

STATEMENT

ORGANIZATION XY SPECTRUM

XY Spectrum was founded in 2017 in Belgrade. It is committed to promote the rights of intersex and trans people and their families, improving their position and quality of life.

ISSUES THAT WILL BE ADDRESSED

- LGBTQI community in Serbia
- TRANS community in Serbia
- INTERSEX community in Serbia

LGBTQI COMMUNITY IN SERBIA

RECOMMENDATION 114.33 by New Zealand

Take concrete steps to protect lesbian, gay, bisexual, transgender and intersex people and their freedom of assembly and expression, and to eradicate all forms of discrimination and violence based on sexual orientation and gender identity

➤ This recommendation has not been fulfilled

- The Euro Pride 2022 was hosted in Belgrade on 12-18 September 2022, but the march scheduled for 17 September was banned by the Ministry of Interior.
- The organizers' complaints against the decision submitted to this Ministry and consequently to the Administrative Court were dismissed. The march took place despite the ban, but not along the original route. Incidents were documented.
- Several people were attacked and hurt after the march. Some people are 'under investigation' of the Serbian authorities for what they wore and how they looked during the march. The Minister of the Interior still insists that there was no march at all. The ban was condemned by the international community.

RECOMMENDATION

Ensure freedoms of peaceful assembly and of expression for LGBTI+ persons and CSOs and secure protection of both the public events and gatherings they organize and of LGBTI+ human rights defenders and the LGBTI+ community from hate speech, hate crimes and discrimination.

TRANS COMMUNITY IN SERBIA

- The legal gender recognition process (LGR) in Serbia is regulated by law, but remains inadequate, complicated and lengthy.

- There is no recognition of the third gender marker, leaving intersex and gender non-conforming people without protection.
- Trans person must have medical documentation, including the psychiatrist's report after year-long monitoring, and report from endocrinologist after administered hormone therapy, in order to be able to change their legal gender marker. This is not in line with the total depathologization of trans identities and simplifying and speeding up the procedures for obtaining appropriate documents.
- Trans children are affected in different ways: they cannot access hormone therapy on their own before the age of 18 and the puberty blockers used by trans children are expensive.

RECOMMENDATION

Adopt a comprehensive law on legal gender recognition and secure trans and intersex affirming healthcare, based on the principles of depathologization, self-determination and non-discrimination, in line with international human rights standards, ICD-11 and best practices.

INTERSEX COMMUNITY IN SERBIA

RECOMMENDATION 114.35 by Australia

Strengthen discrimination protections for lesbian, gay, bisexual, transgender and intersex persons, and enact legislation that includes protection from discrimination on the grounds of intersex status

- This recommendation has been partially fulfilled
- The amended Anti-Discrimination Act⁵¹ is the first Serbian law to recognize sex characteristics as a protected ground of discrimination.
- The Civil Registers Act⁵³ stipulates that the birth of a child must be reported within 15 days from the day of birth. Considering that the sex of the child must be entered in the birth register and the lack of recognition of the third gender marker, such a provision produces negative consequences for intersex children.
- The competent authority must register the sex of the child, which in practice results in the parents deciding on urgent and harmful medical procedures.

RECOMMENDATION

Introduce precise medical and administrative protocols, procedure and guidance on the position of intersex new-borns, ending all physically harmful practices and ensuring adequate birth registration.