“GEJ” (GAY) IN SOUTHEAST EUROPE: LGBTI RIGHTS IN A EUROPEAN-GLOBAL CORNER

BY

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In September of 2013, European Union representatives and other European political leaders admonished Serbian political officials for canceling a Gay Pride parade planned for Belgrade, for a third year in a row. Each year, Serbia’s Ministry of Internal Affairs refused permission to hold the parade due to security concerns, and also banned anti-gay right-wing groups from gathering. Previous Pride events in Serbia, as well as in neighboring Southeast European countries, had met with violent demonstrations by crowds many times the size of the Pride events. In 2010, for example, 9,000 Serbs had descended on Belgrade from across the country to protest an LGBTI parade, violently rampaging the city and destroying property. Because the recent cancellation occurred in the midst of Serbia’s candidate phase of courtship for European Union membership, and the country’s record on minority protections is critical to the agreements, EU negotiators view the parade cancellation as a red flag.

In 2014, Serbia is one of seven Southeast European countries in various stages of negotiation for European Union membership, along with Albania, Bosnia and Herzegovina (BiH), Kosovo, FYR (Former Yugoslav Republic) Macedonia, Montenegro, and Turkey. When eventually complete, the administrative entity of Europe will border Asia and Africa, forging a new geopolitical positioning of the continent, with implications for cross-regional migration, employment, trade, and human rights concerns. In other words, the relevance of an emerging “global Europe” has a concrete presence at that southern border, which is already manifesting itself in LGBTI organizing and migration flows. Turkey, for example, has emerged as a major transit country for individuals escaping homophobic violence in some Middle Eastern and North African (MENA) countries.

It is the Council of Europe that has led the world in creating the first treaties to protect minority and language rights that are legally binding. These treaties not only bind current members, but obligate new and acceding member states. The European Union has increasingly scrutinized candidate countries’ legal codes and practices on such measures as the right to assemble, anti-discrimination laws, and minority rights, and it has recently begun to include the rights of sexual and gender minorities more explicitly by name. Inclusion for these minorities is far from a marginal concern for acceding countries, because the EU demands more rigid compliance to its conditions than other bodies such as NATO, and the strictures regarding LGBTI rights have increased sharply over the years.

Southeast Europe, which could be described as both east and west, or neither east nor west, is witnessing shifting ground on gender inclusion issues both politically and culturally. Grassroots social movements organized by LGBTI individuals, for example, have become visible players in the public spheres across Southeast Europe as these countries work toward stability and further democratic consolidation. From Croatia to Turkey, Pride events have sprouted, brick-and-mortar offices devoted to LGBTI rights have appeared, and a virtual activist internet presence has begun to proliferate. LGBTI groups have often found themselves at the center of tense debates and controversies in the arena of “high

politics” within international relations as well as internal electoral politics, as the Serbian example illustrates.

Cultures, Politics, and Pride

Visibility does not automatically translate into full social acceptance and integration. In fact, public events such as Pride parades have been touchpoints of cultural clashes in the Southeast European region, as they have in other places in Europe. These clashes offer windows into backlashes against the growing visibility of LGBTI activism and the EU microscopes on the acceding countries. Table One outlines the recent history of Southeast European Pride parades and public reception of these events, as well as the central activist organizations active in each country. (Since Croatia was not yet an EU member when this research began, it is included here.) Scholars have documented that Pride events are important for helping the LGBTI community to create “a space for vindication, [visibility], and commemoration” and for claiming a physical presence in public spaces that are presumed to be exclusively heterosexual.

Across Southeast Europe, records on progress toward social and legal inclusivity of LGBTI individuals are mixed. Despite the recent bans, Serbian activists held small, unauthorized parades from 2011 to 2013. Bosnia and Herzegovina has never had a Pride parade, and has seen its small Pride events violently attacked. Participants at Pride events in Skopje, FYR Macedonia for 2013 endured serious vandalism against the host organization’s property while they were attending an event inside the building. On the other hand, Croatia’s experience with violent protests against Pride parades in recent years translated into fully peaceful parades in both Zagreb and Split in 2013, on the eve of the country’s entry into the EU. Further, governmental officials visibly joined both marches. And in 2013, Istanbul, Turkey hosted its largest Pride parade ever, increasing from 20,000 in 2012 to estimated totals ranging from 40,000 to 100,000 in 2013, large enough to stretch from end to end of the city’s pedestrian promenade, Istiklal Caddesi, with no violence reported. The numbers swelled in part as a product of the concurrent Gezi Park protests that drew new constituents of allies to the Pride parade. Other Turkish cities had also begun to initiate their own Pride parades.

How do LGBTI rights compare across Europe? A 2013 report based on several cross-European surveys found that at the country level, countries with the most traditional views of women’s household and workplace roles were most likely to have residents who consider homosexuality unjustifiable and less inviting of homosexual individuals as neighbors. The country that was most representative of both attachment to traditional gender roles and rejections of LGBTI neighbors was Turkey, and the countries of Albania, Bosnia, Croatia, Macedonia, Montenegro, and Serbia clustered toward this direction of the scale, along with Russia, Greece, and other countries (Kosovo was not distinguished as an independent

country in the report).\textsuperscript{8} This study did map shifting attitudes toward increasing tolerance for gender and sexual minorities across Europe since the 1980s, although earlier studies of these Southeast European countries were not available to map their changes over time. Despite such changes, transnational watchdog groups such as ILGA-Europe document the continuation of anti-LGBTI hate speech across all regions of Europe; as they reported in 2013, “Degradng, offensive, and defamatory language is being used by public officials at all levels – starting from heads of states to local councilors.”\textsuperscript{9}

As Christian, Muslim, and other religious institutions have enjoyed a rise in both visibility and political voice across Southeast Europe in recent years, opposition to LGBTI groups has become amplified through such platforms. Among those who have used their religious teachings to oppose LGBTI movements include some Muslim adherents in Bosnia and Turkey, and Christian Orthodox believers in Serbia. Caution must be used in attributing homophobic violence to specific cultural identities, such as religion, however. Individual members of any society, and their leaders, might apply cultural tenets in a number of potential directions—from peacemaking to violence. In addition to faith-based groups, organized opposition to LGBTI rights has emerged through ultra-nationalist and football fan groups. Following a 2012 attack on an event that was to launch a new LGBTI magazine in Priština, Kosovo, members of the football fan group Pilsat declared on Facebook: “Our past and culture do not allow these degenerate and anti-family ‘cultures’ to be promoted in our midst. Pilsat will take action against these degenerate characteristics in the future as well.”\textsuperscript{10}

Despite what appears to be intransigent resistance from within their societies, sometimes sanctioned by political leaders, there is an insistent presence and growth of civil society organizations for LGBTI rights. Activists affiliated with these organizations have been pressing for social and political change in tandem with their respective countries’ transitions to strengthen stability and democratic governance. Activist strategies not only target what is often called a “single issue”—that of LGBTI rights—but extend to broader democratic development. In the Balkans, for example, there are two umbrella activist groups: the Southeastern European Queer Network of LGBTI activists from the former Yugoslavia, and BABELNOR, a network of 20 organizations from Balkan, Nordic, and Eastern European countries. The rise of such initiatives signals that cross-national and inter-ethnic collaboration is the rule rather than the exception when it comes to LGBTI rights organizing. Further, these activists are using the opportunity of the current window of international scrutiny of their countries’ practices and policies to press for rights against discrimination and homophobic violence that they have yet to enjoy. They are also benefiting in small but symbolically significant ways from increasing access to international assistance, such as grants from international NGOs and intergovernmental bodies.

As community organizing on behalf of LGBTI rights has increased across this region, it becomes more evident that the actors working on stability and democratization include civil society as well as the state. These organizers have been scoping out a virtual presence through websites and social media that


\textsuperscript{9} Ibid., p. 12.

signifies both their tech-savvy youthful drive and their transnational connectedness. This activism’s transnational on-line footprint offers safe spaces away from risky public streets, and also allows international publicity and potential scrutiny of any violent acts and absence of protection that LGBTI people suffer. The organizations collaborate with a number of transnational alliances, such as the International Lesbian Gay Association (ILGA, and ILGA-Europe) and IGLYO (International Gay, Lesbian, Bisexual, Transgender, Queer Youth and Student Organization), which has a European focus.

Europe and the Globe: Aligning on LGBTI Mainstreaming

As LGBTI communities are becoming more visible in the Southeast European region, so are LGBTI concerns moving toward the center of development, human rights, and international relations agendas at both European and global levels. These issues are rapidly becoming “mainstreamed,” to borrow a term from the parallel efforts to give women’s concerns more central attention in such cross-national assistance, negotiating, and strategizing. The years 2011-2013 saw unprecedented levels of announcements related to LGBTI mainstreaming. In December 2011, then-U.S. Secretary of State Hilary Clinton strongly asserted to a United Nations (U.N.) body in Geneva that gay and lesbian rights are human rights, reflecting a new mandate within U.S. diplomacy.\(^\text{11}\) This has already begun to translate into symbolic and financial support for LGBTI organizations and Pride events in countries where U.S. embassies are located. And in 2012 the United Nations made its emerging agenda broadly known in at least two formats: 1) a document entitled “Born Free and Equal,” clarifying how LGBTI rights are encompassed in existing basic human rights law, and 2) the launch by The Office of the U.N. High Commissioner on Human Rights of a major information campaign on the issue.\(^\text{12}\) Further evidence of mainstreaming is the The U.S. Agency for International Development’s (USAID) 2013 announcement of its strategy of “inclusive development,” to provide assistance for LGBTI communities globally.\(^\text{13}\)

This shifting ground at the global level is mirrored at the European level. In negotiations with potential member states, European Union officials have increasingly begun to monitor progress on such measures as protecting Pride parades and the codification of anti-discrimination laws to cover gender and sexual minorities. Officials ground these expectations in the clauses of the Copenhagen criteria and the EU Treaty that protects minorities from discrimination, as well as the more direct language of the European Charter on Fundamental Rights prohibiting discrimination based on sexual orientation.\(^\text{14}\) By June of 2013, the EU had gone even further: Its Foreign Affairs ministers released new, stringent and binding rules that current member countries must follow to protect the rights of LGBTI people, starting in

the fall of 2013. The new guidelines require the following: “1) Eliminate discriminatory laws and policies, including the death penalty; 2) Promote equality and non-discrimination at work, in healthcare and in education; 3) Combat state or individual violence against LGBTI persons; and 4) Support and protect human rights defenders.” This represented a turning point for the EU: for the first time, no EU member ministers voiced opposition to the LGBTI language inclusion.

In recent years, the countries of Albania, BiH, Croatia, Kosovo, Montenegro, and Serbia have enacted legislation to prohibit discrimination based on sexual orientation in such areas as employment, education, access to health care, and provision of state services, but Macedonia and Turkey have not yet passed such laws. Little anti-discrimination legislation exists in these countries to protect individuals who have changed their gender identities. The European Parliament has recently cited Turkey for its exclusion of sexual orientation and gender identity in anti-discrimination legislation, and for high levels of violence against transgender people.

There have been, in fact, increasing reports of alleged honor killings of individuals due to gender identity or sexual orientation in Turkey. Such murders are likely under-reported due to a public shame attached to homosexuality in one’s family. In 2013, a Turkish court was trying a landmark case of a 17-year-old Turkish man, Roşin Çiçek, allegedly killed the previous year in a planned honor crime by his family who suspected that he was gay. Among the concerns that Turkish LGBTI activists have raised about such cases is that perpetrators, if found guilty, usually escape with light punishment. Activists across the region raise similar complaints about the low levels of prosecution in cases of violence and rights violations against LGBTI individuals, even when relevant laws are on the books. Among these eight Southeast European countries, Croatia has come the closest to having a complete set of anti-discrimination legislation, including laws against hate speech and hate crime based on gender identity and sexual orientation, although no laws specifically protect intersex people. Nevertheless, Croatia’s laws protect more categories of people against hate speech and violence than some Western European countries, including Germany.

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16 Ibid.
17 Ibid.
Changes in the Air

In recent years, there have been noticeable developments within mainstream politics and culture regarding LGBTI inclusion in Southeast Europe. The year 2012 saw the first Balkan governmental conference on the rights of the LGBTI community, co-sponsored by the government of Montenegro and civil society organizations. During the conference, Prime Minister Igo Luksic announced the goal of “. . . the creation of a social environment in which people of different sexual orientation enjoy full legal protections and social inclusion.”22 Similar statements were made by Croatia’s Deputy Prime Minister and a Serbia representative, who were in attendance; Bosnia was also officially represented. In Albania, Prime Minister Dr. Sali Berisha (representing the right-wing Democratic Party) was the first Albanian politician to campaign for election in favor of same-sex marriage, during his 2009 campaign. He continued his public support for LGBTI rights in his 2013 re-election campaign, countering a homophobic remark by Vice-Minister of Defense Ekrem Spahić, who had called for LGBTI individuals to be beaten “with a rubber stick.”23 In September 2013, Turkey saw its first openly gay mayoral candidate, named Can Çavuşoğlu, an Istanbul native who has studied in the United States; he plans to run for office in a small Black Sea Coast town in March 2014.24 In late 2013, Croatia’s parliament was considering a bill called “The Life Partnership Act” instituting civil unions for gay couples, short of the right to marry or adopt children, despite a December referendum in which the citizens voted to ban gay marriage.25

Additional developments toward LGBTI inclusion have been visible in popular culture across Southeast Europe. As in other world regions, popular culture icons who are open about their gay identities often help move their fan base toward more acceptance of sexual and gender diversity. In 2011, the Serbian film “The Parade” hit the screens, with a plotline that featured a gay male couple and a heterosexual couple planning a Pride parade, and the resulting homophobia that they encountered. This film found popularity in Serbia and beyond, and was used in Serbian classrooms to forge discussions about sexual diversity. Similar themes are evident in Turkey’s film scene, which had its first gay film festival in 2012. That year, the film “Zenne Dancer” appeared, based on the life of 26-year-old university student and gay rights activist Ahmet Yildiz, allegedly killed by his father in 2008 in an honor crime for being gay.26 And in 2012, the Turkish documentary “My Child” was released, featuring interviews with family members of LGBTI people.27

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26 Göksel, Ibid.
27 Ibid., p. 2.
Other arenas of popular culture have seen forays into public visibility of LGBTI communities, including music and fashion design. In 2013, gay rights gained visibility in the music world in Istanbul, during a concert by the Turkish singer Sezen Aksu, who unfurled a rainbow flag and asked the audience, “Where are you, my dear?”, the line that had been the chosen theme for the June 2013 Istanbul Pride parade, to audience cheers of recognition. Also in 2013, activists painted a set of outdoor Istanbul stairsteps in rainbow colors. Authorities immediately repainted the steps over in gray, sparking copycat rainbow stairs in cities across Turkey. And although primarily raised in Australia, the androgynous model Andrěj Pejić, of Bosnian Croat and Serb descent, has been gaining global attention as a model of women’s fashions.

Conclusions and Recommendations

These Southeastern European countries are positioned at one of the globe’s front lines of LGBTI organizing: between the European Union and the MENA region. There is an opportunity for this region’s activists and governments to assume unique leadership on these issues at this point in history. Turkey especially represents both a gateway into Europe from one direction, and as a door into majority-Muslim nations from the other direction. Two examples illustrate the present-day border crossing animated by issues of sexual orientation and gender identity: Turkey is a transit country for LGBTI people escaping gender-based violence in the MENA region; and Serbia has become a hub for sex-reassignment surgery for nationals from countries that do not offer this.

As of 2003, the European Union has a “neighbourhood policy” to collaborate with countries just outside of its southern and eastern borders on such developments as democratization and human rights protection. The policy aims “to prevent the emergence of new dividing lines between the enlarged EU and its neighbours, and to offer them the chance to participate in various EU activities, through greater political, security, economic and cultural co-operation.” Among these neighbors are the MENA countries, many of which have some of the world’s most restrictive laws and practices regarding LGBTI freedoms. Southeast Europe is clearly the most proximate location to this region. As Southeast Europeans move toward more continental cohesion, among the voices that will necessarily join the conversation between the EU and the MENA neighbors will be these eight countries’ political leaders and their LGBTI activist communities.

Today, these activists work at an intersection of transnational or international rights regimes and these countries’ transforming historical cultures. Aspiring to achieve their goals within the systems already in place due to these countries’ agreements over human rights, including LGBTI rights, these activists are attempting to enforce these protections while mainstreaming LGBTI identity. If present trends continue, these groups can only expect further support and legitimation of their efforts by the EU and watchdog organizations, along with public shaming, when each state’s governance does not comply.

As a 2011 Wilson Center policy brief recognized, EU conditionality has had mixed success in the Western Balkans in contrast with previously acceding countries. Therefore, the road forward in incorporating LGBTI rights as European-guaranteed human rights during the negotiation process may not

be fully clear and could potentially unearth more political landmines in the future. When it comes to the question of rights protections for gender and sexual minorities, however, EU Membership conditionality is not the only tool of the soft-power variety in the current toolkit. The toolkit includes treaties that these countries have negotiated unilaterally with transnational institutions. Leaders involved in accession talks with the EU and integration into other transnational bodies should recognize that protections of LGBTI rights are not only imposed from bodies foreign to a country’s norms, but represent compliance with their international agreements that these governments have already signed. Local activists are inviting such intervention, particularly when they are under-resourced in various ways, feel that they are at the mercy of gang violence, and find state support lacking. Witness the following 2013 call to the EU by Turkish activist Nevin Öztop:

We, as lesbian, gay, bisexual, trans and intersex people, demand that you stand up for us, and stand against those who play with our lives. That you stand up with us against those who try to cover up discrimination in the name of morality, culture, and traditions and conceal hate crimes, hate speeches and even hate murders. . . . All member countries should carefully look at what they stand for, urge an end to discrimination in Europe, and never bargain or negotiate with member of associate member countries on the lives of LGBTI people during EU accession periods.\(^\text{31}\)

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<table>
<thead>
<tr>
<th><strong>Country</strong></th>
<th><strong>Pride Parade History</strong></th>
<th><strong>LGBTI Organizations</strong></th>
<th><strong>EU Status</strong></th>
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<tbody>
<tr>
<td><strong>Albania</strong></td>
<td>2012: <em>Tirana:</em> First Pride parade attacked with tube bombs, no injuries.</td>
<td>Aleanca LGBT</td>
<td>Non-candidate (Pre-accession)</td>
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<td><strong>Bosnia and Herzegovina</strong></td>
<td>2008: <em>Sarajevo:</em> Organizers of Q Festival attacked (BiH has never had a Pride parade).</td>
<td>Organization Q (mostly inactive); Sarejevo Open Centre</td>
<td>Non-candidate (Pre-accession)</td>
</tr>
<tr>
<td><strong>Croatia</strong></td>
<td>2002: <em>Zagreb:</em> First Pride parade. 200 participants met heckling and jeering. 2011: <em>Split:</em> First Pride parade. 200 marchers met 8,000 anti-gay protesters who assaulted marchers with stones and bottles. 2013: <em>Zagreb:</em> Pride parade draws 10,000 marchers plus government officials; no violence. 2013: <em>Split:</em> Pride parade with 500 marchers, including city and national government officials; no violence; hundreds of riot police on site.</td>
<td>Iskorak Kontra (Lesbian Group) Lesbian organization Rijeka - LORI Women's Room - Zenska Soba Zagreb Pride Organization</td>
<td>Member as of 2013</td>
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<td><strong>Kosovo</strong></td>
<td>2012: <em>Priština:</em> Party to launch new publication about sexuality attacked, resulting in one serious injury.</td>
<td>Libertas Kosova</td>
<td>Non-candidate (Pre-accession)</td>
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<td><strong>FYR Macedonia</strong></td>
<td>2007: <em>Skopje:</em> Public permits for a Queer Square festival denied by city authorities. 2013: <em>Skopje:</em> Pride events (not a parade); LGBT Center violently attacked by gang; 1 police injured; LGBT Center torched the following month.</td>
<td>LGBT United Macedonia Women's Alliance</td>
<td>Candidate</td>
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<td><strong>Montenegro</strong></td>
<td>2013: <em>Budva:</em> First Pride parade. 40 marchers, attacked by 200 protesters. 2013: <em>Podgorica:</em> Pride parade of 120 marchers violently attacked with stones; police used tear gas against attackers and detained 60.</td>
<td>Juventas LGBT Forum Progress</td>
<td>Candidate</td>
</tr>
<tr>
<td><strong>Turkey</strong></td>
<td>2003: <em>Istanbul:</em> First legal Pride parade in Turkey and first in a Muslim majority country. 2010: <em>Ankara:</em> First Pride parade. 2013: <em>Istanbul:</em> LGBT activists among the Gezi Park protesters, suffered homophobic police violence. 2013: <em>Istanbul:</em> Trans parade simultaneous with Gezi Park protests; attended by officials and deputies from the opposition party (CHP), peaceful. 2013: <em>Istanbul:</em> LGBT Pride parade has between 40,000 and 100,000 marchers, including deputies from the main opposition Republican People's Party (CHP), peaceful. <em>Izmir and Antalya:</em> first Pride parades.</td>
<td>Black Pink Triangle Izmir Association, the Gay &amp; Lesbian to Socialize and Rehabilitation [sic], Kaos GL, Lambdaistanbul LGBT Solidarity Association, LISTAG (Families of LGBTs in Istanbul), Pink Life Association LGBTT Solidarity, and the Social Policies, Gender Identity and Sexual Orientation Studies Association</td>
<td>Candidate</td>
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</tbody>
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