There is no record of Government pursuing any sort of researches and data in regard to sexual orientation and gender identity. Question is not included in any sort of state owned or published questionnaire, except for [the Institute for Student Healthcare of Belgrade](https://www.021.rs/story/Info/Srbija/202676/Studenti-u-Beogradu-sada-mogu-da-se-izjasne-i-kao-transrodne-osobe.html), where students can mark the “transgender” box in questionnaire when they come for examination.

Despite recommendations from various parties, Serbian competent authorities have not established nor operate any sort of system which records homo- and transphobic incidents.

[Last report of European Commission against Racism and Intolerance (ECRI)](https://rm.coe.int/third-report-on-serbia/16808b5bf4), adopted on 22nd of March 2017 notes that the legal framework on fundamental rights is mostly in place, but recording mechanisms of hate crime do not exist, nor bias indicators.

[EU Enlargement report on Serbia from 2018](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-serbia-report.pdf) reiterates centralized official data on hate crimes are still lacking.

Even though ODIHR states that [Prosecutor's Office collects data on hate crime](http://hatecrime.osce.org/serbia) it is not clear how the Office gathers given data, nor how data is disaggregated. However, in the justification submitted to the ODIHR, Prosecutors Office states that no data on hate crimes based on sexual orientation and gender identity is gathered.

Key observation regarding Serbia is that ODIHR denotes that the law enforcement agencies have not recorded the bias motivations of hate crimes.

In 2017, report published by CSO *Da se zna!* named “One Step Forward, Two Steps Backward - The Role of Police in Strengthening the Prevention of Mechanisms and Protection against Crimes Motivated by Homophobia and Transphobia in Serbia”, Ministry of Internal Affairs responded with [figures on the reported cases against LGBT persons in Serbia for the period 2012 – 2015](http://dasezna.lgbt/attachments/Report_English.pdf).

However, Ministry failed to explain the methodology and documentation process.

Competent institutions are justifying lack of respecting data with the [Article 21](http://azil.rs/en/wp-content/uploads/2017/04/antidiscrimination-law-serbia.pdf) of the Law on the Prohibition of Discrimination, which stipulates that sexual orientation is an issue of a private matter and no one might be called up to publicly declare sexual orientation.

We have reached out to the Statistical Office of The Republic of Serbia, asking whether if there are information on the number of hate crime cases, Judicial Statistics Group within the Office responded they have no data as such.

When it comes to increasing overall knowledge of the LGBT community, just few institutions are publishing report where issues LGBT people are facing are tackled. Namely, Commissioner for the Protection of Equality, NHRI created by Law on the Prohibition of Discrimination in 2009, publishes [annual reports](http://ravnopravnost.gov.rs/en/reports/) where issues regarding discrimination LGBT people in Serbia are stipulated.

Moreover, Ombudsperson of the Republic of Serbia as well analyses within [annual reports](https://www.ombudsman.org.rs/index.php?option=com_content&view=category&layout=blog&id=11&Itemid=13) number of complaints and all activities in respect to LGBT community.

In addition, Ombudsperson publishes special reports on the position of certain marginalized groups, visits to institutions regarding lodged complaints, etc.

In 2012, Ombudsperson published a special report analyzing the position of LGBT community in Serbia – [“LGBT Population in Serbia – condition of human rights and social position”](https://www.ombudsman.rs/index.php/izvestaji/posebnii-izvestaji/2107-2012-01-12-14-02-53).

[On 9th of November 2018, new Law on Personal Data Protection](https://www.sharefoundation.info/sr/usvojen-zakon-o-zastiti-podataka-o-licnosti/) is adopted by the National Assembly, aiming to comply national legal framework with GDPR.

Even though given Law extends the rights of citizens in the field of data protection, some shortcomings remained in the draft, even though civil society organizations and Commissioner for Information of Public Importance and Personal Data Protection warned the public about them, especially in fields of national security concerns, and leaves room for (mis)interpretations.

Main risks in regard to collecting data on SOGI remain underreporting and fear of coerced come out or secondary victimization by law enforcement agencies. According to the last [Hate Crime Report](http://dasezna.lgbt/attachments/Podaci-a-ne-zvona-i-praporci%20FINAL2.pdf) published by Serbian LGBT CSO *Da se zna!*, among cases of hate crime and discriminatory incidents towards LGBT people respecting organization has gathered and compiled, 50% of victims noted treatment of the police as negative, 11% as humiliating, and 11% as offensive.

In Serbia there are no circumstances where data collection is ill-advised. In 1994, male homosexual sexual intercourse was officially decriminalized in the Republic of Serbia. In 1997 homosexuality has been declassified as illness in Serbia.

When it comes to data collecting, civil society organizations are virtually taking the role of the competent authorities. For instance, LGBT CSO *Da se zna!* maps and records cases of violence and discrimination towards LGBT people in Serbia, and publishes annually hate crime reports. For that purpose, CSO *Da se zna!* uses software Martus database for documenting such cases.

Those cases are backed up in an encrypted format on multiple servers, and protected by a unique password.