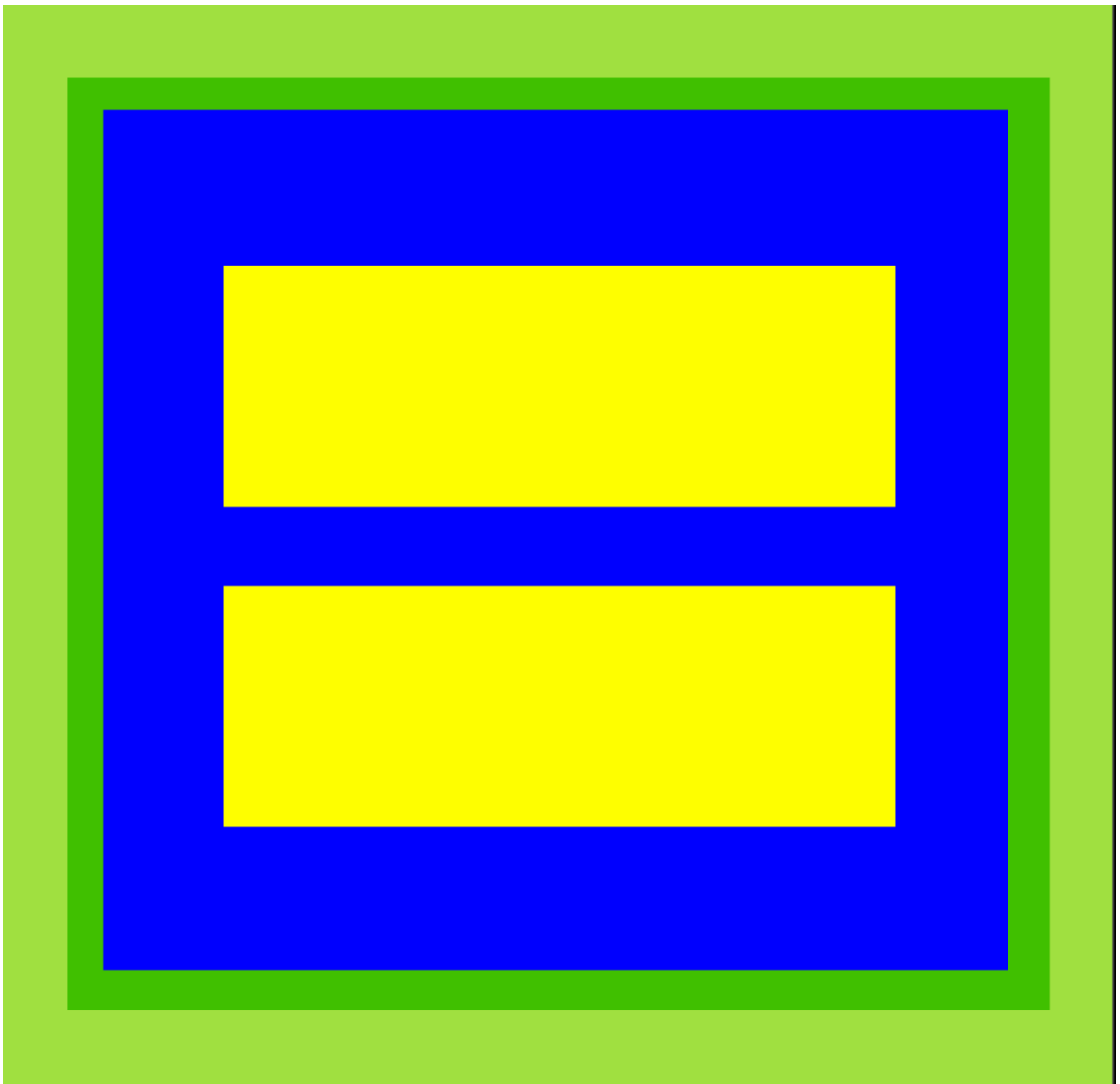


magazine of the Heinrich Böll Foundation
for South-Eastern Europe
No. 7 / 2012

agenda



agenda

7 / 12

contents

(selection in English)

Zoltan Pogátsa
Eastern Europe after communism and neoliberalism (2).....3

rights of sexual and gender minorities

Damir Banović
Rights and freedoms of LGBT persons in Bosnia and Herzegovina.....4

Jelena Višnjić
A portrait of LGBT population in the media discourse in Serbia.....6

Kristijan Grđan
Fifteen and ten years of LGBT activism in Croatia.....8

(contents not included in the English selection)

Vladimir Cvijanović
Monetary Reform as a Foundation of the Green Economy

Lovel Petrović
Human Rights and Protection of Environment – The Norms and Rulings of the European Court for Human Rights

alternatives: the commons

Silke Helfrich and Felix Stein
What are the commons?

events and activities

Zoran Oštrić
RIO+20: no surprises, the anxieties still remain

Maria Glišić
Staro sajmište (the Old Fair): the place of memory, oblivion, and disputes

review
(do) we need a change

announcement: Green Academy 2020 -
28.8 – 2.9.2012
The Common Future of Europe – The Future of the Commons in Europe

articles on the rights of sexual and gender minorities translated to English by Amira Sadiković

imprint

publisher: Heinrich Böll Foundation – the Office for Bosnia and Hercegovina

Čekaluša 42, Sarajevo

<http://www.ba.boell.org/>

representative of the publisher: Mirela Grünther-Đečević

editor-in-chief: Srđan Dvornik

editorial board: Mirela Grünther-Đečević, Vedran Horvat, Wolfgang Klotz

consultants: Džemila Agić, Igor Matutinović, Nermina Mujagić

correspondents: Adnan Rondić, Zoran Oštrić

design: Senad Mavrić

e-mail: info@ba.boell.org

cover picture: Senad Mavrić

eastern Europe after communism and neoliberalism

(2)

Zoltan Pogátsa*

The former socialist states undertook the transition project based on the assumption that foreign direct investment in a global context would provide them with the much needed capital that was absent domestically in order to finance the modernisation of their obsolete economies.

The rest of the former Socialist Bloc followed a similar path originally. Almost every new government in the region attempted some form of coupon based privatisation initially. This ranged from the obvious political cronyism of nationalist leaders like Franjo Tuđman of Croatia and Vladimir Mečiar of Slovakia to more democratic variants of an inward looking privatisation strategy, such as that of Prime Minister Klaus of the Czech Republic¹. It became obvious, however, that former Socialist societies were incapable of developing their indigenous variants of capitalism in the very brief time gap they were given between their transitions and the time globalisation engulfed them. Had they attempted to become part of the capitalist West in the fifties or the sixties, the circumstances of relatively closed economies with the possibility of protectionism, autonomous monetary policy, subsidies and limited factor mobility would have allowed a generation to learn the skills necessary. In the nineties, amidst rapid globalisation, this was not to be. By the second half of the decade the financial systems of these countries were collapsing under the weight of bad loans they had accumulated vis-à-vis domestically privatised firms that were unable to innovate or find new markets for their old products after the collapse of Comecon, the plan based common trading system of the East. Almost without exception, they resigned themselves to the alternative that had been pioneered by Hungary, the most open economy in the bloc since the eighties². A highly indebted country that never even gathered the courage to attempt a domestic form of capitalism, Hungary had opened up to foreign direct investment as early as the eighties. By the middle of nineties, just as the domestic attempts in the rest of the region were collapsing, Hungary was already on the way to economic recovery from transition, based on such a high level of foreign investment that it surpassed investments in all of the rest of the former Socialist Bloc in

absolute terms, including the Russia. Soon the rest of the bloc followed suit³.

The results are catastrophic. The model has proved itself to be hopeless in the longer run. What it did cause were greatly narrowed and weakened middle classes. It is not surprising, therefore, that the quality of democracy has also deteriorated in the region.

It is highly problematic that the citizens of the new democracies of Central and Eastern Europe connected in their minds political liberalism (as the opposite of a one party dictatorship) and economic liberalism (as the opposite of plan based state control). This dichotomy led to the sustained belief that there are only two kinds of economic systems to choose from, communism and capitalism. This conviction rested on the neoclassical assumption that the rules of economics are general and applicable regardless of time and place. Believers were completely unaware of the historical tradition of economics, which assumes that countries with different levels of development need differentiated policies and systems at different times. It did not help that the so-called 'varieties of capitalism' research programme did not really take off until only after the fall of the Communist Bloc. Thus policy makers and the wider public did not have elaborated patterns available to them. The Western neoliberal camp only helped to reinforce these beliefs in the dichotomy of systems and the lack of alternatives. In this they were validated by their well earned credits as former crusaders against communism who had helped bring down the Evil Empire. To their luck, the only politicians and intellectuals who came forward with alternatives in Eastern Europe were often nationalists and lunatic visionaries of various 'third ways' and ethnically based atavistic systems. These only helped to discredit any search for alternatives. The mainstream pattern came to be neoliberal, the system of the foreign owned economy and the minimal state.

The basic characteristic of this new type is to be found in the fact that former socialist states undertook the transition project based on the assumption that foreign direct investment in a global context would provide them with the much needed capital that was absent domestically in order to finance the modernisation of their obsolete economies. As a consequence, economies in the region are dominated by foreign investors (multinational firms in most cases) to such a degree that they have become dependent on capital from the outside. The state sees itself as competing for investment resources from the outside, in the form of foreign direct investment. Rather than engaging in do-

* economist at the West Hungarian University

¹ (Myant, 2003)

² (Pogátsa, 2009)

³ (Myant & Drahokoupil, 2010) (Drahokoupil, 2008) (Pogátsa, 2009)

mestic development policies (job creation, facilitating R&D, industrial policy, etc.), it aims to implement all of these through investment promotion.

Effectively all of Eastern Europe subscribed to this "dependent competitive state" form of neo-liberal capitalism from the Baltics through the Visegrad states to even the Balkans lately. The only exceptions are tiny Slovenia and Croatia. The former has moved towards a corporatist, so-called Rhineland model of capitalism, based on largely domestic ownership with a high export potential (similar to Austria, Germany or the Netherlands). And Croatia has developed more towards an Italian, Mediterranean style capitalism, not export oriented, but based on a large number of family enterprises, oligarchic clientelism, and a reliance on the tourist industry. They are separated from the former Soviet Bloc in their history of having previously practiced for decades a different form of communism, based on decentralised self management rather than centralised state ownership, a two tier banking system, free exports and imports with the West, as well as quasi market circumstances. Croatia is likely to move towards the Eastern European "dependent competition model", however, with its EU accession.

The results of this model are catastrophic. Apart from the single indicator of GDP per capita, countries of the region have been diverging rather than converging in virtually every other indicator: employment, wages, infrastructure, R&D, corruption. The model has proved itself to be hopeless in the longer run. What it did cause were greatly narrowed and weakened middle classes. As Gotha Esping-Andersen, the leading theorist of Nordic welfare states warn us, only middle classes that are wide, financially secure and learned in public issues are capable of defending a democracy. It is not surprising, therefore, that the quality of democracy has also deteriorated in the region.

What recipe can we advise for countries that are looking for a way out after this historical detour? The solution must involve strengthening the poor and turning them into middle classes. Therefore a redistributive system based on social investment, similar to the Scandinavian model, is a potential alternative. It can be coupled with the German decisiveness about heading towards a sustainable future, since Germany is the one European state that has moved furthest towards sustainability and a smaller ecological footprint. Late developers have always, practically without exception, secured a central role for the state, from Bismarckian Germany through Sweden to Japan, Korea and Singapore.

rights of sexual and gender minorities

rights and freedoms of LGBT persons in Bosnia and Herzegovina

Damir Banović*

The possibility for members of sexual and gender minorities to exercise their right must be examined within the context of the society. How ready are the public authorities to apply the anti-discrimination legislation?

introduction

The development of human rights in Bosnia and Herzegovina cannot be observed outside the context of the state it was in, the former Yugoslavia, and its current surroundings, or the events it has gone through and the influences coming from the outside. In that sense, it is impossible to analyse the rights of sexual and gender minorities without such a framework, because that sets the factors that influenced, inevitably, the creating, violations, struggle for or achievement of the rights of sexual and gender minorities. Whether consciously or not, Bosnia and Herzegovina has not challenged certain rights. One of those is the right to freedom of association, which allowed the appearance of activism. The change in legislation, which changed the minimum from 30 to just 3 founding members, created the conditions for the establishment of the first LGBT group – the Q Association. Other examples followed. Further changes in terms of laws continued rather simply, mainly in the area of prohibition of discrimination. Changes came from the international community as well, since it has not just a significant influence in BiH, but also the formal possibility to impose and change legislation.

All these facts did not influence significantly the societal base, which remained on more or less the same level as before the legislative changes. And it is within the societal context that one should examine the possibility of exercising the rights of sexual and gender minorities. How ready are the public authorities to apply the legislation on prohibition of discrimination? How professionally capable are they to recognise discrimination based on sexual orientation or gender identity? Law is the reflection of the societal base and the attitude of the majority in

* Damir Banović is the author of an analysis entitled: *Rights and Freedoms of LGBT Persons: Sexual Orientation and Gender Identity in BiH Legislation*, Sarajevski otvoreni centar, Sarajevo 2011.

terms of regulating issues this way or another. Bosnia and Herzegovina, just like many other countries in transition, has had a reverse process: the introduction of a huge number of laws into the legal system as the precondition for European integration, with no significant contact with the society. There are thus paradoxical situations, that members of the state parliament do not even know about the existence of certain rights for sexual and gender minorities and continue to advocate discrimination publicly. Therefore, when speaking about the rights of sexual and gender minorities, we must not stop at the level of reading legislation, since that would create the wrong impression. Law should be read within the context of the society that applies it. The LGBT community is only entering the period when discrimination and attacks will become more frequent, since the community is becoming more visible. Also, one should not underestimate the existing legal instruments and protection mechanisms. One should also not underestimate the fact that BiH is a member of international organisations and party to international conventions. This is particularly important since universally and regionally, in form of binding acts or recommendations or declarations, discrimination on the grounds of sexual orientation and gender identity is strictly prohibited.

towards prohibiting discrimination: the BiH Gender Equality Law

In 2003, the BiH Parliamentary Assembly adopted the Gender Equality Law, which was the first law to prohibit explicitly any discrimination based on sexual orientation, and on gender identity indirectly. Prohibition of discrimination was introduced in the public as well as in the private sphere. The Law brought other positive things: the Gender Equality Agency was established as a state-level administrative body responsible for the implementation of this Law. Irrespective of the widely defined competences and activities, the Agency focused its work mainly on equality of (biological) couples as unchanging categories in a hetero-patriarchal society, ignoring the issues of sexual orientation and gender identity. There is also an obligation to harmonise legislation on all other levels with the state-level Gender Equality Law. This led to the introduction of prohibition of discrimination on the grounds of sexual orientation and gender in a host of other laws regulating employment, education, science, culture, down to the introduction of a particular criminal offence: violation of equality of a human being and a citizen.

1. the BiH Law on Prohibition of Discrimination

In 2009, the BiH Parliament adopted a law that dealt systemically with the issue of prohibition of discrimination. This Law was not the product of the state of mind of the society recognising the need to protect minority and vulnerable groups, but rather an obligation that the state had to fulfil as part of its European integration. The Law

also indicates sex and sexual orientation (the term used is sex orientation) as a prohibited ground for discrimination. The novelty was that this was the first reference to sexual expression, i.e. gender identity. Of course, the Law fails to define the terms it uses, and the significance of sexual orientation and sexual expression in particular. It is interesting that the Law is quite detailed, which is unusual. In addition to the standard prohibition of discrimination in areas such as employment, labour, education, media, public life etc., discrimination is also entailed if you are not served in cafés, clubs or shops, if your loan is not approved, if you cannot rent a flat, if a police officer, a prosecutor or a judge treats you unfairly, etc.

2. the right to marry as an LGBT right?

The society accepts prohibition of discrimination easily, but finds it difficult to cross the red line of recognition of other rights for LGBT persons: the right to marry and adopt children. This issue is the most sensitive one and its application shows the actual level of maturity of a society and its readiness to accept and recognise members of sexual and gender minorities. In that respect, Bosnia and Herzegovina has not taken a single step forward. Regulation of family matters is left to lower levels of governance. Irrespective of the possibility to regulate these issues differently in the two entities, the situation is almost identical in relation to sexual and gender minorities. With no exception, marriage is defined as a legally regulated union of man and woman, thus depriving same-sex persons of this right. A common-law marriage is recognised in BiH legislation and is considered a factual union of man and woman of certain duration, but there can be no parallel for homosexual couples, irrespective of the fact that they may have been living together for ten years.

In many cases the system tried to find a balance between both sides, or to tolerate the harm the victim, or to avoid any kind of investigation.

Marriage as an institution is not just a matter of living together: it also includes a host of rights and obligations, possibilities and benefits. The possibility of full adoption is related to marital status, since adoption is equal to full parental rights of biological parents. Incomplete adoption, which may be terminated, is available to single parents, although it is unlikely that there is a social work centre that would recommend a gay man or woman as an adoptive parent. The right to inheritance in case of death of a spouse is also linked to marriage, as is the creation of joint property, the right of spousal support, the right to health insurance, tax exemption or deduction, priority of purchase of flats subsidised by the state, the right to paid leave in case of death or illness of a spouse, etc.

3. is there discrimination?

There is no discrimination against LGBT persons – a claim that is not too far from the truth. Why? Because for a person to be discriminated against, that person needs to be visible and perceived as a member of the LGBT community. Few persons are visible in this way. The reasons for their invisibility are simple: fear of stigmatisation, a sense of loss of family and friends, and lack of confidence in the protection of the authorities.

It is hard to give a general assessment of systemic application. There have been isolated cases where the system proved to be functional and tolerant, but there have also been cases where it was particularly aggressive and discriminatory. Very few cases exist that could serve as the basis for an assessment of the system and the application of anti-discrimination legislation, as well as any other legislation protecting indirectly the LGBT community. However, in quite a few cases, the system has tried to balance the two sides, or went against the victim, or failed to investigate at all. A good example is the case of the so-called Queer Festival in 2008, where due to the silence of the cantonal prosecutor an appeal was lodged with the Constitutional Court of BiH, and a ruling is expected this year.

Application of anti-discrimination legislation is in its infancy, with just three adjudicated cases. This is also illustrated by the statistics published by the BiH Ombudsman, with a growing number of cases reported each year. 11 cases of discrimination on grounds of sexual orientation were reported to the BiH Ombudsman in 2011, the first ever; five of them were resolved and recommendations were issued to the authorities. None were based on gender identity. No judgments have been passed by the courts in BiH on the basis of sexual orientation and gender identity.

So far, the BiH Ombudsman has been the only institution that has been particularly cooperative in working with organisations promoting LGBT rights in BiH. There is also support from individuals from political parties and the government. Most of the system does not react at all; their conduct is either discriminatory, or allowing no conclusion, since they have never found themselves in a situation where they needed to apply anti-discrimination regulations.

a portrait of LGBT population in the media discourse in Serbia

Jelena Višnjić*

Irrespective of the formally proclaimed universal rights, as set by the Constitution and specific laws, homosexuals, lesbians, bisexuals and transsexuals still suffer discrimination and do not enjoy equal treatment in society.

The media support and maintain the ruling social structure and they must be monitored at all times, since the monitoring of the media reality should demonstrate whether and if so, how the strategy of inclusion of LGBT population works in the media practice, through constructions of reality, ghettoization and their stereotyping in the media. Political presentation of gender identity may be observed as an expression of relations of power in a particular society and a particular period of history, and in that sense the position of LGBT in the media discourse is constructed and marked as the Other, as a figure that the dominant societal relations reflect on, and what is assigned to the group is usually second-rate, undesirable, of lesser value to the ruling ideologies and their particular media practices.

The Serbian context actually shows that irrespective of the formally proclaimed universal rights, as set by the Constitution and specific laws, homosexuals, lesbians, bisexuals and transsexuals still suffer discrimination and do not enjoy equal treatment in society. Weakness or absence of political will in the process to improve and implement the rights of LGBT population in Serbia is clearly reflected in the attempts and the prohibitions to organise Prides, and the violence that accompanied them, although the parade itself was merely an act of peaceful political gathering aimed at indicating the discrimination and a basis for a functional democracy.

Serbia was the last country in the Balkans to adopt the Law on Prohibition of Discrimination, only in 2008, and that was the first legal document that defined clearly the rights of sexual minorities. Only on 14 May 2008 the Serbian Medical Society finally admitted that homosexuality was not a disease, eighteen years after the World Health Organisation had removed homosexuality from the International Classification of Diseases (ICD-10). There are six laws in Serbia that define explicitly the right to sexual orientation: the Law on Public Information, the Law on Broadcasting, the Labour Law, the Higher Education Law, the Law on Prohibition of Discrimination, and the Law on the Youth. Although the legislative framework for the respect for human rights has been secured, the role of the state is

* Sociologist, MA in political science, Belgrade

not effective enough in the process of improving the position of LGBT persons. Improving their position includes a general social and institutional mobilisation, including the media as an important element in the creation of public opinion.

The absence of sanctions and the disregard for hate speech in the public discourse creates the conditions of an atmosphere of intolerance and lynching of the gay population, and is an incentive for all those who use hate speech in their daily lives and justify violence against members of minority groups.

For a long time, the LGBT population has been continuously *erased* from mainstream media. Although the contemporary media present a more complex and multifaceted view of gender and sexuality, now more than ever before, the media image of the LGBT population shows that this is still a minority group that continues to receive insufficient space in print and electronic media, and their appearance and coverage are sporadic. Pursuant to a well-established matrix, everyone is invited to speak (promote, *present anathema*, discriminate) about gay persons more than they themselves, and LGBT activists, organisations or persons and communities as the source of information or interlocutors appear very rarely. This image is changing today, with voices of groups such as Queeria, Gay-straight Alliance, Labris, Gay-Lesbian Info Centre, are more present in the media than before. Although the lesbian and gay issues were part of entertainment programmes, coverage of LGBT population has been recently more present in the coverage of society and politics. This change is the result of societal action by human rights activists and LGBT groups, which have positioned these issues on the political agenda and in the media discourse in Serbia, and their activities have been the key contribution to the fact that most of the coverage of LGBT rights is now in the area of politics. The issue of attitudes towards LGBT is now a political issue, a key one for Serbia in its process of transition and democratisation. Irrespective of its formal and declaratory efforts, Serbia is far from a modern community open to minorities, or for promotion of differences and the respect for them. The LGBT community is still exposed to hate speech. The terminology used is frequently offensive and discriminatory and, contrary to what they are obliged to by the Law on broadcasting, the TV and print media present hate speech against persons whose sexual orientation is other than heterosexual. The absence of sanctions and the disregard for hate speech in the public discourse creates the conditions of an atmosphere of intolerance and lynching of the gay population, and is an incentive for all those who use hate speech in their daily lives and justify violence against

members of minority groups.¹ An analysis of the media content shows that there are periodically repetitive homophobic and patriarchal patterns in the new/old media surroundings, in the social context that keeps renewing its fear of the Other or of anything different. The discriminating, judgmental terminology, such as *lesbo*, *homo*, *poofter*, *old faggot* etc. is still present in the print and electronic media, though not frequent. It is intensified during preparations and announcements for Pride events, and can be found in columns and readers' comments (in tabloids such as *Kurir*, *Alo*) published as authorial texts. The sexist terminology, usually the word *faggot*, is used by the dailies: *Kurir*, *Alo*, *Press*. It is important that those who create media content understand their social responsibility and influence of publicly spoken words, but that the codes of ethics of their profession require them not only to report on the minorities regularly, but also to write about LGBT-related subjects carefully, taking into account the position of those groups in our society and all the negative biases that continue to be the dominant value-patterns that follow them.

The media content should be observed as text that, upon analysis, presents layers of societal meaning, and a social dimension should be added by reading into it the outer, social relations it is created in. That is why it is necessary to critically distance oneself from such media practice, since the reality we live in and the meanings we create are always transient. The resistance to modernisation and the homophobic discourse persist and regenerate only in the dominant public and media matrix in Serbia.

May 2012

¹ Thus, after the First Basic Court in Belgrade issued a first-instance judgment for a serious form of discrimination against LGBT persons and prohibited him from any repetition of discrimination, Dragan Marković Palma made a public statement that he was "proud of the sanction if he himself contributed to not having a shame parade in Belgrade". Although Amfilohije Radović, the Bishop of the Serb Orthodox Church, failed to act in compliance with recommendations by the Equality Commissioner, Ms Nevena Petrušić, and apologized to the gay population for his "statement about the stench of Sodom", no case was ever initiated against him because of his hate speech against participants of the 2010 Pride.

fifteen and ten years of LGBT activism in Croatia

Kristijan Grđan*

This year, Kontra (Against) and Iskorak (Step Forward) are celebrating their anniversaries: they were the pioneers in presenting to the public the most important public LGBT event, the first Zagreb Pride in 2002, with the motto "A Step Forward Against Prejudice"..

The year 2012 is important in many ways. It will certainly be remembered in Croatia as the first year of new political governance, of which much was expected, in light of the economic crisis, corruption-related scandals caused by their political predecessors, countless unsolved problems in different areas of state governance, debt – and all that on the eve of joining the European Union. With more than three hundred thousand registered unemployed and thousands of pensioners who find their social minimum by rummaging through garbage to collect bottles, few have been able to look at the human rights of gay, lesbian, bisexual and transsexual persons in Croatia. Even when they have, this has always been related to an event monitored by the entire diplomatic corps, with different pressures from the European Union, or simply when this was the way to score a few political points.

The year 2012 is also significant since it is the 15th and the 10th anniversary of work of the publicly best-known activist structures in Croatia, which have impacted certain political and societal changes. This year, Kontra (Against) and Iskorak (Step Forward) are celebrating their anniversaries: they were the pioneers in presenting to the public the most important public LGBT event, the first Zagreb Pride in 2002, with the motto "A Step Forward Against Prejudice".

Much has changed in the Croatian society over the past 15 years. The legislator, as part of governance, should be credited with the adoption of the **Law on Same-sex Unions** in 2003. In reality, the Law was not an instrument that could achieve the full and the desired legal effect for same-sex couples, but it was the first step towards developing a more fair society for same-sex couples, following methodologically the same processes that other European countries, with much higher democratic standards, had gone through several years earlier. The legislator also included **hate crime** in the Criminal Code in 2006. This, of course, happened amidst considerable resistance, since the government did not agree with this civil society initiative, but it did give in to pressure by national minority representatives and the Criminal Code provisions were changed- fortunately the government

did not hold the absolute majority in the Croatian Parliament, and there was a way to push for good legislative solutions notwithstanding the conservative forces. This was good at least in terms of promoting the importance of suppressing hate crime, although it did not fare well with Croatian judges. This should not necessary be attributed to the (lack of) quality of the Law itself, but rather to the lack of quality of the judiciary as a whole.

The 2008 **Law on Suppression of Discrimination** should be added to this list, since it allowed for institutional mechanism to suppress discrimination on the grounds of sexual orientation and/or gender identity or gender identification. This also caused a lot of resistance, particularly from the Catholic Church, which was exempted from its own unlawful conduct (as if it had not existed before), but the discrimination grounds and the protection mechanism were there to stay. Of course, there is an issue of quality of this Law, but this will always be so, since legislation is always a living organism that must respond to the needs of the society and the art needed to adopt the kind of legislation that would be applicable for decades and capable of responding to every single need of every individual in every community is yet to be mastered by the Croatian legislature. Still, the art and the scope of the Law available allowed Dario Krešić to file a grievance against the Faculty of Organisational Studies and IT in Varaždin, claiming discrimination on the grounds of sexual orientation. And perhaps (rather to say for certain) this holder of a Ph.D. degree in IT studies (internationally recognised) will be the one to initiate a case entitled **Krešić v. Croatia** before an international body, since the (lack of) quality of legislation yet again failed to indicate anything about the actual quality of the Croatian judiciary. Finally, during these fifteen, or rather, ten years, a new Criminal Code was adopted, which in itself illustrated the new awareness of the legislature, since this was indeed a law that observed all the suggestions by the civil society that had been dealing with criminal law for years and years - out of necessity, since its members had been beaten in the street just because they were there – and since it was adopted by a conservative majority, even without any pressure from third parties. It should also be noted that the first real institutional mechanism for protection of the rights of sexual and gender minorities was established in Croatia at the time, through the office of the Gender Equality Ombudsperson, Mrs **Gordana Lukač Koritnik** at the time.

Sexual and gender minorities in Croatia need a lot more. Croatia must become aware of how much is expected of her, since EU membership is not just about "Look, we're in". There are other, greater responsibilities.

* Lawyer, coordinator in the Sjjaj Association, Zagreb

And a lot more is yet to happen in Croatia! First, there is a need to understand that all the visible changes are only visible in the city of Zagreb, due to a centralised understanding of political action. Zagreb is the capital, civil society organisations mainly exist and work in Croatia (with the exception of LORI from Rijeka), most of the activities take place in Zagreb, and in addition to judicial authorities, this is where all other constitutionally prescribed branches of government have their seat. If one compares the 2011 Split Pride and the Zagreb Pride, only in terms of media coverage and reactions, we can see the difference between the cities, let alone regions of Croatia, when it comes to sexual and gender minorities. As if Vladimir Putin were (and almost is, which makes it all the sadder) dictating as the mayor of Split the route for the public procession of the LGBT community for the 2012 Split Pride, thus reaching the kind of human rights violation confirmed to have been committed by the mayor of Moscow. Second, however pioneering and methodologically on the same line as the processes in other countries in Europe, these legislative changes do not yet allow Croatia to compare itself to, say, Germany or France, since the democratic standards of the three countries differ considerably, and the people in Croatia are yet to understand the meaning of democracy. For as long as the public conscience is made up of the belief that democracy is a kind of power over them, just like in the absolutist times, no law will adopted by any government be accepted, now will there be any real attempt to change this kind of popular understanding of democracy.

The real test of Croatian democracy will be, or rather is, in light of the processes that have already started, the adoption of a new law on same-sex unions. The authorities, this time declaratorily liberal, eagerly awaited by numerous civil scene activists, in order to achieve certain contemporary aims, are now, in the first few months of office, proving to be even less accommodating than those of the eight years of conservative rule. Those who were an effective opposition supporting same-sex couples in 2006 are now just a government speaking about "life couches", and senior politicians are talking about the difficulties for children living in same-sex families surrounded by the homophobia of the community. The ultimate political demagoguery comes from the fact that this government was elected not to confirm homophobia as an undisputed fact, but rather to work in societal changes that would suppress prejudice.

Sexual and gender minorities in Croatia need a lot more. Croatia must become aware of how much is expected of her, since EU membership is not just about "Look, we're in". There are other, greater responsibilities. **Nicole Davidson**, deputy UK Ambassador to the Republic of Croatia, said recently, during a debate on the rights of same-sex couples and the possibility for new legal provisions, that this was the crucial

moment for Croatia to take the lead in creating a regional awareness, irrespective of legislative changes. This was not a compliment, but a warning on which political aspects were important for Croatia now, since its EU accession is imminent, and the political aspects are not seen (for he really does not see) by the mayor of the City of Split, Željko Kerum, nor are they seen (for they avoid it) the social-democratic politician and Deputy Prime Minister, the Minister for (how appropriate) Social Policy and Youth, Ms Milanka Opačić.

In the next fifteen, or ten years of future LGBT activism in Croatia, one will again be able to check for all the changes for the better.