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of sexual minorities in the
post-Yugoslav context

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Working Paper 2013/33



European Research Council



University of Edinburgh, School of Law
The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia
(CITSEE)

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CITSEE Working Paper Series 2013/33

Edinburgh, Scotland, UK

ISSN 2046-4096

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Published in the United Kingdom
The University of Edinburgh
School of Law
Old College, South Bridge
Edinburgh, EH8 2QL
Scotland, UK

www.citsee.ed.ac.uk/working_papers

This work was supported by funding from the CITSEE project (The Europeanisation
of Citizenship in the Successor States of the Former Yugoslavia), based at the
University of Edinburgh, UK. CITSEE is funded by the European Research Council
under the European Union's Seventh Framework Programme, ERC Grant no. 230239,
and the support of the ERC is acknowledged with thanks.

For information about the Project please visit the project website at
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Contested terrain of sexual citizenship: EU accession and the changing position of sexual minorities in the post-Yugoslav context

Katja Kahlina, University of Edinburgh¹

Abstract

The paper traces the transformation of sexual citizenship in the context of the European Union accession process in post-Yugoslav space. It focuses on the ways in which the tensions between nationalism and nation-building related to the disintegration of SFR Yugoslavia and transnational process of EU enlargement influence the changing position of sexual minorities in Croatia, Serbia, and Montenegro. While looking at the dynamic interplay between the competing visions of nation and national community, EU accession process, and the citizenship status of sexual minorities in these three states, the paper argues that, rather than representing an unambiguously liberating force, EU accession in the post-Yugoslav context has facilitated the turning of sexual citizenship into a contested terrain where struggles over 'Europeanness', liberal pluralism, and national identity take place.

Keywords:

Sexuality, citizenship, sexual minorities, national identity, EU accession, former Yugoslavia

Introduction

The diverse literature on citizenship that has emerged in the past two decades shows that the notion of citizenship has been historically related to the formation of the nation-states in nineteenth century Europe (Brubaker, 1996; Calhoun, 1997, 2007; Hearn, 2006; Malešević, 2006). Most commonly, the notion of citizenship denotes the rules which determine who can belong to a particular polity, as well as the rights and duties for those who belong. When deliberating on the notion of citizenship, feminist and sexuality studies scholars argue that rights and duties and the meanings of a 'good citizen' can differ significantly for different groups of people. In their view, categories of gender and sexuality play important roles in creating these differences (Pateman 1994; Richardson, 1998; Siim, 2000; Lister, 2003a; Stychin, 2003). There are numerous examples which show that there have been different expectations for men and women when it comes to particular duties to be exercised, accompanied by different allocation of rights. Likewise, insofar as citizenship is granted on the grounds of ancestry and closely linked to the idea of a clearly defined nation, it is directly implicated in the normalisation of heterosexual reproductive (monogamous)

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sexuality and, by extension, in discrimination against non-heterosexual practices and subjects.

The growing awareness of the close interplay between citizenship and sexuality facilitated the emergence of the notion of sexual citizenship which reveals how citizenship, despite its claims for universality, is a source of inequality based on sexuality. In particular, if we conceive citizenship in the broad sense as 'social membership in a nation state, as a set of rights and responsibilities associated with that membership, and as a set of practices defining membership in the community' (Cossman, 2007, p. 7), then sexual citizenship could be broadly defined as membership in a particular polity that is established on the grounds of sexuality. Sexual citizenship thus commonly refers to the ways in which sexuality is implicated in the scope of rights that form the basis of citizenship, such as civil, social, and cultural rights, and which determine the unequal citizenship status of sexual minorities, i.e. of those individuals whose sexual practices do not comply with the heterosexual norm (Lister, 2003b).

In the past two decades the unequal citizenship status of sexual minorities became an LGBTIQ object of serious contestations across the globe. Criticism posed by the global LGBTIQ movement brought about the re-definition of sexual citizenship towards less discriminatory practices and facilitated the emergence of new discourses of tolerance towards sexual minorities. At the same time, the actual scope of rights which determine citizenship status of sexual minorities differs significantly from state to state and it has largely been a product of tensions between global tendencies and dominant socio-political processes taking place at the national level (Stychin, 2003; Binnie, 2004).

The tensions between the local and the global are particularly salient in the post-Yugoslav context where the nation-building processes of the 1990s were soon followed by the opening towards transnational influences in relation to the (aspiring) European Union accession process. In this paper I want to address the ways in which the tensions between nationalism and nation-building related to the disintegration of SFR Yugoslavia and the transnational process of EU enlargement influence the transformation of sexual citizenship in the context of the new states of South East Europe. I will focus on three particular cases – post-Yugoslav Croatia, Serbia, and Montenegro – as the contexts in which we can observe a clear transformatory role of the (aspiring) EU accession process when it comes to the citizenship status of sexual minorities. The central research question of this paper is the following: In what ways do the tensions between national and transnational processes influence the transformation of sexual minorities' citizenship status in the post-Yugoslav context?

In order to answer this question I will address the dynamic interplay between the competing visions of nation and national community, EU accession process, and the citizenship status of sexual minorities in these three national contexts. I will argue that sexuality has played a critical role in national identity construction not only in the nation-building period, but also in the context of EU accession when the new visions of national identity based on the principles of liberal pluralism and tolerance

emerged. Different normative conceptions of sexuality, as I will show, came to represent one of the central markers of difference between the competing visions of national identity, community, and desired future. However, despite the commonalities when it comes to the decisive influence of EU accession on re-definition of national identity and citizenship status of sexual minorities in these contexts, we can also observe considerable differences. The local variations in the level in which the citizenship status of sexual minorities has or has not been improved, as I will suggest, are conditioned not only by the level of advancement towards the EU membership, but also, and perhaps more importantly, by distinct legacies of the 1990s and different visions of nation-EU relations which exist in these contexts.

In the first part of my paper I will articulate my theoretical and analytical position regarding the notion of sexual citizenship. I will particularly focus on how the interplay between the symbolic processes through which national communities are imagined and the citizenship status of sexual minorities has been discussed in the existing literature. In the second part I will explore the relationship between national identity construction and the citizenship status of sexual minorities in the context of the disintegration of SFR Yugoslavia. The third section will consist of the analysis of the transformation of sexual citizenship in post-2000 Croatia, Serbia, and Montenegro in the light of the (aspired to) EU accession process. In this section I will first analyse the relationship between discourses on EU conditionality and acts that have been adopted since the EU membership became one of the main political aims in Serbia, Montenegro, and Croatia, and which explicitly mention discrimination on the grounds of sexuality or the rights of sexual minorities. Second, I will discuss the influences of the global politics of sexuality and EU accession process on the ways in which the right of assembly has been argued for and exercised in relation to Pride Marches. Third, I will account for the existing homophobic discourses employed in the attempts to contest the on-going transformation of sexual citizenship in these three contexts. In addition to legal and media sources, in my analysis I will draw on the existing literature on gender and sexuality in the (post-)Yugoslav space together with the interviews I conducted with local NGO activists, members of the relevant institutions, and scholars working on issues of sexual citizenship in this region.

1. Sexual citizenship: National imaginaries and legal realities

Insofar as citizenship signifies the institutionalised set of norms which determine who and under what conditions can belong to a particular nation-state, it is closely linked with the notion of community and the ways in which communities have been imagined (Staeheli, 2008). As feminist scholars argue, the particular normative visions of gender and sexuality have often played a significant role in the national identity construction process (Parker et al, 1992; Yuval-Davis, 1997; Spike Peterson, 1999; Nagel, 2003). For example, in the context of nationalism that invokes an alleged common descent as a way of defining the boundaries of a community, women's

reproductive capacities and reproductive heterosexuality are often constructed as the obvious and ultimate bearers of national unity and survival (Anthias and Yuval-Davis, 1989; Yuval-Davis, 1997). In such a context, non-heterosexual individuals are usually conceived as 'immoral' and 'foreign' to an imagined national tradition and essence (Nagel, 2003; Kahlina, 2011). As recent studies reveal, normative conceptions of gender and sexuality may play a great role even in the cases where national identities are constructed on the bases of liberal pluralism, tolerance, and human rights, such as is the case with some Western European countries like UK or Germany for example (Richardson, 1998; Stychin, 1998; Binnie, 2004; Puar, 2007; Haritaworn, Tauqir, and Erdem; 2008). In these contexts, the proclaimed tolerance towards sexual minorities is incorporated in the national imaginary as a marker of their alleged progressiveness, tolerance, and modernity that should distinguish them from 'others', i.e. 'backward' and 'homophobic' immigrant populations (Puar, 2007; Haritaworn et al, 2008).²

These symbolic practices through which identity of a particular national community is being re/constructed play important roles in determining the features of sexual citizenship. The dominant conceptions of nation, gender, and sexuality are reflected in various laws and policies, such as family codes, citizenship and immigration acts, but also labour and health insurance acts, that participate in the production of the particular regimes of gender and sexuality and define citizenship status of sexual minorities. As Brenda Cossman (2007) points out, law is embedded in the particular socio-cultural context and is not completely separated from the non-legal socio-cultural sphere where different meanings that participate in the production of sexual citizenship are formed. Cossman particularly speaks of the interplay between law and popular culture in terms of 'different ways in which images, norms, and narratives of popular culture seep into the legal discourse and, conversely, the ways legal discourse casts its shadow over popular culture' (p. 18). Thus, the citizenship status of sexual minorities is not only determined by law and different sets of civil, political, social, and cultural rights, but is also affected by various meanings that exist independently of law but which nevertheless influence and, in turn, are influenced by law.

As I will show in this paper, Cossman's argument on the interplay between the law and cultural repertoire available in the particular social context is particularly relevant when it comes to sexual citizenship in post-Yugoslav space where sexuality has played an important role in the symbolic process of national identity re/construction in relation to nation building and EU accession. Keeping this in mind, in my analysis of the transformation of sexual citizenship in the interface between

² The processes of nationalization that rely on the discourses of tolerance towards sexual minorities in some Western nation-states have been commonly termed as *homonationalism* (Puar, 2007) and were regarded as limited assimilation of 'good gay citizens' that instead of equality resulted in de-politicisation and further privatisation of sexuality (Richardson, 2004).

global and local in the post-Yugoslav context I will focus on the ways in which the competing meanings, norms, and beliefs in relation to national identity influence the legal changes which determine the citizenship status of sexual minorities.

While looking at the ways in which sexual citizenship has been transformed at the interface between nationalism and nation-building and EU enlargement process, I will be cautious not to produce a narrative of progress towards supposedly liberated and tolerant Western societies. I will be particularly careful not to depict the EU as a liberating force that came to rescue local lesbians and gays from the jaws of heteronationalism. Rather, I will regard EU accession as a process that opened up a space for political mobilisation not only to sexual rights activists, but to centre-left and right-wing proponents alike who draw on different normative assumptions about sexuality in order to establish their visions of national identity and desired future. In this way, I argue, in the context of the EU accession process sexual citizenship became a contested terrain where struggles over EU accession, liberal pluralism, and national identity and tradition take place.

Before I move to the discussion of sexual citizenship in the context of SFR Yugoslavia and its dissolution in the 1990s, let me briefly reflect upon the terminology that I will employ in my paper. In my analysis of the changing citizenship status of sexual minorities I will use the term 'sexual minorities' in order to account for different groups of people marginalized on the grounds of sexuality. My use of the term 'minority' however differs from the ways in which the term has been employed within the dominant multicultural framework where the status of 'minority' has been established on grounds of the quantity of members of particular ethnic, national, or sexual groups in the particular national context. The approach that relies on the quantitative relationship between different social groups, it has been argued, naturalizes ethnic and national differences as given, closed, indivisible, and unified, thus re/producing the existing relations of power (Yuval-Davis, 1997). In contrast to the view of a 'minority' that is based on numbers, my use of the term 'sexual minorities' is informed by the meanings put forward by the 'Future of Minority Studies' (FMS) project that articulates the notion of 'minority' on the grounds of the existing power relation(s) that construct and position groups differently on the power scale. Thus, instead of referring to numbers, the notion of 'minority' within this framework signifies the non-hegemonic position that is formed on the grounds of its unequal relation to the dominant group (Alcoff and Mohanty, 2006, p. 7-8). Throughout my paper I use the term 'sexual minorities' precisely in such a power-focused sense in order to stress the power relations through which unequal citizenship status based on sexuality is re/produced. In addition to 'sexual minorities' I will occasionally refer to particular identity categories such as 'lesbian' or 'gay' in order to account for their different social positionality.

2. Sexual citizenship in SFR Yugoslavia and in the first decade after its dissolution: Legal frameworks, civil initiatives, and heteronationalism

When socialist Yugoslavia was established during World War II male homosexuality was illegal, which made non-heterosexual sexualities mostly invisible in public life.³ The 1959 Criminal Law of SFR Yugoslavia criminalized male homosexuality and stipulated one year in prison if the offense occurred.⁴ Lesbian relationships and practices were not criminalized, but rather defined as 'wanton acts' (*bludna radnja*) subject to misdemeanor charges. Following the constitutional changes of 1974, when the legislative power was transferred from the federal authorities to those of the republics and provinces, the common 1959 Criminal Law was repealed (Vuletić, 2003). The decisions of the Yugoslav republics and provinces on decriminalization of male homosexuality were not synchronized. Socialist Republics of Slovenia, Croatia, and Montenegro, and the Socialist Autonomous Province of Vojvodina decriminalized male homosexuality in 1977 (*ibid.*). In Serbia decriminalization of male homosexual practices occurred in 1994, well after homosexuality had been removed as a psychiatric disorder from the Diagnostic and Statistical Manual of Mental Disorders (DSM).⁵

Together with the legal reforms that positively influenced the position of non-heterosexual people, the 1980s were marked by a proliferation of pro-democratic libertarian initiatives with Ljubljana as the centre of the new political organizing. The student initiatives in Ljubljana also included a gay movement with first gay and lesbian groups emerging in the mid-1980s.⁶ The libertarian spirit in Ljubljana was met with a sympathetic reception in Zagreb. Influenced by the affirmation of the new perspectives in the cultural life of Ljubljana, Youth Radio (*Omladinski radio*), managed by the League of Socialist Youth of Trešnjevka district in Zagreb, broadcast a show called Frigid Socket (*Frigidna utičnica*) in 1984 focusing on issues of sexuality, homosexuality included (Vuletić, 2003). In the late 1980s the first lesbian group in Zagreb Lavender Initiative (*Lila inicijativa*) was established (Sagasta, 2001). In Belgrade, the first public engagements towards equality of sexual minorities started in the beginning of 1990s when the first activists held informal meetings in café Moskva. The meetings grew into a more formal group for the promotion and equal

³ Socialist Federal Republic of Yugoslavia (SFRY) was structured as a federation of six republics – SR Slovenia, SR Croatia, SR Bosnia and Herzegovina, SR Serbia, SR Montenegro, SR Macedonia, now all independent states, and two autonomous provinces within Serbia, SAP Vojvodina and SAP Kosovo.

⁴ Criminal Law, act no. 189, article no. 2, 1959.

⁵ Members of the American Psychiatric Association removed homosexuality as a psychiatric disorder from DSM in 1973.

⁶ In 1984 a student group for the rights of homosexual people called *Magnus* was established as the first LGBT group in the whole Eastern Europe (Kuhar, 2011). In the same year the group organized the first lesbian and gay festival 'Homosexuality and Culture.' In 1987 the lesbian section of Student Cultural Centre called *ŠKUC-LL* emerged as the first lesbian group in Yugoslavia and Eastern Europe. In the late 1980s, *Magnus* and *LL* were involved in a number of public activities and initiatives that problematised social exclusion based on sexuality (Kuhar, 2006).

position of sexual minorities called *Arkadija*. The group was formed in 1991 but was not officially registered until male homosexuality has been decriminalised in 1994 (Savić, 2009). However, although the reformist activist spirit spread from Ljubljana to Zagreb and later on to Belgrade, the dissolution of the SFR Yugoslavia and related armed conflicts taking place in the 1990s would have a great impact on the citizenship status of sexual minorities.

The violent dissolution of the Yugoslav Federation at the beginning of the 1990s resulted in the emergence of the new states of Southeast Europe. Former Yugoslav state SR Croatia gained international recognition as a new independent state, while former Yugoslav states Serbia and Montenegro formed a new federation – Federal Republic of Yugoslavia (FRY). New national identities emerging in the context of nationalisation processes and struggles over self-determination at the beginning of the 1990s were increasingly constituted in ethnic terms (Malešević, 2006). The prevailing ideas of national community grounded in the logic of ethnic descent as a basis of belonging were reflected in the new citizenship laws of the newly emerging states. These laws, especially in the case of Croatia, openly privileged the core ethnic group while at the same time making it harder for people of other ethnic backgrounds, or those perceived as such, to regulate their citizenship status (Štiks, 2010). In this way, as Igor Štiks (2010) points out, citizenship laws became a tool of ‘ethnic engineering’ (p. 11) in the context of the violent dissolution of SFR Yugoslavia at the beginning of 1990s.

Normative assumptions about gender division and reproductive heterosexuality can be observed as becoming instrumental in the making of new ethnicity-based nations in this context as important markers of ethnic homogeneity. In particular, the new national imaginary constructed women/women’s bodies as symbolic markers of ethnicity/nation and its imagined territory. Facing the risk of being violated and invaded, they were seen to be in need of protection. At the same time, men were given the role of protectors of women and the nation. More importantly, they were also constructed as bearers of the ‘genetic material of the nation,’ which, in the act of rape, was planted in the body/territory of the ethnic other, violating in this way its national integrity (Mostov, 1995; Pavlović, 1999; Žarkov, 2001; 2007).

In the context of dominant nationalist discourses, the only proper role for women was to be mothers, i.e. bearers of future generations and reproductive heterosexuality was perceived as important means of securing the survival and potency of the ethnicity/nation (Žarkov, 2007). In Croatia the dominant sexualised constructions of nation and nationalist heteronormativity allowed and gave legitimacy to homophobic discourses to flourish in the public space (Vuletić, 2008). At the same time, notwithstanding non-criminal status or recent decriminalisation, citizenship status of sexual minorities in the 1990s in Croatia and FR Yugoslavia was far from equal. Laws that would protect sexual minorities from discrimination were completely absent, leaving non-heterosexual individuals as easy targets of marginalisation, stigmatisation, and violence. Moreover, same sex partnerships were

not legally recognised, which denied sexual minorities access to numerous civil and cultural rights granted to heterosexual families, from the right to take care of the partners who are ill and visit them in the hospital, to joint parenting and inability to obtain a visa or residence permit on the grounds of partnership. In other words, although they had access to citizenship in terms of membership in the polity, the citizenship status of sexual minorities differed significantly from the status of their heterosexual counterparts.

The cultural logic of nationalism that instrumentalised the particular norms of gender and sexuality was greatly supported by the dominant religious communities (Catholic and Orthodox Church) whose influence on state politics in the 1990s was very strong and still has a significant impact on society and political elites. Since the beginning of the 1990s both the Catholic and Orthodox Church, which have been intimately connected to nationalist political elites and their ideology (Škrabalo and Jurić, 2005; Radović, 2009), have been vigorously condemning sexual non-conformity and non-heterosexual practices. Their official position, shared by the members of nationalist political elites, includes the assumptions that life begins with conception, and that reproduction-oriented intercourse within the monogamous heterosexual marriage is the only acceptable sexual practice (Škrabalo and Jurić, 2005). In line with its official doctrine, non-heterosexual identities and practices have often been denounced as sinful, evil, unnatural, and in contrast to Christian morality (Vuletić, 2008). Moreover, both the Catholic Church in Croatia and the Orthodox Church in Serbia have gained significant media attention and have been recognized as important moral authorities when it comes to different issues related to sexuality, from the legal status of abortion and assisted reproduction to the social position of sexual minorities (Škrabalo and Jurić, 2005, Radović, 2009). The dominance of heteronormative discourses that posit heterosexuality as the only legitimate form of sexual relationship, together with silencing of all other discourses of sexuality, legitimised exclusionary laws and policies and made citizenship status of sexual minorities particularly difficult.

However, the 2000s were a period of significant change for dominant socio-political and symbolic processes, bringing about a re/definition of national identities in the post-Yugoslav space. Among others, this decade has been marked by the EU accession process that has influenced the emergence of pro-EU visions of national identities and future. As I will show in the next section, sexual citizenship has again been placed in the centre of the new national(ist) visions and socio-political changes.

3. 'Europeanisation' of sexual citizenship

In 2000 there was a change of government in Croatia and FR Yugoslavia: with pro-democratic liberal forces assuming power, both countries found themselves on the road towards EU membership. The first decade of the new century also saw new state trans/formation in this region. In 2002 FR Yugoslavia was transformed into State Union of Serbia and Montenegro. A couple of years later, in 2006, Montenegro

declared its full independence. Croatia was the first of the three states to apply for EU membership in 2003 and recently in July 2013 it became the 28th EU member state. Although Montenegro did not submit its application for EU membership until 2008, and Serbia applied only in 2009, desire for membership in the European Union was largely present in the political and social life in all three states.

EU accession made a significant impact on re-definition of both national identities and sexual citizenship. The unequal citizenship status of sexual minorities has gradually entered public debate and legislation in Croatia, Serbia, and Montenegro, resulting in the changing citizenship status of sexual minorities. In my analysis of these changes, I will argue that particular understandings of sexuality and sexual citizenship were again utilised as a rhetorical tool for constructing different visions of national identity, community, and desired future. I will show how the introduced legal improvements of the citizenship status of sexual minorities were portrayed as part of European values and EU conditionality and how this, in turn, influenced the joining of homophobic, nationalist, religious, and anti-EU discourses in the mobilization against the transformation of sexual citizenship. I will claim that in this way sexual citizenship became a crucial terrain where the struggles over EU accession and national identity and tradition take place.

3.1. 'Towards Europe:' EU conditionality and shifting national identities

In the context of the European Union, legal changes in the field of employment have been the dominant arena in which the unequal citizenship status of sexual minorities has been addressed. Discrimination against sexual minorities as an issue was for the first time directly included in Council Directive 2000/78/EC, which explicitly argues that '[d]iscrimination based on ... sexual orientation may undermine the achievement of the objectives of the EC Treaty' (cited in Kochenov, 2007, p. 26), and it has also been addressed in the *Charter of Fundamental Rights of the European Union* in the same year. However, legal stipulations that deal with issues of family, marriage, and civil partnership were left in the domain of national legislation (Kuhar, 2011).

Although the rights of sexual minorities entered the EU legal discourse at the beginning of the 2000s, they did not play a significant role in defining the requirements for 2004 and 2007 enlargements (Kochenov, 2007; O'Dwyer and Schwartz, 2010). The stronger emphasis on the protection of sexual minorities can be observed in 2009 in the context of the accession process in Croatia, Montenegro, and Serbia. In 2009 the European Commission Progress Report for Croatia stated that '[M]ore needs to be done to tackle discrimination on grounds of sexual orientation. Lesbian, gay, bisexual and transgender people are subjected to threats and attacks. Many cases are not followed-up adequately by the police and prosecutors, or remain

unreported.⁷ Likewise, the *Article 33* of the *EP Resolution 2012* on the European integration process of Serbia calls on 'state and city authorities to work diligently on building an atmosphere of tolerance, including awareness-raising campaigns against homophobia, in line with European standards.'⁸

The inclusion of the treatment of sexual minorities in the EU monitoring process can be explained by the fact that the unequal citizenship status of sexual minorities gradually gained more attention in a number of EU member states during the 2000s and became one of the most relevant issues when it comes to social equality in the EU. Furthermore, it is important to acknowledge the growing influence of international human rights organizations like Human Rights Watch or Amnesty International as well as international organizations dealing with the rights and status of sexual minorities such as ILGA Europe who have been working together with European institutions in countering the 'discriminatory actions of national governments that violate human rights' (Holzhacker, 2013, p. 3). At the same time, the stronger monitoring and increasing demands imposed by the EU have to do with the ways in which the 'Western Balkans' region (former Yugoslavia minus Slovenia plus Albania) have been depicted as backward and not-civilized enough (Kahlina, 2012; Butterfield, 2013). In line with the existing discourses, the violence against sexual minorities and the lack of Pride Marches in this region have served as an important marker of difference that framed these states as not 'European' enough. In opposition to homophobic Eastern Europe, Western Europe is framed as a place of rights and safety for sexual minorities, strengthening its image as a role model of liberal pluralism and democracy for Eastern Europe to follow. In this way, the problematic 'catching up' model that secures the Western leadership position while keeping the (South)East in the need of help from the West is reinforced. Thus, it can be argued that there is an inherent ambiguity in the EU's politics of conditionality when it comes to the citizenship status of sexual minorities. On the one hand, it puts an emphasis on the positive practices concerning the position of sexual minorities in the EU and beyond. On the other hand, such politics have been employed in the re/production of other forms of inequality within the EU.

The discourses of progress that include tolerance towards sexual minorities as markers of 'Europeanness' have been differently negotiated in the context of the (aspiring) EU accession process. Since the beginning of 2000s the values of inclusive plurality and tolerance have become part of the new changing national identities in all three states in question. The implementation of these allegedly European liberal democratic values served as 'proof' of 'Europeanness' and a desired 'European'

⁷ The report is available at

http://ec.europa.eu/enlargement/pdf/key_documents/2009/hr_rapport_2009_en.pdf. Last accessed in April, 2013.

⁸ See the European Parliament resolution on the European integration process of Serbia (2011/2886(RSP)). The resolution is available at

<http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2012-0188&language=EN>. Last accessed in May, 2013.

future. Under the influence of EU enlargement politics and rhetoric, sexuality and the rights of sexually marginalized people were incorporated into the newly emerging liberal democratic yet nationalist imaginary. However, the process in which national identities have been re-defined according to the principles of tolerance towards sexual minorities has had somewhat different trajectories and results in the three national contexts in question. These differences have been to a great extent conditioned upon the distinct visions of 'Europe' and 'the Balkans' existing in these contexts,' especially in the cases of Serbia and Croatia.

In Croatia the strong presence of an anti-Balkanist discourse in the nationalist rhetoric started to dominate public discourse from the beginning of the armed conflict, and have framed the separation from Yugoslavia as Croatia's long-awaited 'return to Europe'. This discourse has had strong orientalist overtones, and have interchangeably articulated 'Yugoslavia,' 'Serbia,' and the 'Balkans,' as the 'constitutive other' against which the Croatian national identity was constructed as 'civilized,' 'democratic,' and 'European' (Razsa and Lindstrom, 2004). In other words, the anti-Balkanist discourse that has been in the service of separating Croatia from 'the rest of the Balkans/Yugoslavia/Serbia' clearly contrasted 'uncivilized and unruly Balkans' and 'civilized Europe,' and have placed Croatia within the circle of 'European civility.' The idea of 'Europe' thus came to represent an important ethical and civilizational authority in Croatia's national imaginary. In line with this symbolic position of Europe in the dominant political discourses there has been a strong national consensus between all the mainstream left-wing and right-wing political parties that EU accession represents one of the most important political goals.

In Serbia the discourses of liberal democratic pluralism and tolerance gained greater presence in the public space after the October 5th elections in 2000 when the pro-democratic and pro-EU forces gained political power (Greenberg, 2006). As Jessica Greenberg (2006) argues, after October 5th political elites together with NGOs and intellectuals strove to incorporate the values of democracy, tolerance, and multiculturalism in the new national imaginary as a proof of Serbia's 'Europeanness'. However, although in the post-2000 period Europe has been framed as a desired space of belonging and a desirable, even inevitable, economic partner, its moral authority has not been embraced in the same way as in Croatia. One of the most obvious explanations which could account for this difference lies in the different legacies of Serbian relations with the Western world in general and with the EU in particular. International sanctions, the NATO bombing in 1999, as well as contemporary EU politics towards Kosovo have influenced the emergence of an anti-Western discourse (Greenberg, 2006). Within the logic of the anti-Western discourse 'anything associated with "the West" could also be put in the category of anti-Serbian' (ibid., p. 334). Anti-Westernism in Serbia gained considerable prominence and rhetorical power, and has become a viable political stance that offers an alternative vision of Serbia-EU relations.

It could be argued that the re-definition of national imaginary in relation to EU accession process in Montenegro bears some similarities with both the

Croatian and Serbian contexts. On the one hand, anti-Western discourses did not gain the same prominence as they did in Serbia. There has been a strong consensus among Montenegrin political elites over desired EU accession, which brought them together in the 'European Montenegro Coalition' (*Koalicija Europska Crna Gora*). At the same time, unlike Croatia, the notions of 'Europe' and 'the Balkans' have not been framed as mutually opposing signifiers in the pro-European visions of Montenegrin identity.

I will now address how the dynamic interplay between the EU accession process and different visions of Europe and geo-political relations with the EU have influenced the transformation of sexual citizenship in post-2000 Croatia, Serbia, and Montenegro. I will first analyse the legal changes pertaining to the citizenship status of sexual minorities since they have been the most direct outcome of EU conditionality.

3.2. Legal changes pertaining to the citizenship status of sexual minorities

The impact of the EU policies is mostly visible in the similarities related to the anti-discrimination laws and institutions that should monitor their implementation, and which are part of the obligations imposed by the EU in the context of the (aspired) EU accession process.⁹ Until now, all three states have introduced the Anti-discrimination Acts, which explicitly condemn discrimination on the grounds of 'sexual orientation.' At the same time they have established an independent institution like the office of Ombudsperson for Gender Equality in Croatia, Commissioner for the Protection of Equality in Serbia, and Protector of Human Rights and Freedoms of Montenegro in Montenegro with the role of monitoring and reporting the practices of discrimination. However, despite these institutional similarities, there have been some differences in the citizenship status of sexual minorities in these states.

The first legal recognition of same-sex partnerships in the post-Yugoslav states took place in Croatia in 2003 when the Same-Sex Partnerships Act (*Zakon o istospolnim zajednicama*) was adopted. However, in contrast to many benefits granted to married heterosexual couples by the Family Code and other acts, the Same-Sex Partnerships Act, which has remained unchanged until the present day,¹⁰ includes only three stipulations – the right to common property, the right to be sustained by the partner, and prohibition of discrimination on the grounds of same-sex relationship and homosexual orientation. Ironically, as noted by Roman Kuhar (2011), by granting only two rights to same-sex couples, the Same-Sex Partnerships

⁹ Based on interviews with Višnja Ljubičić, Ombudswoman for Gender Equality in Croatia and Emila Spasojević, senior adviser in the Office of Commissioner for the Protection of Equality, conducted in December 2012.

¹⁰ At the time of writing this paper, the appointed working group is preparing the proposal of the new Life Partnership Act (*Zakon of životnom partnerstvu*).

Act actually reinforces the discrimination it prohibits, thus breaking the rule it was supposed to establish.

In addition to the Same-Sex Partnerships Act, anti-discriminatory stipulations have been incorporated in many acts, including the Labor Act (*Zakon o radu*), the Media Law (*Zakon o medijima*), the Sport Act (*Zakon o sportu*), and the Science and Higher Education Act (*Zakon o znanosti i visokom obrazovanju*), to name a few. In 2008 the Croatian Parliament, by then with a right-wing majority, adopted the Anti-discrimination Act (*Zakon o suzbijanju diskriminacije*) that explicitly mentions sexual orientation, gender identity and gender expression. Given the national consensus on the EU accession and the position of the notion of 'Europe' in the Croatian national imaginary, it does not come as surprise that the right-wing majority passed the law, though not without conflict with their usual allies the Catholic Church. The political elites legitimized their move by referring to the need to harmonize Croatian legislation with EU norms.¹¹

In Serbia, same-sex partnerships have not been legally recognised. However, similarly to Croatia, in Serbia the parliament adopted a number of stipulations that prohibit discrimination on the grounds of sexuality during the 2000s. The stipulations that ban discrimination based on sexual orientation are included in the Public Informing Act (*Zakon o javnom informisanju*), Labor Act (*Zakon o radu*), Higher Education Act (*Zakon o visokom obrazovanju*), and Broadcasting Act (*Zakon o Radiodifuziji*). However, it was not until the late 2000s that Serbian political elites started to occasionally refer to the unequal position of sexual minorities in public. In 2009, despite the fierce resistance of right-wing parties and nationalist and religious officials, the Anti-discrimination Act (*Zakon o zabrani diskriminacije*) was adopted, explicitly mentioning gender identity and sexual orientation. Similarly to the Croatian case, political elites justified their readiness to legally protect sexual minorities against discrimination mostly by referring to the aspired EU membership.¹² They depicted the need to terminate discrimination on the grounds of sexuality as part of 'Western' (or 'European') legal and moral standards that have to be adopted by accessing countries.

In Montenegro the legal changes pertaining to the citizenship status of sexual minorities started well after the government applied for EU membership. This could perhaps be explained by taking into account the relatively low pressure from the local activists, who have become more organised and visible in the past couple of

¹¹ In her statement about the Anti-discrimination Act Jadranka Kosor, Deputy Prime Minister and the Minister of Family, Defenders, and Intergenerational Solidarity at that time, emphasised that Anti-discrimination Act represents legal harmonisation of Croatian legislation with EU *acquis*. See for example article published on *Dnevnik.hr* web portal 'Kosor: Zakonom o suzbijanju diskriminacije spriječit će se bilo koji oblik diskriminacije' [Kosor: Anti-discrimination Act Will Prevent Every Form of Discrimination], March 28, 2008, available at <http://dnevnik.hr/vijesti/hrvatska/kosor-zakonom-o-suzbijanju-diskriminacije-sprijecit-ce-se-bilo-koji-oblik-diskriminacije.html>, last retrieved in July 2013.

¹² In Serbia the adoption of the Anti-Discrimination Act has been argued to be a condition for the visa liberalisation.

years.¹³ In the past two years, the Montenegrin government has been increasingly willing to deal with the unequal position of sexual minorities,¹⁴ which culminated in the Strategy for Improving the Quality of Life of LGBT People for the Period 2013-2018 (*Strategija unapređenja kvaliteta života LGBT osoba za period 2013-2018. godine*) made by the Ministry for Human and Minority Rights.

In 2010 the Anti-discrimination Act (*Zakon o zabrani diskriminacije*) that includes sexual orientation and gender identity was adopted. In addition to the Anti-discrimination Act, two more acts explicitly forbade discrimination on the grounds of sexual orientation: the Labor Act (*Zakon o radu*) and the Media Law (*Zakon o medijima*). In 2011 the Montenegrin government organised an international conference on human rights with the special focus on the rights of sexual minorities suggestively entitled 'Towards Europe, Towards Equality' (*Ka Evropi, ka jednakosti*), thus confirming the importance of the aspired to EU accession when it comes to transformation of sexual citizenship in Montenegro.¹⁵

What we can see from this overview of the introduced legal changes that directly influence the citizenship status of sexual minorities is that gradually discrimination on the grounds of 'sexual orientation' has been recognized as an issue that engenders social inequality and as such is sanctioned by law. However, at the same time, these changes have some limitations. In case of Serbia and Montenegro there is no mention of the alternative, non-heterosexual, relationships, which means that people living in such communities do not enjoy numerous benefits granted to monogamous heterosexual couples. In the case of Croatia, the law now recognizes only monogamous same-sex partnerships and this has been done in a way that is far from the full equality. The hierarchical distinction between 'heterosexual majority' and 'homosexual minority' is reflected in the Same-Sex Partnerships Act which includes few stipulations in contrast to the many benefits granted to married heterosexual couples by the Family Code and other acts, from a right to take care of the partners who are ill and visit them in the hospital, to joint parenting and ability to obtain a visa or residence permit on the grounds of partnership. The incorporation of same-sex relations as 'special minority rights' into the legal framework constructed the 'homosexual population' that stands in contrast to 'normal heterosexual majority.' As a result, legal changes concerning the citizenship status of sexual minorities in Croatia and Serbia did not significantly challenge existing inequalities when it comes to sexual citizenship: the nuclear heterosexual family remains the normative social unit positioning sexual minorities as citizens without an access to equal rights.

However, the question is whether these changes were introduced with the aim of discrediting the main heteronormative assumptions about sexuality and family.

¹³ This was pointed out to me in the interview with Stevan Milivojević in Podgorica, December 5, 2013.

¹⁴ Ibid.

¹⁵ For more details see the report on the conference published on the web-sites of the Government of Montenegro: http://www.gov.me/naslovna/Konferencija_Ka_Evropi_Ka_jednakosti/, last retrieved in July 2013.

As we saw above, political elites did not justify the adoption of non-discriminatory acts and stipulations by criticizing the unequal position that some of the citizens experience. They rather invoked the EU regulations and mandatory legal harmonisation as the main reason and impetus behind these changes. By so doing, I would like to argue, these moderate liberal discourses have been directly feeding into the increasing resistance towards both the equality of sexual minorities and 'Europeanisation' that will be discussed further below.

In sum, it is possible to argue that the transformation of sexual citizenship in relation to aspired EU membership in the post-Yugoslav context has brought about some positive changes regarding the citizenship status of sexual minorities. However, these changes have been partial and limited. In the next two sections I will discuss in more details the wider social effects of EU conditionality on the citizenship status of sexual minorities. I will first discuss how the EU recommendations together with the global politics of sexuality influenced the ways in which the right of assembly has been exercised in the context of Pride Marches. Second, I will show the ways in which the on-going transformation of sexual citizenship was utilised by nationalist organisations and initiatives, Catholic and Orthodox Church and right-wing parties whose political agenda has been increasingly informed by the heterosexist discourses.

3.3. *Right to visibility: EU recommendations, Pride Marches and sexual citizenship*

As the above discussion suggests, EU accession represents a strong impetus for the transformation of the citizenship status of sexual minorities in the post-Yugoslav context. The role of the EU as facilitator of change is particularly visible when it comes to the activities of the civil sector. In all three states in focus the EU regulations and recommendations constitute a crucial part of the strategies and lobbying activities employed by the local NGOs dealing with the issue of sexual equality. Furthermore, communication with EU Parliament Members like Marije Cornelissen and Ulrike Lunacek, who are at the same time members of the *European Parliament Intergroup on LGBT Rights*, intensified in the last couple of years.¹⁶ Finally, the EU through its Delegation in each of the accessing countries also acts as an important donor supporting the activities of civil sector against sexually-based discrimination.¹⁷ Thus, it does not come as a surprise that the Pride Marches, which have been recognised by the EU as an important marker of democratisation and human rights

¹⁶ The regular communication with Cornelissen and Lunacek as well as the strategic deployment of EU accession in their activities was reported to me by LGBT activists during my field research in Croatia, Montenegro, and Serbia conducted in December 2012.

¹⁷ For example, among the activities financially supported by Delegation of the European Union to Montenegro was a large-scale project called 'Montenegro: A Bright Spot on the Gay Map' (*Crna Gora – svijetla tačka na gej mapi*).

promotion (Holzhacker, 2013), became one of the central events in the struggle for equal citizenship status of sexual minorities.

The Pride March is premised upon the right of assembly in the liberal democratic societies and it usually consists of a short march through the city centre finishing with political speeches and a short entertaining program. In addition to the impact of the EU accession, Pride Marches in the post-Yugoslav states have also been influenced by the global LGBTIQ movement. Soon after the 'Stonewall Rebellion' in 1969 the organisation of Pride Marches became one of the main driving forces behind the transformation of the politics of sexuality in the North America, Western Europe and Australia. With the development of communication technologies and the fresh influx of capital coming from the Western donors, the global LGBTIQ movement became an important source of influence for the emerging politics of visibility and transformations of sexual citizenship in the post-Yugoslav space.¹⁸

The first Pride March in the post-Yugoslav space was scheduled to take place in Belgrade on June 30, 2001, in the period when democratic and pro-European reforms were still in their infancy (Greenberg, 2006). It was violently attacked and disrupted by groups of football fans and members of extremist nationalist organizations before it even started in the main square. The threat and fear of violence discouraged activists from staging the March in the following years. The threat of violence was also used by the government to ban the second Belgrade Pride in 2009. Following the promulgation of the Anti-discrimination Act in 2009 and stronger pressure from EU officials (Mikuš, 2011) the second Belgrade Pride took place in 2010. It enjoyed full police protection from the violent mob consisting of a couple of thousands of self-proclaimed football fans and members of extremist and national-religious groups. Again, instead of preventing the violence, the destruction and violence that occurred during and after the 2010 Pride March were used by the government as an excuse to ban the planned Pride Marches in the following years.¹⁹ By doing so, government broke the existing Anti-discrimination law and reinforced the unequal citizenship status of sexual minorities.

When it comes to Croatia, the first Pride March was organized in Zagreb in 2002 as an act of solidarity with the first Belgrade Pride held a year earlier; it marked the beginning of the politics of visibility that brought the issue of unequal citizenship status of sexual minorities into the public discourses. The Pride attracted around 300 participants and is mostly remembered for the violence from the numerous anti-

¹⁸ Comparing the 2001 Belgrade Pride and 2002 Zagreb Pride Sanja Kajinić observes that the obvious inspiration for these events was the legacy of Stonewall Rebellion and the empowering energy generated by the numerous Pride Marches held in the Anglophonic West (Kajinić, 2003).

¹⁹ Christian Nielsen (2013) explains the inadequate reaction of the government regarding the violence caused by members of nationalist and hooligan groups by pointing to the relationship between these groups and political parties in Serbia.

Pride protesters.²⁰ However, unlike the first Belgrade Pride, Zagreb Pride enjoyed the wide support of political elites coming from the ruling pro-EU government, with some of them even participating in the Pride March. Zagreb Pride managed to become an annual event involving less and less violence, mostly due to the support of the part of the political elites. According to organisers, in 2013 the Zagreb Pride March attracted around 15,000 participants and it went without any disruption.²¹ In addition to Zagreb, Split, the second largest city in Croatia located in the coastal region of Dalmatia, saw its first Pride March in 2011 during the rule of the right-wing government and right-wing mayor. The participants in the March were both physically and verbally attacked by the large numbers of protesters with police failing to protect them properly. In the following year, which marked the end of the right-wing government, Split Pride enjoyed strong police protection from possible attacks.

Although the first Pride March in Montenegro was scheduled to take place in Podgorica in October 2013,²² the first Pride in Montenegro was suddenly, without much preparations and publicity, held in the coastal tourist town of Budva in July 2013. The Pride participants were verbally and physically attacked by numerous anti-Pride protesters. However, larger violence was successfully avoided due to the strong police protection.

Pride Marches, especially those taking place in Belgrade, Split, and Budva have been strongly linked to the discourses of EU accession. Speaking about the events in relation to Belgrade Pride 2010 Linda Freimane, Co-Chair of ILGA Europe's Executive Board, praised the Serbian government for proving that 'they are serious in their respect for everyone's right to exercise their fundamental rights, and for European integration.'²³ At the same time, subsequent bans of Belgrade Pride due to alleged security reasons were condemned by ILGA Europe, EU and the member states officials as well the representatives of Delegation of the European Union to Serbia. In particular, commenting on the ban of Belgrade Pride in 2012, Birgitta Ohlsson, the Swedish Minister for European Affairs, inserted that the ban of the

²⁰ Despite the strong and mostly successful police protection of the first Zagreb Pride, the marchers were verbally assaulted by groups of skinheads, football fans, and visually unmarked 'ordinary' citizens (Kahlina, 2012).

²¹ J.C. and I.M. 'Zagreb ima 15 000 razloga za ponos: Pogledajte kako je bilo na najmasovnijem Prideu' [Zagreb has 15 000 Reasons to be Proud], *Index.hr*, June 15, 2013, available at <http://www.index.hr/vijesti/clanak/zagreb-ima-15000-razloga-za-ponos-pogledajte-kako-je-bilo-na-najmasovnijem-prideu/683438.aspx>, last retrieved in July 2013.

²² 'Pozivaju minister na Paradu' [They are inviting Ministers to the Parade], *RTCG*, June 18, 2013, available at <http://www.rtcg.me/vijesti/drustvo/19692/svi-ministri-da-dodju-na-paradu.html>, last retrieved in July 2013.

²³ Cited in Joreen, S. 'Belgrade Pride shows Serbia's progress despite anti-gay violence,' EuroOut portal, October, 2010. Available at <http://eurout.org/2010/10/11/belgrade-pride-shows-serbia-s-progress-amidst-anti-gay-violence>, last retrieved in June 2013.

Pride March may complicate Serbia's path to EU membership.²⁴ In her speech, Ohlsson portrayed the EU as a defender of human rights, minority rights, freedom of speech, and freedom of assembly and made a direct link between the strong commitment to these values and EU membership.²⁵

The insufficient protection of Split Pride 2011 provoked similar reactions from EU officials. The failure of state institutions to protect the participants has been regarded as inconsistent with 'European values' and a possible sign of insufficient progress when it comes to the EU accession process. EU MP Marije Cornelissen who participated in this event saw it as a 'disgrace for a country that is so close to becoming a member of the EU.'²⁶ The strongest reactions came from Stella Ronner Grubačić, the Ambassador of the Kingdom of the Netherlands in Croatia who said that in the light of the events in Split, the Netherlands will ask for prolonged monitoring in relation to the accession process.²⁷

The most recent example comes from Montenegro. Commenting on events related to the Pride March in Budva, both Montenegrin Prime Minister Milo Đukanović and the Minister of Interior Raško Konjević referred to European values and the desired EU accession.²⁸ Furthermore, commenting on the official announcement of the first Pride March in Podgorica scheduled for October 2013 Jelko Kacin, Member of EP and Vice-Chair of the Delegation for relations with Albania, Bosnia and Herzegovina, Serbia, Montenegro and Kosovo, stated that institutional support to Pride March would represent an important message which may contribute to the opening of Chapter 23 of *acquis* (Judiciary and fundamental rights), thus bringing Montenegro closer to EU membership.²⁹

²⁴ See 'Cancelled Pride Festival damages Serbia's EU membership bid' published on *Alliance of Liberals and Democrats for Europe* web-portal, October 8, 2012. Available at <http://www.aldeparty.eu/en/news/cancelled-pride-festival-damages-serbias-eu-membership-bid>, last retrieved in June 2013.

²⁵ Here is the excerpt from Ohlsson's speech published on the *Government Offices of Sweden* web-portal in October 2012: 'I am a strong friend of the enlargement. The European Union comes with commitment to human rights, commitment to minority rights, commitment to freedom of speech, commitment to freedom of assembly. These are the core values of the union. LGBT-rights are human rights. I expect the Serbian government to deliver on this.' The whole speech is available at <http://www.regeringen.se/sb/d/12722/a/201012>, last retrieved in June 2013.

²⁶ The whole statement is contained in a video made by Zagreb Pride, available at <http://www.youtube.com/watch?v=LvvvUhqRc3c>

²⁷ See <http://www.index.hr/vijesti/clanak/zbog-nereda-u-splitu-nizozemska-trazi-monitoring-hrvatske-sve-do-ulaska-u-eu/556453.aspx>

²⁸ 'Đukanović: Protiv sam političkog paradiranja' [Đukanović: I am against political parading], CDM, July 24, 2013, available at <http://www.cdm.me/drustvo/crna-gora/dukanovic-protiv-sam-politickog-paradiranja>, last retrieved in July 2013.

²⁹ 'Kacin: Povorka ponosa doprinosi otvaranju poglavlja 23' [Kacin: Pride March Contributes to Opening of the Chapter 23], CDM, July 2, 2013, available at <http://www.cdm.me/drustvo/crna-gora/kacin-povorka-ponosa-doprinosi-otvaranju-poglavlja-23>, last retrieved in July 2013. Furthermore, the EU monitoring is also reflected in the presence of the European Parliament member Marije Cornelissen in the Pride Marches in Croatia and Serbia. Marije has also been a member of European Parliament's Intergroup on LGBT Rights.

The statements that criticise the failure of state institutions to guarantee the right to assembly to sexual minorities suggest the emergence of a new discourse that fills the supposed EU identity with the values of liberal pluralism, such as equal citizenship status of sexual minorities. These values, according to the EU officials, should be adopted by the candidate countries.

There is little doubt that the emergence of the discourses of liberal pluralism and sexual equality contributed to increased visibility and different, non-stigmatising representation of sexual minorities in the cultural sphere, thus improving the overall social position of sexual minorities. Moreover, Pride Marches have served as a powerful tool in challenging the dominant public/private divide which places the issues of sexuality away from the public domain of citizenship. As Berlant and Warner (2003) argue, by confining the issue of sexuality to privacy, dominant conceptions of citizenship conceal the ways in which the national membership has been sexualized. In this regard, the support of the EU for the Pride Marches in the post-Yugoslav space together with the global politics of sexuality had certain positive effects on the citizenship status of sexual minorities.

However, we can also find considerable contextual differences when it comes to the rhetoric of the political elites concerning the Pride Marches in these three contexts, which influences their transformatory power. In Croatia, political elites from the liberal and centre-left parties unambiguously supported Pride Marches, drawing on the discourses of 'Europeaness', liberal pluralism, and tolerance. For example, commenting upon the violence against sexual minorities taking place during the first Split Pride in 2011 Croatian president Ivo Josipović invoked the notion of 'European values' by depicting such behaviour as un-European and thus in conflict with the 'true face of Croatia.'³⁰ Moreover, some of the leading politicians even participated in Pride Marches, most notably in the first Zagreb Pride in 2002 and the second and third Split Pride in 2012 and 2013.³¹ As we saw above, the Pride March in Budva, as well as the upcoming Pride in Podgorica, have also enjoyed the full support of the local government. However, notwithstanding the support expressed by a number of political parties, none of the Ministers in the present Government took part in the Pride March.

In Serbia, the pro-EU political elites were more ambiguous in their support for the Pride Marches than their Croatian and Montenegrin counterparts. Along the aforementioned reluctance to react swiftly to the violent threats coming from the nationalist and hooligan groups, high state officials have often stated that their support for the Pride March is mainly dependent on pressure from the EU. Before the Belgrade Pride was supposed to take place in 2011, the Minister of Interior from

³⁰ 'Ivo Josipović: Nasilje u Splitu nije pravo lice Hrvatske' [Violence in Split is not the real face of Croatia], *SEEBIZ*, June 12, 2011. Available at <http://www.seebiz.eu/ivo-josipovic-nasilje-u-splitu-nije-pravo-lice-hrvatske/ar-5680/>, last retrieved in July 2013.

³¹ These events will be remembered by the presence of several ministers in the government. Moreover, Mirela Holy from the Socialist Democratic Party (SDP) and Vesna Pusić from Croatian Peoples Party (HNS) many times participated in Zagreb Pride March.

the Socialist Party of Serbia (SPS) Ivica Dačić asserted that the police would be better off if the Pride did not take place.³² On the same occasion Dačić also publicly disclosed that he received memos from the European Commission and European Parliament stressing that these bodies have been carefully monitoring the Pride March in Belgrade.³³ Assessing the ways in which the ruling elites in Serbia linked their support for the Pride with EU monitoring, Marek Mikuš (2011) argues that this can be regarded as a successful political strategy. According to Mikuš, in this way the ruling elites coming from the pro-EU parties managed to 'externalise the responsibility' for the March without losing their image of gay rights defenders.

However, the rhetorical strategy that externalises support for the Pride March inevitably bears some negative effects. Most notably, it reinforces the already existing perception common among the anti-March protestors that the Pride March conveys values that are foreign to Serbian contexts, and thus can be harmful for Serbian identity and tradition (Mikuš, 2011). In this way, the rhetorical strategy employed by the political elites in Serbia directly feeds into the growing homophobia that has gained a significant presence in public discourse. As I will show in the following section, heterosexist visions of national identity and tradition informed by the nationalist legacy of the 1990s represent the main ground for contesting the changing citizenship status of sexual minorities. Moreover, homophobic discourses were employed against the EU conditionality and have placed the transformation of sexual citizenship in the centre of wider political struggles over EU accession.

3.4. Heteronormativity employed against Europeanisation: Persisting nationalist and religious discourses

Pride Marches taking place in the past decade in Serbia and Croatia augmented the violence against sexual minorities. The violence was followed by the increasing homophobia employed by the right-wing parties, nationalist groups and Orthodox and Catholic Church officials. In Serbia the new 'anti-homosexual politics' became rather influential among the larger population.³⁴ Homophobic discourses emerging since the 2000s depicted sexual non-conformity as the epitome of the 'Western values' that threaten the 'authentic Serbian tradition and Serbian society.' Its strength and relative success largely lies in the way it combines the ethno-nationalist conceptions of community and belonging from the 1990s, the widespread hostility towards sexual minorities, and the existing anti-Western discourse.

³² 'Dačić: Za policiju bolje da ne bude gej parade' [It would be better for the police if the Parade were not to be held], RTV, September 23, 2011, available at http://www.rtv.rs/sr_lat/drustvo/dacic-za-policiju-bolje-da-ne-bude-gej-parade_274570.html, last retrieved in July 2013.

³³ Ibid.

³⁴ I would like to thank Dr Zorica Mršević for drawing my attention to the political utility of homophobic discourses in contemporary Serbia. Author's interview with Zorica Mršević, Belgrade, December 9, 2012.

One of the backbones of nationalist-religious homophobic discourses has been the alleged threat of the so-called 'white plague', i.e. the decreasing birth-rates, which has been framed as insufficient reproduction of ethnically pure Serb-citizens. This threat, it has been argued, will become stronger once sexual minorities become equal to heterosexual citizens. The arguments about the 'white plague' which supposedly endangers the future existence of the Serbian nation have also been put forward in relation to the non-violent anti-Pride March protest called Family Walk (*Porodična šetnja*) organised by the nationalist organisation Serbian Doorway (*Dveri srpske*). The event took place in Belgrade a couple of days before the second Belgrade Pride in 2010. As one of the organisers explicitly stated: 'there have been many reasons for the Family Walk. There are 30,000 more Serbs dying than being born each year. We have been among the oldest populations in the world. [...] There have been 150,000 abortions yearly. Instead of addressing the issue of the white plague [...] our state is taking care of one aggressive minority group.'³⁵

As the above excerpt suggests, the white plague discourse is closely related to the conceptions of the nation in terms of lineage that became dominant in the context of the violent break-up of SFR Yugoslavia at the beginning of the 1990s. In line with the logic that conceives national community in terms of common descent sexuality is perceived as closely linked with the transmission of the nation's essence. According to this logic, while heterosexual reproduction plays an important role in securing national survival, while non-reproductive practices and non-heterosexual identities are perceived as a direct threat to the nation. Therefore, they must be excluded from belonging to the national community.

The fear of the 'white plague' has been combined with the nationalist arguments that invoke the alleged 'heterosexual Serbian tradition' that stands in the opposition to the 'Western immorality' and 'decadence' which have been imposed in the context of EU conditionality. The infliction of the 'immoral values' that celebrate sexual non-conformity in the Serbian context, as the argument goes, serves as an attempt to extinguish the Serbian nation.³⁶

Perception of gay rights as something that is imposed by the EU and represents a threat to the nation has been widely present in Croatia as well. The discourse that frames sexual equality as EU's threat to 'Croatian tradition' surfaced in the term 'eurofaggotization' (*europederizacija*) of Croatia, which appeared on the leaflets that were distributed in Zagreb a month before the first Zagreb Pride in

³⁵ 'Porodičnom šetnjom protiv Parade ponosa' [With the Family Walk against the Pride Parade], *Pressonline*, October 8, 2010, available at <http://www.pressonline.rs/info/politika/136016/porodicnom-setnjom-protiv-parade-ponosa.html>, last retrieved in July 2013. My translation.

³⁶ The joining of anti-EU, nationalist and homophobic logic has often been present in the rhetoric of nationalist organisation Serbian Doorways. See for example article by Branimir Nešić published on Serbian Doorways web-portal 'Da li može da postoji gej brak?' [Can There Be Such a Thing as Gay Marriage?], May 28, 2013, available at <http://www.dverisrpske.com/sr-CS/dverjani/branimir-nesic/tekstovi/da-li-moze-da-postoji-gej-brak.php>, last retrieved in July 2013.

2002.³⁷ The term implicitly accuses the government of putting the ‘integrity’ and ‘purity’ of Croatia in danger with its liberal pro-EU politics, imposing new sexual norms that are argued to be alien to ‘Croatian traditions’ and as such represent a threat to its national integrity. The amalgamation of anti-EU and homophobic discourses re/surfaced especially in relation to Split Pride Marches,³⁸ which were organised at a time when Croatia was close to entering the EU and when the careful monitoring of Pride Marches was explicitly related to successful closure of negotiation process.

In Croatia discourses of low birth rates and a dying nation were also present, though they were not so central to anti-gay mobilisation. The anti-gay rhetoric has been mostly grounded in the (hetero)normative conceptions of family as the epitome of the Christian values upon which Croatian tradition and nation is said to be based on. From that perspective the sexual politics of visibility and the ongoing transformation of sexual citizenship have been conceived as threats to the existing conception of family, and, by extension, to national tradition and Catholic values.³⁹ Therefore, the protection of the heterosexual nuclear family as the basic social unit came to the centre of the campaigns directed against sexual equality.

As part of this trend the new initiative against sexual equality called ‘In the Name of the Family’ (*U ime obitelji*) was formed in spring 2013. The initiative gained significant visibility by launching the nationwide campaign for the referendum to include the heteronormative definition of marriage as ‘life partnership between a woman and a man’ in the Croatian Constitution. The campaign puts emphasis on the importance of a referendum as an ‘expression of direct democracy’ which ‘gives the opportunity to all citizens to express their opinion on the marriage.’⁴⁰ Employment of the discourses of direct democracy in this case may be interpreted as a strategic move which allows them to explicitly oppose the recent changes of sexual citizenship without betraying the dominant nationalist narrative of Croatian European origins.

³⁷ ‘Zagrebovom kruži crveni letak protiv Gay pridea’ [Red Leaflet against the Gay Pride Circulates in Zagreb], *Jutarnji list*, May 27, 2002, p. 20.

³⁸ Thus, speaking on behalf of ‘Civil headquarters for the defense of the Waterfront’ (*Građanski stožer za obranu Rive*), an initiative aiming at preventing the Split Pride March from taking place in the city centre, said that during the EU accession process ‘we (sic!) got ourselves into the position where we export our money and wealth and import the gay parade’, quoted in ‘Split Pride: Osnovan stožer za obranu Rive’ [Split Pride: Civil headquarters for the defense of the Waterfront has been established], *Dalmacija News*, June 1, 2012, available at

<http://www.dalmacijanews.com/Hrvatska/View/tabid/77/ID/90023/Split-Pride-Osnovan-Graanski-stozer-za-obranu-Rive.aspx>, last retrieved in July 2013. My translation.

³⁹ For example, expressing their discontent with the Split Pride, the organisation of Croatian defenders from Croatia, BiH and diaspora called ‘Commitment’ (*Zavjet*) stated that in their fight for Croatia’s independence they ‘cherished the values of family, tradition, culture and catholic faith, which is, unfortunately, threatened by the behaviour of a minority’, quoted in ‘Branitelji zbog gay parade prijete prosvjedom [Because of the Gay Parades the Defenders are Threatening with the Protest], *Index.hr*, June 14, 2011, available at <http://www.index.hr/vijesti/clanak/branitelji-zbog-gay-parada-prijete-prosvjedom/556624.aspx>, last retrieved in July 2013. My translation.

⁴⁰ ‘In the Name of the Family’ promotional leaflet. My translation.

At the same time, so far the campaign has been successful as they managed to collect the signatures required for the referendum. The procedure is still in progress and it is yet to be seen whether the referendum will take place. However, there is a possibility that the campaign achieves the re/definition of the sexual citizenship through the change of the Constitution. This would secure the unequal citizenship status of sexual minorities, which would be even harder to challenge in the future.

In Montenegro, one of the most notable public expressions of homophobia came from the Minister for Human and Minority Rights Ferhat Dinoša himself who stated that he 'would not be delighted to hear that there are gay people in Montenegro' and declined to give his support for the Pride March planned to take place in Podgorica in May 2011 (Alković, 2012). After the joint pressure of non-governmental organisations and recommendations from the EU officials, Dinoša was finally removed from the government. Wider mobilisation against the equal citizenship status of sexual minorities can be observed in relation to the first Pride March in Budva in July 2013. However, since the systematic politics of visibility have just started there, it remains to be seen what kind of discourses will emerge in response.

Concluding remarks

In this paper I was tracing the transformation of sexual citizenship taking place in the context of EU accession process in the new states of South East Europe. I showed that under the influence of EU conditionality, there have been major shifts when it comes to citizenship status of sexual minorities in post-Yugoslav context. These changes have been largely related to the tangible modifications in the laws that define the citizenship status of sexual minorities as well as in opening up the space for mobilisation of sexual rights-based activism. When it comes to legal interventions concerning sexual citizenship, as I showed in my paper, the specific changes were in most cases justified by the mandatory legal harmonisation with the EU *acquis*. However, since the EU *acquis* contains a very narrow set of remedies when it comes to sexually based discrimination, focused mostly on the field of employment, the particular changes that resulted from the legal harmonisation have also been partial and highly selective. In particular, there have been limited improvements in relation to the civil rights of sexual minorities, with the protection against discrimination being introduced mainly in the fields of labour, media, and education. Furthermore, in Croatia same-sex relationships even obtained partial legal recognition with the Same-Sex Partnerships Act and the new act on Life Partnerships is underway. However, notwithstanding these positive changes, citizenship remains to be sexualised as the heterosexual nuclear family persists as a basic principle of organisation and allocation of citizenship rights and benefits.

Along with the limited scope of legal changes, as I demonstrated in my paper, EU accession process in the post-Yugoslav context made a great impact on the emerging politics of visibility and activism directed against sexually-based

inequality. This has been manifested in the EU's support for Pride Marches, providing both material and argumentative resources to local activists involved in their organisation. The politics of visibility performed by activist groups influenced the shift towards less stigmatising representation of sexual minorities in public space. I also argued that the emergence of more positive representations of sexual minorities is closely related with the new visions of national identity in terms of liberal pluralism and 'Europeanness' that were in different ways and to different extents incorporated in the rhetoric of pro-European political elites.

However, I also showed that the legal changes regarding citizenship status of sexual minorities and their greater visibility supported by the discourses of tolerance and liberal pluralism provoked strong anti-gay mobilisation. This mobilisation was manifested in the growing violence against sexual minorities and the increasing presence of nationalist religion-inspired homophobia in the media. As I have argued, these homophobic discourses evoke the idea of the nation as a common lineage and place heterosexism in the centre of national identity and tradition. In doing so, they often draw its legitimacy from the nation-building processes taking place in the 1990s. Thus, as my main argument reads, rather than representing an unambiguously liberating force, EU accession in the post-Yugoslav context facilitated the turning of sexual citizenship into a contested terrain where the struggles between the competing visions of 'Europeanness', national identity, and tradition take place.

The developments related to the changing position of sexual minorities in post-Yugoslav space also suggest that sexuality has been playing a critical role in the re/definition of national identities in the globalising world. The examples I observed re-affirm the claims that local narratives and historical trajectories play critical roles when it comes to translation of the unstable meanings of sexual citizenship in local contexts (Binnie, 2004). The ever changing constellations of competing discourses in the local context influence the ways in which certain globalising norms and values will be negotiated by the local actors. This process of negotiation, in turn, brings changes to existing meanings and practices.

Bibliography

Alcoff, L. M., and Mohanty, S. P. (2006). Reconsidering identity politics: An introduction. In L. M. Alcoff, M. Hames-García, S. P. Mohanty, and P. M. Moya (Eds.), *Identity politics reconsidered* (pp. 1-9). New York: Palgrave Macmillan.

Alković, B. (2012). *Life on the margins*. Podgorica: News and Publishing Company Monitor Ltd.

Bell, D., and Binnie, J. (2000). *The sexual citizen: Queer politics and beyond*. Cambridge, UK: Polity.

Berlant, L., and Warner, M. (2003). Sex in public. In R. Corber, and S. Valocchi (Eds.), *Queer studies: An interdisciplinary reader* (pp. 170-186). Malden, Oxford, Melbourne, and Berlin: Blackwell Publishing Ltd.

Binnie, J. (2004). *The globalization of sexuality*. London: Sage.

Brubaker, R. (1996). *Nationalism reframed: Nationhood and the national question in the New Europe*. Cambridge: Cambridge University Press.

Butterfield, N. (2013). Sexual rights as a tool for (re)interpreting human rights and transforming European identity: Discourses of identity in activists' struggles for rights and recognition of sexual minorities in Croatia. In N. Fejes, and A.P. Balogh (Eds.), *Dilemmas of visibility: Post-socialist sexualities*. Bristol and Chicago: Intellect.

Calhoun, C. (2007). *Nations matter: Citizenship, solidarity, and the cosmopolitan dream*. London: Routledge.

Cosman, B. (1997). Turning the gaze back on itself: Comparative law, feminist legal studies, and the postcolonial project. *Utah Law Review*, 525, 525-543.

Cosman, B. (2007). *Sexual citizens: The legal and cultural regulation of sex and belonging*. Stanford: Stanford University Press.

Greenberg, J. (2006). Nationalism, masculinity, and multicultural citizenship in Serbia. *Nationalities Papers*, 34(3), 321-341.

Haritaworn, J., Tauqir, T., and Erdem, E. (2008). Gay imperialism: Gender and sexuality discourse in the 'war on terror'. In A. Kuntsman, and E. Miyake (Eds.), *Out of place: Interrogating silences in queerness/raciality* (pp. 71-95). York, UK: Raw Nerve Books.

- Hearn, J. (2006). *Rethinking nationalism: A critical introduction*. New York: Palgrave Macmillan.
- Holzhaecker, R. (2013). State-sponsored homophobia and the denial of the right of assembly in Central and Eastern Europe: The 'boomerang' and the 'ricochet' between European Organizations and Civil Society to uphold human rights. *Law and Policy*, 35(1-2), 1-25.
- Iveković, R. (1993). Women, Nationalism and War: 'Make Love Not War'. *Hypatia*, 8(4), 113-126.
- Kahlina, K. (2011). Nation, state and queers: Sexual identities in the interface between social and personal in contemporary Croatia. In A. G. Jónasdóttir, V. Bryson, and K. B. Jones (Eds.), *Sexuality, gender and power: Intersectional and transnational perspectives* (pp.30-44). New York: Routledge.
- Kahlina, K. (2012). *Sexual politics of belonging: Sexual identities, nationalism, and citizenship in post-Yugoslav Croatia* (Unpublished PhD dissertation). Central European University: Budapest.
- Kajinić, S. (2003). *Experiences of lesbians at the Belgrade Pride 2001 and Zagreb Pride 2002* (Unpublished MA Thesis). Central European University: Budapest.
- Kajinić, S. (2011) Evo ih! [Here they come!] *Zarez*, 13(311), 22-24.
- Kochenov, D. (2007). Democracy and human rights – not for gay people?: EU Eastern enlargement and its impact on the protection of the rights of sexual minorities. *Texas Wesleyan Law Review* 13(2), 459-495.
- Kuhar, R. (2006). Homosexuality as a litmus test of democracy and postmodern value orientations. In Danica Fink Hafner and Sabrina P. Ramet (Eds.), *Democratic transition in Slovenia: Value transformation, education, and media*. Texas A & M University Press.
- Kuhar, R. (2011). Resisting change: Same-sex partnership policy debates in Croatia and Slovenia. *Suedosteuroopa*, 59, 25-49.
- Lister, R. (2003a). *Citizenship. Feminist perspectives*. Palgrave Macmillan.
- Lister, R. (2003b). Sexual citizenship. In E. F. Isin and B. S. Turner (Eds.), *Handbook of Citizenship Studies*. London: Sage Publications Ltd.
- Malešević, S. (2006). *Identity as ideology: Understanding ethnicity and nationalism*. New York: Palgrave Macmillan.

- Mikuš, M. (2011). 'State Pride': Politics of LGBT rights and democratisation in European Serbia. *East European Politics and Societies*, 25(4), 834-851.
- Mladjenovic, L (2001). Notes of a feminist lesbian during wartime. *The European Journal of Women's Studies*, 8(3), 381-391.
- Mostov, J. (1995). "Our womens"/"their womens": symbolic boundaries, territorial markers, and violence in the Balkans. *Peace and Change*, 20, 515-29.
- Nagel, J. (2003). *Race, ethnicity, and sexuality: Intimate intersections, forbidden frontiers*. New York: Oxford University Press.
- Nielsen, Ch. (2013). Stronger than the state? Football hooliganism, political extremism, and Gay Pride Parades in Serbia. *Sport in Society: Cultures, Commerce, Media, Politics*, 16(8), 1038-1053.
- O'Dwyer, C. and Schwartz, K. (2010). Minority rights after EU enlargement: A comparison of antigay politics in Poland and Latvia. *Comparative European Politics*, 8(2), 220-243.
- Parker, A., Russo, M., Sommer, D., and Yaeger, P. (Eds.). (1992) *Nationalisms and sexualities* New York: Routledge.
- Pateman, C. (1994 [1988]). *The Sexual Contract*. Oxford: Polity Press.
- Pavlović, T. (1999). Women in Croatia: feminists, nationalists, and homosexuals. In S. Ramet (Ed.), *Gender politics in the Western Balkans: women and society in Yugoslavia and the Yugoslav successor states* (pp. 131-152). University Park, Pa.: The Pennsylvania State University Press.
- Puar, J. (2007). *Terrorist assemblages: Homonationalism in queer times*. Durham: Duke University Press.
- Radović, M. (2009). Cinematic representations of nationalist-religious ideology in Serbian film during the 1990s. (Unpublished PhD dissertation). University of Edinburgh: Edinburgh.
- Razsa, M., and Lindstrom, N. (2004). Balkan is beautiful: Balkanism in the political discourse of Tuđman's Croatia. *East European Politics and Societies*, 18(4), 628-650.
- Richardson, D. (1998). Sexuality and citizenship. *Sociology*, 32(1), 83-100.

Richardson, D. (2004). Locating sexualities: From here to normality. *Sexualities*, 7(4), 391-411.

Richardson, D. and Monro, S. (2012). *Sexuality, Equality and Diversity*. Basingstoke and New York: Palgrave Macmillan.

Sagasta, S. (2001). Lesbians in Croatia. *The European Journal of Women's Studies*, 8(3), 357-372.

Savić, M. (ed.) (2009). *Čitanka. Od A do Š o lezbejskim i gej ljudskim pravima*. Beograd: Labris.

Shaw, J. and Štiks, I. (2010). The Europeanisation of citizenship in the successor states of the former Yugoslavia: An introduction. *CITSEE Working Paper*, 2010/01. Retrieved from

http://www.law.ed.ac.uk/file_download/series/178_theeuropeanisationofcitizenshipinthesuccessorstatesoftheformeryugoslaviaanintrod.pdf

Siim, B. (2000). *Gender and citizenship. Politics and agency in France, Britain and Denmark*. Cambridge: Cambridge University Press.

Spike Peterson, V. (1999). Sexing political identities: Nationalism as heterosexism. *International Feminist Journal of Politics*, 1(1), 34-65.

Staeheli, L. (2008). Citizenship and the problem of community. *Political Geography*, 27, 5-21.

Stychin, C.F. (1998). *A nation by rights: National cultures, sexual identity politics, and the discourse of rights*. Philadelphia: Temple University Press.

Stychin, C. (2003). *Governing sexuality: The changing politics of citizenship and law reform*. Oxford and Portland: Hart.

Škrabalo, M., and Jurić, H. (2005). Utjecaj Katoličke crkve u Hrvatskoj na politiku reproduktivnih i seksualnih prava i zdravlja od početka 2004. do ožujka 2005. Godine [The influence of the Catholic Church on the policy of reproductive and sexual rights and health from the beginning of 2004 to March 2005]. In S. Goldstein (Ed.), *Otvorenost društva: Hrvatska 2005* [The openness of society: Croatia 2005], (pp.166-198). Zagreb: Institut Otvoreno društvo Hrvatska.

Štiks, I. (2010). A laboratory of citizenship: Shifting conceptions of citizenship in Yugoslavia and its successor states. *CITSEE Working Paper*, 2010/02. Retrieved from

http://www.citsee.ed.ac.uk/_data/assets/pdf_file/0009/108828/179_alaboratoryofcitizenshipshiftingconceptionsofcitizenshipinyugoslaviaanditsuccess.pdf

Vuletić, D. (2003). Gay i lezbijska povijest Hrvatske: od Drugog svjetskog rata do 1990 [Gay and lesbian history in Croatia: from the second World War to 1990]. *Gordogan*, 1, 104-122.

Vuletić, D. (2008). Gay men and lesbians. In S.P. Ramet, K. Clewing, and R. Lukić (Eds.), *Croatia since independence: War, politics, society, foreign relations* (pp. 293-320). Munchen: Oldenbourg.

Yuval-Davis, N., and Anthias, F. (Eds.). (1989). *Woman-nation-state*. London: Macmillan.

Yuval-Davis, N. (1997). *Gender and Nation*. London: Sage.

Žarkov, D. (2001). The body of other man: Sexual violence and the construction of masculinity, sexuality and ethnicity in Croatian media. In C.O.N. Moser, and F. Clark (Eds.), *Victims, perpetrators or actors? Gender, armed conflict and political violence* (pp.67-82). London: Zed Books.

Žarkov, D. (2007). *The body of war: Media, ethnicity, and gender in the break-up of Yugoslavia*. Durham: Duke University Press.



ISSN 2046-4096