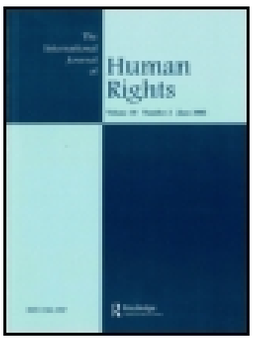

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Europeanisation and indirect resistance: Serbian police and Pride Parades

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Serbia's Europeanisation, including police reform in accordance with European policing standards, has been far from smooth. A case in point has been the lasting inability of the Serbian government and its police forces to protect the freedom of public assembly of Serbia's lesbian, gay, bisexual, trans, intersex, queer (LGBTIQ) community. In this article we investigate the role of the police in the organisation of Pride Parades between 2001 and 2013. Although the police was unable to openly challenge the freedom of public assembly, strongly insisted upon by the European Union (EU) and also guaranteed by domestic law, it nevertheless practiced three forms of indirect resistance: 'hypersecuritisation', 'technical obstructions' and 'responsibility transfer'. The analysis of the role of Serbia's police in the unsuccessful organisation of Pride Parades provides us with unique insights into how Europeanisation is contested and resisted not necessarily at the level of the official discourse but rather at the level of practice.

Keywords: Serbia; Europeanisation; police reform; Pride Parade; indirect resistance

Introduction

During the rule of Slobodan Milošević in the 1990s, the key role of the heavily militarised Serbian police was to protect the regime. Most minorities, including LGBTIQ (lesbian, gay, bisexual, transgender, intersex, queer) people, were subject to discrimination and ill-treatment by the police. In October 2000 Milošević was ousted from power and the country embarked on the process of Europeanisation, including democratic police reforms. Serbia soon became a member of the Organisation for Security and Cooperation in Europe (OSCE) (November 2000) and the Council of Europe (April 2003). In 2012 Serbia was granted European Union (EU) candidate status, while the accession negotiations began in early 2014. On its path towards the EU, Serbia had to swallow many 'bitter pills' including cooperation with The Hague Tribunal (accomplished in 2011) and normalisation of relations with its breakaway province of Kosovo (Brussels Agreement, April 2003). Strangely enough, among the most challenging tasks required as part of the overall Europeanisation process, at least judging by the time needed for its accomplishment, has been the organisation of Pride Parades (*Parada ponosa*). This probably has to do with the recent experience of military defeats, prevalence of nationalist discourses and deeply

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embedded social conservatism, but also long-standing disinterest by the EU for this issue and a fragmented and poorly organised LGBTIQ community in the early years of transition. After years of violence and governmental bans, the event finally took place peacefully in 2014, and again in 2015.

Serbia's Pride Parades has recently become a subject of increasing scholarly attention. The extant research focuses on normative frameworks,[1] links with football hooliganism[2] or right-wing extremism,[3] democratisation[4] and the role of the media.[5] In this article we broaden this emerging debate by looking at the controversial role of the Serbian police in the organisation of Pride Parades while situating it in the wider context of Europeanisation. In particular, we investigate what the effects of Europeanisation are on the Serbian police's ability and readiness to protect human rights, in this case of the LGBTIQ people. Is the externally proposed paradigm of democratic policing, i.e. the provision of security to all citizens alike, locally subverted and resisted, and if so, how?

The central argument advanced in this article is that thanks to domestic laws that guarantee the freedom of public assembly as well as strong EU pressure, the police was not able to openly challenge and resist the organisation of Pride Parades. However, due to strong societal opposition and because of the inconsistent position of the government who wanted to simultaneously satisfy the EU and cater to homophobic publics, a space was created for the police to exercise indirect resistance to Pride Parades. This indirect resistance took three forms: (1) 'hypersecuritisation', which is the disproportional construction of the gay parade as an event with potentially catastrophic consequences; (2) 'technical obstruction', or the practice of bogging down the organisers of the gay parade in a myriad of bureaucratic procedures; (3) 'responsibility transfer' wherein the police refuses to accept responsibility for protecting the gay parade and transfers it to either the organisers, politicians or the international community.

One important caveat is in order. The aim of this article is not to identify the key culprit for the fact that Pride Parades could not peacefully take place until 2014. Not in the least is our argument that the Serbian police is the sole to blame for the repeated bans in the past. In order to weigh the role of the police in that respect, one would also have to significantly broaden the analysis beyond the scope of this article to include party politics, the judiciary, the media and Serbia's underworld comprising of organised crime, hooligans and extreme right. The subject of this article is much narrower in scope and only covers the role of the Serbian police in the failed attempts to organise Pride Parades in the context of Europeanisation.

The rest of this article is divided into three sections. The first section discusses some key concepts and lays out the general history of Europeanisation and police reforms in Serbia. In the second section we describe the regional and domestic contexts of LGBTIQ rights in general and Pride Parades in particular. The third section focuses on different forms of indirect resistance by the Serbian police to the organisation of Pride Parades between 2001 and 2013.

Europeanisation and police reforms in Serbia

In the most general sense, Europeanisation can be defined as 'a process by which domestic policy areas become increasingly subject to European policy-making'[6] or 'the change within a member state whose motivating logic is tied to a EU policy or decision-making process'.[7] Schimmelfennig and Sedelmeier were among the first scholars who proposed to expand the study of Europeanisation to Central and Eastern European non-member states, at the time in the process of accession into the EU.[8] They defined Europeanisation

'as a process in which states adopt EU rules', either formal or informal.[9] In the context of the Western Balkans, as Soeren Keil notes:

> Europeanization, as the process of the preparation of the countries in the Western Balkans for their membership in the EU, therefore focuses on the establishment of efficient state structures, including the reconstruction of economic and welfare systems after violent conflicts in the region.[10]

One of the important EU rules that each candidate for membership is expected to adopt before joining is the respect of minority rights, including lesbian, gay, bisexual and transgender (LGBT) people, protection of their freedom to public assembly and safeguarding them from discrimination. These rules are enshrined both in the Treaties, in the Copenhagen Criteria (1993) as well as in countless other EU statements and reports.[11] However, the protection of LGBTIQ rights has proven to be one of the most difficult challenges on Serbia's path to EU membership.

Serbia's Europeanisation begins with the ousting of the authoritarian leader Slobodan Milošević from power in October 2000. The new 'democratic authorities' immediately declared EU membership as Serbia's strategic priority. However, it soon became clear that the announced and desired Europeanisation of the country was not going to be an easy task due to a number of particular challenges pertaining to sovereignty. These included an armed rebellion in south Serbia, the unresolved Kosovo issue, difficult cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the uncertain future of the federation with Montenegro. Moreover, in contrast to other post-communist states, Serbia's identity has been partly defined in opposition to Europe.[12] Whereas most citizens of Serbia prefer joining the EU, they still have a negative opinion of the North Atlantic Treaty Organisation (NATO) and favour special relations with Russia.[13] In spite of these challenges, Serbia has remained on track for a gradual convergence with the European norms enshrined in EU treaties and the *acquis communautaire*. In what Milada Vachudova calls the process of 'adapting', the Serbian political parties, which in the early stages of transition had endorsed an anti-European agenda, have incrementally adopted EU-compatible views in order to remain politically relevant. [14]

Europeanisation has also encompassed security sector reform (SSR). Hampered by unresolved borders and a fragmented political scene, SSR in Serbia has suffered from implementation problems,[15] widespread illiberal practices,[16] 'reserved domains'[17] and a high level of partification.[18] Despite setbacks, during the first decade of transition Serbia accomplished the first generation of SSR encompassing the establishment of a normative and institutional framework for the democratic control of the security sector.[19] One of the key aspects of SSR is the reform of the Serbian police.[20] Soon after Milošević was ousted from power, the Serbian police embarked on reforms best summarised as the four 'Ds': Depolitisation, Decentralisation, Decriminalisation and Demilitarisation.[21]

To begin with, the Serbian police abandoned the rule of power and nominally adopted the rule of law as the key tenet of its functioning.[22] Another early success was the creation of the multi-ethnic police force in south Serbia in the aftermath of the armed insurgency, strongly assisted by the OSCE.[23] Moreover, previously isolated on the international scene, the Serbian police has quickly integrated into regimes of international cooperation such as Interpol and Europol and taken part in a growing number of mostly EU driven regional police cooperation initiatives.[24] With the exception of the gendarmerie, the Serbian police entirely abolished military ranks in 2005. In order to fulfil criteria for the visa-free regime and introduce the European standard of Integrated Border Management

(IBM) Serbia fully demilitarised its state borders and put them under the control of the police in early 2007.

These transformations were achieved through the reform of legislation, training and procedures which were heavily supported, funded and sometimes even *driven* by international organisations such as the EU but also the OSCE and the Council of Europe as well as bilateral donors.[25] The new Law on Police adopted in 2005 introduced many norms of democratic policing such as professional autonomy, democratic oversight, respect for human rights and transparency. The role of the EU in supporting police reforms increased from 2005 onwards, with the opening of negotiations on the Stabilisation and Association Agreement and the associated discussion on visa-free regime.[26] The role of the EU in driving police reforms particularly intensified after Serbia received candidate status in 2012 and in relation to negotiating chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) of the *acquis*.[27]

To be sure, this transformation has been far from accomplished due to a pervasive legacy of repressive police culture. Serbia's police has also remained highly politicised and the rule of law is still being undermined by a number of illiberal practices such as informal decision-making, selective application of laws, high politicisation, etc. As Sonja Stojanović from the Belgrade Centre for Security Policy explains, the Serbian police is 'politicized due to the everyday meddling by the top political administration of the Ministry of Interior in the decision making process at all levels'.[28] Opinion polls show that citizens of Serbia share the expert analyses presented earlier. In a poll from 2011, 47% of citizens regarded the police as an instrument of government, while the vast majority of respondents (80%) thought that politicians are meddling too much in the operational work of the police.[29] The goal of decentralisation has also not been achieved as, according to the Law of 2005, the Serbian police still represents a highly centralised institution. As far as de-criminalisation is concerned, although some progress has been made, there exists very little data and many doubt that Serbia's police has entirely cut the connections with the underworld that were forged during the 1990s.[30] Similarly, despite a myriad of declarations on the war on hooliganism and right wing extremism, it seems that the political elites neither have the authority nor the will to take this issue seriously. As Želimir Kešetović points out, 'The Serbian police still have a long way to go in effecting decriminalisation and progressing in the fight against corruption'.[31]

Regional and domestic context

The effective protection of LGBTIQ rights in general and its freedom to public assembly in particular is a good indicator of the state of both police reform and Europeanisation in any given EU aspirant country. The Western Balkan states have made progress towards this goal at a different pace. The first Pride in the region was organised in Ljubljana, Slovenia in 2001 and has been organised ever since annually.[32] The country has the highest level of LGBTIQ rights in the region, having passed legislation that allows same sex marriage and child adoption in March 2015.[33] In Croatia, the first Pride took place in Zagreb in 2002 with some 300 participants that were attacked by many anti-Pride protestors.[34] In the following years, Pride was held regularly but under tight security measures and heavy police presence.[35] Since 2010 the event has been attended by a growing number of participants, reaching up to 15,000 in 2013, while police forces and violence were less and less present.[36] In 2011 another Pride was organised in Split, Croatian coast town, by non-government organisations (NGOs) *Iskorak* and *Kontra*. It was accompanied by intense anti-Pride protests and violent assaults.[37] Since 2012, however, the Split Pride has been more peaceful, attracting

participation of five government ministers, although still carried under heavy police protection.[38] The first Pride in Montenegro was organised in the small city of Budva in 2013,[39] followed by a second one in the capital Podgorica.[40] Both events gathered some 150–200 participants who were guarded by some 2000 police officers from a large number of anti-Pride protesters. In 2014 the Podgorica Pride was scheduled for June but only happened in November due to security issues.[41.] The 2015 event has been postponed due to anti-government protests.[42] No attempts to organise Prides have been made in Albania, Bosnia and Herzegovina, Kosovo and Macedonia.

Serbia's experience with Pride Parades was most similar to Croatia, although more difficult due to the specific domestic context. Throughout the 1990s, Serbia's LGBTIQ community was poorly organised, silent and portrayed in the dominant discourse as an effeminate elite who worked in the interest of Serbia's enemies. Up until 1994 homosexuality was even a criminal offence. From 2000 onwards Serbia adopted a number of legal standards in human rights protection, mostly as a function of its renewed socialisation in the international community.[43] Serbia's 2006 Constitution prohibited 'any direct or indirect discrimination based on any grounds, particularly on race, sex, national origin, social origin, birth, religion, political or other opinion, financial status, culture, language, age, mental or physical disability … ' (Article 21) and enshrined the full gambit of human rights and freedoms including the freedom of peaceful public assembly (Article 54). In 2009 Serbia passed a set of anti-discrimination laws such as the Anti-Discrimination Law, the Gender Equality Law and the Law on Prevention of Abuse in the Workplace. In fact, the adoption of the Anti-Discrimination Law was among the key conditions for the inclusion of Serbia in the Schengen visa-free regime.[44] While the Constitution does not contain any explicit reference to sexual orientation in its provisions on the prohibition of discrimination, the Anti-Discrimination Law does.

A number of other laws covering radio-diffusion, higher education, labour, sport and youth all contain provisions against discrimination on the basis of sexual orientation or other personal properties.[45] In March 2011 Serbia signed the joint statement *Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity*, which was submitted to the United Nations Human Rights Council. Most recently, Serbia included 'hate crime' in its Criminal Code (December 2012) and adopted the *Strategy for Prevention and Protection against Discrimination* (June 2013). In sum, the normative framework developed during the first 13 years of Serbia's process of Europeanisation provides a sound basis for the legal protection of the LGBTIQ community.

Nevertheless, in spite of the establishment of this normative framework, according to reports issued by international organisations, NGOs and independent regulatory bodies, discrimination against vulnerable groups is still widespread in Serbia.[46] Among the most vulnerable groups is the LGBTIQ community. This is hardly surprising in a society where the vast majority (70% in 2008) holds that homosexuality is a disease.[47] Research conducted in 2012 showed that the greatest social distance is felt by far *vis-à-vis* members of the LGBTIQ community. For instance, a vast majority of respondents would not like to have members of the LGBTIQ community in their family (79.5%) or as teachers (58.8%), while a significant proportion of the population would prefer not to have LGBTIQ members as politicians (48.4%), friends (46.2%) or even neighbours (30.2%) and citizens (23.8%).[48]

For years the EU agenda in Serbia was topped by ICTY and Kosovo while the issue of discrimination against the LGBTIQ community was almost off the radar. The first EU Progress Report which mentioned 'widespread discrimination' of LGBTIQ population was

published in 2008. Each of the three subsequent reports devoted more space to this issue, included more LGBTIQ-related topics and used harsher language.[49] In 2012, the tide started to turn and the EU Progress Report acknowledged that: 'The police response to attacks against the lesbian, gay, bisexual and transgender (LGBT) population has slightly improved'.[50] The report from 2013 also noted 'a more active processing of discrimination cases against the LGBT population, as a result of police training, the development of court practices and improved cooperation with LGBT persons as witnesses'.[51]

Reports prepared by local civil society organisations (CSOs) note improvements too, but also point to serious challenges such as: the lack of official data on 'hate crimes', the reluctance of LGBTIQ persons to register violence due to lack of trust in the police as well as the impunity of perpetrators of hate motivated violence and intimidations.[52] One particular aspect of discrimination has been the continuous deprivation of the LGBTIQ community from enjoying its constitutionally guaranteed freedom of public assembly. In spite of the existing normative framework, discursive shift and strong EU pressure, the Pride Parade could not take place peacefully in Serbia until 2014. The next section investigates the evolving role of the Serbian police in this process.

Police and Pride Parades

The history of Pride Parades in Serbia is actually one of violence, intimidation and bans. The first attempt to organise the Pride in Belgrade took place on 30 June 2001, only two days after the former president Slobodan Milošević was extradited to the ICTY. Amidst a very volatile political situation, a few dozen Pride participants were an easy target for a thousand-strong violent football hooligans and right-wing extremists who attacked and injured more than 40 people. The Serbian police was duly informed about the event but nonetheless deployed an insufficient number of police officers to secure the event. Whether this was a decision made within the police or elsewhere in the government is difficult to tell. Instead of protecting the event, the Serbian police stood idly by as right-wing extremists attacked anyone who even 'looked gay'. To compound the situation, policemen openly made homophobic statements such as 'Why should we protect them?' and 'They got what they deserved', while their commander concluded that as a society 'we are not mature enough for the expression of such weirdness'.[53]

In a joint statement issued days after the event a coalition of CSOs condemned the passivity of the Serbian police with the following words: 'Such events are not tolerated in civilised countries. If the intent of the authorities is to take Serbia to Europe, they are on the wrong path'.[54] This exemplifies that from the very beginning of the democratic transition, the issue of the Pride Parade was directly linked to the idea of Europeanisation. Instead of accepting its formal responsibility for the protection of freedom of public assembly, the Serbian police treated the parade as 'weird' and transferred the responsibility for the violence to the organisers of the event or at best to the 'immature society'. Although the violent epilogue of the first Pride stifled Serbia's LGBTIQ movement for years to come, it did not kill it entirely.[55] The next Pride Parade was planned in 2004. However, the organisers cancelled the event due to the high risk of attacks following mass violence against Kosovo Serbs in March of that year.

Pride Parade 2009

The year 2009 was a turning point for the LGBTIQ community in Serbia. Under mounting EU pressure, Serbia finally adopted the long awaited Anti-Discrimination Law.[56]

Encouraged by the new legislation, the LGBTIQ community decided to organise a Pride Parade, now entitled 'the Belgrade Pride', eight years after the first attempt had failed. It established an Organisational Board and adopted an Action Plan for the organisation of the Belgrade Pride. In July, the Organisational Board solicited from Zoran Dragišić, University of Belgrade professor, an independent security assessment. His study concluded that: 'It is possible to organise the parade with good preventive preparation and application of all police measures and procedures used for the protection of high risk public events'.[57] Nevertheless, immediately after it was announced that the Pride Parade was to take place on 20 September 2009, extremist groups spray painted graffiti all over Belgrade with messages of hate and violence against the LGBTIQ community. In spite of the threats, the organisers hoped that the society had matured since 2001 and that Serbia had sufficiently Europeanised to withstand such an event.

Legally bound by the Anti-Discrimination Law and rhetorically trapped in the discourse of 'democratic policing' and 'equal rights', the police could not openly resist the Pride. Therefore, police representatives initially promised to make an utmost effort to protect the event in close coordination with the Organisational Board. However, the police soon started to practically undermine the organisation of the parade in a multitude of indirect ways. First, police representatives continuously attempted to securitise the event by blowing the potential risks out of any realistic proportions. An illustrative example is the screening of 'educational' videos on the premises of the Serbian police for the organisers of the Pride Parade. The members of the Organisational Board were shown films with cars smashing into demonstrations and were told stories of potential attacks against the Pride with paragliders from the air.[58] Members of the Board were not expecting the police to openly ban the Pride. Nevertheless, the Board members felt that the police knew very well that they had no first-hand experience in the organisation of such a large public event and were using that to scare them into cancelling the event.[59]

When this proved ineffective with the organisers, somebody from the Serbian police even tried to put pressure on Dragišić to exaggerate his assessment of security risks with the aim of convincing the organisers to cancel the event.[60] This practice of hypersecuritisation, defined by Barry Buzan as 'a tendency both to exaggerate threats and to resort to excessive countermeasures', remained the defining practice of police's resistance to Pride Parades in the years to come.[61] In addition to this, the police kept reminding the organisers of their own accountability in case of violent attacks on the day of the event. This was yet another example of 'responsibility transfer', where the police resisted taking the responsibility for upholding European norms, standards and practices.

Finally, the police engaged in 'technical obstruction' in which the discursive support for European norms was not matched by practical deeds and undermined through technical and procedural schemes. For instance, the Serbian police repeatedly ignored several requests made by the Organisational Board to make concrete plans for the protection of the event. Without sound and coordinated preparation, it was clear that the 'disastrous' scenario pushed by the police seemed increasingly a self-fulfilling prophecy.

On 19 September, the Ministry of the Interior decided that the event could not take place the following day at the originally proposed location in downtown Belgrade due to security reasons. The police thus suggested to the organisers to relocate the Pride to a promenade at the confluence of the Sava and Danube Rivers, which is mostly used for recreational purposes. As this was unacceptable to the organisers, the parade did not take place at all and the government banned all other announced gatherings. In spite of this, on 20 September extremist organisations gathered in downtown Belgrade to celebrate 'their victory'. On that occasion the Serbian police arrested 37 people including the leaders of *Obraz* and

1389.[62] Almost four years later, the leader of *Obraz* was sentenced to eight months of imprisonment (September 2013),[63] while the leader of *1389* was conditionally sentenced for inciting hatred towards the LGBTIQ population, illicit possession of weapons and assaulting an officer (July 2013).[64] Going back to 2009, only days after the ban a highly ranked police officer telephoned one of the organisers and warned: 'Your safety [Board members] is our greatest concern, so we suggest that you leave the country for a while until the situation cools down'. As a result, most members of the Organisational Board soon after left Serbia, some of them permanently.[65]

The inability of the Serbian government and the police 'to guarantee the safety of the participants' was criticised in the 2009 EU Progress Report.[66] In a leaked diplomatic cable the US Embassy noted that:

> Serbia failed to pass an important litmus test for tolerance and the value system promoted by the law against discrimination adopted in March […]. It was not the first time that a government which identifies itself with European values chose to take the easy way out rather than confront a real or imaginary bogeyman.[67]

Domestic liberal-leaning civil society also condemned the ban and depicted it as a 'capitulation of the state' in the face of extremists.[68] The organisers of the Pride Parade immediately filed a complaint with the Constitutional Court of Serbia. Two years later the Court ruled that the decision made by the Serbian police to move the Pride Parade violated the freedom of public assembly enshrined in Article 54 of the Constitution. The Court however negated that the decision was a form of discrimination.[69] Banning the 2009 parade from taking place in downtown Belgrade was seen and portrayed by both the international community and domestic liberal-leaning civil society as yet another failure of Serbia to Europeanise. The Serbian police was clearly part of the problem, not part of the solution.

Pride Parade 2010

In 2010 the LGBTIQ community announced that another parade was planned for 10 October. This time the organisers adopted a clear strategy of building an alliance with the State (not only the Ministry of Interior), pro-European political parties and the EU Delegation by linking the Pride Parade to Serbia's European integration process.[70] Broadly, the argument was that the Pride is a precondition for Serbia's EU membership and that European values were at stake. As a result, the government decided to do whatever it took to make the event possible. In order to justify such a decision, the government used narratives of the state monopoly of the use of force, Europeanisation, and, to a lesser extent, of liberalism and human rights.[71] However, such an elitist and Europeanist discourse only strengthened the cohesion among the conservative and traditionally Euro-sceptic opponents of the parade composed of the Serbian Orthodox Church, right-wing parties, extremist organisations and soccer hooligans. The city was again spray-painted with hate messages, right-wing organisations threatened violence, while the Serbian Orthodox Church compared the event to 'Sodom and Gomorrah'.[72]

As in 2009, the police declaratively endorsed the protection of the parade and pledged to enforce Serbia's constitutional and legal framework. Before the parade, the Minister of the Interior, Ivica Dačić, announced: 'As a politician who advocates European values and democracy I support the Pride Parade, while as the Minister of the Interior I have a duty to ensure the security of its participants'.[73] However, in spite of such demonstration of

political will to allow the parade, in practice the police continued its various forms of indirect resistance. For example, on the day of the parade, only about half an hour before the beginning of the official programme, a police officer approached the organisers and warned that the police received an anonymous tip that a bomb was planted at the venue and suggested to cancel the event. The organisers were terrified but refused the suggestion because they suspected that it was just another trick to intimidate them into cancelling the event. When the policeman realised that his warnings fell on deaf ears, he warned that it will be the organisers who would be responsible if the bomb exploded. It was yet another attempt at 'responsibility transfer', well known to the organisers from 2009.[74]

On 10 October, the city looked like a war zone. Approximately 5000 policemen protected the parade which was attended by less than 1000 participants, while several thousand soccer hooligans and right-wing extremists rioted throughout the city injuring more than a hundred people, mostly police officers.[75] Out of the 200 people who were arrested, 83 faced charges, while the leader and three other members of *Obraz* were convicted of organising the riots.[76] However, the Appellate Court overruled the verdict and the re-trial started in December 2013.[77] All in all, both the Serbian government and the Serbian police reacted to organised violence in a very soft and conciliatory fashion, during and after the event. As Zoran Dragišić, who authored the first independent security assessment, remarked: 'the police didn't want to get on bad terms either with the EU or the right wing extremists'.[78] The passivity of the police and the overall atmosphere of impunity did nothing but to encourage the inspirators, organisers and perpetrators of violence to keep up their homophobic campaign.

The discursive linking of the parade with European integration prior to 10 October enabled 'responsibility transfer' in its aftermath, but this time directed towards Brussels. After the parade, the Minister of Interior Ivica Dačić openly claimed that he was personally against the parade in downtown Belgrade but had to allow it because the EU set it as a condition for European integration. In his words: 'It was not a written condition, but did they ask us to do it – yes!'[79]

In its 2010 Progress Report the EU hailed the government for securing the parade as 'a step forward in promoting constitutionally guaranteed fundamental rights'.[80] The European Parliament was even more explicit in portraying the parade as 'a step of seminal importance towards the establishment of an open, tolerant and diverse society', but deplored the violent clashes and called upon the government to 'ensure the rule of law by prosecuting the perpetrators of the violence'.[81] As a reward to the overall efforts by the Serbian government to meet EU conditionality (including the parade) only two months later, the European Council made a favourable decision to forward Serbia's membership application to the European Commission.

Pride Parade 2011

In 2011 the Belgrade Pride was scheduled for 2 October. As in previous years, in the wake of the event the city was spray-painted with graffiti threatening the LGBTIQ community. In line with the traditional clerical opposition to homosexuality, Serbian Patriarch Irinej called for the cancellation of what he dubbed 'The Shame Parade'.[82] According to the assessments made by the Serbian police, large-scale violence was to be expected against foreign embassies, public property and parade participants. Moreover, the security situation in north Kosovo significantly deteriorated in July and some feared that the parade could destabilise an already fragile political situation. Finally, very few politicians openly affiliated themselves with a very unpopular Pride Parade in the wake of parliamentary elections scheduled

for the first half of the 2012. In contrast to 2010, neither Prime Minister Dačić nor President Boris Tadić or the Mayor of Belgrade Dragan Đilas supported the organisation of the parade.

It is noteworthy that although the police as such did not openly oppose the Pride Parade, one of the largest police unions did. The Police Union of Serbia signed a joint statement with the organisation *Dveri* and called upon the authorities to ban the parade. According to the joint statement, the security situation was very volatile due to 'threats to the Serbs in Kosovo, security risks in other parts of Serbia, the difficult socio-economic situation and political instability in the country, region and the world'.[83] As the leader of the Union explained, despite their ideological differences (the Union is left-wing, *Dveri* right-wing), the two organisations claimed to share the same concern for public security.[84]

Other than this exception, the Serbian police in itself did not formally oppose the event. Nevertheless, it indirectly undermined the parade through a range of 'technical obstructions'. The Ministry of the Interior, for example, again requested various studies, assessments and communal licenses that are rarely (if ever) demanded for any other public event. Moreover, the meetings between the Organisational Board and the police were frequent, exhaustively long and focused on formal procedures rather than substantial problems. As another member of the Organisational Board noted: 'In the wake of the Pride, the police was always complaining during those meetings how they should "work together" with the LGBTIQ community all year long'.[85] It remained quite unclear to the organisers what should be the role of the LGBTIQ community if the police itself was inactive throughout the year and was not preparing for the parade.

Another form of 'technical obstruction' was related to the date and location of the parade. As one of the organisers testified, the Organisational Board proposed six dates and two different routes, but the police rejected them on grounds such as 'No, it's a religious holiday' or 'Nah, there will be a soccer match' – 'Why don't you propose another date?'. When the organisers officially announced the date and place, other right-wing organisations were immediately allowed to register their counter gathering at the same time and in close vicinity. After having allowed the opponents of the Pride Parade, including right-wing organisations such as *Istinoljublje*, *Srpski Sabor Dveri* and *Obraz* but also football fans group *Delije Sever*, to register a counter-demonstration, the police would then complain to the organisers that the event faced a high risk that could lead to violent clashes, which they would not be able to prevent.[86] The organisers gained the impression that the police treated the LGBTIQ community and the opponents of the parade as extremists who were to be played against each other.[87]

The police also continued with its practices of 'hypersecuritisation' and 'responsibility transfer'. According to an internal security assessment conducted by the Ministry of Interior, right-wing extremists were expected to recruit large number of hooligans to attack in a highly coordinated manner foreign embassies, NGO offices and political party headquarters in order to send a message of the 'city in flames' into the world.[88] In addition to that, Serbian policemen were continuously reminding the organisers of their own accountability if someone should 'infiltrate the gathering and blow everyone away'.[89] For instance, the police not only seemed to be continuously repeating, but also twisting and turning the provisions of the Public Assembly Act regarding the accountability of the organisers. The organisers had a shared understanding that the aim of this was to intimidate them into calling the Pride Parade off.[90]

In the public discourse, too, the parade was repeatedly constructed as a danger to national security. As the key security agent responsible for public safety, the Serbian police possessed the 'epistemic power' to produce the knowledge about potential

dangers and shape parade related security agenda. But interestingly, the Serbian police (and government) did not frame the dangers stemming from the parade as threats but rather as risks. In particular, by calling threats posed by right-wing extremist groups such as *Obraz* or *1389* a 'risk' – akin to natural or man-made disasters – the state and its security apparatus arguably yet again attempted to implicitly transfer their responsibility to the organisers who 'put the city at risk'.[91]

Less than 24 hours before the event, the National Security Council of the Republic of Serbia banned the Pride Parade on security grounds. After the ban, the parade organisers filed the second complaint with the Constitutional Court and two years later the decision was again overruled.[92] In a 2011 report the EU duly noted that the parade had to be called off for security reasons, yet provided no critical commentary.[93]

Pride Parades 2012 and 2013

The Pride Parades of 2012 and 2013 followed the same pattern and eventually shared the same hapless fate. Although the Pride Festival took place from 30 September to 7 October 2012, the parade itself – scheduled for 6 October – was banned, again on security grounds. Even if technical cooperation between the Ministry of the Interior and the organisers was improving, on a political level resistance to the Pride Parade remained solid. In the wake of the parade, the Minister of the Interior, Ivica Dačić, this time openly rejected the Europeanisation discourse and endorsed the national security approach to the Pride:

> Leave me alone with the stories about human rights. The issue at hand is not the human rights, but security of the people […]. How is it possible that this is still the main topic, that we are still dealing with the gay parade as the key problem, this is ridiculous […]. Ditch the European Union if the entry ticket is the gay parade.[94]

In its Progress Report for 2012 the EU again deplored the banning of the parade for the second year in a row. The report devoted more space to the topic and expressed concern for 'the activities of extreme right-wing organisations and violent groups of so-called sports fans'.[95] As early as December 2012 the Serbian authorities responded to the Progress Report with an Action Plan, stipulating the adoption of an Anti-Discrimination Strategy.

The following year promised a policy change. The newly formed Serbian government, composed of Milošević era parties and strongly motivated to confirm their newly acquired pro-European credentials, increased its efforts to meet all EU requests. In December 2012 'hate crime' was included in Serbia's Criminal Code. This major legislative change was followed by special training organised in over 150 police directorates across Serbia, during which policemen were trained to identify, prevent and sanction hate crime.[96] In June 2013 the government of Serbia adopted the *Strategy for Prevention and Protection against Discrimination*.[97] During the meeting of the Enhanced Permanent Dialogue between the EU and the government of Serbia held on 16 and 17 May, the European Commission, for the first time in this bilateral format, openly requested that the Serbian government showed determination and undertook activities that would make the Pride Parade possible.[98] This policy change was also obvious within the Ministry of Interior, which issued a positive security assessment on 24 September.[99]

EU pressures but also from the domestic society catalysed at least portions of the police to take a more favourable stance towards the parade. For example, three days before the parade, one small police union, the Union of the Serbian police, issued for the first time a statement in favour of the Pride Parade and openly criticised politicians for flirting

with homophobia. The statement read: 'Serbian policemen will ensure compliance with constitutionally guaranteed human and civil rights, protect public order and prevent the chaos in the streets […]'.[100] The statement also demanded that the Serbian President, Prime Minister and Vice Prime Minister 'issue a public promise and warn those who oppose the gay parade that everyone who attacks the Pride or the Serbian police will be expressly prosecuted and most severely punished […]'.[101] Although the statement was enthusiastically received within the liberal public, especially within the social media, top police management cadres were informally very critical of it.[102]

Up until the very last week everything seemed as if the parade scheduled for 28 September was going to take place as planned. Then, only a few days before the event, Prime Minister (and Minister of Interior) Dačić started to make derogatory comments about LGBTIQ people and claimed that it was the EU who requested the parade. 'Should I also be gay so that everything is pro-European?', he asked.[103] Two days before the Pride Parade he raised his tone almost to the level of hate speech: 'Homosexuals have the same rights as other citizens but don't tell me it is normal when it is not […]. If that exists in the EU countries, it doesn't mean that we have to support it'.[104]

One day before the event, the Bureau for the Coordination of Security Services met to decide upon the fate of the Pride and subsequently banned it on security grounds. The Bureau was deciding in its enlarged composition, which included the Prime Minister, Deputy Prime Minister, top officials from the security and justice sectors, and security policy advisors. According to Serbian law, however, it is not the Bureau that has the authority to decide upon this issue, but the Ministry of Interior.[105] The only reasonable explanation why the Bureau was placed in charge of this duty, instead of the Ministry of the Interior, is the fact that it was presided upon by Deputy Prime Minister Vučić. In spite of his formal position as 'the number two' in the government, Vučić was already the most powerful political figure in the country, and there was a need to put the decision-making about the parade into his own hands.

Soon after that, it was reported in the media that the Bureau made its decision based on official security assessments made by the police and intelligence agencies. One of the top police officials interviewed for this article, who had seen the assessments, described them as 'ridiculous half pagers' containing nothing but irrelevant Facebook threats and implausible stories about allegedly planned attacks with wasps and acid.[106] As Saša Đorđević, police analyst for the Belgrade Centre for Security Policy argues, the assessments were either detailed, and the perpetrators will be processed, or the assessments were intentionally poorly made.[107] Given the fact that more than two years later none of the people, who made the threats so grave that the National Security Council had to convene, have been prosecuted one can safely assume that the latter was the case.

In 2013 the EU reaction was more critical than ever before. During the explanatory screening meeting on Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice Freedom and Security) held in late September, the European Commission deplored the ban of the Pride Parade. Soon after, the EU Progress Report from 2013 repeated the tone by criticising:

> The lack of sufficient political support for the protection of the rights of the LGBTI population, the lack of implementation of the constitutionally guaranteed rights of freedom of expression and assembly as well as the authorities' capacity to handle threats from radical groups.[108]

Nonetheless, despite this augmented tone, the EU had by and large turned a blind eye to the banning of the parade due the highly cooperative stance of Dačić's government in the

EU mediated Belgrade-Priština dialogue. As a member of the European Parliament pointed out: 'Serbia gets away with a lot of things because conditionality has been linked to Kosovo and not to the Copenhagen criteria'.[109] This raised serious concerns that both the EU and Serbia are heading towards yet another 'strategic accession' where thorough domestic reforms will be sacrificed for the purpose of achieving larger strategic goals.[110]

Conclusion

The point of departure in this article was that any analysis of international efforts to diffuse norms of democratic policing (or any other) is incomplete without accounting for how they are appropriated, adapted, interpreted and resisted by local agents. In this article we investigated both the appropriation *of* and resistance *to* human rights norms, in particular the freedom of public assembly for the LGBTIQ community, by the Serbian police. In particular, we analysed the role of the Serbian police in the organisation of the Pride Parades from 2001 to 2013. Caught between the hammer of EU conditionality and progressive civil-society groups on the one hand and the anvil of the hesitating government and conservative public on the other hand, the police mostly navigated by avoiding to directly oppose the Pride Parade and by exercising indirect forms of resistance.

In our empirical research we identified three distinct practices of resistance *vis-à-vis* the externally designed norm of LGBTIQ rights indicated by Pride Parade as a manifestation of European identity. The first one is 'hypersecuritisation' or the practice of blowing security risks associated with Pride Parade out of any realistic proportions. The second form of resistance that challenged the externally designed norm of freedom of public assembly for all, including the LGBTIQ community, has been 'technical obstruction'. Finally, the third form of resistance by which the police as well as many in the political elite challenged what they perceived as an internationally imposed norm was the practice of 'responsibility transfer'. Police representatives have continuously blamed the organisers of the Pride, its participants as well as the EU and other external actors for the 'insecurity' generated by the wish of 'several hundred people' to march in downtown Belgrade.

To be sure, since the outset of democratic transition and Europeanisation, the Serbian police gradually sensitised to work with LGBTIQ community. More precisely, it is the parade that in spite of failures and obstacles has nevertheless kept playing an important catalyst of sensitisation of the Serbian police to work with the LGBTIQ community. For example, in 2001 the Serbian police idly stood by while the participants of the Pride Parade were attacked. Nine years later the police incurred heavy casualties while protecting the Pride. By 2013 the first voices have finally emerged even from within the police in favour of equal rights of all citizens including the LGBTIQ population. The gradual sensitisation of the police went hand-in-hand with the overall Europeanisation of the Serbia's state and socialisation of police forces into the wider society.

In 2014 Serbia had its first peacefully organised Pride Parade, although in a highly securitised environment, and the same was repeated in 2015. On both occasions, the Pride was properly secured by the police and no incidents with anti-LGBTIQ protesters were recorded. Although these more recent events were out of the scope of this article it is indicative that the events took place in spite of controversial security assessments[111] and despite an announcement of a strike by some police syndicates.[112] These continuing occurrences of indirect resistance are not capable of putting the Pride Parade at risk short of significant political backing. Nevertheless, these enduring practices bear witness to the need to take local agency seriously if we are to fully understand challenges to externally promoted police reforms in the Western Balkans and beyond.

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