

## **Queer migration in & out of Croatia: *Waitressing is an awful job when you're gay in a straight bar*<sup>1</sup>**

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### **Starting point: Zrinjevac Park, 10 000 Zagreb**

The park on Nikola Šubić Zrinski Square, colloquially called Zrinjevac, is the oldest promenade in downtown Zagreb. Since 1872 many significant social and cultural events have taken place there. On June 29<sup>th</sup> 2002, another historical public gathering was held in Zrinjevac, the 1st Zagreb Pride. That day, around 300 participants marched through the city centre heavily guarded by the police. That did not stop numerous insults coming from both “ordinary” citizens and organized groups of young neo-fascists and skinheads who managed to throw tear gas at the parade and beat up around 30 Pride participants. While 27 people were arrested, no one was ever charged with assault or discrimination.

At the turn of the century, in Croatia, more precisely in Zagreb, the growth and integration of the queer community/movement was enabled partly by the changes after the 2000s elections,<sup>2</sup> and partly by the development of Internet forums. The year 2002 marks the increased visibility of the Lesbian, Gay, Bisexual, Transgender/Transexual, Intersex and Queer (LGBTTIQ) community and movement in Croatia, and the beginning of more intense lobbying and advocacy for the rights of “sexual and gender minorities” within the Croatian legal system. The same year, LORI, a lesbian organization from Rijeka, implemented the 1st national campaign for the promotion of LGBTTIQ rights. The campaign included a TV clip *Love is Love*, which was banned by national television as “inappropriate”.

### **The law says so, but...**

In Croatia, homosexuality was demedicalized in 1973, decriminalized in 1977, and in 1998 the age of consent was equalised to the age of 14 for both opposite and same-sex sexual activity. In 2003, discrimination based on sexual orientation started being prohibited in many national laws. This was the result of intensive lobbying of civil society actors as well as the state’s response to the requirements of the accession processes to European institutions and associations. However, the Same-Sex Civil Unions Act passed in 2003 grants to cohabitating unregistered partners only the “symbolic” right to legal regulation of property and mutual responsibility for financial support. In 2006 a proposal for the Registered Partnership Bill was rejected by the majority of the Croatian parliament. During parliamentary and commission discussions about the proposal, discriminatory statements<sup>3</sup> were voiced by members of the

Croatian Democratic Union, the ruling party at that time. That same year, hate crime legislation covering sexual orientation was introduced to the national Criminal Code, as the first of its kind in Europe. The first person charged according to this law, for attempting to throw petrol bombs on Zagreb Pride parade in 2007, was found guilty and sentenced to 14 months in prison. The Anti-Discrimination Act passed in 2008, which besides sexual orientation, also recognizes gender identity/expression as anti-discrimination basis, is the most recent and the most comprehensive of a dozen of legal acts relating to LGBTTIQ rights.

Although significant improvements have been made in the legal protection of LGBTTIQ individuals and groups in Croatia, the legislation remains meaningless until it is actually implemented. Realisation of these laws has been impaired by discriminatory statements and actions by state actors, as well as by their lack of commitment to protect and prevent discrimination and violence based on sexual orientation and gender identity/expression. Without confidence in state institutions and the legal and law enforcement system, and fearing disclosure of their sexual orientation, many victims do not report such incidents to the police. Research from 2005,<sup>4</sup> exploring violence against queers in Zagreb, Rijeka and Osijek, has shown that every second respondent (N=202) experienced some form of violence since 2002, and 15% were victims of physical violence. More than half of the reported cases happened in public. In 2009, Zagreb Pride produced the gay bashing map of Zagreb, marking the places where 50 reported violent attacks on LGBTTIQ people have happened during the last eight years.

### **Queer community**

Now, in spring of 2010, there are around 10 active organisations and initiatives, almost exclusively based in Zagreb, the only place in Croatia, besides Rijeka, with the kind of critical mass of LGBTTIQ people that would produce a sense of a visible community. Besides the annual Zagreb Pride and the Queer Zagreb festival (held since 2003), the capital has two clubs, a couple of gay saunas and cruising bars, and a dozen gay-friendly bars and cultural venues hosting various queer gatherings. There are also some forms of transnational support available to Zagreb's queer scene coming from the ex-YU queer diaspora, people who emigrated during the 1990s mostly because of the war and nationalism. Zagreb Pride has received financial contributions from persons living in New York, Berlin and Vienna, as well as Pride memorabilia and requisites collected at "flag raising parties" held in New York. Likewise, there were benefit parties for Queer Zagreb organised in New York and Berlin.<sup>5</sup>

### **Transregional queers**

Although today the achievements of the LGBTTIQ movements in the countries of the former Yugoslavia differ in regards to offered legal protection and rights, they share the same roots of regional feminist, peace and anti-war activism of the 1990s.<sup>6</sup> In the 2000s,

transregional queer networks started to form around Pride events and queer festivals. In 2003, the SEEQ Network was created connecting LGBTTIQ activists and representatives of 20 organisations from Bosnia and Herzegovina, Croatia, Kosovo/a, Macedonia, Serbia, Montenegro, and Slovenia. In 2006, the first South-eastern European Pride, called The Internationale Pride, was held in Zagreb. Representatives from 13 countries participated in this event to affirm the right to freedom of assembly and to encourage the organisation of Prides in regional areas. Through various activist, educational and cultural events queer individuals and groups from the region communicate and collaborate in shaping the space of exchange and solidarity outside states' imposed national borders. For those coming from more hostile and homophobic areas, participation in such activities in some other country is a way to express their identities without creating too much discomfort and fear of being outed.

### **Being gay, punk, activist & anarchist in Zadar**

Daniel was born in 1984 in Zadar and lived there until 2007. Although he discovered "the charms of same-sex sexuality" at 12, his path to "becoming gay" staggered through the teenage "heterosexist wasp-nest" of Zadar's punk crew. There, male bodies were not accessible, not even thinkable, as sexual bodies, and Daniel's desires stayed hidden in the closet, expressed only in the virtual world of gay porn. It was a period of anxieties and depressions, of lies and silences.

At the time of the 1st Zagreb Pride, Daniel was in secondary school, active in the Zadar Anarchist Front, and still not out. He decided to support Pride with a direct action. He wrote a text advocating for homosexual rights, based on the anarchist positions of individual freedom, solidarity and struggle against authorities, and together with his comrade posted this manifesto upon Zadar's communal notice-boards.

When he was 19, Daniel was caught watching gay porn by his brother, which made him consider moving to Zagreb. He began coming out to all his closest friends, which resulted in overall understanding and acceptance. His parents were among the last ones to know. Now, while his mother gives him great support, his father pretends that he still doesn't know. During that long coming out period, Daniel became interested in sexuality as a social phenomenon, which led to his enrolment in sociology studies. In 2006, Daniel and two colleagues formed a civil society organization Inicijativa Queer Zadar, an activist group organising direct/street actions, queer film screenings, lectures and musical events.

### ***I am gay and have nothing to do here***

Back in 2002, Daniel was very keen on seeing TV reports on the 1st Pride, seeing "what gays and lesbians actually look like", as they were invisible and nonexistent to him in Zadar at that time. This "shadow" existence of gays and queers in places outside the capital is very much a part of the force propelling some young queers to leave their small towns and

close(te)d environments and to come to Zagreb's "rhythm of metropolis", to "be what one really is". Four narratives embodying this kind of internal queer migration experiences were collected for this project.<sup>7</sup> They tell the tales of both geographical and identity journeys. These stories illustrate why, despite great improvements in Croatian anti-discrimination legislation, there are still structural and normative causes behind internal queer mobility. Although personal motives to migrate differ, all of them are underlined by the impossibility to fully live and express queer identities back home. Interviewees, describing their home environments, speak about "being a stranger in your own town", "a suffocating, closed atmosphere", "taboos", "the impossibility of establishing satisfying, intimate same-sex relationship", "a feeling as not at home", and "the narrow mindedness of people".

The integration of homosexuality to personal and social life and the normalisation of gay identities are aggravated by firmly entrenched and widespread cultural beliefs and social stigmatization of LGBTTIQ individuals, which, in many cases, results in homophobic and transphobic discrimination and violence. The significant influence of Catholic values on family and social life also plays an important role in upholding the high-level of homophobia in Croatian society. Deeply-rooted prejudices and stereotypes, and real marginalisation and violence that stem out of them, force many queer people to live their lives in secret, without entirely establishing their identities, relationships and social life(style), and consequently lacking a community.

Different personal backgrounds and reasons for migration surface in the collected interviews: escaping overt homophobic violence in the family; surviving physical homophobic attacks in public; pursuing studies; developing professionally; maintaining partnership and love. Social networks developed through Internet chats and forums and weekend clubs are often beneficial in finding accommodation and work in the capital, be it waitressing at the gay(-friendly) bar or doing outreach and community work for a civil society organization. In all narratives Zagreb is perceived as "a new home, with a new family"; as "the only place in Croatia where one can really live". The capital is considered "the place which gives a feeling of freedom, security and anonymity". However, for some of them, in their plans and visions of transnational migration, Zagreb is also viewed as a "temporary sanctuary" on their way to London, Berlin or San Francisco.

### *I don't know where I am, or I know that I am somewhere in-between*

In the beginning of 2007, Daniel met Paul from Klagenfurt who came to Zadar University to do his Erasmus semester. They started a relationship, and that was the first time Daniel lived an openly gay life, which motivated him to continue this relationship and, consequently, migrate. When Paul returned to Klagenfurt, after finishing his Erasmus semester in Zadar, Daniel started to visit him very often, each month for ten days to two weeks. His travelling route was via Zagreb, Ljubljana and Villach.

And I just went there, to see my partner, and I had my passport and everything went smooth until once at the border they have started to count the days I've spent in the

EU and nicely and politely informed me that as a ‘third country citizen’ I’m not allowed to stay in EU for such a long time. In other words, that I’m not allowed to reside for a longer period outside than inside my country of origin, and that’s this story with three months that you can stay inside EU, and then you’re not allowed to enter for the next three months, and it rotates like that. All of that started when I was going for student exchange in Ljubljana, and then I’m becoming to realize that I’m an illegal immigrant, without a visa and everything else... And how did I feel? I felt angry and repulsive, and I still feel that way...<sup>8</sup>

As his trips intensified, Daniel started to feel like he was living two parallel realities: “Every departure was at the same time an arrival to the other place, whether the one where my friends are or the one where my partner is”. Zadar meant friendships, social networks and work opportunities, but without Paul; Klagenfurt signified intimate relations and love, but also an underlying note of social discrimination, including narrow social space, a lack of community, language barriers and limited integration options.

### **Borders & crossings**

On one of his journeys in the summer of 2008, Daniel was informed by the Slovenian border police that he is close to the limit of 90 days stay in EU, the maximum that is allowed to non-EU citizens to reside within Schengen limits in the period of six months. Daniel didn't plan to become an “illegal” immigrant in the EU.

I started to use it last year... So, I combine like this... when I see in my passport that the limit of three months stay is approaching (usually the border police warns me), then I don't touch the passport for the next 3 months but enter with my ID and lie that I am going to Ljubljana because of something (whatever I come up with)... And then after three months I use the passport again and I rotate it like that... and I did it all together at least five times until now... Here I have to point out that as a citizen of Croatia I have a privilege to cheat in this way...

On the basis of the pre-Schengen bilateral agreements between Croatia and bordering EU countries Slovenia,<sup>9</sup> Italy,<sup>10</sup> and Hungary,<sup>11</sup> Croatian citizens can enter the territories of these states having only their personal identity card. In 2007,<sup>12</sup> it was agreed that this provision would continue to be applied, as the exception from Schengen rules. This agreement was set considering Croatia's EU candidate status, as well as some past regional ties and unmarked borders (Habsburg Empire, Yugoslavia) and more recent regional cooperation, such as Quadrilateral Initiative.<sup>13</sup> An interim solution was found that to enter these three neighbouring states with a valid Croatian ID, it must be accompanied with an additional single-use entry and exit card stamped at the border. However, travelling to another EU state via Slovenia, Italy or Hungary, still requires a passport, and if a person is caught in some other EU country without a valid passport it is considered “illegal entry”.

Every train ride and border crossing reminded Daniel that he has few options in the EU, not only because he is gay, but because of other identity labels stuck on him by laws regulating movement, residence and access to labour market inside Schengen perimeter. On the other hand, Daniel is very conscious about his privileges of having a Croatian passport and fair skin.

Klagenfurt is a fascist town and I'm positive that if I would be black, I would be already ID'd and disclosed a couple of times, but I'm white and that saves me... so I was never ID'd by the police... and how many of them weren't that lucky? I realize that there's a strong correlation between state borders and borders between sexual identities, as at the end, there's the same operating logic of exclusion and the fear of the Other, serving as the marking point of our superiority – white, heterosexual, class...

### **Laws & regulations: Migrant statuses**

While considering the options of residing and working in Austria, Daniel faced multiple, exclusive legal barriers. When his student status expired after graduation, he found himself being an unemployed sociology professor who did not speak German, had a non-EU passport, and a gay EU-resident partner.

Austria has implemented all EU directives in the field of migration, however, only in their basic requirements. One of the strictest immigration laws in Europe was upheld by the Aliens Law Codification, which came into force in 2006. Besides introducing new limitations on asylum and new police powers of arrest, this law sets a very restrictive immigrant residency and work permit system, and consequently has worrisome effects on bi-national couples. Likewise, only recently has Austria adapted to the required EU guidelines regarding the legal status of same-sex partnerships. On January 1, 2010, a law on registered same-sex couples came into force, making Austria the 18<sup>th</sup> state in Europe to do so. However, the law is criticised for setting more than 40 differences in relation to opposite-sex partnership and marriage, including a required minimum age, rights to reproductive technologies and step-parent adoption, a registration venue, and a joint family name.

According to that law Daniel is able to register his partnership with Paul in Austria, and consequently to be entitled to a permanent residence card and free access to the labour market. However, in the process, Daniel and Paul would face the same difficulties in obtaining that status as a heterosexual couple consisting of an Austrian (EU) and a non-EU resident partner. The laws require, among other things, for a third country national's partner to submit a request from their country of origin, and for an Austrian partner to prove the minimum monthly income of 1100 Euros and an apartment ownership/rental contract. At the same time, foreigners are prohibited from working without a residence permit.

### **Next stop: Ljubljana**

From September 2009 Daniel and Paul have been living in Ljubljana, where Daniel is enrolled in a postgraduate sociology program and Paul is attending an exchange program. Based on his student status, Daniel obtained a Slovenian residence permit valid for one year, and has the possibility to work through the student service. At the moment, living in Ljubljana is a great combination of his academic interests, social and support networks already formed through transregional anarchist and queer activism, familiarity with the Slovenian language, working options, engagement in local civil society groups and initiatives, and last, but not least, includes sharing an apartment with Paul.

### **Taking stock: An open end**

Daniel's account and the testimonies of internal queer migrants presented in this research point to processes and experiences also discussed in the relevant literature.<sup>14</sup> These include the significance of rural-urban mobility in the formation of (homo)sexual subjectivities, cultures and communities; narratives of movement from repression to freedom; migrant experiences that in fact straddle choice and necessity; border regimes and settlement policies that contribute to producing "illegalized Others"; the constant *restructuring* of inequalities and opportunities through migration; and migration ability involving hierarchies based not only on sex/gender and sexuality but also on citizenship and class (race), reflecting multiple identities that do not neatly map across time and space but are transformed through the specificity of local, regional and transnational social fields, cultures, and politics. While this essay examines notions of local/regional queer mobility, further research on transnational migration and asylum seeking queers would additionally contribute to the documentation and conceptualization of migration as significant to many sexual "dissidents".

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<sup>1</sup> The work was part of the exhibition and research project Good Luck! Migration Today. Vienna, Belgrade, Zagreb, Istanbul (Courtesy Initiative Minderheiten).

<sup>2</sup> The right-wing war-time government was replaced by the coalition of centre-to-left parties, which significantly improved political liberties and the state of human rights.

<sup>3</sup> One of the comments, *The entire universe is heterosexual*, was later used for a Queer Zagreb T-shirt.

<sup>4</sup> Pikić, A. & Jugović, I. (2006). *Violence against lesbians, gays and bisexuals in Croatia: research report*. Zagreb: Kontra.

<sup>5</sup> According to the interviews with the organizers of Zagreb Pride and the Queer Zagreb festival.

<sup>6</sup> However, Slovenia is unique in this context, as the first of ex-Yugoslavian republics to decriminalize homosexuality in 1977, the one that hosted one of the oldest European gay&lesbian film festivals, *MAGNUS*, as early as 1984, and the one that escaped regional armed conflicts and violence during the 1990s.

<sup>7</sup> Interviews were given by: Pavla, b. 1982, Zadar; Mario, b. 1989, Đakovo; Darko, b. 1986, Poreč; Augustin, b. 1987, Opuzen.

<sup>8</sup> All quotes are excerpts from interviews with Daniel conducted in the period from March to November 2009.

<sup>9</sup> Agreement on the addendum to the Agreement between the Government of the Republic of Croatia and the Government of the Republic of Slovenia on the abolition of visa requirements - date signed 28.4.1997 (NN 19/97), date of effect 17.3.1998 (NN 06/98).

<sup>10</sup> Agreement between the Government of the Republic of Croatia and the Government of the Republic of Italy on the abolition of visa requirements – date signed 27.6.1997 (NN 13/97), date of effect 3.11.1997 (NN 19/97).

<sup>11</sup> Agreement between the Government of the Republic of Croatia and the Government of the Republic of Hungary on the mutual abolition of visa requirements – date signed 23.5.2000 (NN 08/2000), date of effect 29.6.2000 (NN 10/00).

<sup>12</sup> At the meeting of the Council of the EU Justice and Internal Affairs Ministers held on 18 September 2007 in Brussels - Press release 242/07 (25 September 2007), Ministry of Foreign Affairs and European Integrations, Republic of Croatia.

<sup>13</sup> This initiative started in 1996 as a trilateral cooperation between Slovenia, Hungary and Italy. Croatia joined in 2006 when it became *Quadrilateral*. Just recently (February 2010) this cooperation format was closed, as the primary objectives, to support the member states' accession processes to Euro-Atlantic intergrations (EU, NATO), were fulfilled.

<sup>14</sup> For example, Binnie, J. (2004). *The Globalization of Sexuality*. London: SAGE Publications, and Luibhéid, E. & Cantú Jr., L. (eds.) (2005). *Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings*. Minneapolis: University of Minnesota Press.