

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

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Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.



LGBT ACCESS TO JUSTICE TOOLKIT

Challenging violence through LGBT Community Engagement

LEARNING FROM LGBT RIGHTS CAMPAIGNERS
IN THE WESTERN BALKANS, AND THE UK

Cover image, Montenegro Pride 2017.
Credit: Queer Montenegro

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INTRODUCTION

Access to Justice Programme

In June 2016, Stonewall launched a two year programme to address violence against LGBT communities in the Western Balkans and Turkey by engaging police forces, the judiciary and wider state institutions across the region and in the UK.

Our partners have a vast amount of experience tackling violence, injustice and security for LGBT communities and include LGBT rights organisations in: Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro, Serbia, Turkey, and police forces and prosecution services in the UK.

This toolkit compiles some best practice case studies from our project partners and makes their insights accessible to a broader audience. Although mostly focused on the work of LGBT rights organisations in the Western Balkans, other examples are included from policing and justice partners in the UK.

Who is this toolkit for?

This toolkit is for LGBT rights campaigners worldwide, interested in learning more about how their peers have campaigned for positive changes to address LGBT violence.

It also offers some tools for LGBT rights champions in policing, justice and state institutions, looking for new ways to ensure LGBT people are fully included and protected.

We also hope that a wider readership of allies within relevant state and international institutions will also find inspiration, especially regarding LGBT community engagement.

Violence and Discrimination in the Western Balkans – At a Glance

25%

LGBTI people who have experienced physical violence due to their sexual orientation or gender identity

70%

LGBTI people who have experienced psychological abuse due to their sexual orientation or gender identity

58%

General population who agree with the statement homosexuality is a sickness

Figures are drawn from 2015 research by the National Democratic Institute, and represent averages across the six countries studied (Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia): www.ndi.org/LGBTI_Balkans_poll



LGBT rights in the Western Balkans

LGBT communities in the Western Balkans face various serious human rights challenges, including high levels of LGBT violence, denial of basic freedoms in practice, and governments that are often reluctant to listen to community needs. Small wonder that Kosovo did not see its first public pride parade until 2017, or that Bosnia and Herzegovina has yet to host one.

Various recent public LGBT events in the region have been violently attacked by ultranationalist, religious fundamentalist and neo-Nazi groups. In addition, many states are reluctant to extend adequate police protection to participants at event planning stages, resulting in the effective denial of LGBT freedom of assembly. As the case studies show, working with states to guarantee freedom of assembly and overall collective security for LGBT communities, in the face of violence, constitutes a key part of activists' battleground.

Several countries however, do now have basic legal protections for LGBT communities, such as bans on hate crimes committed on grounds of sexual orientation and gender identity. However, as the case studies show, laws protecting LGBT communities are often poorly implemented, and rarely backed up by effective policies. This means that civil society organisations (CSOs), often find themselves doing work that would otherwise be done by governments elsewhere, such as reviewing case handling by courts or developing police protocols.

It also means that CSOs and communities often lack trust in policing, justice and state institutions to protect them. Understandably, that lack of trust can run deep: various states only stopped actively criminalising LGBT communities in the 1990s. Working with authorities who are used to treating LGBT people as criminals, and not as equal citizens with rights, is a critical challenge for CSOs, and entails pressing for broader cultural change within institutions.

LGBT communities are not alone in facing such challenges, which sometimes reflect the newness of democratic institutions and practices in the region. For example, as the case study from Macedonia (on p16) shows state actors do not always have full control and oversight over policing and security institutions. LGBT activists' approach to finding a more systematic solution demonstrates how LGBT inclusion can serve broader democratic reform.

Finally, it is worth highlighting that many of the gains made by LGBT CSOs have taken place in the context of broader international trends, especially EU integration. Western Balkans states have been increasingly willing in recent years to demonstrate their commitment to human rights, including LGBT rights, to boost their chances of EU membership.

This means there's a gap between what the laws say and the reality of the violence and discrimination experienced by LGBT people. Although this means that state institutions can sometimes be brought to the table, the work of really winning people's hearts and minds in the battle for LGBT equality remains a major challenge.

To find out more about LGBT rights in the Western Balkans, please see the ERA Online Resource Centre which contains detailed information on each country - www.lgbti-era.org/online-resource-center



LGBT community engagement

The critical importance of LGBT community engagement in addressing violence is evident in every single case study; change simply does not happen without LGBT communities being empowered to recognise, report, evidence, speak out about, and to drive institutional reforms and programmes which address violence and injustice.

Time and again, we see that CSOs, as well as LGBT rights champions within institutions, make effective changes by:

- Understanding, evidencing and articulating the experiences of LGBT communities experiencing violence and discrimination.
- Refusing to be shut out when institutions begin to open.
- Nurturing long-term, continuous advocacy and alliance-building.
- Mixing 'insider' tactics to ensure access and leverage, with 'outsider' tactics to ensure accountability and inclusion.

This can be a tense project, especially when working with state institutions and actors to whom the very idea of working with civil society as an equal partner can be new and contested.

Old-fashioned advocacy

It can't be emphasised enough that long-term continuous advocacy by LGBT CSOs working at the national level is not just essential, but is probably the single most effective LGBT violence intervention there is.

Of course, organisations cannot influence everything. Broader factors in the case studies include EU accession, changes in government and the shifting ability of civil society to leverage support from the international community. Focusing on supporting LGBT communities and allies within institutions to promote equality themselves can also be effective – as shown particularly in Chapters 2 and 3.

Nevertheless, without LGBT CSOs able to sustain a comprehensive agenda over the long-term, institutional changes (if they do happen) will lack impact, sustainability, and accountability. As policing, justice, security, and state actors are increasingly globalising their work and acting on LGBT rights, it's more vital than ever to maintain a strong role for LGBT communities themselves in this work.



Montenegro Pride 2017.
Credit: Queer Montenegro

LGBT access to justice

This isn't a hate crime toolkit. Hate crime and speech on grounds of Sexual Orientation and Gender Identity (SOGI) are crucial issues to address, especially when the very existence of violence against LGBT communities is contested. Where LGBT communities remain silent about violence, or where evidence is ignored, it's often an indication of just how deep the problem runs.

This toolkit highlights the broader work that CSOs and institutions do to address violence and enhance justice and security for LGBT communities. It has a particular focus on getting LGBT communities included and visible within policing, justice and state institutions, so that wider change is more possible. Because where police, justice actors, and policy-makers cannot see a broader role for themselves and their institutions in securing LGBT equality – beyond SOGI-based hate crime – this can also be an indication of how deep the problem runs.

How is this toolkit structured?

CHAPTER 1. COMMUNITY RESPONSES:

LGBT CSO and community responses to violence, including campaigning, advocacy, documentation, research and community organising.

The importance of working with directly with communities to encourage recognition and reporting of violence, and to develop an evidence-base to support policy reform (see Serbia p.12 and Macedonia p.11).

How talking about freedom from violence, and ensuring security, can be important when appealing for broader rights and visibility (see Macedonia p. 8-9 and Kosovo p.10).

CHAPTER 2. TRANSFORMING INSTITUTIONS:

How LGBT CSOs stay involved and press for further reforms once institutions begin to be more receptive.

Insights on bridging power divides between civil society and the state, including joint identification of obstacles with new institutional partners (see especially Montenegro p. 13 and Serbia p. 17).

The importance of creating systemic solutions, especially when facing obstacles such as discriminatory attitudes and lack of coordination.

Making LGBT rights-based appeals expressed in terms that policing and justice actors will understand, and can integrate into their institutional cultures.

The value of 'continuous advocacy' by national CSOs (see especially Bosnia and Herzegovina p.14).

CHAPTER 3. INSTITUTIONAL RESPONSES:

The perspectives of LGBT equality advocates and allies working within policing and justice institutions. The development of LGBT staff networks, including the roles they can play in ensuring inclusion and diversity.

How LGBT community engagement can be a tool for enhancing service quality and transparency of policing and justice institutions, ensuring oversight and promoting public confidence and trust.

In many ways, Chapter 3 brings us full circle; LGBT community engagement isn't just vital for communities experiencing violence, it serves institutions designed to ensure justice for all.



CHAPTER 1: COMMUNITY RESPONSES TO VIOLENCE

Community responses to attacks on the LGBTI Support Center in Macedonia

- LGBTI Support Center, Macedonian Helsinki Committee - www.lgbti.mk

Since October 2012, six attacks have taken place on the staff and offices of the LGBTI Support Center, including two in which people were seriously injured, two arson attacks, and two which resulted in the demolition of their offices.

The attacks have profoundly shaped the responses of the Macedonian LGBTI movement. One organiser, Biljana Ginova, explained how the attacks served as a spur for creative campaigning, and for broader appeals for rights on other issues at the national level:

'The last, sixth, attack in 2014 was in a nearby bar where the LGBTI Support Center was celebrating its birthday – with partners, NGOs, Ambassadors, etc. – and it was again attacked with stones and bottles and so on. It was a very long attack, with everyone inside. There were people having panic attacks and climbing the walls – many non-LGBTI people. In a way, they finally discovered what it's like to be LGBTI in Macedonia, and I think this is what attracted more attention. But again, the community was left alone with few allies.'

After the sixth attack, they started the protests.

Organisers didn't have the capacity to organise a big protest, because 'honestly there aren't many people who are not in fear for their lives to come out in a protest ... which of course we understand', so they decided to get creative, using campaigning tactics that required fewer participants. They started to protest in front of the Public Prosecutor's Office, every Thursday, marking the day of the last attack, by lying in black body bags in front of the building: 'like that because that's what we were... we just wanted to know what is the status of the investigation'. Still, no concrete response from government emerged.

At the same time, the Macedonian Government put forward a proposal to amend the Constitution to limit civil partnership and marriage to a union between a man and a woman. Biljana explained that at that point the community united. They moved the LGBTI Support Center to a different office and, overnight, it became a headquarters for a nationwide anti-homophobic campaign, with people meeting every day.



Protest outside the Public Prosecutor's Office in Skopje, 2014. Credit: LGBTI Support Center

They split into four teams:

The legal team conducted a complete comparative analysis of every country in the region about the Constitutional amendment.

The media team targeted local media in particular and put out the narrative: 'what is in danger? Is it your marriage or our life?' Organisers commented: 'The only thing we asked for is that our right to life is fulfilled. That was all we asked, and we used this space to talk about the violence we were living under.'

The advocacy team quickly mobilised the international community.

The fourth team focused on community, and created sub-teams to advocate in the Parliament, where they only needed only one vote to challenge the Constitutional change. With few resources to target everyone, they identified the six people they thought could be moved, who each team targeted – a lawyer, a member of the community who was not an activist, and an activist at the end who will wrap things up.

When the government eventually dropped the proposal, for reasons that included broader political developments, the LGBTI community celebrated a victory. 'As a success from the violence that we faced every day, it moved us from the status of victims to victors'. Looking back, Biljana added:

'Of course, during the attacks we organised campaigns that were also successful. But what was also important was that we started working on something bigger and more strategic. If we don't focus on broader rights, the violence will only increase. Okay, we can't persuade the prosecution that they should engage in individual cases, but we can influence a broader process, which is bigger actually.'



Community recognition and reporting in Belgrade

- Da Se Zna! - www.dasezna.lgbt

Da Se Zna! (Let it Be Known!) encourages LGBT communities to recognise, report and speak out about violence. They provide an online portal where communities can report violence, and offer counselling, legal support, and advocacy to victims. Working closely with LGBT communities, organising community events and publicising their work widely on social media, they also conduct research on LGBT violence issues more broadly in Serbia.

In Autumn 2015, Da Se Zna was basically a violence reporting (or third-party reporting) website. But by the end of 2015, staff realised they needed to create an organisation to cope with demand. As one staff member, Stefan Šparavalo, commented:

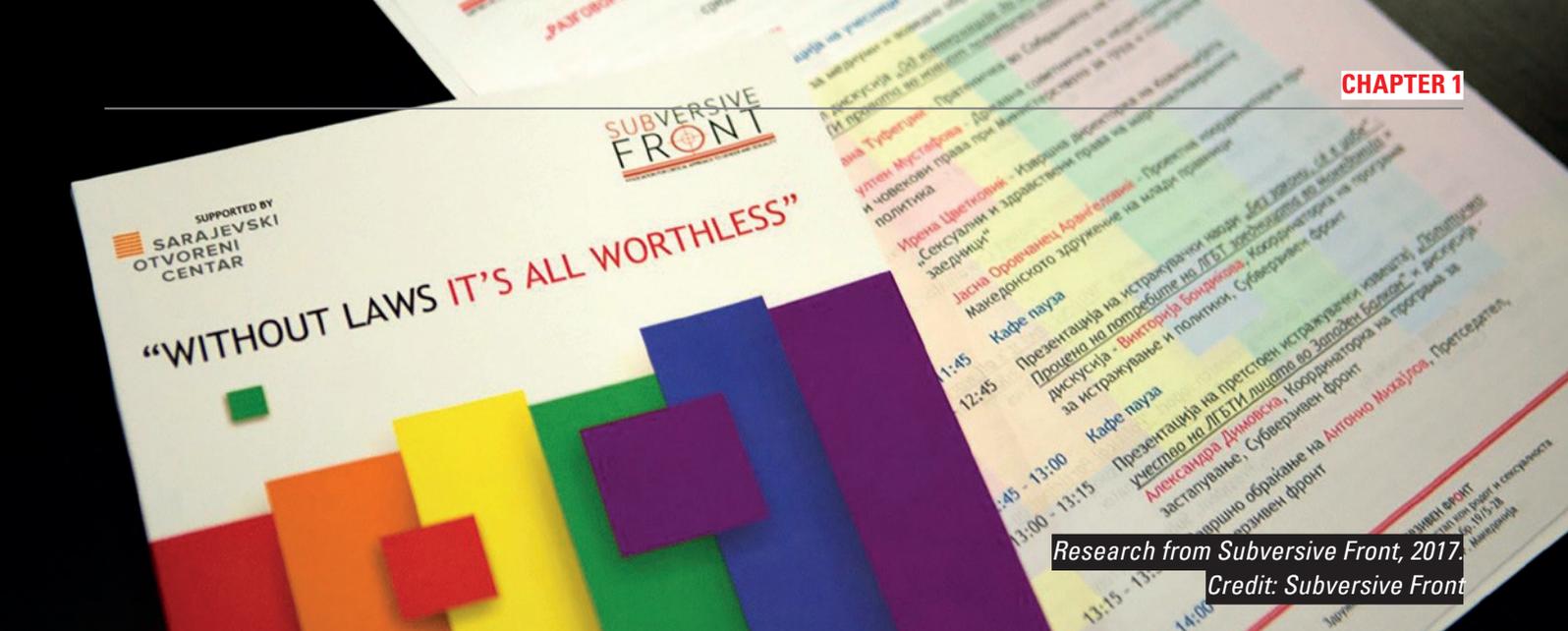
'What's the point if you don't have someone reach back out to you, if you just have the portal? So, you have to have fully employed people that will then reach back out to people, or to police, or to accompany people because they might feel safe going alone to the police.'

The creation of the organisation was also shaped by activists' responses to high-profile attacks. Well-known LGBT activist Dragoslava Barzut, who, together with friends, was violently attacked in a hate crime in Belgrade in September 2015, was involved with Da Se Zna at this stage. Dragoslava's case, and lack of institutional response, provides another way to view the powerful growth of an organisation which advocates directly for victims, while also creating broader solutions.

Overall, Stefan highlighted Da Se Zna's close community work and their broader approaches, including strategic litigation. For example:

'We took up the case of a trans woman from Valjevo, who was severely beaten up by one guy. Part of his defence was that he was irritated she was dressing as a woman. So, in this case his motive is very clear. However, the local court didn't consider Section 54a³. The lawyers didn't even know this could be applied. Instead he was only tried and sentenced for disturbance of public order, and got only one year's parole. Part of his defence was also that he was a family guy that had two kids. After this we filed for an Initiative for Protection of Legality ... After three months this was submitted to the Supreme Court of Serbia. They can either press this back to the local court or publish a new verdict. We're waiting for the outcome now and hope it will be the first prosecution ever for a SOGI-based hate crime in Serbia.'

³ Abigail Scott Paul (2017) *Social Change: Are we Telling the Wrong Stories*, <https://www.jrf.org.uk/blog/social-change-are-we-telling-wrong-stories>



Research from Subversive Front, 2017.
Credit: Subversive Front

Research and evidence-based advocacy in Macedonia

- Subversive Front - www.s-front.org.mk/en/

‘[Research] provides data that is scientifically valid so that policy-makers can see, beyond individual and organisational evidence, what the needs of the community are, and what effective policies should look like.’ - Antonio Mihajlov, Subversive Front

In April 2016 and December 2017, the Macedonian Association for a Critical Approach to Gender and Sexuality, Subversive Front, published two new research reports.

The first, *Discrimination, Violence and Bullying Against LGBTI Youth in Macedonia*¹, focuses on experiences of violence and discrimination faced by young people. Based on surveys conducted with 552 young people, using online and field sampling it includes both LGBT and non-LGBT respondents.

The second report, *Without Laws, It's All Worthless*,² focuses on the key needs of LGBT communities and services offered by LGBTI CSOs in Macedonia. As one staff member from Subversive Front, Viktorija Bondikjova, said: ‘What we learnt from the report is that we really heard the voices of the community. It was very comprehensive. We did it in different cities and towns. And it was the first time we managed to recruit 81 community members and civil society activists who participated in interviews and focus groups.’ The reports are one of the few examples of large-scale research projects in the region run by an LGBT NGO.

Subversive Front organised events to present the findings, which provided a basis for informed discussion amongst key policy-makers, such as, the Macedonian Chamber of Psychologists, and representatives from the Ministry of Labour and Social Policy, and international organisations.

The reports also show that LGBTI young people experience four times as much physical violence as non-LGBTI young people, and experience higher levels of self-concealment, social interaction anxiety, and everyday discrimination. Both reports highlighted the need for legal and justice reform. What's more, qualitative responses offered opportunities for cases to be taken forward, such as those regarding extortion by police forces, and the use of so-called conversion therapies by mental health professionals.

Staff member, Antonio Mihajlov, remarked that ‘the reports documented a huge need in terms of the mental health of LGBTI young people, and the mental health services they need ... policy-makers were interested in the findings.’

Other large-scale research projects, with key data on LGBT violence and discrimination in the region, include a National Democratic Institute (NDI) project from 2015, and the forthcoming research by the World Bank, in collaboration with the LGBTI Equal Rights Association for the Western Balkans and Turkey (ERA).

¹Stojanovski, Kristofer – *Subversive Front* (2016) <http://s-front.org.mk/wp-content/uploads/2016/04/Report-from-the-survey-on-SOGI-based-discrimination-violence-and-bullying-among-youth-in-Skopje.pdf>

²Stojanovski, Kristofer – *Subversive Front* (2017) <http://s-front.org.mk/en/2017/12/12/proцена-na-potrebite-na-lgbtlugjeto-vo-rm/>



Pristina Pride 2017.
Credit: CSGD

Pristina Pride

- CSGD - www.csqd-ks.org

On 10 October 2017, the first ever pride was held in Kosovo. More than 500 participants marched through the streets of Pristina, joined by high-level representatives including the President. The pride was celebrated as a major success by the Kosovan and regional LGBT movements, and passed without violent incident.

One of the remarkable things about Pristina Pride was the lack of any particularly visible security presence from police. The policing of pride events in the region is sometimes a contentious issue, both within and outside the community. Various prides have been held where the police outnumber participants, reflecting the depth of anti-LGBT violence in the region, and the reticence of states to protect freedoms of expression and assembly, without resorting to heavy-handed policing tactics. Participants at Belgrade Pride 2014, marched flanked by tanks. Other, lighter, strategies include police cordoning off the area of the city through which the pride is due to pass, and stationing police at strategic points along the route.

How did Kosovan groups, including CSGD and CEL, work with police to develop their strategy? One staff member of CSGD, Agim Margilaj, explained:

'We started with the police LGBT focal point, and the discussion then went higher level with the Directors of Police and Special Units ... they didn't oppose anything regarding the pride. They didn't even ask questions, for example, about why were we holding it. The only thing they wanted was details, and to be strict on timings because of their security process, which we respected ... We advised them we didn't want to barricade the pride ... and they said, no that's fine, we don't want to restrict freedom of movement. We worked in cooperation with them all the time. They did a risk assessment and monitored the potential attackers, and [modelled] what they might do, including through analysing what they were doing on social media etc., which resulted positively. We were involved even in drafting their security plan, meaning that we discussed the possibility of any attack from the starting point, and on the route, [asking] if there would be any attack – what would we do?'

Agim added that 'because pride was such a big event', once they had commitment from the highest level in the government to support the event, they had more cooperation with police. Cooperation was also enabled because police in Pristina recognised they needed to work with LGBT communities to ensure the event went smoothly.

What helped them get commitment from the government?

'Part of our messaging was that pride is an important tool to measure states' commitment to LGBT equality ... We were explicit that if something happened it could be interpreted very poorly in the context of European integration and so on ... [What advice would I give?] Diplomatically speaking, I would say: cooperate with your politicians!'

CHAPTER 2: TRANSFORMING INSTITUTIONS

Montenegro pride 2013.
Credit: Queer Montenegro

Police work in Montenegro

- Juventas - www.juventas.co.me & Queer Montenegro - www.queermontenegro.org

Queer Montenegro and Juventas' work with the police began in 2010, after they conducted research on LGBT community needs. One staff member from Juventas, Jelena Colakovic, explained:

'This implied work with police, because it was obvious ... The project basically gave us a baseline to everything we do now. This research showed that [LGBT communities] didn't have enough trust – in people who are service providers especially. It showed that LGBT violence and discrimination were high, and that in most cases police weren't investigating the cases in a good way. And in 2011 that was corroborated when we saw they weren't prosecuting the cases that were investigated.'

Their cooperation with police was established properly in 2013, when the two groups worked together to organise the first Montenegro pride. 'This was the first time that we sat down and had respectful enough communication. We had something that we could work with them on'.

At the event, 2,000 police were deployed to ensure participants' safety as a large number of counter-demonstrators had also gathered to try and disrupt the event with violence. Overall, the event was hailed as a major success for LGBT freedom of assembly throughout the region. Queer Montenegro has continued to lead police engagement work regarding the security strategy around pride, which has grown year on year.

The organisations' work with policing and justice institutions has also grown continuously ever since. In 2012, for example, they started developing guidelines and training for police – initiatives which took time to gain backing from the Police Directorate. They now work with prosecutors and judges, and increasingly bring them together with police, which can help ensure each institution doesn't defer responsibility to the other, or to the 'wider system' when cases are mishandled.

The training model used by the two organisations uses a variety of creative approaches to build empathy with LGBT communities, to provoke honest reflection on everyone's role in discrimination, and to encourage open dialogue from police, prosecutors and judges about actions they can take. A key part of their approach, for example, is for facilitators to provide space for police, prosecutors and judges to voice their own experiences of discrimination, and to relate this to the experiences of LGBT communities.

Looking back at other milestones in their work, Jelena also stressed the importance of their advocacy work to create key structures within the criminal justice system, such as changing the Policy Academy curricula, and the creation of LGBT liaison officers:

'But the problem [with liaison officers] is still that not many people know about them ... There were some initiatives before, for example, for the roles to be publicised ... but some of this has lacked senior support ... Another problem is the LGBT liaison officers themselves often don't want to be visible.'

The groups have also worked together on several broader initiatives, including the development of a 'Team of Trust', established in 2016. This was designed to support cross-government coordination, as well as LGBT community engagement and oversight, over the handling of LGBT violence and justice issues in Montenegro. 'It's [still] something that needs additional support, though, to function properly – from the Ministry of Interior and Police Directorate'.

Overall, Jelena stressed the importance of doing things 'systematically, not just programmatically':

'For example, if we have a curriculum that introduces LGBT human rights as an integral part of it, then we have a better relationship and wider engagement with police ... It's important to introduce the hate crime component into this, to improve their knowledge in it, and to increase the communication with the prosecution.'



DA LI STE TOLERANTNI
PREMA SVIM BOJAMA?

NETOLERANCIJA I DISKRIMINACIJA SU BESMISLENE. HOMOFOBIA I TRANSFOBIA SU BESMISLENE.

DOK NE BUDU OSLOBODILI (DOK NE BUDU OSLOBODILI)

Sarajevo Open Centre Campaign, 2015: 'Are you tolerant of all colours?' Credit: Sarajevo Open Centre

Continuous Advocacy in Bosnia and Herzegovina

- Sarajevo Open Centre - www.soc.ba

The attack on the Festival Merlinka in 2014 was probably the turning point in strengthening relations between Sarajevo Open Centre (SOC) and the judiciary. Namely, in 2014, 14 masked men attacked and stopped the International Queer Film Festival Merlinka that SOC has organised each year in Sarajevo. During that attack, several persons were physically hurt and the Festival was stopped. This sent a strong message that the society is very homophobic and also that the police agencies, until then, have not understood how endangered and unwanted LGBTI persons are in the society. - Jozo Blazevic (Sarajevo Open Centre)

Since 2012, SOC has been raising awareness about LGBTI violence, and advocating for police, judicial and government reform.

One of the major drivers for this work, is activists' fight to make LGBTI freedom of assembly a reality in Bosnia and Herzegovina. Various other LGBTI community events, like the Merlinka Festival, have been attacked due to inadequate protection from police. Unlike its neighbours (Croatia, Montenegro and Serbia), Bosnia and Herzegovina has yet to have a pride march. In 2018, there is ongoing discussion about the capacity of police to protect participants.

Explaining the links between violence, policing, and fundamental freedoms remains a key part of SOC's work. Staff member, Jozo Blazevic, explained:

'Sarajevo authorities – with their administrative silence and in clear ignorance of our request – violated the right to freedom of assembly of LGBTI persons in Sarajevo by banning our march for International Day Against Homophobia and Transphobia in 2017. This is the issue that we work on constantly ... primarily with the police agencies, for them to understand why it's important to enable the right to public assembly of LGBTI citizens, that the human rights of LGBTI persons are not special rights, but part of the wide spectrum of human rights, and that the right to public assembly is guaranteed in the Constitution and protected by international documents.'

SOC's work on violence/justice issues since 2012 has been continuous and comprehensive. Key achievements include:

2013 - Proposed an amendment to the Criminal Code to include hate crime on grounds of sexual orientation and gender identity. The amendment was adopted in April 2016

2014 - Started programmes for Sarajevo police on LGBTI hate crime issues and got LGBTI issues included in the curriculum for police in Sarajevo, reaching 1,500 officers

2014 - Established relationships with four police stations to ensure better police treatment of LGBT victims

2015 - Started advocating within the 10 cantonal ministries of interior for police curricula to address LGBTI hate crime issues across Bosnia and Herzegovina

2017 - Successfully advocated for the creation of a LGBTI community liaison and hate crime coordination role within the Prosecutor's Office in Sarajevo

Jozo pinpointed factors that were key to driving change: The organisation's research and documentation work has proved critical: after initial contact with police – following violent threats made against SOC staff in 2012 – they were able to present data to the Ministry of Interior on the violence LGBTI people experience, and use this to argue for more systematic engagement.

The importance of systemic solutions: in a context where institutions and actors often aren't coordinated, or where staff turnover is high, for example, long-term, cross-government solutions are required, such as developing sustainable links between police and prosecutors.

Jozo also stressed the importance of a positive, professional and collaborative approach: for example, praising individuals and institutions for getting things right, delivering high quality interventions that institutions can integrate into their work, and coalition-building to ensure others (e.g. CSOs and political parties) include LGBTI rights.

Advocating for Trans Rights within the Criminal Justice System in Serbia

- Gayten - www.transserbia.org

'Because our staff are regularly in contact with trans women from Padinska Skela, the prison in that city, we know the obstacles they're facing, and we simply used this to draft all the policies, basic things like access to hormones, etc. Everything that should already be there.' - Jovanka Todorovic, Gayten

In February 2018, Gayten presented two drafts of proposals to the House of Human Rights and Democracy in Belgrade. The result of 18-months' work by a small, expert team of community engagement staff, lawyers and advocacy specialists, the proposals concerned new protocols for police and prison officers regarding the fair and equal treatment of trans people.

The project responded to three key things:

1. The needs of trans communities concerning harassment, discriminatory treatment and denial of services and rights by police and prison officers
2. Gayten staffs' desire to build on their existing advocacy work regarding legal gender recognition, and their passionate sense that government engagement on trans rights should press ahead
3. The experience of the team in engaging with governance structures, including the drafting of police protocols

The process included compiling and analysing feedback from trans communities regarding their treatment within the criminal justice system; scanning the broader legal situation to ensure the draft protocols were compatible with existing legislation, and consultation with relevant stakeholders, including police officers, to listen to their ideas.

The launch process was designed to reach all relevant stakeholders and decision-makers, including the Commissions for Protection of Equality and Data Protection, the Ombudsman, and key representatives from policing and the Ministries of Interior and Justice. At the launch event, all commented positively, with police suggesting additional revisions focused on search procedures. Interestingly, further positive feedback from decision-makers centred on the apparent cost-effectiveness of the proposals.

Gayten's next steps are to continue publicising the project, and to integrate the suggested revisions into revised drafts. These will then be sent to officials at the Ministries of Interior and Justice.

Looking back at what worked, Gayten staff member, Jovanka Todorovic, stressed the importance of:

- Access to legal and technical expertise
- Effective community liaison to ensure policy responses reflect their needs
- The value of trusted contacts who are knowledgeable about the system
- Involving key stakeholders at an early stage.



Demonstration in Belgrade, organized by Gayten-LGBT against the murder of Turkish activist and sex worker, Hande Kader who was raped, beaten, stabbed, mutilated and set on fire. Credit: Gayten



Macedonian Police
Credit: Dickelbers

Review of police training materials in Macedonia

- Coalition Sexual and Health Rights of Marginalized Communities - www.coalition.org.mk

In 2012, the Coalition conducted a review of training materials used to teach new police officers and security officials in Macedonia, revealing the extent of discriminatory views towards LGBT people within them. The texts they analysed contained an array of harmful stereotypes. For example, that homosexuality is a disease, or that trans people are liable to commit violent crimes.

Such views are clearly highly problematic, not backed up by any evidence, and reflect broader patterns of injustice, where victims themselves are seen as violent.

Since 2011, the Coalition has been carrying out similar reviews of high school and university textbooks, related to homophobic and transphobic attitudes, as well as to people who use drugs and people living with HIV. Part of their broader advocacy work with the Ministry of Education, they focus on identifying problematic educational content, and arguing for its revision or removal.

The Coalition prioritised research on the key professional areas where LGBT people experience discrimination in accessing state services – law, medicine, psychology, criminology, and education.

They organised a press conference to publicise the launch of the report, where the authors, respective university professors, and practitioners presented their findings. The Coalition also raised their concerns with the Ministries of Education and Interior directly, and initiated steps at the Commission for Protection Against Discrimination, aimed at removing the problematic content.

Unlike other cases where similar issues were identified however, the Coalition reported that, in this instance, authorities were less forthcoming. A few examples included the Ministry of Education listening to their concerns but advising that the Faculty of Security (i.e. the Police Academy) had autonomy in that area. In addition, the Commission claimed that the authors of the text books had scientific reasons to write what they had. The Ministry of Interior advised they did not have the authority to intervene – however, the Ministry has agreed to start working with the Coalition to deliver training programmes for police officers.

In response to this, the Coalition is now searching for a more systematic solution. They are now part of the national Working Group run by the Ministry of Education, for example, which is drafting a new law on the education system. They plan to continue pressing for wider reforms through this group, and education legislation, as well as through new anti-discrimination legislation. In addition, they are also working increasingly with universities to press for change. If successful, these efforts would mean that universities would need to consider anti-discrimination legislation when deciding what goes in curricula, and what doesn't.

Police Engagement in Serbia

- Labris - www.labris.org.rs/en/

'LGBT rights are now integrated into police protocols, and so they will say: "my personal opinion is not relevant when an LGBT person is speaking with me". This is a huge step, and we are amazed and shocked, because we also had prejudicial response, in some ways towards police as well. This was a huge deal for us.' - Jelena Vasiljević, Labris

Campaigners from Labris first approached the Ministry of Internal Affairs to try and work with police in 2008. Ten years later, Labris' work now includes:

Providing police guidance and training

Raising community awareness to encourage reporting

Encouraging the creation of new staff networks for LGBT and ally police, and extending their contact with their peers in other countries

Creating new national policies regarding LGBT inclusion

Facilitating contact between police (for example, LGBT liaison officers) and LGBT communities, including outside of Belgrade

Although the overall picture remains one of considerable exclusion, there are now a growing number of police willing to be visible as LGBT rights supporters, as well as greater support from state institutions.

Labris campaigner, Jelena Vasiljević, highlighted several key factors in promoting reform:

Firstly, a new Government entered in 2013 with a keener stance on human rights issues, in the context of EU accession. In response, Labris mapped the situation and decided to focus on the new Anti-Discrimination Law, to ensure LGBT inclusion. Campaigners used a range of tactics. On the one hand, they were consciously 'very annoying', sending for example perhaps 100 formal letters, so that policy-makers knew who they were. On the other hand, once the Government 'said okay', Labris were also able to position themselves as knowledgeable about the system, and diplomatic regarding requests – handling many discussions privately, rather than in the media, for example.

Jelena also highlighted the importance of community awareness-raising and reporting work. This enabled them to build a clearer picture of how police were interacting with LGBT communities, and an evidence base. This included cases they then raised internally with the Ministry of Internal Affairs, who realised that: 'we know the system, we're willing to use it, and that we're saying it all one-on-one, not making a fuss about it, and not asking them to do things that politically they cannot do.'

In a similar way, they stressed the importance of learning about and transforming the system on its own terms. For example, getting LGBT rights included in police protocols, and framing LGBT rights as not a moral discussion, but rather a technical and/or professional issue regarding correct conduct, justice, and public service. Finally, they also stressed the value of working with police in a supportive way. By supporting LGBT and ally police to build their capacity and networks, for example, they were able to see institutions from their perspective. This helped to identify further institutional barriers, such as co-ordination with prosecution services, and encouraged joint working to address this.

CHAPTER 3: INSTITUTIONAL RESPONSES

European LGBT Police Association
Conference, 2012

The Development of the European LGBT Police Association

- European LGBT Police Association (EGPA) - www.lgbtpolice.eu

'Each national LGBT police network is different. For example, in Belgium, they're a self-funded membership organisation that exists outside of the national policing structure. Some networks have funding from government. In the UK we don't have any central funding, but we are funded locally ... The Netherlands is a good model because they do superb community engagement work – in Amsterdam they police with the 'Roze in Blauw' symbol embroidered into their uniforms. They do a lot of engagement around holocaust memorial – they're very very engaged, with pink phones, and really dedicated LGBT Liaison Officers in Amsterdam.'

- Peter Rigby, European LGBT Police Association

In the UK, there was first the Gay Police Association (GPA), an organisation formed in 1990 to represent members in a variety of forces across the UK. It was created partly as a response to violent attacks on LGBT communities, and discussions about how police had handled them. LGBT police taking similar steps to organise in Europe also spotted the disconnect between LGBT communities and police, and recognised a role for LGBT police in bridging this divide.

By the end of the 1990s LGBT groups in other countries were already interested in progress made in the UK, and a largely community-based group of police came to a conference in London in early 2000. Looking back, the Secretary of the European LGBT Police Association, Peter Rigby, explained how at that time the idea was born of 'cops who knew cops', as the basis for networking across borders. In 2004, the European Gay Police Association (EGPA) was formed: an umbrella organisation serving to network LGBT police in different countries.

In 2015, the UK's network relaunched as the National LGBT Police Network using a regional model as part of their structure, to represent both rural and urban policing. The new operating model also brought gender balance, a stronger voice on trans equality, and represented members in every single UK police force. Shortly after this change, EGPA followed suit and relaunched as the European LGBT Police Association. In its new incarnation, it was more inclusive (e.g. of trans people), and formal as it liaised with the representatives of national LGBT police networks in each country.

The key challenges though, remained largely the same. To move into different countries, they focus on networking and best practice sharing (e.g. through their bi-annual international conference). Through events like this, and through publicising the network, they provide inspiration to LGBT police in other countries, and offer tangible support for individuals seeking to make change. As Peter Rigby commented:

Greece is a great example – an officer from the Greece who attended one of our conference was so inspired by the work of the European Police Association that he went back to his country and tried to set up his own network. Sadly, he received a backlash from the press and his bosses, but he stuck with it, found other LGBT colleagues and collectively they set up their own independent network after seeking support from their European colleagues and considering the different models in operation.



Police with Pride at Sparkle Trans Pride.
Credit: National Trans Police Association

The Development of the National Trans Police Association (NTPA)

Because no one had an insight into how trans officers were being treated, pre-NTPA and then suddenly as the Member's Secretary I was talking to more and more trans officers every week, and listening to their stories and, with their explicit consent, collating stories, and finding out which were the good and bad police forces... [It enabled us to be] confident enough to say: "we're here". These were eye opening times finding out what really was happening to trans colleagues. - Bee Bailey, National Trans Police Association UK

As of March 2018, 17 countries in Europe have a recognised police organisation which represents its country's LGBT staff networks within policing. The UK is alone in having a national organisation dedicated specifically to representing the issues of trans police officers.

The NTPA was formed in 2008, when a small group of trans police officers and staff got together informally and decided that a trans specific network needed to be created as the (then) UK Gay Police Association, didn't appear to be offering any support or guidance at that time.

The NTPA's roles include:

- Offering direction on policy
- Best practices and support for individual trans police officers and staff, such as those experiencing transphobic discrimination at work
- Publishing guidance on, for example, what UK police forces can do to further the full inclusion of trans staff
- Promoting media and policy reform
- Advocating for legal reform, such as, the successful reform of Code C Annex L of the Police and Criminal Evidence Act (1984)

Its current priorities include:

- Development of a national policy on transitioning at work
- Creation of online training programmes to increase trans awareness
- Encouraging reporting of transphobic hate crimes
- Introducing special measures to ensure trans people are fairly treated by prosecutors and in courts
- Working with police forces in different countries to share best practices

During the NTPA's first few years, a small group of around seven representatives worked – on a voluntary basis – in a vast variety of roles. One participant – Bee Bailey – stressed the importance of linking the frontline outreach and support work they did with individual trans officers, with their broader policy influencing work. This helped them build a comprehensive picture of trans experiences in policing, which then provided the basis to press for reform.

NTPA quickly recognised the importance and value of aligning their work with the role and priorities of key institutional bodies, like the NPIA and the Association of Chief Police Officers, steering on the importance of building strong, empathic, networks with the individual trans officers they supported in their work, and the almost natural linking of that work with a strong sense of commitment to defend and articulate 'in the best interest of our members'. Overall, Bee Bailey the past Members Secretary emphasised the importance of simply bringing likeminded people together, regardless of background and role, and finding ways to connect and align people's interests and the work they are doing.

Reflecting back on changes over the past 10 years, Bee highlighted a sense that visibility was still a challenge, and that individuals continue to experience transphobic discrimination, from their first or second line managers, for example. However:

We have chief officers, government bodies through to officers on the beat and human resources departments calling us, and having long conversations... [there's] more and more dialogue, and now people recognise that there are laws and standards in place, and it will cost organisations if they don't act.



Modelling Inclusive Frontline Policing Services

The ‘Have the confidence to talk to us’ model offers one way in which police forces, or those advocating for reform within them, might think about making frontline police services inclusive of LGBT people.

Developed initially in 2014 by LGBT police officers within Staffordshire Police in the UK, the model responded to two things:

- A need to articulate the value of LGBT inclusion to senior staff, including from a financial perspective, by capturing and communicating the work that Staffordshire Police’s LGBT staff network was doing already
- Expressing to the public, including LGBT communities, the scale and diversity of efforts that Staffordshire Police was making to ensure an inclusive approach

The goal was to build further trust and public confidence in Staffordshire Police’s work amongst the LGBT community as a whole which, in turn, would have the knock-on effect of increasing reporting and community engagement, and so further enhance policing work.

Among other things, the model was turned into a poster campaign, which ran in local LGBT press. It was reported on positively in local media and raised the profile of LGBT rights issues among charities in the region dealing with related issues. The model has since been shared with other UK police forces, and used as a communications tool by the UK’s National LGBT Police Network.

One of the key things the model enables is a move away from a ‘traditional’ focus on LGBT issues as exclusively related to hate crime, or the policing of pride or other public events. Instead, the model offers a way of communicating that a wide variety of crimes, and areas of work within policing, will benefit from an LGBT-specific approach.

It was initially created as the result of a simple brainstorming effort by, as organisers put it, a ‘few frontline cops’. They stressed that they were very often under pressure from senior staff, to respond immediately to problems and protocols. Putting this model together offered them a way of explaining their broader thinking and strategy. And, as they were frontline staff dealing with these issues on a day-to-day basis, they were in a position to be able to capture and express the issues and concerns of the communities they served.

Crime that affects LGBT+ people



Credit: National LGBT Police Network UK



LGBT Community Engagement by the Crown Prosecution Service in England and Wales

The Crown Prosecution Service (CPS) in England and Wales have developed several best practice structures to ensure LGBT community engagement.

Their internal structures include an active LGBT staff network, which raises issues faced by LGBT staff within prosecution services in England and Wales, and encourages LGBT inclusion and community outreach more broadly. There's also a dedicated focus on LGBT rights within their central Policy and Inclusion Department, headed by a Director, and located in their London headquarters. Here, staff lead on undertaking community engagement at a national level. What's more, regional and local Inclusion and Community Engagement Managers (ICEMs) develop links with regional and local LGBT communities, provide guidance on equality and diversity work, and liaise with Hate Crime Coordinators.

The CPS also has two key external structures for ensuring LGBT community engagement:

The Community Accountability Forum (CAF) is made up of representatives of key marginalised communities at the national level. Chaired by the Chief Executive of the CPS, its remit includes informing national strategic decisions concerning equality and diversity generally.

Local Scrutiny and Involvement Panels (LSIPs) have been reviewing recent criminal cases handled by CPS for the last ten years. Panel members are made up of interested representatives from across the diversity spectrum, who review recent criminal cases handled by CPS. Members could include, for example, trans community representatives, who might identify discriminatory questioning patterns at the investigation stage. The cases chosen for review are designed to be representative, for example they're sometimes selected by an independent legal consultant. As a result, the system functions effectively as a 'spot check' on institutional actions, as, in principle, any case handled by the CPS might be highlighted for review.

Before a new Scrutiny Panel is set up, the CPS conduct outreach with key representatives among marginalised communities, to pull together a panel of members. These could be members of the community as well as people with specific kinds of experience, such as, dealing with hate crime issues.

In some ways, the approach and function is similar to that of UK police Independent Advisory Groups (IAGs). Designed to be made up of representative members of different marginalised communities, IAGs also review routine case handling, as well as other issues, such as police stop and search figures.

Gerallt Evans, a senior prosecutor in England and Wales, highlighted the importance of such structures for building community trust and public confidence, helping to ensure the CPS is able to operate effectively in the first instance:

'The benefit is twofold: as an agency you get the benefit of expertise from members of the community, but you also hope that the fact you're proposing to hold this, and expose yourself to this kind of scrutiny, will also ultimately help improve public confidence and trust. It's circular in a way.'

FURTHER RESOURCES

LGBTI Equal Rights Association for the Western Balkans and Turkey (ERA) – Online Resource Center

www.lgbti-era.org/online-resource-center

National Democratic Institute (2015) Poll on LGBTI Issues in the Western Balkans

www.ndi.org/LGBTI_Balkans_poll

ILGA-Europe (2010) Joining Forces to Combat Homophobic and Transphobic Hate Crime. Cooperation between Police Forces and LGBT Organisations in Europe

www.ilga-europe.org/sites/default/files/Attachments/ilga-europe_cooperation_between_police_forces_and_lgbt_org_in_europe.pdf

ILGA-Europe (2011) Toolkit for Training Police Officers on Tackling LGBTI-phobic Crime

www.ilga-europe.org/resources/ilga-europe-reports-and-other-materials/ilga-europe-toolkit-training-police-officers

OSCE ODIHR – Hate Crime Reporting Resources

hatecrime.osce.org

Council of Europe (2017) Policing Hate Crime Against LGBTI Persons: Training for a Professional Police Response

rm.coe.int/prems-030717-gbr-2575-hate-crimes-against-lgbti-web-a/1680723b1d



Montenegro Pride 2017.
Credit: Queer Montenegro

LGBT ACCESS TO JUSTICE TOOLKIT

Challenging violence through
LGBT Community Engagement

LEARNING FROM LGBT RIGHTS CAMPAIGNERS
IN THE WESTERN BALKANS, AND THE UK

Funded by



Foreign &
Commonwealth
Office

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