

## EU Pressures Serbia to Adopt “Gender Identity” Legislation

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Serbia’s legislature has just passed a law providing for “freedom of expression of sexual orientation and gender identity” under pressure from the European Union (EU) and non-governmental organizations advocating homosexual rights. Passage of the legislation is understood to be a precondition for further Serbian reintegration with Europe, including the right to participate in an EU-wide visa waiver program allowing Serbs to travel freely among EU member states.

Proponents claim that the law, which also contains an array of human rights protections for minority groups like gypsies (or “Roma”), would help Serbia meet the “Copenhagen Criteria” – a checklist for EU membership that includes stable democratic institutions and human rights guarantees.

Critics charge, however, that nebulous “sexual orientation” and “[gender identity](#)” provisions create new “human rights” categories that will inhibit legitimate criticism of the homosexual lifestyle and undermine free speech and religious exercise guarantees.

Roger Kiska, an attorney with the Alliance Defense Fund and a close observer of the progress of the Serbian legislation, told the Friday Fax that the law creates a category of rights far broader than any currently in force in the various nations of the EU. It also conflicts with **Article 9 of the European Convention on Human Rights**, which guarantees freedom of thought, conscience and religion.

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Kiska noted that the bill provides strict liability for discriminatory acts without regard to culpability, as well as a subjective standard for assessing “harassment,” as opposed to a “reasonable person” standard.

In response to Orthodox Church concerns, parliament revised an earlier version of the bill to protect clergy and religious officials from liability for actions consistent with Church doctrine or for seeking to preserve the integrity of ecclesial or religious communities. A provision that explicitly outlawed discrimination against “transsexuals” was removed, though an alternative clause prohibiting discrimination based on “sex” or “change of sex” was proposed in its place.

Critics charge that this law is the latest example of the push to realize the coercive **Yogyakarta Principles**, a non-binding statement on gender identity and sexual orientation crafted by United Nations

(UN) bureaucrats and civil society activists as a “norm” governing conduct. They note persistent advocacy by Human Rights Watch’s Boris Dittrich and other activists in promoting both the Serbian legislation and the Yogyakarta Principles.

Implementation of the Yogyakarta Principles among its member states was also promoted at the Council of Europe, a grouping distinct from the EU, last month. Last December France, as rotating head of the EU, spearheaded a statement at the UN General Assembly advancing “sexual orientation and gender identity” – which the Obama administration announced it would now support – as a human rights category. Dutch Foreign Affairs Minister Maxime Verhagan explicitly used the occasion of the French-led statement to promote the Yogyakarta Principles.

Serbia’s apparent capitulation to EU demands may not, however, be enough to gain admission to the 27-member club. While a number of nations led by Italy and the United Kingdom hope to see Serbia join the EU, Germany and Holland are reportedly opposed to expanding the Union to include Serbia and other Balkan nations.

[gender identity](#)