

Shadow Report: LGBTQI+ Women and Gender-Diverse Persons in Serbia

Executive Summary

This shadow report provides a comprehensive overview of the human rights situation of lesbian, bisexual, transgender, queer, intersex and other gender-diverse (LGBTQI+) women in Serbia, in light of Serbia's obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Despite some progress in anti-discrimination legislation and institutional frameworks, LGBTQI+ women and gender-diverse persons in Serbia continue to face systemic discrimination, violence, and social exclusion. Key gaps include the lack of legal recognition for same-sex partnerships, persistence of gender stereotypes and anti-LGBTQI sentiment (even among public and religious leaders), barriers in access to healthcare and education, and inadequate protection from gender-based violence. These issues are exacerbated for individuals at intersecting marginalizations (such as Roma LBT women, rural and older queer women, or LGBTQI+ persons with disabilities), who often encounter compounded forms of discrimination. The report follows a CEDAW article-by-article structure (covering Articles 1, 2, 5, 10, 11, 12, 13, 15 and related areas), highlighting legal and policy gaps, documented human rights violations, and testimonies from community surveys. It concludes with key findings and concrete recommendations. Serbia is urged to strengthen its compliance with CEDAW by enacting and enforcing laws and policies that protect LGBTQI+ women's rights – including recognizing same-sex unions, banning harmful practices such as non-consensual intersex surgeries, ensuring equal access to healthcare and education, improving responses to violence, and promoting inclusive, stigma-free environments in all spheres of life. These steps are critical for Serbia to fulfill its international obligations and ensure equality and dignity for all women, regardless of sexual orientation, gender identity, or sex characteristics.

Overview of Legal and Institutional Frameworks

Serbia's constitutional and legal framework establishes a formal commitment to equality and human rights, but specific protections for LGBTQI+ individuals are uneven. The 2006 Constitution guarantees equality and allows international human rights treaties to be directly applied^{[1][2]}. In 2009, Serbia adopted its first comprehensive Anti-Discrimination Law, which explicitly prohibits discrimination on grounds of sexual orientation and gender identity^{[3][4]}. This law also created the Commissioner for the Protection of Equality as an

independent body to address discrimination complaints[5]. Additionally, Serbia has ratified key international instruments (including CEDAW and the Council of Europe’s Istanbul Convention on violence against women) and as an EU candidate country aspires to align with EU anti-discrimination standards[6][7]. These commitments form an important legal foundation.

However, significant gaps in laws and implementation remain. Notably, Serbia has no legal recognition for same-sex partnerships or marriage, leaving same-sex couples without family-law rights and protections. Attempts to pass a law on registered same-sex unions have repeatedly stalled in the face of political and societal opposition[8][9]. As a result, lesbian and bisexual women in committed relationships are denied a “wide range of legal family-related rights (inheritance, pension, hospital visitation, etc.)” that heterosexual spouses take for granted[10]. The failure to recognize same-sex unions also means there is no clear legal protection for same-sex partners facing domestic violence, as current laws and services are geared toward heterosexual family structures[11]. Similarly, Serbia’s laws do not recognize gender diversity beyond the binary – while transgender individuals may change legal sex after meeting medical requirements, there is no provision for non-binary or third-gender recognition, and sex markers must be registered as male or female within 15 days of birth[12]. This rigid framework contributes to harmful practices: intersex infants (children born with atypical sex characteristics) have been subjected to irreversible surgeries in infancy in order to assign a binary sex within the legal deadline[13][14], a practice human rights experts deem unnecessary and coercive.

Institutionally, Serbia has mechanisms such as the Equality Commissioner, a Ministry for Human and Minority Rights, and various strategies nominally addressing discrimination. Yet implementation and enforcement are weak. Research indicates a disconnect between laws “on the books” and reality, with persisting gaps in enforcement of anti-discrimination and hate crime laws[7]. This breeds mistrust among LBTQI+ people toward authorities, and many do not report violations due to fear or lack of confidence in remedies[7]. For example, although hate crimes targeting sexual orientation or gender identity are criminalized (Serbia’s Criminal Code treats bias motive as an aggravating circumstance), prosecutions are rare and inconsistent in applying these provisions[15][16]. Likewise, the Equality Commissioner’s opinions and recommendations are not always heeded by other state bodies[17]. The absence of comprehensive data on LBTQI+ populations and incidents (the government does not collect disaggregated statistics on anti-LGBTQI discrimination or violence) further hampers effective institutional response[18][19]. In summary, while Serbia’s formal legal framework prohibits gender and sexual orientation-based discrimination, the *practical* protection for LBTQI+ women is insufficient – undermined by legislative omissions (e.g. in family law), lack of recognition for gender-diverse identities, and weak implementation of existing laws.

Article 1 & 2: Definition of Discrimination and General Obligations

Article 1 of CEDAW defines discrimination against women to include any sex- or gender-based distinction that impairs equality. The experiences of LGBTQI+ women in Serbia fall squarely within this definition, as discrimination based on sexual orientation, gender identity or sex characteristics often intersects with gender inequality. Serbia's Anti-Discrimination Law broadly aligns with Article 1 by outlawing direct and indirect discrimination, and explicitly naming sexual orientation and gender identity as protected grounds[4]. However, important nuances are not fully addressed – for instance, discrimination on the basis of sex characteristics (relevant to intersex persons) is not explicitly mentioned in most laws aside from the anti-discrimination law[20]. Multiple and intersectional discrimination is likewise a concern: LGBTQI+ women who are also part of marginalized ethnic groups (such as Roma), living with disabilities, or of lower socio-economic status often face layered prejudice, yet state data and policies rarely reflect these compounded vulnerabilities. (The survey underlying this report had almost no Roma respondents, highlighting a gap in outreach and data; researchers note that if more Roma LGBTQI individuals had participated, the reported discrimination rates would likely be even higher[21][22].)

Under Article 2, Serbia has the obligation to eliminate discrimination against women in law and practice, through appropriate legislation, policies, and institutions. In practice, systemic discrimination persists against LGBTQI+ women, indicating that Serbia is falling short of Article 2. *De facto* inequality is evident in many domains discussed below (violence, education, health, etc.). For example, although the law formally guarantees equality in employment and education, LGBTQI+ women routinely experience harassment, exclusion, or fear of being “outed” in those settings, which effectively denies them equal opportunities (discussed under Articles 10 and 11). The CEDAW Committee itself has expressed concern that Serbia lacks measures to address discrimination against vulnerable groups of women, including lesbian, bisexual and transgender women and intersex persons[23][24]. It noted that inadequate enforcement – such as the low number of prosecutions for sexual harassment, especially of young women and LGBTQI women – undermines women's equal rights in practice[23][25].

Furthermore, state accountability mechanisms are weak. Victims of anti-LGBTQI discrimination or violence rarely see justice. Many LGBTQI+ individuals do not even report incidents to the police or to the Equality Commissioner due to fear of hostility or outing. Surveys indicate that lack of trust in the justice system is prevalent: gaps in implementation of laws “discourage reporting by LGBTI people who experience legal problems and decrease the already limited confidence and trust in formal justice institutions”[7]. The State is obliged under Article 2 to ensure effective legal protection and

remedies, yet in Serbia there is impunity or inaction in many cases. For instance, although Serbia's hate crime law exists, ambiguities and lack of training have led prosecutors and courts to inconsistently apply hate crime provisions; it took years for authorities to start using the bias motivation clause (Article 54a) in sentencing, and even now it is not applied systematically[15][16]. As a result, very few attacks on LGBT people are treated as hate crimes in practice, sending a message of tolerance for such abuse. This climate of non-enforcement contravenes Article 2(b)-(c) (effective legal protection) and Article 2(e) (ensuring public authorities refrain from discrimination).

In summary, discrimination against LBTQI+ women in Serbia is both *direct* (e.g. denial of services like fertility treatment to lesbian/bisexual women[26]) and *indirect/structural* (e.g. policies that ignore their needs). Serbia must strengthen implementation of its anti-discrimination framework – including through training of law enforcement and judiciary, and explicit inclusion of sexual orientation, gender identity and sex characteristics in all relevant laws – to fulfill its Article 2 obligations. It should also develop targeted action plans to address intersectional discrimination (such as against Roma queer women or trans women with disabilities), in line with CEDAW General Recommendation 28 on the core obligations and General Recommendation 33 on women's access to justice.

Article 5: Stereotypes, Harmful Practices, and Gender-Based Violence

Article 5 obliges States to modify social and cultural patterns that perpetuate harmful stereotypes or practices against women. In Serbia, deeply entrenched patriarchal norms and anti-LGBTQI+ sentiments fuel discrimination and violence against LBTQI+ women and gender-diverse persons. Lesbian and trans women are often stigmatized not only for defying heteronormativity but also for defying traditional gender roles; this double stigma manifests in family rejection, public harassment, and even hate speech from influential figures. The Serbian Orthodox Church and right-wing groups have been particularly vocal in propagating anti-LGBTQI rhetoric. For example, a high-ranking bishop of the Orthodox Church publicly stated he was ready to “use weapons” against the 2022 EuroPride event in Belgrade and labeled Pride as “the tip of the iceberg of immorality, a collection of all flaws and vices.”[27] Such hate speech from religious authorities contributes directly to an atmosphere of hostility and “undoubtedly generates... diverse forms of violence against LGBTIQ+ people”[27]. Similarly, conservative campaigns in recent years have attacked any portrayal of gender equality or LGBT topics as “gender ideology,” pressuring the government to withdraw educational materials and even challenging a new Gender Equality Law as immoral[28][29]. These developments show that harmful gender stereotypes – including the idea that non-heteronormative identities are deviant – remain pervasive and are often promoted by community and political leaders, in clear violation of Article 5(a).

Within families, traditional gender norms and homophobia/transphobia intersect dangerously, leading to high rates of violence and abuse against LGBTQI+ youth. Research confirms that “homophobia and transphobia, mutually reinforced across society and thus families, create conditions in which it is especially hard to protect children and adolescents who are not heterosexual or gender-congruent”[30]. Shockingly, almost half of LGBTIA and non-binary survey respondents (49%) had experienced violence from a family member at least once, whether psychological, physical, or other forms[31]. In these cases, fathers and mothers were the most commonly reported perpetrators[32]. Much of this abuse is directly tied to the victim’s sexual orientation or gender expression – for instance, parents attempting to “beat the gay out” of a daughter, or forcing a gender-nonconforming child into conformity. Such intra-family violence not only violates CEDAW Article 5 (which covers the elimination of customs/practices based on inferiority of women or stereotyped roles) but also CEDAW General Recommendation 19/35 on gender-based violence, which affirm that violence against lesbian and transgender women is a form of discrimination. Serbia’s Law on Prevention of Family Violence (2016) provides a framework for responding to domestic abuse[33], but it does not specifically address the particular vulnerabilities of LGBTQI victims. Survey data indicate many victims did not seek help: for example, more than one-third of those who suffered family violence said no one intervened and they never accessed any support services (as traditional “safe houses” or SOS hotlines may not be prepared to receive lesbian or trans victims). The stigma and shame surrounding LGBT issues can deter victims from reporting abuse – survivors may fear outing themselves to authorities or being blamed. Indeed, survivors of same-sex partner violence or family violence often feel a compounded shame “not only because of the abuse itself but also due to their sexual orientation or gender identity”[34][35]. The State has a duty to counteract this stigma by affirming that violence against LGBTQI+ women is unacceptable and by ensuring inclusive support services.

Harmful practices also persist. One acute example is the medical “normalization” of intersex children. In Serbia, infants born with intersex variations have been subjected to non-consensual surgeries or hormone treatments in infancy or early childhood to fit male or female norms. This practice is driven by social and medical pressures to “normalize” a child’s sex characteristics, and is facilitated by the legal requirement to assign a binary sex within 15 days of birth[12]. Roughly 10 newborns per year in Serbia are referred to specialists in Belgrade because their sex cannot be easily assigned at birth[36], and they are at risk of genital surgery before they are old enough to consent. Such irreversible procedures, performed without the individual’s consent, have been condemned by UN human rights bodies as harmful practices violating bodily integrity. As of now, Serbia has no explicit legal ban or protocol preventing unnecessary sex-assignment surgeries on intersex infants. This gap leaves intersex girls (and boys) vulnerable to trauma and lifelong

health complications from medically unwarranted interventions – an issue squarely within the scope of CEDAW Article 5 (elimination of practices harmful to women and children) and the Committee’s Joint General Recommendation 31 (with CRC) on harmful practices. Encouragingly, this report recommends Serbia to adopt clear legal provisions prohibiting irreversible, non-emergency medical interventions on intersex children absent informed consent^[37], in line with international best practices.

Finally, so-called “conversion therapies” or pressures to change one’s identity represent another harmful practice. While not formalized in Serbian healthcare, some LGBTQI+ individuals report being pressured by family members, psychologists, or religious mentors to “become normal” (heterosexual or cisgender). The community survey captured instances of authority figures (such as parents, teachers or clerics) attempting to “convert” individuals – for example, forcing a lesbian woman to see a psychiatrist to cure her, or subjecting a transgender youth to intense religious counseling. Serbia does not yet ban conversion therapy. Under Article 5, Serbia should eliminate such practices, as they are based on discriminatory stereotypes and cause severe psychological harm. Public awareness campaigns and professional guidelines are needed to condemn attempts to change someone’s sexual orientation or gender identity as unethical and dangerous.

In sum, Serbia must take stronger action to transform discriminatory social attitudes. This includes working with the education system, media, and religious/community leaders to promote acceptance of diverse sexual orientations and gender identities, as well as challenging the patriarchal norms that subordinate women and anyone who deviates from prescribed roles. As the CEDAW Committee urged in 2019, Serbia should combat *all* forms of gender stereotyping and ensure that lesbian, bisexual and transgender women and intersex persons are not subjected to exclusionary rhetoric and practices^{[23][26]}. Article 5 compliance will require a sustained commitment to public education, dialogue, and legal measures that delegitimize hate speech and harmful practices. For example, integrating objective information about LGBTQI+ people into school curricula (see Article 10 below) and denouncing anti-LGBTQI statements by officials or clerics are steps that can begin to erode the prejudice that currently endangers LGBTQI+ women.

Article 10: Education

Access to education in Serbia is legally guaranteed to all on equal terms, and anti-discrimination provisions formally apply in the education sector^{[38][39]}. In practice, however, LGBTQI+ youth – especially those assigned female at birth who are lesbian, bisexual, transgender, or gender non-conforming – often encounter a hostile school environment. Students who are perceived as “different” may face bullying, harassment, and exclusion by peers and even teachers. According to the community survey, a majority

of LGBTIA/non-binary respondents experienced some form of discrimination during their schooling years: over half (57%) reported facing discrimination in secondary school, with substantial levels also in primary school[40][41]. Notably, school-based discrimination peaks during adolescence (high school years), a time when youth are exploring their identities and peers can be particularly cruel[41][42]. Verbal harassment (derogatory slurs, “outing” someone without consent, ridicule) is common, and physical bullying sometimes occurs alongside the verbal abuse[42]. The survey found that male peers are more frequently reported as perpetrators of school bullying than female peers[43][42], reflecting gendered patterns of aggression. Worryingly, teachers and school staff were also identified as perpetrators in a number of cases: about 15% of discrimination incidents in elementary and secondary school were attributed to *teaching staff*[40][44]. This includes instances where educators ignored or even joined in the taunts, or enforced gender norms (for example, a teacher publicly shaming a student for “cross-dressing” or assuming a tomboyish girl must be a lesbian). Such behavior by those in authority not only violates the education law’s non-discrimination mandate[38], but also betrays the trust of students and contributes to higher dropout or truancy rates among LBTQI+ youth.

Crucially, curricula and school programs in Serbia have largely failed to incorporate content on gender equality or sexual diversity, which could foster understanding and respect. The current curriculum does not include comprehensive sexuality education; topics like sexual orientation, gender identity, or even broader discussions of gender roles and consent are mostly absent or covered in a heteronormative manner. An inclusive curriculum is vital to challenge stereotypes and reduce prejudice from an early age. Yet, as the research findings state, “curricula fail to incorporate gender equality and SOGIESC-related content, leaving harmful stereotypes unchallenged.”[45] The omission of such topics means that students receive little to no factual education about LBTQI+ people, which perpetuates ignorance and stigma. In fact, when efforts were made by civil society to introduce materials (for example, a teacher training package on preventing sexual violence that included discussion of gender and sexuality), they met backlash: in 2017, an extensive education program on preventing sexual abuse, developed by experts in cooperation with the Ministry of Education, was suspended after only two weeks due to pressure from a small group of conservative activists who mischaracterized it as a “threat to families.”[46][47] Likewise, biology textbook content that acknowledged the spectrum of sex characteristics and gender identity came under attack by the Orthodox Church in 2022 for supposedly teaching “gender ideology,” leading to calls for removal of those lessons[29][48]. Such incidents reveal that reactionary forces are actively impeding the creation of an inclusive educational environment. The State has the responsibility under Article 10(c) and (h) to ensure education is directed at “the elimination of stereotyped concepts” and that educational information includes healthy, scientific perspectives on

gender and sexuality. By capitulating to anti-equality pressures, the authorities have thus far not fulfilled this mandate.

The impact on LBTQI+ students is severe. Many do not feel safe at school, which can lead to diminished concentration, poorer academic performance, or early school leaving. The survey data suggests that over half of LBTQI+ students had been victimized or felt unwelcome in school at least once by the end of high school[40]. Qualitative testimonies support this: respondents described being isolated by classmates, subject to gossip or insults, or even being told by school counselors that their identity was “just a phase”. In one case, a lesbian student reported that a teacher refused to intervene when she was bullied, implying she had “brought it on herself” by not fitting in. Such attitudes underscore an urgent need for teacher training on diversity and non-discrimination. Teachers and school psychologists should be prepared to support LBTQI+ youth, yet currently many lack awareness or hold biased beliefs. In Serbia’s teacher training curricula and professional development, topics of gender sensitivity or LGBT inclusion are not standard.

Another educational barrier is social exclusion from school activities, including sports or social events, due to gender norms. For instance, transgender students often face difficulty in physical education classes or using gendered facilities. There have been reports of trans girls being forced to cut their hair or wear boys’ uniforms, and of butch lesbians barred from girls’ teams. These practices violate the principle of equal opportunity in education. Article 10(f) requires the same opportunities to participate actively in sports and physical education; however, LBTQI+ students may self-exclude out of fear of harassment. The community survey indicated low participation of queer youth in school sports, often due to feeling unwelcome or unsafe in those spaces (e.g. a trans student avoiding locker rooms to prevent ridicule).

Positive developments are limited, but worth noting: the Law on Textbooks now includes a principle of respecting diversity and equal opportunities in content[49], which if applied could encourage inclusion of non-stereotypical material. Also, in 2023 the Ministry of Education began tracking incidents of discrimination in schools through a platform (“Čuvam te/I Protect You”) – within one school year, at least seven incidents of discriminatory behavior among students were officially reported, one explicitly based on sexual orientation[50]. This indicates the issue is being acknowledged at some level. Still, official reports likely vastly undercount the real frequency of homophobic/transphobic bullying (as the survey shows much higher incidence).

In conclusion, LBTQI+ women and gender-diverse youth in Serbia face significant obstacles in education, from a prejudiced school climate to an exclusionary curriculum. To comply with Article 10, Serbia should take proactive measures: incorporate

comprehensive sexuality education that covers sexual orientation and gender identity (with age-appropriate content promoting tolerance and factual understanding)[45]; train educators to intervene against bullying and support vulnerable students; enforce anti-discrimination rules in schools (holding staff accountable if they perpetuate bias); and ensure that educational materials promote gender equality and do not reinforce stereotypes[45]. By eliminating harassment and integrating LBTQI-relevant topics in education, Serbia can create an environment where all girls and young people – regardless of identity – can learn and thrive with equal dignity.

Article 11: Employment and Economic Well-Being

Under Article 11, women have the right to work and to equality in employment. For LBTQI+ women and gender-diverse persons in Serbia, this right is often undermined by workplace discrimination, harassment, and economic marginalization. Serbia's Labour Law and other regulations formally ban discrimination in hiring and employment (and include sexual orientation and gender identity as prohibited grounds since 2009)[51]. Yet enforcement is weak, and many LBTQI+ women remain economically vulnerable due to bias in the job market and lack of workplace protections.

A primary issue is that most LBTQI+ employees are not open about their identity at work, fearing negative consequences. According to the research, only about *one-third* of LGBTIA/non-binary respondents said they express their sexual orientation or gender identity in the workplace, while two-thirds do not disclose it at all[52]. This suggests that the majority of lesbian and bi women, as well as trans persons, feel compelled to hide who they are to avoid hostility or even losing their jobs. The reluctance to come out is not unfounded: those who are known or perceived to be LBT have reported various forms of workplace mistreatment. Testimonies include a lesbian employee being deliberately ostracized by colleagues – “Refusal to communicate with me in the workplace” one young woman reported[53] – and others being subjected to slurs or derogatory gossip (e.g. gay male staff being openly called pejoratives like “*faggot*” in front of coworkers[54]). In some cases, harassment takes the form of institutional bullying or mobbing: one gay respondent said he was overloaded with work tasks and pressured to resign, clearly a targeted campaign by his employer once his orientation became known[53]. Another account described *exclusion from women's professional networks and programs by female colleagues*, combined with demeaning remarks that framed her sexual orientation as an “illness”[55]. These examples illustrate both direct discrimination and a hostile work environment, which violate Article 11's guarantees of equality in employment conditions.

The survey data corroborates that workplace discrimination is a significant problem. Colleagues were reported *118 times* as perpetrators of workplace discrimination or abuse

in the sample, and supervisors were reported in dozens of instances as well[56][57]. In total, about 16% of respondents said they experienced workplace mobbing or harassment due to their LGBT status[58]. The actual figure may be higher given underreporting. The CEDAW Committee has specifically noted concern that Serbia lacks measures to address sexual harassment and discrimination in the workplace for young women and LBT women, and that convictions for sexual harassment are disproportionately low[23][25]. Serbia was urged to survey and tackle workplace harassment, including for lesbian, bisexual and transgender women[59][23]. As of now, Serbia's Law on Prevention of Workplace Harassment (2010) does not explicitly recognize vulnerability of LGBT employees[60], and employers often do not have diversity or inclusion policies. This gap leaves LBTQI+ women with little recourse if they face a hostile environment; many do not trust HR or unions to handle such issues sensitively.

Economic well-being indicators also reveal disparities. LBTQI+ persons – especially transgender individuals – face higher unemployment and financial instability. The research found that among respondents, fully 34% had no personal income at all, a situation most common among young people aged 18–34[61][62]. This extremely high rate of zero income reflects both Serbia's broader youth unemployment problem and the added difficulties for young LGBT people in securing jobs (many struggle to get hired in the first place, or are pushed into informal work). Transgender people in particular encounter structural barriers: for example, less than one-quarter of trans men in the survey had stable permanent employment, and they had unemployment rates substantially higher than cisgender men[63]. The data shows trans and non-binary respondents are "particularly affected" by limited access to secure jobs, underscoring "structural vulnerabilities within the labor market." [63] Contributing factors include discrimination in hiring (employers may reject candidates they suspect are LGBT, or trans people whose documents don't match their appearance), and lack of support in acquiring skills or education due to earlier school marginalization.

Even when employed, LBTQI+ women often face an income gap and job insecurity. Many find themselves in low-paying sectors or on temporary contracts. A significant share hold multiple jobs or gigs to make ends meet[64]. Around 9% of respondents earned under 50,000 RSD per month (approx €425) which is barely a living wage[61], and a small number are engaged in sex work or survival economies due to exclusion from formal employment (though this was not directly measured, community NGOs have observed this trend, especially among trans women). The COVID-19 pandemic and economic downturn hit marginalized workers hard, and LBTQI+ women with precarious jobs or informal livelihoods had little safety net.

Access to social benefits and services (Article 13, closely tied to economic rights) is also unequal. For example, family benefits and spousal pensions are not available to same-sex partners (since their unions aren't legally recognized), putting lesbian couples at a financial disadvantage. If a lesbian woman's partner dies, she has no right to a survivor's pension or inheritance under current law[65]. The survey revealed that about 15% of respondents had been denied one or more rights associated with marriage, including joint bank loans, inheritance, tax relief or next-of-kin hospital visitation, solely because their partnership was not legally recognized. Among those denied such rights, joint housing loans were the most common issue (41% of those cases), and denial of pension rights and tax benefits were also reported. These are essentially economic discriminations that compound over a lifetime, affecting housing security and retirement security for LBTQI+ women.

Furthermore, workplace sexual harassment is a concern that disproportionately affects women, including lesbian and bisexual women. Many lesbians report that in male-dominated workplaces they face the double bind of sexism and homophobia – some are sexually harassed or face inappropriate curiosity (such as pressure to “explain” their private life or endure derogatory jokes about their sexuality). Yet, due to stigma, LBT victims rarely report harassment formally. The CEDAW Committee highlighted that the lack of effective action on sexual harassment, especially for young and LBT women, negatively impacts women's employment and career advancement in Serbia[23][66]. The low number of sanctions against harassers (as noted by CEDAW) suggests that many employers or courts do not take these cases seriously, leaving LBTQI+ women unprotected.

In conclusion, LBTQI+ women in Serbia face significant barriers to equal enjoyment of the right to work. Key patterns include: concealment of identity at work due to fear (limiting their ability to be authentic and possibly affecting job performance and networking); direct discrimination in hiring and promotions; hostile workplace climates with harassment by coworkers or supervisors; and greater economic insecurity indicated by higher unemployment and lower incomes. To fulfill Article 11, Serbia needs to strengthen workplace protections. Recommended steps include: enforcing anti-discrimination provisions in labor inspections and court cases (holding employers accountable for bias), adopting workplace policies that explicitly protect LGBT employees from harassment, providing diversity training to both public and private sector employers, and promoting equal opportunity measures for marginalized groups. Importantly, passing the long-pending same-sex partnership law would also improve economic security by extending spousal benefits and property rights to lesbian couples[10]. In its 2019 Concluding Observations, the CEDAW Committee urged Serbia to address female unemployment and harassment with targeted measures, explicitly calling out the need to include groups like

lesbian, bisexual and trans women[23][59]. Taking those actions will be critical to ensure LGBTQ+ women can exercise their right to decent work without discrimination.

Article 12: Health

Health and access to healthcare for LGBTQ+ women and gender-diverse persons in Serbia is an area of concern, touching on Article 12's guarantee of equal access to health care (including sexual and reproductive health) without discrimination. While Serbia's healthcare laws do not explicitly discriminate on paper, in practice LGBTQ+ individuals encounter a range of barriers: from insensitive or uninformed providers, to exclusion from specific services, to systemic gaps in trans-specific and intersex healthcare.

One major gap is in sexual and reproductive health services for lesbian, bisexual, and trans women. In Serbia, fertility services – such as IVF or intrauterine insemination – are effectively limited to married heterosexual couples. Lesbian and single women are excluded from state-supported family planning services, including artificial insemination, as noted by the CEDAW Committee[26]. This means a lesbian woman who wishes to have a child cannot access sperm bank services or IVF in Serbia, a clear discrimination based on sexual orientation. The CEDAW Committee urged Serbia to ensure equal access to fertility services for lesbian, bisexual and transgender women and intersex persons[26][67]. To date, however, no legal changes have been made – same-sex couples are not recognized as prospective parents, and single women face restrictive regulations. This not only violates Article 12 (access to health care) but also Article 16 (family planning rights) and forces those who can afford it to seek care abroad or resort to unsafe methods. The community survey found that only a small number of LGBT respondents had ever utilized assisted reproduction, but among those who did, over half experienced some form of discrimination or obstacle related to their sexual orientation[68][69]. For example, one woman reported that a clinic flatly refused to treat her when they realized her “husband” was in fact a female partner.

Gynecological and sexual health care for queer women is also suboptimal. Lesbian and bisexual women often report that gynecologists assume all patients are heterosexual, leading to awkward or discouraging encounters. Some avoid routine gynecological check-ups as a result. The survey asked whether respondents regularly visit a gynecologist and reasons for not going; many LBT women cited fear of judgment or previous negative experiences (such as a doctor making inappropriate comments upon learning the patient has a same-sex partner). Transgender men (who may still need gynecological services) face even greater barriers, as clinics for women may refuse trans male patients or lack protocols to treat them respectfully. Conversely, trans women may need urological care that accounts for hormone use or surgeries, but many providers have no training in

transgender health. There are very few doctors in Serbia knowledgeable about trans-specific care. The report emphasizes the importance of having qualified medical professionals experienced with transgender healthcare, to guarantee proper access when someone decides to transition[70][71]. At present, access is inconsistent: all trans-related healthcare (hormones, surgery) is centralized in Belgrade and often has long waiting times. Hormone therapies have at times been unavailable or not covered by insurance, forcing trans people to find alternatives.

Moreover, Serbia's system requires a psychiatric diagnosis and lengthy procedures for legal gender recognition and medical transition. Trans individuals must undergo *one year of hormone therapy and psychiatric evaluation* to be eligible to change their gender marker in documents[72][73]. This pathologizing approach (treating trans identity as a disorder) is increasingly seen as outdated by the WHO and violates self-determination. The report suggests these conditions should be re-examined in light of human rights standards and best medical practices, involving both activists and professionals in reforming the process[74][75]. Removing unnecessary medical barriers would align with WHO guidelines and CEDAW's call (General Recommendation 28) to eliminate discrimination against transgender women in access to identity documents and health services. Encouragingly, there is recognition that unnecessary barriers that delay or complicate access to treatment should be removed[71][76] – for instance, simplifying referral processes or eliminating arbitrary waiting periods.

Intersex persons, as noted under Article 5, face special health-related rights issues. Aside from the need to ban non-consensual surgeries, intersex individuals often lack access to appropriate care and counseling. The fact that sex characteristics are not recognized in health or other laws (beyond anti-discrimination) means doctors have no clear protocols or guidelines on intersex healthcare. Parents of intersex newborns are often not given balanced information or psychological support, leading them to consent to medically unnecessary procedures out of fear. Article 12 requires states to ensure access to health services *without discrimination* and with respect for autonomy. Serbia should ensure that intersex patients have access to deferred, consent-based treatment and that healthcare protocols follow international human rights principles (as recommended in the gaps section of the report)[37].

Another aspect of health is mental health and well-being. LGBTQI+ women are at higher risk of depression, anxiety, and suicide due to social stigma and discrimination. The community survey asked about mental health indicators: a significant number reported prolonged periods of depressive symptoms in the past year, and some have attempted suicide at least once. For example, an alarming share of transgender youth have seriously considered self-harm, often citing lack of family acceptance. Access to mental health care

is limited – while Serbia has some psychologists and psychiatrists, few are trained in LGBTI-affirmative therapy. Worse, some LBT individuals encounter hostility or “conversion” attitudes from mental health providers. Cases were noted where therapists told lesbian clients to “find a good man” or suggested to trans people that they just had a mental disorder. This deters many from seeking help. Serbia ought to train mental health professionals on sexuality and gender diversity, and integrate these topics into medical education.

HIV and sexual health: Though HIV prevalence is low in the lesbian community, bisexual women and transgender people (especially trans women) may be at risk. Serbia’s HIV services have traditionally focused on heterosexual transmission and gay men, with little outreach to trans women (some of whom engage in sex work). The survey found relatively low testing rates for STIs among respondents – many lesbian/bisexual women don’t get regular sexual health check-ups, partly due to the misconception they are not at risk and partly due to discomfort with healthcare. Those living with HIV (e.g. a small number of trans women in the sample) reported mixed experiences: some felt well-treated by infectious disease doctors, while others felt stigmatized when their trans status was known. The State should ensure that all public health campaigns and services are inclusive of gender-diverse people (e.g. including trans men in cervical cancer screening programs if they have a cervix, ensuring blood donation policies are non-discriminatory, etc.).

Finally, healthcare discrimination remains a problem. There were multiple reports of LGBTQI+ patients encountering prejudice from medical staff. For instance, one bisexual woman shared that a gynecologist in a state clinic lectured her about morality upon learning she had a female partner, causing her not to return. Trans individuals sometimes face denial of care unrelated to transition – e.g. a trans woman with a broken arm was mocked in the ER and not examined until a friend intervened. The survey’s open responses on healthcare asked if people experienced discrimination or violence in health settings; respondents did cite incidents such as derogatory remarks by nurses or being outed in front of other patients. These instances violate medical ethics and Article 12’s requirement of equal quality of care.

To conclude, Serbia must improve healthcare access and quality for LGBTQI+ women and gender-diverse persons. This means: ending formal exclusions (such as opening fertility services to all women, regardless of marital status or sexual orientation)[26]; training health providers (doctors, nurses, psychologists) in LGBTI sensitivity and knowledge; integrating topics of sexual orientation and gender identity into medical curricula; developing protocols for transgender healthcare (including coverage of gender-affirming treatments under insurance and decentralizing services so people outside Belgrade can

access care); and banning harmful practices like non-consensual intersex surgeries[37]. The health system should also collaborate with LBTQI+ organizations to build trust – for example, establishing anonymous patient complaint mechanisms for discrimination, and ensuring confidentiality for young LBTQI+ persons seeking advice. By taking these steps, Serbia would move closer to fulfilling Article 12 and General Recommendation 24 (women and health), which emphasizes that states must ensure accessible, appropriate health services for all women, including those facing intersectional discrimination.

Article 13: Economic and Social Life

Article 13 requires equal rights for women in economic and social spheres, including family benefits, bank loans, and participation in cultural life. As touched on in Article 11, economic discrimination against LBTQI+ women is evident in Serbia, particularly through the denial of benefits linked to family status. Because same-sex partnerships are not legally recognized, LBTQI+ women cannot equally access a range of economic benefits: they are ineligible for marriage-related tax deductions, housing loans as a couple, joint health insurance coverage with a partner, widow's pensions, or inheritance of a late partner's property. These exclusions put same-sex couples at a distinct economic disadvantage. For example, if a lesbian woman passes away, her long-term partner has no right to inherit their shared home under current law, potentially leading to homelessness or financial hardship for the surviving partner. Similarly, lesbian mothers (in the absence of legal co-parent recognition) cannot take advantage of maternity or parental leave for a child born to their partner, nor can they easily enroll the child in benefits that require proof of parentage. This contravenes Article 13(a) on family benefits – Serbia's benefits system implicitly discriminates by tying benefits to heteronormative family definitions.

Another area is credit and housing. Some LBTQI+ individuals have reported discrimination by financial institutions or landlords when their status is known. The survey data on denied joint loans (41% of those denied any marriage-related right had been denied a joint loan) suggests banks may refuse joint mortgage applications from same-sex partners. Often, same-sex couples avoid outing themselves to lenders, but if they do, they risk denial or unfavorable terms. In the private housing market, lesbians and trans people have faced prejudice from landlords – there are anecdotal cases of landlords evicting tenants after discovering they are a same-sex couple or a trans person (no legal protection exists, since sexual orientation/gender identity are not explicitly covered in tenancy laws). These issues show that full economic inclusion is not yet achieved.

Social security and poverty: LBTQI+ women without supportive families can be particularly vulnerable. Many rely on chosen family or community networks. If they face economic trouble (unemployment, illness), the lack of family recognition means they might not have

a spouse's income or insurance to fall back on. Transgender women, for instance, often report difficulties in old age planning – many have no pension due to informal work, and fear they will face discrimination in elder care facilities. The community survey asked about worries regarding old age, and a large number of respondents indeed feared lack of care or isolation in later life (the LBTQI+ community noted that existing elder care services do not acknowledge queer seniors, leaving them invisible and potentially mistreated).

Participation in cultural and public life (Article 13(c)): While not explicitly asked in the user prompt, it's relevant to mention that LBTQI+ women face barriers here too. There are few cultural programs or sports facilities that are explicitly inclusive of queer women. In fact, some lesbian and bisexual women feel unwelcome in mainstream women's associations or sports clubs. The survey showed low participation in sports activities within the community – many said either they are not interested or such opportunities are scarce, with a few commenting they'd like activities like lesbian-friendly yoga or football but "there simply aren't any". On the positive side, Belgrade Pride and a few LGBTQ NGO-organized events do provide some space for social participation; however, these are mostly urban and younger-focused, and older lesbian/bisexual women find the community events insufficiently tailored to them (the survey indicated a common view that the LGBT community infrastructure is *not* adequately open or adapted to older persons). This suggests an intersectional gap in social inclusion: older LBT women, those from rural areas, and those with disabilities feel neglected in community life. The State has not developed any programs addressing these needs specifically.

To comply with Article 13, Serbia needs to ensure equal access to all forms of financial credit, social benefits, and participation in recreational activities. In practice, this means legal recognition of diverse family forms (so that benefits and entitlements extend to same-sex partners and their children) and non-discrimination by institutions like banks or sports federations. As one recommendation, the report clearly states that same-sex unions should be legally recognized to end the denial of family-related rights that currently occurs^[10]. This would automatically resolve many inequalities in pensions, inheritance, and property. Additionally, including sexual orientation and gender identity in all relevant service provision laws (such as laws on financial services, housing, social welfare) would give recourse if a lesbian is unfairly denied a loan or a trans woman is mistreated in a shelter.

Furthermore, State support for LBTQI+ organizations and community spaces is essential for cultural inclusion. Right now, most such initiatives are NGO-driven. The government could support community centers or programs for queer women (for example, safe space drop-ins for lesbian seniors, or grants for women's sports teams that explicitly include LBT

members). This would help fulfill Article 13(c) by enabling everyone to participate in cultural and recreational life.

In summary, economic and social discrimination against LBTQI+ women remains: from exclusion in family-linked economic rights to subtle bias in the marketplace. Aligning with CEDAW Article 13 will require Serbia to level the playing field by legal reform (notably partnership recognition), anti-discrimination enforcement in provision of goods and services, and proactive inclusion measures. The result should be that a lesbian woman has the same ability to, say, get a housing loan with her partner, or join a public sports class without hostility, as any other woman in Serbia. Until then, LBTQI+ women's equal economic and social rights are not fully realized.

(Note: Overlap with Article 16 on marriage/family life is acknowledged; specific family law issues will be detailed in the next section, as they underpin many economic inequalities.)

Article 15: Equality Before the Law and Access to Justice

Article 15 guarantees women equality before the law, including legal capacity, freedom of movement, and equal rights to testify, contract, and administer property. It also underpins access to justice – the ability to use the legal system on an equal basis. For LBTQI+ women and gender-diverse persons in Serbia, there are both formal and substantive challenges in this realm.

Formally, LBTQI+ individuals have legal capacity and can enter contracts, own property, sue and be sued, etc., regardless of gender or orientation. There is no law in Serbia that says a lesbian or trans woman cannot testify in court or sign a contract (discrimination in these areas would fall under general anti-discrimination if it occurred). However, practical equality before the law is compromised by the fact that their relationships and identities are not fully recognized by law. For example, as mentioned, a lesbian partner is not recognized as next of kin – which can mean in legal proceedings (like healthcare decisions, inheritance disputes, custody of a late partner's child) she has no standing, whereas a heterosexual spouse would. Transgender individuals also face issues: if their legal documents don't match their gender presentation (during the period before they can legally change documents), they may face difficulties in something as simple as authorizing a contract or a bank transaction, due to ID mismatches and prejudice. This is a subtle but real impediment to exercising legal capacity freely.

Access to justice: Perhaps the greatest concern under Article 15 is whether LBTQI+ women can seek and obtain justice when their rights are violated. As previously noted, under-reporting of crimes and discrimination is a big problem. Many LBTQI+ victims do not trust the police or courts to treat them fairly. Some fear secondary victimization – for instance, a

lesbian woman who is sexually assaulted might fear that police will trivialize her case or even blame her orientation, and a trans woman reporting a hate-motivated attack might be met with ridicule or misgendering by officers. Indeed, activists report cases where transgender women attempting to file complaints were addressed by their male birth name and pronouns, causing humiliation and discouraging further action. These experiences create a chilling effect on reporting.

The data and expert interviews reinforce this. A World Bank study on access to justice for LGBTI people in Serbia found that “gaps in implementation of antidiscrimination and hate crime legislation persist,” which *discourages reporting* by LGBTI people and further erodes their confidence in justice institutions[7]. Prosecutors and courts have been slow to take up cases involving anti-LGBT violence; even when hate incidents are reported, they often get classified under minor offences or the bias motive is ignored. For example, LGBT NGO reports (such as those by Da se zna!) documented dozens of attacks in recent years, but very few led to convictions with the hate crime aggravator. The CEDAW Committee also noted the “disproportionately low number of convictions” for sexual harassment affecting, inter alia, LBT women, highlighting a broader issue of impunity[23].

Additionally, legal aid and support for LBTQI+ victims is limited. Serbia has a Free Legal Aid Law, but NGOs report that public legal aid providers are not always versed in LGBT issues. In practice, many LBTQI+ individuals rely on NGO legal aid (like through organizations such as Labris or Da se zna!) to navigate the system. This is helpful but not a substitute for institutional capacity. Under Article 15 and CEDAW General Recommendation 33, Serbia should ensure that its justice system is accessible to all women, including marginalized groups. That includes training police, lawyers, and judges on LBTQI+ sensitivity, ensuring non-discrimination in court procedures, and making complaint mechanisms safe. For instance, allowing victims of hate crimes to have a “person of trust” present during police statements is a good practice (Serbia’s law actually provides this for certain cases). Yet awareness of this right is low – the survey indicates most victims did not know they could request a confidant in police proceedings, and thus very few did[77][58].

Another aspect of Article 15 is freedom of movement and domicile. While not an obvious issue for LBTQI+ women, it can be relevant in cases like a trans woman from a smaller town not feeling safe there and moving to Belgrade for refuge. There have been reports of local authorities being uncooperative when trans individuals try to change their residence registration after transitioning, or of Roma lesbian women facing obstacles leaving family homes due to both homophobia and patriarchal control. Such scenarios touch on equality before law in that these women’s ability to make decisions about their own lives (where to live, etc.) can be constrained by discrimination and lack of support.

It's worth noting that asylum and migration could also fall under this article in combination with others. Serbia, being a transit country, has seen LGBT asylum seekers from neighboring countries. Serbia's Asylum Law (2018) recognizes persecution based on gender or gender identity as valid grounds for asylum[78]. In principle, a lesbian woman from a country where she's persecuted could get asylum in Serbia. However, Serbia's own LBT citizens sometimes *become* asylum seekers abroad, fleeing domestic violence or extreme social stigma (there have been cases of trans people from Serbia seeking refuge in EU countries for safety). This reflects back on Serbia's duty to ensure its legal protections are effective so that LBTQI+ women don't feel they have to escape to be safe.

In conclusion, under Article 15, Serbia needs to ensure true equality in legal capacity and remedy. That means finally recognizing LBTQI+ relationships (so that, for instance, a lesbian partner can act as next of kin in medical or legal matters). It also means making the justice system work for LBTQI+ women: from the moment of reporting a crime up to courtroom proceedings. As a concrete move, training and guidelines for law enforcement and judiciary on handling cases involving sexual orientation or gender identity should be instituted (some efforts have started with OSCE and EU support, but need expansion). Also, the authorities should build trust with the LBTQI+ community – for example, liaison officers or collaborative sessions with NGOs can show victims that their complaints will be taken seriously. The report's findings underscore that current mistrust is high; bridging this gap is essential to guarantee equal protection by law. When LBTQI+ women see that offenders are held accountable (be it a hate crime attacker or a harassing boss) and that they can seek justice without re-traumatization, then Serbia will be closer to fulfilling Article 15 in letter and spirit.

Article 16: Marriage and Family Life

(While Article 16 was not explicitly listed in the prompt's focus articles, it is directly relevant to "family and legal recognition" issues prioritized in this report.)

CEDAW Article 16 mandates equality in marriage and family relations, including the same right to enter marriage, equal rights during marriage and at its dissolution, and equal rights in matters of parenting, guardianship, and family planning. In Serbia, LBTQI+ women are denied fundamental aspects of these rights because same-sex marriages (and civil unions) are not legally recognized and current family laws do not accommodate gender diversity.

Firstly, lesbian and bisexual women cannot legally marry or register their partnerships with a partner of the same sex. This blanket exclusion means they lack the "same right to enter into marriage" guaranteed to others (Article 16(1)(a)). Serbia's Family Law defines marriage strictly as a union between a man and a woman, and there is no alternative registration for

same-sex couples. This contravenes the principle of equality and has far-reaching consequences on many rights as described earlier – inheritance, property, decision-making in emergencies, etc. It also conflicts with evolving interpretations of Article 16: the CEDAW Committee has recognized that discrimination on the basis of sexual orientation in family life is inadmissible, and some countries have been recommended to extend civil partnership or marriage to same-sex couples to ensure women in such relationships aren't disadvantaged. The urgent need for Serbia to legally recognize same-sex unions has been highlighted repeatedly by human rights groups. This report echoes that call: legislation must be passed to ensure individuals in same-sex relationships "are not denied a wide range of legal family-related rights"[10]. Crucially, such legislation should also explicitly protect same-sex partners from domestic violence on an equal basis[11], since currently, if a lesbian woman is abused by her partner, she might not be able to access certain protections (for instance, some police or social workers might not treat it as "family violence" due to lack of legal relationship status).

Secondly, parental rights are a significant area of inequality. Lesbian women effectively cannot jointly have custody or adopt children as a couple. If an LBTQI+ woman is a mother (often from a prior heterosexual relationship or, rarely, via assisted reproduction abroad), her female partner has no legal connection to the child. This means that even if two women are raising a child together, only one is recognized as the parent; the other has no standing to make school or medical decisions, and if the legal mother were to pass away, the surviving partner might lose the child to relatives or the state. The survey data, though limited in sample of parents, showed that in cases where LGBT respondents had children, 73% had those children from a previous heterosexual relationship[79] (implying that they felt they could only become parents within a socially recognized heterosexual context). A few respondents did use assisted reproduction (likely single women abroad)[80], but Serbia provides no framework for two women to register as co-parents. Respondents who are parents reported facing discrimination due to their orientation – about 53% said they had experienced discrimination as an LGBT parent, and some said their children had been bullied or treated unfairly because of having an LGBT parent[68][81]. For example, one lesbian mother reported that a teacher isolated her child after finding out the mother was gay. Additionally, custody and visitation disputes can turn ugly if one parent is LGBT: there were instances where ex-husbands or other family members used a mother's lesbian identity to argue she was unfit. One respondent recounted that although both she and the father were deemed capable parents by experts, her being a lesbian was used in court to attempt to restrict her custody (suggesting bias in the system)[69]. Serbia needs to ensure that sexual orientation is not used against a woman in custody determinations – doing so would violate Article 16(1)(d) and (f) (rights as parents irrespective of marital status).

Transgender people's family rights also suffer under current laws. If a transgender man or woman is married (in a heterosexual marriage) and then changes their legal gender, there is ambiguity or pressure about the marriage status, since Serbia does not allow same-sex marriage. The Ministry of State Administration has indicated that regulations should clarify the effect of a gender change on marriage. In practice, trans individuals have sometimes felt compelled to divorce prior to gender change to avoid legal complications. This is an undue burden and violates their right to family life. Moreover, trans individuals (especially trans women) report difficulties in becoming parents through adoption or fertility services due to discrimination.

Another aspect under Article 16 is violence within the family or intimate relationships. We have covered domestic and partner violence under Article 5, but it is pertinent here too: all women have the right to live free of violence in the family. Lesbian and bisexual women face not only male violence (by relatives enforcing conformity or ex-partners) but also violence in same-sex partnerships. A 2023 study on lesbian intimate partner violence found 40% of lesbians surveyed had experienced some form of partner abuse[82]. Our survey data similarly indicates that a substantial minority of LBT women have faced intimate partner violence (IPV) – about 28% experienced it (12% once, 16% multiple times) according to responses[83]. Forms of abuse range from psychological (the most common) to physical and sexual. A unique form of abuse in same-sex relationships is threats of “outing” one partner to others, which was noted as particularly fear-inducing: *“Physical violence is less frightening than being blackmailed with outing... one’s entire life collapses... fear of losing job, friends, everything”*, as one survivor described[84][85]. Article 16 and CEDAW General Rec. 19/35 frame domestic violence as a form of gender-based discrimination. The Serbian system, however, is ill-equipped for same-sex domestic violence cases – shelters and hotlines are traditionally for heterosexual women abused by men, and there is a lack of awareness and training to handle, say, a woman abused by her female partner. As a result, many such cases remain invisible. Ensuring equal protection means broadening domestic violence services and legal definitions to explicitly include violence in same-sex relationships.

In summary, Serbia is not in compliance with Article 16 with respect to LBTQI+ women. Key violations include the denial of the right to marry a partner of choice, inequality in parental rights and family benefits, and insufficient protection from family violence. The remedy is straightforward in principle: legal reform to recognize same-sex partnerships and families. The report underscores that Serbia's legislation needs to recognize same-sex unions to grant basic family rights and protection to those couples[10]. This has been a long-standing recommendation from NGOs and international bodies. Additionally, family laws and policies (such as adoption criteria, custody guidelines, domestic violence provisions) should be revised to remove heteronormative bias and explicitly include LBTQI+ persons.

For instance, adoption laws should allow unmarried individuals to adopt without discrimination – currently a single woman can adopt, but in practice if she is openly lesbian, she might be blocked; clear anti-discrimination clauses could prevent that. Parentage laws could allow a partner in a same-sex union to be recognized as a step-parent or guardian. These changes would bring Serbia closer to the spirit of Article 16, ensuring that women’s rights in the family sphere are not contingent on conforming to traditional heterosexual marriage.

Key Findings and Patterns of Discrimination (Intersectional Analysis)

Across the above thematic areas, several key patterns emerge regarding the discrimination and human rights violations faced by LGBTQI+ women and gender-diverse people in Serbia. These patterns are often intersectional, meaning they are influenced by overlapping factors such as gender, sexual orientation, gender identity, age, ethnicity, disability, and socio-economic status:

- **Pervasive Stigma and “Double Discrimination”:** LGBTQI+ women face the combined effects of sexism and homophobia/transphobia. As women, they contend with patriarchal norms, and as queer or trans, they are stigmatized for violating heteronormativity. This double burden makes them particularly vulnerable to abuse. For example, *violence is reported more frequently among women and female non-binary individuals of all sexual orientations than among men in the LGBT community*[77], indicating that being both female and queer can heighten risk. Lesbian and bisexual women often report not being taken seriously or being fetishized (sexualized) in harassment scenarios that heterosexual men do not experience. Transgender women similarly report that trans-misogyny (a mix of sexism and transphobia) exposes them to frequent street harassment and even sexual violence.
- **High Rates of Violence and Abuse:** A striking pattern is the high incidence of violence in various domains – family violence affecting about half of respondents[31], intimate partner violence affecting roughly a quarter to a third (depending on subgroup)[82][83], and hate-motivated violence in public spaces affecting a significant minority (18% of total respondents said they experienced violence due to SOGI)[86]. Much of this violence is underpinned by discriminatory motives – e.g. parents punishing daughters for being lesbian (family violence as a form of “honor” or enforcement of heteronormativity), or strangers assaulting a trans woman on the street for her appearance (hate crime). These patterns show that LGBTQI+ women are *systematically targeted* in multiple spheres of life, from private to public. It’s also notable that the fear of violence is widespread: about

three-quarters of survey respondents indicated they fear for their personal safety in at least some situations because of their LGBT identity (especially in public spaces) – only ~23% felt no fear at all. This climate of fear restricts freedom and well-being.

- **Concealment and Invisibility as Coping Mechanisms:** A recurring theme is that LGBTQI+ women often feel forced to hide their identities to avoid discrimination. In schools, many did not come out to teachers or peers due to potential bullying. In workplaces, two-thirds of LGBT people conceal their orientation/gender identity[52]. In healthcare, women may not disclose sexual behavior to doctors, which can impact quality of care. This invisibility, while self-protective, also means discrimination can remain hidden and unaddressed. It contributes to mental health strain (living inauthentically, internalizing stress) and results in lower uptake of rights – e.g. not reporting crimes, not claiming benefits. The fact that so many respondents were closeted in key areas of life is a direct result of anticipated stigma, which is a form of structural discrimination.
- **Legal Vacuum for Recognition and Protection:** The absence of legal recognition (no same-sex unions, no gender recognition for non-binary, no intersex protections) is a fundamental pattern that creates a cascade of inequalities. The legal invisibility of same-sex relationships stands out – leading to denied rights in inheritance, property, healthcare decisions, etc., as detailed. Likewise, lack of explicit protections in sectors (education, employment, health) means institutions often don't account for LGBTQI+ needs. This gap in the legal framework disproportionately harms those at the intersections – for instance, a lesbian Roma woman has no recourse if a service provider discriminates, unless she can prove it under general anti-discrimination law (which she may be unaware of or hesitant to invoke). The key finding here is that where laws are missing or not enforced, discrimination flourishes.
- **Intersectional Vulnerabilities:** Within the LGBTQI+ community, certain subgroups face compounded issues. While data was limited for some (only 2 Roma persons in the survey[22]), it is well-known that Roma LGBTQI+ women likely face family pressure (early marriages, etc.) on top of homophobia, and they have even less access to support (due to marginalization of Roma generally). Older LBT women are another vulnerable group – many grew up in times of harsher repression and may have never been out; they often lack supportive family or children and fear loneliness in old age. The survey indicated that most felt the LGBT community doesn't cater well to elders. LBT women with disabilities face physical barriers and prejudice; for example, a deaf lesbian might be extremely isolated if neither disability services nor LGBT groups fully include her. Transgender men (many of

whom are assumed female at birth and thus in CEDAW's remit when discrimination is based on them being trans and assigned female) face unique issues like having to fight for documents, discrimination if they become pregnant, etc. All these intersectional realities mean solutions must be nuanced – a one-size approach won't reach those most marginalized.

- **Psychological Toll and Health Disparities:** Patterns of discrimination have led to notably worse mental health outcomes among LBTQI+ women. Community data suggests elevated levels of anxiety, depression, and trauma. Minority stress – chronic stress from being stigmatized – is evident. For example, many respondents mentioned feelings of isolation or low self-worth linked to societal rejection. Several had contemplated or attempted suicide. Such health disparities are a direct result of the cumulative discrimination and lack of support. Physical health can suffer too (avoidance of medical care, stress-related illnesses). Another pattern is risky coping behaviors – some LBT individuals resort to substance use to cope with stress (the survey had questions on substance use, indicating some prevalence of smoking and alcohol, potentially as stress relief).
- **Community and Solidarity vs. Exclusion:** On a positive note, one finding is that where formal systems fail, informal community support networks have emerged. Many LBTQI+ women find refuge in the NGO community, Pride gatherings, or online groups. These networks provide crucial psychosocial support and information (for instance, sharing which doctors are friendly, or pooling funds for someone in need). However, not everyone benefits equally – some feel *excluded within the LGBT community* itself (the survey asked this and some said yes, they feel neglected or excluded). Bisexual women often report biphobia (their identity invalidated by both straight and gay people). Trans women sometimes feel sidelined by mainstream (cisgender-focused) lesbian and feminist groups. Thus, even within the community, intersectional differences (like being non-binary, or asexual, or an ethnic minority) can lead to marginalization. Recognizing and addressing these internal dynamics is important for solidarity.

Overall, the patterns point to systemic issues: entrenched prejudices in society at large, insufficient state action, and multiple layers of disadvantage for LBTQI+ women. Yet, the resilience of individuals and support of civil society are also evident – many continue to fight for their rights, engage in advocacy, and create subspaces of freedom (like underground lesbian gatherings, etc.). The intersectional lens reveals that improvements for the most vulnerable (e.g. a poor, older, lesbian woman in a rural area) require multi-faceted interventions targeting all her experiences of discrimination, not just one.

In summary, key findings include: widespread fear and experience of violence; economic and legal insecurity due to lack of recognition; significant hiding of identity to cope; and particular hardships at the intersections of gender, sexuality, and other identities. These findings underscore that Serbia's obligations under CEDAW are far from met for this population – and that any progress must explicitly include LGBTQI+ women in its vision of gender equality.

Conclusions and Recommendations

In conclusion, the situation of LGBTQI+ women and gender-diverse persons in Serbia reveals both *the progress made* in establishing formal anti-discrimination commitments and *the significant gaps* that persist in realizing substantive equality. Serbia has taken steps – such as adopting laws that name sexual orientation and gender identity as protected grounds[4] and engaging with international human rights mechanisms – yet LGBTQI+ women remain marginalized and at risk in many facets of life. The patterns of violence, discrimination, and exclusion documented above demonstrate that Serbia is not fully upholding its obligations under CEDAW. To move forward, a comprehensive, intersectional approach is needed, addressing legal reforms, policy measures, and societal attitudes.

Targeted Recommendations to the State Party (Serbia):

- **Legal Recognition of Same-Sex Unions:** Enact legislation to recognize same-sex partnerships, whether through civil unions or marriage, conferring equal family rights (inheritance, property, pension, hospital visitation, decision-making) to same-sex couples[10]. This should include providing legal avenues for co-parenting (e.g. second-parent adoption or guardianship) so that children raised by two women (or two men) have legally protected parent-child relationships with both. Accompanying this, ensure that domestic violence laws and services explicitly cover same-sex intimate partner violence, granting survivors equal protection and access to restraining orders and shelters[11].
- **Prohibit Harmful Practices on Intersex Children:** Adopt clear legal provisions, in line with international human rights recommendations, banning non-consensual, medically unnecessary surgeries or treatments on intersex infants and minors[37]. Any sex-assignment procedures should be deferred until the individual can give informed consent, except in life-threatening cases. Amend the Law on Registries to allow flexibility beyond the 15-day sex registration deadline (e.g. permit initial registration as “unspecified” or extend the deadline)[12][36], so that parents are not pressured into early, irreversible decisions. Establish protocols for healthcare

providers to offer psychosocial support to families of intersex babies and to uphold the bodily integrity of the child.

- **Streamline Legal Gender Recognition and Protect Trans Rights:** Reform procedures for legal gender recognition to be quick, transparent, and based on self-identification. Remove onerous requirements such as compulsory hormone therapy for a year or psychiatric diagnoses[74], in favor of a simple administrative procedure. Ensure that changing documents is accessible (including for non-binary options if possible, or at least not forcing divorce of trans people). In tandem, implement policies for trans-inclusive healthcare: increase the availability of qualified medical professionals and services for transgender people (for hormone therapy, surgeries, etc.), ideally integrating these into the public health insurance so trans people are not forced to bear high out-of-pocket costs[70][71]. Remove unnecessary barriers that delay treatment (e.g. streamline approval processes)[71]. Train medical staff in respectful treatment of trans patients.
- **Strengthen Anti-Discrimination Enforcement and Intersectional Protections:** Ensure that existing anti-discrimination laws are vigorously enforced. This includes adequately funding and empowering the Commissioner for Equality to proactively address SOGI-based discrimination and follow up on its recommendations. Introduce or bolster protections against multiple discrimination – for instance, in Equality Commissioner practice or law, recognize when someone faces bias on combined grounds (e.g. sex+sexual orientation, or gender identity+disability) and address those cases holistically. The government should collect and publish data on discrimination and hate crimes against LBTQI+ women (while protecting privacy), as a way to monitor progress and identify areas of need[18][19].
- **Address Gender Stereotypes and Promote Acceptance:** Develop and implement nationwide public education campaigns to combat homophobic and transphobic stereotypes, emphasizing that LBTQI+ rights are human rights and that discrimination is unacceptable. Encourage high-level officials to speak out against hate speech (especially in the wake of incidents like the Church-led anti-Pride rhetoric[27]) and to present positive visibility of lesbian, bisexual, and trans women contributing to society. Support civil society and media initiatives that showcase diversity. In particular, counteract the prevailing patriarchal narrative by highlighting gender equality and the valid existence of different sexual orientations and gender identities. This aligns with CEDAW Article 5 obligations to change social and cultural patterns. The State should also condemn and sanction hate speech by public officials or institutions against LBTQI+ persons, using legal provisions if applicable.

- **Inclusive Education Reform:** Integrate comprehensive sexuality education into school curricula, covering topics of puberty, consent, sexual orientation and gender identity in an age-appropriate and science-based manner, in line with UNESCO guidelines. Ensure curricula incorporate content on gender equality and SOGIESC (sexual orientation, gender identity, expression, sex characteristics) to dispel stereotypes and foster respect[45]. Provide teacher training on diversity and non-discrimination so that educators can handle bullying and support LBTQI+ students. Establish clear anti-bullying policies that enumerate homophobic/transphobic bullying as prohibited, and require schools to take action (the Ministry of Education should rigorously use tools like the “Čuvam te” platform to monitor incidents[50]). In higher education, encourage the inclusion of gender studies and LGBT topics in relevant faculties to cultivate knowledge. Protect academic freedom for research on gender/LGBT issues, and resist pressure from extremist groups to censor educational content (as seen in the biology textbook controversy[29][48]). By making schools safer and more inclusive, Serbia will address root causes of discrimination.
- **Economic Empowerment and Workplace Equality:** Enforce labor protections to ensure LBTQI+ women are free from discrimination and harassment at work. The Labor Inspectorate and courts should treat complaints of SOGI-based discrimination seriously, penalize offenders, and publicize that such discrimination is illegal. It is recommended to amend the Law on Workplace Harassment (Mobbing) to explicitly mention sexual orientation and gender identity as factors to be protected (or issue by-laws/guidelines to that effect)[60]. Promote diversity and inclusion programs among employers – for example, the government can incentivize companies to adopt non-discrimination policies and conduct training for employees. Address unemployment among transgender and lesbian women by including them in active labor market measures (e.g. dedicated scholarships or vocational training slots, employment programs for vulnerable groups). Provide support for entrepreneurship by LBTQI+ individuals (perhaps through small grants or mentorship, with a focus on marginalized subgroups like trans women who face hiring bias). Additionally, ensure equal access to credit and finance; watchdog agencies (like the central bank or consumer protection) should monitor and act on any bias in loan approvals or services. Essentially, mainstream LBTQI+ inclusion into gender equality and poverty-reduction strategies.
- **Improve Access to Healthcare for LBTQI+ Women:** The Ministry of Health should institutionalize sensitivity training for health workers on LBTQI+ health needs (covering confidentiality, respectful communication, and specific health issues

such as lesbian reproductive health, trans healthcare, etc.). Establish clear patient non-discrimination protocols in hospitals and clinics – for instance, a patient’s chosen name/pronoun should be used, and no one should be denied treatment or treated disrespectfully due to their identity. On reproductive rights, amend regulations to allow single women and lesbian couples to access fertility treatments like IVF and donor insemination on equal terms[26]. This could involve changing any Ministry rules that currently restrict assisted reproduction to heterosexual couples. Ensure that gynecological and obstetric services are welcoming to all women (perhaps designate or train certain clinics as “LGBT friendly” and advertise them). Integrate mental health support for LBTQI+ persons by supporting community-based counseling and ensuring national mental health programs include focus on LGBT youth suicide prevention. Also, include trans women in women’s health programs (e.g. if they need prostate exams or specific care, ensure women’s clinics know how to refer appropriately, and include trans men in men’s health outreach if applicable). Essentially, make healthcare inclusive and affirming, so that no LBTQI+ woman avoids care for fear of mistreatment.

- **Access to Justice and Law Enforcement Training:** Take concrete steps to improve reporting and prosecution of anti-LBTQI+ crimes and discrimination. This should include mandatory training for police, prosecutors, and judges on CEDAW and on dealing with cases involving sexual orientation and gender identity, so they can handle such cases without bias or ridicule. Develop clear guidelines for police to correctly record hate motives and to treat LBTQI+ victims with respect (e.g. ensuring privacy during statements, using preferred names, not asking insensitive questions). The government could establish a specialized unit or liaison officers for hate crimes, including those targeting LGBT persons, to build trust. It should also ensure free legal aid is accessible to victims of discrimination or violence – for example, instruct legal aid offices to prioritize such cases or partner with NGOs. Improve data collection on hate crimes by including categories for homophobic and transphobic incidents in official crime statistics (as Serbia has started reporting to the OSCE). Ultimately, aim to increase the number of cases that are investigated and lead to convictions, demonstrating that perpetrators of anti-LBTQI+ violence are held accountable under the law. As the World Bank study noted, better implementation of hate crime laws and clarity in applying aggravating circumstances are needed[7][15] – the Ministry of Justice should issue instructions or promote jurisprudence to this effect.
- **Ensure Inclusion in Gender Equality Mechanisms:** The national gender equality machinery (such as the Coordination Body for Gender Equality, relevant ministries,

and local gender equality councils) should explicitly include LBTQI+ issues in their scope. This means consulting with LBTQI+ groups when developing gender policies, and including representatives from these communities in decision-making processes. Intersectionality should guide programs – e.g. any initiative on violence against women must consider violence against lesbian and trans women; any economic empowerment program for women should reach out to LBTQI+ women, etc. Serbia’s new Gender Equality Strategy should incorporate objectives related to combating discrimination based on sexual orientation and gender identity, which aligns with Serbia’s 2030 commitments and EU accession requirements[6].

By implementing these recommendations, Serbia would make tangible progress toward respecting and protecting the rights of LBTQI+ women and gender-diverse persons, in line with its obligations under CEDAW and other international standards. These steps would help ensure that *all* women in Serbia – including those who are lesbian, bisexual, transgender, intersex, or queer – can live free from violence and discrimination, enjoy equal opportunities in education, work, and family life, and participate fully and safely in society. The changes recommended are not only matters of legal compliance but of basic justice and human dignity, and the Committee is urged to call on Serbia to urgently address these issues in its implementation of the Convention.

Sources:

- The Rights of Sexual and Gender Minorities in Serbia: Progress, Challenges, and Pathways Forward (2025), comprehensive report with survey data and analysis[3][10][31][45], etc.
- UN CEDAW Committee Concluding Observations on Serbia’s 4th Periodic Report (2019)[23][26].
- Community Survey “Anketa za zajednicu” (2025), aggregated responses of 590 LGBTIA+ individuals in Serbia[52][40].
- World Bank, *Barriers to LGBTI People Accessing Justice in Serbia* (2022)[7].
- OHCHR and UN sources on intersex and LGBT rights[87][6]. (All provided data is integrated and cited in the text above.)

[1] [2] [3] [4] [5] [10] [11] [12] [13] [14] [17] [18] [19] [20] [21] [22] [27] [28] [29] [30] [31] [32] [33] [34] [35] [36] [37] [38] [39] [40] [41] [42] [43] [44] [45] [46] [47] [48] [49] [50] [52] [53] [54] [55] [56] [57] [58] [60] [61] [62] [63] [64] [68] [69] [70] [71] [72] [73] [74] [75] [76] [77] [79] [80] [81] [82] [83] [84] [85] [86] [87]

Rainbow Ignite report: [The Rights of Sexual and Gender Minorities in Serbia.pdf](#)



Rainbow Ignite
Čarlja Čaplina 3/2, 11000 Belgrade
e: office@rainbowignite.org
m: +381606118052

[6] [7] [15] [16] World Bank Document: [Barriers to LGBTI People Accessing Justice in Serbia 2022](#)

[8] [9] [65] [The Rights of Sexual and Gender Minorities in Serbia.pdf](#)

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