

# TRANSPHOBIA AND HOMOPHOBIA IN SERBIA | 2022

Report on hate-motivated incidents  
against LGBT+ people  
in Serbia in 2022

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## Report on hate-motivated incidents against LGBT+ persons in Serbia in 2022

### **Published by:**

Da se zna! Association  
Radoslava Grujića 3, 11000 Belgrade  
[www.dasezna.lgbt](http://www.dasezna.lgbt)

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### **Printed by:**

IntraNet

### **Circulation:**

300

### **Location:**

Belgrade

### **Printed in:**

November 2023.

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Publication Transphobia and homophobia in Serbia | 2022: Report on hate-motivated incidents against LGBT+ persons in Serbia in 2022 was prepared by Da se zna! Association as part of the projects supported by the Heinrich Böll Foundation. The opinions expressed in the report do not necessarily represent those of the Heinrich Böll Foundation.

## 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 the international standards. With this aim, in the last seven 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 through continuous cooperation with relevant institutions.

# TABLE OF ABBREVIATIONS

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

# GLOSSARY

## Asexual

An adjective describing people who do not experience sexual attraction (asexual people). 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 other genders. Over the course of their lives, bisexual people may experience variations in terms of the gender 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 gender in physical, emotional and romantic sense (gay men, gay people). Although used for women as well, the term lesbian is the preferred one. 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 hostility-motivated expression, 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.

## **Destruction of 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), 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 civil society organisations 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, vehicles and place of residence.

## Intersex

A comprehensive term referring to all persons born with reproductive organs, chromosomes and/or 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 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 and/or gender. 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/or whose gender identity is different from cisgender.

### **Lesbian**

A woman experiencing 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

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 as such, 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 homo\_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 or 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 sex assigned to them at birth. Trans is an umbrella term for different types of transgender experiences and identities. It refers to transgender women and transgender men, as well as all

non-cisgender identities, including transgender, transexual persons, genderqueer persons, gender fluid, gender non-conforming, 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-defense 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 in use.

### **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 assigned to them at birth is in accordance with their perception of their gender.

## 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.

The background is a solid teal color with several large, overlapping, semi-transparent geometric shapes in varying shades of teal. These shapes are primarily triangles and polygons, creating a dynamic, abstract pattern. In the center, there is a white rectangular frame with a thick border. Inside this frame, the text "KEY RESULTS" is written in a bold, white, sans-serif font.

## **KEY RESULTS**



- During 2022, 94 instances of unlawful conduct motivated by the survivors' sexual orientation or gender identity were committed. This is the biggest documented number of incidents in the past six years which marks the increase of 13% in relation to the previous year.
- Twenty nine (29) physical assaults were committed, out of which the survivors suffered bodily harm and injuries in 21.
- Two thirds of the incidents documented remain invisible for the police, prosecution and judiciary (courts).
- Every third incident remains undocumented by police officers (no criminal charges were registered) despite of the fact that the incident was reported to them or they themselves had witnessed it.
- Every third unreported incident remained unreported due to the distrust of the institutions, and every eighth due to the fact that violence and discrimination are an integral part of the survivors' everyday life.



# **INTRODUCTION**

In Serbia, every four days at least one incident motivated by homophobia and/or transphobia happens. The ultimate result of the queer community members' attempts to achieve justice is such that the rights of many remain unprotected.<sup>1</sup> What's more, incidents motivated by prejudice towards SOGI mostly remain invisible or the institutions in charge do not intervene. In this way, perpetrators stay unpunished, which in turn undermines the credibility of the criminal justice system, especially in cases when failing to react assumes a systematic character. Thus, a vicious cycle is created in this way since the citizens will have even less trust in the institutions in charge when they themselves become the targets of such incidents.<sup>2</sup> Besides, Serbia has still not developed a centralised data base on hate crime incidents, which aggravates monitoring and analysis of crimes motivated by homophobia and transphobia. This results in an insufficiently differentiated reporting the state submits to the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (ODIHR/OSCE) as one of the leading authorities dealing with hate crimes and their consequences for societies in which they happen. Transphobia and homophobia in Serbia | 2022 represents an attempt to fill the gap in information when it comes to the degree of the queer community's security.

This publication represents a report on unlawful conduct towards queer people which took place in 2022, and which Da se zna! documented during this period. The report is divided in eight main sections: theoretical framework, legal framework, methodology, place and location, injury, motivation, report and a type of hate crime. In the introduction section one can find data on the share of hate crime and discrimination in the overall number of incidents motivated by hatred. In the methodology, one can find data on the source of the incident report. The part about place and location

<sup>1</sup> FRA (2012). Making Hate Crime Visible in the European Union: Acknowledging Victims' Rights. Luxembourg: Publications Office.

<sup>2</sup> FRA (2016). Ensuring Justice for Hate Crime Victims: Professional Perspectives. Justice. Luxembourg: Publications Office of the European Union.

contains information on places where the incidents took place. The part on injury refers to a type of injury and consequences of the injury the survivors suffered in the course of the incident. Data on the relationship between the perpetrator and the survivor, targeted personal trait and indicators of prejudice can all be found in the section on motivation. Data on to what extent the documented cases were reported, to which institutions, and in which stage of the case they are in, as well as the reasons for deciding not to report incidents listed can be found in the section on reporting. Bearing in mind the new methodology, comparative analysis with previous years was kept wherever it was possible. The new methodology has also brought a number of novelties. The biggest change is the shift of focus from identity of the survivors to the motivation of the perpetrator. Additionally, the overview of consequences of incidents motivated by hatred in both quantitative and qualitative aspect has been improved. Greater differentiation of data on the reasons for deciding not to report incidents is also a novelty which can help the institutions in charge fight the invisibility of incidents motivated by transphobia and homophobia in a more efficient manner. At the end of the report one can find a selection of hate crime cases, in which the incidents containing violations of the Criminal Code during 2022, that is, physical assaults, threats and the destruction of property are described.

In the course of 2022, 94 instances of unlawful conduct motivated by the survivors' sexual orientation or gender identity were committed and documented. Out of the overall number of instances of unlawful conduct documented, 70 (74,5%) cases are criminal acts which were committed, and in 24 (25,5%) cases it was discrimination. Due to the changes in methodology, incidents were exclusively documented as criminal acts or discrimination, that is, it was not possible to document an incident so that it includes a criminal act and discrimination. Taking into account that the share

of such cases in the previous years was relatively small, that is, it ranged from 2,4 and 7,1%, excluding this option has not influenced the distribution of the type of unlawful conduct. The share of criminal acts and discrimination in the overall number of incidents is almost the same as in the previous five years. Discrimination was documented in a somewhat larger percentage compared to previous years. This increase stems from the new methodology according to which hate speech in public is included in the category of discrimination, which was not the case in previous years. The structure of unlawful conduct documented still points to the fact that the violation of the right to physical and psychological integrity is the greatest problem of the queer community, while the discrimination happens to a lesser extent or it is less recognised as a problem worthy of reporting.

Unlawful conduct	2017	2018	2019	2020	2021	2022
Criminal act	74.1%	78.6%	79.4%	78.8%	79.5%	74.5%
Discrimination	22.2%	14.3%	17.5%	17.3%	18.1%	25.5%
Criminal act and discrimination	3.7%	7.1%	3.2%	3.8%	2.4%	N/A

Table 1. Comparative overview of unlawful conduct expressed in percentages for the period 2017-2022.

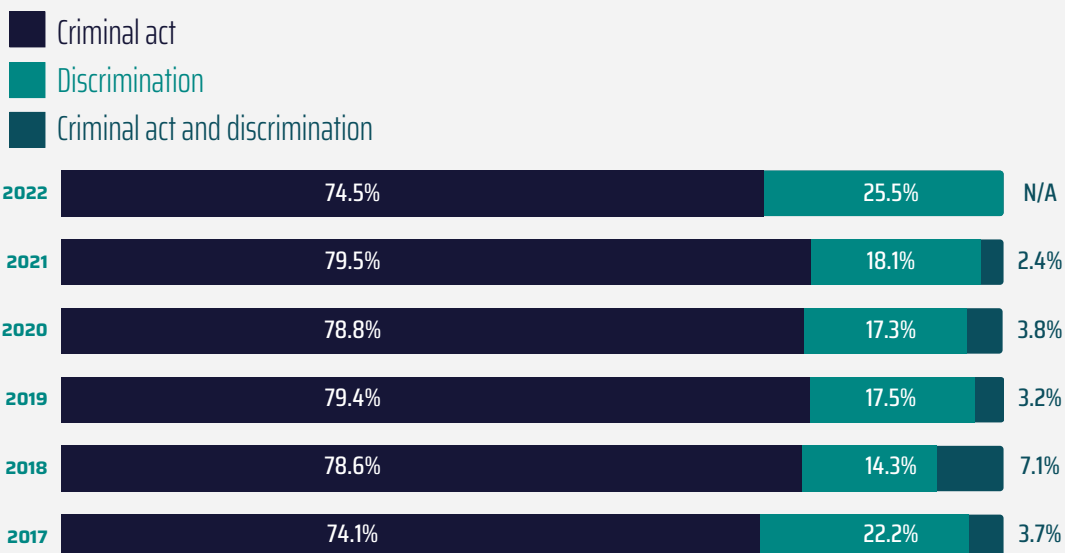


Chart 1. Comparative overview of unlawful conduct expressed in percentages for the period 2017-2022

In 2022, Da se zna! association documented 11 (13,3%) incidents motivated by hatred more than in 2021. If we exclude the year 2020, in which a decrease in number of documented incidents motivated by hatred was registered due to the special measures the Government of the Republic of Serbia adopted to fight the COVID-19 pandemic, last year's increase of the number of documented incidents motivated by hatred is the smallest in the last five years.

Unlawful conduct	2018	2019	2020	2021	2022
Criminal act	33	50	41	66	70
Discrimination	6	11	9	15	24
Criminal act and discrimination	3	2	2	2	N/A

Table 2. Comparative overview of unlawful conduct expressed in absolute values for the period 2018-2022

The background is a solid teal color with several overlapping, semi-transparent geometric shapes in various shades of teal. These shapes include triangles and polygons of different sizes and orientations, creating a layered, abstract effect.

# **THEORETICAL FRAMEWORK**

Determining a hate crime, the elements which constitute this type of unlawful conduct, as well as the best courses of action to approach this type of crime, are a subject of a lengthy and extensive discussion in the academic and legal circles on the international level. OSCE/ODIHR state that a hate crime consists of two elements: a criminal offence and a bias motive.<sup>3</sup> In fact, one of the reasons why there is variation on what constitutes a hate crime in different countries and different contexts 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. However, 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 the target precisely due to his/her/their (perceived or real) personal characteristic.

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 as much as 41 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

<sup>3</sup> ODIHR (2020). *Understanding the Needs of Hate Crime Victims*. Warsaw: OSCE. Available at: <https://www.osce.org/odihr/463011>



percent of same-sex couples never hold hands in public out of fear of incidents motivated by hatred.<sup>4</sup> Consequently, incidents motivated by hatred 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,<sup>5</sup> and they also lead to economic exclusion, as well as the creation of additional obstacles in the access to justice.<sup>6</sup> 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.<sup>7</sup> Violence committed on the basis of sexual orientation, gender identity, gender expression (SOGIE) lies at the heart of hate crimes against lesbians, gays, bisexual and transgender people.<sup>8</sup>

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.<sup>9</sup> The issue is so well-established that some have started to talk about the “dark figure” of hate crime incidents, to refer to all those incidents that remain unreported.<sup>10</sup>

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-recording) and there are circumstances that

<sup>4</sup> FRA (2020). A long way to go for LGBTI equality, Luxembourg: Publications Office of the European Union, p. 40-44, 26-27. Available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-lgbti-equality-1\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-lgbti-equality-1_en.pdf)

<sup>5</sup> Perry, B. (2001). In the Name of Hate: Understanding Hate Crimes. New York: Routledge.

<sup>6</sup> Pawlak, P. (2022) Identifying and Understanding Barriers to Access to Justice for LGBTI People in Serbia. World Bank.

<sup>7</sup> Chakraborti, N., and Garland J. (2015) Hate Crime: Impact, Causes and Responses. London: Sage.

<sup>8</sup> 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. New York: Routledge, p. 266-277.

<sup>9</sup> 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, p. 331-342.

<sup>10</sup> Pezzella, F. S., Fetzner, M. D. and Keller, T. (2019). “The Dark Figure of Hate Crime Underreporting.” American Behavioral Scientist, 00(0), p. 1-24. Available at: <https://doi.org/10.1177/0002764218823844>.

deter survivors from reporting to the police (under-reporting).<sup>11</sup> In fact, it is much more difficult for survivors of hate crimes to report to the institutions in charge than it is for survivors of similar crimes without a bias motive.<sup>12</sup> 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. 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 deter survivors from taking further action with the aim to resolve them.<sup>13</sup>

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.<sup>14</sup>

<sup>11</sup> 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>.

<sup>12</sup> FRA ed. (2016) Ensuring Justice for Hate Crime Victims: Professional Perspectives. Justice. Luxembourg: Publications Office of the European Union.

<sup>13</sup> 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), p. 945-51. Available at: <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), p. 319-39. Available at: <https://doi.org/10.1111/1540-4560.00263>.

<sup>14</sup> 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.

The background is a solid teal color with several overlapping, semi-transparent teal triangles of varying sizes and orientations, creating a geometric, abstract pattern.

# **LEGAL FRAMEWORK**

In the context of the Republic of Serbia and its legal framework which regulates unlawful conduct motivated by bias, 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. Anti-discrimination law was adopted in 2009;<sup>15</sup> 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, that is, in January 2022.

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.<sup>16</sup> 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

<sup>15</sup> Zakon o zabrani diskriminacije, Službeni glasnik RS, br. 22/2009. [Anti-discrimination law/Official Gazette of the Republic of Serbia]

<sup>16</sup> 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.”

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 a real or assumed connection with queer people.<sup>17</sup> Additionally, the application of the Article 54a is not excluded in situations when, in addition to the hatred motive, other motives which are not based on prejudice exist.<sup>18</sup>

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.<sup>19</sup> The first court decision for a hate crime was reached as late as 2018, and up until now this aggravating circumstance has been 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.<sup>20</sup>

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

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

<sup>19</sup> Kovačević, M. (2019). Podaci, a ne zvona i praporci 2. Beograd: Udruženje Da se zna!.

<sup>20</sup> Kovačević, M. i Planojević, N. (2022). Podaci, a ne zvona i praporci 5. Beograd: Udruženje Da se zna!.



# **METHODOLOGY**

During 2021, Da se zna! association in cooperation with ERA – LGBTI Equal Rights Association and British queer civil society organisation Stonewall, developed a platform called “You Are Heard”, for the reporting of incidents motivated by transphobia and homophobia, and since 2022, we have been documenting incidents according to the questionnaire created and developed on that occasion. The questionnaire is available in Serbian, English, Slovenian, Albanian, Macedonian and Turkish language, in this way making the reporting more accessible for the queer community members who can’t speak Serbian language. Throughout the whole year the reporting of incidents was continuously promoted via Da se zna! digital media accounts: Facebook, Twitter and Instagram. Additionally, throughout the whole year we conducted the monitoring of media reporting on issues essential for the queer community, as well as media reporting on incidents motivated by SOGI of the survivors. In this way, the media represent a channel through which we obtain information on hate speech incidents and to a lesser extent, discrimination acts and hate crime incidents.

Signing into the “You Are Heard” platform via which survivors, witnesses, CSOs and institutions can report incidents motivated by hatred consists of five steps. The first obligatory step called “general information” includes close-ended questions about the state the case happened in,<sup>21</sup> the date of the reporting and the survivor’s age, as well as giving consent for the data processing. The second mandatory step, called “the incident” contains close-ended questions on the time and place in which the incident took place, the type of incident, survivor’s place of residence, targeted personal characteristic, consequences, as well as two open-ended questions about how the incident happened, as well as in what way the incident influenced the survivor’s feeling of security and safety and what the institutions in charge could do to make the

<sup>21</sup> „You Are Heard” is a regional platform. Apart from Serbia, incidents committed in Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro, Slovenia and Turkey can also be reported.

survivor feel safer and more secure. The third, optional step, called “survivor” contains close-ended questions on whether the survivor was alone or a part of the larger group, the survivor’s SOGISC, age, whether they have come out or not, their ethnicity, education, employment status and the inclusion in the queer community life. Fourth, optional step, called “perpetrator” contains an analogous set of questions with the ones from the third step, only connected to the incident’s perpetrator, with that it contains an additional close-ended question on their relationship with the survivor, as well as the open-ended question on eventual specific characteristics of the perpetrator. Unfortunately, due to an insufficient number of replies, the data from the third and fourth steps had to be excluded from the report, apart from the data obtained from the question about the relationship between the survivor and perpetrator. The fifth step, called “reporting and other information” contains close-ended questions on whether the incident was reported to the institutions and organisations and if it was, which institutions/organisations, as well as questions about the reasons for failing to report if the case was not reported and other questions relevant for establishing the contact with the survivor and providing them with support.

Knowledge on incidents motivated by hatred, Da se zna! association obtained in 67 (71,3%) cases directly from the survivor, in 11 each (11,7%) from the survivor and other CSOs, and in five (5,3%) from the media. In neither of the cases were the source of information the institutions in charge. In 2022, the distribution of incidents according to the source of information mostly stayed within the values documented in the pervious six years, with that the share of incidents reported by survivors themselves was slightly smaller, and by CSOs slightly higher.



Source of information	Number of incidents	Percentage
Survivors	67	71.3%
Witnesses	11	11.7%
CSOs	11	11.7%
Media	5	5.3%

Table 3. Incident overview according to the source of information in 2022

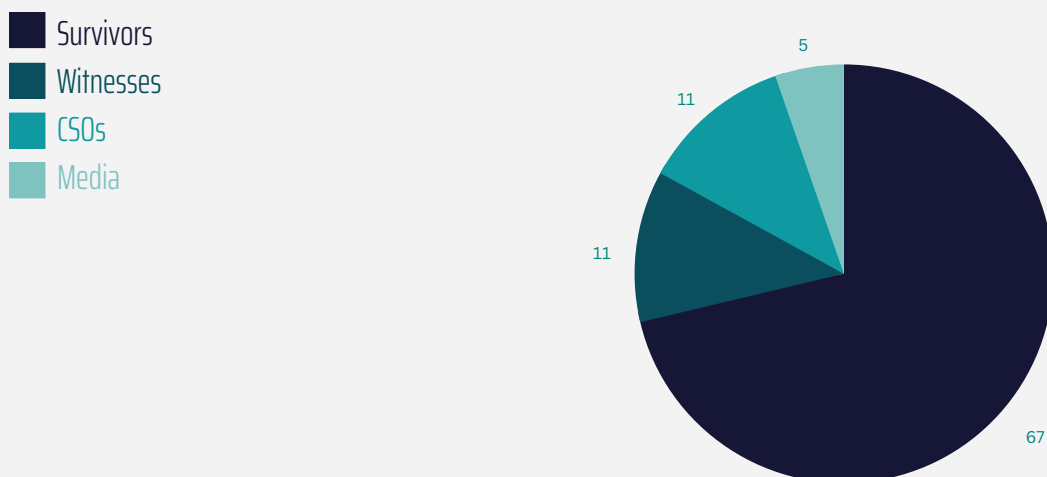


Chart 2. Incident overview according to the source of information in 2022

Source of information	2017	2018	2019	2020	2021	2022
Survivors	88.9%	78.6%	80.9%	73.1%	92.8%	71.3%
Witnesses	0.0%	9.5%	17.5%	9.6%	3.6%	11.7%
Media	0.0%	2.4%	1.6%	5.8%	1.2%	5.3%
CSOs	11.1%	9.5%	0.0%	11.5%	2.4%	11.7%

Table 4. Comparative overview of incidents according to the source of information for the period 2017-2022

The background is a solid teal color with several large, overlapping, semi-transparent triangles in various shades of teal and light blue, creating a dynamic geometric pattern.

# **PLACE AND LOCATION**

I certainly feel unsafe generally when I go out in the public; people constantly make remarks about me, say ugly things, or simply stare at me; they get all weird, cross themselves upon seeing me, etc. What this has brought about as a new element is the fact that it happened very close to my place of residence, so what frightens me is the thing that they can find me again and do even worse things or get revenge if they want to.

**Trans survivor of a physical assault  
in Novi Sad**

According to a type of settlement, 84 (89,4%) incidents were documented in urban, and 10 (10,6%) in rural environments. Taking into account the percentage of urban and rural population we can conclude that the incidents in rural environments happen less or are less reported. When one looks at the regions, in Belgrade, 71 documented incidents (75,5%) were committed, in Vojvodina 13 (13,8%), in Southern and Eastern Serbia four (4,3%), in Šumadija and Western Serbia also six (6,4%). According to municipalities outside of Belgrade, seven (7,4%) cases were documented in Novi Sad, in Kragujevac three incidents (3,2%), in Prokuplje and Indija two incidents each (2,2%), and Leskovac, Petrovac na Mlavi, Čačak, Zrenjanin, Subotica, Pančevo, Novi Pazar and Bački Petrovac all had one incident (1,1%) each. The share of documented incidents is within the values documented in the past six years.

Municipality	Number of incidents	%	Region	Number of incidents	%
			Belgrade	71	75.5%
Novi Sad	7	7.4%	Vojvodina	13	13.8%
Indija	2	2.1%			
Zrenjanin	1	1.1%			
Subotica	1	1.1%			
Bački Petrovac	1	1.1%			
Pančevo	1	1.1%			
Prokuplje	2	2.1%	Southern and Eastern Serbia	4	4.5%
Leskovac	1	1.1%			
Petrovac na Mlavi	1	1.1%			
Kragujevac	3	3.2%	Šumadija and Western Serbia	6	6.4%
Paraćin	1	1.1%			
Novi Pazar	1	1.1%			
Čačak	1	1.1%			

Table 5. Overview of incidents according to region and municipality in 2022

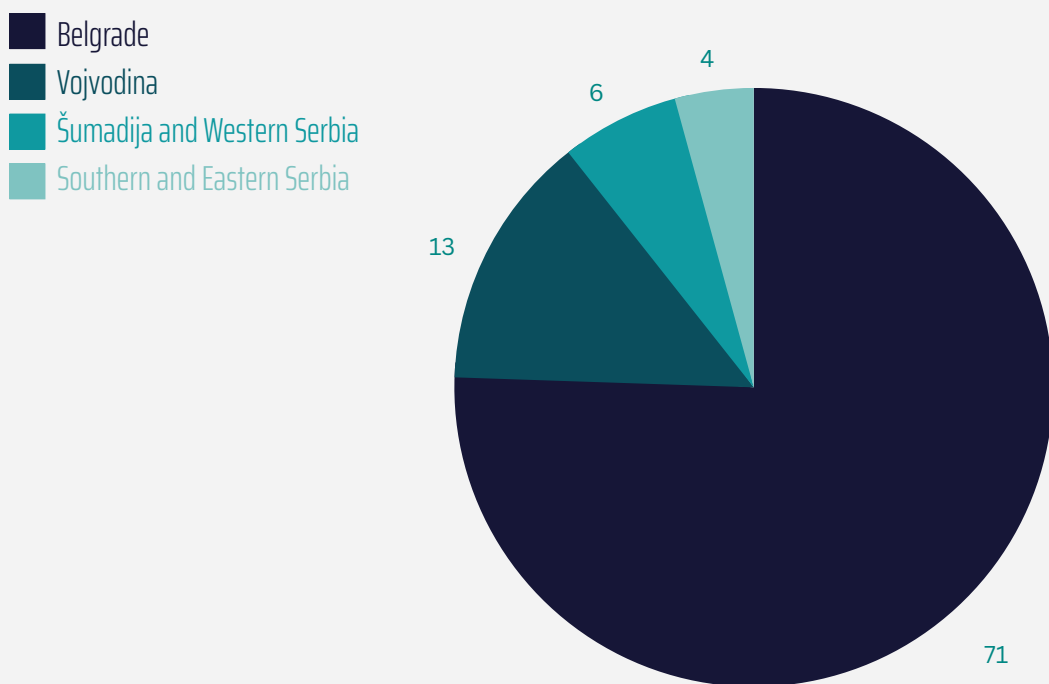


Chart 3. Incidents overview according to the region in 2022

Type of location	2017	2018	2019	2020	2021	2022
The capital	66.7%	76.2%	74.6%	76.9%	59.0%	75.5%
Other towns	29.6%	9.5%	15.9%	13.5%	35.0%	20.2%
Smaller places	3.7%	14.3%	9.5%	9.6%	6.0%	4.3%

Table 6. Comparative overview of incidents according to the type of location for the period 2017-2022

In the public sphere, 61 (64,9%) incidents were documented, out of which 38 (40,4%) happened in open public spaces, and 23 (24,5%) in closed public spaces: in service facilities six (6,4%), in the workplace five (5,3%), in public transportation two (2,1%), and in institutions ten (10,6%). When it comes to institutions, as many as four (4,3%) incidents took place in police stations, while in schools, that is faculties and health care institutions, 3 (3,2%) incidents each.

In the private sphere, 10 (10,6%) incidents were documented, out of which in private accommodation seven (7,4%), and in communal accommodation three (3,2%) incidents. All incidents that took place in communal accommodation happened in university dormitories.

In the media and online space, 23 (24,5%) incidents took place. Three (3,2%) incidents took place in the traditional media, 17 (17,0%) incidents in digital media, and four (4,3%) took place through communication channels. All incidents documented in the traditional media took place on television. When it comes to incidents documented in digital media, 11 (11, 7%) incidents were documented on social network platforms, and five (5,3%) on the so called wild digital media (digital media without impressum). The division of incidents documented on social networks is the following: four (4,3%) incidents took place on TikTok, three (3,2%) took place on Instagram, two (2,1%) on Facebook, and one (1,1%) on YouTube and SnapChat each.

Place	2018		2019		2020		2021		2022	
	Number	%	Number	%	Number	%	Number	%	Number	%
Open public spaces	11	26.2%	18	28.6%	8	15.4%	19	22.9%	38	40.4%
Social networks	5	11.9%	7	11.1%	18	34.6%	21	25.3%	11	11.7%
Living space	9	21.4%	8	12.7%	6	11.5%	15	18.1%	10	10.6%
Workplace	5	11.9%	6	9.5%	4	7.7%	10	12.0%	5	5.3%
Service facility	2	4.8%	5	7.9%	3	5.8%	2	2.4%	6	6.4%
School, faculty	3	7.1%	3	4.8%	3	5.8%	1	1.2%	3	3.2%
Public transportation	1	2.4%	3	4.8%	0	0.0%	5	6.0%	2	2.1%
Police station	1	2.4%	2	3.2%	3	5.8%	1	1.2%	4	4.3%
Health care institution	2	4.8%	0	0.0%	1	1.9%	5	6.0%	3	3.2%

Table 7. Comparative overview of incidents according to place for the period 2018-2022



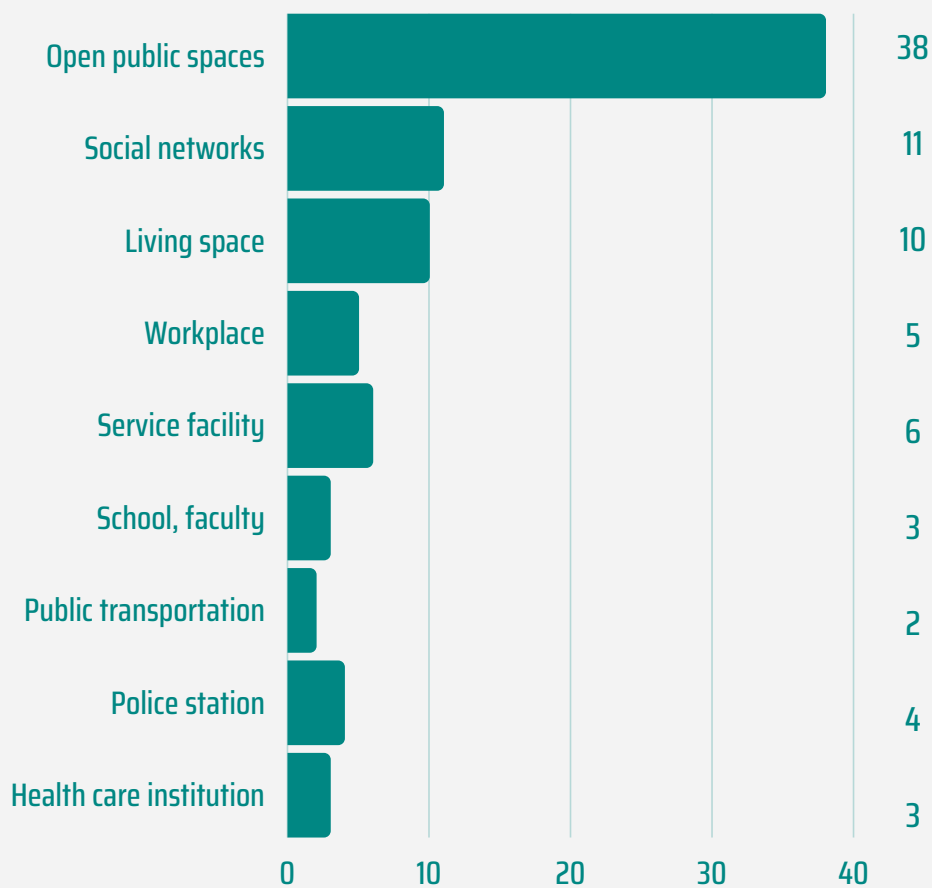


Chart 4. Incidents overview according to the place in 2022



**TYPE OF INJURY**

Frightened and in shock, I was also shaking because I lost a lot of blood. And now I have a problem when I walk the city because I have a feeling that I will be assaulted somewhere again in the streets of Belgrade

**Gay survivor of a physical assault  
in Belgrade**

Although the majority of cases include several types of injury, they are classified according to exclusively one, most grievous type of injury. When it comes to hate crime, in 29 (30,9%) incidents, physical violence was committed against survivors, which is within the values documented in the previous years. We also documented 15 (16,0%) threats, 19 (20,2%) instances of harassment, five (5,3%) cases of destruction of property and two (2,1%) instances of sexual harassment. When it comes to discrimination, institutional discrimination was registered in two (2,1%) cases, six (6,4%) discriminatory acts and 16 (17,0%) cases of hate speech.

Percentage of physically violent incidents	2017	2018	2019	2020	2021	2022
	29.6%	33.5%	42.9%	21.2%	22.9%	30.9%

Table 8. Comparative overview of share of incidents including physical violence in the overall number of incidents for the period 2017-2022

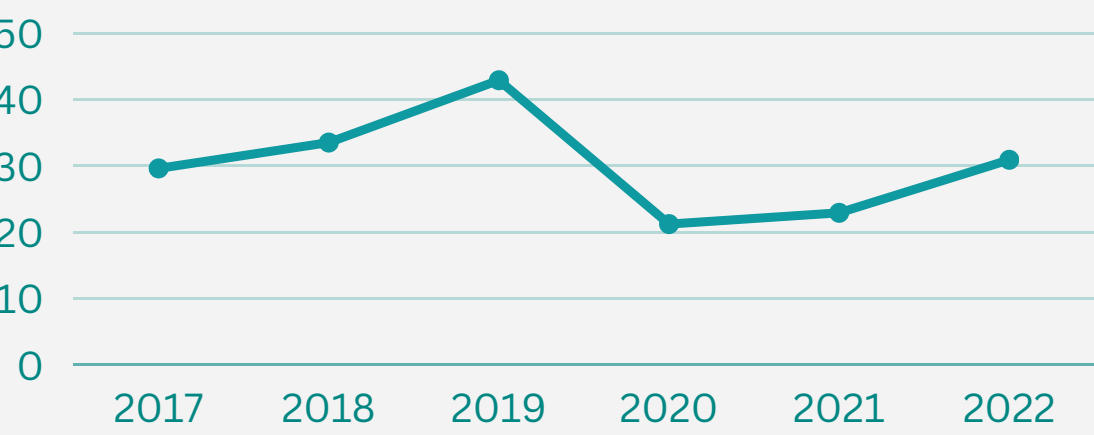


Chart 5. Comparative overview of share of incidents including physical violence in the overall number of incidents for the period 2017-2022

<b>Hate crime</b>	<b>Number of incidents</b>	<b>Percentage of all instances of hate crime</b>	<b>Percentage</b>
Physical assault	29	41.4%	30.9%
Threat	15	21.4%	16.0%
Harassment	19	27.1%	20.2%
Destruction of property	5	7.1%	5.3%
Sexual harassment	2	2.9%	2.1%
<b>Total</b>	<b>70</b>	<b>100.0%</b>	<b>74.5%</b>
<b>Discrimination</b>	<b>Number of incidents</b>	<b>Percentage of all types of discrimination</b>	<b>Percentage</b>
Institutional discrimination	2	8.3%	2.1%
Discriminatory act	6	25.0%	6.4%
Hate speech	16	66.7%	17.0%
<b>Total</b>	<b>24</b>	<b>100.0%</b>	<b>25.5%</b>

Table 9. Overview of incidents according to the type of injury in 2022

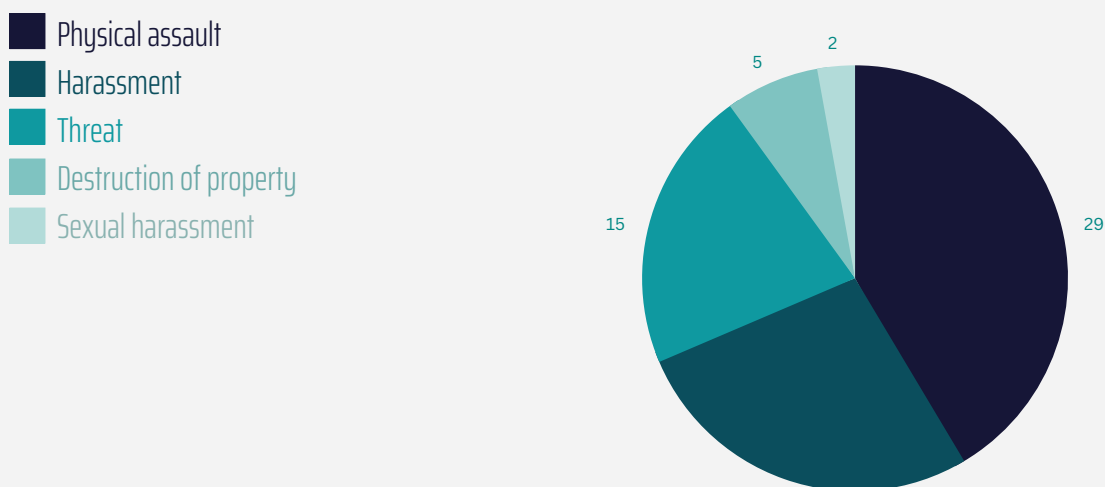


Chart 6. Overview of incidents according to the type of injury in 2022 19

Psychological distress, as one of the consequences of the incident suffered, appeared in 65 (69,1%) survivors. It is followed by physical injury as a result of an incident in 21 (22,3%) cases. Taking into account that 29 physical assaults were documented, we can conclude that the majority of those were very violent, bearing in mind that they resulted in physical injury of the survivor. Violation of sexual integrity was documented in 2 (2,1%) cases, and the destruction of property in five (5,3%) cases as the consequence of the incident. In one (1,1%) peer violence against the survivor resulted in her committing suicide.

Consequences suffered	Number of incidents	Percentage
Psychological distress	65	69.1%
Physical injury	21	22.3%
Violation of sexual integrity	2	2.1%
Destruction of property	5	5.3%
Death	1	1.1%

Table 10. Overview of incidents according to the consequences suffered in 2022



**MOTIVATION**

Bearing in mind that I spend the majority of time in a place where the incident took place and that every day I listen to constant insults aimed at me, I am extremely upset and anxious about what may happen as early as tomorrow. When the incident was happening, which lasted during the entirety of my work day, I wanted to escape somewhere, hide myself and cry both out of sadness and out of fear, but also out of anger. It is extremely difficult to remain silent and listen to all the outpour of hatred, and not be able to say anything back.

**Bisexual witness of hate speech  
in Novi Sad**



In order to understand the motivation behind committing incidents, information about knowing each other, that is not knowing each other when we speak about the perpetrator and the survivor are of great importance. In as many as 74 (78,7%) cases, the survivor did not know the perpetrator. Consequently, we can exclude the possibility in these cases that committing incidents was motivated by a previous interaction between the perpetrator and the survivor, the possibility that could indicate that the incident was not motivated by prejudice. Out of 19 (20,4%) cases in which the perpetrator and the survivor did know each other, in 7 (7,4%) cases they were only acquaintances, in six (6,4%) they were related, and in four (4,3%) cases they had a business relationship.

Relationship with the survivor		Number of incidents	Percentage
Don't know each other		74	78.7%
Know each other		19	20.2%
	Acquaintances	7	7.4%
	Family relationship	6	6.4%
	Business relationship	4	4.3%
	Other	2	2.1%
Unknown		1	1.1%

Table 11. Overview of incidents according to the relationship between the perpetrators and the survivors in 2022

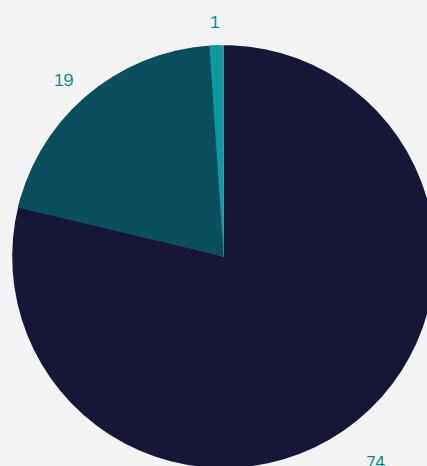
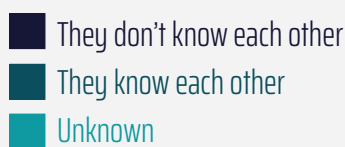


Chart 7. Overview of incidents according to the relationship between the perpetrators and the survivors in 2022

When it comes to the distribution of personal characteristics or traits the perpetrator expressed prejudice towards while committing the incident,<sup>22</sup> in 71 (75,5%) incidents it was the survivor's sexual orientation. After that, in 36 (38,3%) cases, it was the survivor's gender identity, and in 18 (19,1%) cases, it was their gender expression. When interpreting this data, it is essential to take into account the fact that the number of transgender people is much lower than the number of people who are not heterosexual.<sup>23</sup> Consequently, although the victimisation on the basis of gender identity is lower compared to the victimisation on the basis of sexual orientation, it is actually very high when we perceive it in relation to the number of trans people. Additionally, it is revealed that the often neglected gender expression of the survivor by the researcher plays a significant role in understanding unlawful conduct towards queer people. Every fifth incident recorded in 2022 was motivated exactly by the survivor's gender expression.

<sup>22</sup> Unlike data in which one response excludes others, data on personal characteristic the perpetrator expressed prejudice to and data on prejudice indicators are not mutually exclusive. When committing incidents, some perpetrators showed prejudice in more than one way and/or showed prejudice towards more than one personal characteristic of the survivor. Consequently, the total of incidents classified according to a personal characteristic the perpetrator expressed prejudice to and indicators of their prejudice is over 94, that is, the percentage exceeds 100,0%.

<sup>23</sup> Reuters (2023). "Three percent in England and Wales identify as lesbian, gay or bisexual - census" Available at: <https://rb.gy/xxgty>

Personal characteristic the perpetrator expressed prejudice to	Number of incidents	Percentage
Sexual orientation	71	75.5%
Gender identity	36	38.3%
Gender expression	18	19.1%
Sex characteristics	0	0.0%

Table 12. Overview of incidents according to the personal trait based on which the perpetrator expressed prejudice in 2022

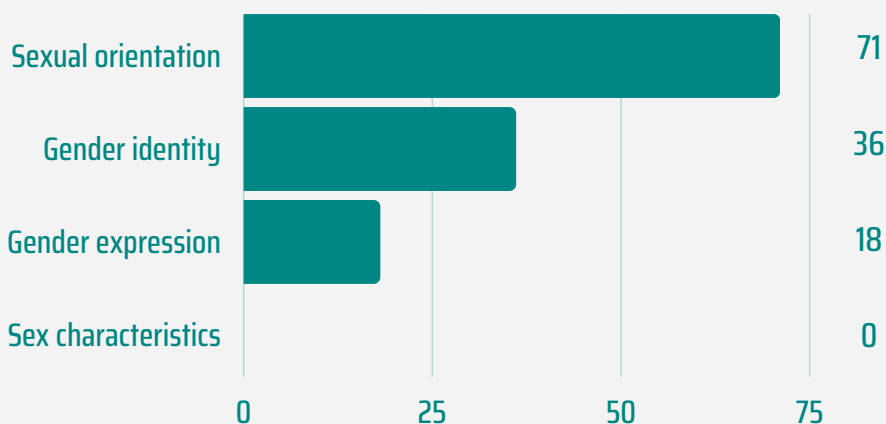


Chart 8. Overview of incidents according to the personal trait based on which the perpetrator expressed prejudice in 2022

In view of the indicators showing that the perpetrator was motivated by prejudice towards the survivor's SOGI, in as many as 80 (85,1%) cases, the indicator is solely verbal and non-verbal behaviour of the perpetrator including the use of homophobic and transphobic vocabulary while the crime was being committed. In 55 (58,5%) cases the survivors perceived that they suffered the incident on account of their SOGI. After this, in 31 (33,0%) incidents, the indicator was the fact that the incident was committed at the time or the place connected to the queer community. In 11 (11,7%) incidents, the perpetrator showed special cruelty towards the survivor, which is also another indicator that the crime had been motivated by hatred. In seven (7,4%) cases, the survivor was known for their activist work for queer people's equality. This is the smallest documented share of human rights defenders among survivors in the last five years. Additionally, in 7 (7,4%) cases, the incident took place at the location owned by queer people or connected to queer people, and in two (2,1%) cases, the incident happened in a place with an increased attendance of queer people. In six (6,4%) cases, the perpetrator had already committed similar acts in the past, in three (3,2%) he was a member of the far right group.

<b>Prejudice indicators</b>	<b>Number of incidents</b>	<b>Percentage</b>
<b>Statements / gestures / behaviour / used facilities or objects</b>	80	85.1%
<b>Belonging / Affiliation to far-right groups</b>	3	3.2%
<b>The history of similar crimes / incidents</b>	6	6.3%
<b>In the vicinity of places or dates connected to queer community</b>	31	33.0%
<b>In a place with an increased attendance of queer people</b>	2	2.1%
<b>High degree of violence / degrading treatment</b>	11	11.7%
<b>Notable person (an activist or public advocate)</b>	7	7.4%
<b>At the location owned by the queer people or connected to the community</b>	7	7.4%
<b>Survivor's perception</b>	55	58.5%

Table 13. Overview of incidents according to the prejudice indicator in 2022

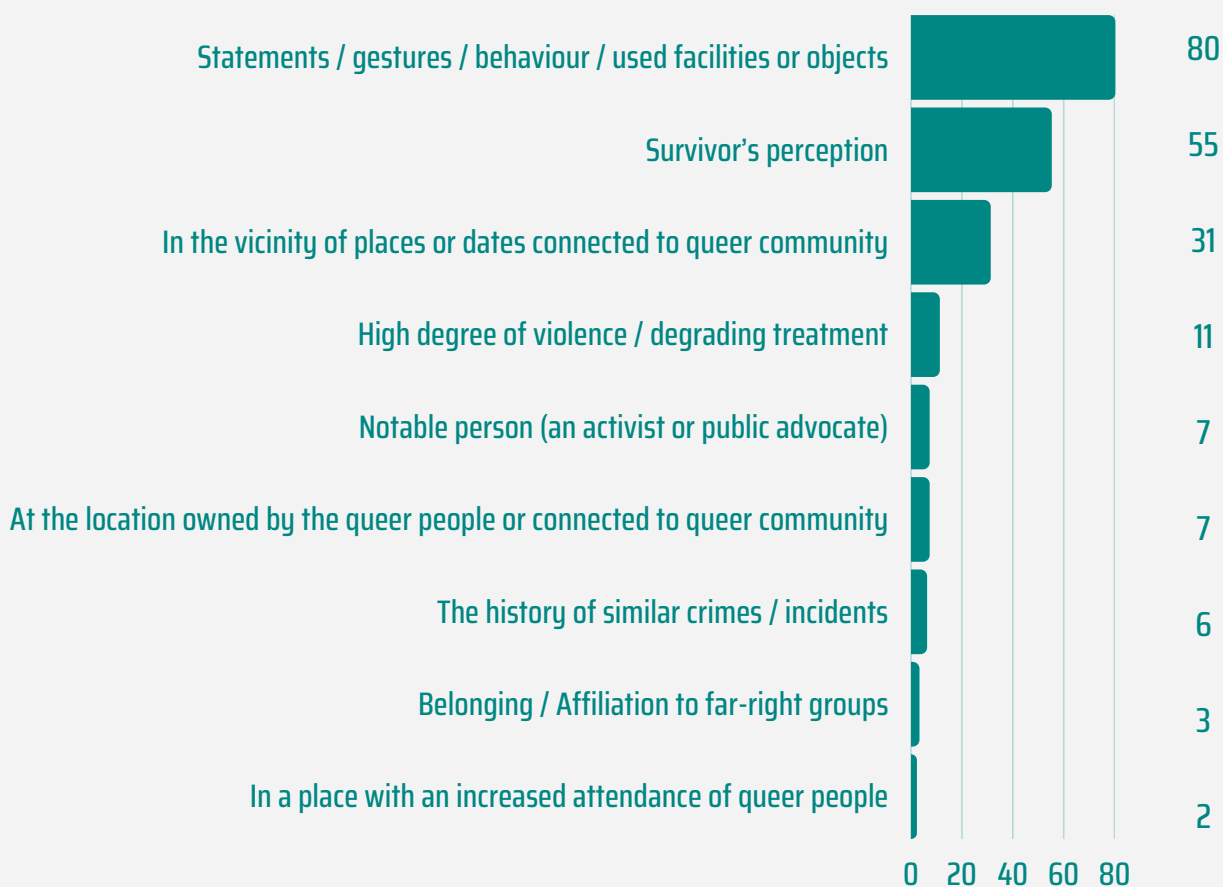


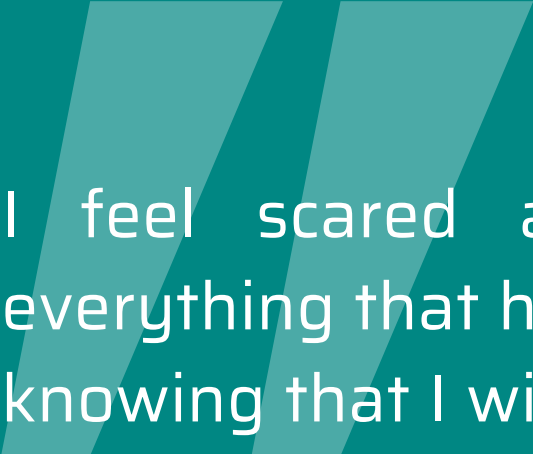
Chart 9. Overview of incidents according to the prejudice indicator in 2022

Survivors	2018		2019		2020		2021		2022	
	Num	%	Num	%	Num	%	Num	%	Num	%
Human rights defenders	4	9.5%	12	19.0%	11	21.2%	14	16.9%	7	7.4%
Other	38	90.5%	51	81.0%	41	78.8%	69	83.1%	87	92.6%

Table 14: 2018-2022 Comparative overview of share of human rights defenders and others among survivors 2018 – 2022



# **REPORTING**



I feel scared and upset with everything that happened. It hurts knowing that I will never feel safe, that there is no safe space for me, because even with police to protect us, we are not safe.

**Survivor of the physical assault  
at EuroPride in Belgrade**



Half of the incidents were not reported to any institutions, nor any other organisation of civil society, apart from Da se zna!. Out of 42 (44,4%) incidents reported, 31 (33,0%) were reported as part of the criminal justice and legal system. Seven cases each (7,4%) were reported to independent bodies and civil society organisations, and one each (1,1%) to the school administration, student dormitory and the Regulatory Authority of Electronic Media (REM).<sup>24</sup>

When it comes to the status of reported cases, in as many as 14 (14,9%) cases, the criminal charges were not filed. Police officers often find various excuses in order not to record criminal charges filed by the survivor, directing them to a different police station or asking them to come some other time. Additionally, another frequent phenomenon, which largely became visible during EuroPride in Belgrade, is that police officers do not react to violence against queer people happening in front of their very eyes. Five (5,3%) cases are in the investigation stage, two (2,1%) in the preliminary investigation stage and 2 (2,1%) in court proceedings.

Report	Number of incidents	Percentage
Reported	42	44.7%
Not reported	47	50.0%
Unknown	5	5.3%

Table 15. Overview of the reporting of incidents in 2022

<sup>24</sup> Unlike data in which one response excludes the others, data on instances the cases were reported to and the status of the case are not mutually exclusive, because some incidents were reported to a larger number of actors, and in that sense, several different proceedings are being led. Accordingly, the total of incidents divided according to the instance they were reported to overcomes 42 reported incidents, that is, the percentages overcome 44,7%. Additionally, the total of incidents divided according to the status of the cases reported as part of the criminal justice system overcomes 31, that is, 32,0%.

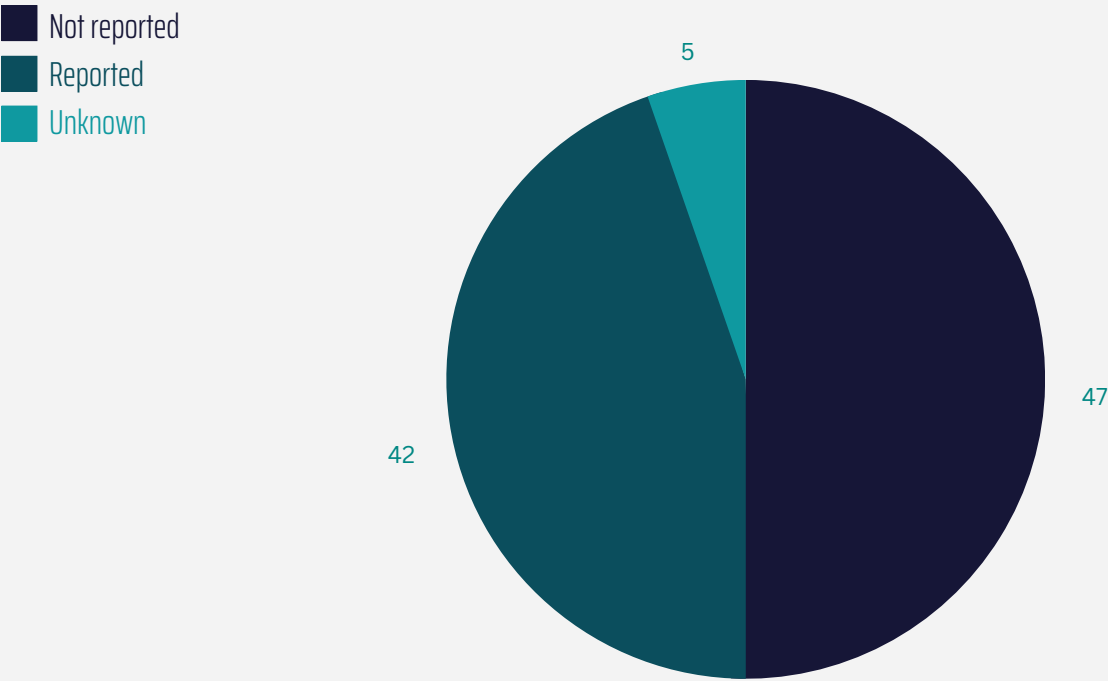


Chart 10. Overview of the reporting of incidents in 2022

Incident reported	Number of incidents	Percentage of the overall number of incidents	Percentage of the overall number of incidents reported
Police/Judiciary	31	33.0%	73.8%
Other CSOs	7	7.4%	16.7%
The Commissioner for the Protection of Equality	7	7.4%	16.7%
The Ombudsman	1	1.1%	2.4%
Other	3	3.2%	7.1%

Table 16. Overview of incidents according to an institution/organisation to which they were reported in 2022

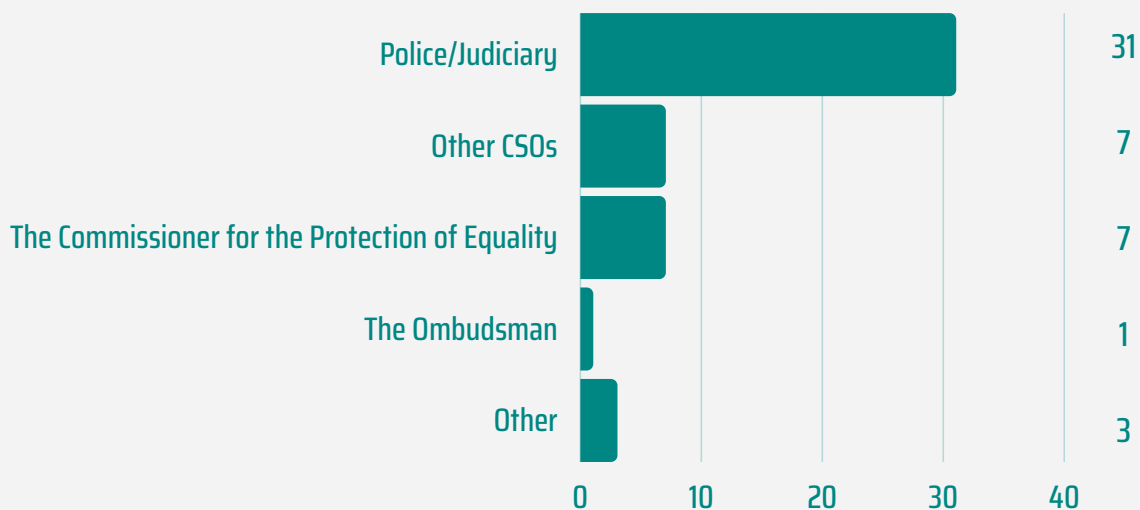


Chart 11. Overview of incidents according to an institution/organisation to which they were reported in 2022

Status of the case	Number of incidents	Percentage	Percentage of the total of reported cases
Criminal charge not recorded	14	14.9%	33.3%
Preliminary investigation stage	2	2.1%	4.8%
Investigation stage	5	5.3%	11.9%
Court proceedings	2	2.1%	4.7%
Other	2	2.1%	4.7%
Unknown	7	7.4%	16.7%

Table 17. Overview of incidents according to the case status in 2022

Distrust of the institutions dominates among the reasons for deciding not to report incidents. We measured its degree through the responses offered which vary from the most grievous form – fear from secondary victimisation (fear from discrimination and ridicule), insufficient sensitisation of the institutions in charge (I did not think people would understand what I was talking about), to the mildest which is reflected through insufficient efficiency (Nothing would have happened/changed, due to the worry of the incident not being taken seriously). The most common form of distrust of the institutions is the one related to their efficiency. Almost one third of survivors (31,9%) did not report the case for this reason precisely, while the distrust which stems from the insufficient sensitisation and fear of secondary victimisation appeared in one case each (2,1%). Apart from the distrust of the institutions, their inaccessibility for survivors distinguishes itself as the significant reason for deciding not to report incidents. Inaccessibility of the institutions appears as the reason in seven (14,9%) cases. It also varies from the situation in which the survivors are not familiar with the procedure and institutions they can report incidents to (I did not know how to report the incident or which institution to turn to), or if they are familiar with the procedure, they find it too complicated (too problematic to report, and I don't have the time), up to the situation in which they don't know about the Anti-discrimination law (I did not know that there are laws which protect me). Four (8,5%) survivors stated as the reason for deciding not to report that they were not familiar with the procedure and institutions in charge they could report the incident to, two (4,3%) said that the procedure was too complicated, and one (2,1%) opted for not being familiar with the legislation in this domain. When it comes to other reasons, in six (12.8%) cases, it is said that the case was not worthy of reporting since such incidents were committed all the time. This is especially worrying data since it indicates that for each eighth survivor who did not report the incident, violence and discrimination motivated by

homo\_transphobia are an everyday thing and normalised. In four (8,5%) cases, the survivors stated that their decision not to report the incident was only temporary. Connected to this reason is failing to report due to great upset caused by the incident and the fear from the perpetrator which appear in three cases each (6,4%). In two (4,3%) cases, the survivors solved their problem outside of the judiciary, and in one (2,1%) they did not want to disclose their SOGI.

Reason for deciding not to report	Number of incidents	Percentage	Percentage of the total of the unreported
Nothing would have happened/changed	13	13.8%	27.7%
It's not worthy of reporting – it happens all the time	6	6.4%	12.8%
I did not know how to report or where to report	4	4.3%	8.5%
I might report the incident in the future	4	4.3%	8.5%
I was too upset to report the incident	3	3.2%	6.4%
Fear of intimidation by the perpetrator	3	3.2%	6.4%
Concern that the incident would not have been taken seriously	2	2.1%	4.3%
I took care of it myself/ with the help of my family/friends	2	2.1%	4.3%
Too problematic to report, I don't have the time for that	2	2.1%	4.3%
I wasn't aware that there was legislation to protect me	1	1.1%	2.1%
Fear from discrimination or ridicule	1	1.1%	2.1%
I did not think people would understand what I was talking about	1	1.1%	2.1%
I did not want to reveal my SOGI personal characteristics	1	1.1%	2.1%
Unknown reasons	4	4.3%	8.5%

- Distrust of the institutions
- Inaccessibility of the institutions
- Other reasons

Table 18. Overview of the reasons for deciding not to report in 2022

The background is a solid teal color with several large, overlapping, semi-transparent triangles in varying shades of teal, creating a geometric pattern. A white rectangular frame is centered on the page, with the text inside.

# **DESCRIPTIONS OF HATE CRIME INCIDENTS**

This section contains the descriptions of documented hate crimes classified as cases of physical violence, threats and destruction of property according to the predetermined universal system of classification for civil society organisations which deliver data for an annual report on hate crime for OSCE/ODIHR. For each hate crime, we have a date, source, location and prejudice indicator of the perpetrator. Nevertheless, one should bear in mind that the majority of cases listed contain another type of injury as well, but that they were classified according to the most grievous form of injury.

## PHYSICAL VIOLENCE

Date	Location	Source	Description of the incident	Indicator of prejudice
24.05.22	Serbia, Belgrade	From the survivor	The survivor (gay man) was subjected to police brutality and inhumane treatment by two uniformed police officers, in front of the public toilet. The case was reported to the sector of internal control of the police, to the Ombudsman and to the Commissioner for the protection of equality, who filed criminal charges with the Prosecution. The investigation is ongoing.	Homophobic vocabulary, high degree of violence
28.06.22	Serbia, Belgrade	From CSO	The survivor (gay man, asylum seeker from Iran) was brutally attacked by his neighbours in the apartment where he was staying in Belgrade. He understood the attackers who spoke in Serbian and used homophobic words while attacking him. The survivor also had a key chain with a rainbow flag. The survivor called the police but was himself arrested instead and subjected to police brutality (incident below).	Homophobic vocabulary, high degree of violence
29.06.22	Serbia, Belgrade	From CSO	After being unjustly arrested, the survivor (gay man, asylum seeker from Iran) was subjected to police brutality and detained for the whole night in the police station where police officers beat him up, used homophobic slurs and showed him pictures of naked Muslim women, asking him, "Are you not turned on by this?". In the morning they took him to the border police to a judge where he found out he was being charged with "touching genitalia" (of the men who attacked him in the previous incident) but was released with dropped charges and advised by the judge to report everything to the police. The survivor was afraid to go to police again and reported to the internal control by email and also contacted CSOs. Da se zna! and Belgrade centre for Human Rights started writing criminal charges against the perpetrators, but the survivor wanted to discontinue the process because he was afraid of the retribution from the police.	Homophobic vocabulary, high degree of violence and inhumane treatment



14.04.22	Serbia, Belgrade	From the survivor	The survivor (a pansexual, gender fluid visitor from the USA) was beaten up by police after being arrested in Kalemegdan. They broke their eardrum at the station, tried to extort money from them and used numerous slurs. The status of the report is unknown as the incident was reported to us anonymously.	Homophobic vocabulary, high degree of violence
29.04.22	Serbia, Belgrade	From the survivor	The survivor (gay man) was physically attacked in the police station by an unknown man while standing in line to pick up his documents. The attacker used homophobic vocabulary and pulled the survivor by his hair. The police officers did little to stop the attack and only took the statement from the attacker.	Homophobic vocabulary
07.05.22	Serbia, Belgrade	From the survivor	The survivor (gay man) was stopped in the street by unknown men and questioned about his sexual orientation. He tried to walk past them but one of them punched him in the back. He started running away from them, but they caught up with him and pushed him to the ground and kicked him a few times before leaving. The incident was reported to the police.	Homophobic vocabulary, survivor recognized as a person of different sexual orientation
07.06.22	Serbia, Subotica	From the witness	The survivor (underage boy) was bullied for a prolonged time by his schoolmates, who yelled homophobic slurs at him, simulated sexual intercourse with him and physically attacked him. His mother reported the case to us. The incident was also reported to the school authorities, however it was not reported to the relevant institutions.	Homophobic vocabulary
13.06.22	Serbia, Novi Sad	From the survivor	The survivor (gay man) was approached by an unknown man in Aqua park and asked if he was gay. The survivor answered that it was not his place to ask that and tried to move, when the man punched him in the face and ran. The survivor called the police and gave a statement.	Survivor recognized as a person of different sexual orientation
14.06.22	Serbia, Belgrade	From the survivor	The survivor (gay man) was attacked in the middle of the street by 8 unknown men. They ran away after inflicting bodily harm upon him. People who witnessed the attack called the police and the ambulance.	Survivor's perception, high degree of violence

22.07.22	Serbia, Novi Sad	From the survivor	The survivor (transgender woman) was followed by two men after she left the bus. She noticed them on the bus pointing at her and laughing so she tried to escape them, but they caught up with her and punched her in the head from which she fell to the ground. The attackers tried to kick her again but she stopped them by kicking one in the leg, after which they left. During the attack, the attackers used homophobic and transphobic vocabulary. The incident was not reported to the police at the time when Da se zna received the report.	Transphobic vocabulary, high degree of violence
07.08.22	Serbia, Belgrade	From the survivor	The survivor (gay man) was brutally attacked by an unknown man on the bus. The attacker first used homophobic vocabulary and behaved aggressively punching the seat of the bus, then approached the survivor and punched him numerous times. The survivor ran to the driver and asked him to call the police, but he refused. The attacker punched the survivor in the face again and left. The survivor did not report the incident.	Homophobic vocabulary, survivor recognized as a person of different sexual orientation
08.08. - 24.08.22	Serbia, Belgrade	From the witness	The survivor (transgender woman) was physically and sexually abused by her ex-partner. The perpetrator came to the survivor's house after they broke up, smashed the door, and assaulted her. The perpetrator had a history of transphobic remarks, telling the survivor that she was not a woman, that she should "be a man and dedicate herself to god", and was abusive during their relationship. The survivor tried to report the case to the police, but they refused to record her report.	History of similar assaults; Transphobic vocabulary
21.08.22	Serbia, Belgrade	From the survivor	The survivor (gay man) was attacked by an unknown man in the middle of the street. He did not report the incident to relevant institutions because he feared he would not be taken seriously.	Survivor's perception
09.10.22	Serbia Belgrade	From the survivor	The survivor (gay man, Roma) was physically attacked in front of a queer club. An unknown man approached him, punched him and damaged his tooth. The survivor did not report the incident to the relevant institutions.	Survivor's perception; near a place connected with the LGBT+ community

13.09.22	Serbia, Belgrade	From the survivor	The survivors (gay couple) were standing at the bus stop when a man approached them, punched one of them in the face and yelled “you will not walk”. The survivors did not report the incident to the relevant institutions because they believed nothing would change or happen.	Homophobic vocabulary (“they will not walk/march” is an anti-Pride parole)
09.08.22	Serbia, Indija	From the survivor	The survivor (lesbian) was walking down the street when a group of younger women yelled homophobic slurs at her, surrounded her, and held her down while one of the attackers punched her in the face a few times. When the attackers ran away, the police came because someone who witnessed the attack had called them. The survivor gave a statement, but when she finished the police officer said, “So this is a situation of kids will be kids” and did not produce police record.	Homophobic vocabulary
09.09.22	Serbia, Belgrade	From the witness	A friend of the survivor (gay man) reports that they were at a queer club where the survivor not-knowingly flirted with a straight man. This man and his friends took the survivor to the bathroom where they physically attacked him. He ran away but they chased after him and kicked him again inside the club. The witness called the security of the club but they refused to react. The incident was not reported to the relevant authorities because the survivor and the witness were too emotionally distressed.	Homophobic vocabulary; in a place connected to the LGBT+ community
17.09.22	Serbia Belgrade	From the witness	Before entering the Pride march, the survivor (lesbian), a friend of the witness, was insulted numerous times on the basis of her sexual orientation and kicked in the back by one person. It is unknown whether the incident was reported to the relevant institutions.	Homophobic vocabulary; on the date of Pride; near a place connected to the LGBT+ community
17.09.22	Serbia Belgrade	From the survivor	The survivor (gay man) was returning form the Pride parade when he was attacked by a group of men, who yelled homophobic slurs at him. The survivor received a punch in the face which hurt his jaw. He tried to report to the police officers who were standing nearby, but they did not want to take the report and instructed him to go to the police station to give a statement.	Homophobic vocabulary; on the date of Pride; near a place connected to the LGBT+ community

17.09.22	Serbia Belgrade	From the survivors	The survivors (gay couple) were physically attacked by a group of men dressed in black after returning home from the Pride. They were holding a rainbow coloured umbrella and believe the attackers knew they were returning from the Pride. The survivors were left with bodily harm and went to the police station to report the incident. They report that the behaviour of the officers was professional.	On the date of Pride; near a place connected to the LGBT+ community; survivors recognized as persons of different sexual orientation
17.09.22	Serbia Belgrade	From the witness	The witness was walking towards the entrance to the Pride parade when she saw a group of young women, one of whom was carrying a rainbow-coloured umbrella. This woman was approached by an Orthodox priest who was nearby, and he violently grabbed the umbrella, pulled it and scratched the woman in the process. It is unknown whether it was reported to the relevant authorities.	On the date of Pride; near a place connected to the LGBT+ community
17.09.22	Serbia Belgrade	From the media	Five queer activists from Albania, who were visiting Belgrade for the Pride parade, were attacked by a group of men after going to the hotel from the parade. Two of the activists received grievous bodily harm. It is unknown whether the incident was reported to relevant authorities.	On the date of Pride; near a place connected to the LGBT+ community
17.09.22	Serbia Belgrade	From the survivors	Two queer women from Germany were attacked when returning from the Pride to their hotel. They were stopped by a man wearing a hoody who punched them in the face. The incident was not reported to the relevant authorities.	On the date of Pride; near a place connected to the LGBT+ community
27.09.22	Serbia, Kragujevac	From the survivor	The survivors (a lesbian couple) were attacked in the restaurant while having dinner by two unknown men and one woman, who first shouted homophobic slurs at them and stated "You all should be killed", and then physically assaulted the two of them. The survivors reported the case to the police.	Homophobic vocabulary
17.09.22	Serbia, Belgrade	From the survivor	A volunteer at the entrance of the Pride parade was spat on, kicked in the back and her photo was taken with the threats that she would be killed. The police officers who were there to "protect the Pride" saw it but did not react.	On the date of Pride; near a place connected to the LGBT+ community

09.09.22	Serbia, Prokuplje	From the survivors	The survivor (transgender woman) was verbally abused by her mother, father and sister in their home, after which they all attacked her and caused her bodily harm. She ran out of the house and called the police. When she went to report the incident, she was attacked by the police officer.	Transphobic vocabulary; high levels of violence
08.09.22	Serbia, Prokuplje	From the survivor	When the survivor (trans woman) went to report the incident she had with her family, the police officer who took her statement said it should've happened, and if she had been her child she would've had it way worse. When the survivor started to film the officer, she grabbed the survivor's phone and punched her. The survivor wanted to report that to the commander, but the police officer attacked her again. No one who was present reacted.	Transphobic vocabulary; high level of degrading treatment
17.09.22	Serbia, Belgrade	From the survivor	The survivor (cis man) was explaining to an elderly woman what was going on (Pride parade) when two men walked past him, spat on him, and punched him in the face. Police officers were present, but did not react.	On the date of Pride; near a place connected to the LGBT+ community
13.06.22	Serbia, Bački Petrovac	From the survivor	The survivor (gay man) was at the Aqua Park when two men called out to him with homophobic slurs and asked him why he was gay. He replied to them and left, but the men followed him and punched him in the face. He called the police, and they took him to the Emergency clinic, detained the attackers and took statements from them. The survivor received a call for the court hearing.	Homophobic vocabulary
17.09.22	Serbia, Belgrade	From the survivors	The survivors (a lesbian couple) were attacked while entering the Pride parade. One of them was spat in the face three times, and the other was punched in the back with an umbrella. Police officers were present and saw the incident but did not react.	On the date of Pride; near a place connected to the LGBT+ community
09.11.22	Serbia, Belgrade	From the survivors	The survivor (trans man) was physically attacked by his room mate in the student dormitory. The attack was coupled with homo_transphobic vocabulary. The survivor reported the incident to the dormitory administration office, who enabled him to move to another room.	Homophobic and transphobic vocabulary

## THREATS

Date	Location	Source	Description of the incident	Indicator of prejudice
22.05.22	Serbia, Belgrade	From the survivor	The survivors (a gay couple) were recording live on the TikTok platform when three men asked to join their program. At first, they behaved regularly, but after a certain time they started insulting and threatening the couple because of their sexual orientation. The case was reported to the Prosecution.	Homophobic vocabulary
15.04.22	Serbia, Belgrade	From the survivor	The survivors (a gay couple) were followed by a car and stopped on the walkway by people from the car who used homophobic slur towards them and threatened them with physical violence. The survivors continued walking and did not engage but saw the same car a couple of times more during the same day which caused them to be afraid. They reported the case to the police who did not file their report.	Homophobic vocabulary
15.01.-15.04.22	Serbia, Paraćin	From the survivor	The survivor (transgender woman) is under constant threats of violence and economic manipulation from her father, ever since she came out as transgender. She has not reported the incident to the police because of being unsure whether the institutions can protect her.	Transphobic vocabulary; survivor recognized as non-cis gender person
21.07.22	Serbia, Belgrade	From the survivor	The survivor (transgender woman) was yelled at in the street by an unknown woman, who used transphobic vocabulary and slurs, and threatened her with physical violence. The incident was not reported to the police because the survivor believed nothing would happen or change.	Transphobic vocabulary
25.08.22	Serbia, Belgrade	From the survivor	The survivor (gay man) was added to the group on Instagram where unknown perpetrators threatened him with death and physical violence and used homophobic slurs. All this happened after the survivor answered to a comment with homophobic content. The incident was not reported to the relevant institutions.	Homophobic vocabulary

04.07.22	Serbia, Belgrade	From the survivor	The survivor (lesbian) was recording a TikTok live when an unknown person joined and said he would kill her with no remorse because she is a lesbian. The incident was not reported to relevant institutions.	Homophobic vocabulary
01.09.22	Serbia, Belgrade	From the survivor	The survivor (gay man) received a picture on SnapChat of the perpetrator holding a rifle gun with a text "I'm going hunting for you". The survivor filed criminal charges with the relevant Prosecution.	Survivor's perception
01.01.-22. 08.22	Serbia, Belgrade	From the survivor	The survivor (gay man) is under constant threats from his father because of his sexual orientation, and because he brought his boyfriend to the apartment where he lives, but which is owned by his father. The perpetrator threatens the survivor with physical violence and with kicking him out of the apartment. The survivor did not report incidents to the relevant institutions because he was too emotionally distressed to do so.	Homophobic vocabulary; survivor recognized as a person of different sexual orientation
03.09.22	Serbia, Belgrade	From the survivor	The survivor (transgender woman) was walking a dog in the park next to the place she lives. Three men started shouting transphobic slurs at her. When she replied to them, one drew a knife and threatened to attack her. Two police officers who were walking by reacted and chased the men off. They did not produce police records.	Transphobic vocabulary
02.09.22	Serbia, Kragujevac	From the survivor	The picture of the survivor (gay man) was published on an anonymous Instagram profile where he received numerous homophobic insults and threats. The incident was not reported to the relevant authorities.	Homophobic vocabulary
18.12.22	Serbia, Petrovac na Mlavi	From the survivor	The survivor (transgender woman) was abused by her brother in 2021. She decided to report him to the police, but when he found out about this, he called her and threatened to her that he would kill her, using transphobic vocabulary during the call. The survivor did not report the threats to the relevant authorities at the time of reporting to Da se zna, but stated that she might report it in the future.	Transphobic vocabulary; history of similar incidents

21.09.22	Serbia, Čačak	From the survivor	The survivor (transgender woman) was threatened on an Instagram post where she posted a rainbow flag and supportive comments towards LGBT+ community. The perpetrator sent her private messages with threatening content. The incident was not reported to the relevant authorities because the survivor believed nothing would happen if she had.	Homophobic and transphobic vocabulary
19.09.22	Serbia, Belgrade	From the survivor	The survivor (gay man) was called on the phone by his father and received death threats because of his sexual orientation. The incident was not reported to the relevant institutions because the survivor believed nothing would change.	Homophobic vocabulary
11.10.22	Serbia, Novi Sad	From the witness	City portal published a picture of a man dressed in an “unconventional way”. Below the picture numerous comments containing death treats and threats of violence were left, coupled with homophobic and transphobic vocabulary.	Homophobic and transphobic vocabulary
31.10.22	Serbia, Belgrade	From the survivor	The survivor (gay man) was walking in the park on the Halloween night, with make up on his face. A group of men shouted homophobic slurs at him and threatened him with physical violence. The survivor ran away from the park and did not report the incident to the relevant authorities.	Homophobic vocabulary



## DESTRUCTION OF PROPERTY

Date	Location	Source	Description of the incident	Indicator of prejudice
07.06.22	Serbia, Belgrade	From the media	The Belgrade Pride team announced that the Pride info centre was attacked on Monday, 07.06. around 11 p.m. and that neo-Nazi stickers from the Belgrader Jugend group were stuck on the window. The incident was reported to the police with no information on the outcome.	On the location connected to the LGBT+ community; perpetrators belonging to far-right group
17.08.22	Serbia, Belgrade	From the media	The window of Pride info centre was vandalized with the words "Death to faggots". It is unknown whether the case was reported to the relevant institutions.	On the location connected to the LGBT+ community; homophobic vocabulary
17.09.22	Serbia Belgrade	From the survivor	When the survivor (gay man) entered the Pride parade, passing the line of policeman, one of them saw he was wearing "šajkača" (a traditional Serbian hat). The perpetrator ran to the survivor, took down the hat and yelled at him "What are you thinking wearing this here?" and took off, not returning the hat. The survivor did not report the incident to relevant institutions.	On the date of Pride; near a place connected to the LGBT+ community
17.09.22	Serbia Belgrade	From the survivor	A group of drag performers were trying to enter the Pride parade area which was enclosed by police officers. They had the performers badges, but the police officers held them without letting them pass for some time. During that time, a group of people who gathered with "anti-Pride" banners enclosed the car, punched it with fists and banners, scratching the car and causing material damage. The police officers did not react to this incident.	On the date of Pride; near a place connected to the LGBT+ community
05.12.22	Serbia, Belgrade	From the survivor	The survivor (trans man) was subletting his apartment. When he announced to the tenants that he would raise their monthly fee, they insulted him using transphobic vocabulary and destroyed the walls with black paint. They also left the apartment without telling the survivor, did not pay for rent and stole items from the apartment. The survivor reported the incident to the Prosecution.	Transphobic vocabulary; high degree of violence



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**ISBN-978-86-905942-0-7**