Prosperous conflict
How backlash helps LGBT rights activists in the Western Balkans

By: Ryan Rosenberg

A thesis submitted to the faculty
of the University of North Carolina
in partial fulfillment of the requirements
for the degree of Bachelor of Arts
with Honors in Political Science.

2016
## CONTENTS

1 INTRODUCTION 3

2 LITERATURE REVIEW 8
   2.1 Postcommunist social movements 8
   2.2 Europeanization theory 12

3 THEORY 16
   3.1 Political opportunity structure 17
   3.2 Issue framing 20
   3.3 Activist networks 20

4 SERBIA 22
   4.1 1990-2000: Negative climate 22
   4.2 2000-2010: Developing "European Serbia" 26
   4.3 2010-2015: The advent of conditionality 31
   4.4 Summary 32

5 CROATIA 34
   5.1 1992-2000: War and reproduction 34
   5.2 2000-2005: Potential candidate 36
   5.3 2005-2013: Candidacy 39
   5.4 2013-2015: Membership 40
   5.5 Summary 42

6 ANALYSIS 43

7 CONCLUSION 45

8 REFERENCES 47
INTRODUCTION

How has the prospect of European Union (EU) accession affected LGBT-rights movements in the Western Balkans? Traditional analyses focus on the legal effects of the accession process, in which countries adopt new laws in order to comply with the EU acquis. However, solely examining the legal effects of EU conditionality neglects significant causative processes of social movement development. Oppositional theory, developed by Conor O’Dwyer, expands the scope of analysis of conditionality’s impact on social movements. Incorporating the political process model from social movement theory (McAdam 1999), oppositional theory examines the effect of EU conditionality on the political opportunity structure, issue framing, and activist mobilization of LGBT-rights movements in EU candidate and new member states. In contrast to traditional Europeanization theory, which focuses on the legal effects stemming from the conditionality of the EU accession process, oppositional theory expects that joining the EU will also shape how issues are framed and how activists are mobilized in candidate and new member states. This creates a more holistic view of LGBT-rights activism. In O’Dwyer’s formulation of oppositional theory, conditionality prompts backlash from anti-LGBT activists, resulting in a counter-mobilization of pro-LGBT activists and framing contests that are won by frames helpful to LGBT activists, resulting in a more vibrant LGBT-rights movement. To test
this, I examine the development of LGBT-rights movements in Croatia and Serbia to see if they are consistent with the predictions of oppositional theory, and investigate if oppositional theory provides a better explanation of the development of LGBT-rights movements than basic Europeanization theory focusing solely on conditionality. Ultimately, I seek to explain more fully how the EU accession process affects candidate and potential candidate countries, as well as uncover more about the mechanisms of activist development.

I hypothesize that the experience of Polish LGBT rights groups described by O’Dwyer is reflected in similar experiences of Serbian and Croatian LGBT rights groups after the breakup of Yugoslavia. In addition, I posit that the development of these groups in an oppositional framework is distinct from how we would expect them to develop in a framework based solely on the legal effects of conditionality. By testing an expansion of basic Europeanization theory, and evaluating it against the historical record, I contribute to the development of Europeanization theory by either introducing valid alternative paths of LGBT-rights movement and development, or by strengthening existing theories.

To test O’Dwyer (2012) on new case countries, I research the development of LGBT-rights movements in Croatia and Serbia from the breakup of Yugoslavia to the present day. These case studies focus on the sociopolitical climate of the three countries, particularly as it pertains to LGBT rights and EU accession. The case studies will incorporate scholarly material as well as newspaper articles, interviews, and primary source documents.

My findings are two-part. First, I find that backlash from anti-LGBT groups is the primary driver of the benefits of the EU accession process for LGBT rights groups. This backlash impacts all three components of the political process. Highly visible actions by anti-LGBT groups
increases the importance of protection for LGBT rights and persons in EU conditionality. Competition between mutually antagonistic discourses around LGBT rights results in what O’Dwyer terms framing contests. These contests, which are public and high-profile, increase the salience of issues surrounding LGBT rights. The most visible form of backlash comes from mobilization. Oppositional theory predicts that the EU accession process spurs a mobilization of anti-LGBT activists, which in turn spurs a counter-mobilization of LGBT-rights activists and activists that support EU accession if not LGBT rights specifically.

Second, I find that the Serbian and Croatian cases reflect two divergent scenarios predicted by oppositional theory. The first, in which there is backlash to the EU accession process and LGBT-rights activism benefits from the backlash, is consistent with the Serbian case. The second, in which there is not significant backlash to the EU accession process, is consistent with the Croatian case. These predictions are taken from O’Dwyer, who analyses the cases of Poland and the Czech Republic. Neither Croatia nor the Czech Republic had the same level of opposition to LGBT rights activism as Poland or Serbia, and the LGBT-rights movement in the Czech Republic evaporated shockingly quickly after the passage of a same-sex partnerships law in 2006. It remains to be seen whether or not the same fate will befall the Croatian LGBT-rights movement following the institution of most rights for same-sex partnerships in 2014.

To begin my paper, I review literature on postcommunist civil society and the effects of Europeanization on the political climate of candidate and potential candidate countries, as well as the elements of social movement theory that are relevant in O’Dwyer’s model. These will be the major theoretical jumping-off points for my argument.
Next, I explain the theory behind O’Dwyer’s oppositional explanation of LGBT-rights movement development. In explaining the relationship between EU linkage and LGBT-rights movement, I place organized opposition as the mediating force by which EU integration is transformed into tangible benefits for LGBT activists. I then provide an overview of the theoretical framework created by O’Dwyer (2012). The model is a continuation of the ‘political process model’ from social movement theory (McAdam 1999; Sperling 1999). O’Dwyer uses the three analytical concepts of political opportunity structure, issue framing, and the activist network to form a model for a case study of the Polish LGBT-rights movement. For this case study, I outline the different political opportunity structures in the studied countries and the framing process that occurred for activist networks. In particular, I focus on the historical development and trends in the measures of these analytical concepts.

Following the theoretical framework, I proceed into a case study of the historical development of the LGBT-rights movement in each case country, paying particular attention to the role of oppositional actors and the EU. To facilitate analysis of the impact of the EU accession process, I split each case study into periods corresponding to stages of the accession process: pre-process, potential candidate, candidate (for Croatia and Serbia), and EU member state (for Croatia).

I conclude by placing my analysis of O’Dwyer (2012) in the context of Europeanization theory as a whole. Does oppositional theory provide a more convincing account of the development of LGBT rights in Croatia and Serbia than an analysis based strictly on EU conditionality? Is the determining factor in the growth of LGBT-rights movements backlash from anti-LGBT groups, as oppositional theory predicts? To facilitate this analysis, I highlight illustrative sections of the case studies – Croatia after accession, and Serbia in the late-2000s
– that delineate the different predictions of the three theories, and the historical record therein.
LITERATURE REVIEW

In this section, I provide a brief review of the literature on two topics essential to my thesis: the situation of social movements after the fall of communism, and the process of Europeanization. The position of social movements in post-communist countries sets the stage for explanations of LGBT-rights movement growth, which both basic Europeanization theory and oppositional theory seek to provide. When describing the features of basic Europeanization theory, I note the sections in which oppositional theory incorporates, expands upon, or differs from basic Europeanization theory.

2.1 POSTCOMMUNIST SOCIAL MOVEMENTS

The development of social movements in postcommunist societies has been profoundly influenced by the nature of associational life under Communist rule. During the Communist era, there was a distinct lack of explicitly political organization due to the controlling nature of the state. This paucity of political organization – particularly among countries that were not part of the Visegrad states – manifested itself in a very weak outlook for politically-oriented social movements. However, as these nations began to liberalize and democratize, there was a marked increase in the presence of social movements and civil society organizations. I begin by reviewing research describing the
situation of social movements just after the fall of communism before covering research on civil society’s eventual development in the post-communist sphere.

Many studies of civil society in post-communist countries have focused on the depressed numbers of third sector organizations in the years after the fall of communism, often attributing such stunted development to a “Leninist legacy”. Ken Jowitt (1992) describes this legacy as “fragmented, mutually suspicious, societies with little religious-cultural support for tolerant and individually self-reliant behavior.” He claims that the social structure communist society propagated is ill-suited to adapt to liberal democratic values due to a lack of emphasis on “impersonal measured action”: the very sort of action that occurs to support third sector organizations in democratic societies. Marc Howard (2003) expands on the idea of a Leninist legacy. He provides empirical evidence that associational membership is lower in post-communist societies than in older democracies or post-authoritarian states, and provides potential explanations: mistrust of organizations stemming from the Communist period, the strength of private networks, and disillusionment with the government and political sphere in general. The idea of depressed civil society activity in postcommunist countries interfaces with oppositional theory by providing context as to the political climate for LGBT activists. The Leninist legacy that Jowitt and Howard describe determines the political opportunity structure (one of the three components of the political process model used by oppositional theory) before postcommunist countries begin attempting to join the EU.

Florian Bieber’s 2003 article details the role of Serbian NGOs in the protest movement to overthrow the Milosevic regime in 2000. He describes repression of civil society in Serbia during the rule of Tito, and its subsequent genesis and growth starting in the 1980s. A group of
non-nationalist NGOs and civil society groups – which Bieber terms “the other Serbia” – staged numerous (failed) protests against the government throughout the 1990s. Bieber asserts that these efforts, despite not succeeding, laid the groundwork for the ouster of Milosevic. He concludes that “this change (from unsuccessful protest to successful) was not a sudden development, but rather was the result of an often painful learning process.” Bieber’s article demonstrates the fits and starts of Serbian civil society in the late 1990s, and the slow process of building a strong third sector in Serbia.

Grzegorz Ekiert and Jan Kubik (2014) discuss conceptions of postcommunist civil society, and challenge three persistently-held beliefs. They show that postcommunist civil societies were not constructed out of nothing, but rather reflect systems of associational life present during and before the communist regime. The second idea they challenge is that postcommunist civil society follows a different model than existing models of civil society (cf. Scandinavia, the United States, Latin America). Ekiert and Kubik reject this idea because, in their view, postcommunist civil societies have not followed any singular model of development or practice. They cite the vastly different appearance of civil society in the Visegrad states of Poland and Hungary, as opposed to autocratic Central Asian republics such as Uzbekistan and Tajikistan. Finally, Ekiert and Kubik challenge the notion that postcommunist civil societies are uniformly weak. Not every postcommunist country has a strong third sector, to be sure, but many countries, especially those in Central Europe, have active and dense networks of civil society actors.

In Beyond NGO-ization, Kerstin Jacobsson and Steven Saxonberg (2013) collect articles to survey the development of social movements, those institutionalized as NGOs and not, across Central and Eastern Europe. The collection highlights specific civil society organiza-
tions in the region that have had noteworthy trajectories, such as animal rights activists in Poland and environmental activists in Bosnia and Herzegovina. As the title of the volume indicates, it focuses on groups and methods of civil society mobilization beyond the typical pattern of gradual NGO formation and lobbying. These essays provide support for one of oppositional theory’s theoretical propositions: that non-traditional causes of activist mobilization do exist in the postcommunist sphere. This is especially illustrated by Conor O’Dwyer’s article in the volume.

Conor O’Dwyer’s article “From NGOs to Naught: The Rise and Fall of the Czech Gay Rights Movement,” included in the Jacobsson and Saxonberg collection, seeks to explain why the strong LGBT-rights movement that existed in the Czech Republic prior to EU accession dissolved after the passage of a law legalizing same-sex domestic partnerships. O’Dwyer identifies the lack of a strong anti-LGBT opposition and backlash to the institution of LGBT rights as a key difference between the case of the Czech Republic and the case of Poland, and sets the two countries up as opposite studies of how LGBT-rights movements develop during and after the EU accession process. In the theory section, these two case studies will be used as examples to demonstrate the structure of oppositional theory. When evaluating whether or not the case studies in this thesis are consistent with the predictions of oppositional theory, it is important to keep in mind both the examples of Poland, where backlash strengthened the LGBT-rights movement, and the Czech Republic, where the lack of backlash resulted in a nonexistent LGBT-rights movement just a few years after accession. If there is backlash from anti-LGBT groups in the case studies, we would expect to find a correspondingly stronger LGBT-rights movement, and if there is little to no backlash, a relatively weak one.
2.2 EUROPEANIZATION THEORY

In this section, I describe existing Europeanization theory, which primarily focuses on the effects of EU conditionality. I do this to establish a basis for oppositional theory’s expansion of Europeanization theory to include additional elements of the political process for social movements. Additionally, since in oppositional theory the political opportunity structure is determined by conditionality during the EU accession process, an understanding of the theory surrounding conditionality is important to oppositional theory.

Ulrich Sedelmeier (2011) reviews the state of the literature on Europeanization in new member and candidate states. He divides the competing theoretical approaches into two schools of thought: rational institutionalism, with a focus on external incentives and cost-benefit analysis, and constructivist institutionalism, based around models of social learning and norm diffusion. Rational institutionalism focuses on EU conditionality and its impact on candidate countries. According to Sedelmeier, the major international factors in determining the impact of conditionality are the clarity and credibility of EU demands—there must be a well-understood and realistic reward for compliance, and a well-understood and realistic punishment for non-compliance, in order for conditionality to be at its most effective. Domestically, rational institutionalism applies an external incentives model to measure the impact of conditionality on powerful domestic actors. If adjustment costs are high, or there is a lack of domestic allies supporting EU reforms, conditionality will be less effective. Rational institutionalism is contrasted with constructivist (or sociological) institutionalism. The major international factor determining the EU’s impact on new member and candidate countries in the constructivist framework is the perceived legitimacy of EU demands; if the
EU is able to make the accession process—more specifically, the process of compliance with the acquis communautaire, the body of EU law—seem legitimate, candidate countries will comply more promptly and fully. Domestic identification or non-identification with the EU is also an important part of the constructivist model, as citizens who identify with the EU will be more likely to support Europeanization.

O’Dwyer \( \text{(2012)} \) draws from both rational and constructivist institutionalism, unifying particular insights into a cohesive framework for oppositional theory. Oppositional theory’s treatment of the political opportunity structure for social movements is predominantly rational in nature. It takes conditionality as the primary influence on the political opportunity structure, just as rational institutionalism does for the whole impact of the EU accession process. Where oppositional theory differs from rational institutionalism and aligns more closely with constructivist Europeanization theories is in the components of the political process model that are not determined by conditionality: issue framing and activist mobilization. In oppositional theory, frames of LGBT rights and LGBT activist groups become associated with respective pro-EU frames and activists. Consistent with constructivist institutionalism, oppositional theory posits that the legitimacy of EU-provided frames and activism is transferred to LGBT activism, providing significant benefits to LGBT-rights movements during the EU accession process.

Milada Vachudova \( \text{(2005)} \) introduces the concepts of active leverage and passive leverage to describe the impact of the EU on candidate countries. Active leverage is the leverage exerted by conditionality—not just the conditionality inherent in compliance with the acquis, but also other non-negotiable elements of the accession process such as the Copenhagen criteria and the threat of a veto from an existing EU member. Unlike active leverage, passive leverage does not place
any requirements on the candidate country to comply with EU regulations and norms; instead, it is a function of the benefits that EU membership provides, such as access to the EU single market and a say in EU decision-making. These concepts will be useful for conceptualizing the impact of the EU on LGBT activists. Traditional Europeanization theory primarily concerns itself with the effect of active leverage upon social movements; oppositional theory broadens the scope of analysis to include the impact of passive leverage as well. Incidents such as the attendance of an EU commissioner at a local Pride parade or the publication of a new EU anti-discrimination policy do have a significant impact on local LGBT-rights movements – one that is lost when only considering conditionality or active leverage as a driver of change.

Maxime Forest (2006) writes about the development of women’s NGOs in the Czech Republic and describes two relevant phenomena dealing with the “cognitive framing” of women’s rights organizations during EU accession: the adoption by women’s NGOs of a “conceptual and ideological package” inherited from international organizations, and a reconceptualization of the role of women’s NGOs in society as legitimate social welfare organizations. These phenomena are examples of benefits that civil society organizations receive from EU accession that are not related to conditionality – crucially, these women’s NGOs did not receive much in the way of material support from the EU. Forest (2006) provides an important example of identification of activist movements with the EU, a key component of oppositional theory.

Cristina Parau (2009) examines civil society organizations in Romania during the final stages of Romania’s EU accession and traces the process by which they formed. Civil society organizations grew in number and strength during that time period, but not all of that
growth can be attributed to the influence of EU conditionality. Parau establishes three pathways through that enabled the empowerment of domestic civil society in Romania: the influence of EU conditionality upon the Romanian Executive, transnational advocacy networks that supported existing NGOs and augmented their ability to affect change, and a constructivist component, in which government identification with the goals of civil society organizations and external disapproval led to a friendlier environment for civil society in Romania. While Parau’s case study does not use the political process model as a framework, there are nevertheless a couple of key comparisons that can be drawn between the Romanian case and the Serbian and Croatian cases presented in this thesis. As previously discussed, the identification of common goals between activist movements and the local government is an important step for activists to benefit from the EU accession process in oppositional theory. Parau provides an example of this phenomenon occurring – and working. The alternative (i.e. not determined by conditionality) paths that Parau outlines demonstrate the need for an expansion of basic Europeanization theory.
In this section, I set out the structure and mechanisms of oppositional theory. My purpose in doing this is so that it can then be applied to the Serbian and Croatian cases studies to evaluate whether oppositional theory has explanatory power.

The idea of oppositional theory is best understood through the ”political process” model of social movement development (McAdam 1999; Sperling 1999; Tarrow 1998). In this paper, I focus on three features of the political process model to explain LGBT-rights movement development: political opportunity structure, issue framing, and activist networks. I adopt two adjustments made in O’Dwyer (2012) to better fit the political process model with LGBT-rights movements: namely, defining the political opportunity structure in terms of EU conditionality and developing a framework to measure the size and strength of activist networks. This section details the three components of the political process model. For each component, I explain what it entails theoretically, what oppositional theory predicts it will look like in the case studies, and if it differs from the predictions of traditional Europeanization theory.
3.1 POLITICAL OPPORTUNITY STRUCTURE

O’Dwyer (2012) cites two main factors that shape the political opportunity structure of Polish LGBT-rights activists: the legacy of communism and political pressures from EU conditionality. Both of these factors are also present in the Serbian and Croatian cases—accordingly, I primarily examine the political opportunity structures in each candidate country through the lens of those two factors. In addition, I consider the impact of homophobia in the case countries, both as a remnant of communism and as an element of religious nationalism.

Much research has been done into the relative lack of civil society in post-communist countries, which is attributed to a “Leninist legacy” of atomization and de-emphasis on civic participation (Curtis, Baer, and Grabb 2001; Howard 2003; Kopecky and Mudde 2005). Most of this research focuses on countries more firmly within the Soviet bloc than Yugoslavia; however, a similar phenomenon of stunted associational membership occurred during Tito’s reign, with growth in civil society groups not occurring in Yugoslav countries until the 1980s in Slovenia, and the 1990s for the other former Yugoslav republics (Stubbs 1996). The effects of the communist legacy upon the activity and vibrancy of LGBT-rights movements in the case countries (and indeed, in all post-communist countries) are undoubtedly depressive.

In addition, the wars following the breakup of Yugoslavia resulted in the election of many nationalist, conservative politicians and parties in the region. In countries ruled by the hard right, LGBT persons did not receive equitable treatment from the government. No legal protections for LGBT persons were in place, and with a regime hostile to both civil society organizations that opposed the government and to LGBT people, any supposed activism would have resulted in the organizers being put swiftly in jail. The negative climate for
LGBT persons in post-breakup former Yugoslav nations, combined with the "Leninist legacy" in postcommunist countries described by Jowitt (1992) and Howard (2003) and the accounting of Serbian civil society in Bieber (2003), leads to the conclusion that the political climate for potential LGBT activists in Serbia and Croatia before the advent of the EU accession process was resoundingly unfavorable.

In contrast, the impact of the EU accession process and the political pressure applied therein by conditionality has a more complex impact on the political opportunity structure. Following O’Dwyer (2012), I examine conditionality as a force that shapes the political opportunity structure of social movements, rather than solely as a method of creating external incentives or promoting social learning (Sedelmeier 2011). To do this, I split the development of the case countries’ EU candidacies into stages according to their status as EU candidates. For Serbia these stages would be: 1990-2000, from the founding of the first LGBT activist group in Serbia to the fall of the Milosevic regime, and a time when there was little to no suggestion of Serbia joining the EU; 2000-2010, during which the concept of a “European Serbia” was formed and which concludes with the signing of a Stabilization and Association Agreement with the EU; and 2010-2015, during which Serbia became an official EU candidate and the march towards accession proceeded in full force. For Croatia: 1995-2001, the period before Croatia signed a Stabilization and Association Agreement (SAA) with the EU; 2001-2005, when Croatia is a potential candidate country; 2005-2013, Croatia being an official candidate country; and 2013-2015, Croatia as an official EU member.

The final factor affecting the political opportunity structure of LGBT groups in the case countries is one that is specific to LGBT advocacy. The discourse towards LGBT activism in Serbian politics is profoundly nationalist and homophobic, which harms the ability of
LGBT advocates to legitimize activism. The Serbian “national identity”, as conceived of by far-rightwing parties, consists of a strong masculine character and allegiance to the Serbian Orthodox Church (Dzombic 2014; Greenberg 2006). LGBT activism is seen as a threat to Serbian masculinity, and any suggestion of homosexual activity is met with homophobia—even when discussing male rape victims from the wars with Croatia (Žarkov 2007). The Serbian Orthodox Church further promotes homophobia in Serbian society; the official stance of the church is strongly against any legitimization of homosexuality, and other Orthodox churches in Romania and Russia have pushed for the criminalization of homosexuality. In particular, Serbian Orthodox bishops objected to a 2009 anti-discrimination law, preventing its passage, primarily because its Article 21 prohibited discrimination based on sexual orientation and gender identity (Stakic 2011).

Since oppositional theory defines the political opportunity structure for LGBT-rights movements partly through conditionality, I expect that conditionality will exert change on the politics of the case countries. While this is not a particularly unreasonable criterion for conditionality given the nature of the EU accession process, it is necessary to establish the framework for oppositional theory as a whole.

Because oppositional theory presents a re-conceptualization of conditionality as defining political opportunity structures, rather than ignoring it, the predictions of oppositional theory and traditional Europeanization theory regarding political opportunity structures in the case countries diverge little in result. Both predict that LGBT rights and protections will strengthen as the case countries proceed in the EU accession process; however, traditional Europeanization theory takes EU conditionality to be the sole effect of the EU accession process on LGBT rights development. Oppositional theory incorporates
additional elements of the political process model, which will be detailed in the next two sections.

3.2 ISSUE FRAMING

One of the major ancillary impacts of the EU accession process is that it provides a powerful new frame for political actors in the candidate country. From opposition parties to social actors, groups are able to shape their message and policies around the requirements of the EU accession process (Vachudova 2005; Cisar and Vrablikova 2010). For LGBT-rights movements in particular, the frame that the EU accession process provides is one based around legal rights and representation for all persons. This positive frame contrasts with the existing frame, which in postcommunist countries is usually negative due to resistant homophobia. That contrast sets up framing contests, in which the EU-provided frame competes with the existing frame for legitimacy in the public eye. O'Dwyer (2012) theorizes that these framing contests are positive events for LGBT rights activists because the EU-provided frame is likely to win (given the popularity of EU accession as an idea, the legitimacy of the EU as a body, etc.) and also because the framing contests are usually high-profile media events that provide visibility to activists.

3.3 ACTIVIST NETWORKS

O'Dwyer (2012) provides three criteria for studying the activist networks of LGBT-rights movements and their opposition: density, coordination, and capacity. Density refers to the overall size of the

---

1 Talk given by Conor O’Dwyer at the University of North Carolina at Chapel Hill, 2014.
movements, both in terms of number of organizations and the services provided by those organizations, e.g., legal assistance. Coordination is the ability of groups to cooperate—by limiting inter-movement conflict, not overly competing with each other, and organizing together for large-scale public events, such as Pride parades or counter-demonstrations. Finally, capacity refers to the ability of these groups to influence political action, such as by lobbying politicians or even just by labeling LGBT activism as political, something that was seen as taboo in Poland the early post-communist era.

According to oppositional theory, the accession process should spark an anti-LGBT rights backlash from opposition forces in the case countries. During this backlash, opposition groups should grow in one or more of the three criteria listed above. That backlash then should result in a counter-mobilization by LGBT rights supporters, during which LGBT activist networks grow in one or more of O’Dwyer’s criteria for measuring activist networks.
In this section, I trace the development of the LGBT-rights movement in Serbia from its genesis in the early 1990s up to the present day. I divide my research into three periods: 1990-2000, when Serbia is a non-candidate country for EU accession; 2000-2010, when Serbia becomes a potential EU candidate country; and 2010-2015, when Serbia achieves official candidate status. In each period, I will detail the status of the three components of the political process model: political opportunity structure, issue framing, and activist mobilization.

4.1 1990-2000: NEGATIVE CLIMATE

In the absence of EU conditionality, the major factors determining the political opportunity structure for LGBT activists in Serbia in this time period were the orientation of the Milosevic government away from the EU and the weakness of anti-Milosevic opposition parties and civil society groups. Without a government or opposition that was able to lend political legitimacy to LGBT activists, there was very little support for any sort of campaign that would go against Serbian national values. By “Serbian national values,” I mean a linkage of political conservatism, nationalism, and homophobia that conspired to elect post-war leaders that were stridently opposed to any form of
legal rights or representation for LGBT persons (Drezgic 2010; Greenberg 2006; Zivkovic 2006). The other major influences on the development of LGBT activism in the time period were the social taboos on homosexuality and being openly gay. These were partially due to the influence of the Serbian Orthodox Church on Serbian society, but also the idea of a Serbian masculine character, which homosexuality detracted from. I will briefly detail these taboos and how they affected the framing of the issue of LGBT rights. These social taboos severely limited membership in Arkadija and Labris, the two LGBT activist groups that existed during the time period, as well as limiting public discussion or acceptance of homosexuality. With a lack of domestic advocacy networks to lay groundwork, transnational advocacy networks were non-existent in Serbia during this time period.

Under the Milosevic government, Serbia made no attempt to join the EU, nor to democratize. Lack of desire to join the EU meant that there would be no pressure to grant Serbian citizens additional rights exerted on the government by conditionality. As O’Dwyer notes, the absence of EU conditionality in Poland from 1989-1997 helped create a political opportunity structure that was also unfavorable to LGBT activism. This effect was increased in Serbia by the rejection of democracy and embrace of right-wing, homophobic extremism by the Milosevic regime. Without Serbia being even nominally a democracy, the diffusion of democratic norms from Western European nations was not possible. The undemocratic nature of the Milosevic government also affected the ability of LGBT rights activists to frame the issue of LGBT rights in terms of “political rights”, as will be discussed later.

In addition to a government that did not provide protections for minority rights, the political opportunity structure during the Milosevic years also did not contain political parties or civil society organiza-

---

tions that were effective advocates for LGBT rights. Anti-Milosevic opposition political parties were plagued by fragmentation and co-optation by the regime, particularly over nationalist policies (Bieber 2003). The opposition was leery of being painted as insufficiently nationalistic, and so could not express support for something as so contrary to the Serbian character as LGBT rights (Greenberg 2006; Stakic 2011; Zivkovic 2006). What civil society groups were active in anti-regime protest also were not concerned with promoting LGBT rights; protests focused on electoral fraud and other anti-democratic elements of the Milosevic regime (Bieber 2003).

The framing of the issue of LGBT rights in Serbia during this time period was marked by the influence of the idea of Serbian masculinity and the Serbian Orthodox Church. Serbian masculinity was tied to the national identity of Serbia and linked with Serbian nationalism. Part of the core of this masculinity was homophobia and anti-gay sentiment; homosexuality was seen as damaging to Serbia’s national character (Evans and Cook 2014; Greenberg 2006; Zivkovic 2006). This manifested itself in homophobia among the nationalist Milosevic government and opposition parties that sought to portray themselves as defenders of the Serbian nation. I term the framing of homosexuality as something contrary to the essence of Serbia as “disorder” framing.

The second component of LGBT rights framing in Milosevic-era Serbia deals with the Serbian Orthodox Church and its doctrinal treatment of homosexuality. In 1984, the Orthodox Church released a ‘Statement on Homosexuality’ that stated the Church did not support any attempt to grant LGBT persons equal rights. The statement delineated two different types of homosexuality: that derived from physical or genetic abnormality, and that derived from moral failing. The recommended treatment for each is medical and/or psychiatric treat-
ment, denoting homosexuality as an illness. Isidora Stakic (2011) describes how church doctrine influenced social attitudes by establishing a conception of normality, which homosexuality falls outside of. The establishment of homosexuality by the Serbian Orthodox Church as an illness and something to be treated contributed to the creation of the “illness/disorder” framing of LGBT rights.

To illustrate my conceptualization of the “illness/disorder” framing of LGBT rights in Serbia, I present an account of the treatment of HIV/AIDS in Serbia during the time period. The Serbian populace and medical system was unwilling to provide adequate support to properly treat AIDS patients. According to Bojan Aleksov, an activist for Arkadija,

There are no associations, organizations or groups in Serbia today which are working with AIDS, giving information about the disease and about the ways of prevention. There are no forms of supporting or counseling for HIV positive or AIDS diseased people. There are no humanitarian foundations which would provide financial aid to them, no real hospitals to treat them, no public educational programs on AIDS.

In 1994, only one ward of one hospital in the entire country–Ward No. 6 in Belgrade’s Infectious and Tropical Disease Clinic–treated AIDS patients. The conditions could not have been worse if it were set in Chekhov’s Ward No. 6: patients were stuffed into rooms without plumbing, windows, or light bulbs. The phone in the ward did not work because workmen refused to enter the ward to come repair it. Aleksov summed the conditions up by saying “practically, you are sentenced to death, laying in the box helpless – waiting.” The account of the abysmal treatment of HIV/AIDS patients in Serbia as

---

2 Interview included in Todosijevic 1995
compared to Poland distinguishes the “illness/disorder” framework I present from the “charity/morality” framework present in O’Dwyer (2012).

Domestic activist networks in Serbia during the 1990s were severely limited by the social taboos against homosexuality. Arkadija and Labris had difficulty attracting people who were willing to publicly join an LGBT rights group, and the group itself did not openly lobby for LGBT rights for fear of being painted as “outsiders” or trouble (Todosijevic 1995). It was not common for Serbian citizens to lobby the government, partially due to the weakness of Serbian civil society during the time period. Jelica Todosijevic (1995) relates that when male homosexuality was decriminalized in 1994, it came as a shock to Arkadija members and the rest of the Serbian gay and lesbian community, who had not been promoting the legislation. Employment discrimination and street harassment were also common ways of enforcing the social taboos. Domestic activist networks would not begin to grow in Serbia until the beginning of the EU accession process, which challenged the “illness/disorder” frame and created a safe space for LGBT advocates to work.

4.2 2000-2010: DEVELOPING “EUROPEAN SERBIA”

On October 5, 2000, the Milosevic government was overthrown, and a new era in Serbian politics began. The political opportunity structure during this time period was defined by a reorientation towards Europe by mainstream Serbian politicians. The increasing prominence of the EU in Serbian politics and the EU’s insistence on legal rights for LGBT people challenged the “illness/disorder” framing of the previous time period, and allowed LGBT activists a safer and stronger way to promote their cause. Activist networks among opponents of
LGBT rights grew due to the increasing linkage between the Serbian Orthodox Church and rightwing political groups. Domestic LGBT advocacy networks also grew amid a more welcoming environment and began to establish connections with LGBT rights groups in Western countries.

The movement to overthrow Milosevic was explicitly a pro-democracy movement. Spurred by student protests and democratic opposition parties, the overthrow movement succeeded in electing Zoran Djindjic as Serbia’s first post-communist Prime Minister in 2001. Djindic was a committed democrat who oversaw increasing integration with Europe, beginning the process of developing the concept of a “European Serbia”. By overthrowing the Milosevic government, the Serbian people chose to “enter Europe and accept European values”, according to Ivica Dacic. Political discourse in Serbia during the time period focused around the idea of adopting European standards and further integration with the rest of Europe. These ideas held a striking resemblance to the Polish slogan of a “return to Europe” after 1989. Marek Mikus (2011) discusses the “hegemonic nature” of this discourse and emphasizes how the EU was portrayed as an example of “normality”. The latter point is particularly important in the framing of LGBT rights issues during the time period.

During this period, we would expect to see conditionality begin to affect the political opportunity structure for LGBT activists in Serbia. However, despite the overall emphasis on making Serbia more like a typical European country, initially there was not much improvement in legal rights for LGBT persons in Serbia. This was due to the absence of any binding conditionality on the part of the EU. While “respect for and the protection of minorities” are included in the Copen-

---

4 Cited in Mikus (2011)
hagen criteria as pre-requisites for joining the EU\textsuperscript{5} sexual minorities have not always been included in that requirement. It would not be until the 2010s that the EU would foreground LGBT rights as an accession criterium and make it clear that legal protections for LGBT citizens are a requirement for Serbian accession. Lack of EU conditionality meant that increased rights for LGBT persons were not established as an inextricable part of creating a “European Serbia”. That is to say, there was not a consideration that further European integration would necessarily mean further expansion of LGBT rights. As the idea of EU accession gained traction in Serbian politics, LGBT rights began to be expanded, culminating in the passage of a comprehensive anti-discrimination law in 2009.

The advent of a political desire to see Serbia join the EU changed the framing of LGBT rights by placing the question of increased political rights for LGBT persons in the context of the “European Serbia” debate. Instead of being forced to conceptualize LGBT advocacy as working against Serbian nationalism, activists could present LGBT advocacy as moving Serbia towards Europe. This frame presented two differing visions of Serbia: on the one hand, a “European Serbia” that followed the lead of post-communist countries in Central Europe and restructured itself to prepare for potential EU accession; the other a “traditionalist Serbia” based around Orthodox religious nationalism, and conservative politics and social attitudes. These differing visions for Serbia correspond to the debate between Poland A and Poland B during the early 2000s in Poland (O’Dwyer \textsuperscript{2012}, Zubrzycki \textsuperscript{2006}). These two visions of the future continued to clash throughout the time period—and do even in the present day—however, the establishment of a “political rights” counter-frame to

\textsuperscript{5}“Accession criteria (Copenhagen criteria),” http://eur-lex.europa.eu/summary/glossary/accession_criteria_copenhague.html
the “illness/disorder” frame that predominated in the 1990s allowed a space for LGBT activist groups to develop.

The linkage of the Serbian Orthodox Church and right-wing Serbian political parties after the fall of Milosevic was clearly demonstrated less than a year into the new era of Serbian politics. During the 2001 Belgrade Pride Parade, Orthodox priests joined forces with right-wing political leaders and hooligans to promote the disruption of the parade, which eventually led to the dissolution of the parade and widespread violence against the marchers. This is a paradigmatic example of backlash from anti-LGBT groups, that – according to oppositional theory – should result in a stronger Serbian LGBT-rights movement later in the accession process or after accession. That December, the Church would hold a youth conference at the University of Belgrade. Student and Church officials told attendees about the need to protect the Serbian state by “retraditionalization” and condemned liberal groups for advocating LGBT marriage rights (Ramet 2005). Another significant event for the political power of the Orthodox Church in 2001 was the introduction of religious instruction in public schools. This granted the Church extraordinary power to control political messages and made them a valuable partner. Religious instruction in public schools also played a vital role in establishing the “religious nationalism” the Church sought to promote (Drezgić 2010). In this formulation, Orthodox Christianity is one of the pillars of the Serbian nation, along with Serbian ethnicity and masculinity.

As O’Dwyer’s theory predicts, growth in domestic activist networks among LGBT rights advocates during the 2000s was much stronger than in the 1990s due to a society that was more open to LGBT activism and the existence of a positive “rights” frame for activists to place their advocacy in. The post-Milosevic ODS-led government was much more open to civil society action than the prior
regime. From 2000-2003, the Freedom House score for Serbian civil society fell from 5.25 to 2.75, where it remained for the rest of the 2000s. While still not an ideal environment for NGO development—a law revising the Milosevic-era civil society restrictions was not passed until 2009—Serbia saw a dramatic increase in the health of its civil society sector after 2000. In terms of LGBT civil society organizations specifically, there was tremendous growth in the number and strength of NGOs focusing on LGBT issues. Influential groups such as the Gay Straight Alliance and Queeria Center (which would be the two groups sponsoring the later Belgrade Pride parades) were founded in this time period. Additionally, groups such as LGBT Vojvodina and Lambda spread LGBT activism outside of Belgrade, where it previously had mostly been confined. These new LGBT NGOs also had a more explicitly political bent than Arkadija or Labris. Whereas the prior organizations focused on all aspects of support for LGBT people, including awareness campaigns and HIV/AIDS prevention, newer NGOs could focus solely on political activism. The Gay Straight Alliance was established in 2005 in response to Novi Sad police attempting to gather the personal information of LGBT persons, and states their mission as “focus[ing] on activities which are primarily lobbying and advocating the rights of LGBT persons.”

Increased political openness to civil society activism and the ability to place LGBT activism within a political rights framework led to strong growth in domestic advocacy networks in Serbia during the time period. However, backlash against public demonstrations of LGBT activism continued;

---

4.3 2010-2015: The Advent of Conditionality

The signing of Serbia’s Stabilization and Association Agreement on December 22, 2009 marked a significant change in the dynamic of LGBT activism in Serbia: the beginning of binding EU conditionality. Whereas before Serbian politicians were influenced to make improvements in Serbia’s anti-discrimination laws by the prospect of entering the official accession pathway—what Vachudova (2005) terms “passive leverage”—the conditionality contingent in the accession process now exerted active leverage on politicians to comply with EU regulations on LGBT rights. Consistent with oppositional theory, conditionality affected the political opportunity structure for LGBT activists by increasing politicians’ willingness to support measures necessary for the accession process.

In 2012, the European Commission affirmed in a note that respect for the rights of LGBT persons is an essential part of EU membership, and that all potential new members of the EU must comply with European human rights standards. Importantly, this note codified that Serbia would have to improve its LGBT rights record—or appear to—in order to reach its goal of EU membership—something that had not been taken for granted in the early stages of Serbia’s accession process. Conditionality has improved and will continue to improve LGBT legal rights in Serbia by setting goals for the government to accomplish on the road to accession. The annual European Commission Progress Reports for Serbia emphasize this. While noting progress, the reports point out steps that Serbia must still take to satisfy European human rights standards. In particular, the 2013 report notes that the UN Human Rights Council made 77 recommendations pertaining to the protection of the rights of LGBT persons in Serbia to be ratified by 2016. These reports also allowed LGBT ad-
vocacy groups the ability to lobby the government based around EU reports. Lazar Pavlović, the president of Gay Straight Alliance during the 2010 Belgrade Pride Parade, said:

We used very consciously the fact that Serbia finds itself in the process of EU integration, that the Progress Report of the European Commission was going to be important, that in the meetings with high state officials which they had during 2010, one of the really important subjects was precisely the Pride Parade.

In putting together the progress reports for Serbia, EU analysts would also consult with NGO leaders, allowing another way for LGBT advocates to influence government policy through conditionality. The binding nature of conditionality and the asymmetric nature of EU accession changed the political opportunity structure for LGBT groups, allowing them to effect changes in Serbia’s human rights law.

4.4 SUMMARY

The development of the Serbian LGBT-rights movement is consistent with that predicted by oppositional theory. The political opportunity structure for LGBT-rights activists during the EU accession process was, on the whole, determined by EU conditionality. The portions of the case study where conditionality did not affect the political opportunity structure were before the beginning of the EU accession process – where it would not be expected to have leverage anyway – and in the early stages of the accession process, when it was not clear that LGBT rights were a prerequisite for Serbia’s accession to the EU. Backlash related to the EU accession process led to a re-

8 Cited in Mikus (2011)
framing of how LGBT rights were presented in Serbian public discourse. The clash between frames of “illness” and “human rights” took the form of public framing contests that raised the salience of LGBT rights and ultimately determined the primacy of EU-supported “rights” frames. The positive frames were supported by the narrative of a “European Serbia” that developed in the mid-2000s, showing how pro-EU accession efforts also promoted LGBT rights. Finally, backlash to the EU and its promotion of LGBT rights sparked anti-LGBT rights demonstrations and violence. That backlash in turn spurred a counter-mobilization of LGBT rights activists with EU support, as in 2014 Belgrade Pride.
CROATIA

In this section, I trace the development of the Croatian LGBT-rights movement through Croatia’s EU accession process, focusing in particular on the three components of oppositional theory: political opportunity structure, issue framing, and activist mobilization. I divide the case study into four time periods, roughly corresponding to Croatia’s position in the EU accession process: 1991-2000, when EU accession was not a political possibility in Croatia; 2000-2005, after the fall from power of the Croatian Democratic Union (HDZ) and ascension of a center-left coalition, and during which Croatia became a potential candidate country; 2005-2013, the years between the adoption of a Stabilization and Association Agreement between Croatia and the EU and Croatian accession to the EU; and 2013-2015, after Croatia’s accession to the EU.

5.1 1992-2000: WAR AND REPRODUCTION

The political opportunity structure for LGBT activists in Croatia – the few that existed – following the breakup of Yugoslavia was dominated in the early part of the 1990s by the war between Serbia and Croatia and in the latter half by the right-wing governing coalition led by the Croatian Democratic Union (HDZ). The war essentially
halted politics and political activism in Croatia, halting the development of nascent gay and lesbian groups in Croatia, the latter as part of the larger feminist/women’s movement in the former Yugoslavia (Sagasta 2001). During the war, HDZ assumed power, led by Franjo Tudjman, and would maintain control of the Croatian government for the rest of the 1990s. A self-described conservative party, HDZ’s main ideology was nationalistic, and an important part of the Croatian national identity, especially during the war, was built around a very macho, masculine national character (Žarkov 2007). As a result, the post-war HDZ government was not exactly eager to institute legal protections for LGBT Croatians (homosexuality had already been decriminalized, in 1977). In this era in Croatian history, EU accession was not the faintest political possibility, and thus conditionality held no sway over the political opportunity structure, which was almost uniformly negative for LGBT activists. In 1997, the Croatian government passed a law that required NGOs to register with the government to be eligible to receive government funding, which was widely seen as a way for the government to monitor opposition groups (Butterfield 2013; Stubbs and Zrinščak 2006, 2009). Only one LGBT rights group, Lesbian and Gay Men Action Zagreb (LIGMA), registered under the law while HDZ held power, and even then government officials denied LIGMA the ability to use public offices or demonstrate publicly (Sagasta 2001). The actions of the conservative HDZ government, unconstrained by EU pressure, created an unfavorable political climate for LGBT activists.

The impact of the Croatian war with Serbia on the Croatian national consciousness was to create a focus on reproduction and rebuilding the Croatian state, which resulted in negative frames for LGBT rights. Sagasta (2001) writes about how sexual violence in the war – widespread instances of civilian rape on both sides – nearly
obliterated the Croatian women’s movement, which housed Croatia’s lesbian organizations as well. After the war, the public perception of the proper role of women became focused on reproduction and re-population to replace those who had been lost in the fighting, creating a negative social environment for lesbians. Gay men were also negatively affected by the focus on reproduction and breeding in the post-war period. In addition, the prevalence of male rape of Croats by Serbs in the war fanned anti-male-homosexuality prejudices in Croatian society (Žarkov 2007). Frames toward LGBT rights were, without exception, negative during the rule of HDZ.

While there were a number of LGBT groups active during the 1990s, almost all were not officially registered with the government due to fear of harassment. The exception, LIGMA, folded in 1997 due to negative press and lack of support from its official status (Sagasta 2001). A splinter group from LIGMA, Info-AIDS, provided the first 24-hour hotline to help HIV-positive Croats, but soon folded as well. Groups that were not officially registered did not find more success, however. Lesbian Group Kontra was a Zagreb group founded in 1997, but it is the only extant LGBT group to have been founded before 2000. Simply put, there was very little motivation or opportunity for LGBT rights groups to form in the 1990s, and thus there was little activist mobilization.

5.2 2000-2005: POTENTIAL CANDIDATE

The death of President Tudjman in December 1999, followed by HDZ’s resounding defeat in the 2000 parliamentary election, signaled a new era in Croatian politics. A center-left coalition of the Social Democratic Party of Croatia (HDZ) and the Croatian Social Liberal Party (HSLS) assumed power with a two-thirds majority, allowing them
to amend the Croatian constitution. Sensing a more felicitious political climate, many LGBT groups formed and officially registered with the government (Butterfield 2013). Among them were Lesbian Group Kontra, Iskorak (the largest group in Croatia currently), and LORI (the first NGO to officially register). Many of these new NGOs received support from the federal government or their local governments – LORI in particular received the use of an office building in Rijeka, where it was founded (Sagasta 2001). As these groups established a friendlier relationship with the government, in turn they began to professionalize and form lobbying efforts, a process detailed in Butterfield (2013). In particular, Iskorak and Lesbian Group Kontra collaborated on the Team for Legal Changes, which is an NGO focused on lobbying the Croatian government for legal protections for LGBT persons. This was a professional organization with consistent membership that met with MPs and Croatian officials like other NGOs. In 2003, LGBT activists won a major success with the passage of the Same-Sex Partnership Act, which allowed for (a very limited version of) officially recognized same-sex partnerships in Croatia. While these partnerships only afforded same-sex couples 2 of the 27 rights afforded to heterosexual couples, it was still seen as a major political victory for LGBT activists. Aida Bagic and Vesna Kesic (2006) note that the political reasoning for the passage of the Same-Sex Partnership Act was a combination of a desire to have laws in line with EU standards on LGBT rights, and fervent lobbying by LGBT activists. The EU influence here was not conditionality in its most technical form, as Croatia was not an official candidate for accession yet. However, there was a strong desire, both in the Croatian government and the Croatian populace, for Croatia to become an EU candidate (Vasilev 2016). The EU influence in this case can thus be conceptualized as “passive leverage” from Vachudova (2005), who
described how political parties in potential candidate states adjusted their platforms to what they saw as “European policies”.

In the first half of the 2000s, frames around LGBT rights changed slightly, dropping the emphasis on reproduction that was a remnant of the war with Serbia and showing small signs of an effective frame based around legal rights. Ivana Jugovic, Aleksandra Pikic, and Natasa Bokan (2006) report that “public discussions have not shown any awareness of the vulnerability sexual minorities face and the need for their legal protection.” They describe the stigmatized position of LGBT individuals within mid-2000s Croatian society, as well as the confusing state of public opinion. A 2002 public opinion poll found that 50% of Croatians would not make friends with a homosexual person, yet 39% supported same-sex marriage rights, and 41% felt that LGBT rights were in danger. In 2005, 66% of hiring personnel at Croatian companies said they would not hire an openly gay person. Jugovic, Pikic, and Bokan point out the disconnect between attitudes towards homosexuality, which is seen as strongly negative, and LGBT rights, which are seen as necessary.

Such a divide may be explained by the Croatian populace’s attitude toward Europe and the EU. Unlike Serbia and Poland during this same time period, there was no campaign to persuade Croatia of the benefit of joining the EU because there was very little opposition at the beginning of the 2000s – public opinion remained over 70% in favor of joining the EU until the beginning of earnest accession negotiations at the beginning of 2004 (Franc and Medugorac 2013). Jelena Subotic (2011) sums up Croatian opinion thus: “Europe was everything the Balkans were not: liberal, democratic, capitalist, progressive, and Catholic. It is this Europe that Croatia wanted to join.” Europe and the European Union as an idea held tremendous sway in
Croatia, and it is this attitude that may have influenced public perception of LGBT rights.

As previously described, the number of LGBT activist groups in Croatia boomed in the early 2000s. More than just the number of groups, though, the capacity and willingness of LGBT activists to hold public demonstrations also increased. The first Zagreb Pride was held in 2002 in the face of violence from right-wing groups; however, police protection enabled the march to go on. Zagreb Pride would be held annually throughout the 2000s, even in 2005 when a disagreement among activist groups led to a change in leadership (Butterfield 2013).

5.3 2005-2013: Candidacy

The political opportunity structure during the time period 2005-2013 was primarily determined by European Union conditionality, as Croatian was an official candidate for EU accession during this time. In terms of LGBT rights advances, the major development during Croatia’s EU candidacy was the passage of an anti-discrimination law in 2007 that included sexual orientation as a protected class. The anti-discrimination law in general had been promoted by the European Union as necessary for EU accession, but early drafts did not include provisions for LGBT citizens (Butterfield 2013). It was only through intensive lobbying by LGBT rights groups such as the Team for Legal Changes, Iskorak, and Lesbian Group Kontra, that sexual orientation was added to the anti-discrimination law. While conditionality did benefit the LGBT-rights movement somewhat in terms of putting the anti-discrimination law on the table, it was the increased professionalization and lobbying prowess developed in the earlier half of the decade that enabled the success of LGBT rights organizations.
Unlike in Serbia, there was not a framing contest in Croatia to determine the legitimacy of EU-provided frames, because the legitimacy of the EU did not need to be proven – it was already popular as an idea among Croatians. The popularity of EU accession did decline during Croatia’s candidacy, but this was due to the frustration with the length of the process and matters of Croatian sovereignty not related to LGBT rights (Franc and Medugorac 2013).

Activist mobilization during Croatian EU candidacy continued apace, but did not increase significantly; many groups founded during this time quickly folded due to lack of membership (Butterfield 2013). A major mobilizational event during this time period was the Split Pride Parade in 2011, which faced violent opposition and was only preserved through police intervention. However, Split Pride 2012 and 2013 saw increased participation, partly as a result of the successful march in 2011 (Moss 2014; Gay March In Croatia Passes Without Incident 2012).

The two major political issues pertaining to LGBT rights in Croatia post-accession were a 2013 amendment introduced to define marriage as solely between a man and a woman, and a bill introduced just after the previous amendment took effect that granted same-sex partnerships all of the legal rights of heterosexual partnerships, except for adoption rights (Vasilev 2016). The constitutional amendment, backed by a group calling itself “In the Name of the Family,” received two-thirds of the popular vote in a referendum, despite prominent opposition from the center-left government (Croatia Votes On Gay Marriage 2013). Turnout was low for the vote, but it still appeared to
present a popular repudiation of the efforts of LGBT activists of the past 15 years.

However, the following year, the Croatian Parliament passed the “Same Sex Life-Partnership Act” in response to the constitutional amendment banning same-sex marriage[1]. This act gave LGBT partners all rights of heterosexual couples, except for adoption[2]. In compliance with EU freedom of movement standards, the law also recognized same-sex partnerships from other EU countries[3]. The decision by the Croatian Parliament to include such a provision is noteworthy because the Croatian government continues to bring Croatian law in compliance with EU regulations and law, even after accession, when the leverage of conditionality is removed. Instead of active leverage prompting same-sex partnership recognition, passive leverage of the EU, such as the desire of the Croatian government to facilitate tourist travel from other EU countries to Croatia[4], drove the inclusion of the cited provision. As the passage of the “Same-Sex Life Partnership Act” demonstrates, the EU continued to exert influence on Croatian law concerning LGBT rights, even after accession.

In October 2013, the International Lesbian, Gay, Bisexual, Trans and Intersex Association Europe (ILGA-Europe) held their annual conference in Zagreb[5]. This conference was another indicator of the Croatian government’s acceptance of LGBT rights in the post-accession pe-

---

2 However, the law provides for a partner to participate in kinship care for a child, which “provides the partner with all parental rights towards a child, de facto placing him or her at the same level as adoptive parent.” Zagreb Pride. “Croatian Parliament passed same sex Life-Partnership Act”. http://www.ilga-europe.org/sites/default/files/attachments/croatian-parliament-passed-the-life-partnership-act.pdf
3 Ibid.
5 Ibid.
period, as well as the strength of the Croatian LGBT-rights movement; the conference was organized with full government support and the participation of government officials and LGBT activist organizations such as Kontra and Iskorak. ILGA-Europe would also rank Croatia the 5th-best country in Europe for gay rights in May 2015, ranking better than the Netherlands, Spain, and Norway.

5.5 SUMMARY

The development of the Croatian LGBT-rights movement is less clearly consistent with the predictions of oppositional theory than the Serbian LGBT-rights movement. While there does exist evidence of backlash leading to greater activist mobilization (e.g. Split Pride 2011, Zagreb Pride 2002), on the whole the framing contests and anti-LGBT mobilization present in the Serbian case did not exist in Croatia. Instead, a positive attitude of government officials and Croatian citizens towards the EU, which was identified with LGBT rights, enabled LGBT activism. Oppositional theory predicts that without significant backlash, the Croatian LGBT-rights movement will not maintain its strength after accession.

6 Ibid.
7 http://www.ilga-europe.org/sites/default/files/attachments/country_ranking.png
The major points of divergence between the predictions of basic Europeanization theory and oppositional theory come from the non-conditionality influenced components of the political process model: issue framing and activist mobilization. Oppositional theory states that LGBT-rights movements strengthen not just because of legal and policy changes stemming from conditionality, but also due to changes in issue framing and the ability of activists to mobilize. The Serbian case provides positive examples of each component having significant influence on LGBT-rights movement development. The framing contests over “European Serbia” were significant public events that led to a predominance of a “rights and representation” frame for LGBT rights to replace the old “illness and disease” frame, which allowed activists greater freedom to pursue their work with public acceptance. The Serbian LGBT-rights movement also saw a cycle of anti-LGBT violence and mobilization and responded with a corresponding pro-LGBT activist mobilization that brought in groups that were pro-Europe if not necessarily pro-LGBT initially. The lessons from the Croatian case are less clear. There did not exist a public framing contest over Croatia’s European identity, because Europeanization was already popular in Croatia. Similarly, the opposition to the Croatian LGBT-rights movement was not anywhere near as harsh or
institutionalized as in Serbia, and there exists only a little evidence of a direct mobilizing response to opposition, from the Split Pride parades. Oppositional theory would then predict a weaker Croatian LGBT-rights movement than Serbian one after both countries join the EU.

The cases of LGBT-rights movements in Serbia and Croatia may thus follow the same trajectory of the LGBT-rights movements in Poland and the Czech Republic analyzed by (O’Dwyer 2012, 2013). In both Poland and Serbia, activists faced significant opposition, both discursive and violent, but the LGBT movement gained strength through it. Neither Croatia nor the Czech Republic had the same level of opposition to LGBT rights activism as Poland or Serbia, and the LGBT-rights movement in the Czech Republic evaporated shockingly quickly after the passage of a same-sex partnerships law in 2006. It remains to be seen whether or not the same fate will befall the Croatian LGBT-rights movement following the institution of most rights for same-sex partnerships in 2014.
CONCLUSION

Analysis of extant social movements will inevitably weaken in the face of new information, and the analysis of the Serbian and Croatian LGBT-rights movements will surely change in the next decade, which promises to be especially full of potentially impactful events. Further movement of Serbia towards the EU and potential accession, more Belgrade Pride parades, and adoption and same-sex marriage rights for LGBT Croatians will all be contentious issues, the result of which will shape the future of the LGBT-rights movements in the two countries. What, then, does oppositional theory say about the future? Based upon the relative strengths of the opposition in Croatia and Serbia, the next few years should be much better for the Serbian LGBT-rights movement than the Croatian one; although, given the recent positive news for LGBT activists in both countries, it is unclear if this will actually be the case.

Based upon the case studies presented in this thesis, the predictions of oppositional theory are consistent with the historical record, and hold greater explanatory power for the development of LGBT-rights movements during the EU accession process in Serbia and Croatia than basic Europeanization theory. The development of LGBT-rights movements in Croatia and Serbia benefited not only from political changes due to conditionality, but also from re-framing of LGBT issues and mobilization of activists caused by backlash to the EU accession pro-
cess. However, there is not enough of a historical record to properly evaluate how well oppositional theory explains the condition of LGBT-rights movements in the case countries after they join the EU. To test that, a longer-term study of the Croatian (and eventually Serbian) case would be necessary; even in O’Dywer’s paradigmatic case of the Czech Republic, a weakening of the LGBT-rights movement there did not begin until a few years after accession.

This thesis addresses the gap in basic Europeanization theory created by literature that focuses solely on conditionality. In doing so, this literature neglects key causal mechanisms of change in LGBT-rights movements. Backlash from anti-LGBT groups creates framing contests and counter-mobilization \( (i.e. \) pro-LGBT mobilization), strengthening LGBT-right movements through pathways not predicted by basic Europeanization theory. The case studies in this thesis strengthen oppositional theory as an expansion of basic Europeanization theory that incorporates additional understanding of how LGBT-rights movements develop during the EU accession process.
REFERENCES
BIBLIOGRAPHY


Moravcsik, Andrew, and Milada Anna Vachudova. 2003. “National interests, state power, and EU enlargement”.


Moss, Kevin. 2014. “Split Europe: homonationalism and homophobia in Croatia”. In LGBT Activism and the Making of Europe, 212–232. Springer.

O’Dwyer, Conor. 2012. Does the EU help or hinder gay-rights movements in post-communist Europe? The case of Poland. doi:10.1080/21599165.2012.721094


Stakic, Isidora. 2011. “Homophobia and hate speech in Serbian public discourse: how nationalist myths and stereotypes influence prejudices against the LGBT minority”.


