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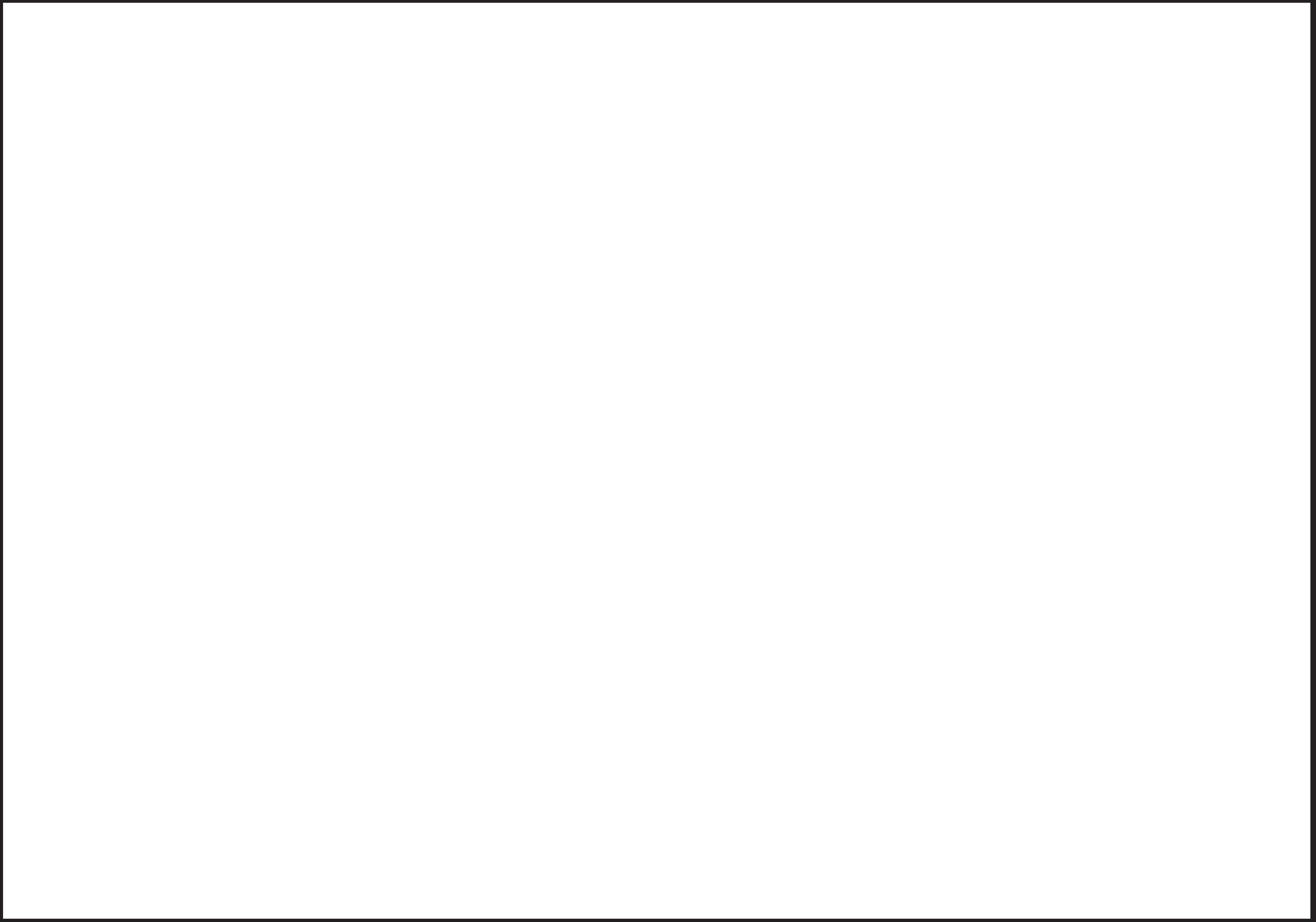
Report on hate-motivated incidents
against LGBT+ persons in Serbia in 2021

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Report on hate-motivated incidents against LGBT+ persons in Serbia in 2021

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ABOUT DA SE ZNA ASSOCIATION

Da se zna! endeavours to create a more efficient system of protection against homophobic and transphobic unlawful conduct in accordance with international standards. With this aim, in the last six years we have been monitoring cases of hate crime and discrimination against queer people. In addition, we are also dedicated to strengthening the queer community through legal and psychological support, as well as with continuous cooperation with relevant institutions.

TABLE OF ABBREVIATIONS

ECtHR	European Court of Human Rights
ADL	Anti-Discrimination Law
CC	Criminal Code
CSO	Civil Society Organisation
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Cooperation in Europe
SOGIE	Sexual orientation, gender identity and expression
SOGIESC	Sexual orientation, gender identity and expression and sex characteristics

GLOSSARY

Asexual

An adjective describing people who do not experience sexual attraction. A person can also be aromantic, implying a person who experiences no romantic attraction.

Biphobia

Intolerance, aversion and prejudice towards bisexual people.

Bisexuality

A bisexual person is the one able to form long-lasting emotional, physical and romantic relationships with people of the same and opposite sex. Over the course of their lives, bisexual people may experience variations in terms of the sex they are attracted to and the extent of that attraction.

Gay

An adjective used to describe people who are attracted to members of the same sex in physical, emotional, and romantic sense (gay men, gay people). Although used for women as well, the term lesbian is the preferred one (the adjective is lesbian). The use of the adjective “homosexual” should be avoided, which in the eyes of many gay people and lesbians, is considered obsolete and offensive.

Hate speech

Forms of expression motivated by hostility, or demonstrating and/or encouraging hostility towards a certain group, or towards a person because of their belonging to a certain group. Since hate speech can encourage or accompany hate crimes, these two concepts are interrelated.

Offences against property

Each attack aimed at destroying property, which is not life threatening. This also implies writing offensive slogans or symbols, placing stickers or posters, graffiti or any other damage to the property.

Documenting

The term documenting may have different meanings depending on the geographical context and/or the scope of its application. It is important to emphasize that documenting is a process that involves different steps, which can vary depending on the purpose of documenting. In general, documenting is a process of organizing and classifying collected data so that it is available both short-term and long-term. This implies the classification of the collected data according to certain criteria (such as the profile of survivors/perpetrators, categories of incidents, indicators of prejudice). Documenting also makes the data available and provides opportunities for analysis. Data analysis involves processing statistical data and creating charts and tables to make the outcomes as visible as possible. Quality documenting poses the foundation for proper reporting and dissemination to relevant stakeholders (national authorities, European/ international institutions, human rights institutions, etc.), who can then take further action. Quality documenting may also be used to design effective advocacy tools that support the change of views and opinions.

Recording hate-motivated incidents

In the context of recording hate-motivated incidents, this term implies that the police or CSOs keep records or minutes of all experienced and reported hate-motivated incidents. This also implies recording key information related to these incidents, e.g. when something happened and the accompanying description of the event.

Hate crime

Hate crimes are criminal offences motivated by prejudice against certain groups of people or communities. They can be based, among other things, on gender identity and sexual orientation.

Hate crime consists of two different elements:

- it is an offence constituting a criminal offence under criminal law, regardless of the perpetrator's motivation, and

a crime, the commission of which is based on the perpetrator's prejudice

Therefore, the perpetrator of a hate crime chooses the survivor based on the affiliation or perception that the survivor belongs to a certain group. Where the crime involves damage to property, the property is chosen on the basis of its connection to the survivor and may include locations for the gathering of groups, community centres, or vehicles.

Intersex

A comprehensive term referring to all persons born with reproductive organs and/or chromosomes (sex characteristics) that cannot be classified as strictly male or female. These variations are often classified as variations of sexual development (DSD – differences in sex development). The use of the obsolete and offensive term “hermaphrodite” should be avoided. Although some people are born intersex, they can also be transgender. However, these are separate phenomena and should not be confused.

Hate-motivated incidents

The term is used to describe actions motivated by prejudices that range from those that are only offensive to those representing actual criminal offences. Although hate-motivated incidents do not always involve crimes, such incidents often precede, accompany, or provide a context for hate crimes.

Queer

An adjective used by certain, mostly younger people, whose sexual orientation is not strictly heterosexual (e.g. queer persons or a queer women). These people see the traditional terms such as lesbian, gay, and bisexual as limiting or too related to the widespread cultural connotations that do not apply to them personally. Some people use the term queer or genderqueer to describe their gender identity or gender expression. This term was once considered derogatory, but within a contemporary context a part of the community has reclaimed it and “cleansed” it of its negative connotations, however it is still not a universally accepted term within the LGBT+ community. When a Q appears at the end of LGBT acronym, it usually denotes the term queer, although it rarely implies people who are still exploring and questioning their sexuality. In this report, the term “queer” is used as an umbrella term for all persons of a sexual orientation different from heterosexual, and a gender identity and expression other than cisgender, and as such, in this context it should differ from the above specified use of the term.

LGBT+

An acronym denoting lesbian, gay, bisexual, transgender and all other people whose sexual orientation differs from straight and whose gender identity is different from cisgender.

Lesbian

A woman experiencing a long-term attraction to other women, in both emotional, physical and romantic sense.

Monitoring

A broad term describing an active collection, verification and use of information on human rights issues over a period of time. Human rights monitoring includes monitoring and gathering information on incidents and events (elections, trials, demonstrations, etc.). Monitoring includes a time component because it generally happens over a longer period of time. In the specific context of hate crime, the purpose of monitoring is to document hate-motivated violence and to draw the attention of authorities or international organizations to human rights violations. Finally, monitoring aims to

gather sufficient evidence of hate crimes to convince the government and the public that something needs to be done to improve the human rights situation of vulnerable groups. Monitoring is also implemented to ensure that government officials comply with laws, guidelines or agreements. Additionally, monitoring can display trends over a period of time.

Survivor's perception

The perception of the survivor (or a witness) is the decisive factor in determining whether an incident should be investigated as a hate-motivated incident. No presumption implying a lack of motivation as a cause for an incident should prevent a hate-motivated incident from being reported, should the survivor or a witness point to the possibility of such a view. The survivor of a homophobic or transphobic hate crime or incident does not have to be a member of the queer community. For example, a heterosexual person verbally abused upon leaving a gay bar has every right to think that the attack was motivated by homophobia, even though he/she is not a part of the queer community. The crucial factor lies in the perception of the survivor or a witness.

Prejudice indicators

Criteria that can assist law enforcement professionals in determining whether a particular incident was committed out of hatred. These criteria are not comprehensive and each case must be examined in relation to specific facts and circumstances.

Survivor of the homophobic or transphobic hate-motivated incident

The survivor of a hate-motivated incident is a person who has suffered an incident, which may or may not be a criminal offence, and which the survivor or any other person consider to be motivated by prejudice or hatred based on his/her sexual orientation, gender identity and/or gender expression. The term “survivor” will be used in the text to replace the term “victim” or the “injured party”. This linguistic change draws attention to the active role of persons who have suffered violence and/or discrimination in combating the consequences of an incident, a role which is insufficiently highlighted in terms that are predominantly used for persons who have suffered violence and/or discrimination.

Secondary victimisation

A specific type of victimisation reflected in the lack of dedication and understanding of the institutions in charge.

Transphobia

Intolerance, aversion, and prejudice towards transgender people.

Transgender

The terms “transgender person” or “trans person” are used to describe a person whose gender identity or gender expression differs from the gender assigned to them at birth. Trans* (with asterisk) is a recent term that encompasses the diversity of experiences within transgender communities and functions as an umbrella term for different types of transgender identities. Trans (without asterisk), most precisely refers to transgender women and transgender men, while asterisk refers to a special trait in the effort to include all non-cisgender identities, including transgender, transexual persons, cross-dressers, genderqueer persons, gender fluid, gender nonconforming, persons experimenting with gender, agender, etc.

Physical assault

- Any attack on a person that can potentially cause serious physical injury.
- Attack with a weapon or any other object that may inflict injuries.
- Each and every physical attack on a person or a group, which does not pose a threat to their lives or is not severe. These refer also to milder forms of attacks.
- Unsuccessful attempts of attacks as a result of self-defence or escape of a survivor.
- Throwing objects at a person or a group, including cases where the object misses the target.

Heterosexual

A term used to describe persons whose physical, romantic and emotional attraction is directed towards persons of the opposite sex. The term “straight” is also used.

Homophobia

Intolerance, aversion and prejudice towards gays and lesbians.

Cisgender

A cisgender person, cisgender, cis are terms used to describe persons who are not trans, i.e. whose sex ascribed to them at birth is in accordance with their perception of their gender. Originating from Latin and meaning “from this side”, it is used in the same way as heterosexual (heterosexuality, heterosexual person), which refers to persons who are not of the same-sex orientation.

Coming out

A lifelong process of accepting one’s queer identity and revealing it to the others. A person who is out, who openly shows his/her sexual orientation and/or gender identity in his/her personal, public and professional life.



INTRODUCTION

There has been much debate among academics and practitioners in the international community about the definition of a hate crime, as well as about what constitutes this unlawful conduct and what the best way to approach this phenomenon is. One of the leading figures dealing with hate crime and its consequences to society, the Office for Democratic Institutions and Human Rights of the European Organisation for Security and Cooperation in Europe (ODIHR/OSCE), states that a hate crime consists of two elements: a criminal offence and a bias motive.¹ In fact, one of the reasons why there is variation on what constitutes a hate crime in different countries is the fact that each legal framework has different conceptualisations of the kind of conduct that amounts to crime, even though in general there are a lot of similarities. It is the second element of a hate crime, the bias motive, that distinguishes it from other crimes not committed out of hatred or prejudice. This means that the perpetrator of the hate crime chooses his target precisely due to his/her (perceived or real) personal characteristic and acts on the basis of prejudice related to the targeted survivor's personal characteristics.

Hate crimes and other related incidents such as discrimination are incidents motivated by hatred. Impact and consequences of incidents motivated by hatred extend further than the consequences suffered by survivors alone. As each person has personal characteristics granted and protected by the law, anyone – both the members of the majority and minority groups – may become targets of incidents motivated by hatred. However, incidents motivated by hatred are usually directed at members of groups which are already marginalised, such as queer population, and are used as mechanisms of oppression whose aim is to establish and affirm hierarchies in a particular social order. Thus, according to the FRA research, 17 percent of queer community members in Serbia have suffered physical or sexual violence in the last five years, while 14 percent of queer community members have suffered milder forms of abuse in the last 12 months, owing to what they are and who they love. Every other queer person in Serbia avoids going to certain places, and 71 percent of same-sex couples never hold hands in public out of fear of incidents motivated by hatred.² Consequently, incidents motivated by hatred

¹ ODIHR (2020). *Understanding the Needs of Hate Crime Victims*. Warsaw: OSCE. Dostupno na: <https://www.osce.org/odihr/463011>

² FRA (2020). *A long way to go for LGBTI equality*, Luxembourg: Publications Office of the European Union, str.

represent an extension of homophobia and transphobia already pervading the entire society. Moreover, the damage done by incidents motivated by hatred also includes the creation of the feeling of fear in a targeted community,³ and they also lead to economic exclusion, as well as the creation of additional obstacles in the access to justice.⁴ For these reasons, incidents motivated by hatred should not be perceived as a sequence of isolated incidents, but rather as a result of undemocratic political culture in which the exercise of rights depends on personal characteristics. These personal characteristics can be race, language, religion, ethnicity, gender identity, sexual orientation, sex characteristics, disability and others.⁵ Violence committed on the basis of sexual orientation, gender identity, gender expression (SOGIE) is at the heart of hate crimes against lesbians, gays, bisexual and transgender people.⁶

It is a problem widely acknowledged by scholars and practitioners alike, that hate crimes are massively under-reported and under-recorded in respect to crimes that do not have a bias motivation.⁷ The issue is so well-established that some have started to talk about the “dark figure” of hate crimes, to refer to all those incidents that remain unreported.⁸ There are a number of obstacles that hinder comprehensive hate crime recording and they usually fall into two categories: there are factors that result in the incidents not being recognized as having a bias motivation (under-reporting) and there are circumstances that deter survivors from reporting to the police (under-reporting).⁹ In fact, it is much more difficult for survivors of hate crimes to report to the police than it is for survivors of similar crimes without a bias motive.¹⁰ Hate crimes against queer people are especially violent, and the psychological trauma the survivors

are faced with is greater and more serious compared to the one survivors of other crimes are faced with.¹¹ These findings are consistent with the belief shared among many in the academic community that hate crimes are more debilitating than others and that they impair survivors from taking further action with the aim to resolve them.¹²

This is especially true when we focus on hate crimes perpetrated against queer survivors. Studies conducted in various countries inform us that hate crimes motivated by homophobia and transphobia are rarely reported to the institutions in charge. Investigating the causes of the phenomenon, scholars and practitioners have found that in some contexts, the issue is linked to the lack of legislation against homophobic and transphobic hate crimes which leads survivors to feel demotivated to report incidents and to perceive reporting as inconsequential. However, the problem

persists even in the countries such as Serbia where legislation to protect queer people from such violence and discrimination exists, which suggests that the reasons behind under-reporting vary.¹³

In the context of the Republic of Serbia and its legal framework which regulates unlawful conduct of this kind, as well as the protection of survivors of hate crimes motivated by homophobia and transphobia, the adoption of The National Strategy on the Rights of Victims and Witnesses of Crime for the Republic of Serbia for the period 2020-2025, as well as the adoption of the Action plan for the strategy implementation represent a step forward. The Strategy’s objective is the improvement of the position and rights of survivors and witnesses of crime in Serbia in line with the standards of the European Union, codified by the EU Directive(2012)029.¹⁴ The Strategy ascertains that the great deal of the existing regulations

40-44, 26-27. Dostupno na: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-lgbti-equality-1_en.pdf

3 Perry, B. (2001). *In the Name of Hate: Understanding Hate Crimes*. New York: Routledge.

4 Pawlak, P. (2022, unpublished) *Identifying and Understanding Barriers to Access to Justice for LGBTI People in Serbia*. World Bank.

5 Chakraborti, N., and Garland J. (2015) *Hate Crime: Impact, Causes and Responses*. London: Sage.

6 Moran, L. J. (2015) “LGBT Hate Crime.” U: N. Hall, A. Corb, P. Giannasi, and J. Grieve (ed.) *The Routledge International Handbook on Hate Crime*. London: Routledge, str. 266-277.

7 Giannasi, P. (2014) “Policing and Hate Crime.” U: N. Hall, A. Corb, P. Giannasi, and J. Grieve (ed.) *The Routledge International Handbook on Hate Crime*. London: Routledge, str. 331-342.

8 Pezzella, F. S., Fetzer, M. D. and Keller, T. (2019). “The Dark Figure of Hate Crime Underreporting.” *American Behavioral Scientist*, 00(0), str. 1-24. Dostupno na: <https://doi.org/10.1177/0002764218823844>.

9 ODIHR (2009). *Preventing and Responding to Hate Crimes: A Resource Guide for NGOs in the OSCE Region*. Warsaw: ODIHR. Dostupno na: <https://www.osce.org/odihr/39821>.

10 FRA ed. (2016) *Ensuring Justice for Hate Crime Victims: Professional Perspectives*. Justice. Luxembourg: Publications Office of the European Union.

11 Herek, G. M., Gillis, J. R., and Cogan, J. C. (1999). “Psychological Sequelae of Hate-Crime Victimization among Lesbian, Gay, and Bisexual Adults.” *Journal of Consulting and Clinical Psychology*, 67 (6), str. 945–51. Dostupno na: <https://doi.org/10.1037/0022-006X.67.6.945>

Herek, G. M., Cogan, J. C., and Gillis, J. R. (2002). “Victim Experiences in Hate Crimes Based on Sexual Orientation.” *Journal of Social Issues*, 58(2), str. 319–39. Available at: <https://doi.org/10.1111/1540-4560.00263>

12 Herek, G. M., Gillis, J. R., and Cogan, J. C. (1999). “Psychological Sequelae of Hate-Crime Victimization among Lesbian, Gay, and Bisexual Adults.” *Journal of Consulting and Clinical Psychology*, 67 (6), str. 945–51. Dostupno na: <https://doi.org/10.1037/0022-006X.67.6.945>.

Herek, G. M., Cogan, J. C., and Gillis, J. R. (2002). “Victim Experiences in Hate Crimes Based on Sexual Orientation.” *Journal of Social Issues*, 58(2), str. 319–39. Available at: <https://doi.org/10.1111/1540-4560.00263>.

13 Godzisz, P. and Viggiani G. (2018) *Running through Hurdles: Obstacles in the Access to Justice for Victims of Anti-LGBTI Hate Crimes*. Warsaw: Lambda Warsaw Association.

14 EU Directive, *Official Journal of the European Union*, L 315/57, 14. November 2012. Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

in the field of survivors' and witnesses' of crimes protection in Serbia has already been aligned with the Directive, however, certain amendments and improvements are required. For example, it is necessary to align the terminological differences between the terms "victim" and "injured party", to improve the right to legal aid, the right to be informed and the right to translation, the right to property claim, etc. The most significant novelty is the introduction of the Network of services for the survivor and witness of crime support on the territory of the entire state of the Republic of Serbia. Today these services exist only within high courts and Prosecutor's offices, as well as Specialist Prosecutor's offices. Nevertheless, aligning the existing condition with EU standards, the services for survivor support will gain a different form, become more institutionalised, and territorially and organisationally prevalent. Taking into account the fact that queer people in Serbia are the ones exposed to violence and discrimination the most, and that they often appear as survivors of criminal offence motivated by hatred, this Strategy is of extreme importance for the improvement of their legal position before the judicial institutions. Furthermore,

¹⁵ Zakon o zabrani diskriminacije, *Službeni glasnik RS, br. 22/2009*. (Anti-discrimination law/Official Gazette of the Republic of Serbia)

CSOs dealing with protection and advance of queer people's rights, such as Da se zna!, will be able to establish a service of support for survivors of hate crimes motivated by homophobia and transphobia, and in that way additionally contribute to the protection and advance of queer people's legal position.

Anti-discrimination law was adopted in 2009¹⁵; it bans discrimination on the grounds of sexual orientation and gender identity, and with the latest updates through 2021 amendments of the Law, discrimination is also banned on the grounds of sex characteristics, with that the unequal treatment by clergymen is not considered discrimination. Action plan for the Strategy of Prevention and Protection against Discrimination expired in 2018. New Strategy for prevention and protection from discrimination for the period 2022 - 2030 was adopted three years after it had been due, in January 2022, and the Strategy also stipulates the adoption of the Action plan for the Strategy's implementation for 2022 and 2023, within 90 days from the adoption of the Strategy.

In regards to the Serbian criminal justice system, the Law on Amendments to the CC

adopted in 2012, that came into force on 1st of January 2013, established the institution of hate crime in the Serbian criminal justice system as a mandatory aggravating circumstance for all criminal acts defined by the CC.¹⁶ The provision of Article 54a is the only mandatory aggravating circumstance which makes it substantially different from mitigating and aggravating circumstances provisioned in the Article 54 of the CC, under the general provisions of sentencing. The aim of the provision of Article 54a, in accordance with the relevant international standards, is the stricter sentencing of the perpetrators, and in line with that, stronger legal protection for the survivors of crimes motivated by homophobia and transphobia. In accordance with the case law of the ECtHR, the provision of Article 54a of the CC should be interpreted as such that it provides legal protection not only to queer persons, but also to persons for who it was assumed that they belong to the queer community, as well as to those persons who have real or assumed connection with queer persons.¹⁷ Additionally, the application of the

¹⁶ Article 54a of the CC, titled "A special circumstance for sentencing of hate crimes" states: „If the crime was committed out of hatred due to race and religion, nationality or ethnicity, gender, sexual orientation or gender identity of another person, the court will assess this circumstance as an aggravating circumstance, unless it is prescribed as a feature of the crime.“

¹⁷ Škorjanec v Croatia, application no. 25536/14, court decision 28/0602017, paragraph 56.

¹⁸ Balazs v. Hungary, application no. 15529/12, court decision 14/03/2016, paragraph 70.

¹⁹ Kovačević, M. (2018). *Podaci, a ne zvona i praporci*. Beograd: Udruženje Da se zna!.

Kovačević, M. (2019). *Podaci, a ne zvona i praporci 2*. Beograd: Udruženje Da se zna!.

Kovačević, M. i Planojević, N. (2020). *Podaci, a ne zvona i praporci 3*. Beograd: Udruženje Da se zna!.

Article 54a is not excluded in situations when, in addition to the hatred motive, other motives which are not based on prejudice exist.¹⁸

Up until now, only five court decisions in which Article 54a was taken into account have been reached. The Supreme Court of Cassation of the Republic of Serbia established that it is the prosecution's duty to qualify the crime as the hate crime in the indictment, so that the court is able to take into account aggravating circumstance when reaching the decision, without violation of the right of the defendant. The first court decision for a hate crime was reached as late as 2018, and up until now this aggravating circumstance was taken into account by courts only five times, although Da se zna! keeps documenting and reporting annually about dozens of incidents motivated by hatred towards queer people.¹⁹ The state of Serbia has still not developed a centralised database on cases of hate-motivated incidents, which makes the following and analysis of the incidents motivated by homophobia and transphobia difficult, and results in the

state's insufficiently differentiated reporting to the ODIHR of the OSCE. Criminal justice system in Serbia is characterised by legalised extreme inefficiency, especially in preliminary investigation. As many as 87,1% of survivors of hate-motivated incidents are not informed about whether the authorities acted upon receiving a criminal charge.²⁰ The end result is that the rights of many survivors cannot be respected or protected.²¹ Moreover, if these incidents are invisible and the institutions in charge do not intervene, offenders remain unpunished, which in turn undermines the credibility of the criminal justice system, especially in cases when this failure to react becomes systematic in character. This creates a vicious circle as people will have even less trust in the institutions in charge once they become the targets of such crimes.²²

This publication represents a report on incidents of unlawful conduct against queer people which took place in 2021, and which organisation Da se zna! documented during this period using methodology elaborated on in the following chapter. In this report the data from the reports of such incidents is categorised

so that it represents the data analysis it reflects: the source of the incident's report; place and locations where the incidents happened; type of injury the survivors sustained in the course of the incident; survivors' personal characteristics and their intersection; status of the incident reported to the institutions in charge. A novelty on this edition of the publication are the quotes from individual survivors' reports, as well as data on combined reasons for the decision not to report incidents to the institutions in charge and their intersection. This data is presented in addition to data on frequency of individual and combined reasons in separate unreported incidents. After presenting the data on documented incidents for 2021, and the comparison with the same type of data collected on the annual level from 2018 until 2020, short descriptions of incidents containing the gravest violations of the Criminal code in 2021 were also presented, namely, physical assaults, threats, as well as the destruction and damage of property and vandalism.

20 *Ibid.*

21 FRA. (2012) *Making Hate Crime Visible in the European Union: Acknowledging Victims' Rights*. Luxembourg: Publications Office.

22 FRA ed. (2016) *Ensuring Justice for Hate Crime Victims: Professional Perspectives*. Justice. Luxembourg: Publications Office of the European Union.



METHODOLOGY

Since 2015, survivors and witnesses of hate-motivated incidents have been able to report cases to Da se zna!, through three official channels: via e-mail, contact form and online questionnaires available on Da se zna!'s website. Through direct communication with queer people at community events, researchers also gain knowledge about hate motivated incidents. Owing to the strong presence on social networks, a number of incidents are reported to Da se zna! this way as well. In addition to learning about the incidents from the information obtained directly from the survivors and witnesses, there is an option for the CSOs to report hate-motivated incidents via Da se zna!'s website. Finally, media coverage of issues important for the queer community is monitored, as is media coverage of incidents motivated by SOGIESC of the survivors. The media thus represent another channel through which information about a smaller number of incidents is obtained.

The online questionnaire through which survivors and witnesses of hate-motivated incidents can report cases to Da se zna! is made up of four steps. The first consists of only one closed-ended question in which the person reporting the incident can choose whether to report it as a survivor or a witness, and whether the incident being reported was committed

against an individual or a group. On the basis of the answers obtained, the questions in further steps are adjusted. The second step or stage consists of three closed-ended questions on sexual orientation, gender identity and the age of the survivor. The third step consists of four closed-ended questions and three open-ended questions about the incident itself (date, time, location, place, description of the incident, etc.), as well as the question about whether the incident was reported to the competent authorities. Depending on whether or not the incident was reported to the institutions or not, the final step is made up of closed questions about the reaction of the institutions or the reasons why the incident was not reported.

The online questionnaire for reporting incidents by CSOs is equivalent to the online questionnaire for survivors and witnesses of hate-motivated incidents. Witnesses and survivors who chose to report incidents via email, contact form, direct communication, and social media, do so in free form. On the basis of such free form statements and further communication with the survivors or witnesses of the incident, researchers categorized the information about the survivor and the incident according to the categories from the online questionnaire.



KEY RESULTS

— During 2021, 83 instances of unlawful conduct motivated by the survivors' sexual orientation or gender identity were committed and documented, which is 37% more than the previous year, and 24% more than two years ago.

— In 2021, in 19 incidents (23%) physical violence was committed against survivors, and every fifth incident involving physical violence included bodily injuries.

— For three years in a row, the share of underage youth among survivors of incidents motivated by hatred has been on the rise, and in 2021 it reached 16% of the overall incidents committed against individuals.

— For five years in a row now, hate crime has represented a form of unlawful conduct motivated by sexual orientation/gender identity which is recorded and documented the most, while discrimination happens to a lesser extent or it is to a lesser extent recognised as an issue worthy of complaint.

— Young cisgender gays from Belgrade are usually survivors of documented hate-motivated incidents.

— In 2021, over 80% of documented incidents were invisible to the institutions in charge. Two years in a row the number of cases reported to the police has been on the decrease, and in 2021 it was reduced to only 12% of the overall number of documented incidents.

— In 2021, every other unreported case was not reported due to the lack of trust in the institutions. The lack of knowledge of the procedures as the reason behind failing to report has been on the increase for two years in a row now, and in 2021 it was cited in 39% of unreported cases.

During 2021, 83 instances of unlawful conduct motivated by survivor's SOGI were committed and documented. Out of the overall number of documented unlawful conduct, in 66 cases (79,5%) exclusively criminal acts and misdemeanours were committed, in 15 (18,1%) exclusively discrimination, and in two (2,4%) in the course of the criminal act or misdemeanour the survivor was discriminated.

The share of criminal acts and discrimination in the overall number of incidents is almost the same as in the last four years. Such structure of documented unlawful conduct points to the fact that violence is still the greatest problem of the queer community, while discrimination happens to a lesser extent or is less often recognised as an issue worthy of complaint.

Unlawful conduct	2017	2018	2019	2020	2021
Criminal act/misdemeanour	74,1%	78,6%	79,4%	78,8%	79,5%
Discrimination	22,2%	14,3%	17,5%	17,3%	18,1%
Criminal act/misdemeanour and discrimination	3,7%	7,1%	3,2%	3,8%	2,4%

Table 1. Comparative overview of unlawful conduct expressed in percentages for the period 2017-2021



Chart 1. Comparative overview of unlawful conduct expressed in percentages for the period 2017-2021

In 2021, Da se zna! documented 37,3% more hate-motivated incidents than in 2020. This drastic rise in documented hate-motivated incidents should be understood in the context of the measures the Government of the Republic of Serbia adopted in order to prevent the spreading of the virus and combat COVID-19 pandemic, which kept many queer people, but also potential perpetrators of incidents motivated by someone's sexual orientation/gender identity behind closed doors. In this way incidents that would have taken place had the measures not been adopted and enacted, were evaded. Nevertheless, even when the number of documented incidents in 2021 is compared with the number of documented incidents in the pre-pandemic year of 2019, a significant increase of 24,1% is evident.

Unlawful conduct	2018	2019	2020	2021
Criminal act/misdemeanour	33	50	41	66
Discrimination	6	11	9	15
Criminal act/misdemeanour and discrimination	3	2	2	2

Table 2. Comparative overview of unlawful conduct expressed in absolute values for the period 2018-2021

SOURCE

Da se zna! obtained knowledge on hate-motivated incidents in 77 cases (92,8%) directly from survivors, in two (2,4%) from other CSOs, in three (3,6%) from witnesses and in one (1,2%) from the media. In neither of the cases was the source of information an institution in charge.

Source of information	Number of incidents	Percentage
Survivors	77	92,8%
Witnesses	3	3,6%
Media	1	1,2%
CSOs	2	2,4%
Competent authorities	0	0,0%
Other	0	0,0%

Table 3. Incident overview according to the source of information in 2021

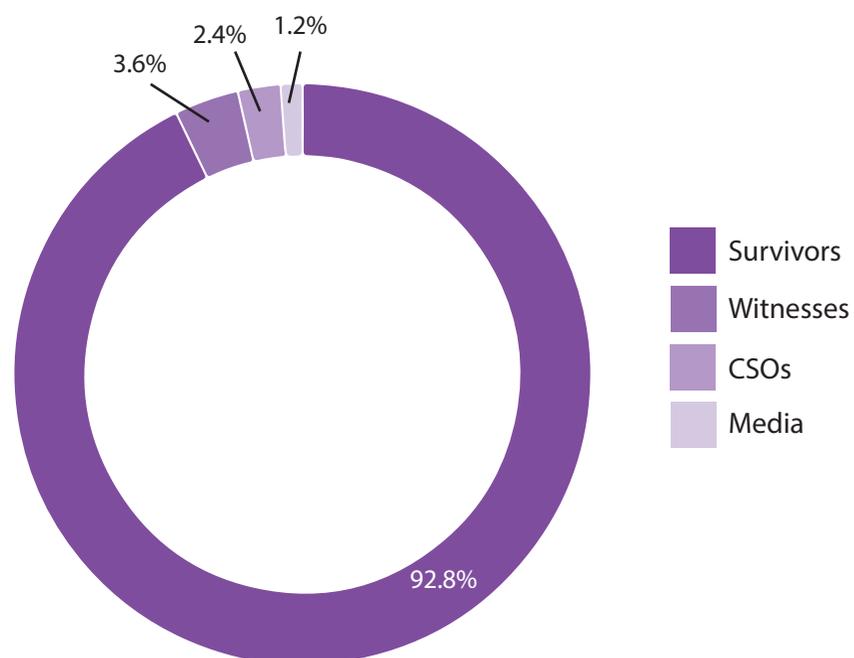


Chart 2. Incident overview according to the source of information in 2021

In 2021, the highest percentage of incidents reported by the survivors themselves was recorded up until now, while the percentage of incidents where witnesses, media or CSOs were the source of information significantly dropped.

Source of information	2017	2018	2019	2020	2021
Survivors	88,9%	78,6%	80,9%	73,1%	92,8%
Witnesses	0,0%	9,5%	17,5%	9,6%	3,6%
Media	0,0%	2,4%	1,6%	5,8%	1,2%
CSOs	11,1%	9,5%	0,0%	11,5%	2,4%
Competent institutions	0,0%	0,0%	0,0%	0,0%	0,0%
Other	0,0%	0,0%	0,0%	0,0%	0,0%

Table 4. Comparative overview of incidents according to the source of information for the period 2017-2021

PLACE AND LOCATION

Forty-nine documented cases were committed in Belgrade (59,0%). In Novi Sad, eight incidents (9,6%), six incidents (7,2%) in Niš, and three incidents (3,6%) in Kragujevac. Two incidents in each of the following towns (2,4%) were documented: Subotica, Leskovac and Pančevo, and one each (1,2%) in Kraljevo, Šabac, Novi Pazar, Kruševac, Vranje and Kikinda. When it comes to incidents in smaller places, one each was documented (1,2%) in Čurug, Stara Pazova, Bela Crkva, Aleksinac, and Petrovac.

Location	Number of incidents	Percentage	Type of location	Number of incidents	Percentage
Belgrade	49	59,0%	Capital city	49	59,0%
Novi Sad	8	9,6%	Other towns	29	35,0%
Niš	6	7,2%			
Kragujevac	3	3,6%			
Leskovac	2	2,4%			
Subotica	2	2,4%			
Pančevo	2	2,4%			
Kraljevo	1	1,2%			
Šabac	1	1,2%			
Novi Pazar	1	1,2%			
Kruševac	1	1,2%			
Vranje	1	1,2%			
Kikinda	1	1,2%			
Čurug	1	1,2%			
Stara Pazova	1	1,2%			
Bela Crkva	1	1,2%			
Aleksinac	1	1,2%			
Petrovac	1	1,2%			

Table 5. Overview of incidents according to location and type of location in 2021

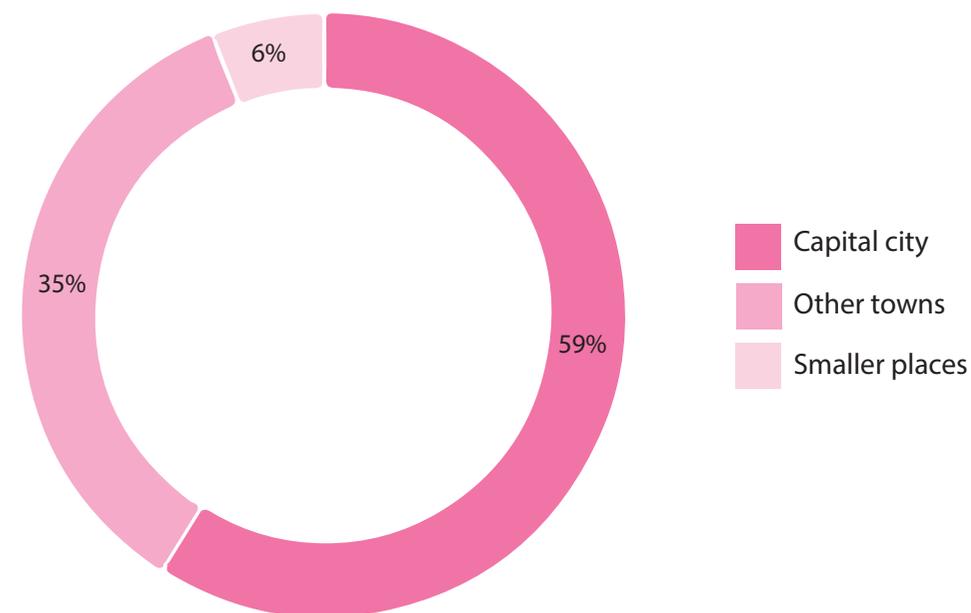


Chart 3. Incidents overview according to the type of location in 2021

Although the share of documented incidents committed in Belgrade is still disproportionately high in relation to the number of incidents documented in other places, it is however the lowest figure documented up until now. On the other hand, the percentage of cases documented in other towns is the highest documented up until now, while the percentage of incidents documented in smaller places has slightly dropped.

Type of location	2017	2018	2019	2020	2021
Capital city	66,7%	76,2%	74,6%	76,9%	59,0%
Other towns	29,6%	9,5%	15,9%	13,5%	35,0%
Smaller places	3,7%	14,3%	9,5%	9,6%	6,0%

Table 6. Comparative overview according to the type of location for the period 2017-2021

A fourth of incidents were recorded on the internet, that is, 21 incidents (25,3%). Nineteen incidents (22,9%) were documented in the open, public spaces such as streets, squares and parks. Fifteen incidents (18,1%) took place at homes, living spaces, while 10 incidents (12,0%) were documented in the workplace. Five incidents each (6,0%) happened in health care institutions and public transportation. In clubs/cafes and queer venues two incidents each were documented (2,4%), and one incident each (1,2%) took place at school/the faculty and in a police station.

Place	2018		2019		2020		2021	
	Num.	%	Num.	%	Num.	%	Num.	%
Street, park, square	11	26,2%	18	28,6%	8	15,4%	19	22,9%
Queer venue	2	4,8%	10	15,9%	4	7,7%	2	2,4%
The internet	5	11,9%	7	11,1%	18	34,6%	21	25,3%
Living space	9	21,4%	8	12,7%	6	11,5%	15	18,1%
Workplace	5	11,9%	6	9,5%	4	7,7%	10	12,0%
Club, cafe	2	4,8%	5	7,9%	3	5,8%	2	2,4%
School, faculty	3	7,1%	3	4,8%	3	5,8%	1	1,2%
Public transportation	1	2,4%	3	4,8%	0	0,0%	5	6,0%
Police station	1	2,4%	2	3,2%	3	5,8%	1	1,2%
State institution	0	0,0%	1	1,6%	1	1,9%	0	0,0%
Health care institution	2	4,8%	0	0,0%	1	1,9%	5	6,0%
Queer organisation	0	0,0%	0	0,0%	0	0,0%	0	0,0%
Telephone	1	2,4%	0	0,0%	1	1,9%	0	0,0%

Table 7. Comparative overview of incidents according to place for the period 2018-2021

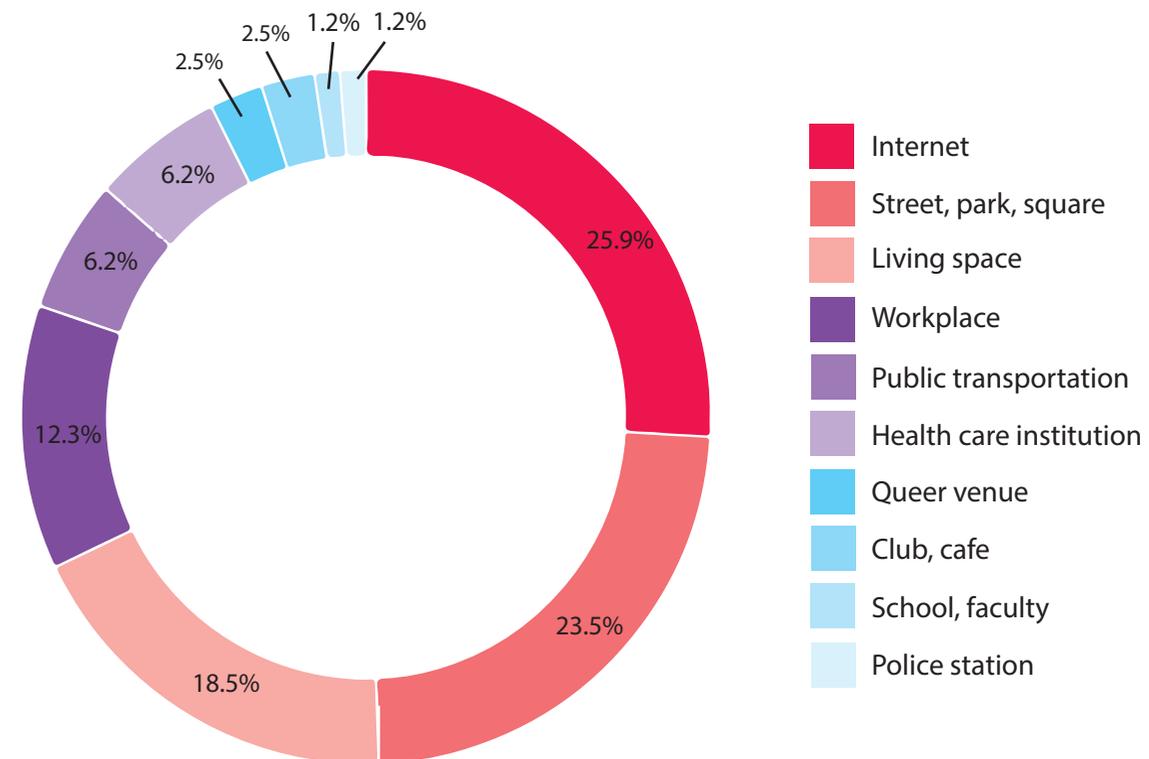


Chart 4. Incidents overview according to the place in 2021

TYPE OF INJURY

In 19 incidents (22,9%) physical violence was used against a survivor, which is a slight increase in relation to 2020. Furthermore, in 2021, the lowest ever percentage of incidents including bodily harm/injury was recorded.

	2017	2018	2019	2020	2021
Percentage of physically violent incidents	29,6%	33,5%	42,9%	21,2%	22,9%

Table 8. Comparative overview of share of incidents including physical violence in the overall number of incidents for the period 2017-2021

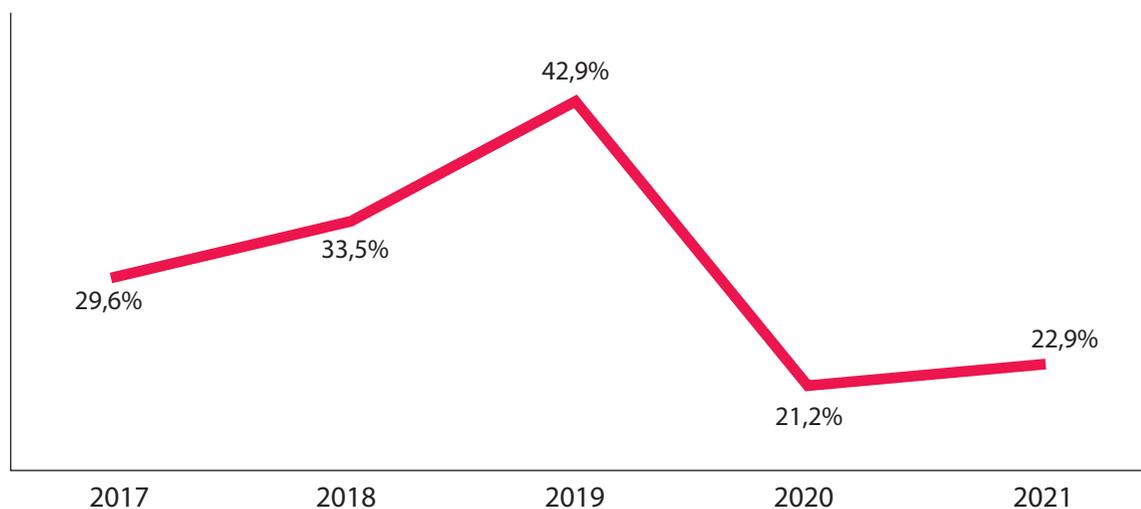


Chart 5. Comparative overview of share of incidents including physical violence in the overall number of incidents for the period 2017-2021

Harassment was documented in 33 cases (39,8%). Discrimination was documented in 17 (20,5%), and threats in 13 (15,7%) cases. Out of three cases (3,6%) related to the survivor's property, vandalism was documented in one, that is, injury of a milder degree, and the damage of property in two, that is, injury of a more severe degree.

Type of injury	Number of incidents	Percentage	Degree of injury	Number of incidents	Percentage
Physical violence	19	22,9%	No bodily harm/injury	15	18,1%
			With bodily harm/injury	4	4,8%
Harassment	33	39,8%			
Discrimination	17	20,5%			
Threats	13	15,7%	Damage of property	2	2,4%
Offences against property	3	3,6%	Vandalism	1	1,2%

Table 9. Overview of incidents according to the type and degree of injury in 2021

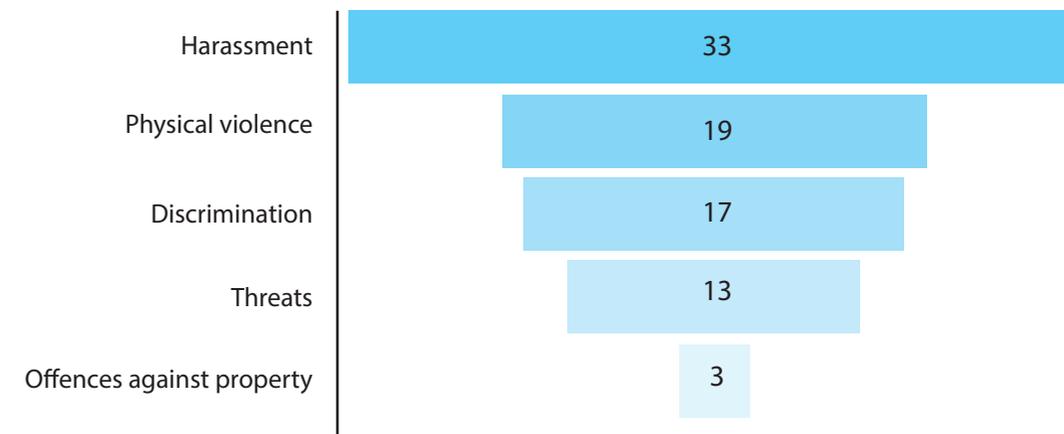


Chart 6. Overview of incidents according to the type and degree of injury in 2021

Relation between physical violence excluding bodily harm and physical violence including bodily harm	2019		2020		2021	
	Broj	%	Broj	%	Broj	%
Physical violence excluding bodily harm	15	55,6%	7	63,6%	15	78,9%
Physical violence including bodily harm	12	44,4%	4	36,4%	4	21,1%
Overall physical violence	27	100,0%	11	100,0%	19	100,0%

Table 10. Comparative overview of relation between physical violence excluding bodily harm and physical violence including bodily harm for the period 2019-2021

SURVIVORS

Data were collected about survivors regarding whether they suffered the incident on their own or as part of the group, as well as whether they are queer human rights defenders. When it comes to people who suffered the incident on their own, data on their gender identity, sexual orientation and age was collected, so for that reason incidents committed against groups were excluded from the analysis of this data. In order to obtain precise determination of survivors' identity, data on sexual orientation and gender identity was examined and compared.

In 66 cases (79,5%) the incident was hate-motivated and committed against a person as an individual, while in 17 cases (20,5%), it was committed against a group. After the increase of the percentage of incidents committed against groups in 2019, the level in 2020 returned to the one from 2018. People who are actively engaged with the issues of gender and sexuality, such as CSO activists working in the field of women's and queer people's rights, can also be the targets of hate-motivated crimes. Two years after the consecutive increase in the share of human rights defenders among survivors of hate-motivated incidents, in 2021 their percentage among survivors began to drop.

Number of survivors	Number of incidents	Percentage	Survivors	Number of incidents	Percentage
Individuals	66	79,5%	Human rights defenders	5	6,0%
			Others	61	73,5%
Groups	17	20,5%	Human rights defenders	9	10,8%
			Others	8	9,6%

Table 11. Overview of the relationship between the number of survivors and incidents involving human rights defenders in 2021

“*Three men approached me and one pushed my friend with his shoulder so that he almost fell to the ground. Then he pushed him and started screaming at him: „Faggot, I will kick the living shit out of you all!“. I asked him what the problem was. All three of them told me that they would punch me and that I was not a real woman, but a transvestite.*”

-Physical assault on a group of queer people

Survivors	Groups		Individuals		Overall	
	Num.	%	Num.	%	Num.	%
Human rights defenders	9	10,8%	5	6,0%	14	16,9%
Other	8	9,6%	61	73,5%	69	83,1%
Overall	17	20,5%	66	79,5%	83	100,0%

Table 12. Overview of the relation between human rights defenders and others according to the number of survivors in 2021

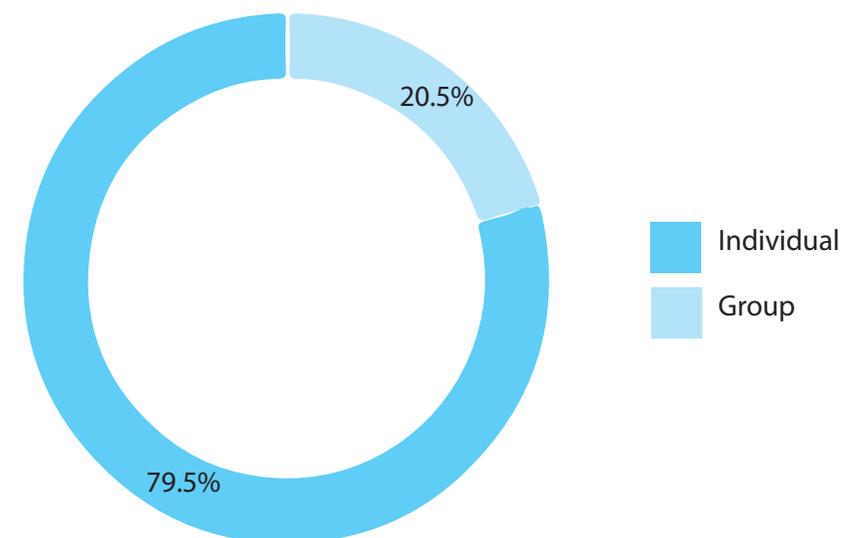


Chart 7. Overview of the number of survivors in relation to the number of incidents in 2021

Number of survivors	2018		2019		2020		2021	
	Num.	%	Num.	%	Num.	%	Num.	%
Individual	33	78,6%	39	61,9%	37	71,2%	66	79,5%
Group	9	21,4%	24	38,1%	15	28,8%	17	20,5%

Table 13. Comparative overview of the number of survivors for the period 2018-2021

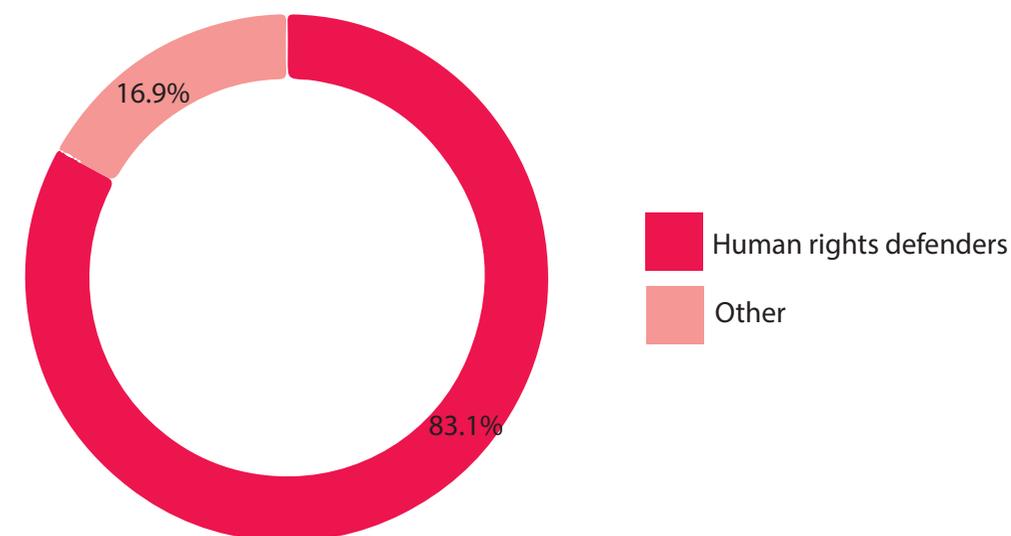


Chart 8. Overview of the relation of human rights defenders and others according to the number of incidents in 2021

Survivors	2018		2019		2020		2021	
	Num.	%	Num.	%	Num.	%	Num.	%
Human rights defenders	4	9,5%	12	19,0%	11	21,2%	14	16,9%
Other	38	90,5%	51	81,0%	41	78,8%	69	83,1%

Table 14. Comparative overview of the relationship between human rights defenders and others according to the number of incidents for the period 2018-2021

When it comes to gender identity of the people who were exposed to hate-motivated incidents, 31 (47,0%) were cisgender men, and in 14 cases (21,2%) the survivors were cisgender women. In seven cases (10,6%), survivors were transgender men, while in six cases (9,1%), survivors were transgender women. People of other transgender identities, as well as people whose identity does not fall in with any of the before-mentioned categories suffered incidents in four cases each (6,1%). Although cisgender men still comprise almost half of all survivors, a multi-year trend of their numbers' decline in the overall number of incidents continued well into 2021. Additionally, the smallest ever percentage of incidents involving transgender women as survivors so far was recorded. The share of transgender men among the survivors remained on the level of that from 2020, while the share of cisgender women increased manifoldly and represents the highest percentage recorded so far.

Survivors' gender identity	2018		2019		2020		2021	
	Num.	%	Num.	%	Num.	%	Num.	%
Cisgender men	21	63,6%	23	59,0%	20	54,1%	31	47,0%
Transgender women	4	12,1%	6	15,4%	6	16,2%	6	9,1%
Cisgender women	4	12,1%	4	10,3%	3	8,1%	14	21,2%
Transgender men	2	6,1%	2	5,1%	4	10,8%	7	10,6%
Other transgender identities	1	3,0%	4	10,3%	4	10,8%	4	6,1%
Other	1	3,0%	0	0,0%	0	0,0%	4	6,1%

Table 15. Comparative overview of survivors' gender identity (without groups) for the period 2018-2021

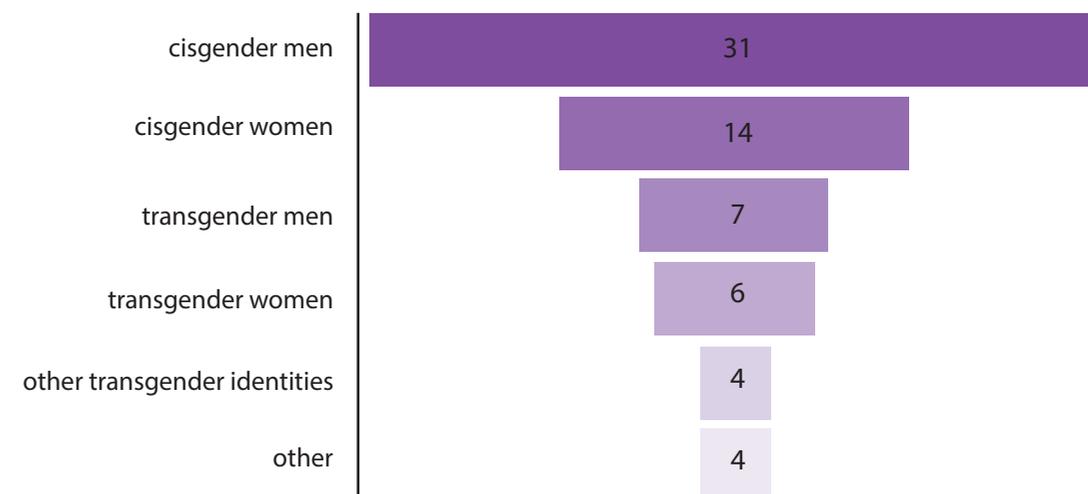


Chart 9. Overview of survivors' gender identity (without groups) in 2021 1

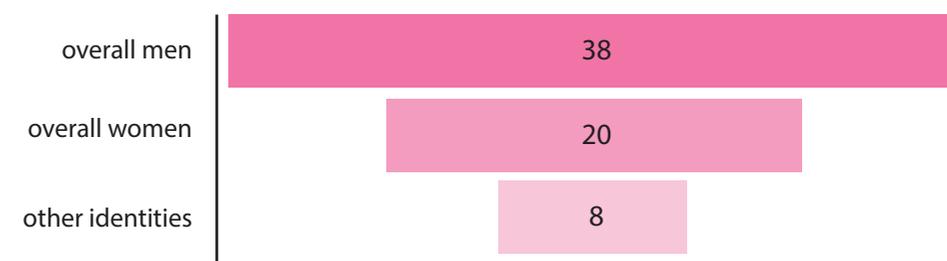


Chart 10. Overview of survivors' gender identity (without groups) in 2021 2

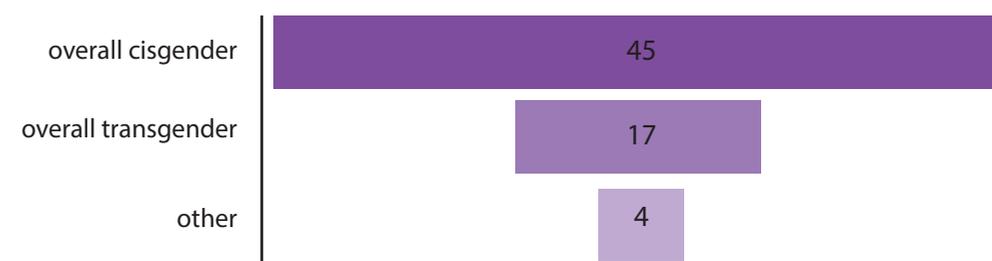


Chart 11. Overview of survivors' gender identity (without groups) in 2021 3



A guy threatened me last night the whole evening via Instagram messages, told me that he would beat the hell out of me, kick me, end me... He told me he had seen me around before, but that he didn't know that I was a "faggot". After he had seen a photo of me covered in rainbow colours on my Instagram, he repeatedly told me that I was "screwed" next time he saw me. He was using plural, told me he would beat the living hell out of me with his mates.



– Threats a young cisgender gay received

Sexual orientation of people who were exposed to incidents is same-sex in 44 cases (66,7%), bisexual in 15 cases (22,7%), heterosexual in six cases (9,1%), and one incident was reported (1,5%) over a person whose sexual orientation does not correspond with any of the before-mentioned.

Sexual orientation	2018		2019		2020		2021	
	Num.	%	Num.	%	Num.	%	Num.	%
Same-sex	26	78,8%	27	69,2%	16	43,2%	44	66,7%
Bisexual	2	6,1%	5	12,8%	13	35,1%	15	22,7%
Heterosexual	3	9,1%	6	15,4%	7	18,9%	6	9,1%
Asexual	1	3,0%	0	0,0%	0	0,0%	0	0,0%
Queer	0	0,0%	0	0,0%	1	2,7%	0	0,0%
Other	0	0,0%	0	0,0%	0	0,0%	1	1,5%
Unknown	1	3,0%	1	2,6%	0	0,0%	0	0,0%

Table 16. Comparative overview of survivors' sexual orientation (groups excluded) for the period 2018-2021

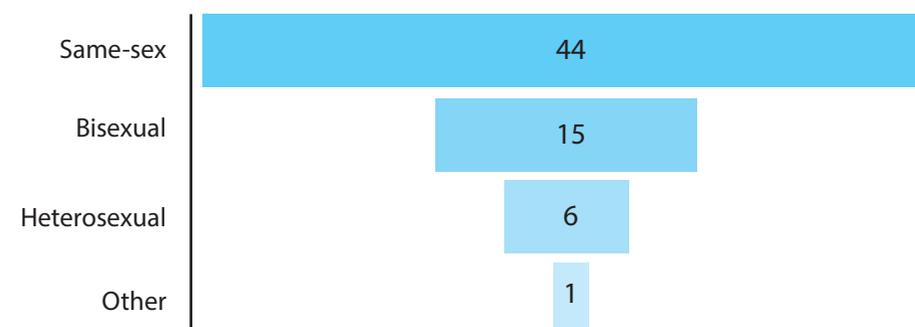


Chart 12. Overview of survivors' sexual orientation (groups excluded) in 2021

Same-sex oriented cisgender men are mostly, in 27 cases (40,9%) the survivors of hate-motivated incidents. They are followed by same-sex oriented cisgender women who are survivors in eight documented cases (12,1%), while bisexual cisgender women are survivors in six (9,1%) cases.

Intersection of gender identity and sexual orientation	Same-sex		Bisexual		Heterosexual		Other		Overall	
	Num.	%	Num.	%	Num.	%	Num.	%	Num.	%
Cisgender women	8	12,1%	6	9,1%	0	0,0%	0	0,0%	14	21,2%
Transgender women	3	4,5%	0	0,0%	3	4,5%	0	0,0%	6	9,1%
Overall women	11	16,7%	6	9,1%	3	4,5%	0	0,0%	20	30,3%
Transgender men	1	1,5%	3	4,5%	2	3,0%	1	1,5%	7	10,6%
Cisgender men	27	40,9%	4	6,1%	0	0,0%	0	0,0%	31	47,0%
Overall men	28	42,4%	7	10,6%	2	3,0%	1	1,5%	38	57,6%
Other transgender identities	1	1,5%	2	3,0%	1	1,5%	0	0,0%	4	6,1%
Other	4	6,1%	0	0,0%	0	0,0%	0	0,0%	4	6,1%
Overall	44	66,7%	15	22,7%	6	9,1%	1	1,5%	66	100,0%

Table 17. Intersection of gender identity and sexual orientation in 2021 (without groups)

More than half (59,1%) of documented hate-motivated incidents were committed against young adults (up to 30 years of age). Fourteen incidents (21,2%) were committed against people from 31 to 40 years of age, while only two cases (3,0%) were documented in which survivors were people from 41 to 50 years of age. The percentage of underage persons among the survivors of incidents remained on the level from 2020, and is 16,7% of the overall number of incidents committed against individuals.

Age	2018		2019		2020		2021	
	Num.	%	Num.	%	Num.	%	Num.	%
Below 18 years of age	4	12,1%	5	12,8%	6	16,2%	11	16,7%
18-30	21	63,6%	21	53,8%	27	73,0%	39	59,1%
31-40	7	21,2%	11	28,2%	3	8,1%	14	21,2%
41-50	1	3,0%	2	5,1%	1	2,7%	2	3,0%
51-60	0	0,0%	0	0,0%	0	0,0%	0	0,0%
60+	0	0,0%	0	0,0%	0	0,0%	0	0,0%

Table 18. Comparative overview of survivors' age (groups excluded) for the period 2018-2021

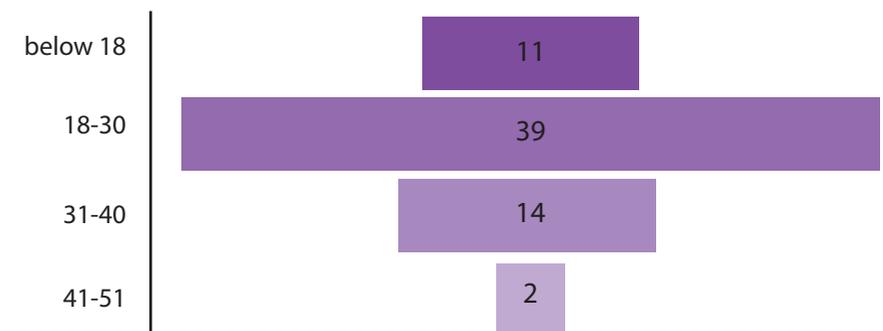


Chart 13. Overview of survivors' age in 2021 (groups excluded)

“

On the bus a group of young men were talking about how LGBT+ people, Roma people and Muslims should be killed... They were looking at my friend and me while they were saying this. I and my friend slowly got up and stood by the bus exit door to get off at the next station, when one of them said that they would also be getting off at the next stop! He stood behind me, brutally pulled my shoulder, and asked me where I was from... My friend grabbed my hand and we walked off to another exit door to get off the bus. All three of them went after us and one of them started punching me! He was shouting at me: “You lot should all be killed!”

”

– Physical assault on an underage cisgender gay

REPORTING

The majority of hate-motivated incidents, as many as 68 cases (81,9%) were not reported to any institution, or any other CSO, apart from Da se zna! Out of 13 incidents (15,7%) which were reported, 9 were reported only to the police, two only to the Prosecutor’s office, one to both the police and the Prosecutor’s office, while one case was reported, but to none of the before-mentioned institutions, which among the police and the Prosecutor’s office include other CSOs, independent institutions, centres for social work, as well as the court. A fall in the cases reported to the police continued in 2021 as well.

Report	Number of incidents	Percentage
Reported	13	15,7%
Unreported	68	81,9%
Unknown	2	2,4%

Table 19. Overview of the reporting of incidents in 2021

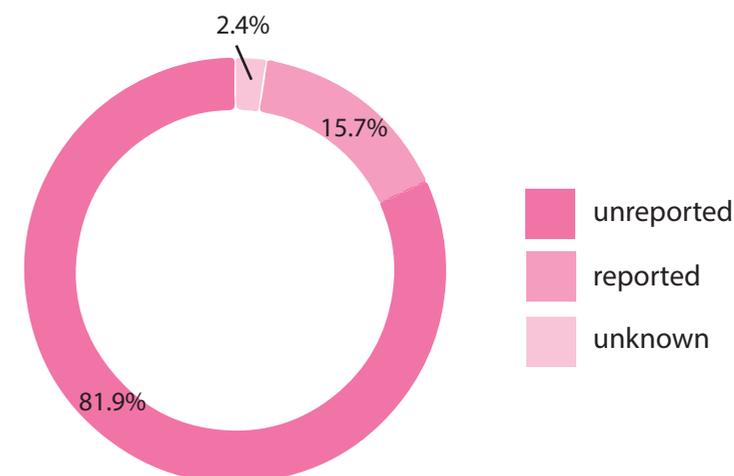


Chart 14. Overview of the reporting of incidents in 2021

INCIDENT REPORTED	Number of incidents	Percentage of the overall number of incidents	Percentage of the overall number of reported incidents
CSO	0	0,0%	0,0%
Police	10	12,0%	76,9%
Prosecutor's office	3	4,8%	30,8%
Court	0	0,0 %	0,0%
The Commissioner	0	0,0%	0,0%
Health care institution	0	0,0%	0,0%
Ombudsman	0	0,0%	0,0%
Centre for social work	0	0,0%	0,0%
Other	1	1.2%	7.7%

Table 20. Overview of incidents according to an institution/organisation to which they were reported in 2021

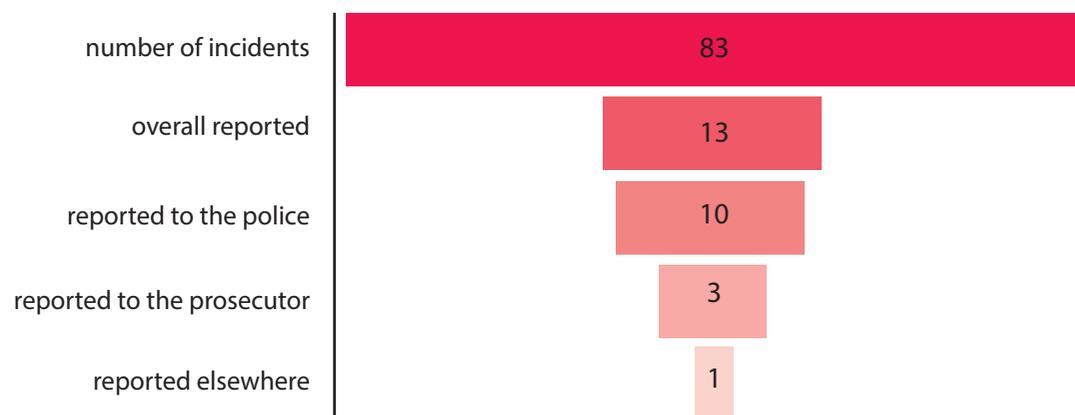


Chart 15. Overview of incidents according to an institution/organisation to which they were reported in 2021

Incident reported	2018		2019		2020		2021	
	Num.	%	Num.	%	Num.	%	Num.	%
Police	3	7,1%	23	36,5%	11	21,2%	10	12,0%
Prosecutor's office	2	4,8%	8	12,7%	1	1,9%	3	4,8%
The Commissioner	1	2,4%	2	3,2%	1	1,9%	0	0,0%

Table 21. Comparative overview of incidents reported to the police, Prosecutor's office and The Commissioner for the protection of equality for the period 2018-2021



Survivors of hate-motivated crimes might feel discouraged to report cases due to their belief that institutions in charge will not be able or will not be willing to undertake necessary steps after they report a hate crime.¹ This belief stems from survivors' distrust of the institutions in charge and the fear that they would not treat them with empathy. Survivors often find that there is a high risk that the police will have the same discriminatory attitudes as the perpetrator.² In literature this issue is known as "the fear of secondary victimisation", and it is the fear of further discrimination or abuse by the police.³ For queer survivors of hate crime this is closely connected with their fear of their SOGIESC being publicly disclosed. Survivor's wish not to be publicly outed and in this way put in the situation of risk of even greater victimisation can play a part in preventing him/her from reporting cases to the institutions in charge.⁴

One of the reasons that the survivors avoid reporting hate-motivated incidents is the concern that perpetrators and others who share the same world views as the perpetrators would take revenge on them, as well as their family members and their community members.

This fear is an extremely strong obstacle in cases where the perpetrator is a member of an extremist group.⁵ The decision not to report the case can also be tied to the feelings of shame and denial which survivors may experience after the assault. This is related to the evaluation that trauma survivors of hate-motivated crimes experience can be

1 ODIHR (2009). *Preventing and Responding to Hate Crimes: A Resource Guide for NGOs in the OSCE Region*. Warsaw: ODIHR. Available at: <https://www.osce.org/odihr/39821>.

2 FRA ed. (2016) *Ensuring Justice for Hate Crime Victims: Professional Perspectives*. Justice. Luxembourg: Publications Office of the European Union.

3 Herek, G. M., and Berrill K. T. (1992) "Primary and Secondary Victimization in Anti-Gay Hate Crimes." U: G. M. Herek and K. T. Berrill (ed.) *Hate Crimes*. Thousand Oaks: Sage, str. 269-289.

Herek, G. M., Cogan, J. C., and Gillis, J. R. (2002). "Victim Experiences in Hate Crimes Based on Sexual Orientation." *Journal of Social Issues*, 58(2), str. 319-39. Available at: <https://doi.org/10.1111/1540-4560.00263>.

4 *Ibid.*

5 ODIHR (2009). *Preventing and Responding to Hate Crimes: A Resource Guide for NGOs in the OSCE Region*. Warsaw: ODIHR. Dostupno na: <https://www.osce.org/odihr/39821>.

especially severe in comparison to experience of survivors of similar crimes, however without a bias motive. Higher levels of trauma are connected with the fact that survivors become the targets of violence due to how someone perceives them, so that they become victimised for something they have no control over.⁶ In the end, sometimes survivors do not have appropriate information on laws which regulate hate crimes or they are not familiar with the procedures which have to be followed in order to report the hate-motivated crime.⁷

All these obstacles enable the situation in which the majority of hate-motivated cases remains unreported, and therefore hidden.

6 FRA ed. (2016) *Ensuring Justice for Hate Crime Victims: Professional Perspectives*. Justice. Luxembourg: Publications Office of the European Union.

7 ODIHR (2009). *Preventing and Responding to Hate Crimes: A Resource Guide for NGOs in the OSCE Region*. Warsaw: ODIHR. Dostupno na: <https://www.osce.org/odihr/39821>

In almost half (48,5%) of unreported incidents, the reason stated for failing to report is the distrust of the institutions. Following this reason, in 27 cases (39,7%) it is the lack of knowledge of procedures, in 18 (26,5%) the fear of the perpetrator, in 13 cases (19,1%) survivors did not report the case out of fear of disclosing their sexual orientation and/or gender identity. In relation to 2020, the distrust of the institutions decreased, while not being out as the reason for deciding not to report incidents increased considerably. Fear of the perpetrator and the lack of knowledge of the procedures as reasons for failing to report slightly grew in relation to data from 2020. Distrust of the institutions and the lack of knowledge of the procedures are reasons which are predominantly individually stated, while on the other hand, fear of the perpetrator and not being out are reasons which dominantly appear in combination with other reasons.

Reasons for not reporting	2019		2020		2021	
	Num.	%	Num.	%	Num.	%
Distrust of institutions	7	21,2%	22	71,0%	33	48,5%
Survivor has not come out	14	42,4%	2	6,5%	13	19,1%
Fear of the perpetrator	10	30,3%	7	22,6%	18	26,5%
Lack of knowledge of the procedures	8	24,2%	11	35,5%	27	39,7%
Other	3	9,1%	5	16,1%	4	5,9%

Table 22. Comparative overview of incidents according to the reason for deciding not to report cases for the period 2019-2021

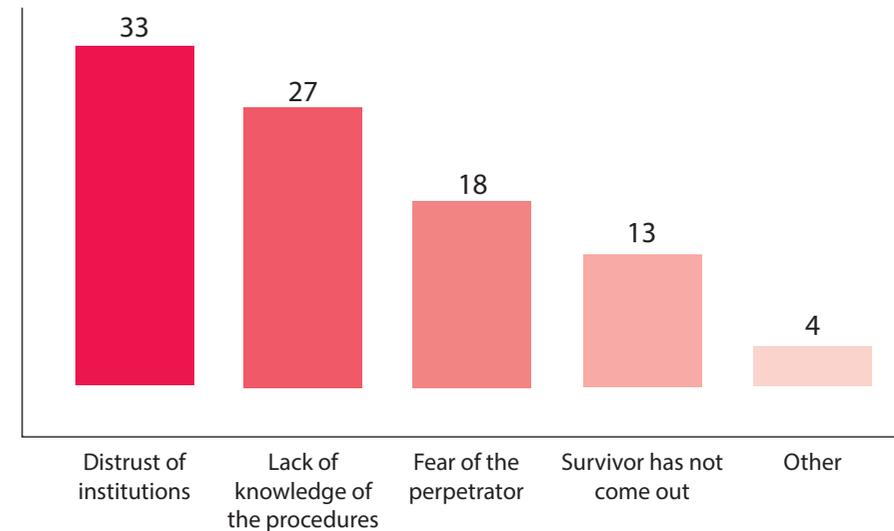


Chart 16. Overview of incidents according to the reason for deciding not to report cases in 2021



The first intersecting reason	The second intersecting reason	The third intersecting reason
Distrust of institutions	/	/
Survivor has not come out	/	/
Lack of knowledge of the procedures	/	/
Fear of the perpetrator	/	/
Distrust of the institutions	Survivor has not come out	/
Distrust of the institutions	Lack of knowledge of the procedures	/
Distrust of the institutions	Fear of the perpetrator	/
Survivor has not come out	Lack of knowledge of the procedures	/
Survivor has not come out	Fear of the perpetrator	/
Lack of knowledge of the procedures	Fear of the perpetrator	/
Distrust of the institutions	Survivor has not come out	Lack of knowledge of the procedures
Distrust of the institutions	Survivor has not come out	Fear of the perpetrator
Distrust of the institutions	Lack of knowledge of the procedures	Fear of the perpetrator
Survivor has not come out	Lack of knowledge of the procedures	Fear of the perpetrator
Distrust of the institutions	Survivor has not come out	Lack of knowledge of the procedures
Other	/	/

The fourth intersecting reason	Number of incidents	Percentage of the overall unreported cases
/	18	26,5%
/	3	4,4%
/	14	20,6%
/	7	10,3%
/	3	4,4%
/	6	8,8%
/	2	2,9%
/	2	2,9%
/	2	2,9%
/	3	4,4%
/	0	0,0%
/	2	2,9%
/	1	1,5%
/	0	0,0%
Fear of the perpetrator	1	1,5%
/	4	5,9%
Total	68	100,0%

Table 23. Intersection of the reasons for deciding not to report in 2021



BRIEF DESCRIPTIONS OF THE MOST SEVERE HATE CRIMES

This chapter features documented instances of hate crimes classified as cases of physical violence, threats, destruction/damage of property and vandalism, according to the previously determined universal system of classification for civil society organisations which provide data for the annual report on hate crimes of the Office of ODHR and OSCE. For each instance of a hate crime, a date, source, location and the offender's prejudice indicator is stated. However, one should bear in mind that the majority of cases provided includes also another type of offence, but that they were classified according to the gravest form of offence.

PHYSICAL ASSAULT WITH BODILY INJURY

DATE	LOCATION	SOURCE	PREJUDICE INDICATOR
29 April 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary; The survivor was perceived as a person of a sexual orientation other than heterosexual;
6 July 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary; The survivor was perceived as a person of a sexual orientation other than heterosexual;
14 September 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary;
26 October 2021.	Belgrade	Directly from the survivor	Survivor perceived as the person of sexual orientation other than heterosexual; Survivor's perception;

DESCRIPTION

The survivor (gay cisgender man, aged 18) was abused by several perpetrators under the influence of alcohol in public, out in the open: they poured beer on him, tripped him and continued kicking him when he fell on the ground. The survivor suffered bodily injuries on his face and legs. The survivor did not report the case to the police out of fear of the perpetrators.

A group of two survivors (queer cisgender men, age group 18 to 30) was attacked by a group of perpetrators while they were sitting on the park bench. Perpetrators firstly asked survivors if they were a couple, and after they responded that they were not, one of the perpetrators started to verbally abuse them, while another attacked them from behind. A sharp blow one of the survivors had sustained knocked him unconscious, while the other suffered grave bodily injury, including a fractured jaw. The case was reported to the police, and forwarded to the prosecutor in charge.

After they had made several homophobic comments about the survivor (gay cisgender man, age group 18 to 30) who was passing by a bench in the park where the perpetrators were sitting, one young man from the group of perpetrators run towards the survivor and punched him in the head, after which the survivor lost consciousness. In the course of the assault, the survivor suffered an injury of the eyebrow region – eyebrow laceration. The case was not reported out of fear of the perpetrator and the lack of trust in the institutions.

A group of three perpetrators assaulted the survivor (gay cisgender man, age group 31-40) while he was getting off the public transportation. In the course of the assault, the survivor's thumb was broken. The case was reported to the police.

PHYSICAL ASSAULTS WITHOUT BODILY INJURY

DATE	LOCATION	SOURCE	PREJUDICE INDICATOR	DESCRIPTION
26 January 2021.	Kikinda	Directly from the survivor	Homophobic vocabulary; The survivor was perceived as the person of sexual orientation other than heterosexual;	The survivor (bisexual cisgender man, age group 31 to 40) was physically assaulted by his friend's brother while he was visiting her. The perpetrator slapped the survivor, and threatened to beat him up in the future. The case was not reported to the institutions in charge due to the lack of knowledge of the procedures.
14 February 2021.	Petrovac	Directly from the survivor	The survivor was perceived as the person of sexual orientation other than heterosexual;	The survivor (lesbian, cisgender woman, age group 18 to 30) was physically assaulted by her father, after he had found a letter the survivor received from her girlfriend. The case was not reported to the institutions in charge out of fear of the perpetrator.
12 March 2021.	Novi Sad	Directly from the survivor	Homophobic vocabulary;	The survivor (gay cisgender man, under the age of 18) was assaulted by a group of perpetrators on the bus after they had spoken badly of queer population. When the bus reached the station, he was kicked off the bus. The case was not reported to the institutions in charge for reasons which remain unknown.
1 April 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary;	The survivor (lesbian cisgender woman, age group 18 to 30) was pushed while on the city bus by an unknown man, shouting "Shut up, dyke!" after she had stood up for an elderly lady the young man had been arguing with about not wearing a protective face mask. The case was not reported due to the lack of trust in the institutions and the fact that the survivor has not come out.
15 April 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary;	Survivor (queer cisgender man, age group 18 to 30) was physically assaulted in the street by two perpetrators, after he had responded to their homophobic insults. The case was not reported due to the lack of trust in the institutions.
10 May 2021.	Belgrade	From the media	Homophobic vocabulary;	The survivor (gay cisgender man, age group 41 to 50) stated on Twitter, and the media reported, that one man had chased him to stab him with a knife. According to the statement, an unknown man firstly threw an object at him, then drew a knife and shouted: "I will slit your throat now, faggot!" and chased after him. It is said that the case was reported to the police.

24 June 2021.	Belgrade	From the witnesses	The survivors were perceived as persons of sexual orientation other than heterosexual;
17 July 2021.	Belgrade	Directly from the survivor	The survivor was perceived as a person of sexual orientation other than heterosexual;
28 July 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary; The survivor was perceived as a person of sexual orientation other than heterosexual;
19 August 2021.	Niš	Directly from the survivor	The survivor was perceived as a person of sexual orientation other than heterosexual;
11 September 2021.	Belgrade	Directly from the survivors	Homophobic and transphobic vocabulary; The survivors were wearing queer markers;
19 October 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary; The perpetrators are members of a far-right organisation;
29 November 2021.	Novi Sad	Directly from the survivor	Transphobic vocabulary; The survivor was perceived as a person of gender identity other than cisgender;

Two survivors (gay cisgender men, age group 18 to 30) were physically assaulted by the owner of the coffee shop they were in, after they had kissed. The perpetrator slapped both of the survivors in the face and kicked them out of the coffee shop. It is not known whether the case was reported to the institutions in charge.

The survivor (gay cisgender man, under the age of 18) was physically assaulted by his father who knocked him on the ground and punched him, after the survivor had come out to him. The case was not reported to the institutions in charge out of fear of the perpetrator.

The survivor (gay, gender identity: other, age group 18 to 30) was physically assaulted and thrown out of his home by the members of his family due to his sexual orientation. The case was not reported to the institutions in charge out of fear of the perpetrator.

The survivor (bisexual cisgender woman, age group 31 to 40) suffered violence from her family, including limiting her freedom of movement, due to her sexual orientation. The survivor is a multiple sclerosis patient, and her parents physically prevent her from leaving their home to meet up with a girl. The case was not reported to the institutions in charge out of fear of the perpetrators.

A group of queer survivors (two gay cisgender men, one bisexual cisgender young woman, one heterosexual cisgender man) was physically assaulted by three perpetrators in the street, because one of the survivors had been wearing a Pride Info centre volunteer accreditation. In the course of the assault, the perpetrators were using homophobic and transphobic vocabulary. The case was not reported due to the distrust of the institutions and the lack of knowledge of the procedures.

Members of a far-right organisation physically assaulted a survivor (bisexual cisgender woman) and her girlfriend. In the course of the assault, the perpetrators abused and insulted the survivors and pulled their hair out. The case was not reported to the institutions in charge for fear of the perpetrator.

The survivor (bisexual transgender man, age group 18 to 30) was verbally assaulted in front of the building he lives in by a perpetrator who then pushed him several times from behind. In the course of the assault, the perpetrator was using transphobic vocabulary and misgendered the survivor. The case was reported to the police who wrote up a report on the scene and informed the survivor that they would not go on with the case – the perpetrator would not be processed.

7 December 2021.	Novi Pazar	Directly from the survivor	Homophobic vocabulary; The survivor was perceived as a person of sexual orientation other than heterosexual;
19 December 2021.	Leskovac	Directly from the survivor	Homophobic vocabulary;

The survivor (gay cisgender man, age group 18 to 30) was physically assaulted by his father and brother, after they had found out about his sexual orientation. The case was not reported to the institutions in charge out of fear of the perpetrators.

Survivor (gay cisgender man, age group 31 to 40) was physically assaulted by his landlord's son. In the course of the assault, the perpetrator was banging on the door of the apartment the survivor lives in, shouting homophobic insults at him, and when the survivor opened the door, the perpetrator delivered several punches at his head, threw him on the ground and continued kicking him. The case was not reported to the institutions in charge out of fear of the perpetrator.

THREATS

DATE	LOCATION	SOURCE	PREJUDICE INDICATOR	DESCRIPTION
3 January 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary; The survivor was perceived as a person of sexual orientation other than heterosexual;	The survivor (gay cisgender man, age group 18 to 30) received several threats and hateful comments on his TikTok post, including the following comment: "Hey fat ass, pray to God you don't run into me in the street, I will kill both you and these two faggots next to you". The case was not reported due to distrust of the institutions.
17 January 2021.	Pančevo	Directly from the survivor	Transphobic vocabulary;	The survivor (heterosexual transgender woman, age group 31 to 40) was threatened on Instagram by her partner's ex-girlfriend. Alongside threats, the perpetrator was using transphobic language, telling the survivor that "she is still a man, regardless of the gender reassignment operation". The case was not reported to the institutions in charge out of fear of the perpetrator.
14 March 2021.	Belgrade	Directly from the survivor	Transphobic vocabulary;	The survivor (lesbian transgender woman, age group 18 to 30) received threats of physical violence on the application Badoo from an unknown man, after she had informed him of her gender identity. The case was not reported due to distrust of the institutions.
17 May 2021.	Novi Sad	Directly from the survivor	Transphobic vocabulary; The survivor was perceived as a person of gender identity other than cisgender;	The survivor (bisexual transgender man, age group 18-30) was threatened with physical violence in the comment section of the Instagram post. The case was reported to the police.
28 May 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary;	The survivor (bisexual cisgender woman, age group 18 to 30) received death threats in the comment section of the TikTok post from unknown persons. The case was not reported to the institutions in charge due to the lack of knowledge of the procedures and the fact that the survivor has not come out.

30 May 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary;
10 June 2021.	Belgrade	Civil society organisation	Homophobic vocabulary; Threats directed at queer organisation's members.
19 June 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary; The survivor was perceived as a person of sexual orientation other than heterosexual;
1 July 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary; The survivor was perceived as a person of sexual orientation other than heterosexual;
15 July 2021.	Niš	Directly from the survivor	Homophobic vocabulary; The survivor was perceived as a person of sexual orientation other than heterosexual;
27 August 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary;
28 August 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary;
28 October 2021.	Belgrade	Directly from the survivor	Homophobic vocabulary;

The survivor (gay cisgender man, age group 18 to 30) received threats of physical violence from unknown persons as a response to a tweet he posted. The case was not reported due to distrust of the institutions.

Organisation working in the field of protection of queer people received threats in the comments section of an Instagram post. The comment said: "I will be coming to the picnic just so I can publicly shoot a bunch of faggots". The case was reported to the police, and was also forwarded to the prosecutor's office in charge.

The survivor (gay cisgender man, age group 18 to 30) received threats from an unknown man on Instagram, with a comment that the perpetrator had informed far-right organisations about the survivor's sexual orientation. The case was not reported to the institutions in charge due to the lack of knowledge of the procedures.

The survivor (gay cisgender man, age group 18 to 30) received threats from an unknown man on Instagram, including death threats and threats of physical violence, after he had posted a photo of himself with rainbow paint on his face. The case was not reported to the institutions in charge due to the lack of knowledge of the procedures.

The survivor (bisexual cisgender woman, under the age of 18) was harassed in the street by a group of perpetrators who threatened her with physical violence and rape after they had noticed her holding hands with her friend. The case was not reported to the institutions in charge out of fear of the perpetrators, distrust of the institutions and due to the fact that the survivor has not come out.

The survivor (gay, cisgender man, age group 18 to 30) received a comment on his TikTok post in which he was promoting a queer party he organised. The comment said: "My crew and I will be coming to riddle you with bullets". The case was reported to the prosecutor's office in charge.

The survivor (gay cisgender man, age group 18 to 30) received a comment on his TikTok post stating the following: "Faggot, when I find you, I will end you!" The case was reported to the prosecutor's office in charge.

After a comment on a Facebook profile about the attack of the far-right group on the premises of the Women in black association, the survivor (gay, cisgender man, age group 31 to 40) received a threat from an unknown profile saying, "I am coming for you", and "Fag, where are you hiding".

DESTRUCTION OF PROPERTY

DATE	LOCATION	SOURCE	PREJUDICE INDICATOR	DESCRIPTION
25 May 2021.	Belgrade	Directly from the survivor	Survivor's perception;	The survivor (gay cisgender man, age group 18 to 30) had the window on his house broken by an unknown person, and taking into account that this was not the first time and that the previous assaults were caused by homophobia, the survivor thinks that in this case as well the reason behind the attack is the prejudice related to his sexual orientation. The case was reported to the police.
17 September 2021.	Belgrade	Civil society organisation	Assault on the queer organisation's property; Far-right organisation claimed responsibility for this attack;	At the International Pride Forum, organised by Civil Rights Defenders together with Belgrade Pride, members of Levijatan group tore up a Belgrade Pride banner and urinated in front of the venue the conference was held at. The case was reported to the police.

VANDALISM

DATE	LOCATION	SOURCE	PREJUDICE INDICATOR	DESCRIPTION
24 December 2021.	Belgrade	Civil society organisation	Attack on the queer organisation's property;	Pride Info Centre display window was graffitied with images of Ratko Mladić and a phrase "Ratko Mladić Serbian Hero". Additionally, Belgrade Pride – Euro Pride 2022 logo was crossed out. The case was reported to the police.



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