



# **Negotiating Legal Gender Recognition in the Post-Yugoslav Space**

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Submitted in partial fulfillment of the requirements for the degree of MA  
*Erasmus Mundus Human Rights Practice and Policy Masters Programme*

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May 23, 2024

Dissertation Module (30 ECT)

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Spring semester 2024

## **Acknowledgements**

My deepest gratitude goes to all the research participants and individuals I encountered during my ethnography. Thank you for sharing your thoughts and for your persistent struggles for trans rights, which have shaped this thesis.

I extend my grateful acknowledgment to my supervisor, Lisa Katrin Losleben, for her unwavering support, critical feedback, and empowering feminist guidance. I also thank France Rose Hartline for his valuable input on my literature review.

Finally, to my friends, comrades, and family scattered across the world: thank you for being there for me during the most difficult times, especially Stanko and Mom.

## List of abbreviations

CDA – critical discourse analysis

Draft Law 2024 – Draft Law on Legal Gender Recognition of Gender Identity Based on Self-Determination (Montenegro) 2024

ECHR – European Convention on Human rights

ECRI – European Commission against Racism and Intolerance

ECtHR – European Court of Human Rights

EU – European Union

FRA – European Union Agency for Fundamental Rights

ICCPR – International Covenant on Civil and Political Rights

ICD-11 – 11th edition of the International Classification of Diseases

ICESCR – International Covenant on Economic, Social and Cultural Rights

Istanbul Convention – Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

LGBTIQ+ – Lesbian, gay, bisexual, trans, intersex and queer people or community. The plus symbol (“+”) represents other identities that are not specifically covered by the initial letter.

NGO(s) – non-governmental organization(s)

Ordinance (Croatia) 2014 – Ordinance on the Method of Collecting Medical Documentation and Determining the Conditions and Assumptions for Sex Change or Life in Another Gender Identity (Croatia) 2014

Ordinance (Montenegro) 2014 – Ordinance on Establishing Medical Reasons for Sex Change (Montenegro) 2014

Ordinance (Serbia) 2018 – Ordinance on the Method of Issuing and the Form of the Certificate of the Competent Health Institution for Sex Change (Serbia) 2018

TGEU – Transgender Europe

UDHR – Universal Declaration of Human Rights

UMCN – Unique Master Citizen Number

UiT – University of Tromsø – The Arctic University of Norway

WPR – “What's the Problem Represented to Be?”

## **Abstract**

Legal gender recognition has emerged as a pressing human rights concern across Europe. Trans rights face barriers in the post-Yugoslav space, including medicalized legal procedures, anti-gender opposition, and linguistic exclusion. From a social constructivist perspective, this ethnographic research examined how trans activists from Serbia, Montenegro and Croatia navigate these complex landscapes. The study is based on 17 interviews, campaign observations, and legal analysis. The findings revealed that the existing gender recognition procedures violate human rights to dignity, legal recognition based on self-determination, respect for private life, bodily autonomy, non-discrimination, and the highest attainable standard of health. In addition, I found that societal ideas of cisheteronormativity and the gender binary create harmful and dehumanizing barriers to the realization trans rights. Lastly, while professionalized NGOs predominantly employed assimilation strategies framing trans rights as social inclusion, a minority of trans activists advocated removing gender markers from public documents. Overcoming divisions will necessitate the articulation of counter-narratives, linguistic subversion, and the formation of broad intersectional coalitions that will advocate for human rights from marginalized perspectives within this regional context.

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The research plan underwent assessment and received approval from the Norwegian Centre for Research Data (NSD), a subsidiary of the Norwegian Agency for International Cooperation and Quality Enhancement in Higher Education (SIKT) under the reference number 989802.

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**Keywords:** Trans, transgender, LGBTIQ+, gender theory, Europeanization, sex markers, Serbia, Croatia, Montenegro, post-Yugoslav space, anti-gender mobilizing, “gender ideology”, anti-trans, legal gender recognition, feminist research, WPR, critical discourse analysis, qualitative study, ethnography, activists, Ahmed, Bacchi, Butler, Fairclough

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**Word Count:** 17985

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# 1. Introduction

Recognizing diverse gender identities has become a pressing human rights concern in Europe, with the LGBTIQ+ movement advocating strongly for the rights of trans people (Van Der Ros and Motmans, 2015).<sup>1</sup> Claims for trans rights and legal reforms in gender recognition have sparked intense discussions and debates surrounding trans individuals across various domains, including academia, social movements, politics, media, and culture (Hines, 2019; Butler, 2024). However, alongside this increased visibility and human rights advocacy, a backlash of anti-trans discourse and practices has arisen (Paternotte and Kuhar, 2018; Graff and Korolczuk, 2021; Butler, 2024). These attacks originate not only from conservative right-wing movements but also from supposedly progressive social spaces (Kearns, 2018; Hines, 2019; Pearce, Erikainen and Vincent, 2020).

Anti-trans discourses are mirrored in the post-Yugoslav space (Bilić, 2022; Bilić, Nord and Milanović, 2022).<sup>2</sup> Right-wing anti-LGBTIQ+ mobilization in this region first emerged in its recognizable form in Slovenia and Croatia (Paternotte and Kuhar, 2018). *E.g.*, conservatives in Croatia conducted a referendum banning same-sex marriage using human rights language to oppose LGBTIQ+ rights (Vučković Juroš, Dobrotić and Flego, 2020). These movements, aligned with the Catholic Church in Croatia and the Orthodox Church in Serbia and Montenegro, frame LGBTIQ+ people as threats to traditional values and gender norms (Swimelar, 2019; Dekić, 2020; Hodžić *et al.*, 2023). They oppose “gender ideology,” seeing it as a secular agenda against traditional family structures (Antić and Radačić, 2020; Hodžić *et al.*, 2023). Trans people are particularly targeted, with fears about genital surgeries on children because of a perceived “trans lobby” (*ibid.*). Some feminist and leftist circles in the post-Yugoslav space also exhibit transphobic tendencies, creating a divide among activists (Jurčić and Kristensen, 2021; Bilić, 2022).

The LGBTIQ+ movement plays the main role in advancing trans rights in the face of anti-trans backlash across Europe (Van Der Ros and Motmans, 2015). The LGBTIQ+ movement in the

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<sup>1</sup> In this thesis, “trans” is used as an inclusive term for a wide range of gender identities that do not align with the sex assigned at birth, including those beyond the male/female binary, unless specifically referred to as “non-binary.” For individuals whose gender identity aligns with their assigned sex at birth, I use “cis.” This terminology aims to avoid pathologizing language.

<sup>2</sup> The post-Yugoslav space refers to the geographic and cultural area of Southeast Europe encompassing the countries that formed following the dissolution of the Socialist Federative Republic of Yugoslavia in 1991. These countries and their people share a common cultural, socio-political, historical, and linguistic heritage stemming from their ties to the former Yugoslavia (1918-1921).

post-Yugoslav space originated from the anti-war and women's rights movements of the 1980s (Špehar, 1994; Sagasta, 2001; Butterfield, 2016; Mladenović, 2016; Miškovska Kajevska, 2017), thus has long-standing tradition of transnational collaboration and advocacy (Hodžić, Poštić and Kajtezović, 2016). LGBTIQ+ activists advocated for their rights within the state's pro-EU human rights discourse, leading to legal protections against discrimination based on gender identity by the 2010s (Kahlina, 2015; Spektra, 2021, p. 18; Sloopmaeckers, 2023, p. 88). Trans activism emerged as an extension of the LGBTIQ+ movement and is regarded as an integral part of it (Hodžić, Poštić and Kajtezović, 2016; Kalezić, 2016; Poštić, 2016; Đurić, 2022; Ulićević and Brković, 2022). Since the mid-2010s, trans activists formed their organizations, continuing the trajectory of the LGBTIQ+ movement (ibid.). Following the European shift in human rights law, legal gender recognition became crucial for trans activists seeking validation of their identities to counteract societal marginalization and grant them dignity, security, and belonging (Hutton, 2017; hartline, 2020a). This shift towards demands for legal gender recognition based on self-determination, without requiring medical approvals, was echoed by trans activists in the post-Yugoslav space (Geten, 2015; Kolektiv Talas TIRV, 2022; Jurčić and Dota, 2023). However, the articulation of their rights and the fight against the anti-trans discourse have very local specificities and are shaped by the complex legal and socio-political legacies, requiring trans activists to carefully negotiate advocacy strategies and respond within the post-Yugoslav context.

To provide an understanding of how trans activists in the post-Yugoslav space articulate their rights claims and navigate between the anti-trans discourse and the existing rights-violating legal framework, I ask:

*“How do trans rights activists negotiate legal gender recognition in the post-Yugoslav space?”*

To address this question, I explore the following sub-questions:

*“What is the current legal framework of legal gender recognition in the post-Yugoslav space?”*

*“What discourses represent obstacles for trans rights advocacy in the post-Yugoslav space?”*

*“How are trans activists framing their claims for legal gender recognition in the post-Yugoslav space?”*



These questions cannot be answered based on the current body of work (Chapter 3). While various authors address important issues across diverse trans-related topics such as legal and socio-political challenges and LGBTIQ+ activism, they do not specifically focus on trans activism and trans rights from a human rights perspective. This perspective, however, must resonate with the local context (Butler, 2024, pp. 259–260). To answer my research questions, I analyze the legal framework for gender recognition in the post-Yugoslav space and use ethnographic methods to identify and examine the obstacles trans activists face and how they advocate for their rights.

Trans activists in Serbia, Montenegro, and Croatia—the post-Yugoslav countries I focus on in my research—criticize the existing legal gender recognition process for being lengthy, emotionally draining, pathologizing, involving arbitrary medical actions, and, in Montenegro, requiring sterilization (Ulićević, 2018; Hodžić, 2020; Mikac, 2022; Vidić and Bilić, 2022; Jurčić and Dota, 2023, pp. 93–95). This violation is codified in three key Ordinances—sub-laws regulating sex marker changes in official documents—introduced in the last decade to regulate gender recognition procedures in Serbia, Montenegro, and Croatia. These are i) *Ordinance on the Method of Issuing and the Form of the Certificate of the Competent Health Institution for Sex Change (Serbia) 2018*, hereafter referred to as the *Ordinance (Serbia) 2018*, ii) *Ordinance on Establishing Medical Reasons for Sex Change (Montenegro) 2014*, hereafter the *Ordinance (Montenegro) 2014*, and iii) *Ordinance on the Method of Collecting Medical Documentation and Determining the Conditions and Assumptions for Sex Change or Life in Another Gender Identity (Croatia) 2014*, hereafter the *Ordinance (Croatia) 2014*. The Ordinances mandate medical assessments for individuals seeking to change their sex markers, institutionalizing the pathologization of trans identities.

The pathologizing approach to legal recognition implicates both international health classification standards and international human rights frameworks. Firstly, it implicates the 11th edition of the International Classification of Diseases, hereafter ICD-11, which has recently removed “gender identity disorders” from the mental disorders chapter and introduced “gender incongruence” in the sexual health chapter (World Health Organization, 2019). This way, ICD-11 depathologized trans identities and recognized them as a matter of sexual health rather than mental illness (ibid.) Secondly, the three Ordinances affect trans people’s rights to dignity (*Universal Declaration of Human Rights*, hereafter *UDHR*, 1948, Art. 1), legal recognition (*International Covenant on Civil and Political Rights*, hereafter *ICCPR*, 1966, Art. 16), respect for private and family life (*European Convention on Human Rights*, hereafter

*ECHR*; 1950, Art. 8), free development of one's personality (*UDHR*, 1948, Art. 22), bodily autonomy and integrity (*ECHR*, 1950, Art. 3, as affirmed by the European Court of Human Rights, hereafter ECtHR, in '*V.c. v. Slovakia*', 2011), freedom from discrimination (*ICCPR*, 1966, Arts. 15; 26, *ECHR*, 1950, Art. 14), as well as the right to the highest attainable standard of health (*International Covenant on Economic, Social and Cultural Rights*, hereafter *ICESCR*, 1966, Art. 12.1). In this thesis, I guided my research based on this human rights framework.

The structure of my thesis is organized as follows: Chapter 2 describes the methodology. I placed methodology before the literature review (Chapter 3) and the theoretical framework (Chapter 4) because I wanted to explain the delimitation of the post-Yugoslav space specifically to Serbia, Montenegro, and Croatia, and why I focused only on those countries in subsequent chapters. In Chapter 4 I integrate human rights concepts into gender theory and Europeanization, offering insight into how trans activists in the post-Yugoslav space negotiate legal norms, societal discourses, and human rights principles. Chapter 5 shows findings from qualitative data analysis, followed by Chapter 6, which critically evaluates the findings using the theoretical framework and literature. Chapter 7 answers my research questions. Finally, Chapter 8 provides recommendations for activists, policymakers, donors and researchers.

## **2. Research Design**

I used qualitative research to explore legal gender practices in the post-Yugoslav space. This way, I minimize the oversimplification of human experiences often seen in quantitative methods (Polit and Beck, 2010; Bryman, 2012, pp. 160–161). Unlike quantitative approaches, qualitative research embraces all data, allowing a nuanced exploration of real-life experiences (*ibid.*).

I identified three key social actors who expressed opinions and interests either in promoting or limiting trans rights in post-Yugoslav space: the trans activists, the states shaping gender laws, and the anti-trans movements opposing the further expansion of rights (Vučković Juroš, Dobrotić and Flego, 2020).

### **(De)limitations**

In this thesis, I use the term “post-Yugoslav space” to refer only to Montenegro, Serbia, and Croatia. Due to time constraints and study program rules, I narrowed the scope of my research and excluded Bosnia-Herzegovina, Slovenia, Kosovo, and Macedonia. The exclusion of

Bosnia-Herzegovina is because of the complexity of its legal and political system, which counts 13 federal units, and 14 governments and parliaments (Banović, Gavrić and Mariño, 2020: v). Slovenia, Kosovo and North Macedonia are excluded because these countries do not share mutually intelligible language. This delimitation applied to both the literature review and the sample, as it would have required more time and resources.



The map highlights research countries (Serbia, Montenegro, Croatia) in darker shade and other post-Yugoslav countries (Slovenia, Bosnia-Herzegovina, Kosovo, North Macedonia) in lighter purple.

Created with [mapchart.net](https://www.mapchart.net)

The research aimed to address the general lack of focus on trans people, movements, or communities in the post-Yugoslav space. My goal was to amplify trans voices, advocated for by trans activists on behalf of themselves and their communities. By doing so, I aimed not only to bridge the research gap but also to offer an original, important, and timely contribution to the human rights cause, while simultaneously providing localized knowledge on the broader European challenge of legal gender recognition. This research did not focus on collecting data on anti-trans movements, a decision primarily influenced by the significant attention already devoted to studying these movements in the post-Yugoslav space (Chapter 3). However, I incorporated insights from authors who have published on anti-trans movements to enrich the discussion.

I approached all trans activists and contacted all active organizations working on trans rights in the post-Yugoslav space. I have confirmed this by going through the membership list of Transgender Europe (TGEU). However, I may have unintentionally missed contacting some(one). I do not expect this to influence my findings because the included organizations and activists represent the major voices and stakeholders on trans rights and legal gender recognition in Serbia, Montenegro, and Croatia during my research period. To ensure the representativeness of local activists and their work, I did not recruit activists working for international organizations involved in broader pan-European initiatives. Therefore, this research represents a contextual analysis of the trans movement in post-Yugoslav space, based on the data gathered from specific organizations. As a result, its findings cannot be generalized to the entire post-Yugoslav space or to other regions and situations.

## **Positionality**

I adopted an outsider-within position in this research (Harding, 1991, pp. 274–277; Flick, 2009, pp. 111–112; Rowe, 2014, p. 628; Miškovska Kajevska, 2017, p. 10; Yip, 2023). This means that while I identified with the social group I studied, I also acknowledged and reflected on the moments where I may have held a more privileged position than my research participants (*ibid.*). As a feminist and a male-bodied queer activist from a lower-middle-class family in then-Yugoslavia, now a citizen of the European Union (EU) via my Croatian passport, I possess over 15 years of activist experience primarily in Croatia and other post-Yugoslav countries. This granted me insider access to local knowledge and social actors, as well as an understanding of broader societal opposition to queer individuals. However, my international academic experiences of the past five years provided me with a critical outsider's perspective on LGBTIQ+ activism in the post-Yugoslav space. Drawing on my insight into trans struggles and structural dynamics, my current “outsideness” provided me the privilege to challenge the dominant discourses (Harding, 1991, p. 274).

Recognizing my outsider-within positionality, I consistently engaged in reflection on how my beliefs and experiences influence my interactions with research participants and interpretation of their realities (Vanner, 2015; Yip, 2023). To mitigate the negative impact of my own embodied power and transparently acknowledge my privileges, I made myself visible within this research by rigorously explaining each segment of the research design (Haraway, 1988). Additionally, I incorporated the perspectives of outsiders through the theoretical and empirical contributions of other authors to challenge and complement my own biases (Jones, 2001). This

way I achieved a balance of biases which enhances the internal validity of data (ibid.). To make my unconscious biases explicit and offer a context for any critique of my work, I outline my positionalities in Appendix 1.

## **Ethical Considerations**

Throughout my research, I prioritized honesty, respect, reliability, and accountability (All European Academies, 2017; The Norwegian National Committee for Research Ethics in the Social Sciences and the Humanities, 2022), placing the well-being of the research participants over the research outcomes in line with feminist research ethics (Edwards and Mauthner, 2012). This commitment entailed approaching my research participants with full honesty about my intentions, the goals of the research, and their role in it. During our conversations, I made sure to show respect for their work, especially in cases where I reached out to individuals with whom I have political disagreements, and I am grateful that they agreed to be part of this study. I ensured reliability and accountability by meticulously documenting data collection procedures, maintaining transparency in analysis methods, and disclosing my positionality.

I intended to engage with all research participants in a non-exploitative and non-hierarchical manner, considering them as co-researchers and giving them influence over the direction of this study (Guillemin and Gillam, 2004). Additionally, I am committed to giving back to the community by sharing my research findings and actively participating in their advocacy efforts in the future (Chapter 8). I obtained informed oral and written consent from my research participants, ensuring their autonomy and control over the process, as communicated in the Consent Form (Appendix 2).

The research participants are all members of a small community of activists, and most are acquainted with one another. To avoid interfering in their relationships by causing harm or fostering animosity, I have taken measures to guarantee their anonymity. In the subsequent chapters, I purposefully maintained ambiguity or excluded details that might unveil their identity, regardless of its relevance to the analysis.

## **Methodology**

In the following sections, I outline the philosophical basis of my methodology, justifying my use of Fairclough's (1992, 2012) critical discourse analysis (CDA) and Bacchi's (2012, 2017)

WPR-inspired approach to examine trans and state discourses, respectively.<sup>3</sup> I then describe how I gathered and analyzed the data in subsequent chapters. All data were collected during ethnographic research in post-Yugoslav space. To capture the trans discourse, I employed three ethnographic methods: in-depth individual and group interviews, and participant observation. Additionally, I analyzed ongoing campaigns and legal frameworks related to legal gender recognition in the post-Yugoslav space. I was familiar with the Croatian legal framework beforehand, so I conducted parallel research on the legal frameworks in Serbia and Montenegro during the fieldwork.

## **Philosophical Foundations**

I adopted social constructivism as the philosophical foundation for research design. Social constructivism emphasizes the construction of social reality and knowledge through human thoughts, interactions, and cultural contexts (Egholm, 2014, pp. 144–146). It rests on two key assumptions: the ontological one where the reality of the social world is shaped by human involvement within cultural contexts, recognizing multiple realities, knowledge systems, and truths; and the epistemological assumption that knowledge about the social world is prone to change, influenced by specific cultural understandings (ibid.). As a social constructivist, I aim to present the process of meaning-making rather than assert universal conclusions (ibid.).

Meaning-making processes involve communication within a discourse that comprises spoken or written language, images, objects, and actions (Jørgensen and Phillips, 2002, p. 67; Thomsen and Andersen, 2007; Hansen, 2017, p. 343). Discourse encompasses all meaningful and rational aspects of social life, influencing interactions among speakers in social contexts (ibid.). In simplest terms, what is true for discourses is true for the perception of reality as well (Thomsen and Andersen, 2007, p. 164). Discourse both generates and modifies knowledge, identities, and social relations, thereby demonstrating its tangible consequences for social actors in real life (Jørgensen and Phillips, 2002, p. 65).

Social constructivist analysis utilizes structural linguistic analysis to understand the implications of discourses on social lives and meaning-making (Egholm, 2014, p. 154). This method examines the relationship between a *signifier*, a spoken or written word, and a *signified*, or one possible interpretation of the sign (Hansen, 2017).<sup>4</sup> This connection between a *signifier* and a *signified* is typically fixed in language (ibid.). While usually there is only one *signified*

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<sup>3</sup> WPR stands for “What’s the Problem Represented to Be?”

<sup>4</sup> I used an unpublished English version of this text, provided to me by the author, my former professor.

corresponding to the *signifier*, competing discourses leading to contested meanings can lead to multiple interpretations (ibid.). This contestation among meanings can result in the affirmation or alteration of the *signified* (Egholm, 2014, p. 154). The widespread acceptance of a particular signified meaning can reflect a form of cultural hegemony (Fairclough, 1992, p. 10).

The significance attributed to phenomena is arbitrary and socially motivated (Fairclough, 1992, p. 74; Jørgensen and Phillips, 2002, pp. 75–76; Hansen, 2017). The group that imposes its meaning establishes domination, forming an ideology that upholds the existing social order and serves the interests of the hegemonic power (ibid.). However, hegemony exists alongside competing discourses providing potential for resistance and struggle (ibid.). Social change occurs when discourse elements are rearticulated, giving new meaning to social phenomena and making people aware of practices that reinforce unequal power relations (Jørgensen and Phillips, 2002, p. 88).

To address my research question, I collected data representing diverse meanings, realities, and discourses shaped by the interpretation of real-life social experiences (Egholm, 2014, p. 150). Differing opinions on legal gender recognition among trans activists, anti-trans movements, and state policies stem from negotiated meanings among various actors.

## **Methods**

In the upcoming sections, I outline my data collection methods, recruiting strategies and describe my sample. I gathered three sets of data. My primary data is ethnographic and campaign data on trans discourse, while legal norms from Serbia, Montenegro and Croatia represent my secondary data. In the final section, I explain how the data was processed and analyzed.

### **Trans Discourses: Ethnographic Data**

My ethnographic data includes interview transcripts (Flick, 2009, pp. 299–300), notes (Schensul and LeCompte, 2013, pp. 101–102), and a diary of thoughts (Angrosino, 2007, p. 49) collected during the collaborative fieldwork.<sup>5</sup> These transcripts stem from audio recordings of conversations with trans activists allowing me to explore how they conceptualize legal gender and assess the policy implementation. As a participating observer, I openly shared my role as a researcher during public events and internal meetings (Redfern-Vance, 2007, p. 49;

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<sup>5</sup> From February 20 to March 5, 2024, covered visits to Belgrade, Kruševac (Serbia), Podgorica, Bijelo Polje (Montenegro), and Zagreb, Rijeka (Croatia).

Bernard, 2011, p. 260) facilitating the collection of ethnographic notes crucial for understanding perspectives of activists and advocacy efforts for legal gender recognition. The ethnographic research allowed me to expand the initial research sample I identified before the field trip, and ethnographic notes helped me navigate through the legal systems of the post-Yugoslav space while maintaining awareness of my positionality in research (ibid.).

The research sample of 17 participants offered diversity across age, gender identity, education, and nationality.<sup>6</sup> Participants were affiliated with 11 LGBTIQ+ or trans organizations active in Serbia, Montenegro and Croatia with some collaborating on a transnational level.<sup>7</sup> I applied the purposive sampling method (Flick, 2009, p. 122), recruiting individuals who identify as activists or have been involved in trans activism within the broader LGBTIQ+ movement as well as those directly engaged in advocacy efforts for legal gender recognition. This approach enabled me to document discourses directly from social actors. I recruited 11 research participants via email (see Appendix 3), and six during the fieldwork. By the 15<sup>th</sup> interview, I observed recurring responses and themes, indicating saturation (Flick, 2009, p. 119).

I employed both inductive and deductive approaches to data collection (Perry and Jensen, 2001; Timmermans and Tavory, 2012; Brinkmann, 2014). Before the fieldwork, I developed pre-categories based on literature review and policy analysis (ibid.). This deductive aspect allowed me to develop pre-categories, forming the foundation for constructing the interview guide, which contains 14 broad, open-ended questions (Appendix 4). During fieldwork, I followed inductive research methodological steps by documenting all aspects of my engagement with the research participants who influenced the direction of this study and topics discussed during interviews, which often led to the exploration of new possibilities beyond my initial pre-categories (ibid.).

The interviews followed a semi-structured format (Robson and McCartan, 2016, pp. 290–293) allowing for flexibility and the use of follow-up and probing questions. The interviews were conducted in Serbo-Croatian, and I provided translations for this research.<sup>8</sup> I conducted two

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<sup>6</sup> Six participants from Serbia, six from Montenegro, five from Croatia, aged 20s through 50s. Five identify as trans men/masculine, four as trans women/feminine, one as cis male, five as cis female, and two as non-binary. They have diverse educational backgrounds, from high school graduates to PhD holders.

<sup>7</sup> These are: Geten, Labris, Talas TIRV, and XY Spectrum from Serbia; Queer Montenegro, Juventas, and Spektra from Montenegro; kolekTIRV, Zagreb Pride, and Lesbian Organization Rijeka–LORI from Croatia and Trans Network Balkan.

<sup>8</sup> Serbo-Croatian refers to the former official language of Yugoslavia. Since its dissolution, four standards emerged: Serbian, Croatian, Montenegrin, and Bosnian. Speakers of these standards use a shared vernacular, often called "our language," to resist language nationalisms (Kordić, 1997; Bugarski, 2004).



group interviews (Morgan, 1996; Bryman, 2012, pp. 501–502) approaching them differently from focus groups by conducting sequential questioning and directing questions to achieve balanced representation.<sup>9</sup> The remaining interviews were individual. Each interview lasted approximately an hour and was audio recorded with non-verbal data also documented. The semi-structured format allowed for flexibility enabling me to ask numerous follow-up and probing questions based on the conversation flow with each participant (Flick, 2009, p. 171). While I generally followed this order, some participants chose to focus on specific aspects from the beginning, and in such cases, I adjusted accordingly to follow their lead.

To safeguard participant anonymity, interview recordings, anonymized transcriptions, and fieldwork notes were stored separately on secure cloud storage provided by the University of Tromsø – The Arctic University of Norway (UiT) and will be deleted by June 22, 2024. My background in the post-Yugoslav LGBTIQ+ movement helped in recruitment, but I also engaged with new activists I met during fieldwork. To address potential recruitment bias and enhance data validity, I incorporated secondary data from ongoing campaigns in Montenegro and Croatia as well as from the earlier campaign in Serbia (Flick, 2009, p. 153).

### **Trans Campaigns: Visual Data**

My visual data, comprising nine social media posts—three from each post-Yugoslav state—symbolically depicts interactions among social groups, embodying a collective call for legal gender recognition for trans people in each respective country (Pink *et al.*, 2016, pp. 80–82). Initially, I collected 23 media content from Instagram and YouTube. Out of these, I selected the nine most relevant representations of the campaigns, either referred to me by my research participants or selected by me based on the number of interactions and views they had. The gathered social media content comprises one YouTube video and eight Instagram videos or images created by trans organizations from Serbia, Croatia, and Montenegro as part of their ongoing campaigns for legal gender recognition. These nine visuals represent a *documentary reality* with a distinct purpose in mind at the time of their creation (Bryman, 2012, p. 555). The collection and selection of this data is available as Appendix 5.

My criteria for collecting and selecting visual data were credibility, representativeness, and a clear meaning or intent of the message (Flick, 2009, pp. 257–258). The analyzed campaigns

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<sup>9</sup> I met with three Montenegrin activists at a public event in Bijelo Polje and with two activists from the same organization in Croatia.

originated from Spektra, Geten, and kolekTIRV organizations whose members were part of my research sample. All collected campaigns directly addressed trans rights in the context of legal gender recognition, excluding broader pro-LGBTIQ+ rights campaigns. I analyzed Serbia's campaigns within the context of Geten's (2015) Model Law on Gender Identity and Rights of Intersex Persons, because it represents their proposed legal framework for gender recognition based on self-determination, despite its non-legal status.

### **State Discourses: Legal Frameworks**

I collected 35 legal documents (Appendix 6) related to legal gender regulation in the post-Yugoslav states. The documents encompass laws and sub-laws governing personal names, sex marker changes, and gender affirmation healthcare procedures. Collected before fieldwork and verified with research participants, they reflect significant developments in legal procedures over the past decade, likely influenced by court decisions or activism. The collection includes ministerial ordinances that are sub-laws enacted by governments at the ministerial level, which play a crucial role in implementing laws and regulating sex marker changes in official documents. Additionally, the selection comprises the *Draft Law on Legal Gender Recognition of Gender Identity Based on Self-Determination (Montenegro) 2024*, hereafter *Draft Law (Montenegro) 2024*, on legal gender recognition, which is proposed by the Ministry of Human and Minority Rights of Montenegro and co-drafted by the trans organization Spektra. Hence, it represents a compromise between the state and some trans activists in Montenegro.

To provide a more nuanced understanding of state discourses, I included five legal cases from Serbia and Croatia that increased the rights of trans people. These cases represent conflicting state practices where courts take a more progressive stance than other government branches. I learned about the Croatian cases during my activist work before my studies. The Serbian case is referenced in Draškić (2012). Despite searching the Constitutional Court website and consulting activists, I found no court cases from Montenegro.

All selected legal documents are in Serbo-Croatian, with titles of legal acts and court cases translated for consistency. Legal acts include jurisdiction and the year of the latest amendments. Links to acts in the bibliography are sourced from public gazettes, courts or specialized websites containing consolidated versions of the acts and significant or influential court decisions.

## Data Analysis Strategy

For the analysis, I prepared three sets of data: ethnographic and campaign data reflecting trans discourse and legal documents.

To analyze trans discourses, I employed an CDA framework informed by Fairclough (2012).<sup>10</sup> I first distinguished between the text and *discursive practices*, which represent constructions of underlying meanings by attaching values and meanings to phenomena (ibid.). My goal was to identify *social practices*, which represent societal effects of discourse, encompassing social relations, identities, norms, and rules, which both reproduce and change knowledge, identities, and social relations (ibid.). Subsequently, I identified *dominant discourses* and *counter-discourses* to critically reflect on *power relations* within wider social structures (ibid.). By analyzing ethnographic and campaign data as discourses, I was able to address the main research question and the second and third research sub-questions, identifying and critically assessing the diverse discourses present among trans activists and their implications for trans rights advocacy.

Supported by NVivo software, I categorized ethnographic and campaign data using thematic inductive coding (Thomas, 2006; Flick, 2009, pp. 307; 318–319), considering my own perspective and interpretation to discern patterns and strategies among trans activists (Fairclough, 2012). Overall, I assigned a total of 50 codes, subsequently categorized into 6 primary codes. These primary codes were further grouped into 3 overarching themes that correspond to the research question: i) *Challenges and limitations of the normative framework on gender*; ii) *Socio-political resistance to trans inclusion*; iii) *Advocacy approaches in trans activism*. Appendix 7 contains a full list of codes.

For the analysis of the state policies, laws, and legal cases, I focused on three of seven analytical questions and used a template provided on Bacchi's (2017) website. I examined problem representation, underlying assumptions, and effects produced by the state's representation.<sup>11</sup> I critically discuss (Chapter 6) the findings (Chapter 5) from these analytical approaches using

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<sup>10</sup> The audio data was transcribed using Klartekst, a transcription software provided by UiT, and reviewed for accuracy with annotations. The 136-page transcript from 17 interviews includes line numbers for participant references.

<sup>11</sup> “What’s the problem represented to be?” (question #1); “What deep-seated presuppositions or assumptions underlie this representation of the “problem” (question #2)?”; “What effects are produced by this representation of the ‘problem’?” (question #5).

the theoretical framework (Chapter 4) and literature (Chapter 3), employing a triangulation strategy for validation (Flick, 2009, p. 405).

### **3. State of the Art**

In this chapter, I present the current knowledge on the legal framework surrounding legal gender recognition in the three post-Yugoslav states, alongside the social and political context within which trans activists operate. The literature highlights three key themes: i) Legal and Social Challenges for Trans People, ii) Anti-Trans Mobilizations, and iii) Trans Activism. While general knowledge exists about LGBTIQ+ movements and opposition to trans and LGBTIQ+ rights as well as broader socio-political contexts in the region, there is a lack in understanding trans activism and efforts towards legal gender recognition from a human rights perspective. My research aims to bridge this gap by providing insights into the existing legal framework, challenges posed by anti-trans movements, and advocacy efforts of trans activism in the post-Yugoslav space. I aim to offer a nuanced perspective on the complexities involved in legal gender recognition reforms considering various legal, social, and political factors.

#### **Legal and Social Challenges for Trans People**

A legal gender recognition procedure was established in Serbia in 2019, as noted by the psychologist-sociologist research team Vidić and Bilić (2022). The same authors highlight that this process encounters obstacles due to the pathologization of trans identities and psychiatric gatekeeping. They observe that the dominance of the medical model in Serbia, unlike in some other post-Yugoslav countries, is closely tied to the history of gender-affirming surgeries in Belgrade since the 1980s (Vidić and Bilić, 2022, p. 83). Draškić (2012) brings knowledge about the emergence of the existing legal framework for gender recognition. She points to a 2011 Constitutional Court ruling prohibiting mandatory surgeries and sterilization (*ibid.*). However, activists (Geten, 2015; Kolektiv Talas TIRV, 2022) and some scholars (Mršević, 2020; Vidić, Stanković and Ignjatović, 2022) advocate for more humane access to legal gender recognition and emphasize self-determination and avoidance of pathologization.

Various sources provide evidence that trans people in Serbia experience violence and social exclusion. Legal scholar Mršević (2017, pp. 42–43) writes that hate crimes against trans women are more frequently reported in the media than to the police, indicating a lack of trust in law enforcement. According to TGEU (2023), three trans individuals were murdered in Serbia between 2008 and 2023. In a report for Geten, Mršević (2021, p. 40) writes that trans

people face family violence, leading to forced homelessness. According to the latest report by LGBTIQ+ hate crime watchdog Da Se Zna! (Kovačević and Planojević, 2023, pp. 18, 48), 94 incidents against LGBTIQ+ people were reported to LGBTIQ+ organizations, with 70% being hate crimes and 19% of these targeting trans people. Hate-motivated incidents against cisgender survivors have decreased, while those against trans people have increased (Kovačević and Planojević, 2021, p. 44). According to European Union Fundamental Rights Agency (FRA, 2020), 62% of trans people in Serbia have encountered discrimination, mainly in the workplace (49%), followed by educational settings (41%).

All information for Montenegro on legal and social challenges for trans people comes from reports of non-governmental organizations (NGOs). Spektra warns that strict requirements for legal gender recognition are enforced, including mandatory genital reconstruction surgery and sterilization (Ulićević, 2018). Furthermore, Spektra's most recent research shows high levels of discrimination and financial struggles among trans people especially trans women and youth (Bobičić *et al.*, 2024). A joint report by three LGBTIQ+ organizations highlight rising homophobic and transphobic rhetoric, particularly among politicians and church officials (Queer Montenegro, Juventas and Spektra, 2023). The report notes a high level of social distance towards trans people with 98% of the population reporting never having met a trans person (*ibid.*). Negative attitudes persist and incidents of violence and discrimination against trans individuals often go unaddressed (*ibid.*). The European Commission against Racism and Intolerance (ECRI, 2020) has reported that the judicial system has failed to address rising hate speech and crimes.

Most sources in this section on Croatia also come from NGO reports, which warn that the legal gender recognition process is lengthy and emotionally draining, involving arbitrary actions by healthcare professionals (Hodžić, 2020; Mikac, 2022; Jurčić and Dota, 2023, pp. 93–95). In kolekTIRV's report on legal gender recognition in Croatia, members of the trans community caution that the procedure has become increasingly convoluted and burdensome over time since it was first adopted in 2014, further perpetuating the pathologization of their experiences (Hodžić, 2020).<sup>12</sup> Zagreb Pride (Jurčić and Dota, 2023) and kolekTIRV (Kajtezović *et al.*, 2017; Hodžić, 2020) propose self-determination-based laws and implementing international healthcare standards to improve trans rights.

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<sup>12</sup> This organization was previously known as Trans Aid. The report was published under this former name.

NGO and EU reports highlight the negative social environment in Croatia for LGBTIQ+ people, among the worst in the EU. According to FRA (2020), about 60% of trans people in Croatia have faced discrimination, with 42% of incidents occurring in educational settings. Of these, 94% never reported the incidents (*ibid.*). Discrimination and street violence based on gender identity have been reported to Zagreb Pride, which cautions that authorities fail to process the complaints (Jurčić, 2013, 2018; Jurčić and Dota, 2023). Earlier field research by Zagreb Pride notes that trans people experience higher rates of violence compared to cis LGB people (Milković, 2013, pp. 88–89).<sup>13</sup> kolektIRV warns that trans people lack family support, increasing their risk of homelessness (Kajtezović *et al.*, 2017).

Activist reports offer some insights into the lived experiences of trans communities in the post-Yugoslav space; however, they do not provide an understanding of the interplay between anti-trans discourses, human rights frameworks, and legal gender recognition. This research aims to address that gap.

## **Anti-Trans Mobilizations**

Literature on anti-trans mobilizations primarily comes from academic sources focusing on Croatia, while trans activists provide valuable insights on recent trends. Sociologists Paternotte and Kuhar (2018) note that right-wing anti-LGBTIQ+ mobilization in Slovenia and Croatia initially targeted sex education in public schools. Vučković Juroš, Dobrotić and Flego (2020) observe that since Croatia joined the EU in 2012, there has been a significant backlash against LGBTIQ+ rights, culminating in a referendum banning same-sex marriage. Various authors (Petričušić, Čehulić and Čepo, 2017; Vučković Juroš, Dobrotić and Flego, 2020; Vučković Juroš, 2023) write that the anti-LGBTIQ+ movement has strategically aligned its discourse with human rights to legitimize its claims, which led to constitutional amendments and an expanded agenda to include the abortion ban.

The focus of the anti-LGBTIQ+ movement in Serbia is predominantly to construct queer people as a threat to the nation Swimelar (2019). Research on right-wing mobilization against trans rights in Serbia and Montenegro is scarce but some authors highlight the Serbian Orthodox Church's opposition to education policies (Dekić, 2020; Čeriman and Vučković Juroš, 2023). The analysis of state discourses on family in both Serbia and Croatia reveals how

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<sup>13</sup> Trans respondents reported higher mean scores for psychological violence (8.43) and sexual violence (7.00) compared to lesbian and bisexual women (4.22 and 5.84) and men (3.95 and 5.11) (Milković, 2013). Overall, 74% of LGBTIQ+ respondents experienced some form of violence, either physical, psychological, sexual, or economic (*ibid.*).

appeals to return to traditional family values have underpinned religious-conservative opposition to gender and sexual rights (ibid.).

According to Vučković Juroš, Dobrotić and Flego (2020), the anti-LGBTIQ+ movement in Croatia targets a wide range of issues, including sexual and reproductive rights. The leading role of the Catholic Church in constructing anti-gender discourse in Croatia has been a major focus of research. Swimelar (2019) writes that the Church sees itself as a primary protector of what it perceives as traditional family and gender norms. Antić and Radačić (2020) argue that the Vatican has continuously opposed the term “gender” in international law since the 1995 World Conference on Women. In addition, the emergence of sexual orientation and gender identity in human rights law, along with the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (2011), further the *Istanbul Convention*, catalyzed transnational anti-gender movements (ibid.). Bosak and Munivrana (2019) note that in Croatia trans people became the focal point of opposition to the *Istanbul Convention* portrayed as a threat by Church-affiliated right-wing movements. Sociologists Hodžić and Štulhofer (2017) explain “the gender ideology” as a discourse used by right-wing movements to depict gender equality efforts as an attack on traditional Catholic family values. Kuhar and Zobec (2017) characterize it as a discursively constructed threat promoting a “post-binary gender world.” Both articles highlight the use of “gender ideology” in portraying sex education as the indoctrination of children.

In the first report on anti-gender mobilizing in the post-Yugoslav space, trans organizations from Serbia, Croatia, and Montenegro present recent examples of evolving anti-trans tactics (Hodžić *et al.*, 2023). In Croatia, anti-trans movements claim a “trans lobby” is pushing for increased surgeries on children (ibid.). In Serbia, “gender ideology” is linked to a biology textbook and the *Gender Equality Act 2021* and led to the removal of trans and intersex content from the textbook while the Act remains unchanged (Hodžić *et al.*, 2023). In Montenegro, the Serbian Orthodox Church organized a prayer gathering against Montenegro Pride, attended by two government ministers responsible for legal gender recognition legislation. Scholars Sloopmaeckers (2020) and Kováts (2018) explain that these conservative movements seek to redefine the European LGBTIQ-friendly identity based on traditional values and challenge the dominance of the human rights discourse by establishing their own human rights agenda.

The attack on trans rights hails from the leftist spaces as well. Despite the well-documented historical contributions of trans people to feminism (Enke, 2018), the anti-trans discourse has

emerged within feminist spaces in the English-speaking world as well (Pearce, Erikainen and Vincent, 2020). This situation is mirrored in the post-Yugoslav space. Bilić (2022) highlights how transphobia within feminist and leftist circles in the post-Yugoslav space exposes the influence of capitalist forces imported through uncritical translation during the transition from socialism to neoliberalism, without acknowledging contextual differences between the British and post-Yugoslav contexts. Jurčić and Kristensen, (2021) reveal a generational gap among post-Yugoslav feminists where older feminists often hold more conservative views on the inclusion of trans people, while younger ones consider trans-exclusionary feminism incompatible with feminism.

Anti-gender movements in Croatia are well-documented, but their impact on trans rights in Serbia and Montenegro remains largely unexplored. This research delves into trans activists' experiences navigating these mobilizations in these less-studied contexts.

## **Professionalization of Trans Activism**

Various authors highlight that LGBTIQ+ activists in the post-Yugoslav space advocate for their rights within the state's pro-EU discourse, which emphasizes human rights protection (Kahlina, 2015; Bilić, 2016a; Kalezić and Brković, 2016; Sloopmaeckers and Touquet, 2016, p. 29; Sloopmaeckers, 2017, 2022, 2023; Swimelar, 2019). By the 2010s, Serbia, Montenegro and Croatia had enacted pro-LGBTIQ+ legislation, and aligned their legal frameworks with the EU standards, which included banning discrimination based on gender identity (Kahlina, 2015; Spektra, 2021, p. 18; Sloopmaeckers, 2023, p. 88). Political scientist Sloopmaeckers (2023, p. 20) writes that EU accession had mixed effects on Serbia, resulting in instrumentalized reforms, backlashes, and a disconnect between policy and lived experiences. In earlier work, Sloopmaeckers (2022) argues that the failure to advance LGBTIQ+ rights in Serbia is influenced by illiberal societal factors, making the state hesitant to implement LGBTIQ+ human rights protections due to concerns about popular support. According to Kalezić and Brković (2016), and Ulićević and Brković (2022) activists in Montenegro strive to claim authenticity by balancing their portrayal as representing external European values with Montenegrin while leveraging EU accession dynamics for visibility and legal gains.

Another significant aspect of post-Yugoslav activism is professionalization initially observed within the Croatian feminist movement by Bagić (2002). According to Butterfield (2016), this process entails a transition towards hierarchical structures, increased emphasis on legal advocacy, integration into transnational networks, reliance on EU project funding, and a



departure from grassroots engagement and goals of transformative social change. Bilić and Stubbs (2015) compared professionalization in Serbia and Croatia and noted that donors and decision-makers tend to prefer professionalized organizations, viewing other forms of activism, such as direct support and community organizing, as less desirable. This dynamic often results in divisions benefiting professionalized activists at the expense of the broader community (ibid.).

Several authors, including Bilić (2016b), Mikuš, (2011) and Slootmaeckers (2017, 2023, pp. 161–163) highlight tensions among organizations and communities discontented with Belgrade Pride for failing to represent their voices. Vuković and Petričević (2019, p. 145) provide evidence and testimonies of the exclusion of trans women from the all-Yugoslav meeting “Lesbian Week.” However, Radoman (2019, p. 200), notes that in Croatia, most lesbian spaces have embraced trans people. Conversely, Bilić, Nord and Milanović (2022) later point out appropriation of trans-exclusionary language by the Center for Women’s Studies.<sup>14</sup>

While existing literature covers LGBTIQ+ activism concerning EU accession, a notable gap exists in understanding the strategies of trans rights activists advocating for legal gender recognition through a human rights lens. My research fills this gap by integrating human rights perspectives, offering insight into how trans activists navigate the legal and socio-political complexities of the post-Yugoslav space to assert their rights for gender self-determination.

## 4. Theoretical Framework

In my exploration of how trans activists navigate legal gender recognition, I have developed two theoretical frameworks. The first, influenced by Judith Butler (1997, 1999, 2024) and Sara Ahmed (2014) examines societal impact on legal recognition in post-Yugoslav contexts. The second, based on Europeanization (Subotić, 2011; Kahlina, 2015; Bilić, 2016a; Kalezić and Brković, 2016; Slootmaeckers, 2017, 2023; Slootmaeckers and O’Dwyer, 2018; Swimelar, 2019) and social movements theory (Mertus, 2007; Miller, 2010, 2017), explores advocacy tactics and legal navigation for trans activists.

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<sup>14</sup> The Center is a Croatia-based educational organization led by feminist activists and scholars. According to Miškovska Kajevska (2017), it holds both historical and symbolic value across the post-Yugoslav space as the center of feminist knowledge.

## Gender and Human Rights as Discourses

Generally, there are two ways to conceptualize gender according to feminist tradition: *essentialist* and *anti-essentialist* (Mikkola, 2017). Essentialism argues that biological factors determine gender assuming shared experiences among all members of the same gender (ibid.). In contrast, anti-essentialism acknowledges gender diversity and cultural specificity recognizing gender as a fluid, complex, and socially constructed phenomenon (ibid.). Butler (1999) expands on this by challenging the idea of a clear distinction between *gender* and *sex*, arguing that both are social constructs. Our understanding of the body as biological sex is also shaped by cultural norms and discourses (Butler, 1999, pp. 9–11). However, instead of defining gender, Butler (1999) takes a descriptive stance, leaving it as an open-ended category, and suggests that feminist theorists should focus on discourses surrounding bodies and their function in a cis and heterosexual society (ibid.).

Dominant Euro-American understanding of gender is shaped by power structures known as the *heterosexual matrix* (Butler, 1999, p. 24). This matrix encompasses cultural norms, social practices, and institutions that establish a perceived natural order of gender (Butler, 1999). In this study, I use the term *cisheteronormativity* to refer to this concept as it better reflects the problem of gender/sex binary and assumed heterosexuality as a social norm (Warner, 1991; Serano, 2007). Cisheteronormativity assumes the existence of only men and women, male and female bodies, acceptable forms of femininity and masculinity, and heterosexuality as the sole legitimate form of sexuality (Butler, 1999, p. 24).

To understand how trans people navigate the constraints of cisheteronormativity in the broader post-Yugoslav context, I have centered my focus on Butler's (1999) notion of *performativity*. Butler (1999) asserts that individuals are born into a world with pre-existing gender norms and learn to conform to cultural expectations of gender through socialization. Thus, gender serves as a framework for understanding identities constructed through repeated performances that create the illusion of gender reality (Butler, 1999, pp. 43–44). This suggests that intelligible bodies continually enact norms until they align with cisheteronormativity (ibid.).

Cisheteronormativity, as the reproduction of gendered persons according to Butler (1997), serves to maintain the capitalist system. This system relies on enforcing traditional gender roles and divisions of labor, particularly by allocating unpaid types of work to women based on their perceived gender (ibid.). The maintenance of this order involves regulating bodies, behaviors, and desires to conform while punishing or marginalizing those considered outside the norm

(Butler, 1999). These bodies, perceived as unintelligible or “othered” (Butler, 1999, pp. 24; 175), expose the unstable nature of gender, disrupting its natural order. They can be viewed as undesirable or even a threat or they can potentially disrupt cisheteronormativity through repetitive subversive gendered performative actions (ibid.).

To understand discourses that represent obstacles to the advocacy of trans rights, I incorporate Ahmed's (2014) theorization of the role of emotions within a discourse. Fear, a potent force, both empowers and constrains individuals (Ahmed, 2014, p. 69). Ahmed (2014), building on the *performativity* of Butler (1999), emphasizes emotions as discursive elements shaping bodies and social structures. The distinction between vulnerable and threatening bodies through the language of fear either unites or divides them (Ahmed, 2014, pp. 73–76). Institutions of power may deliberately instill fear in certain bodies, creating *us* versus *them* divisions to maintain the status quo (ibid.). This process legitimizes some bodies while delegitimizing others, ultimately framing certain bodies as threats, and justifying violence against them (ibid.)

Trans bodies become perceived as threats when both state and non-state actors construct discourse framing gender as a destructive force that destroys civilization and family (Butler, 2024). Butler (2024, pp. 8–14) conceptualizes this construction of fear about gender as a *phantasmic scene*, which is a psychosocial arrangement of desires, anxieties, and cultural elements that operates at both conscious and unconscious levels (ibid.). This fear operates as an irrational discourse and cannot be countered with rational arguments (ibid.). Within this discourse, gender is reduced to a single reality and burdened with fears and anxieties, serving as a surrogate object for broader societal anxieties related to socio-economic and environmental conditions (ibid.). Consequently, *gender* loses its conventional meaning(s), becoming an empty signifier that represents anything to be feared and opposed (ibid.).

Human rights theory, as discussed by Douzinas (2000), presents a similar issue with the concept of human rights. Douzinas (2000, p. 255) contends that the signified meaning of *human rights* has been diminished and turned into a free-floating signifier encompassing diverse meanings that various actors seek to exploit for their agendas. This shift has occurred due to the proliferation of human rights claims ranging from successful LGBTIQ+ advocacy in Western societies to justifications for military interventions in non-Western societies all in the name of *human rights* (Douzinas, 2000, pp. 127–128). The struggle over the meaning and scope of *human rights* is both symbolic and political with the prevailing meaning becoming the accepted truth (Douzinas, 2000, pp. 258–259). If a group presents its rights claim aligning it with the

existing Western-liberal human rights discourse, its discursive victory can gain political momentum further driving the proliferation of rights claims (ibid.).

The *human* in human rights discourse often relies on an essentialist understanding of gender that presumes a binary model of male/female identity treating gender as a pre-social and fixed category that is separated from the *body* (hartline, 2019). This framework creates an ideal of the gender-normative subject expecting trans people to conform to cisheteronormativity, or more precisely, binary and essentialist standards to gain recognition (hartline, 2019, 2020a). Moreover, the essentialist gender model underpinning human rights is presented as universal, thus obscuring the diversity of gendered experiences across cultures, and erasing those who fall outside the boundaries of what is considered an acceptable trans subject (hartline, 2020b).

To (re)articulate *human rights* inclusive of trans people, I draw from Butler (2024), Kováts (2018), and O’Byrne (2012) who critique the limitations of liberal human rights discourse. Butler, 2024 (pp. 259–260) highlights how Western-framed human rights often fail to resonate in diverse cultures due to neglect of local contexts. Kováts (2018) advocates for addressing systemic issues like global inequality and engaging in direct political confrontation with anti-gender movements, critiquing the framing of human rights as non-negotiable moral values. Conversely, Butler (2024, pp. 259–260) calls for anti-capitalist and anti-imperialist transnational gender politics emphasizing collective freedoms and gender inclusion in broader struggles for social and economic justice. Similarly, O’Byrne (2012) prioritizes addressing institutional and everyday dehumanization emphasizing the protection of human dignity in the face of language-induced injustices. Butler (2024, pp. 87; 132) suggests developing counter-narratives to challenge the harm of anti-trans discourse and fostering strategic solidarity alliances among marginalized groups to promote inclusivity and justice.

Utilizing this framework, in subsequent chapters I effectively addressed the first two research sub-questions and formulated recommendations for trans activists. Through the legal framework, interviews, and observations, I identified specific gender practices and focused on changes in personal names, sex markers, and the influence of gendered language. This allowed me to discuss how state and medical power constrain trans identities and legal gender recognition. The framework also provided me with an opportunity to explore the literature on anti-trans movements and address activists’ counterstrategies. Additionally, the framework equipped me with tools to examine how trans activists use gendered language to affirm or subvert gender. Understanding the impact of grammatical gender, as noted by Wittig (1992), is

crucial as it reinforces cisheteronormativity in gendered languages such as Serbo-Croatian, the language spoken by trans activists.

## **Queering, Europeanization and Trans Activist Approaches**

The EU is a significant actor, influencing the normative frameworks of the post-Yugoslav states and shaping the strategies of LGBTIQ+ activists in their quest for rights recognition and protection (Bilić, 2016a; Slootmaeckers and Touquet, 2016). This influence is theorized as *Europeanization*, an incentivized process wherein societies integrate EU norms, values, and policies into their domestic discourse and normative structures (Börzel and Risse, 2012; Bilić, 2016a; Slootmaeckers, 2017, 2023; Slootmaeckers and O’Dwyer, 2018). Europeanization involves the institutionalization and diffusion of both formal and informal rules along with shared beliefs associated with a collective European identity (ibid.). However, Europeanization goes beyond a simple top-down approach to adopting values, norms, and policies. Subotić (2011) defines it as a negotiated process where the successful adoption of shared rules and values depends on the strength of a shared European identity within a given context. Slootmaeckers and O’Dwyer (2018, pp. 411; 413) emphasize the socialization aspect of Europeanization, arguing that the EU “teaches” social and political elites about shared values, which are then translated into society through education. Building on this notion, Swimelar (2019) highlights the importance of social attitudes and domestic institutions in these negotiations surrounding the adoption of common norms and values. However, they point out the EU’s leverage in these negotiations, allowing it to impose standards that exceed formal requirements on candidate states (ibid.).

One such requirement is respect for LGBTIQ+ rights (Bilić, 2016a). In discussions surrounding Europeanization, these rights are often portrayed as inherently European values that aspiring member states must embrace and champion to achieve full European status (Bilić, 2016a, pp. 10–11). This perpetuates a dynamic of power imbalance with progressive Western Europe contrasted against the perceived homophobia or conservatism of Eastern Europe (ibid.). The ability to hold Pride Marches is constructed as the main indicator of a post-Yugoslav state’s progress towards EU integration in the context of respect for fundamental rights of the EU as well as anti-discrimination legislation for the LGBTIQ+ community (Kahlina, 2015; Kalezić and Brković, 2016; Slootmaeckers, 2017). Slootmaeckers and Touquet (2016) interpret the EU’s demand for pro-LGBTIQ+ policies and practices from future members as an exercise of its power, which LGBTIQ+ activists effectively leverage in their advocacy efforts at the

national level during the negotiation process. This strategy is conceptualized as *queering as Europeanization* (Kalezić and Brković, 2016).

Europeanization, neoliberal restructuring, and the consequences of the 1990s armed conflicts shape the context of LGBTIQ+ activism in the post-Yugoslav space, favoring civil and political rights over social and economic ones (Bilić and Stubbs, 2016, pp. 242–244). EU funding and accession pressures have led to the professionalization of LGBTIQ+ activism creating specialized NGOs that compete for grants, which are potentially detached from grassroots realities (ibid.). Croatia's post-Yugoslav nation-building discourse emphasized a “return to Europe” and “de-Balkanization” (Subotić, 2011; Kahlina, 2015) while Montenegro's progress on LGBTIQ+ rights is slower but motivated by the EU (Kalezić and Brković, 2016). In contrast, Serbia's post-Yugoslav identity is more oppositional to Europe due to the 1999 NATO bombing campaign (Subotić, 2011; Sloomaeckers, 2023, p. 54), leading to a contradiction termed “tactical Europeanization” where Serbia showcases progress on LGBTIQ+ rights internationally while undermining these principles domestically (Sloomaeckers, 2023, p. 20).

To address my third research sub-question, I have integrated two concepts from social movements theory into Europeanization theory: the *rights-based approach* (RBA) and the *rights-framed approach* (RFA) (Miller, 2010, 2017). RBA involves the comprehensive incorporation of international human rights principles to guide goals, processes, and outcomes of activist work (ibid.). In this approach, international human rights systems such as UN conventions serve as the primary reference for rights claims (ibid.). In contrast, RFA is an alternative rights advocacy strategy in which rights language is strategically and selectively employed to advance the organization's agenda (Miller, 2017). In the context of LGBTIQ+ activism, Mertus (2007) has proposed two alternative rights-framing models: *the assimilation-oriented* and *the confrontational model*. The former aims for LGBTIQ+ assimilation into existing institutions and structures while the latter advocates alternative discourses and priorities within new or reformed institutions (ibid.).

Such theoretical framework facilitated my exploration of the integration challenge posed by the introduction of the “gender” concept via Europeanization into post-Yugoslav societies and legal frameworks, amidst deeply entrenched gender stereotypes and norms. Additionally, it allowed me to examine how trans activists are framing their demands for legal gender recognition within this context. Through interviews and observations of campaigns, I identified various and opposing approaches which allowed me to discuss how has Europeanization

influenced trans activist approaches and strategies, and how they differ from broader LGBTIQ+ activist approaches in the region.

## 5. Findings

In this chapter, I present findings in three sections based on emerging themes from coding. The first addresses challenges in normative solutions for legal gender, while the second explores socio-political obstacles to trans inclusion. Both derive from ethnographic data and legal framework analysis. The third combines ethnographic and campaign data, examining diverse perspectives within trans rights advocacy.

### Normative framework and its limitations

The legal frameworks governing gender recognition in the three post-Yugoslav states violates the rights to dignity (*UDHR*, 1948, Art. 1), legal recognition (*ICCPR*, 1966, Art. 16), respect for private and family life (*ECHR*, 1950, Art. 8), free development of personality (*UDHR*, 1948, Art. 22), bodily autonomy and integrity (*ECHR*, 1950, Art. 3, as affirmed by the ECtHR in '*V.c. v. Slovakia*', 2011), freedom from discrimination (*ICCPR*, 1966, Arts. 15; 26, *ECHR*, 1950, Art. 14), as well as the right to the highest attainable standard of physical and mental health (*ICESCR*, 1966, Art. 12.1). The medicalized requirements and binary constraints imposed on trans individuals seeking legal gender recognition raise concerns about potential violations of their rights, while the imposition of mandatory medical procedures and psychiatric evaluations contradicts the ICD-11 (World Health Organization, 2019). This section examines how the legal frameworks in Serbia, Montenegro, and Croatia measure up against these human rights norms.

The framework for gender recognition is legislated by *Ordinances* regulating the change of sex markers in Serbia (2018), Montenegro (2014), and Croatia (2014) grounded in their respective *State Registries Acts* (2022; 2018; 2016). In Serbia, legal gender recognition is safeguarded as part of the right to human dignity and personal development (*Constitution 2006*, Art. 23) as confirmed by the Constitutional Court ('*Decision Už-3238/2011*', 2012). Despite not finding any court cases from Montenegro, its *Constitution 2013* guarantees the right to non-discrimination on any ground (Art. 8), dignity and inviolability of the person (Art. 28), and respect for private and family life (Art. 40). In Croatia, legal gender recognition is protected under the right to privacy and dignity (*Constitution 2014*, Art. 35), as upheld by the Constitutional Court ('*Decision U-III-31973/2012*', 2014). Trans people in these countries can

change their sex marker but the procedure requires expert assessments. In addition to sex makers in state registries, the other gender markers regulating legal gender are personal names, and in the case of Serbia and Montenegro, unique master citizen numbers (UMCN).<sup>15</sup>

Serbia and Montenegro adopted medicalized approach to changing sex markers and the UMCN. To change the markers in the Serbian registry, an individual must complete at least one year of hormonal treatment and undergo psychiatric evaluation (*Ordinance, 2018*, Art. 3). If the person has undergone genital reconstruction surgery/sterilization, the markers can be changed immediately (*ibid.*). In Montenegro, gender-affirming genital reconstruction surgery/sterilization is one of the six mandatory requirements, along with reports from an endocrinologist, social worker, psychiatrist, psychologist, and a general health practitioner (*Ordinance 2014*, Art. 3). *Health Insurance Acts* in Serbia (2023, Art. 313) and Montenegro (2021, Art. 14) grant rights to gender-affirming surgeries.<sup>16</sup>

In Croatia, there are two paths for changing sex markers in state registries: “Life in Another Gender Identity” and “Sex Change” (*Ordinance 2014*, Art. 1), representing a distinction between “gender” and “sex.”<sup>17</sup> The former requires assessments from a psychiatrist, psychologist, and social worker, while the latter involves additional assessment by an endocrinologist and a surgeon.<sup>18</sup> Individuals seeking gender recognition must gather a minimum of first three expert opinions and submit them to the Croatian Health Council, a parliamentary body. According to ‘*Decision U-I-3594/2018*’ (2021), the Constitutional Court distinguishes between “sex” and “gender” as both constitutionally protected characteristics granting the right to privacy and personality to those who have changed their sex markers. Although access to gender-affirming healthcare has not been codified, ‘*Decision GŽ-628/2021-*

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<sup>15</sup> This 13-digit identifier initially introduced in the former Yugoslavia identifies individuals for administrative and legal purposes. Serbia (*UMCA Act 2018*, Art. 4) and Montenegro (*Central Population Register Act 2016*, Art. 22) retained UMCN which indicates sex based on 10<sup>th</sup> to 12<sup>th</sup> digit where numbers from 000-499 identify “men” and 500-999 “women”. Croatia adopted an 11-digit system that does not contain personal information (*Personal Identification Number Act 2008*, Art. 3).

<sup>16</sup> In Serbia, public healthcare insurance covers 65% of gender-affirming surgery costs (*Ordinance on the Content and Scope of the Right to Health Protection from Mandatory Health Insurance and on Participation Fee for the Year 2023*, Art. 15, para. 24), while in Montenegro, it covers 100% (*Health Insurance Act 2021*, Art. 14, para. 23).

<sup>17</sup> The law considers hormonal treatment or gender-affirming surgeries, including mastectomy and/or genital reconstruction, as a “sex change.”

<sup>18</sup> Research participants from Croatia are unsure if the Health Council would accept assessments from medical professionals not listed on the *List of Experts with Experience Working with Transsexual People 2015*.



2' (2021) recognized this right. Similarly, the right to change gender markers in non-state documents, while not codified, was recognized by the *'Decision U-III/361/2014'* (2017).

The legal frameworks governing gender recognition in Serbia, Montenegro and Croatia exemplify a lack of human dignity and self-determination for trans individuals. The interviews reveal that despite some progress in legal frameworks, trans identities remain pathologized and medicalized in the process of legal gender recognition across the post-Yugoslav countries. Trans people are required to go through lengthy evaluations to obtain medical diagnoses, with the whole process lasting a minimum of two years, except if the person has undergone gender-affirming surgery. This positions medical professionals as gatekeepers and portrays trans identity as a disorder that must be verified and treated, rather than recognizing it as a personal identity.

**Josip** (Croatia): *"When I arrived for my appointment with the endocrinologist, my psychologist's assessment was over six months overdue. The endocrinologist expressed regret and mentioned that her colleague reviews her documents and that she is hesitant to backdate the assessment. So, I had to go to the psychologist again and wait for a couple more months."*<sup>19</sup>

In Montenegro, genital surgery and sterilization are explicitly required to change legal gender. The participants point out that this is incoherent with the laws prohibiting forced sterilization. For trans people who are sterilized, life-long hormonal therapy is needed, but at the same time, access to hormones is limited and often scarce.

**Viktor** (Montenegro): *I'm sterilized, so hormone therapy is lifelong for me. For instance, when the war started in Ukraine, I experienced constant panic attacks because I feared running out of testosterone, like what happened during COVID. I was fortunate to have a supply of testosterone at home then. So, for me, it's not just about... Well, sometimes it was just about losing my looks. Now it's more like, will I survive?"*<sup>20</sup>

The medicalized requirements create barriers and delays for trans people seeking legal recognition. Research participants highlight that access to medical procedures related to legal gender recognition is typically restricted to capital cities. This makes legal gender recognition

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<sup>19</sup> Transcript lines 4659-4661.

<sup>20</sup> Transcript lines: 2844-2848.

financially and logistically prohibitive for many trans people, especially youth and the poor living outside urban areas. The criteria and timelines for medical approval for legal gender recognition are inconsistently applied, and there is a limited number of approved medical experts available to assess trans patients.

**Ana** (Croatia): *“And that list of experts... Why are they appointed [and others aren't]? What authority or knowledge do they possess to assess a person to begin with? Moreover, there aren't enough experts on the list. For instance, if you live in Zagreb, you might have some possibilities. We have a [client] and their entire income depends on their parents, and they can't ask them for 35 euros for the bus round trip fare.”*<sup>21</sup>

Current legal frameworks only allow changing sex markers within the binary of male or female. This leaves out non-binary people and forces some trans people into the gender binary that may not fit their identities. Two participants identified themselves as non-binary and feared that their lives would not change if gender binary were codified in law.

**Saša** (Croatia): *“It's about personal identity, about who you are as a being. No matter what's written on my documents, whether I'm labeled as male or female, it's essentially false. Right now, my documents misrepresent who I truly am, and that's what the state requires, so I'm unable to change it for now.”*<sup>22</sup>

Trans activists themselves approach the legal barriers and medical prerequisites in diverse manners. While some engage in social transitioning, maintaining the assigned sex marker and legal name in official documents while embodying a gender presentation aligned with their identity and using a chosen name in everyday lives, others consider complying with existing regulations despite having reservations or disagreements about their necessity.

**Jana** (Montenegro): *“I'd go through with sterilization. I mean, if it meant I could finally feel aligned and at peace, I suppose that's the price. Sadly, amidst the numerous challenges we encounter as trans individuals in society, whether it's in Montenegro, Croatia, or any other European society, I reckon the costs are high and burdensome.”*

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<sup>21</sup> Transcript lines: 5358-5364.

<sup>22</sup> Transcript lines: 4471-4473.

*When discussing human rights, [sterilization requirement] is quite a tangible portrayal of the experiences of the trans community.”*<sup>23</sup>

The laws governing personal names provide trans people with the freedom to choose a name that aligns with their gender identity without requiring a change in their sex marker, albeit with certain restrictions. In Montenegro, name change regulations are the most liberal, with restrictions only for individuals within the criminal justice system and legal consequences after conviction (*Personal Name Act 2016*, Art. 15). Croatia and Serbia have additional limitations: Croatia prohibits names that insult or endanger rights, freedoms, legal order, or public morality (*Personal Name Act 2019*, Art. 8); Serbia prohibits names contrary to community customs and beliefs (*Family Act 2015*, Art. 347). Some research participants have encountered bureaucratic resistance when attempting to change their assigned name or have shared experiences of others who found ways to navigate through boundaries.

**Tomislav** (Croatia): *“At the registry office... I wrote down my name, then the lady kindly told me that I couldn't [choose that name because], that it's a male name. So, I nicely interpreted the law and explained whether they wanted a complaint or if we could settle this peacefully. I got a little cocky because I was young and assertive. But it helped me!”*<sup>24</sup>

**Vuk** (Serbia): *“It used to be just the usual [gender-neutral] names like Saša and Vanja, but now trans people are getting more creative, so it seems like names have changed a bit. For example, trans men now choose names like Andrea.<sup>25</sup> At the registry, our folks don't really know what that's about, so the name gets accepted. Similarly, trans girls give themselves names like Mija, with a 'J', which is typically a guy's name here [unlike Croatia]”.*<sup>26</sup>

Even after going through the difficult and lengthy process of legal gender recognition, trans people still frequently face difficulties with aligning their documents with their changed sex marker and/or name. This means that institutions like banks, hospitals, and universities do not

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<sup>23</sup> Transcript lines: 3339-3344.

<sup>24</sup> Transcript lines: 4684-4688.

<sup>25</sup> Italian masculine names, that sound feminine in Serbo-Croatian.

<sup>26</sup> Transcript lines: 2153-2160.

properly update information across systems, which makes trans people reluctant to engage with institutions and their services.

**Tina** (Montenegro): *“They might clock me, but I haven’t heard any comments myself. However, I know people who have had issues. They are asked to provide medical documentation because it is not believed that the ID is theirs.”*

**Petra** (Montenegro): *“Even at health centers when you go for your therapy, they either refuse to give it to you, or the whole staff shows up within 5 minutes to see who the trans person is. It’s like, zero privacy.”<sup>27</sup>*

The medicalized process for legal gender recognition, sterilization, and adherence to a binary system, raises human rights issues. While the legal frameworks have seen some progress, various socio-political barriers persist, hindering efforts to align the normative approach with international human rights standards.

## **Socio-political obstacles to trans inclusion**

The barriers of cisheteronormativity, anti-trans backlash, religious opposition, and linguistic gender binarism highlighted in this section collectively undermine human dignity, the right to legal recognition, and non-discrimination. These are major tenets of the human rights framework.

The belief that there are only two genders is deeply ingrained in the societies and governments of the post-Yugoslav countries. As a result, trans people are compelled to conform to either “male” or “female” identities and adhere to rigid transition narratives to attain legal recognition and social acceptance. This leaves little room for non-binary, fluid, or gender-diverse identities and experiences. For example, to get the psychiatrist’s approval, trans people are expected to perform their gender in a particular way.

**Vuk**: *“[The psychiatrists] visually assess people and judge them based on their looks, posture to see if they fit into certain binary stereotypes. They expect trans women to show up all dolled up, in, like, a skirt or something. They don’t even consider whether that person might get attacked on the way there.”<sup>28</sup>*

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<sup>27</sup> Transcript lines: 2791-2800.

<sup>28</sup> Transcript lines: 2173-2176.

This pressure to conform to binary norms extends beyond public healthcare, shaping social roles and reinforcing inequalities. For **Eva** from Croatia, the binary system is produced within the capitalist work exploitation by perpetuating divisions of labor: underpaid public/unpaid domestic labor for women, and the public sphere for men.

*“That's why trans individuals are also pushed in that direction to be as readable as possible, to go through all of those procedures, so that their bodies can function more efficiently according to that logic, in the established system.”<sup>29</sup>*

The surge in anti-gender movements portrays trans rights as a threat, particularly to children. Activists in Serbia and Croatia respond to this by highlighting the politicization and dehumanization of trans individuals, but Montenegrin activists use EU integration to counter the backlash.

**Viktor:** *“If the law doesn't get passed now, and by some chance we enter the EU, you know when it will adopt it? Never! And then [once in the EU], the screwing will just begin. I mean, you know, these are your only leverage points right now, because it's hard to take away acquired rights.”<sup>30</sup>*

However, activists in all three countries avoid confrontation with anti-trans movements, fearing it will contribute to their legitimization.

**Olga (Serbia):** *“International institutions have also weakened their influence considerably, leaving everything to national legislatures. There isn't that clear stance anymore, because, for a while, it seemed to be present. So, it's all spilling over onto Serbia, leading us to have an autocratic regime.”<sup>31</sup>*

The interviews reveal that religious institutions in post-Yugoslav space, often aligned with right-wing movements, perpetuate discourses that hinder trans rights by mobilizing followers and shaping public opinion. This creates a hostile environment for trans advocacy. To counter this dehumanizing discourse, activists advocate for public school gender diversity education, promoting positive media representation, actively engaging with other marginalized communities, and fostering intersectional solidarity to address the lack of understanding and overcome obstacles to trans inclusion in society.

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<sup>29</sup> Transcript lines: 4157-4158.

<sup>30</sup> Transcript lines: 3260-3263.

<sup>31</sup> Transcript lines: 866-868.

**Tara** (Serbia): *“Where is intersectionality? Why aren't we addressing other marginalized groups? Why aren't we coming together? You can't just focus on your own issue in this chaos! Nobody's gonna notice our problems!”*<sup>32</sup>

The role of language in shaping discourses around trans rights is significant, as highlighted in the interviews. Participants note how the gendered nature of Serbo-Croatian poses challenges for trans-self-expression and recognition as well as for activists advocating for more inclusive communication. This is especially the case for non-binary individuals. Unlike English, which primarily marks gender on pronouns, Serbo-Croatian's intricate gender system extends to verbs, adjectives, and nouns, making gender avoidance difficult. Some activists and community members have devised various strategies to challenge these linguistic norms including using alternative grammatical tenses and appropriating seemingly uncommon gender-neutral nouns. These creative linguistic practices serve as resistance to the gender binary and aim to create space for trans and non-binary identities within the constraints of language. The written subversions have gained acceptance in the broader community beyond LGBTIQ+ activist spaces. However, the binary gender predominates in spoken language, a phenomenon resulting from the more recent trend of gradually replacing the imposed neutrality of masculine forms. The attempts to introduce more inclusive language often face pushbacks, indicating broader anxieties and hostility towards gender diversity and inclusion.

**Luka** (Serbia): *“When you mention gender or anything associated with it, it's automatically linked to women. And once it's associated with women, it often gets sidelined in terms of priority, discussion, contemplation, and so on.”*<sup>33</sup>

The barriers of cisheteronormativity, anti-trans backlash, religious opposition, and linguistic gender binarism undermine the human dignity of trans individuals in the post-Yugoslav space. Entrenched societal attitudes and discourses that dehumanize and discriminate against trans people violate their rights to dignity, legal recognition, and non-discrimination. Overcoming these socio-political obstacles is essential for the inclusion of trans people in social, political, cultural, and economic life, which includes community organizing for effective rights advocacy. As the subsequent section explores, trans activists are grappling with how to best advocate for reforming these frameworks to uphold their rights.

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<sup>32</sup> Transcript lines: 141-143.

<sup>33</sup> Transcript lines: 1577-1578.

## Advocacy approaches in trans rights activism

The diverse advocacy approaches of trans rights activists, whether focused on human rights self-determination, assimilation, or gender abolition, aim to secure legal recognition and inclusion for trans people through strategies of achieving right to dignity, legal recognition personality, non-discrimination, bodily autonomy, and the highest attainable standards of physical and mental health. Interviews revealed tensions over their effectiveness. Though professionalization was not directly addressed, many activists, particularly in Croatia and Serbia, expressed concerns about insufficient cooperation and community outreach, indicating these underlying challenges.

Most research participants agree that legal gender recognition must be based on self-determination, without imposing psychiatric, pharmacological, or surgical requirements. But opinions differ on approach: is it feasible to pursue the incremental changes in the current political climate or should the community demand maximal changes, such as full self-determination? **Svetlana** from Serbia supports a maximalist approach, as outlined in Geten's (2015) Model Law, which advocates framing legal gender recognition as a fundamental right to live freely as a member of society, as either *male*, *female*, or *other*; thus challenging the gender/sex binary. She believes that activists should engage decision-makers in a deliberative process to promote this perspective.

*"I think that one should engage with EVERYONE. Especially with those who are your opponents, who don't accept you, who may vehemently oppose the Law. Because I believe they have no clue about what's going on. And there needs to be a conversation with them. I think it's better to have some human connection, rather than confrontation. Even if you don't find some middle ground, at least you've tried."*<sup>34</sup>

A research participant suggested achieving legal gender recognition through a gradual increase of rights via strategic litigation efforts, noting that public advocacy and campaigning in unsupportive or hostile environments may harm the trans community.

**Tomislav:** *"NGOs should exclusively target the avenues that will grant permission. I'm talking about legislative channels, and so on. If they don't cooperate, then it's time for court. That's the extent of it. No involvement with the media. Expecting society to rally*

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<sup>34</sup> Transcript lines: 551-555.

*behind you while you're pursuing something they don't comprehend or endorse is unrealistic.*"<sup>35</sup>

Others suggest completely the opposite approach, advocating for increased visibility and forming strategic alliances with other marginalized groups.

**Olga:** *"So, we have to act together on every level. So, all minority, marginalized groups, but at the same time, we work—meaning, when it comes to this neoliberal agenda—on labor rights. Because we are also workers."*<sup>36</sup>

Some participants expressed doubts that legal gender recognition based on self-determination would be politically feasible anytime soon.

**Saša:** *"I think that, well, realistically, maybe some political actors might propose it, but, well, it's almost impossible, I think, for it to be adopted."*<sup>37</sup>

The proposed *Draft Law (Montenegro) 2024*, supposedly grounded in self-determination, prohibits the need for medical documentation but restricts legal gender recognition rights to unmarried individuals only (Art. 7), thereby preventing the possibility of same-sex marriage.<sup>38</sup> Many concessions, particularly the uphold of the gender binary, are criticized by some Montenegrin activists, especially those who are not in leadership positions.

**Sara (Montenegro):** *"Somehow, we're settling for the bare minimum, even though we constantly talk a big game. I might sound frustrated, which I am! I love being a frustrated trans person! Because I have every reason to be! I don't think any law regarding trans people should default to heteronormativity and consequently cisnormativity. Because I'm neither straight nor cis, nor do I want to be. I need laws that open me the space to be who I am."*<sup>39</sup>

The campaigns for legal gender recognition aim to foster empathy and acceptance. In Croatia and Serbia, celebrities amplify trans voices, emphasizing their belonging to the wider community (Geten, 2020, 2022a, 2022b; kolekTIRV, 2024b). The campaign in Serbia portrays trans people as family members, friends, and colleagues (Geten, 2022a). In Croatia,

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<sup>35</sup> Transcript lines: 5146-5151.

<sup>36</sup> Transcript lines: 1057-1059.

<sup>37</sup> Transcript lines 4438-4439.

<sup>38</sup> Same-sex marriage is unconstitutional according to Art. 71 of the *Constitution 2013*.

<sup>39</sup> Transcript lines: 3543-3551.



assimilation is articulated through shared experiences like binge-watching TV shows or being late to appointments, under the campaign's title “Like Everyone Else” (kolekTIRV, 2024a, 2024c). Montenegrin campaigns highlight harmful experiences due to mandatory sterilization requirements (Spektra, 2022). Spektra (2023b) uses Montenegrin identity cards to illustrate the issue and potential solutions offered by the *Draft Law 2024*. Additionally, their campaign depicts the EU as a community where trans individuals are trusted in government roles (Spektra, 2023a). All campaigns employ a discourse of assimilation into wider society, aiming to depict trans individuals as vital parts of the community.

Out of the 17 research participants, three advocated for an alternative approach. Notably, none of these activists hold decision-making power in any organization. Two participants proposed shifting the focus from legal gender recognition to advocating for the complete abolition of legal gender arguing that the state should refrain from classifying the population by gender/sex.

**Eva:** *“The least we can do within the current system, before any radical changes occur in the world, which I believe in, is to advocate for the complete abolition of legal gender. Because the state shouldn't concern itself with it. The state is obligated to offer various health and social services, ensuring the highest level of existential security for all, yet it fails to do so.”*<sup>40</sup>

**Saša:** *“We should work towards abolishing the view that gender is an important factor in society at all. It shouldn't matter if you're male, female or anything else... You should be free to express yourself however you want, and if you need hormones or surgeries, great, but if you don't, that's perfectly fine too. True freedom is what we're after.”*<sup>41</sup>

While not ideologically opposed to legal gender legislation, one activist believes that in Serbia's context, advocating for legal rights is fruitless. Instead, the entire movement should prioritize fighting for social and economic rights and survival.

**Teodora:** *“Serbia is a country where people live on the brink of poverty. We have problems that are more pressing. We're constantly on the edge of some conflict. Essentially, we're a small colony that's screwed over by whoever comes along. We have*

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<sup>40</sup> Transcript lines: 3992-3997.

<sup>41</sup> Transcript lines: 4585-4587.

*a [trans] child that's been butchered and thrown into plastic bags, and we're talking about the Gender Identity Act?!”<sup>42</sup>*

While the gender-abolitionist approach and the focus on socioeconomic rights remain minority positions within the activist community, they highlight the diversity of perspectives and the ongoing debates about the most effective strategies for advancing trans rights in the post-Yugoslav context. Despite variances in methodologies, scope, and objectives, the various advocacy approaches represent, at times, conflicting efforts by trans activists to advance the human rights agenda.

## 6. Discussion

In this section, I start by discussing the relationship between the normative framework and medical power based on my interviews and WPR-inspired policy analysis (Bacchi, 2012). Then I discuss the obstacles for the trans rights advocacy. Lastly, I discuss trans activists approaches and rights-framing in the post-Yugoslav space.

### **Pathologization, Medicalization, and the Gender Binary**

The findings show that the legal framework for gender recognition in the post-Yugoslav space perpetuates the pathologization and medicalization of trans identities. Currently, in all three states, medical opinions are mandatory for the legal change of sex markers in state registries, thereby enabling legal gender recognition. These state registries are managed by different ministries in each country: in Montenegro (*State Registries Act 2016*, Art. 9), the interior ministry is responsible for maintaining the state registry, while in Croatia (*State Registries Act 2022*, Art. 3) and Serbia (*State Registries Act 2018*, Art. 6) this responsibility devolved to local administrations. Psychiatric evaluations are required in all three states, with hormonal treatment mandated in Serbia and Montenegro. Montenegro also imposes genital reconstruction surgery, making it the most restrictive and invasive of the three. While the requirement for genital surgery is not explicitly stated in the text of Montenegro's *Ordinance 2014* (Art. 3), which stipulates that “medical reasons for sex change are determined by,” among others, “examination and diagnosis by a specialist doctor in surgery,” the Ministry of Interior interprets the Ordinance restrictively in practice. One activist, Filip, noted that the Ministry of Interior issued an opinion without legal basis, stating that full gender reassignment surgery,

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<sup>42</sup> Transcript lines: 1287-1293.

including sterilization, is necessary to change the sex marker and identity number for trans people.<sup>43</sup>

In the post-Yugoslav space, trans people are subjected to invasive and dehumanizing procedures that violate their bodily autonomy and self-determination. These procedures force trans individuals to conform to narrow, binary conceptions of gender and endure degrading methods to prove their identity to medical professionals. Research participants in Serbia reported that psychiatrists expect trans people to adhere to stereotypical gender norms.<sup>44</sup> Similarly, in Croatia, some participants were subjected to degrading questioning or prescribed antidepressants to assess the legitimacy of their “gender dysphoria.”<sup>45</sup> The situation is particularly severe in Montenegro where the mandate for genital reconstruction and sterilization constitutes a gross violation of trans people's bodily autonomy. As activist Filip mentioned, this requirement violates the Montenegrin *Criminal Act 2020* (Art. 151b), which falls under the jurisdiction of the same ministry responsible for legal gender recognition.<sup>46</sup> The Act punishes forced sterilization with up to five years of imprisonment. The coercive nature of these procedures not only denies trans individuals the right to make informed decisions about their own medical care but also perpetuates systemic discrimination and marginalization.

In Croatian law, the term “gender” typically occurs in reference to trans people. According to the *Ordinance 2014*, undergoing hormonal treatment or gender-affirming surgeries, such as mastectomy or gender-affirming genital reconstruction surgery, constitutes a “sex change”. Performing and identifying with a gender different from the one assigned at birth, accompanied by psychiatric, psychological, and social worker assessments, is categorized as “life in another gender identity”. “Gender” (identity) is predominantly cited as a legal basis for recognizing trans people, notably in the *Anti-Discrimination Act* (2012, Art. 1). In most other instances, including references to “gender equality,” the law uses the term “sex,” such as “sex equality” (or “ravnopravnost [s]polova” in Serbo-Croatian) which is a fundamental value outlined in the *Constitution* (2014, Art. 3), or *Sex Equality Act 2019* (or “Zakon o ravnopravnosti spolova” in Serbo-Croatian). The Constitutional Court, per ‘*Decision U-I-3594/2018*’ (2021), identifies “sex equality” as one of the eleven fundamental values of the constitutional order (Article 3), while “gender identity” falls under discrimination protection as “other characteristics” (Article 14),

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<sup>43</sup> Transcript lines: 2530-2532.

<sup>44</sup> Transcript lines: 2173-2176.

<sup>45</sup> Transcript lines: 4326-4329;4638-4649.

<sup>46</sup> Transcript lines: 2523-2524.

thus identifying “gender” and “sex” as two distinctive legal concepts. The Ministry of Health’s *Professional Guidelines for the Preparation of Opinions of Health Workers and Psychologists on Determining the Conditions and Assumptions for Changing Sex and Life in a Different Gender Identity 2016* similarly distinguishes between “sex” as a “biological and legal category”, and “gender” as a “complex psychological and social category encompassing gender identity, expression, and roles” (para. 1). In contrast, Serbia and Montenegro use “gender” and “sex” interchangeably within their legal frameworks, varying by law. The Montenegrin *Constitution 2013* addresses “gender equality” (or “rodna ravnopravnost” in Serbo-Croatian) in Article 8, while Serbia’s Constitution refers to “sex equality” (Art. 15). Both countries have enacted *Gender Equality Acts (2021; 2015)*. Montenegro’s *Anti-Discrimination Act 2017* (Art. 2.) prohibits discrimination based on “sex” and “gender identity” while Serbia’s *Anti-Discrimination Act 2021* (Art. 2) protects against discrimination based on “sex,” “gender,” “sex characteristics,” and “gender identity” as separate grounds.

The distinction between sex and gender in these legal frameworks reflects how the states view sex as a legal category, fixed and binary, while gender is regarded as a social construct encompassing a broader spectrum of identities and expressions, particularly significant for recognizing and protecting trans rights (Croatia), or, as research participant Luka mentions, “something to do with women”.<sup>47</sup> The essentialist understanding of gender as “biological” and fixed legal sex category predates that of legal gender, which has been integrated into post-Yugoslav legal systems through processes of Europeanization aimed at aligning with EU norms (Kahlina, 2015; Bilić, 2016a; Sloopmaeckers, 2017, 2023; Sloopmaeckers and O’Dwyer, 2018). It is reasonable to assume that (mis)translation of norms into the post-Yugoslav context occurred. This resulted in either failure to advance trans and, generally LGBTIQ+ rights, in Serbia (Sloopmaeckers, 2022) or the adoption of the norm in Montenegro (Kalezić and Brković, 2016; Ulićević and Brković, 2022) and Croatia (Jurčić, 2013, 2018; Kahlina, 2015; Jurčić and Dota, 2023) without a full understanding of their implications.

The role of the state is to maintain this fixed, binary, and stable category of “sex” through lengthy and rigorous administrative-medical procedures. Two of my research participants stated that, based on their experiences, most medical experts feared potential detransition, or reverting to their birth-assigned sex marker.<sup>48</sup> By making the process of legal gender recognition difficult, the underlying assumption seems to be that only those who are “truly

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<sup>47</sup> Transcript lines: 1577-1578.

<sup>48</sup> Transcript lines: 3607-3608; 4552-4565.

trans” will persist through the process, which creates an idea of acceptable trans subject (hartline, 2020b). This reflects an essentialist understanding of gender identity as something fixed, pre-social and stable that can be definitively determined (Mikkola, 2017; hartline, 2019) rather than as something more fluid that may evolve over time, especially for youth. A research participant from Croatia suggests that this fear of detransition also impacts how some psychologists approach working with trans youth. Both research participants who referred to the detransition scare encourage creating space for gender exploration and social transitioning, normalizing gender non-conformity.

The legal frameworks governing gender recognition in the post-Yugoslav space represent the “problem” (Bacchi, 2012, 2017) of legal gender recognition as a medical issue requiring diagnosis, treatment, and conformity to binary gender norms. This representation, evident in policies mandating psychiatric evaluations, hormone therapy, and genital surgery, is underlain by essentialist assumptions about gender as a fixed, binary category that can be determined through medical means. The effects of this problem representation are far-reaching, reinforcing the medicalization and pathologization of trans identities, compelling individuals to undergo invasive procedures that violate their autonomy and human rights, and perpetuating the marginalization of those who do not conform to narrow, binary conceptions of gender. Shaped by Europeanization processes that have introduced the concept of “gender” without fully considering its implications within rigid societal norms, these frameworks urgently need to be challenged and replaced with a self-determination-based approach that recognizes the diversity of gender experiences and upholds the principles of human rights.

## **Anti-Trans Movements and Linguistic Exclusion**

The understanding of gender in the post-Yugoslav space is deeply rooted in gender essentialist binary assumptions (Mikkola, 2017) as evident through the preceding analysis of the legal framework. Cisheteronormativity (Butler, 1999), which encompasses the gender binary, gender essentialism, and presumed heterosexuality as societal norms is further reinforced by the discourses of the anti-trans agenda (Hodžić and Štulhofer, 2017; Antić and Radačić, 2020; Dekić, 2020; Vučković Juroš, Dobrotić and Flego, 2020; Hodžić *et al.*, 2023; Ćeriman and Vučković Juroš, 2023; Vučković Juroš, 2023). These discourses, along with the effects and trauma of the Yugoslav wars, have reinforced rigid patriarchal norms through the influence of organized religions and right-wing politics (Bilić, 2016a; Hodžić, Poštić and Kajtezović, 2016; Petričušić, Čehulić and Čepo, 2017; Ulićević and Brković, 2022; Sloopmaeckers, 2023). This

creates a challenging environment that hinders progress in trans rights advocacy efforts and obstructs substantive social and legal change toward realizing social, civil, political, and economic rights of trans people.

The rise of anti-trans movements and the influence of religious institutions in the post-Yugoslav space dehumanize trans people by framing their identities as a dangerous ideology that threatens society, children, and families (Hodžić and Štulhofer, 2017; Petričušić, Čehulić and Čepo, 2017; Antić and Radačić, 2020; Dekić, 2020; Vučković Juroš, Dobrotić and Flego, 2020; Hodžić *et al.*, 2023; Čeriman and Vučković Juroš, 2023; Vučković Juroš, 2023). By rearticulating human rights language as parental rights to choose appropriate education free from “gender ideology” for their children and positioning themselves as protecting the democratic will of the majority, the anti-trans movement has been successful in appropriating the rhetoric of rights to advance their agenda of exclusion (*ibid.*). According to most of my research participants, religious institutions and anti-trans movements pose the greatest threat to trans rights because they influence state policies and public attitudes. This dehumanizing discourse, as conceptualized by Ahmed (2014) and Butler (2024), operates through the language of fear, fostering divisions and justifying violence against the trans community. Based on my interpretation of the conversations with trans activists and the literature review on the anti-trans movement, the main anti-trans objective is to uphold existing hierarchies of gender, economics, nationality, ethnicity, and religion. This involves the construction of what Butler (2024, pp. 8–14) terms a phantasmic idea of gender, which exploits the social and cultural anxieties about the change and the unknown.

The post-Yugoslav state regimes, while not fully embracing anti-gender movements, responded to some of their demands. In Croatia, the government reached a compromise with the anti-trans movement and Catholic Church opposing the *Istanbul Convention* (2011) by explicitly rejecting “gender ideology” in the *Law on the Ratification [of the Istanbul Convention] 2018* (Art. 17), stating it does not mandate introducing “gender ideology” into Croatian legal and educational systems or require amending the constitutional definition of marriage as a union between a woman and man (*Constitution 2014*, Art. 62). By legitimized “gender ideology” through law, the government has contributed to the further marginalization and othering of the trans community in Croatia, reinforcing the notion that their identities are a threat to society rather than a part of gender diversity deserving of respect, dignity, and rights protection. A comparable legitimization of the “gender ideology” occurred in Serbia when the government withdrew school textbooks that referenced, among other things, trans and intersex people

(Dekić, 2020, p. 20; Hodžić *et al.*, 2023; Čeriman and Vučković Juroš, 2023). Additionally, there was a backlash against multiple attempts to introduce sex education in public schools in Croatia (Vučković Juroš, Dobrotić and Flego, 2020), resulting in the introduction of a health curriculum that minimized the topic of sexuality by removing most of the content promoting positive attitudes towards LGBTIQ+ people (Jurčić and Dota, 2023).

Europeanization, as an Anglocentric process, has introduced the concept of “gender” into the post-Yugoslav discourse through the process of aligning with EU norms (Kahlina, 2015; Bilić, 2016a; Sloopmaeckers, 2017, 2023; Sloopmaeckers and O’Dwyer, 2018; Swimelar, 2019). However, both societies and legislators are struggling to understand and incorporate this concept within the context of rigid societal norms. This difficulty in comprehending and accepting gender diversity may have contributed to the rise of anti-gender movements in the region. The invisibility of trans people in society and the social distance towards the LGBTIQ+ community, as evident in some NGO reports (Mršević, 2021; Jurčić and Dota, 2023; Queer Montenegro, Juventas and Spektra, 2023), further compounds the challenges faced by trans activists in garnering wider public support for desired socio-political changes.

To counter anti-trans discourses, trans activists are fostering intersectional solidarity primarily through alliances with feminist, human rights, and antifascist movements from which they have emerged (Špehar, 1994; Sagasta, 2001; Butterfield, 2016; Hodžić, Poštić and Kajtezović, 2016; Miškovska Kajevska, 2017). Some research participants, like Tara, were (self)critical of the extent of intersectionality, noting that no new or unexpected alliances have occurred in recent years.<sup>49</sup> A much broader intersectional alliance is needed to create an alternative counter-discourse to the challenges posed by what Butler (2024) calls phantasmic gender. However, most activists I interviewed expressed reluctance to directly confront anti-trans movements, particularly anti-trans feminists, to avoid legitimizing their positions. Only one Serbian activist disagreed with this approach, favoring a more deliberative strategy that exposes the dehumanizing consequences of anti-trans discourses.<sup>50</sup> This approach includes engaging in debates with anti-trans feminists regarding the 2023 murder of a trans woman and whether it constitutes femicide. This position aligns with O’Byrne’s (2012) proposition, which emphasizes addressing language-induced dehumanization. There are similarities between this research participant’s approach and Kováts’ (2018) proposal for re-politicizing human rights, wherein Kováts challenges the perceived moral superiority of human rights discourse, rejects

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<sup>49</sup> Transcript lines: 141-143.

<sup>50</sup> Transcript lines: 1492-1499.

direct political conflict with opponents of human rights, and proposes articulating alternative solutions to the issues raised by the anti-trans movement.

While this strategy aims to counter the discourse of anti-trans dehumanization and exclusion, trans people also face exclusion on a more fundamental level through the very language they use to express their identities. The highly gendered nature of Serbo-Croatian reinforces the societal cisheteronormative assumptions that underpin the dehumanizing anti-trans discourses. By imposing a strict gender binarity linguistically, the language itself becomes a means of erasing and denying the existence of non-binary and gender-diverse identities. The creative linguistic practices employed by trans activists and community members, as highlighted in the findings, serve as a form of resistance to the gender binary imposed by the structure of the Serbo-Croatian language, aligning with Wittig's (1992) critique of how grammatical gender reinforces oppressive heteronormative ideologies. These practices challenge the exclusionary effects of linguistic gender binarism. To challenge essentialist and binary assumptions of gender, trans activists deliberately subvert the language norms by constructing gender-neutral language formations. This strategy was not the major point in the interviews, particularly among older activists, but it seems to be very important for younger or nonbinary research participants.

In written language, activists promote using underscore to construct new gender-neutral forms. For example, on kolektIRV's (2021) website, the group writes: “Volonterstvo uključuje prijatelje\_ice i partnere\_ice,” which translates as “Volunteer corps includes our friends and partners.” The underscore in “prijatelje\_ice” and “partnere\_ice” is used to combine the masculine (“prijatelje”, “partnere”) and feminine (“prijateljice”, “partnerice”) grammatical forms, creating a symbolic gender-neutral space symbolized with the underscore that represents an expression that includes all genders between masculine and feminine. In both written and spoken language, first-person singular pronouns are easily avoidable as verbs indicate the subject. However, when referring to others in singular or plural, activists I spoke to use both pronouns. For instance, “One (feminine) i oni (masculine) su bili na protestu”, which translates to “They (plural) were at the protest”. Activist Eva proposes using alternative grammatical past tenses, such as aorist, in speech, which provides a gender-neutral option in the first-person singular.<sup>51</sup> For example, “bijah” for “I was”, unlike the more common simple past tense “ja sam bio” for masculine and “ja sam bila” for feminine. However, this approach is not needed for

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<sup>51</sup> Transcript lines: 3885-3911.



present and simple future tense, as they are not gendered. While the gender-neutral writing style is accepted to some extent in the wider community, particularly among academics and activists, the use of aorist is not widely adopted, as it carries an archaic tone in speech.

This section showed that acts of linguistic resistance, intersectional solidarity, constructing counter-narratives, and building alliances demonstrate the multifaceted approaches trans activists employ or suggest to counter exclusion and dehumanization and assert their fundamental human rights in the post-Yugoslav space. By challenging the oppressive structures of cisheteronormativity and binary language, activists aim to create a more inclusive society. Their efforts seek to ensure a society that respects the dignity and rights of all.

## **Framing Trans Rights in the Post-Yugoslav Space**

Trans activists in the post-Yugoslav space employ diverse advocacy approaches in framing their claims for legal gender recognition. These approaches range from assimilation-oriented strategies employed by professionalized NGOs, which frame trans people as regular members of society, to a more confrontational and transformative model that aims to challenge broader structures of marginalization (Mertus, 2007). The findings reveal tensions among these trans activists regarding the most effective strategies for advancing trans rights, which echo debates on professionalism versus grassroots organizing from Bilić and Stubbs (2015, 2016) and Butterfield (2016).

The assimilation-oriented approach among research participants spans from advocating incremental changes to maximalist goals, specifically legal gender recognition based on self-determination. Tomislav and his organization in Croatia endorse an incremental strategy, favoring professionalized methods such as lobbying and strategic litigation to advance trans rights, utilizing courts as pathways for progress when governmental responsiveness is lacking.<sup>52</sup> In Croatia and Serbia, courts have played pivotal roles in compelling state action, leading to the codification of *Ordinances 2014* and *Ordinance 2018*, which regulate legal gender recognition without sterilization requirements. Additionally, Croatian courts have extended rights beyond laws including access to public insurance for gender-affirming surgeries and the revision of non-state documents like diplomas, previously gendered and resistant to change.

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<sup>52</sup> Transcript lines: 5146-5151.

In the same assimilation-oriented approach, activists in Montenegro incorporate queering to advocate for rights and protections (Kalezić and Brković, 2016). This tactic, previously successful in Croatia for influencing the legal framework before EU accession (Butterfield, 2016), has seen diminished leverage power and effectiveness post-accession (Jurčić, 2013, 2018; Vučković Juroš, Dobrotić and Flego, 2020). In Montenegro, queering has proven effective, particularly at the legislative level, where NGOs partner in co-drafting law proposals as members of expert groups. By framing demands for a law on legal gender recognition based on self-determination, activists prompted the government to propose the *Draft Law 2024*. This initiative was facilitated by its integration into the *Strategy for Improving the Quality of Life of LGBTI People in Montenegro 2019-2023*, aligning with the broader government's EU accession program (pp. 11; 44–45). Therefore, in this approach, trans rights are framed as European rights. Montenegrin activists seem to be very aware that this strategy is only temporary, as Viktor explains, that this is the only leverage they have right now, and they are willing to make the most of it.<sup>53</sup>

The three trans organizations that conducted campaigns for legal gender recognition all employed an assimilation-oriented strategy (Mertus, 2007), framing legal gender recognition to integrate the trans community into existing social and legal structures. Their campaigns emphasize the importance of legal gender recognition for full participation in society, framing their claims as matters of social inclusion and non-discrimination. These strategies evoke memories of comparable campaigns employed by gay and lesbian activists in the early 2000s, such as the 2002 campaign “Love is Love” by LORI in Croatia, and the 2004 campaign “Long Live Diversity” by Labris in Serbia. By presenting trans people as integral members of their communities, often recruiting celebrities and family or friends of trans people, these campaigns aim to challenge marginalization and advocate for their legal recognition and, consequently, social inclusion.

Both professionalized approach and queering have been extensively criticized by researchers of LGBTIQ+ communities in the post-Yugoslav space for being donor-driven and perpetuating class divisions and hierarchies within the marginalized communities, ultimately alienating elitist activist class from other members of LGBTIQ+ community (Mikuš, 2011; Bilić and Stubbs, 2015, 2016; Butterfield, 2016; Sloomaeckers, 2017, 2023, pp. 161–163). Trans activists from Montenegro claimed that their agenda for legal gender recognition is

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<sup>53</sup> Transcript lines: 3260-3263.

community-driven, and their advocacy efforts are not financed by the EU or other institutionalized grants because they require more capacity for rigorous project implementation. Instead, they rely on various smaller grants. Contrary to the critiques, they believe in professionalized approach and queering, because at least in Croatia and Montenegro, it has been proven to be the most successful thus far in advancing legal rights. There is an overarching idea among most activists that advancing legal rights for trans people could over time effectively decrease anti-trans attitudes, similar to how the legalization of same-sex marriage in Europe has been shown to decrease anti-gay and lesbian attitudes (Takács and Szalma, 2011).

The human rights-based approach (Miller, 2010, 2017) has been applied by the oldest organizations in the region, LORI and Geten. In Croatia, this approach primarily focuses on educating experts and service providers for trans people, such as psychologists and schoolteachers, rather than advocacy. In Serbia, public advocacy, particularly when grounded in international human rights law, is generally viewed as futile due to the perceived autocratic nature of the current regime. Participants described the regime as “autocratic” or “dictatorial”. This regime's occasional opposition to the “Western” international community is rooted in the collective memory of the 1999 NATO campaign against Serbia and the subsequent secession and recognition of Kosovo, perceived in Serbia as violations of international law (Subotić, 2011; Slootmaeckers, 2023, pp. 20, 54).

In contrast to these nuances of the assimilation-oriented approach, the confrontative gender-abolitionist approach advocated by a minority of research participants calls for either the complete abolition of legal gender categories or prioritizing more socio-economic rights for trans people, such as housing and employment. Notably, these voices come from activists who occupy positions outside the power structures of professionalized NGOs. They are either academics or precariously employed, thus representing a critical counter-discourse within organizations. One has rejected formal organizational affiliation, though they occasionally collaborate with only certain groups. These activists tend to favor grassroots and intersectional organizing, opposing the professionalization of NGO activism.

Their gender-abolitionist stance represents a critical counter-discourse that challenges the assimilationist goals of professionalized NGOs. A key criticism is that professionalization has fragmented trans organizing into competition for donor funding, a trend earlier recognized in the broader LGBTIQ+ movement by Bilić and Stubbs (2016, pp. 242–244). This competition

over influence and resources among professionalized organizations has been particularly pronounced in Serbia and Croatia, as activists spent considerable time describing their relationships with one another during our conversations. This was much less pronounced in Montenegro. In part, the reason behind the competition could be that NGO work is one of the few safe employment options for trans and queer people. While this gender-abolitionist approach has not been articulated in any of the post-Yugoslav states as a viable political alternative to the assimilation-oriented approach, it has influenced the socio-cultural counterstrategies discussed in the previous sections. However, achieving consensus on abolishing sex markers and legal gender does not appear feasible at this point, as most participants express reservations, and to date, no country has adopted this approach.

The debates surrounding these different advocacy approaches highlight the complex negotiations trans activists must navigate in the context of Europeanization, balancing the pursuit of fundamental rights with the opportunities given by the EU accession process and the constraints of the prevailing socio-political climate in the post-Yugoslav space (Bilić, 2016a; Sloomaeckers and Touquet, 2016). While the assimilation-oriented approach has yielded some progress in legal reforms, it has limitations in challenging the underlying cisheteronormative structures that perpetuate the marginalization of trans people. To effectively advance trans rights, activists need to bridge the gaps between professionalized advocacy and grassroots organizing. The bridge may be redirecting the discourse towards human rights advocacy specifically from the perspective of the most marginalized individuals harmed by anti-trans movements (Kováts, 2018; Butler, 2024). This shift entails drawing demands for social and political restructuring of the post-Yugoslav space, previously influenced by neoliberal reforms, from the standpoint of the most marginalized. Consequently, this process incorporates the trans agenda into these demands for restructuring.

This section showed that trans activists in the post-Yugoslav space frame their claims for legal gender recognition primarily through assimilation-oriented strategies, emphasizing social inclusion and non-discrimination. They employ professionalized methods, such as co-drafting laws, strategic litigation, evidence-based advocacy, and public campaigning, while minority advocates for gender abolition and intersectional solidarity to challenge systemic oppression and advance trans rights.

## 7. Conclusion

The current legal framework for gender recognition in the post-Yugoslav space perpetuates the pathologization and medicalization of trans identities. This framework conflicts with both international health classification standards and international human rights frameworks, which is important for the context of the presented thesis. In the three post-Yugoslav states, psychiatric evaluations and medical opinions are mandatory for changing sex markers in state registries. This constitutes medical power because it grants medical professionals the extensive authority of gatekeepers of legal gender recognition, as well as pathologizes trans identities, constructing them as a disorder requiring diagnosis and treatment. The frameworks of Montenegro and Serbia impose invasive procedures that violate bodily autonomy such as mandating hormonal treatment, genital surgery, and sterilization, compelling individuals to conform to narrow, binary conceptions of gender.

The primary obstacles for trans rights advocacy in the post-Yugoslav space stem from the entrenched cisheteronormativity and the linguistic gender binarism of the Serbo-Croatian language as well as the anti-trans backlash from religious, right-wing, and the part of the feminist movement. These discourses dehumanize and discriminate against trans people, and violate their rights to dignity, legal recognition, and non-discrimination. Anti-trans movements construct and exploit fears around “gender ideology” to portray trans identities as threats to society, families, women, and children. Religious institutions hinder trans rights by promoting strict beliefs about gender as binary and unchangeable, aligning with right-wing anti-trans movements. The gendered nature of Serbo-Croatian poses challenges for trans-self-expression and recognition, excluding non-binary identities. Trans activists resist all these obstacles through intersectional solidarity, counter-narratives, and linguistic subversions.

Trans activists in the post-Yugoslav space primarily frame their claims for legal gender recognition through assimilation-oriented strategies, emphasizing social inclusion and non-discrimination. They employ professionalized methods like public advocacy, campaigning, and queering tactics to leverage EU accession processes, thus framing trans rights as European rights. A minority of activists advocate for more confrontational approaches, such as gender abolition and intersectional solidarity with other marginalized groups, to challenge systemic oppression of the neoliberal restructuring of the post-Yugoslav space, which creates tensions among and within organizations.

In negotiating legal gender recognition in the post-Yugoslav space, trans rights activists navigate complex power dynamics vis-à-vis the medical power, the state's stance balancing anti-trans and trans rights discourses, conservative societal norms, and linguistic obstacles. While assimilation-oriented strategies have shown some progress in legal reforms, they have limitations in challenging the underlying cisheteronormative structures that perpetuate marginalization. Activists should bridge the gaps between professionalized advocacy and grassroots organizing, incorporating trans rights into broader progressive demands for social and political changes. Effective advocacy necessitates resisting pathologization and medical power, countering dehumanizing discourses, subverting exclusionary language norms, and forming a broad intersectional solidarity alliance that could effectively create and impose a counter-discourse. These efforts should incorporate the trans human rights agenda into a broader set of demands that challenge neoliberal political and economic restructuring of the post-Yugoslav space. Such an approach advocates for human rights not merely through the narrow lens of professionalized NGOs but from the lived experiences and knowledge of those facing multiple and compounding marginalizations under contemporary political and economic conditions in the region.

## 8. Recommendations

Based on the findings of this research, I propose the following recommendations:

a) For trans activists:

- Leverage strategic litigation by recruiting trans community members as claimants in cases challenging discriminatory gender laws, as states are more responsive to court rulings than advocacy, campaigns, and changes in public support.
- Counter anti-trans movements by forming a broad intersectional alliance that incorporates trans rights into its agenda alongside the demands of migrants, racialized groups, elders, rural communities, and movements for reproductive rights, science-based education, affordable housing, and protection of public goods and resources, etc. This alliance should incorporate trans rights as part of a comprehensive platform challenging systemic oppression and marginalization.
- Organize annual trans-led LGBTIQ+ rural retreat summer camp fostering knowledge exchange, movement building, and empowering trans leadership while familiarizing/sensitizing cis queer participants with trans needs and struggles.

b) For decision-makers:

- Urgently adopt comprehensive law on legal gender recognition based on self-determination, discontinuing pathologizing procedures and allowing non-binary “other” (“drugo” in Serbo-Croatian, or “D”) markers.
- In Serbia and Montenegro, abolish the existing UMCN system and introduce a new national identification number system for citizens that removes all identifiable personal data, including any encoding of legal sex.
- Develop national and municipal-level policies ensuring trans-specific healthcare, housing, and education access to prevent poverty/homelessness because of family rejection.

c) For funders, particularly the EU:

- Allocate long-term funding for legal support in trans rights violations and strategic litigation cases.
- Allocate funds for community-building activities and events, particularly for trans-led and trans-inclusive LGBTIQ+ Prides, March 8 events, and the proposed summer retreat camp.
- Offer easily accessible general support and small grants for organizations lacking capacity for extensive implementation.

d) For researchers:

- Expand human rights research focus beyond legal and political aspects to thoroughly examine the social and economic dimensions impacting the realization of trans rights.
- Investigate the linguistic practices employed by trans and queer communities to subvert and reimagine the highly masculinized grammatical gender norms of the Serbo-Croatian language and identify strategies used to de-gender the language and create more inclusive, gender-neutral linguistic forms.
- Further investigate the underlying socio-political, institutional, and cultural factors behind the differences in legal conceptualization and understanding of “gender” in Croatia versus other post-Yugoslav countries, within the context of Europeanization processes.

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Geten (2022a) '🏳️‍🌈 Kampanju za Zakon o rodnom identitetu i pravima interseks osoba: "Da budemo svoji, da budemo slobodni!" sprovodi organizacija Geten u sklopu kontinuiranog zalaganja za regulisanje pravnog priznanja roda koje traje još od 2012. godine. Nastavljamo da insistiramo na usvajanju Zakona bez uslovljavanja medicinskim tretmanima, što su i preporuke SZO. Zahtevamo zakon koji omogućava samoodređenje rodnog identiteta, brzu i jednostavnu proceduru promene dokumenata trans, interseks i rodno kvir osoba, kao i regulisanje čitavog niza pravnih pitanja kako se naši životi ne bi nalazili u pravnom i egzistencijalnom vakuumu i "na čekanju". Da bi se to izmenilo, potrebno je hitno usvajanje Zakona o rodnom identitetu i pravima interseks osoba. Kampanju sprovodimo uz podršku ILGA Europe, ali i naših dugogodišnjih saradnika/ca koji nas godinama podržavaju u borbi za dostojanstven život. U video klipovima možete videti naše saveznice/ke i prijateljice/e, te zašto smatraju da je Zakon važan. 🏳️‍🌈 U prvom videu obraća vam se pisac Vladimir Arsenijević i govori zašto smatra da je Zakon o rodnom identitetu i pravima inerseks osoba važan.' [Instagram], August 22. Available at: <https://www.instagram.com/reel/Chk2TqDj2oZ/> (Accessed: 27 April 2024).

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kompleksnija da bi se mogla svrstati u ovu jednostavnu podelu. Ženske i muške uloge nisu biološki određene i fiksirane, već su društveni konstrukti. U izražavanju sebe postoji čitav spektar različitosti. Svi imamo pravo da izrazimo svoje unutrašnje biće i prevazilazimo organske i često okrutne društvene norme. Afirmisanje rodne raznolikosti jeste potvrđivanje čudesne složenosti i različitosti svih bića i kreiranje prostora da svako pronađe svoj izraz kako bismo mogli da budemo svoji i slobodni. U našem sledećem videu u seriji u okviru kampanje “Da budemo svoji, da budemo slobodni!” glumica Branka Katić govori stihove pesme Radmile Petrović iz zbirke “Moja mama zna šta se dešava u gradovima”.

Zahvaljujemo se obema na podršci. <3 🏳️ Kampanju za Zakon o rodnom identitetu i pravima interseks osoba: “Da budemo svoji, da budemo slobodni!” sprovodi organizacija Geten u sklopu kontinuiranog zalaganja za regulisanje pravnog priznanja roda koje traje još od 2012. godine. Kampanju sprovodimo uz podršku ILGA-Europe i Ambasade Kraljevine Holandije u Srbiji ali i naših dugogodišnjih saradnika/ca koji nas godinama podržavaju u borbi za dostojanstven život.’ [Instagram], September 26. Available at: <https://www.instagram.com/reel/Ci-LxZ4q5ik/> (Accessed: 27 April 2024).

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kolekTIRV (2024b) ‘Ja sam kao ti, ali na mene, kao trans osobu, gledaju drugačije nego na tebe. Trans osobe, kao i ti, žele biti prihvaćene i ravnopravne u društvu. Hvala @severina ❤️ Idejni kreator kampanje/scenarist: @vanjushhh 🥰 #Jasamkaoti #kolekTIRV @jutarnji.hr

@urania.hr @yammammat.fm' [Instagram], February 22. Available at: <https://www.instagram.com/reel/C3pqcuasReb/> (Accessed: 27 April 2024).

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kroz Akciju “Unapređivanje rodne ravnopravnosti kroz proces pristupanja EU”. Ova akcija je finansirana od strane Evropske Unije i kofinansirana od strane Švedske agencije za međunarodni razvoj i saradnju. Ovaj sadržaj proizveden je uz finansijsku podršku Evropske Unije i kofinansiran od strane Švedske agencije za međunarodni razvoj i saradnju. Njeni sadržaji su isključiva odgovornost Asocijacije Spektra i ne reflektuju nužno stavove Evropske Unije ili Švedske agencije. @pokretura @demokrate.cg @dps\_cg @demokratskifrontcg @snp\_cg @sdp.cg @bosnjacka\_\_stranka @pokretevropasad @pokret.za.promjene @pozitivna\_crna\_gora @socijaldemokratecnegore @pravacrna\_gora @zabuducnost\_cg @demos.m.lekic @nova\_srpska\_demokratija @dnp\_cg @ujedinjenacg @prcentar @rtcg\_me @gradski\_me @vijesti.me @cdm.me @portal\_analitika @tve\_montenegro @portal\_kombinat @normalizuj.me @radioslobodnaevropa @portalantenam @pobjeda.me’ [Instagram], February 13. Available at: <https://www.instagram.com/p/Com-ieXo9P/> (Accessed: 27 April 2024).

Spektra (2023b) ‘ 🤔 Zamisli situaciju u kojoj treba da predaš identifikacioni dokument, poput pasoša na graničnom prelazu. Otvaraš pasoš i vidiš: u njemu piše ime i oznaka pola, roda koji nije tvoj. Ni slika se ne podudara sa tim kako trenutno izgledaš. Zvuči kao horor priča koja u najmanjem vodi u neprijatnost, a često i u situacije nasilja i ozbiljne zakonske probleme. Ova priča je u Crnoj Gori svakodnevna realnost za transrodne osobe. ME ⚖️ Zakon o pravnom prepoznavanju roda baziranog na samoodređenju podrazumijeva mogućnost osobe da promijeni svoje ime i oznaku pola na službenim dokumentima, omogućavajući joj da bude priznata zakonom u skladu sa svojim rodom. U Crnoj Gori ovaj Zakon još uvijek ne postoji. Umjesto toga, da bi ostvarile prepoznanje koje je od životne važnosti, transrodne osobe u Crnoj Gori podvrgnute su nehumanim zahtjevima, kulminirajući prinudnom sterilizacijom. 🚩 🗣️ Ovaj zakon, ukoliko bude usvojen garantovaće zaštitu i svačije osnovno ljudsko pravo na samoodređenje. 🗣️ Podrži i podijeli ovu poruku – zagarantuj dostojanstven život za sebe i druge. Kampanja se implementira u okviru projekat “Pravno prepoznanje roda - korak ka inkluzivnim politikama”, koji sprovodi NVO Asocijacija Spektra, a koji je dio projekta “OCD u Crnoj Gori - od osnovnih usluga do oblikovanja politika - M’BASE” koji sprovodi Centar za građansko obrazovanje, u partnerstvu sa Fondacijom Friedrich Ebert, NVO Centar za zaštitu i proučavanje ptica Crne Gore, i NVO Politikon mreža a u saradnji sa Ministarstvom javne uprave digitalnog društva i medija, i Kancelarijom za evropske integracije Vlade Crne Gore. Projekat je finansijski podržan od strane Evropske komisije, posredstvom Delegacije EU u Crnoj Gori. #MBASE’ [Instagram], December 4. Available at: <https://www.instagram.com/reel/C0bvwtOnWl/> (Accessed: 27 April 2024).

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# Appendices

## Appendix 1: Researcher's Positionality and Motivation

I'm a male-bodied queer person born to a lower-middle-class family in a country formerly known as Socialist Yugoslavia. As a queer activist for the past 18 years, I have helped advance the rights of queer people in my home country, Croatia, and strengthened and helped build the queer movements in the post-Yugoslav space.

My involvement with queer activism started during my civil service alternative to military service in a radical feminist organization dedicated to supporting women victims of domestic violence. It was there that I found empowerment and embraced the role of an activist. Later, I developed my thinking towards a framework of intersectional feminism. I believe in the collective activist engagement of all people in fighting multiple forms of oppression and exclusion to change social reality for all of us.

During my tenure as a queer rights activist, I collaborated with numerous human rights, feminist, LGBTIQ+, and queer organizations in Croatia and the broader post-Yugoslav region. I collaborated and raised capacities for LGBTIQ+ organizations in Montenegro, Serbia, Bosnia-Herzegovina, and Macedonia. Many of these organizations participated in the research. I was employed by Zagreb Pride, where I led the public advocacy program and contributed to shaping Croatia's current legal framework concerning legal gender recognition. I left Croatia in 2018 to pursue a high education degree, and ever since I have lived abroad, in Denmark, Sweden, Spain, the UK and France.

The vicious, targeted, and dehumanizing discourse against trans people has affected me personally, the whole movement, and the possibilities for more substantial social and legal change in the post-Yugoslav space. Through this research, I want to contribute to the recent academic discussions on gender and sexuality studies in the post-Yugoslav space by providing new knowledge about the language and tactics trans activists could use to legitimize or straighten their claims for rights, dignity, and respect.

## Appendix 2: Consent Form

### Consent form

#### Research on legal gender recognition in post-Yugoslav Space (Croatia, Montenegro, and Serbia)

You are invited to participate in research on legal gender recognition in your country or countries you or your organization are active in. Please read this form and ask any questions you may have before agreeing to be part of the research.

**The purpose** of this study is to understand how legal gender is understood, regulated, and practiced in the post-Yugoslav space from the standpoint of LGBTIQ+ activists.

**Procedures:** If you choose to participate in the research, it will involve approximately one hour of your time for a discussion with me, covering 12 interview questions. I may also ask additional questions for clarification based on your answers.

Interview questions may contain questions about your philosophical beliefs or worldview and your personal experiences. This can include non-religious worldviews, ethical beliefs, political philosophies, and similar.

You do not have to answer any of the questions you do not wish to. You can at any time decide to stop the interview and retrieve your participation in this research. I will then not use any of the data that has been recorded.

The interview will be conducted in Serbo-Croatian (Bosnian/Croatian/Montenegrin/Serbian).

With your permission, we will use a digital voice recorder to document your answers.

**Post-interview Questions:** After the interview, there may be 1 to 2 additional questions sent by email to clarify some of your statements.

**Voluntary Nature of the Study:** Research participation is voluntary. There are no negative consequences for you if you choose to participate in this research. If you choose to participate, you have the right to withdraw your consent at any time without giving a reason I will not use any of the data for the research.

### Obrazac pristanaka

#### Istraživanje o zakonskom priznanju roda u jugoslavenskom prostoru (Hrvatska, Crna Gora i Srbija)

Pozivam te na sudjelovanje u istraživanju o zakonskom priznanju roda u tvojoj zemlji ili zemljama u kojima ti ili tvoja organizacija djelujete. Molim te da pročitaš ovaj obrazac i postaviš bilo koja pitanja koja imaš prije nego odlučiš biti dio istraživanja.

**Svrha** ovog istraživanja je razumjeti kako se zakonsko priznanje roda shvaća, regulira i primjenjuje/praktikuje na post-jugoslavenskom prostoru sa gledišta/stanovišta LGBTIQ+ aktivista\_kinja.

**Procedura/ Postupak:** Ako se odlučiš sudjelovati u istraživanju, to će uključivati otprilike jedan sat tvoga vremena za razgovor sa mnom, obuhvaćajući 12 pitanja. Također, možda ću postaviti dodatna pitanja radi pojašnjenja tvojih odgovora.

Intervju može sadržavati pitanja o tvojim filozofskim ili svjetonazorskim uvjerenjima i tvojim osobnim/ličnim iskustvima. To može uključivati nereligiozne svjetonazore, etička uvjerenja, političke filozofije i slično.

Ne moraš odgovarati na pitanja na koja ne želiš. U bilo kojem trenutku možeš odlučiti prekinuti intervju i potpuno se isključiti iz ovog istraživanja. U tom slučaju neću koristiti ništa od snimljenih podataka.

Intervju će se provoditi na našem jeziku.

S tvojim dopuštenjem, koristit ću digitalni snimač glasa kako bi se dokumentirali tvoji odgovori.

**Pitanja nakon intervjuja:** Nakon intervjuja, možda ću poslati 1 do 2 dodatna pitanja putem e-maila radi pojašnjenja tvojih izjava.

**Dobrovoljni karakter istraživanja:** Sudjelovanje u istraživanju je dobrovoljno. Ne postoje negativne posljedice zbog sudjelovanja u ovom istraživanju. Ako odlučiš sudjelovati, imaš pravo povući svoj pristanak u bilo kojem trenutku bez davanja razloga, i neću koristiti niti jedan tvoj podatak za svrhu ovog istraživanja.

There will be no negative consequences for you if you choose not to participate or later decide to withdraw your consent for participation in this research.

Ne postoje negativne posljedice ako odlučiš ne sudjelovati ili se odlučiš kasnije povući svoj pristanak za sudjelovanje u ovom istraživanju.

**Data Confidentiality:** In my research, I will assign an alternate name while replacing your actual name to respect your gender identity and/or expression. The final written report, my master's thesis, will be publicly available, but it will not contain any information that could identify you.

**Povjerljivost podataka:** U svom istraživačkom radu dodijelit ću ti alternativno ime zamjenjujući tvoje stvarno ime na način da ću poštovati tvoj rodni identitet / izražavanje. Završni istraživački izvještaj, odnosno moja master teza, bit će javno dostupna, ali neće sadržavati nikakve informacije koje bi te mogle identificirati.

The interview recording will be securely stored on an offline encrypted hard drive. Your contact details will be kept separately from the rest of the recordings and my notes. The recording will be transcribed for data analysis, and both the recording and its transcript will be stored separately from my work materials. Access to the interview recordings and transcripts will be available to me only.

Snimka intervjua bit će šifriranom i sigurno pohranjena na vanjskom disku, bez pristupa internetu. Tvoji kontakt podaci bit će čuvani odvojeno od snimki i mojih bilježaka. Snimka će biti transkribirana radi analize podataka, a i sama snimka i njezin transkript bit će pohranjeni odvojeno od mojih radnih materijala. Pristup snimkama intervjua i transkriptima bit će dostupan samo meni.

Both the interview recordings and the transcripts will be permanently deleted after my defense in June 2024.

Snimke intervjua i transkripti bit će trajno izbrisani nakon obrane teze u junu/lipnju 2024.

**Contacts:** This study is being conducted by Marko Jurčić (he/they), a student in the Erasmus Mundus Joint Master's Program in Human Rights Policy and Practice at the University of Gothenburg, University of Deusto, University of Roehampton, and University of Tromsø – The Arctic University of Norway (UiT).

**Kontakti:** Ovo istraživanje provodi Marko Jurčić (on/he/they), student politika i praksi ljudskih prava u sklopu Erasmus Mundus zajedničkog magistarskom programa Sveučilišta u Gothenburgu, Sveučilišta Deusto, Sveučilišta Roehampton, i Sveučilišta u Tromsøu – Arktičkog sveučilišta Norveške.

Feel free to contact me with any questions about this research at [majur1564@uit.no](mailto:majur1564@uit.no)

Slobodno me kontaktiraj u vezi bilo kakvih pitanja o ovom istraživanju na [majur1564@uit.no](mailto:majur1564@uit.no)

My supervisor is Lisa Katrin Losleben, Professor of Feminist Research at the UiT's Centre for women's and gender research, who can be reached by email at [katrin.losleben@uit.no](mailto:katrin.losleben@uit.no)

Superviziju provodi Lisa Katrin Losleben, profesorica feminističkih istraživanja u Centru za ženska i rodna istraživanja Arktičkog sveučilišta Norveške, koju možete kontaktirati putem e-maila na [katrin.losleben@uit.no](mailto:katrin.losleben@uit.no)

**Please keep a copy of this form to keep for your records.**

**Molimo te da sačuvaš kopiju ovog obrasca za svoje evidencije.**

*Personal data* is any information that can be traced back to an individual person, either directly, via a separate list of assigned names or via a combination of background information.

*Osobni/lični podaci* su bilo koje informacije koje se mogu povezati s pojedinačnom osobom, bilo izravno, putem zasebnog popisa zamjenskih imena ili putem kombinacije pozadinskih informacija.

#### **Your rights according to GDPR:**

#### **Tvoja prava prema GDPR-u:**

- access the personal data that is being processed about you,
- request that your personal data is deleted,
- request that incorrect personal data about you is corrected or rectified,
- receive a copy of your personal data (data portability),
- send a written complaint to the Norwegian Data Protection Authority regarding the processing of your personal data at:

- pristupiti osobnim/ličnim podacima koji se obrađuju o tebi,
- zatražiti brisanje tvojih ličnih/osobnih podataka,
- zatražiti ispravak ili vađenje netočnih osobnih podataka koje odnose na tebe,
- primiti kopiju vaših osobnih podataka (prijenos podataka),
- poslati pisanu pritužbu norveškom Povjerenstvu za zaštitu podataka u vezi sa obradom ličnih/osobnih podataka koji se odnose na tebe:

Datatilsynet  
PO Box 458 Sentrum  
0105 Oslo  
Norway

Datatilsynet  
PO Box 458 Sentrum  
0105 Oslo  
Norway

By signing this document, I state that:

- I consent to participate in an interview for the study on legal gender recognition in post-Yugoslav Space (Croatia, Montenegro, and Serbia).
- I agree that the interview will be audio-recorded and the recordings and transcript to be kept until June 2024.

**Signature of the Research Participant**

**Potpis učesnika\_ice istraživanja**

Potpisivanjem ovog dokumenta izjavljujem da:

- dajem pristanak za sudjelovanje intervjuu za istraživanje o zakonskom priznanju roda u jugoslavenskom prostoru (Hrvatska, Crna Gora i Srbija).
- Dajem pristanak da ovaj intervju može biti snimljen, te da će se snimke i transkript čuvati do juna/lipnja 2024. godine.

**Signature of the researcher**

**Potpis istraživača\_ice**

\_\_\_\_\_

**Date** \_\_\_\_\_

\_\_\_\_\_

**Datum** \_\_\_\_\_

## Appendix 3: Recruitment Letter

Research participants only received Serbo-Croatian version of the recruitment letter.

Dear [name/names],

I am writing to you from University of Tromsø – The Arctic University of Norway, where I am currently conducting research on the legal gender recognition in Croatia, Serbia, and Montenegro. The aim of the research is to analyze the way in which the legal gender is understood, regulated, and practiced from the perspectives of LGBTIQ+ activists. This research is an integral part of my master's thesis at the Erasmus Mundus Program in Human Rights Policy and Practice and is carried out independently of other organizations or institutions in the [post-Yugoslav] region. The paper will be available to research participants and will contain recommendations for further advocacy.

I am contacting you because of your work on legal gender recognition, and your experience and knowledge of the political and social context in our [post-Yugoslav] region. Participation in the research is carried out through interviews. The interview will last approximately one hour in our language, and participation may involve several people from your organization at the same time (group interview). We can schedule the interview in person, in Rijeka, Zagreb, Belgrade, or Podgorica next month, on a day that suits us all.

If you agree to participate, I will send you an official document on participation containing a consent form, along with additional information about the research.

Thank you for considering this cooperation.

In solidarity,  
Marko Jurčić

Drag\_i\_a\_e [ime],

Javljam vam/ti se sa Sveučilišta u Tromsøu – Arktičkog sveučilišta Norveške, gdje trenutno provodim istraživanje o zakonskom priznanju roda u Hrvatskoj, Srbiji i Crnoj Gori. Cilj istraživanja je analizirati način na koji se zakonsko priznanje roda shvaća, uređuje i primjenjuje u stvarnosti iz perspektiva LGBTIQ+ aktivista\_kinja. Ovo istraživanje je sastavni dio mog magistarskog rada u sklopu Erasmus Mundus programa politika i praksi ljudskih prava te se provodi neovisno od drugih organizacija ili institucija u regiji. Rad će biti dostupan sudionicima\_cama istraživanja i sadržavat će preporuke za daljnje zagovaračko djelovanje.

Kontaktiram vas/te zbog vašeg/tvog dugogodišnjeg rada na pitanju zakonskog priznanja roda, te vašeg/tvog direktnog iskustva i znanja o političkom i društvenom kontekstu na našim prostorima. Sudjelovanje u istraživanju se provodi putem intervju. Intervju će trajati otprilike jedan sat na našem jeziku, a sudjelovanje može uključivati i više osoba iz vaše organizacije u isto vrijeme (grupni intervju). Intervju možemo održati uživo u Rijeci, Zagrebu, Beogradu ili Podgorici idućeg mjeseca, ovisno o dogovoru.

Ukoliko pristanete/pristaneš na suradnju, poslat ću vam/ti službeni dokument o sudjelovanju i suglasnosti, s dodatnim informacijama o istraživanju.

Hvala vam/ti na razmatranju ove suradnje.

Solidarni pozdravi,  
Marko Jurčić

## Appendix 4: Interview Guide

### Interview guide

#### Introduction:

1. Can you please introduce yourself?
2. Can you provide some background on your involvement with trans rights in your country or the wider post-Yugoslav region?

#### Legal Gender Recognition:

3. How does someone change their gender marker in your country?
4. How do you evaluate the current legal framework for gender recognition in your country and the rest of the post-Yugoslav region?
5. How do you perceive the role of language, particularly the use of 'gender' versus 'sex,' in the legislation or discourse around legal gender recognition?
6. Can you share your experiences or insights into the implementation of existing legal policies regarding gender recognition for trans individuals?
7. In which situations is gender identity recognized and respected, and in which is it not?
8. In your opinion, what are the main challenges faced by trans individuals regarding legal gender recognition?
8. How can the trans people navigate the challenges posed by the current legal framework to have their gender legally recognized?

#### Advocacy:

### Pitanja za vođenje intervjua

#### Uvod:

1. Možeš li se, molim te, predstaviti?
2. Možeš li dati neke informacije o svom angažmanu u radu za trans prava u tvojoj zemlji ili Regiji?

#### Zakonsko priznanje roda:

3. Kako netko mijenja oznaku spola u tvojoj zemlji?
4. Kako ocjenjuješ trenutni pravni okvir za priznavanje roda u tvojoj zemlji i u Regiji?
5. Kako vidiš ulogu jezika, posebice korištenje 'roda' u odnosu na '(s)pol', u zakonodavstvu ili diskursu oko zakonskog priznavanja roda?
6. Možeš li podijeliti svoja iskustva ili uvide u provedbu postojećih propisa u vezi sa priznavanjem roda za trans osobe?
7. U kojim se situacijama rodni identitet priznaje i poštuje, a u kojima ne?
8. Po tvom mišljenju, koji su glavni izazovi s kojima se susreću trans osobe u vezi s pravnim priznavanjem roda?
9. Kako se trans osobe nose s izazovima koje postavlja trenutni pravni okvir kako bi njihov spol bio pravno priznat?

#### Zagovaranje:

10. What is the primary obstacle preventing the establishment of legislation regulating the change of legal gender in your country?

11. How would you explain to someone what legal gender recognition?

12. How would you explain to someone why legal gender recognition is needed

13. Are there specific initiatives or campaigns that you believe have been particularly successful in raising awareness and mobilizing support for trans rights? (How would you assess your last/current campaign on legal gender recognition?)

**Future Outlook:**

14. Looking ahead, what do you see as the most significant steps or changes needed to advance human rights for trans people?

**Closing:**

[Self-designed question]: Please raise a question you think is important for other research participants to discuss.

**Recurring question:** What are the relations and cooperation between the organizations?

10. Koja je glavna prepreka nepostojanju zakona koji regulira promjenu upisa spola u tvojoj zemlji?

11. Kako bi nekome objasnio\_la što je zakonsko priznanje roda?

12. Kako bi nekome objasnio\_la zašto je potrebno zakonsko priznanje roda?

13. Postoje li određene inicijative ili kampanje za koje vjeruješ da su bile posebno uspješne u podizanju svijesti i mobiliziranju potpore za prava trans osoba? (Kako ocjenjuješ vašu trenutnu/posljednju kampanju za zakonsko priznanje roda?)

**Buduća perspektiva**

14. Gledajući unaprijed, što vidiš kao najznačajnije korake ili promjene potrebne za napredovanje ljudskih prava trans osoba?

**Završna pitanja:**

[Samodizajnirano pitanje]: Molim te, postavi pitanje za koje misliš da je važno za raspravu a koje bi i drugi sudionici\_ce istraživanja trebali odgovoriti.

**Ponavljajuće pitanje:** Kakvi su odnosi i suradnja među organizacijama?

[This interview guide is designed to encourage in-depth responses and insights from LGBTIQ+ activists. Adjustments can be made based on the specific context during the interviews.]

[Ovaj vodič za intervju osmišljen je da potakne dublje odgovore i uvide trans aktivista. Prilagodbe se mogu napraviti tijekom intervjua, ovisno o kontekstu]

## Appendix 5: Trans Campaigns: Collection of Visual Data

### Selection

#### Geten's campaigns

Geten (2020) 'Trans vidljivost 2020: Potreban nam je Zakon o rodnom identitetu' [YouTube] April 1. Available at: <https://www.youtube.com/watch?v=eiOaBV9clNw> (Accessed: 28 April 2024).

Geten (2022a) '🏳️🌈 Kampanju za Zakon o rodnom identitetu i pravima interseks osoba: "Da budemo svoji, da budemo slobodni!" sprovodi organizacija Geten u sklopu kontinuiranog zalaganja za regulisanje pravnog priznanja roda koje traje još od 2012. godine. Nastavljamo da insistiramo na usvajanju Zakona bez uslovljavanja medicinskim tretmanima, što su i preporuke SZO. Zahtevamo zakon koji omogućava samoodređenje rodnog identiteta, brzu i jednostavnu proceduru promene dokumenata trans, interseks i rodno kvir osoba, kao i regulisanje čitavog niza pravnih pitanja kako se naši životi ne bi nalazili u pravnom i egzistencijalnom vakuumu i "na čekanju". Da bi se to izmenilo, potrebno je hitno usvajanje Zakona o rodnom identitetu i pravima interseks osoba. Kampanju sprovodimo uz podršku ILGA Europe, ali i naših dugogodišnjih saradnika/ca koji nas godinama podržavaju u borbi za dostojanstven život. U video klipovima možete videti naše saveznice/ke i prijateljice/e, te zašto smatraju da je Zakon važan. 🏳️🌈 U prvom videu obraća vam se pisac Vladimir Arsenijević i govori zašto smatra da je Zakon o rodnom identitetu i pravima interseks osoba važan.' [Instagram], August 22. Available at: <https://www.instagram.com/reel/Chk2TqDj2oZ/> (Accessed: 27 April 2024).

Geten (2022b) 'Patrijarhat je sistem dominacije koji služi održavanju poretka moći uz sprovođenje represije nad ženama i manjinama. Jedna od njegovih premisa je podela na dva pola i na osnovu nje dva roda, iako i biologija potvrđuje da su sva bića u prirodi daleko kompleksnija da bi se mogla svrstati u ovu jednostavnu podelu. Ženske i muške uloge nisu biološki određene i fiksirane, već su društveni konstrukti. U izražavanju sebe postoji čitav spektar različitosti. Svi imamo pravo da izrazimo svoje unutrašnje biće i prevazilazimo

Geten (2020) 'Trans Visibility 2020: We Need a Gender Identity Law' [YouTube], April 1. Available at: <https://www.youtube.com/watch?v=eiOaBV9clNw> (Accessed: 28 April 2024).

Geten (2022a) '🏳️🌈 The campaign for the Law on Gender Identity and the Rights of Intersex Persons: "To be ourselves, to be free!" is conducted by the organization Geten as part of the continuous advocacy for regulating legal gender since 2012. We insist on the adoption of the Law without conditioning it on medical treatments, which is also recommended by the WHO. We demand a law that allows self-determination of gender identity, provides a quick and simple procedure for trans, intersex, and genderqueer individuals to change documents, and regulates various legal issues to prevent our lives from being in a legal and existential limbo, "on hold." To change that, it is necessary to urgently adopt the Law on Gender Identity and the Rights of Intersex Persons. We are conducting the campaign with the support of ILGA Europe, but also our long-term associates who have been supporting us for years in the fight for a dignified life. In the video clips, you can see our allies and friends, and why they think the Law is important. 🏳️🌈 In the first video, the writer Vladimir Arsenijević addresses you and explains why he thinks the Law on Gender Identity and the Rights of Intersex Persons is important.' [Instagram], August 22. Available at: <https://www.instagram.com/reel/Chk2TqDj2oZ/> (Accessed: 27 April 2024).

Geten (2022b) 'Patriarchy is a system of domination that serves to maintain the order of power by carrying out repression against women and minorities. One of its premises is the division into two sexes and, based on that, two genders, although biology confirms that all beings in nature are far too complex to be classified into this simple division. Female and male roles are not biologically determined and fixed but are social constructs. There is a whole spectrum of diversity for self-expression. We all have the right to express our inner being and



organične i često okrutne društvene norme. Afirmisanje rodne raznolikosti jeste potvrđivanje čudesne složenosti i različitosti svih bića i kreiranje prostora da svako pronađe svoj izraz kako bismo mogli da budemo svoji i slobodni. U našem sledećem videu u seriji u okviru kampanje “Da budemo svoji, da budemo slobodni!” glumica Branka Katić govori stihove pesme Radmile Petrović iz zbirke “Moja mama zna šta se dešava u gradovima”. Zahvaljujemo se obema na podršci. <3 🏳️ Kampanju za Zakon o rodnom identitetu i pravima interseks osoba: “Da budemo svoji, da budemo slobodni!” sprovodi organizacija Geten u sklopu kontinuiranog zalaganja za regulisanje pravnog priznanja roda koje traje još od 2012. godine. Kampanju sprovodimo uz podršku ILGA-Europe i Ambasade Kraljevine Holandije u Srbiji ali i naših dugogodišnjih saradnika/ca koji nas godinama podržavaju u borbi za dostojanstven život.’ [Instagram], September 26. Available at: <https://www.instagram.com/reel/Ci-LxZ4q5ik/> (Accessed: 27 April 2024).

transcend limited and often cruel social norms. Affirming gender diversity is affirming the wondrous complexity and diversity of all beings and creating space for everyone to find their expression so that we can be ourselves and free. In our next video in the series as part of the campaign “To be ourselves, to be free!” actress Branka Katić recites verses from Radmila Petrović's poem from the collection “My mom knows what's happening in the cities”. We thank them both for their support. <3 🏳️ The campaign for the Law on Gender Identity and the Rights of Intersex Persons: “To be ourselves, to be free!” is conducted by the organization Geten as part of the continuous advocacy for regulating legal gender since 2012. We are conducting the campaign with the support of ILGA-Europe and the Embassy of the Kingdom of the Netherlands in Serbia, but also our long-term associates who have been supporting us for years in the fight for a dignified life.’ [Instagram], September 26. Available at: <https://www.instagram.com/reel/Ci-LxZ4q5ik/> (Accessed: 27 April 2024).

### Spektra’s campaigns

Spektra (2022) ‘Da bi promijenili oznaku pola u ličnim dokumentima, transrodne osobe su primorane da prođu kroz sterilizaciju. Kroz aktivnosti u okviru projekta “Sistemska tranzicija ka jednakosti” isplanirani su brojni koraci koji će doprinijeti usvajanju Zakona o pravnom prepoznavanju roda baziranog na samoodređenju. Ovaj projekat finansira Ambasada SAD u Podgorici. Mišljenja, nalazi, zaključci ili preporuke koji su ovdje izneseni su stav autora i ne odražavaju nužno stav Stejt dipartmenta/Vlade SAD. #uspartnermne’ [Instagram], November 5. Available at: <https://www.instagram.com/p/Ckln3zCIi5y/> (Accessed: 27 April 2024).

Spektra (2022) ‘In to change the sex marker in personal documents, transgender persons are forced to undergo sterilization. Through activities within the project “Systemic Transition to Equality,” numerous steps are planned that will contribute to the adoption of the Law on Legal Gender Recognition based on Self-determination. This project is funded by the US Embassy in Podgorica. The opinions, findings, conclusions, or recommendations expressed here are those of the authors and do not necessarily reflect the views of the State Department/US Government. #uspartnermne’ [Instagram], November 5. Available at: <https://www.instagram.com/p/Ckln3zCIi5y/> (Accessed: 27 April 2024).

Spektra (2023a) ‘Crna Gora kao zemlja koja teži da postane članica Evropske unije takođe je zemlja koja teži da kreira uslove u kojima različite društvene grupe imaju svoje predstavnike i predstavnice na političkoj sceni. Uprkos ovoj težnji u Crnoj Gori na vodećim političkim pozicijama i dalje je daleko manje žena nego muškaraca, dok ne postoji nijedna žena koja predstavlja manjinske zajednice kakva je LGBT zajednica. Rješavanju ovog problema

Spektra (2023a) ‘Montenegro, as a country aspiring to become a member of the European Union, is also a country that strives to create conditions in which different social groups have their representatives in the political arena. Despite this aspiration, there are still far fewer women than men in leading political positions in Montenegro, while there are no women representing minority communities such as the LGBT community. Solving this problem must

mora se pristupiti sistemski te se moraju kreirati uslovi u kojima je svima podjednako omogućen pristup bezbjednom i adekvatnom obrazovanju, te kasnije kroz adresiranje društvenih predrasuda da se omogući i jednaka prilika za učešće u političkom životu. Kampanja: Naša prava su vaša obaveza kreirana je u cilju podizanja svijesti kod donosioca i donositeljki odluka o značaju integriranja prava trans, interpolnih i rodno varijantnih osoba u ljudsko - pravaške agende koje Crna Gora implementira u procesu EU integracija. Ova akcija sprovodi se kroz projekat “Rodna raznolikost - suština rodne ravnopravnosti” koji implementira Asocijacija Spektra, a podržana je od strane Rector - Istraživanje u akciji i njihovih partnera kroz Akciju “Unapređivanje rodne ravnopravnosti kroz proces pristupanja EU”. Ova akcija je finansirana od strane Evropske Unije i kofinansirana od strane Švedske agencije za međunarodni razvoj i saradnju. Ovaj sadržaj proizveden je uz finansijsku podršku Evropske Unije i kofinansiran od strane Švedske agencije za međunarodni razvoj i saradnju. Njeni sadržaji su isključiva odgovornost Asocijacije Spektra i ne reflektuju nužno stavove Evropske Unije ili Švedske agencije. @pokretura @demokrate.cg @dps\_cg @demokratskifrontcg @snp\_cg @sdp.cg @bosnjacka\_stranka @pokretevropasad @pokret.za.promjene @pozitivna\_crna\_gora @socijaldemokratecrnegore @pravacnagora @zabuducnost\_cg @demos.m.lekic @nova\_srpska\_demokratija @dnp\_cg @ujedinjenacg @prcentar @rtcg\_me @gradski\_me @vijesti.me @cdm.me @portal\_analitika @tve\_montenegro @portal\_kombinat @normalizuj.me @radioslobodnaevropa @portalantenam @pobjeda.me’ [Instagram], February 13. Available at: <https://www.instagram.com/p/Com-ieXo9P/> (Accessed: 27 April 2024).

Spektra (2023b) ‘🤔 Zamisli situaciju u kojoj treba da predaš identifikacioni dokument, poput pasoša na graničnom prelazu. Otvaraš pasoš i vidiš: u njemu piše ime i oznaka pola, roda koji nije tvoj. Ni slika se ne podudara sa tim kako trenutno izgledaš. Zvuči kao horor priča koja u najmanjem vodi u neprijatnost, a često i u situacije nasilja i ozbiljne zakonske probleme. Ova priča je u Crnoj Gori svakodnevna realnost za transrodne osobe. ME 🏴‍☠️ Zakon o pravnom

be approached systematically, and conditions must be created in which everyone has equal access to safe and adequate education, and later, through addressing social prejudices, equal opportunities for participation in political life must be enabled. The campaign: Our rights are your obligation was created to raise awareness among decision-makers about the importance of integrating the rights of trans, interpolated, and gender-variant persons into the human rights agendas that Montenegro implements in the process of EU integration. This action is carried out through the project “Gender Diversity - the Essence of Gender Equality” implemented by the Association Spektra and supported by Rector - Research in Action and their partners through the Action “Improving Gender Equality through the EU Accession Process”. This action is funded by the European Union and co-financed by the Swedish International Development Cooperation Agency. This content was produced with the financial support of the European Union and co-financed by the Swedish International Development Cooperation Agency. Its contents are the sole responsibility of the Association Spektra and do not necessarily reflect the views of the European Union or the Swedish Agency. @pokretura @demokrate.cg @dps\_cg @demokratskifrontcg @snp\_cg @sdp.cg @bosnjacka\_stranka @pokretevropasad @pokret.za.promjene @pozitivna\_crna\_gora @socijaldemokratecrnegore @pravacnagora @zabuducnost\_cg @demos.m.lekic @nova\_srpska\_demokratija @dnp\_cg @ujedinjenacg @prcentar @rtcg\_me @gradski\_me @vijesti.me @cdm.me @portal\_analitika @tve\_montenegro @portal\_kombinat @normalizuj.me @radioslobodnaevropa @portalantenam @pobjeda.me’ [Instagram], February 13. Available at: <https://www.instagram.com/p/Com-ieXo9P/> (Accessed: 27 April 2024).

Spektra (2023b) ‘🤔 Imagine a situation where you need to present an identification document, such as a passport, at a border crossing. You open the passport and see a name and gender marker that is not your own. Even the photo doesn't match how you currently look. It sounds like a horror story that, at the very least, leads to discomfort and often to situations of violence and serious legal problems. This story is an everyday reality for transgender people in

prepoznavanju roda baziranog na samoodređenju podrazumijeva mogućnost osobe da promijeni svoje ime i oznaku pola na službenim dokumentima, omogućavajući joj da bude priznata zakonom u skladu sa svojim rodom. U Crnoj Gori ovaj Zakon još uvijek ne postoji. Umjesto toga, da bi ostvarile prepoznanje koje je od životne važnosti, transrodne osobe u Crnoj Gori podvrgnute su nehumanim zahtjevima, kulminirajući prinudnom sterilizacijom. 🚩👊 Ovaj zakon, ukoliko bude usvojen garantovaće zaštitu i svačije osnovno ljudsko pravo na samoodređenje. 🙌 Podrži i podijeli ovu poruku – zagarantuj dostojanstven život za sebe i druge. Kampanja se implementira u okviru projekat “Pravno prepoznanje roda - korak ka inkluzivnim politikama”, koji sprovodi NVO Asocijacija Spektra, a koji je dio projekta “OCD u Crnoj Gori - od osnovnih usluga do oblikovanja politika - M’BASE” koji sprovodi Centar za građansko obrazovanje, u partnerstvu sa Fondacijom Friedrich Ebert, NVO Centar za zaštitu i proučavanje ptica Crne Gore, i NVO Politikon mreža a u saradnji sa Ministarstvom javne uprave digitalnog društva i medija, i Kancelarijom za evropske integracije Vlade Crne Gore. Projekat je finansijski podržan od strane Evropske komisije, posredstvom Delegacije EU u Crnoj Gori. #M’BASE’ [Instagram], December 4. Available at: <https://www.instagram.com/reel/C0bvwtOnW/> (Accessed: 27 April 2024).

### kolekTIRV’s campaigns

kolekTIRV (2024a) ‘I mi volimo pogledati cijelu sezonu odjednom - baš kao i vi. Likovi na ekranu uvijek nose neku svoju priču, kao i transrodne osobe. Zato, zastanite i samo poslušajte, možda nas onda shvatite. #Jasamkaoti #kolekTIRV @jutarnji.hr @yammat.fm’ [Instagram], February 26. Available at: <https://www.instagram.com/p/C3zhThaIo-A/> (Accessed: 27 April 2024).

kolekTIRV (2024b) ‘Ja sam kao ti, ali na mene, kao trans osobu, gledaju drugačije nego na tebe. Trans osobe, kao i ti, žele biti prihvaćene i ravnopravne u društvu. Hvala @severina ❤️ Idejni kreator kampanje/scenarist: @vanjushhh 🥰 #Jasamkaoti #kolekTIRV @jutarnji.hr

Montenegro. ME 🏴‍☠️ The Law on Legal Gender Recognition based on Self-determination implies the possibility for a person to change their name and gender marker on official documents, allowing them to be legally recognized in accordance with their gender. In Montenegro, this Law does not yet exist. Instead, to achieve the recognition that is vital, transgender people in Montenegro are subjected to inhumane requirements, culminating in forced sterilization. 🚩👊 This law, if adopted, will guarantee protection and everyone’s basic human right to self-determination. 🙌 Support and share this message - ensure a dignified life for yourself and others. The campaign is implemented within the project “Legal Gender Recognition - a step towards inclusive policies”, implemented by the Association Spektra, as a part of the project “CSOs in Montenegro - from basic services to policy making - M’BASE” implemented by the Center for Civic Education, in partnership with the Friedrich Ebert Foundation, the NGO Center for the Protection and Study of Birds of Montenegro, and the NGO Politikon Network, and in cooperation with the Ministry of Public Administration, Digital Society and Media, and the Office for European Integration of the Government of Montenegro. The project is financially supported by the European Commission, through the EU Delegation in Montenegro. #M’BASE’ [Instagram], December 4. Available at: <https://www.instagram.com/reel/C0bvwtOnW/> (Accessed: 27 April 2024).

kolekTIRV (2024a) ‘We love binge-watching seasons just like you do. Characters on screen always have their own story, just like transgender folks do. So, pause for a moment and listen, maybe then you’ll get where we’re coming from. #Jasamkaoti #kolekTIRV @jutarnji.hr @yammat.fm’ [Instagram], February 26. Available at: <https://www.instagram.com/p/C3zhThaIo-A/> (Accessed: 27 April 2024).

kolekTIRV (2024b) ‘I’m just like you, but people perceive me differently because I’m trans. Same as you, trans people want acceptance and equality in society. Thank you @severina ❤️ Campaign creator/screenwriter: @vanjushhh 🥰 #Iamasfreeas #kolekTIRV

@urania.hr @yammat.fm' [Instagram], February 22. Available at: <https://www.instagram.com/reel/C3pqcuasReb/> (Accessed: 27 April 2024).

kolekTIRV (2024c) 'Kasnimo na kavu, trčimo za tramvajem, gubimo ključeve - baš kao i vi. Nema veze, nasmijmo se zajedno svojim nesavršenostima. 😊 No, neka to i ostane na takvim sitnicama. Ne dovodimo međusobna prava u pitanje. 🏳️🌈 Više o kampanji "Ja sam kao ti" saznajte na linku u opisu profila. #Jasamkaoti #kolekTIRV @jutarnji.hr @yammat.fm' [Instagram], February 27. Available at: <https://www.instagram.com/p/C319qpJI1Zw/> (Accessed: 27 April 2024).

@jutarnji.hr @urania.hr @yammat.fm' [Instagram], February 22. Available at: <https://www.instagram.com/reel/C3pqcuasReb/> (Accessed: 27 April 2024).

kolekTIRV (2024c) 'We're running late for coffee, chasing after the tram, losing our keys - just like you. It's okay, let's laugh together at our imperfections. 😊 But let's keep it at those little things. Let's not question each other's rights. 🏳️🌈 Learn more about the campaign "I'm like you". #Jasamkaoti #kolekTIRV @jutarnji.hr @yammat.fm' [Instagram], February 27. Available at: <https://www.instagram.com/p/C319qpJI1Zw/> (Accessed: 27 April 2024).

## Full collection





### Geten's campaigns




Geten (2020) 'Trans vidljivost 2020: Potreban nam je Zakon o rodnom identitetu' [YouTube] April 1. Available at: <https://www.youtube.com/watch?v=eiOaBV9cINw> (Accessed: 28 April 2024).

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kontinuiranog zalaganja za regulisanje pravnog priznanja roda koje traje još od 2012. godine. Kampanju sprovodimo uz podršku ILGA-Europe i Ambasade Kraljevine Holandije u Srbiji ali i naših dugogodišnjih saradnika/ca koji nas godinama podržavaju u borbi za dostojanstven život.’ [Instagram], September 26. Available at: <https://www.instagram.com/reel/Ci-LxZ4q5ik/> (Accessed: 27 April 2024).

Geten (2022c) ‘    Kampanju za Zakon o rodnom identitetu i pravima interseks osoba: “Da budemo svoji, da budemo slobodni”! sprovodi organizacija Geten u sklopu kontinuiranog zalaganja za regulisanje pravnog priznanja roda koje traje još od 2012. godine. Nastavljamo da insistiramo na usvajanju zakona bez uslovljavanja medicinskim tretmanima, što su i preporuke SZO. Zahtevamo zakon koji omogućava samoodređenje rodnog identiteta, brzu i jednostavnu proceduru promene dokumenata trans, interseks, rodno kvir osoba kao i regulisanje čitavog niza pravnih pitanja kako se naši životi ne bi nalazili u pravnom i egzistencijalnom vakuumu i na “čekanju”. Da bi se to izmenilo, potrebno je hitno usvajanje Zakona o rodnom identitetu i pravima interseks osoba. Kampanju sprovodimo uz podršku ILGA EUROPE I Ambasade Kraljevine Holandije u Srbiji, ali i naših dugogodišnjih saradnika i saradnica koji nas godinama podržavaju u borbi za dostojanstven život. U video klipovima možete videti zašto oni smatraju da je zakon važan. U našem novom videu, svojevrsnoj posveti Odri Lord, obraća vam se profesorka psihologije na FDU i rediteljka Irena Ristić, i govori zašto je Zakon o rodnom identitetu i pravima interseks osoba važan.’ [Instagram], August 29. Available at: <https://www.instagram.com/reel/Ch2FMCsjrRq/> (Accessed: 27 April 2024).

Geten (2022d) ‘ Kampanju za Zakon o rodnom identitetu i pravima interseks osoba “Da budemo svoji, da budemo slobodni”! sprovodi organizacija Geten u sklopu kontinuiranog zalaganja za regulisanje pravnog priznanja roda koje traje još od 2012. godine. Nastavljamo da insistiramo na usvajanju Zakona bez uslovljavanja medicinskim tretmanima, što su i preporuke SZO. Zahtevamo zakon koji omogućava samoodređenje rodnog identiteta, brzu i jednostavnu proceduru promene dokumenata trans, interseks i rodno kvir osoba, kao i regulisanje čitavog niza pravnih pitanja kako se naši životi ne bi nalazili u pravnom i egzistencijalnom vakuumu i “na čekanju”. Da bi se to izmenilo, potrebno je hitno usvajanje Zakona o rodnom identitetu i pravima interseks osoba. Kampanju sprovodimo uz podršku ILGA-Europe i Ambasade Kraljevine Holandije u Srbiji Embassy of the Netherlands in Serbia and in Montenegro, ali i naših dugogodišnjih saradnika/ca koji nas godinama podržavaju u borbi za dostojanstven život. U video klipovima možete videti naše saveznice/ke i prijateljice/e, te zašto smatraju da je Zakon važan.  U našem trećem videu u okviru kampanje, obraća vam se glumica i rediteljka, Katarina Žutić, i govori o čovečnosti, oslobađanju od predrasuda i nasilja, i zašto smatra da je Zakon o rodnom identitetu i pravima interseks osoba važan.. #lgbtq  #zakon #humanrights’ [Instagram], September 14. Available at: <https://www.instagram.com/reel/Cifcb-rDeRw/> (Accessed: 27 April 2024).

### **kolekTIRV’s campaigns**

kolekTIRV (2024a) ‘I mi volimo pogledati cijelu sezonu odjednom - baš kao i vi. Likovi na ekranu uvijek nose neku svoju priču, kao i transrodne osobe. Zato, zastanite i samo poslušajte, možda nas onda shvatite. #Jasamkaoti #kolekTIRV @jutarnji.hr @yammat.fm’ [Instagram], February 26. Available at: <https://www.instagram.com/p/C3zhThaIo-A/> (Accessed: 27 April 2024).

kolekTIRV (2024b) ‘Ja sam kao ti, ali na mene, kao trans osobu, gledaju drugačije nego na tebe. Trans osobe, kao i ti, žele biti prihvaćene i ravnopravne u društvu. Hvala @severina  Idejni kreator kampanje/scenarist: @vanjushhh  #Jasamkaoti #kolekTIRV @jutarnji.hr @urania.hr @yammat.fm’ [Instagram], February 22. Available at: <https://www.instagram.com/reel/C3pqcuasReb/> (Accessed: 27 April 2024).

kolekTIRV (2024c) ‘Kasnimo na kavu, trčimo za tramvajem, gubimo ključeve - baš kao i vi. Nema veze, nasmijmo se zajedno svojim nesavršenostima. 😊 No, neka to i ostane na takvim sitnicama. Ne dovodimo međusobna prava u pitanje. 🏳️🌈 Više o kampanji “Ja sam kao ti” saznajte na linku u opisu profila. #Jasamkaoti #kolekTIRV @jutarnji.hr @yammat.fm’ [Instagram], February 27. Available at: <https://www.instagram.com/p/C319qpJI1Zw/> (Accessed: 27 April 2024).

kolekTIRV (2024d) ‘Agencija Ipsos za nas je provela prvo hrvatsko istraživanje o stavovima javnosti prema transrodnim osobama. Rezultati su iznimno ohrabrujući, a neke od njih donosimo vam 👍 😊 Idejni kreator kampanje: @vanjushhh Foto: Domagoj Kunić #Jasamkaoti #kolekTIRV @jutarnji.hr @yammat.fm’ [Instagram], February 23. Available at: [https://www.instagram.com/p/C3sd\\_RzoC-0/](https://www.instagram.com/p/C3sd_RzoC-0/) (Accessed: 27 April 2024).

kolekTIRV (2024e) ‘Svatko od nas jedinstven je na svoj način, ali želja za pripadanjem svima je zajednička. 😊 Vjerujemo da osoba koja ima podršku zajednice, unatoč svim izazovima, može dosegnuti svoj puni potencijal i živjeti autentično. Podržite nas u tome da dosegemo svoj. 🌟 #Jasamkaoti #kolekTIRV @jutarnji.hr @yammat.fm’ [Instagram], February 24. Available at: <https://www.instagram.com/p/C3uQjU0liIB/> (Accessed: 27 April 2024).

kolekTIRV (2024f) ‘Tek 11 % ispitanica\_ka istraživanja iskazalo je negativan dojam o transrodnim osobama. No, većina smatra da ljudi oko njih ne prihvaćaju transrodne osobe. Ponekad u svom balončiću ljudi ne razgovaramo o nekim temama ili na temelju njega krivo generaliziramo. Možda smo svi zapravo puno uključiviji i tolerantniji. 🧡 #Jasamakoti #kolekTIRV @jutarnji.hr @yammat.fm’ [Instagram], February 28. Available at: <https://www.instagram.com/p/C34sDAGIGYM/> (Accessed: 28 April 2024).

### **Spektra’s campaigns**

Spektra (2022) ‘Da bi promijenili oznaku pola u ličnim dokumentima, transrodne osobe su primorane da prođu kroz sterilizaciju. Kroz aktivnosti u okviru projekta “Sistemska tranzicija ka jednakosti” isplanirani su brojni koraci koji će doprinijeti usvajanju Zakona o pravnom prepoznavanju roda baziranog na samoodređenju. Ovaj projekat finansira Ambasada SAD u Podgorici. Mišljenja, nalazi, zaključci ili preporuke koji su ovdje izneseni su stav autora i ne odražavaju nužno stav Stejt dipartmenta/Vlade SAD. #uspartnermne’ [Instagram], November 5. Available at: <https://www.instagram.com/p/Ckln3zCIi5y/> (Accessed: 27 April 2024).

Spektra (2023a) ‘Crna Gora kao zemlja koja teži da postane članica Evropske unije takođe je zemlja koja teži da kreira uslove u kojima različite društvene grupe imaju svoje predstavnike i predstavnice na političkoj sceni. Uprkos ovoj težnji u Crnoj Gori na vodećim političkim pozicijama i dalje je daleko manje žena nego muškaraca, dok ne postoji nijedna žena koja predstavlja manjinske zajednice kakva je LGBT zajednica. Rješavanju ovog problema mora se pristupiti sistemski te se moraju kreirati uslovi u kojima je svima podjednako omogućen pristup bezbjednom i adekvatnom obrazovanju, te kasnije kroz adresiranje društvenih predrasuda se omogućiti i jednaka prilika za učešće u političkom životu. Kampanja: Naša prava su vaša obaveza kreirana je u cilju podizanja svijesti kod donosioca i donositeljki odluka o značaju integrisanja prava trans, interpolnih i rodno varijantnih osoba u ljudsko - pravaške agende koje Crna Gora implementira u procesu EU integracija. Ova akcija sprovodi se kroz projekat “Rodna raznolikost - suština rodne ravnopravnosti” koji implementira Asocijacija Spektra, a podržana je od strane Rector - Istraživanje u akciji i njihovih partnera kroz Akciju “Unapređivanje rodne ravnopravnosti kroz proces pristupanja EU”. Ova akcija je finansirana od strane Evropske Unije i kofinansirana od strane Švedske agencije za međunarodni razvoj i saradnju. Ovaj sadržaj proizveden je uz finansijsku podršku Evropske Unije i kofinansiran od strane Švedske agencije za međunarodni razvoj i saradnju. Njeni sadržaji su isključiva odgovornost Asocijacije Spektra i ne reflektuju nužno stavove Evropske Unije ili Švedske agencije. @pokretura @demokrate.cg @dps\_cg

@demokratskifrontcg @snp\_cg @sdp.cg @bosnjacka\_stranka @pokretevropasad @pokret.za.promjene @pozitivna\_crna\_gora @socijaldemokratecrnegore @pravacrnagora @zabuducnost\_cg @demos.m.lekic @nova\_srpska\_demokratija @dnp\_cg @ujedinjenacg @prcentar @rtcg\_me @gradski\_me @vijesti.me @cdm.me @portal\_analitika @tve\_montenegro @portal\_kombinat @normalizuj.me @radioslobodnaevropa @portalantenam @pobjeda.me' [Instagram], February 13. Available at: [https://www.instagram.com/p/Com-ieXo9P\\_/](https://www.instagram.com/p/Com-ieXo9P_/) (Accessed: 27 April 2024).

Spektra (2023b) ‘🧠 Zamisli situaciju u kojoj treba da predaš identifikacioni dokument, poput pasoša na graničnom prelazu. Otvaraš pasoš i vidiš: u njemu piše ime i oznaka pola, roda koji nije tvoj. Ni slika se ne podudara sa tim kako trenutno izgledaš. Zvuči kao horor priča koja u najmanjem vodi u neprijatnost, a često i u situacije nasilja i ozbiljne zakonske probleme. Ova priča je u Crnoj Gori svakodnevna realnost za transrodne osobe. ME 🏴‍☠️ Zakon o pravnom prepoznavanju roda baziranog na samoodređenju podrazumijeva mogućnost osobe da promijeni svoje ime i oznaku pola na službenim dokumentima, omogućavajući joj da bude priznata zakonom u skladu sa svojim rodom. U Crnoj Gori ovaj Zakon još uvijek ne postoji. Umjesto toga, da bi ostvarile prepoznanje koje je od životne važnosti, transrodne osobe u Crnoj Gori podvrgnute su nehumanim zahtjevima, kulminirajući prinudnom sterilizacijom. 🚩👊 Ovaj zakon, ukoliko bude usvojen garantovaće zaštitu i svačije osnovno ljudsko pravo na samoodređenje. 🙌 Podrži i podijeli ovu poruku – zagarantuj dostojanstven život za sebe i druge. Kampanja se implementira u okviru projekat “Pravno prepoznanje roda - korak ka inkluzivnim politikama” koji sprovodi NVO Asocijacija Spektra, a koji je dio projekta “OCD u Crnoj Gori - od osnovnih usluga do oblikovanja politika - M’BASE” koji sprovodi Centar za građansko obrazovanje, u partnerstvu sa Fondacijom Friedrich Ebert, NVO Centar za zaštitu i proučavanje ptica Crne Gore, i NVO Politikon mreža a u saradnji sa Ministarstvom javne uprave digitalnog društva i medija, i Kancelarijom za evropske integracije Vlade Crne Gore. Projekat je finansijski podržan od strane Evropske komisije, posredstvom Delegacije EU u Crnoj Gori. #M’BASE’ [Instagram], December 4. Available at: <https://www.instagram.com/reel/C0bvwtOnWI/> (Accessed: 27 April 2024).

Spektra (2023c) ‘Pravo na tjelesnu autonomiju je jedno od osnovnih ljudskih prava i ono podrazumijeva nezavisno upravljanje ljudi sopstvenim tijelima. Na primjeru Amerike vidimo kako je politička klima ugrozila ljudsko pravo na sigurni abortus žena i osoba koje mogu da rađaju, te i koliko je tjelesna autonomija ugroženih grupa u Evropi na udaru zbog sličnih političkih struja, čemu svjedoče brojni primjeri prakse prinudne sterilizacije trans osoba u evropskim zemljama, uključujući Crnu Goru. Sterilizacija je hirurška procedura uklanjanja reproduktivnih organa. Kako bi promijenile oznaku pola u dokumentima transrodne osobe u Crnoj Gori su i dalje prinudene da prođu sterilizaciju. Dvadeset zemalja članica Evropske Unije već je ukinulo prinudnu sterilizaciju, a među njima je i susjedna Hrvatska. Po presudi Evropskog suda za ljudska prava, jedan od oblika kršenja prava na tjelesnu autonomiju jeste i prinudna sterilizacija transrodnih osoba, zato pozivamo donosiocelje odluka da što prije ukinu ovu nehumanu praksu! Kampanja: Naša prava su vaša obaveza kreirana je u cilju podizanja svijesti kod donosioca i donositeljki odluka o značaju integrisanja prava trans, interpolnih i rodno varijantnih osoba u ljudsko - pravaške agende koje Crna Gora implementira u procesu EU integracija. Ova akcija sprovodi se kroz projekat “Rodna raznolikost - suština rodne ravnopravnosti” koji implementira Asocijacija Spektra, a podržana je od strane Rector - Istraživanje u akciji i njihovih partnera kroz Akciju “Unapređivanje rodne ravnopravnosti kroz proces pristupanja EU”. Ova akcija je finansirana od strane Evropske Unije i kofinansirana od strane Švedske agencije za međunarodni razvoj i saradnju. Ovaj sadržaj proizveden je uz finansijsku podršku Evropske Unije i kofinansiran od strane Švedske agencije za međunarodni razvoj i saradnju. Njeni sadržaji su isključiva odgovornost Asocijacije Spektra i ne reflektuju nužno stavove Evropske Unije ili Švedske agencije.’ [Instagram], February 16. Available at: <https://www.instagram.com/p/CouqH39IXLw/> (Accessed: 27 April 2024).

Spektra (2023d) ‘Kamen temeljac društva, koje stremi ka tome da bude društvo koje poštuje sve pojedince i pojedinke koje mu pripadaju, je pravo na samoodređenje, odnosno pravo osobe da samostalno i slobodno odlučuje o sopstvenom identitetu. Iz toga proizilazi obaveza države da osigura pristup prepoznavanju različitih identiteta na način koji je u skladu s pravima na slobodu od diskriminacije, jednaku zaštitu zakona, privatnost, identitet i slobodu izražavanja. Kada su transrodne osobe u pitanju, u Crnoj Gori se ovo pravo ne poštuje, te se od njih zahtijeva sterilizacija ukoliko žele da njihov rodni identitet bude pravno prepoznat. Krajnje je vrijeme da se ovakva praksa zaustavi, te da se svima omogući jednako pravo da slobodno odlučuju o sopstvenom identitetu. Kampanja: Naša prava su vaša obaveza kreirana je u cilju podizanja svijesti kod donosioca i donositeljki odluka o značaju integrisanja prava trans, interpolnih i rodno varijantnih osoba u ljudsko - pravaške agende koje Crna Gora implementira u procesu EU integracija. Ova akcija sprovodi se kroz projekat “Rodna raznolikost - suština rodne ravnopravnosti” koji implementira Asocijacija Spektra, a podržana je od strane Rector - Istraživanje u akciji i njihovih partnera kroz Akciju “Unapređivanje rodne ravnopravnosti kroz proces pristupanja EU”. Ova akcija je finansirana od strane Evropske Unije i kofinansirana od strane Švedske agencije za međunarodni razvoj i saradnju. Ovaj sadržaj proizveden je uz finansijsku podršku Evropske Unije i kofinansiran od strane Švedske agencije za međunarodni razvoj i saradnju. Njeni sadržaji su isključiva odgovornost Asocijacije Spektra i ne reflektuju nužno stavove Evropske Unije ili Švedske agencije.’ [Instagram], February 22. Available at: <https://www.instagram.com/p/Co9sUE-osdJ/> (Accessed: 27 April 2024).

Spektra (2023e) ‘🗣️ Imati pravo da se samoodredimo znači imati pravo da živimo autentično. Glasno govoriti o ovom pravu je poziv i podsjetnik svima da je moguće i vrijedno boriti se za sopstvenu slobodu. 🗣️ “Samoodređenje je poziv na slobodu” je slogan kampanje koja ima za cilj da stavi u fokus priče o putu ka slobodi i pravu da odlučujemo o sopstvenim životima bez ograničenja nametnutih od strane društva ili države. Kampanju sprovodimo kroz projekat “Sistemska tranzicija ka jednakosti”. Ovaj projekat finansira Ambasada SAD u Podgorici. Mišljenja, nalazi, zaključci ili preporuke koji su ovdje izneseni su stav autora i ne odražavaju nužno stav Stejt dipartmenta/Vlade SAD. #USpartnerMNE @usa\_in\_mne’ [Instagram], December 6. Available at: <https://www.instagram.com/p/C0hBWxqq5YP/> (Accessed: 27 April 2024).

Spektra (2023f) ‘🗣️ Imati pravo da se samoodredimo znači imati pravo da živimo autentično. Glasno govoriti o ovom pravu je poziv i podsjetnik svima da je moguće i vrijedno boriti se za sopstvenu slobodu. 🗣️ “Samoodređenje je poziv na slobodu” je slogan kampanje koja ima za cilj da stavi u fokus priče o putu ka slobodi i pravu da odlučujemo o sopstvenim životima bez ograničenja nametnutih od strane društva ili države. Kampanju sprovodimo kroz projekat “Sistemska tranzicija ka jednakosti”. Ovaj projekat finansira Ambasada SAD u Podgorici. Mišljenja, nalazi, zaključci ili preporuke koji su ovdje izneseni su stav autora i ne odražavaju nužno stav Stejt dipartmenta/Vlade SAD. #USpartnerMNE @usa\_in\_mne’ [Instagram], December 6. Available at: <https://www.instagram.com/p/C0hBNneKfq7/> (Accessed: 27 April 2024).

Spektra (2023g) ‘🗣️ Imati pravo da se samoodredimo znači imati pravo da živimo autentično. Glasno govoriti o ovom pravu je poziv i podsjetnik svima da je moguće i vrijedno boriti se za sopstvenu slobodu. 🗣️ “Samoodređenje je poziv na slobodu” je slogan kampanje koja ima za cilj da stavi u fokus priče o putu ka slobodi i pravu da odlučujemo o sopstvenim životima bez ograničenja nametnutih od strane društva ili države. Kampanju sprovodimo kroz projekat “Sistemska tranzicija ka jednakosti”. Ovaj projekat finansira Ambasada SAD u Podgorici. Mišljenja, nalazi, zaključci ili preporuke koji su ovdje izneseni su stav autora i ne odražavaju nužno stav Stejt dipartmenta/Vlade SAD. #USpartnerMNE @usa\_in\_mne’ [Instagram], December 6. Available at: <https://www.instagram.com/p/C0hBKRYq-mb/> (Accessed: 27 April 2024).



Spektra (2023h) ‘ 🌟 Pred kraj još jedne naporene godine pune izazova, prisjećamo se trenutaka koji su nam na momente osvjetlili zahtjevne periode, a zasijenili ne samo nas, već i mnoge druge koji su ovom događaju doprinijeli svojim prisustvom i obogatili ga divnom energijom i podrškom koja doliči otvaranju najvećeg kvir događaja u godini - Nedelji ponosa. 🌟 Koristimo ovu priliku i da izrazimo posebnu zahvalnost @smartbalkans na podršci da kroz izradu ovog video priloga ovjekovječimo poseban trenutak i prenesemo vam dio atmosfere u bekstejdžu i na samoj sceni. 🗣️ Zahvalni smo i svim učesnicama i učesnicima, modelima, govornicama i govornicima, i svima koji su doprinijeli da se ova ideja materalizuje i tehnički upotpuni. Projekat je podržan Core grantom regionalnog projekta SMART Balkan – Civilno društvo za povezan Zapadni Balkan kojeg implementira @cpcdba @crpm.mk @idm.albania a finansijski podržava @norwayinbelgrade #SMARTBalkansProject #CPCDBa #SMARTBalkans #SupportedByNorway #CoreSupport’ [Instagram], December 8. Available at: <https://www.instagram.com/reel/C1KgR1JIOyY/> (Accessed: 27 April 2024).

Spektra (2023i) ‘Sloboda znači nešto različito svakome od nas, imati priliku da definišemo sopstvenu slobodu je pravo koje mora biti svačije. “Samoodređenje je sloboda” je slogan kampanje koja ima za cilj da prikaže i promoviše različite izražaje slobode iz perspektive članova/ica kvir zajednice kroz upotrebu umjetnosti, mode, javnog nastupa i performansa. Fotografije korišćene u ovoj kampanji su sa događaja pod nazivom “Human rights fashion show” na kom je predstavljena modna kolekcija dizajnera Medija Gorana @medihime. Ova kampanja i segment događaja “Human rights fashion show” na kom je predstavljena kolekcija sprovode se kroz projekat “Pravno prepoznavanje roda - korak ka jednakosti” koji samostalno implementira Asocijacija Spektra uz finansijsku pomoć Ministarstva za ljudska i manjinska prava.’ [Instagram], December 8. Available at: <https://www.instagram.com/reel/C0lrL2IIruz/> (Accessed: 27 April 2024).

## Appendix 6: State Discourses: List of Legal Documents

### List of legal documents, Serbia

*Anti-Discrimination Act (Serbia) 2021*. In Serbo-Croatian. Available at: [https://www.paragraf.rs/propisi/zakon\\_o\\_zabrani\\_diskriminacije.html](https://www.paragraf.rs/propisi/zakon_o_zabrani_diskriminacije.html) (Accessed: 17 March 2024).

*Constitution of the Republic of Serbia 2006*. In Serbo-Croatian. Available at: [https://www.paragraf.rs/propisi/ustav\\_republike\\_srbije.html](https://www.paragraf.rs/propisi/ustav_republike_srbije.html) (Accessed: 9 March 2024).

'*Decision UŽ-3238/2011*' (2012) The Constitutional Court of the Republic of Serbia. Available at: <https://www.ustavni.sud.rs/sudska-praksa/baza-sudske-prakse/pregled-dokumenta?PredmetId=6790> (Accessed 21 March 2024).

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## Appendix 7: Full List of Codes

Pre-existing codes generated before the coding process are denoted in uppercase, while other codes remain in lowercase.

<b>1. Legal gender recognition</b>	EU as an ALLY / EUROPANIZATION	Importance of youth voices and experiences
Importance of legal gender recognition	Visions of gender liberation/abolition	Generational shifts in acceptance among general population
LEGAL GENDER RECOGNITION PROCEDURES	Depathologization and self-determination	Generational differences in activism
Barriers to legal gender recognition	Normalization/integration	Exclusion and privileges
Possibilities of legal reforms	Transnational solidarity and learning	TENSIONS AMONG ORGANIZATIONS
Limitations of legal reform efforts	Intersectionality	<b>6. Neoliberalism</b>
Critiques of state regulation of gender	Importance of community outreach/building	Disconnect between activism and community needs
<b>2. Medical gatekeeping</b>	Allyship in campaigns	Political instability
Inadequate healthcare access	<b>4. Societal aspects</b>	NGO funding and opportunities
MEDICAL GATEKEEPING	Intersections of exclusions	Political context of EU integration
Centralization	Invisibility of the community	Challenges of institutional advocacy
Access to hormone therapy	Challenges of social acceptance	Navigating state corruption
Bodily autonomy and self-determination	Societal acceptance vs. tolerance	NGO-IZATION & PROFESSIONALIZATION
Genital surgery and sterilization	Importance of trans (in)visibility	Critique of LGBT movement insularity
<b>3. Activist strategies and challenge</b>	Marginalization of trans issues	EU as an ALLY / EUROPANIZATION
Collaboration with state institutions	DISCRIMINATION AND VIOLENCE	
Strategic litigation as an option	Navigating societal backlash and resistance	
Activist alliances	ANTI-GENDER BACKLASH	
Challenges of institutional change	ROLE OF THE CHURCH	
Human-rights based self-determination approach	Role of the language	
	<b>5. Generational perspectives</b>	