Belgrade was an activist collective, which has had numerous actions in ten years of active work. Some of the main activities were the annual queer festivals, of which there were five, participation in campaigns, networks, numerous actions and initiatives, and publications about the festival.

The first major public LGBTI festival in BiH was organised by Association Q in 2008, under the name Queer Sarajevo Festival. The announcement of the event and its opening revealed the level of homophobia in BiH society. The festival happened to take place during Ramadan, which allegedly

angered various actors and, in advance of the festival, met with resistance from political parties, religious leaders, the media, various right-wing and nationalist groups. Association Q wanted the festival to portray life stories of LGBTI people – their everyday lives, love, relationships, friendships, family, activism and fears. The organising team prepared a five-day programme including exhibitions, films (documentary and feature), round tables and performances, in order to introduce queer theory, art and culture into the Sarajevo cultural mainstream. After the attack at the opening of the festival, the first Queer Sarajevo Festival was stopped the next day. The following year, 2009, the second Festival was held, which presented works of art to the public through billboards, TV spots and films, speaking, thus, about the situation in society. Billboards with, “Kiss, Conversation?” and “Curiosity,” were raised throughout BiH. The Queer Sarajevo Festival remains a symbol of painstaking activist struggle.

In 2009, the first International Queer Film Festival, Merlinka, was organised by the Gay-Lesbian Info Centre (GLIC) in cooperation with the Belgrade Youth Centre. This multi-day festival still takes place, primarily due to the dedicated work of Serbian journalist and activist Predrag Azdejković, and has become a traditional queer film event whose goal is to promote contemporary feature and documentary films, as well as art and culture. Sarajevo Open Centre has been organising the Merlinka Festival in Sarajevo since 2013, and the Tuzla Open Centre brought the Merlinka Festival to Tuzla. The Merlinka Festival was also organised in Montenegro several times.

However, queer literature, rather than other arts, seems to have entered the mainstream culture of

the Western Balkans. Author, Suzana Tratnik, an extremely renowned Slovenian writer, proves this is possible; she has been writing and publishing lesbian and queer literature for almost 25 years and her books have been translated into twenty languages. In 2002, the book *Staklenac – Dnevnik drugačijeg zavodnika* by Uroš Filipović appeared in Serbia and grabbed public attention because it was the first book to explicitly tackle the life of a gay man. The 2006 book, *Berlinski ručnik* by Dražen Ilinčić, is considered the first Croatian gay novel. Several novels appeared in BiH with gay men as protagonists – *Šumski duh* by Goran Samardžić (2004), the novelised autobiography *S obje strane ljubavi* by Edin Aladžuz Kalimero (2007), and *Mihael* by Selma Kešetović (2010). In 2009, Lidija Obradović wrote the book *Biti gej u Srbiji*, which focuses on homophobia in Serbia.

At the end of 2012, Labris, from Serbia, published a collection of 42 lesbian short stories, by 21 authors from the former Yugoslavia, entitled *Pristojan život*. Macedonian literature is richer for a collection of lesbian stories by Irena Cvetković, *Orgazmična pisma* (2007), and novels by Aleksandar Aleksov including *Odsjaj dugine sjenke* (2014), and by Petar Andonovski, *Leto* (2020). In the last few years, BiH authors Lejla Kalamujić, with her short story collection, *Zovite me Esteban* (2015), and Lamija Begagić, with her short story collections, *Jednosmjerno* (2010) and *Bolji mi* (2020), as well as the novel, *U zoni* (2017), have become extremely famous and received many awards regionally. The novels by Bojan Krivokapić, *Proleće se na put sprema* (2017), and Dragoslava Barzut's *Papirne disko kugle* (2017), were published in the same year as the novel by Lamija Begagić, making queer literature very much present.

Since 2017, the Queer Montenegro Association has announced regional calls for the best short stories that thematise LGBTI lived realities, and it has been publishing their collections. One of the best known and awarded BiH authors, Tanja Stupar Trifunović, demonstrated with her novel about lesbian love, *Otkako sam kupila labuda* (2019), that LGBTI topics are no longer outside mainstream literature in the region. In January 2020, Albanian activist, Kristi Pinderi, published a book of memoirs entitled *1997*. The book, among other things, abounds in descriptions of painful experiences of sexual and other forms of violence to which the author was constantly exposed growing up in his hometown. *1997* is the first book written by an openly gay man in Albania and is the first to address issues such as sexual violence and child abuse in Albania.

We note here that poetry is perhaps the richest genre in LGBT motifs in all Balkan countries. Many poems have been published in anthologies and magazines, and true poetic treasures can be found on the internet and in blogs, often accompanied by queer art photography.

Queer theory has been disseminated and popularised through the academic sphere; although it remains in the shadows, its contribution is immeasurable. A concrete example of the impact of a largely academic conference is the aforementioned regional conference on trans issues, 'Transgressing gender: two is not enough for gender (e)quality', held in Zagreb in 2005. Before that, transgender issues were superficially addressed in the countries of the former Yugoslavia, and the few initiatives aimed at improving the position of trans people came from LGBT NGOs. This conference marked the beginning



of a comprehensive and serious approach to trans issues, although it took several years for organisations that specifically address trans, inter and gender-variant issues to be established.

The Belgrade Centre for Queer Studies contributed to further dissemination of LGBTI topics in science, history and philosophy. It was the only specialised centre of this kind in the Western Balkans and it published the queer theory and culture *QT Magazine* for several years starting in 2010. Its editor in chief was Dušan Maljković. The aim of the magazine was the popularisation, visibility and wider social and academic establishment of queer theory and culture, as well as the scientific, philosophical and artistic research of (non)heteronormativity, the history of sexuality and social constructions of sex and gender. We also note that academic papers on queer theory and specific LGBTI topics have found a place in numerous academic and feminist publications and, thus, contributed to the dissemination of queer thought.

The longest-running magazine, *Optimist*, published in Serbia by the aforementioned Gay-Lesbian Info Centre, also contributes to dissemination of queer thoughts. The first issue was published in June 2011 – the 55<sup>th</sup> in August 2020. The magazine is published bimonthly and distributed free of charge in gay cafes and clubs, NGOs and cultural centres throughout Serbia and the wider Western Balkans. All issues are available on their website. There have also been several Montenegrin editions. Before this, the magazine *Dečko*, edited by Atila Kovač, was published in Novi Sad, and was available commercially in Serbia, Montenegro and BiH.

Many feature and documentary films about LGBTI issues and lives have been made in the Western Balkans. It is impossible to list all the productions, therefore, we will mention a few we find especially important. The 2002 Croatian feature film, *Fine Dead Girls*, by Dalibor Matanić, is very popular in the entire region. The 2005 film *Go West*, directed by Ahmed Imamović, is the first LGBT feature film in BiH to tell the story of a gay couple fleeing the war in Sarajevo. The 2011 Serbian feature film, *Parade*, by Srđan Dragojević, addresses homophobia in a transitional society and was released at a time when Belgrade had been working for years on organising the Pride Parade. Jasmila Žbanić, BiH female director with the most awards in the Western Balkans region, made the feature film *Love Island* (2014) with a bisexual lead character. Macedonian director, Sofija Teodor, made the film, *She is All That* (2009), and Ana Jakimska made the short film, *Neon Hearts* (2019).

Documentaries have been especially valuable because they gave space to topics that were not greatly tackled by other arts. This is especially true of coming out, which is as an extremely important process that every LGBTI person goes through. Trans issues and the real lives of trans women and men have been the focus of many films. We list the following documentaries because each pushed the boundaries. We grouped them geographically, not by motifs, and the list, although extensive, is certainly not exhaustive.

The film *Queer Sarajevo Festival 2008* (BiH, 2009, directed by Maša Hilčišin and Ćazim Dervišević) is about the first Queer Sarajevo Festival, during which attacks on festival participants took place in September 2008. In 2010, Elma Islamović made the

documentary, *It is Our Child*, in which several LGBT people are coming out; in 2016, she made the film, *Unspoken*, which featured a group of LGBT people and a storyline focused on a lesbian and her family. *Love, Your Children* (BiH, 2012, directed by Okvir) follows the stories and family experiences of five LGBTI people from BiH. *We Walk for Love, Baby* (BiH, 2020, directed by Berina Džemailović) and *Let There Be Colour* (BiH, 2020, directed by Ado Hasanović) are two films about the first pride march in Sarajevo.

We also include here several films from Croatia, watched and screened in the Western Balkans. We see that the pride parade is an important topic in the 2002 Croatian documentary, *Gay Pride 2002 Zagreb*, directed by Hrvoje Mabić, about the first Zagreb Pride, as well as *11<sup>th</sup> of June – First Split Pride*, from 2011, directed by Tomislav Ladišić. We also need to mention the successful Croatian documentary filmmaker, Dana Budisavljević, and her autobiographical film, *Family Meals*, from 2012.

The film *Mentality* (Serbia and Montenegro, 2001, directed by Stefan Orlandić) is about the first pride in Belgrade, which was interrupted by an attack on participants and an escalation of violence. *It Seems That I Upset You, Gentlemen* (Serbia and Montenegro, 2005, directed by Slađana Novaković) is about the confession of the father of a beaten young man, Igor Dobričić, who participated in the Belgrade Pride in 2000. *When I Was a Boy, I Was a Girl* (Serbia, 2013, directed by Ivana Todorović) is about the life of a trans woman, Goca, in Belgrade. *Life Behind a Mask* (Serbia, 2016, directed by Aleksandar Princip) is about five LGBT people who come to Belgrade from smaller towns in an effort to stop living, 'behind a mask,' and to be who they are without hiding. *When I*

*Come Out... Be There* (Serbia, 2016, directed by Živojin Čelić) is about coming out from the perspective of ten people with diverse experiences. *Just Vivaldi* (Serbia, 2016, directed by Tijana Stojković) discusses coming out for the purpose of encouraging LGBT people. *Hate Crime* (Srbija, 2016, directed by Petar Petrović) is about discrimination and violence against the LGBT population in Serbia, and *Angel's Premonition* (Serbia, 2017, directed by Branislav Princip) tells the story of Dejan Nebrigić, a gay man who was a peace activist, author, theatre critic and founder of the first LGBT organisation in Serbia, and who was killed in 1999.

*Call Me Barbara* is a Macedonian film from 2013 (directed by Ana Jakimska) about the Macedonian singer, Fifi, who talks about her life and the challenges that Balkan society poses to transgender people. *SkaNdal* is the first Albanian documentary from 2014 (directed by Elton Baxhaku and Eriona Çami) about the Albanian LGBT community, in which LGBT activists speak out boldly about their actions, movement and history and the struggles of LGBT people in the communist regime, as well as struggles for visibility in modern Albania. The name of the film is a wordplay, Ska (non) Ndal (stop) and a full version is available on YouTube, as are many other films mentioned here.

Music is the fastest and easiest art through which to spread queer culture. The Croatian band, Lollobrigida, was recognised by the LGBTI community of the Western Balkans as queer; they became widely known for their song, *Moj dečko je gej* (My Boyfriend is Gay). The Novi Sad DJ duo *Margita je mrtva* often tackled LGBT topics in their songs. The BiH electro trio *Starke* also included queer topics in their songs. Sarajevo band *Karne* recorded the song *Nema gej parade* (There Shall Be No Gay Parade). The LGBTI

community itself has given birth to stars such as the Serbian DJ, artist and trans rights activist, Sonja Sajzor.

The media in all Western Balkan countries have contributed greatly to the spread of homophobia and transphobia with sensationalist, inaccurate, unverified, unethical and unprofessional texts about LGBTI people and topics. However, in recent years, the situation has significantly improved everywhere. For example, in Albania, where LGBTI human rights have been almost non-existent in Albanian media, the situation has changed since 2010, as a result of the LGBTI associations direct work with the media, among other things. An increasing number of media outlets broadcast press releases by LGBT associations or publish interviews with LGBT activists. Many organisations and analysts in the region have monitored and analysed media coverage of LGBTI issues. Sarajevo Open Centre, for example, has been reporting on good and bad media reporting practices for eight years in a row. All reports and analyses can be easily found online. We also note the analysis of the Macedonian media made by Irena Cvetković and Slavčo Dimitrov. Associations in Serbia, Montenegro and Albania also continuously monitor media coverage.

Despite widespread homophobia, some LGBTI people have appeared in the media and spoken about the problems the community faces. Svetlana Đurković spoke to the BiH public in TV debates and shows (in 2008 and before). A well-known example of public coming out is that of the lesbian writer and activist, Mima Simić, in 2007, during the quiz show, *Who Wants to Be a Millionaire*, on Croatian national television. This public coming out resonated

throughout the Western Balkans. As the LGBTI.ba portal reports, during 2013, one of the participants in the Serbian reality show VIP Big Brother was Boban Stojanović, a gay activist from Serbia, “who underlined as the main motive for entering the house of Big Brother the desire to show that gay people are quite normal, ordinary people. Emphasising that the goal of his participation in Big Brother is to raise public awareness and portray a true picture of one of the marginalised groups, Boban Stojanović pointed out the fact that the reality show can serve, in addition to gaining popularity and providing cheap entertainment, as a means of educating the public, promoting tolerance and diversity acceptance.”

Kristi Pinderi points out that Albanian organisations did not consider the media an adversary, but rather as a tool for achieving their mission. As the media were completely unaware of LGBT issues, the associations worked hard to educate them. The example of Xheni Karaj, one of the most visible Albanian activists, demonstrates that public appearances are often risky and uncomfortable; she had to face, during her public television appearances in *Zonë e Lirë* or *Top Show*, strong homophobic attacks by various public figures who accused her of working to weaken, destabilise and destroy the Albanian family by propagating gay issues.

Finally, television, as a traditional medium most difficult to enter, has opened its space to LGBTI topics. Current affairs and news programmes are becoming increasingly fair, as research analyses show, as are characters in popular TV series, talk shows and quizzes. In the Balkans’ series, most often comedies, homosexuality is rarely portrayed, and when LGBT characters are featured, they are stereotypical.

However, we single out two positive examples: the Macedonian series, *Prespav* (broadcast since 2016) and, especially, *Familija Markovski* (broadcast since 2017), in which everyday problems, such as non-acceptance by the family or violence, are presented without stereotyping.

And finally, although the countries of the Western Balkans cannot boast of a queer contribution to the ninth art, Croatian artist, Helena Janečić, regionally known and recognised, created the first lesbian superheroine, Horny Dyke, in her comics. The heroine, with a telling name, was created on the last pages of *QueerList*, a magazine for queer culture in Croatia. The magazine was launched by the publishing house Domino in 2008, and the final issue, the 23<sup>rd</sup>, was published in 2010. From the last pages of the magazine Horny Dyke moved to exhibition spaces; she appeared in two exhibitions during 2011, 'Beautiful Women Save the Day,' and the 'Horny Dyke on the Edge of Convention,' to eventually find herself between the covers of the eponymous comic book by the Domino Association. Despite this kind of art being completely neglected in our societies, it has a passionate audience, so we hope for another LGBTI hero or heroine.

## ***Bibliography***

- Myrvete Bajrami/Vlora Krasniqi (2012): LGBT pokret na Kosovu, in Aida Spahić and Saša Gavrić (Editors): *Čitanka LGBT ljudskih prava*, Sarajevo: Sarajevo Open Centre.
- Bojan Bilić i Marija Radoman (Editors, 2018): *Sestrinstvo i jedinstvo. (Post) jugoslo(a)venski lezbe(i)jski aktivizam*. Novi Sad: Mediteran Publishing.
- Kevin Moss (2011): Queering ethnicity in the first gay films from ex-Yugoslavia, in *Feminist Media Studies*, 12(3).
- Jelisaveta Blagojević and Olga Dimitrijević (Editors, 2004): *Među nama. Neispričane price gej i lezbejskog života*. Beograd: Hartefakt Fond.
- Jack Dreschner (2015): Queer diagnoses revisited: The past and future of homosexuality and gender diagnoses in DSM and ICD, in *International Review of Psychiatry*, October 2015; 27(5): 386–395.
- Piotr Godzisz (2019): The Europeanization of anti-LGBT hate crime laws in the Western Balkans, in *Crime Law Soc Change*, 71, 291–306.
- Institucija ombudsmana za ljudska prava (2016): *Specijalni izvještaj o pravima LGBT osoba u Bosni i Hercegovini*. Banja Luka.
- Afrim Krasniqi (2014): Albanian transition: The contrast between eastern mentality and European identity, in *Interdisciplinary Journal of Research and Development*. Vol (I). 2014-62.
- Marina Lazëri (2014): *Renegotiating Albanian identity: European transformations*, Utrecht University. Unpublished paper.
- Tatjana Rosich and Jasna Koteska (Editors, 2015): *Representations of Gender Minorities in Media: Serbia, Macedonia and Montenegro*. Belgrade: Faculty for Media and Communications.
- Marija Savić (2011): Istorija LGBT aktivizma u Srbiji, in Saša Gavrić/Lejla Huremović/Marija Savić (Editors): *Čitanka lezbejskih i gej ljudskih prava*. Sarajevo: Sarajevo Open Centre and Heinrich Boell Foundation.
- UNDP (2017): *Being LGBTI in Eastern Europe. Serbia Country Report*, available at [https://www.eurasia.undp.org/content/rbec/en/home/library/democratic\\_governance/being-lgbti-in-eastern-europe--albania-country-report.html](https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html)



## *Interviews and online articles*

- Dačić uputio izvinjenje "Labrisu" (2015): [https://www.b92.net/info/vesti/index.php?yyyy=2015&mm=02&dd=21&nav\\_category=12&nav\\_id=960488](https://www.b92.net/info/vesti/index.php?yyyy=2015&mm=02&dd=21&nav_category=12&nav_id=960488)
- Ipak je uspelo: Parada ponosa održana u centru grada (2013): <https://www.telegraf.rs/vesti/839740-iznenadjenje-gej-parada-u-23h-ispred-vlade-srbije>
- Ko je odgovoran za prebijanje učesnika - razbijanje gej parade (2001): [http://www.b92.net/specijal/gay-parada/tema\\_dana.phtml](http://www.b92.net/specijal/gay-parada/tema_dana.phtml)
- Marija Arnautović (2009): Zakon o zabrani diskriminacije diskriminira vjerske zajednice? [https://www.slobodnaevropa.org/a/zakon-diskriminacija\\_vjerske\\_zajednice/1750335.html](https://www.slobodnaevropa.org/a/zakon-diskriminacija_vjerske_zajednice/1750335.html)
- Na rubu konvencije (2012): <https://www.stripovi.com/recenzije/horny-dyke-hody-dom-1-horny-dyke-na-rubu-konvencije/1490/>
- Piro Rexhepi (2018): Albanias layered homophobia. <https://prishtinainsight.com/albanias-layered-homophobia/>
- Povorka ponosa se neće održati (2009): [https://www.b92.net/info/vesti/index.php?nav\\_id=382249&dd=19&mm=09&yyyy=2009](https://www.b92.net/info/vesti/index.php?nav_id=382249&dd=19&mm=09&yyyy=2009)
- Povorka srama (2009): [http://www.spc.rs/sr/povorka\\_srama](http://www.spc.rs/sr/povorka_srama)
- Predrag Tomović (2019): Transrodnost prihvatljiva SPC-u, ali ne i homoseksualnost. <https://www.slobodnaevropa.org/a/transrodnost-prihvatljiva-spc-u-ali-ne-i-homoseksualnost/30257896.html>
- Prvi trans Prajd u Beogradu (2015): <https://www.slobodnaevropa.org/a/prvi-trans-Prajd-u-beogradu/27258868.html>
- Spor oko Zakona o zabrani diskriminacije (2009): <https://www.rts.rs/page/stories/sr/story/9/politika/48182/spor-oko-zakona-o-zabrani-diskriminacije-.html>
- Stav SPC o promeni pola (2009): [www.b92.net/info/vesti/index.php?yyyy=2009&mm=08&dd=17&nav\\_category=206&nav\\_id=376687](http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=08&dd=17&nav_category=206&nav_id=376687)
- The Commissioner for Protection against Discrimination recommends to the Albanian Parliamentarian to avoid discriminatory language and statements against the LGBT community in Albania (2011): <https://tgeu.org/pink-embassy-wins-the-case-against-the-member-of-the-albanian-parliament/>
- Zdravko Cimbalević šest godina od odlaska iz CG: U Kanadi sam ono što jesam, želim i osjećam (2019): <https://www.vijesti.me/vijesti/drustvo/405699/zdravko-cimbalevic-sest-godina-od-odlaska-iz-cg-u-kanadi-sam-ono-sto-jesam-zelim-i-osjecam>

## 4. LGBTI RIGHTS IN THE THIRD DECADE OF THE NEW MILLENNIUM: CHALLENGES, OBSTACLES, OPPORTUNITIES

### 4.1 Identity Politics

The emancipatory outreach of identity politics is becoming an important topic of academic discussions. We cannot answer the question whether identity politics destroy the social capital of group identities because they are the achievements of liberal democratic citizenship, which causes an undesirable reduction of the political field of action, because our goal here is to briefly present the basics of identity politics, through several important aspects of contemporary political queer thought.

We return to the beginning of the story of identities. As a result of social changes, primarily industrialisation and urbanisation, as well as the rearrangement of philosophical concepts concerning personality, a sociological conception of the subject, the individual identity, and the structures that shape the lives of individuals began to develop in the 19<sup>th</sup> century. The identity of an individual was considered to be related to a social class, a group of occupations, place of origin, nationality, etc. In contrast, the contemporary understanding of individual identity and society has lost rigidity and has become determined by its short-term nature and continuous search, reinvention and change. Until the 19<sup>th</sup> century, to simplify what the French philosopher Michel Foucault vividly explains, the discourse did not include identities

such as *homosexual* or *heterosexual*. There were only behaviours and relationships of people that were considered unacceptable or acceptable. Unacceptable behaviours began to take their names as various areas of society developed and gained power – law, medicine, prisons and asylums. They all prescribed what is normal and permissible behaviour; that is when homosexuals ‘were created,’ as the opposite of those who live according to the prescribed norms, i.e., heterosexuals. According to Foucault, societies are characterised by the power of punishment and control, i.e., the behaviour of individuals is increasingly observed, monitored and, when necessary, punished. These techniques originated in prisons and hospitals but, in the meantime, they spread to many aspects of society.

With the rise of new social movements in the 1960s and 1970s, identity became a political issue. Identity politics, as the name goes, deal with the differences between groups of people and the possibilities to express those differences. Identity politics emphasise, for the first time, the importance of hearing different voices, especially the voices of oppressed and marginalised groups such as gay men and lesbians. It can be defined as those fighting for recognition of dignity or for the equal public recognition of ethnic, religious, sexual, gender or other identities. Feminism played an extremely important role in public debates and reflections on identity politics, through so called ‘difference feminism,’ which Nancy Hartsock announced in her work in the early 1980s. Identity politics were marked by the voices of black women, the working class, gay men, and lesbians.

For centuries, theory has been questioning how much and in what aspects biological male or female

sex determines differences such as sexual orientation, sex characteristics or gender identity. Gender implies the social construct of the biological sex of women and men and relates to a set of different expectations pertaining to the social roles of women and men, in private and public life. This means that social expectations form patterns of behaviour and actions that are characterised as typically male or female. However, the social, political and legal reality shows that every person has the right to their own gender identity and respect for that decision, because gender identity does not necessarily match the sex assigned at birth and does not have to be connected with sexual orientation.

For all those interested in the rich field of queer theory, the first address is the American theorist Judith Butler. Key to her understanding of gender is that it is a discursive practice that is both a social matrix and a performative gesture; it has the power to disrupt the chain of social repetitions and open up to new realities. Queer and feminist theories that have, fuelled by practice and reality, rejected traditional understanding of sexuality and gender as sex-determined have given LGBTI people the opportunity to create their own reality and empower themselves through self-identification processes. It has also become clear that there are no big or small stories and that all experiences are equally valuable, which is especially important for LGBTI people, and that homosexuality is just a type of sexuality, like heterosexuality, bisexuality, asexuality, etc.

The multitude of identities also raised questions of respect and new social responsibility. Psychology, primarily, uses the term, 'identity' to describe personal identity, while sociology uses it to describe

social identity. The term, 'identity negotiation,' in sociology means the process in which a person negotiates with society about the meaning of their identity. In this sense, identity can be explained as a result of the dialectical relationship between an individual and society, where, "social processes are involved in both the formation and the maintenance of identity [...] and conversely, the identities produced by the interplay of organism, individual consciousness and social structure react upon the given social structure, maintaining it, modifying it, or even reshaping it" (see Berger and Luckmann (1992), p. 201).

On the other hand, identity politics have brought changes to the experience of the inner life of LGBTI people. To understand the practices of LGBTI people during their lifetime, it is necessary to comprehend their understanding of themselves and the importance of these practices in their daily lives. This means that it is necessary to accept and understand the multiple manifestations of identity that are the result of an active relationship between a person and society. Every LGBTI person has the right to determine their body and all of their identities, which includes free expression of gender identity and sexual orientation, without stigmatising sex characteristics, as well as the right to require society to respect that. Yet, in recent years, we heard voices within some feminist groups calling for the abolition of gender, attacking the trans community, interpreting trans people as a threat to women and, in general, to the rights won by women. Transphobic speeches are most prevalent online, although forms of TERF (trans-exclusionary radical feminist) activism have existed for a long time, dating back to the 1970s.

Unfortunately, rigid social classifications of sex, gender and sexual orientation seek to suppress the manifestation of any diversity outside the normative patterns of behaviour and action. As long as the society we live in is this conservative, the knowledge that identity theories offer provides a refuge and encouragement to LGBTI people to live their lives the way they feel and want to.

## 4.2 New Forms of LGBTI Movement's Organising

Is there an LGBTI movement in the Western Balkans? If yes, who are the people or organisations leading it? There is a movement in the Western Balkans. Its organisation and activities have changed over time, as this short history shows. Its creation was started by individuals – persons who connected, first creating informal and then formal alliances, acting in social and cultural areas. As the movement became both more visible and larger, work to reduce violence and homophobia, as well as general awareness raising, began to spread through various social spheres – i.e. education, law, administration. From street actions to police training, from performances to working with prosecutors.

Social movements, as theory explains, can be generally defined as a form of collective action, with a degree of organised use of strategies and tactics, characterised by a focus on achieving change or resisting some social change. The question of identity is crucial to new social movements. The laws of capitalist economic reproduction, the administrative system, and general social bureaucratisation make

life difficult. By acting for and through a movement, people gain a sense of belonging, identity and meaning. Social movements use unconventional forms of social action, new organisational structures and, through their participation, they challenge and change the political life of their environment and beyond. The women's movement is, in our view, the most important social movement, both classic and new. It is a movement focused not only on gaining from the system, but also on new political quality and sensibility, and changing the political paradigm of dominant ideological provenances. Prominent BiH researcher, Zlatiborka Popov-Momčinović, portrayed this excellently in her book on the women's movement in BiH. The LGBTI movement, both on a global and Balkan scale, emerged as a movement within a movement, a resistance within a resistance, a struggle within a struggle.

In recent years, however, there have been changes in terms of the forms through which the movement operates and of the realities of LGBTI people's lives. Namely, although the LGBTI movement after the 2000s was largely led by NGOs, new ways of organising and operating have emerged, as well as several new areas that are being addressed.

We have already mentioned the importance of documenting cases of various forms of violence against LGBTI people. This goes hand in hand with working with the police, social welfare centres and the prosecutors' offices and courts, because LGBT people who experienced violence and reported it to the police or social welfare centre used to fare worse than those who did not, due to deeply rooted homophobia in the institutional systems of all the states discussed in this book. Training, counselling

and cooperation with experts in various branches of medicine, psychology and health, in general, are also being developed. The Coalition for Sexual and Health Rights of Marginalised Communities *Margini* has been operating in Northern Macedonia since 2007, monitoring the situation of sexual and health rights of drug users, sex workers, people living with HIV and LGBT people. Through this kind of work, they advocate for the legal empowerment of marginalised communities and for better policies and practices of institutions.

The Queer Archive, collected and managed by the Sarajevo-based Okvir Association since 2018 with the aim of creating an archive of LGBTIQ history in BiH and the region, also reminds us of the importance of documenting personal stories. The Queer Archive collects memories related to security, gender, sexuality, culture, identities and human rights of lesbian, gay, bisexual, trans, intersex, queer and asexual people from the '90s to the present day.

One example of a new association and an important moment for regional activism was the establishment of the ERA - LGBTI organisation, which brings together larger LGBTI organisations that are active in the Western Balkans and Turkey. Based on the experience of long-term cooperation that transcended borders, the organisation was founded at the end of 2015. Today, it operates thanks to, among others, direct financial support from the EU. In addition to providing services and support to its member organisations, ERA engages in research and lobbying, and coordinates various initiatives in the region, especially with respect to international advocacy towards the UN, the EU and the Council of Europe. This form of organisation has a different kind



of visibility and influence during advocacy processes and is, therefore, a novelty in the movement. There are few other sub regions in Europe that have a formal regional organisation to represent the rights of LGBTI people.

Without tackling the motives of such organising, we note that members of parliament are finding new ways of resolving the issues of LGBTI people, as is seen in the example of North Macedonia, where a multi-party parliamentary group was formed in 2018. This was the first such parliamentary group in the region. It comprised 13 members from various political parties who worked to promote the rights of the LGBTI community using the available mechanisms of the Assembly to build a society in which sexual orientation and gender identity will not be an obstacle to the full enjoyment of human rights and freedoms. Parliamentary lobby groups have proven to be a good mechanism in Western Europe and North America. Especially when it comes to the legal framework for same-sex partnership and marriage or the rights of intersex people and legal gender recognition, it will be important for LGBTI movements to have allies in the parliaments of the region.

Another contemporary topic, and the next legal battle to be won everywhere in the Balkans, is marriage and parenthood for LGBTI people. Research was being conducted for decades to confirm that any responsible person, irrespective of sex, gender or sexual orientation can be a good parent. This battle, although painstaking, can be won, as we see in neighbouring Croatia and in Montenegro. The Rainbow Families Association has been operating in Croatia for years, gathering and representing the rights of same-sex and other non-heteronormative

families. A symbolic regional contribution to the struggle for the right to parenthood was made by their children's picture book called *My Rainbow Family*, published in 2018, which represents a new form of action that was difficult to imagine just ten years ago. The aim of the picture book was to strengthen the social integration of children with same-sex parents and to promote tolerance and respect for diversity. The picture book is intended for preschool children and shows pictures from the lives of two children who have same-sex parents. In Montenegro, as we have already emphasised, the law on same-sex partnership was passed in 2020. Although it does not equate heterosexual marriage and same-sex partnership, this law opens the possibility of a new organisation of the LGBTI community, so that in the coming period, the issue of guardianship, adoption and parenthood within same-sex partnerships can be regulated in a non-discriminatory manner. We hope that new forms of action will enable the two realities – institutional and lived – to merge in the future.

### **4.3 Greater Visibility, Greater Acceptance?**

It is an indisputable fact, therefore, that LGBTI people and topics have become increasingly visible in public space in recent decades. As we have shown in previous chapters – narratives about homosexuality, bisexuality, transgender issues and related topics are produced in the mainstream through the media, culture, different forms of art, activism and law. Greater visibility, as practice shows us, entails both positive and negative consequences – LGBTI people transcend the stereotypical images into

which traditional society has pushed them. The life, needs and problems of LGBTI people are manifested in all their diversity and uniqueness and, generally speaking, society is becoming more sensitised and aware. On the other hand, every single story of every single lesbian, gay man, bisexual person, trans man or woman, and intersex person carries its own personal side that reveals the high price of greater visibility.

Several studies have been done in the Western Balkans on the needs, problems, issues and challenges faced by LGBTI people in their daily lives. The first research we list is the most extensive one so far, conducted by the World Bank in 2018. The survey involved 2,300 LGBTI people from Albania, BiH, Montenegro, Kosovo, and Macedonia, as well as Croatia and Slovenia. The resulting report, entitled, 'Life on the Margins: Survey Results of the Experiences of LGBTI People in South-Eastern Europe,' provides a detailed overview of the responses collected and shows the state of discrimination, exclusion and violence. This survey confirmed what all the previous surveys showed; namely, that every third respondent had been a victim of violence in the last five years. Transgender people are even more vulnerable, as more than half respondents had experienced violence. The consequences that such experiences leave on survivors of violence were presented, and it was underlined that violence incurs costs for the state and affects the overall social cost. Despite legislation prohibiting discrimination on the grounds of sexual orientation and gender identity, which exists in most of the countries covered by the survey, almost half (49%), i.e., every other person, said they had been discriminated against or harassed in the previous 12 months. The number of transgender people who experienced

discrimination was even higher: 80% of trans respondents had experienced this type of violence. Discrimination exists in education systems, as well as in the work environment, in all countries, which, among other things, prevents LGBTI people from fully showing their potential and contributing to the development of society. This survey, in the spirit of the World Bank mission and unlike other surveys, suggests that respect and effective protection of LGBTI human rights would bring concrete benefits, not only to LGBTI people, but also to the economies of each country and the region as a whole.

Furthermore, the survey proposes that statistical agencies and institutes in each of the countries covered by the survey start collecting data on LGBTI people on a regular basis, as this is the only way to ensure the evidence needed to build more comprehensive problem-solving policies and programmes because evidence-based policy development brings benefits to both LGBTI people and wider societies.

Generally speaking, all research conducted in the Western Balkans shows that, on average, every third LGBTI person has experienced some form of violence. Furthermore, with respect to homosexuality, women are more tolerant than men, as are the more educated compared to the less educated people, those living in urban areas compared to those from rural areas, and younger compared to older people. Although, generally speaking, the acceptance of homosexuality has increased in the last 30 years – through culture, media, academic studies and education – and although laws recognise the needs and rights of LGBTI people, and medicine and psychology do not treat homosexuality as a disease, the general public is slow in changing its views.

In the countries of the Western Balkans, several studies have been done in the last ten years, which, among other things, showed the degree of social distance towards LGBTI people. Although they were conducted in different countries and at different times, the vast majority of indicators are very similar and there are no significant changes in citizens' mindset.

We single out a few national examples. A 2011 survey of Albanian youths' perceptions of LGBT people shows that they are mostly open to different social groups but had strong prejudices about homosexuality. Young men showed a higher degree of homophobia (67%) than young women (46%), which is also the case with respondents in other countries. People from rural areas showed a higher degree of antipathy (58%) than people from Tirana (45%), and only 8% of all respondents, for example, would greet their neighbour who is gay. A 2012 poll asked, "should gays and lesbians live as freely as they want," and more than half of respondents said no. The aforementioned regional survey, conducted by the US National Democratic Institute, found that as many as 65% of LGBTI respondents in Albania were discriminated against because of their sexual orientation or gender identity. The same survey found that nearly half of respondents would try to cure their child if they were lesbian or gay, and 58% of respondents said they would not vote for a political party that advocates for LGBTI rights.

The public opinion poll in BiH on the topic of homophobia, among other things, was conducted in 2013 on a representative sample, with the aim of determining the degree of homophobia in BiH society; it provided a number of indicative findings.

The research showed, among other things, that a respondent personally knowing an LGBT person largely determines their attitudes. In responses to the first question, which concerns awareness about the problems of LGBT people, the answer, "I have no attitude," was most common among those who did not know any homosexual person (as many as 2/3 of respondents) and least common (23%) among those who have an LGBT friend. The main findings of the research showed that, in general, there is a low level of knowledge about LGBT people – a small number of people are aware of the problems that this population faces or of the legislation in this field. It was encouraging that more than 90% of respondents stated they would not commit physical or verbal violence against this population and ¾ of respondents would help a victim of violence. With respect to the degree of social distance, it turned out that the degree of rejection of the examined forms of social interaction – neighbourly relations, business and friendship – is still greater than their acceptance. Research has shown that LGBT people are the least accepted as friends, then as bosses at work, then as work colleagues and, finally, as neighbours. Friendly relationships with LGBTI people, where a personal investment is required, were the least acceptable for the respondents.

The number of suicides among LGBTI people is a particularly serious problem, and the main cause is non-acceptance. It is especially terrifying that there have been suicide attempts among very young LGBTI people, who were only 13 years old when they tried to take their own lives due to unbearable community pressure. The 2013 doctoral thesis, *Suicidal Behaviour of Homosexually Oriented Young Men* (Suicidalno ponašanje homoseksualno

orijentisanih mladića) by psychologist Jelena Srdanović Maraš is the only known research on this topic in Serbia and beyond. It is horrifying to learn that almost every tenth young gay man between the ages of 18 and 26 thinks about suicide or has an elaborate suicide plan and is at immediate risk.

However, the internet has enabled LGBTI people to overcome feelings of loneliness or exclusion from the community; it offered a safer space for them to express who they are and find support, helped them to access valuable information and made everyday life better. The internet is an important factor and has greatly helped not only LGBTI activism, but also the emotional and erotic life of LGBTI people. On the other hand, there is a ubiquitous trend of violence that LGBTI people experience online.

We would like to mention the 2015 research of a professor from the University of Shkodra (Albania) who examined the attitudes of students of psychology and social work on homosexuality. She decided to conduct this research because she was interested in the attitudes of Albanian students, since a positive attitude of these two professions is extremely important for LGBT people. This was also the first academic study of its kind in Albania. Starting from the decades of theory on certain concepts, she underlined that heterosexism is an ideology that recognises only heterosexuality as a normal way of life, which is opposed by sexual deviation - homosexuality. Heterosexism exists at the level of culture, as well as at the level of individuals. At the cultural level, gays and lesbians are not an acceptable model and heterosexism has tools to fight them: homophobia, abolition of rights, hate speech and violence. All this, through various

institutions, also influences the personal attitudes of individuals who further perpetuate homophobia through psychological, cognitive, verbal and other actions. Her research showed that students generally have a bad attitude and many prejudices about homosexuality, but that psychology students, however, have a friendlier attitude towards homosexuality than social work students. One of the findings is that older students have greater prejudices towards homosexuality than younger ones. Referring to numerous studies, the author points out that homophobia can be significantly reduced in a community by having LGBT people speak publicly at panels, by getting to know LGBT organisations and the people who lead them, by self-improvement and engaging in psychodrama, or simply by knowing LGBT people.

Finally, relevant for this chapter, is the topic of emigration and asylum. Although almost all Western Balkan countries have had anti-discrimination legislation for more than 10 years, which includes prohibited grounds of sexual orientation and gender identity, the real needs and opportunities in which LGBTI people live are far from regulated. Asylum has been granted to LGBTI people from the Western Balkans in previous years by Austria, Belgium, Denmark, France, Germany, Canada, the United States and other countries. LGBTI asylum seekers do this because, in practice, they cannot get adequate protection from their country; they experience psychological difficulties due to the psychological and physical violence they are exposed to due to their sexual orientation, gender identity or sex characteristics. Major problems continue to be community rejection or discrimination in employment or workplace. During 2019, Sarajevo



Open Centre, for example, received eight inquiries from LGBTI people about asylum opportunities for themselves and/or their partners in the EU or the United States and Canada, on the ground of sexual orientation; in addition to this, two persons from BiH were granted asylum in Germany and the USA. The situation is not significantly different in other Western Balkan countries. Certainly, it should be underlined that asylum is the last resort, with higher numbers of LGBTI people emigrating to Western Europe by way of employment, same-sex partnership or straight marriage, and in various other ways, hoping to spend the rest of their lives in an environment where their LGBTI identity will be less important.

#### **4.4 Love is Love: Same-Sex Partnership and Marriage**

Conquering freedom, LGBTI people are increasingly coming out and living their sexual orientation, gender identity and sex characteristics. In that semi-freedom, more and more gay and lesbian couples live together, and we hear discussions in the public about same-sex marriage, which is also an influence of developments in Western Europe. Without tackling the controversy and the reasons, because that would take us away from the topic of this chapter, we must, however, mention that marriage is not an important issue for the entire community, especially for leftist and feminist groups, which are generally critical of the institution of marriage.

The need for marriage or legal partnership is real, bearing in mind that same-sex couples face discriminatory situations on a daily basis, from the

inability to visit one's partner in emergency medical situations as only family members have access, to essential issues such as buying an apartment together, insurance for partners or inheritance of a pension or property. The discussion about same-sex partnership is not new and we see this in documents such as the first issue of the newspaper of the lesbian organisation Labris from 1995. Since the countries in Western Europe passed laws on same-sex partnership and later on gay and straight marital equality, the LGBTI movement in the Western Balkans has dared to raise this issue as an advocacy priority, especially during the last ten years.

The wind at activists' backs came in the form of the aforementioned 2010 Recommendation CM/Rec (2010)5 of the Committee of Ministers of the Council of Europe. This places among the standards the issue of protection of same-sex registered partnerships, guaranteeing them the same rights as for heterosexual couples in a comparable situation. Judgments of the European Court of Human Rights, for example *Oliari and Others v. Italy* from 2015, will reinforce the demands. Although the European Commission has resisted the inclusion of the issue of same-sex partnership in the Western Balkans' annual progress reports, this is changing. It is increasingly being discussed in various reports and the countries of the Western Balkans are receiving an indirect recommendation to work on the regulation of same-sex partnership.

As in the case of the aforementioned models of gender identity laws, civil society organisations in the region decided to draft their own model laws. The first law was drafted in Serbia in 2010/2012. The model law on registered same-sex partnership was prepared for the purpose of opening a dialogue on

future legal solutions for ensuring full equality of gay and lesbian couples in the enjoyment of rights related to marital and family relations. The proposed solutions were to serve as initial working material from which to further develop more advanced, i.e., more appropriate normative solutions, in cooperation, primarily, with organisations working on the rights of LGBTI people. The first model law was drafted by partner organisations the Centre for the Advanced Legal Studies, Labris and the AIRE Centre.

The Government of Serbia committed to drafting a government model Law on Registered Partnership between Persons of the Same Sex. This was foreseen by the Action Plan for the Implementation of the 2014-2018 Strategy for Prevention and Protection against Discrimination; however, as yet, there has been no action taken and the working group was not established. Only after the appointment of the new government in fall 2020, did they start working on this issue.

Model laws on same-sex partnership have also been drafted in BiH – in the Federation of BiH and in the Republika Srpska, as marital law falls under the competence of the federal units in BiH. These model laws were drafted in 2016 in cooperation with BiH and Croatian experts, Natalija Petrić, Boris Krešić, Gordan Bosanac, Goran Selanec and Fedra Idžaković, and were presented at an expert conference in Sarajevo. The request to regulate this area was also expressed through an activist protest directed at members of the Parliament of the Federation of BiH on the occasion of May 17, 2016; however, the parliament has not taken any measures to date. We will explain later how this topic ended up on the agenda of the Government of the Federation of BiH.

In Albania, the issue of same-sex partnership has been discussed since 2009. The then Prime Minister, Sali Berisha, stated that he would support the adoption of the law, but it was never drafted. In 2013, Albanian Ombudsman, Igli Totozani, announced a legislative initiative on this topic, but that never happened either. The Constitution of Albania does contain a definition of marriage, it stipulates the right to marry as a universal right without any reference to gender.

The situation is similar in Kosovo. The constitution grants everyone the right to marry. In 2014, the then President of the Constitutional Court, Enver Hasani, stated in a lecture that the constitutional provisions were very clear and that everyone had the right to marry. This view was conveyed by the media and many citizens thought that same-sex marriage was possible.

Certainly, the most negative development occurred in Macedonia in 2013 when, under the rule of the right-wing party VMRO-DPMNE and its coalition partners, a campaign was launched to define marriage as a union of one man and one woman. The initial attempt failed because a two-thirds parliamentary majority was missing. This proposal was reactivated in 2015 and included the obligation that laws regulating marital unions, family matters and registered partnerships must be passed by a two-thirds majority. In the absence of a two-thirds majority in the last round of voting, these constitutional changes did not pass.

Events in Montenegro show that this topic can be approached differently and affirmatively. In 2018, after several years of advocacy by civil society organisations, the government passed a draft law on same-sex partnership and submitted it to the

parliament. The government also successfully resisted pressure from the religious communities, particularly the Serbian Orthodox Church, which called for child custody issues to be completely excluded from the law. The law passed the parliamentary procedure but did not get the required majority in July 2019 due to the lack of votes from representatives of minority ethnic communities, who were part of the ruling coalition. The negative attitude of the minority MPs was then welcomed by the Metropolitan of Montenegro and the Littoral, Amfilohije, who sent congratulations cards to the Bosniak, Croat and Albanian minority MPs that voted against the draft law. The government and the LGBTI movement did not accept this failure and soon embarked on a new attempt. The law was adopted in this second attempt, in July 2020. With this, the small country of Montenegro did what no other Western Balkan country has done - it enabled same-sex couples to enter legally recognised partnerships. The implementation of the law is still pending.

For the Western Balkan countries, the adoption of the law on same-sex partnership in Croatia, in 2014, was of great importance, because it enabled partnerships to be concluded by persons who are not citizens of Croatia and who do not reside in this country. This law opened the possibility for several dozen couples from the former Yugoslavia to register same-sex partnerships; many couples from BiH, Serbia and North Macedonia took advantage of this opportunity. Some of them have decided to initiate strategic litigation in their countries before national courts, with the aim of recognising their partnerships that concluded in Croatia. A gay couple initiated such proceedings in BiH in 2017, which, along with other cases, led to the Ministry of the Interior of the Federation of BiH to address the Government of the Federation of BiH in

2018 with information on frequent instances of such cases. As a result, the Federation of BiH Government has obliged the Ministry of Justice to establish a working group to this end. Two years have passed since then, and it was not until 2020 that this work began. However, it seems that the Government of the Federation of BiH is far from preparing a draft law to be considered by the parliament.

Although Montenegro has set high standards and expectations by adopting the law on same-sex partnerships, it seems that other countries will have to be forced by lawsuits in constitutional courts, or perhaps the European Court of Human Rights, to finally resolve the issue of same-sex partnership. We do not expect the left-wing political parties to independently propose laws on same-sex partnership in parliaments. There has been no significant discussion, as yet, about providing full equality for gay and lesbian marriage.

#### **4.5 Demedicalisation of Transgender and Non-Binary Identities**

Over the past three decades, there have been positive changes in the decriminalisation of same-sex relationships. The World Health Organization has depsychopathologised homosexuality, legal protection against discrimination was created, as well as protection against crimes on the grounds of sexual orientation and gender identity. However, trans people have remained medical patients during all this time.

The historic change happened in 2019. At the 72<sup>nd</sup> Assembly of the World Health Organization in May 2019, the 11<sup>th</sup> revision of the International Classification of Diseases (ICD-11) was adopted, according to which gender identity is no longer considered a disorder but is treated as a matter of sexual and reproductive health. An expert of the World Health Organization stated on that occasion gender identity, “was taken out from mental health disorders because we had a better understanding that this was not actually a mental health condition, and leaving it there was causing stigma”. To pave the way for this change, in 2010, the World Professional Association for Transgender Health (WPATH) launched a campaign to depathologise transgender identities. The initiative referred to the elimination of “gender identity disorders” and the cessation of the practice of having trans people receive a psychiatric diagnosis in order to exercise their basic human rights.

Bearing in mind the resistance, ignorance and complete neglect of trans rights by the state authorities of the Western Balkans, it will be necessary to monitor how this decision will change the policies, legislation and practices pertaining to regulation of the right to change one’s personal name, gender marking in registry books and personal documents, as well as the medical support for transgender people, with respect to, for example, hormone therapy and surgeries. It seems that trans issues are marginalised on the agenda of both local activist movements and international actors. A good step forward is the growing visibility of trans people’s rights in the European Commission’s annual reports for all Western Balkan countries. The 2019 report for Albania emphasises the fact that as

many as 10 trans people sought asylum abroad, and we know that this is not happening only in Albania. Time will tell whether this will be enough to put pressure on national authorities, with the aim of fully regulating trans issues, e.g., through the adoption, as mentioned earlier, of comprehensive gender identity laws based on the principles of self-declaration and depsychopathologisation.

Given that non-binary identity determination is the need of a number of people within the LGBTI community, i.e., those who no longer accept the rigid male-female system, a particular challenge will be the social and legal recognition of non-binary identities, as legal and political systems and state administrations in the Western Balkans still operate on the principle of binary.

#### **4.6 A New Letter to Complement LGBT: I as in Intersex**

Since its beginnings in the 1990s, LGBT activism has been based on an inclusive understanding of sex, gender, sexual orientation and gender identity. Therefore, the question of intersex people permeated activism from the start, underlying the fact that sex is not necessarily binary. Svetlana Đurković, one of the founders of the Association Q from Sarajevo, the first LGBTIQ organisation in BiH, participated in the development of activist educational materials in the beginning of the 2000s; these were published by the Zagreb organisation, Women's Room, in 2006 under the title, "Creation of sex? Gender?". Until recently, however, LGBT activism in most organisations has focused, somewhat understandably, only on lesbian,



gay, bisex and transgender issues.

At the European level as well, the rights of intersex people have not been openly addressed. It was not until 2012 that OII Europe, the European Organisation Intersex International, was founded, bringing together activists from all over Europe. A long-time activist from Belgrade, Kristian Randelović, is a member of the board of this organisation and the only person from the Western Balkans who is active in it.

Intersex issues gained significant visibility among human rights activists and experts in 2015 when the Council of Europe Commissioner for Human Rights published the guidance note on Human Rights and Intersex People. This was translated into Bosnian, Croatian and Serbian the following year and published for the first time in the Balkans by Sarajevo Open Centre. This organisation is one of the first LGBT organisations to introduce the issues of intersex people into its mission and vision, showing intersex people that the doors of this organisation are open to them and providing more than formal declarative support of simply adding the letter I to the acronym LGBT. Since then, Sarajevo Open Centre has actively advocated for the inclusion of sex characteristics in the legislative framework, i.e., in the amendments to the Law on Prohibition of Discrimination in BiH. As we mentioned earlier, in 2016, BiH became the first country in the Western Balkans and beyond to explicitly ban all forms of discrimination in all areas of life on the ground of sex characteristics.

Kristian Randelović, as a long-time activist of the Geten organisation from Belgrade, was among the first intersex people in the Western Balkans to speak about his life and experience in the media.

Following the example of the Maltese law from 2015, Geten included issues of importance for intersex people in its model law on gender identity. In 2017, the organisation XY Spectrum was founded in Belgrade, dedicated to the rights of intersex and trans people. In addition to transgender rights, the Spektra association in Podgorica also focuses on intersex issues in its work. Their work is supported by international donors and partners and, more importantly, by the Government of Montenegro; this fact, again, positively distinguishes this country from other countries in the Western Balkans.

A particular challenge for the future is that most LGBTI organisations in the Western Balkans have yet to build substantial links with the intersex community, integrating their needs into their work through the creation of specific support services.

The biggest challenge, however, remains the issue of regulating the rights of intersex people. When intersex children are born, the binary approach to sex in the Western Balkans, as in most of Europe, does not allow for postponement of sex assignment for a later stage – it must be done at birth. Unnecessary medical treatments often have even greater consequences for the lives of intersex people. As far as we know, only Belgrade has a multidisciplinary medical team specialised to work with intersex babies. In general, there is a great stigma in the medical profession. Most medical professionals reject the term *intersex* and continue to use the obsolete and derogatory term *hermaphrodites*. Sarajevo Open Centre has launched a public debate by publishing, among other things, recommendations for the improvement of legal and medical access for intersex people in BiH in early

2017. Nevertheless, Western Balkan countries are far from effecting a real change of attitude of medicine and law towards this community, and the struggle for the exercise of the rights of intersex people is at its beginnings.

#### **4.7 Political Homophobia: The Old Right-Wing, New Attacks**

Given that the term *ideology* mostly carries negative connotations in the region, when the conservative groups, some religious communities and nationalist political parties added the hateful word *gender* to *ideology*, they discovered a new enemy.

According to Roman Kuhar and David Paternotte, gender ideology, as a concept, is used to oppose women's and LGBT rights, as well as teachings that deconstruct essentialist and naturalistic assumptions about gender and sexuality. Opponents of gender ideology proclaim that the idea of gender equality is an ideology and thus undermine and prevent its realisation. Gender ideology is accused of posing a serious social threat because it violates the biological and anthropological foundation of the family. Also, gender ideology is accused of having a hidden political strategy – to conspire to take power and impose the deviant values of the minority onto ordinary people. Polish sociologist, Elzbieta Korolczuk, emphasises that the holy war against gender, as a transnational phenomenon, is waged in the name of saving children, families and ultimately civilisation, and that it includes public proclamations, protests, media campaigns, rallies, and anti-gender training. Korolczuk also believes that this war should

be interpreted as a testimony to the incompleteness of the (feminist) revolution.

Although we cite only one of many examples, it is a paradigmatic discourse and they all sound almost the same: "Under the guise of science we are served gender ideology" can be found on the website of a Roman-catholic diocese in Croatia, "that hides the imposition of unacceptable sexual modernism". The text further reads that the greatest tragedy of gender ideology is that, "it creates genders according to sexual orientation or even perversion. There is a whole range of gender identities: Lesbian, Gay, Bisexual, Transsexual, as basic gender identities that later evolved with new concepts: pedo, animal, plury... By nature: a paedophile is a gender, which means that I declared myself not as a man, but as a paedophile. A man who practices intercourse with animals is an 'animal', a man who lives in an incestuous relationship (with a blood relative) is 'incesty'". Apart from being poorly articulated, the argument is incoherent and reflects the one offered by all opponents of values implied by the queer and feminist construct of gender – in just one leap, one gets from LGBTI identity to a paedophile. They go on to write that, "Gender (gender ideology) is engaged in quasi-scientific research: to create a new society that will be gender-aware. We are witnessing that gender ideology has swept across Europe, and now Croatia as well, by accident. Its promoters, the political elite in power, give the wind to her sails." They further say that a, "pornographic-promiscuous-paedophilic mentality is being slyly introduced into children's education with the aim of encouraging emancipation, liberation from sex as a biological and God's gift".<sup>1</sup> They are concerned about the attempts to change the roles of women and men by creating chaos in society, by destroying families.

1 All quotes taken from: <https://www.biskupijakrk.hr/gender-ideologija/>

Everything we have heard countless times is there - paedophiles, chaos, destruction of the family.

There is no formal relationship between the LGBTI community and traditional religious communities in the Western Balkans. Research conducted by Sarajevo Open Centre in 2012 and 2017 showed, both times, that more than a fifth of the respondents believe in God. It is possible that, in reality, the number of people is far greater. A person's religious identity is certainly one of several fundamental and defining identities. LGBTI people who come out to themselves and then to the community, and who believe in a higher consciousness or God, have a difficult path to find peace for their soul and body. Fortunately, some religious groups have liberalised over time, such as some Protestant communities or the reform movement in Judaism; some approve of same-sex marriage, while some accept LGBTI people into their clergy. We can ask the question to all who believe – if sexual orientation, sex characteristics and gender identity are God-given predispositions, who are we to judge and respond to God's will with hatred?

However, the teachings of monotheistic religions about marriage are reduced to a pro-creative view of sexuality, because the union of man and woman should provide offspring; therefore, all religions, or at least their most conservative sections, view homosexuality as a sin. Religion is strongly associated with the belief that homosexuality is a matter of choice. The Council of Muftis of the Islamic Community in Bosnia and Herzegovina has a simple view: "homosexuality has undoubtedly been qualified in the sources of Islam (the Qur'an and the Sunnah) as a great sin and debauchery (al-fahisha)

and as such is forbidden (haram)". All imams across the country convey this position, because, "Islam affirms marriage and the family, encourages marriage and the preservation of the value of marriage, offspring and the family as the core cells of human society".

The Serbian Orthodox Church is irreconcilable when it comes to homosexuality. They are not as radical as the Russian Orthodox Church, which, for example, welcomed the 2000 law banning homosexual propaganda and characterised the legalisation of same-sex marriage in Western countries as a sign of the apocalypse. The usual synodal statements of the Serbian Orthodox Church on the occasion of the pride parade (held or not held), range from statements calling for, "love for the sinner and condemnation of sin," to those that proclaim, "homosexuality as a disease and moral deviation". For the grotesque parallel, we recall that several years ago, international human rights organisations called on the Russian government to investigate allegations of abuse and murder of homosexuals in Chechnya as well as claims that Chechen authorities kept men suspected of being homosexuals in secret prisons and tortured them. Chechen authorities have denied the allegations and a spokesman for the Chechen president said there were "no gay people" in Chechnya. The same sentence was used by a Serbian politician in 2007, who has been at the top of Serbian political life for decades; the video can be found on YouTube: *U Jagodini nema homoseksualaca* ('there are no homosexuals in Jagodina'). Since then, Dragan Marković Palma has made numerous allegations full of hate speech; in the meantime, he has been found guilty by a decision of the Court of Appeals in Belgrade for discrimination against LGBT people in appeal proceedings instituted by the Belgrade-

based Gay Straight Alliance. He has said that he will not change his view of homosexuals and he has kept that promise, because he does not respect the Prime Minister of his country, who is a lesbian.

Another case was resolved by a court in Serbia. Namely, the Constitutional Court ruled, in 2012, to ban the ultra-rightist organisation, Patriotic Movement *Obraz*, whose core ideas and principles are based on hatred and intolerance towards all minorities, as well as on direct violations of human and minority rights and inciting national and religious intolerance. One of the reasons for the ban were numerous violent actions by *Obraz*, including organised attacks on LGBT people and the police during the 2010 Belgrade Pride, when about 140 people were injured, as well as threats against activists of LGBT organisations and Pride organisers.

The attitude of some priests of the Orthodox Church towards transgender people is an interesting topic. The news about a trans man from Montenegro who was baptised in a church in 2019 spread throughout the region, although similar situations happened earlier. Namely, the Serbian Orthodox Church has been guided for decades by the interpretation of the words of Patriarch Pavle from 1986; namely, that persons who have undergone medical sex reassignment have all the rights under the Church of Christ, from baptism to communion, provided that they inform the priest and submit the medical documentation in a timely manner. As Radio Free Europe states in its report, a heteronormative and strictly binary understanding of transgender identities is accepted because the church believes that sex reassignment for specific medical reasons is justified, as opposed to, "propaganda and justification

of same-sex relationships, mindless gender ideology, which we have witnessed in recent decades, that are, without a doubt, a sin". Due to this inconsistency of the Serbian Orthodox Church, Metropolitan Amfilohije of Montenegro can baptise a trans man, while for years he has spoken extremely negatively about LGBTI rights in public appearances; in 2013, for example, he stated in an open letter to the pride parade organisers in Podgorica that, "every tree not bearing fruit is to be cut down and thrown into fire". Because of a combination of untruth and hatred, LGBTI believers often avoid going to church. Danijel Kalezić, from the NGO Queer Montenegro says: "Part of the LGBT community are people who are believers, but in the vast majority of cases they either avoid the church because they do not feel that it is a safe environment for expressing their religious identity, or go to church or other place of worship but there they simply do not express their sexual orientation or gender identity in any way. This is a consequence of the hate speech we have been directly exposed to by the SOC in the past ten years."<sup>2</sup>

Some of the topical debates we have presented here confirm the idea that the past never really ends and that, in a slightly modified form, it remains an integral part of our present. In our case, the old attacks transformed into a new form of right-wing initiatives that are an integral part of today's challenges facing LGBTI people, community, activism and movement.

---

2 Quoted from <https://www.slobodnaevropa.org/a/transrodnost-prihvatljiva-spc-u-ali-ne-i-homoseksualnost/30257896.html>



## *Bibliography*

- Amar Numanović (2017): Brojevi koji ravnopravnost znače 2. Analiza rezultata istraživanja problema i potreba LGBTI osoba u Bosni i Hercegovini u 2017. godini. Sarajevo: Sarajevo Open Centre.
- Berch Berberoglu (Editor, 2019): *The Palgrave Handbook of Social Movements, Revolution, and Social Transformation*. London: Palgrave Macmillan.
- Bojan Bilić and Sanja Kajinić (Editors, 2016): *Intersectionality and LGBTI Activist Politics. Multiple Others in Serbia and Croatia*. London: Palgrave Macmillan.
- Boris Krešić et al. (2017): *Izvan zakona: Pravna regulacija životnih zajednica parova istog spola u Bosni i Hercegovini*. Sarajevo: Sarajevo Open Centre
- Damir Banović et. al. (2016): *Trans\*formacija prava – modeli pravnog regulisanja prilagodbe spola u BiH*. Sarajevo, Sarajevo Open Centre/ Friedrich Ebert Foundation.
- David A. Snow et al. (2004): *The Blackwell Companion to Social Movements*. Maiden: Blackwell Publishing.
- Dennis Altman and Jonathan Symons (2016): *Queer Wars*. Cambridge: Polity Press.
- Elzbieta Korolczuk (2014): *The War on Gender from a Transnational Perspective – Lessons for Feminist Strategizing*. Berlin: Heinrich Böll Stiftung
- Eszter Kováts and Maari Pöim (2015). *Gender as Symbolic Glue: The Position and Role of Conservative and Far Right Parties in the Anti-gender Mobilization in Europe*. Brussels: Foundation for European Progressive Studies/Friedrich-Ebert Stiftung Budapest.
- Fatbardha Osmanaga (2015): *Student's attitudes toward homosexuality*, in *European Scientific Journal*, Vol. 11 Issue 23, 170-183.
- Francis Fukuyama (2018): *Identity: The Demand for Dignity and the Politics of Resentment*. New York: Farrar, Straus and Giroux.
- UNDP Reports: *Being LGBTI in Eastern Europe for BiH, Serbia, North Macedonia, Albania*: [https://www.eurasia.undp.org/content/rbec/en/home/library/democratic\\_governance/being-lgbti-in-eastern-europe--albania-country-report.html](https://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html)

- Lejla Huremović and Jasmina Čaušević (2018): Ka pozitivnim praksama: Izveštavanje medija u 2017. godini o LGBTI temama u Bosni i Hercegovini. Sarajevo: Sarajevo Open Centre, available at <https://soc.ba/ka-pozitivnim-praksama-izvestavanje-medija-u-2017-godini-olgbti-temama-u-bosni-i-hercegovini/>
- Jasmina Čaušević (2013): Brojevi koji ravnopravnost znače. Analiza rezultata istraživanja potreba LGBT osoba u Bosni i Hercegovini. Sarajevo: Sarajevo Open Centre.
- Jelena Poštić, Svetlana Đurković, Amir Hodžić (2006): Kreacija spola? roda? Zagreb: Ženska soba, available at <http://zenskasoba.hr/hr/podrucja-rada/aktivnosti/izdavastvo/kreacija-spola-roda/>
- Jelisaveta Blagojević and Olga Dimitrijević (Editors, 2004): Među nama. Neispričane price gej i lezbejskog života. Beograd: Hartefakt Fond.
- Judith Butler (1999): Gender Trouble, Feminism and the Subversion of Identity. New York: Routledge
- Judith Butler (2000): Nevolje s rodom. Zagreb: Ženska infoteka.
- Maya Lloyd (2005): Beyond Identity Politics: Feminism, Power & Politics. London: SAGE Publications.
- Michael Haralambos and Martin Holborn (2002): Sociologija, teme i perspective. Zagreb: Golden Marketing, 2002.
- Mišel Fuko (1997): Nadzirati i kažnjavati: nastanak zatvora. Novi Sad: Izdavačka knjižarnica Zorana Stojanovića.
- Natalija Petrić et al. (2017): Izvan zakona: Pravna regulacija životnih zajednica parova istog spola u Bosni i Hercegovini. Sarajevo: Sarajevo Open Centre.
- Peter L. Berger and Thomas Luckmann (1992): Socijalna konstrukcija zbilje: rasprava o sociologiji znanja. Zagreb: Naprijed.
- Radenko Jotanović et al. (2016): Pravna regulacija životnih zajednica istog spola u Hrvatskoj, Sloveniji, Srbiji i Bosni i Hercegovini. Sarajevo: Sarajevo Open Centre.
- Robert Rhodes-Kubiak (2015): Activist Citizenship and the LGBT Movement in Serbia: Belonging, Critical Engagement, and Transformation. New York: Palgrave Macmillan.
- Roman Kuhar and David Paternotte (2017, Editors): Anti-Gender Campaigns in Europe – Mobilizing against Equality. London/New York: Rowman & Littlefield.
- UNDP (2017): Intersex Research Study. Albania, BiH, FYR of Macedonia and Serbia. Istanbul/New York,

- World Bank Group (2018): *Life on the Margins: Survey Results of the Experiences of LGBTI People in South-eastern Europe*. Washington, D.C.
- Zilka Spahić Šiljak (2012, Editor): *Propitivanje ženskih, feminističkih i muslimanskih identiteta. Postsocijalistički kontekstu u Bosni i Hercegovini i na Kosovu*. Sarajevo: CIPS.
- Zlatiborka Popov-Momčinović (2013): „Ko smo mi da sudimo drugima?“ *Ispitivanje javnog mnijenja o stavovima prema homoseksualnosti i transrodnosti u Bosni i Hercegovini*. Sarajevo: Fondacija Heinrich Böll – Ured za BiH.
- Zlatiborka Popov-Momčinović (2013): *Ženski pokret u Bosni i Hercegovini: artikulacija jedne kontrakulture*. Sarajevo: Sarajevo Open Centre.
- Zygmunt Bauman (2000): *Liquid Modernity*. Cambridge: Polity Press.

### *Interviews and online articles*

- Die Morina (2017): *Kosovo Rights Activists Seek Clarity on Gay Marriage*. <https://balkaninsight.com/2017/07/04/kosovo-s-same-sex-marriage-laws-shrouded-in-ambiguity-07-03-2017/#gsc.tab=0>
- Islamska zajednica uputila vrlo vazan apel vjernicima u BiH zbog gay parade u Sarajevu (2019): <http://www.bhdijaspora.net/islamska-zajednica-uputila-vrlo-vazan-apel-vjernicima-u-bih-zbog-gay-parade-u-sarajevu/>
- Jana Kujundžić (2019): *Jačanje transfobnih glasova unutar feminizma*. [https://www.libela.org/sa-stavom/10562-jacanje-transfobnih-glasova-unutar-feminizma/?fbclid=IwAR3dyHhPWGGwjqSXuAEJbTnylK\\_\\_0qXOmTVzwoK0UaArqzgyX0kxLsSSQ](https://www.libela.org/sa-stavom/10562-jacanje-transfobnih-glasova-unutar-feminizma/?fbclid=IwAR3dyHhPWGGwjqSXuAEJbTnylK__0qXOmTVzwoK0UaArqzgyX0kxLsSSQ)
- Kristian Ranđelović o svom interseks iskustvu (2019): <https://www.transserbia.org/interseks/1558-kristian-randelovic-o-svom-interseks-iskustvu>
- LGBT mladi i samoubistva: sa 13 je napisao roditeljima oprostajno pismo (2020): <https://noizz.rs/big-stories/lgbt-mladi-samoubistva/kwck4g7>
- Predrag Tomović (2019): *Transrodnost prihvatljiva SPC-u, ali ne i homoseksualnost*. <https://www.slobodnaevropa.org/a/transrodnost-prihvatljiva-spc-u-ali-ne-i-homoseksualnost/30257896.html>
- Transgender no longer recognised as ‘disorder’ by WHO (2019): <https://www.bbc.com/news/health-48448804>

## **Websites**

<http://www.okvir.org/kvir-arhiv-poziv-za-ucesce-licne-price-lgbtiqa-osoba/>  
<https://www.biskupijakrk.hr/gender-ideologija/>  
<https://www.dugineobitelji.com/slikovnica/>  
<https://www.lgbti-era.org/content/albania>



## AFTERWORD

This book was written during 2020, which marked the 30<sup>th</sup> anniversary of the removal of homosexuality from the World Health Organization list of diseases. We hope that we have succeeded in portraying the changes and progress with which we live today. We are aware that for many of our LGBTI friends the changes were not fast enough and they did not have the opportunity to exercise many of the won rights; however, looking contextually and over time, the development is evident and cannot be denied.

In the last 30 years, the legal system has stopped viewing LGBTI people in the Western Balkans as sick and has stopped punishing and persecuting them. All the countries we covered in the book have developed a system of legal protection against violence and discrimination, whereas Montenegro has gone a step further by adopting a law on same-sex partnership. Although invisible to many, a significant transformation has taken place, thanks to the courage and perseverance of LGBTI activists. The process of democratisation and Europeanisation of this region has had a great impact on the fact that LGBTI people will soon be accepted as equal citizens, regardless of the ubiquity of dangerous prejudices that are part of all Western Balkan societies.

However, in 2020, LGBTI communities in the Western Balkans face new challenges. External influence is weakening, especially the influence of the EU, which is shaken by internal problems – from Brexit, through COVID-19, to immigration and refugees – occurring simultaneously with the deepening division between liberal and conservative wings. The right-wing is organised and strong, and its

representatives directly attack the achievements of equality and the rights of LGBTI people, using arguments such as gender ideology, as well as the preservation of traditional values and family. All this visibly impacts the lives of people in the countries of Central Europe, among others.

The Western Balkan societies are tired of endless integration processes. Without going into details as to who is more responsible for failing to complete the processes led by the EU, we feel, in our lives, that there is no progress. In this atmosphere, the Western Balkan countries have become a region whose citizens, including LGBTI people, are leaving. It seems easier to survive in Western Europe. The processes of the political ideological spectrum are dominated by right-wing and populist currents. In such circumstances, neglecting the advancement of LGBTI rights is not, for most people, a problem. New questions arise: are activist movements able to exercise enough pressure on political actors using the old methods of struggle? Should they develop new combat strategies and why are external partners content with small changes.

The LGBTI movement has an important task in the coming period – not only to win full equality when it comes to same-sex partnership, and the rights of trans and intersex people, but also to preserve the achieved rights. New forms of activism and struggle are needed, new strategies of activist and political association and action, so that the coming years do not bring us the collapse of the established value system and the tangible degradation of all segments of life.

## Chronology of Events

- 1951 Socialist Yugoslavia, albeit reducing the sanction, continues to criminalise male same-sex relations in its new Criminal Code.
- 1973 A group of psychiatrists in Australia and New Zealand proclaim that homosexuality will no longer be treated as a disease. This is the first such decision in the world.
- 1974 The American Psychiatric Association removes homosexuality from the Diagnostic and Statistical Manual of Mental Disorders (DSM-II).
- 1977 Slovenia, Croatia, Montenegro and the Socialist Autonomous Province of Vojvodina decriminalise homosexuality.
- 1984 The first gay and lesbian film festival is organised in Ljubljana – it is the oldest LGBT film festival in Europe.
- 1986 The only Yugoslav book exclusively dealing with homosexuality is published – *Framed by One's Own Sex* (U okviru vlastitog spola) by sexologist Marijan Košiček.
- 1990 May 17, the 43<sup>rd</sup> World Health Assembly in Geneva: homosexuality is no longer treated as a disease.
- 1991 (Socialist Republic) BiH decriminalises homosexuality; Arkadija is founded: it is the first gay and lesbian association in Serbia. It is only approved for formal registration with the Ministry of Justice in 1994.
- 1994 Serbia decriminalises homosexuality.
- 1995 Albania decriminalises homosexuality; Želimir Žilnik makes his landmark film *Marble Ass* with a trans woman, Vjeran Miladinović Merlinka, in the lead role; Labris is founded: it is the oldest lesbian organisation in Serbia and the Western Balkans, which is still active.
- 1996 Macedonia decriminalises homosexuality.
- 1998 [www.Gay-Serbia.com](http://www.Gay-Serbia.com) is launched, followed by many other websites in all countries of the region that will provide LGBTI people with a safe space for exchanges and meetings.



- 1999 Belgrade activist, Dejan Nebrigić, is murdered by his former partner.
- 2001 The attempt to organise the first pride parade in Belgrade is stopped by right wing groups' attacks.
- 2003 United Nations Interim Administration Mission in Kosovo – UNMIK – passes the Provisional Criminal Code, confirming the decriminalisation of homosexuality;  
Vjeran Miladonović Merlinka is murdered and no person has ever been convicted for this crime.
- 2004 UNMIK passes the first anti-discrimination law in Kosovo: it is the first such law in the Western Balkans explicitly prohibiting discrimination on the ground of sexual orientation.
- 2005 International Day against Homophobia (IDAHO) is introduced.
- 2007 Serbian singer, Marija Šerifović, wins the Eurovision Song Contest. At the time, she was only associated with the LGBTI community, later she came out as a woman who likes women.
- 2008 The Psychiatric Section of the Serbian Medical Association confirms that homosexuality is not a disease;  
The attempt to organise an arts festival – Queer Sarajevo Festival – ends in attacks and interruption of the festival at its opening;  
The visa liberalisation process starts: in 2009 and 2010, it will result in the adoption of anti-discrimination laws in Albania, BiH, Montenegro and Serbia that prohibit discrimination against LGBT people.
- 2009 The Albanian Prime Minister, Sali Berisha, announces legal recognition of same-sex marriage, but this has not happened yet.
- 2010 The Committee of Ministers of the Council of Europe adopts the Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity;  
Pride Parade is organised in Belgrade: it is the first one that was not prohibited or violently interrupted.

- 2012 The first (P)ride takes place in Tirana, a bicycle pride parade by which this city will become recognized throughout the region.
- 2013 Rightist groups crash the Kosovo 2.0 magazine promotion in Prishtina.
- 2014 Croatia adopts the law on registered same-sex partnership, which made it possible for Western Balkan couples to marry without their unions being recognised in their respective countries.
- 2016 BiH becomes the first south east European country to introduce the explicit prohibition of discrimination against intersex people by amending its anti-discrimination law.
- 2018 A multi-party parliamentary group is established in Macedonia to advocate for the improvement of LGBT human rights.
- 2019 The 72<sup>nd</sup> Assembly of the World Health Organization adopts the 11<sup>th</sup> revision of the International Classification of Diseases (ICD-11), according to which gender identity is no longer considered a disorder but is treated as a matter of sexual and reproductive health;  
The European Court of Human Rights in Strasbourg passes a decision in the case of X v. the former Yugoslav Republic of Macedonia: this is a landmark judgment for legal recognition of gender identity;  
The first pride parades are organised in Sarajevo and Skopje –all capital cities in the Western Balkans have now had at least one pride.
2020. The Constitutional Court of North Macedonia repeals the 2019 anti-discrimination law and leaves the country without a legal framework for combating and prohibiting discrimination for several months.

## About the Authors

**Saša Gavrić** (1984) is an activist, advocate and expert working in fields of human rights, gender equality and democratic governance. He graduated in politics and public administration in Konstanz (Germany) in 2007, when he began his professional career in cultural diplomacy with the Goethe-Institute in Sarajevo. During this first professional engagement, he completed postgraduate (MA) studies in international relations and diplomacy at the Faculty of Political Sciences in Sarajevo. As one of its founders, he managed Sarajevo Open Centre from 2011, an organisation that became one of the central civil society organisations in BiH, especially in the field of advocacy, human rights, anti-discrimination, gender equality and LGBTI rights. In 2016, he left BiH to work for the Organization for Security and Co-operation in Europe (OSCE) missions in Kosovo, and then in North Macedonia. Since July 2020, he has been working as a gender equality expert at the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw. In his career, he has collaborated with United Nations agencies, German and American political foundations, and European umbrella civil society organisations, such as the European Women's Lobby, and has gained significant journalistic and publicist experience, publishing more than 50 books and academic articles as author, co-author, researcher or editor/co-editor. His professional and research interest lies with the political systems of the Western Balkans, institutional mechanisms for the promotion of human rights and gender equality, gender mainstreaming, gender equality and political participation, as well as LGBTI human rights mechanisms, activism and policies.

**Jasmina Čaušević** (1976) graduated in literature and language at the Faculty of Philology in Belgrade and acquired a master's degree in social sciences – gender studies at the University of Sarajevo in 2008. Twenty years ago, thanks to the Belgrade based lesbian organisation Labris and theorist and poet Dubravka Đurić, she discovered feminist epistemology and literary criticism, as well as queer literature. She has edited, authored or co-authored numerous studies and research papers, among which she is especially proud of *Načini za prevladavanje diskriminacije u jeziku u obrazovanju, medijima i pravnim dokumentima* [Ways to Overcome Language Discrimination in Education, Media and Legal Documents] that she co-authored with Sandra Zlotrg (2011, Sarajevo: Association for Language and Culture Lingvisti and CIPS of the University of Sarajevo). She co-edited *Pojmovnik LGBT kulture* [Glossary of LGBT Culture] with Saša Gavrić (2012 Sarajevo Open Centre, Heinrich Boell Foundation) and edited *Women Documented: Women and Public Life in Bosnia and Herzegovina in the 20<sup>th</sup> Century* (2014, Sarajevo Open Centre, Cure Foundation). Jasmina lectures and leads workshops on topics of gender equality, as well as the broad field of feminism and queer studies. For the last five years, she has been the coordinator of the academic and activist educational programme – the Žarana Papić School of Feminism – with the Sarajevo Open Centre. Her focus is on history, culture and rights of women and LGBTIQ people, as well as feminist linguistics.

CIP - Каталогизација у публикацији  
Народна библиотека Србије, Београд

342.726-055.3(497-15)

305-055.3(497-15)

316.837(497-15)

GAVRIĆ, Saša, 1984-

From demedicalisation to same-sex marriage:  
a contemporary LGBT history of the Western Balkans /  
Saša Gavrić and Jasmina Čaušević ; [translated to english Aida  
Spahić]. - Belgrade : Belgrade Pride/Pride Society, 2021 (Beograd :  
Zeppelin Pro). - 172 str. ; 30 cm

Prevod dela: Od demedikalizacije do istospolnih brakova:  
Novija istorija homoseksualnosti i transrodnosti Zapadnog Balkana  
/ Saša Gavrić i Jasmina Čaušević. - Tiraž 100. - About the Authors: str.  
170-171. - Bibliografija uz svako poglavlje.  
- Chronology of Events: str.167-169.

ISBN 978-86-903566-0-7

1. Čaušević, Jasmina, 1976- [аутор]

а) Људска права -- Сексуалне мањине -- Западни Балкан

б) Сексуалне мањине -- Друштвени положај -- Западни Балкан

COBISS.SR-ID 44303881

On 17 May 1990, the World Health Organization removed homosexuality from its list of diseases and mental disorders. This historical fact inspired Saša Gavrić and Jasmina Čaušević to collect all reference works in one place and give an overview of the development of the contemporary LGBT history in the last thirty years in the Western Balkans. How has the contemporary gay and trans history developed in the Western Balkan countries? What influenced the demedicalisation and decriminalisation of homosexuality? How did LGBTI activism develop in the region in this period? How did legal protection develop, and which areas did it include? How have the processes of democratisation and Europeanisation affected the lives of LGBTI people? These are just some of the questions the answers to which the authors have been pursuing during their work on this book.

