No. 07-00-101/2017-02 Date: 3 July 2017

**OPINION**

The present opinion was issued following a complaint procedure lodged by D. Association, against I. d.o.o. B, following a text entitled “ARE THEY FUCKING WITH US – They protest against Vučić’s promotional video, yet they don’t mind when the football fans chant “Vučić, you faggot!“, posted on 15 March 2017 on the internet page of I. daily newspaper. The text analysis showed that the text was a reaction to a complaint filed by D. Association with the Sector for Market Inspection of the Ministry of Trade, Tourism and Telecommunications, on account of insulting terminology used in the election campaign promotional video, since at the end of this video clip football fans are shown at a stadium chanting “Vučić, you faggot!“, explaining that such chanting could instigate and foster further discrimination against and social distance towards LGBT population. Furthermore, the text’s author stressed that this association was concerned with defending gay population in Serbia from the presidential campaign promotional video of Aleksandar Vučić, but had failed to voice their concerns in similar situations when rights of the mentioned population were actually encroached on, in another words a promotional spot containing “Vučić, you faggot!“ bothers them although it does not contain “not even one single word calling for discrimination of gays”, but at the same time they do not mind the same expression being used by football fans during soccer matches or during political opposition rallies. At the end of this text, the author underlines that there was a completely different thing at work there, namely “a political campaign aimed at discrediting a presidential hopeful. But not openly, oh, no. But rather under a cloak of protecting rights of the LGBT population, in a cagey faggoty kind of way.” With reference to the aforementioned, the Commissioner for the Protection of Equality found that I. daily newspaper had a legitimate right to express its disagreement with the fact that the complainant had filed a complaint against a promotional video of one of the presidential candidates as well as to express its view that this association should have protected the rights of LGBT population in other situations as well. However, what most certainly was not acceptable is the fact that this media outlet condensed its views on this association’s activities by qualifying them as being pursued “in a cagey, faggoty kind of way”, thus the daily newspaper had expressed its disagreement with this association by insulting the entire LGBT population. Ergo, the Commissioner for the Protection of Equality issued an opinion stating that the text “ARE THEY FUCKING WITH US – They protest against Vučić’s promotional video, yet they don’t mind when football fans chant “Vučić, you faggot!“, posted on 15 March 2017 on the internet page of I. daily newspaper, expressed ideas and views which are disturbing and degrading and which are offensive to the dignity of LGBT population, thus creating a demeaning and insulting environment. By posting this text I. d.o.o. B, daily newspaper I. has violated provisions of the Law on the Prohibition of Discrimination. For this reason, the Commissioner for the Protection of Equality has issued a recommendation to the editor in chief of I. daily newspaper to publish an apology to the members of the LGBT population in I. daily newspaper within 15 days from receiving this opinion containing recommendations for achieving equality, and to refrain in the future from posting and publishing texts and content which are offensive to the dignity of the LGBT population and which breed prejudice towards marginalized social groups, but rather to strive to alter patterns, mores and practices which foster stereotypes, prejudice and discrimination of LGBT persons.

|  |
| --- |
|  COMMISSIONER FOR THE PROTECTION OF EQUALITY |
|  Brankica Janković |