

WESTERN BALKANS LGBTI

Landscape Analysis
of Political, Economic
& Social Conditions



Astraea LESBIAN FOUNDATION FOR JUSTICE



Western Balkans LGBTI: Landscape Analysis of Political, Economic and Social Conditions

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INTRODUCTION

At the end of the twentieth century, the Western Balkans region faced significant upheaval, most critically the breakup of Yugoslavia and wars in the 1990s marked by extreme ethnic and nationalist division. As the region recovers, countries in the Western Balkans are reforming economic and political systems and have passed basic protections, including legislation to support marginalized groups like lesbian, gay, bisexual, trans* and intersex (LGBTI) individuals.¹ While these changes serve in part to position countries for entry into the European Union, LGBTI people and other equal-rights groups hope they will help establish a meaningful and lasting culture of human rights.

Movements advocating for LGBTI rights are relatively nascent, having emerged primarily in the early 2000s, and are in a process of building capacity to affect national and regional change. These movements must contend with widespread negative public opinion and an abidingly large gap between legal protections and the lives LGBTI people actually live, characterized by threats of extreme violence and exclusion. Nonetheless, civil society organizations (CSOs) in the Western Balkans are making inroads with government officials, organizing public pride festivals, increasing the

visibility of LGBTI communities and insisting that LGBTI people's rights should be respected and upheld.

What follows is a landscape analysis of the social, political and economic conditions for LGBTI people in four Western Balkans countries: Albania, Bosnia and Herzegovina (BiH), Kosovo and Serbia. This report is developed out of research by Aliza Luft and Senka Filipović and produced by Astraea Lesbian Foundation for Justice.²

The study draws on a unique combination of data and expertise from policy, development, government, news, legal and academic sources and, most critically, Western Balkans LGBTI organizations and activists themselves.³ In synthesizing diverse material and firsthand insight, the report provides a window into what life is like for LGBTI people living in the Western Balkans, an overview of LGBTI activism in the region, and a summary of the opportunities and challenges activists face as they work to advance LGBTI rights protections and translate them into meaningful change. The study concludes with recommendations for advocates and funders on strategic and timely ways to support enduring rights gains.

1 **A note on terms:** The notation “trans*” is used to refer to the entire range of possible gender identities, including but not limited to transgender, transsexual and transvestite and many specific to local cultures and contexts. In addition, this report uses the acronym LGBTI (lesbian, gay, bisexual, trans* and intersex) to be broadly inclusive of sexual orientation, gender identity and bodily diversity. The term LGBT or the identification of specific groups, such as lesbians or trans* people, are used where these are reflective of organizations or activities referenced.

2 For more information on the Astraea Lesbian Foundation for Justice, see page 2.

3 **Methodology:** For their research, the authors consulted policy, development, government and European Union reports, academic research, news sources, CSO websites and second- and first-hand interviews with leaders of key LGBTI organizations in the Western Balkans region.



REGIONAL OVERVIEW: POST-CONFLICT STATUS & EUROPEAN UNION INTEGRATION

In a relatively short period of time, the Western Balkans region has undergone major transformation, “from war to peace, from a communist command economy to a liberal market economy, and, from a single-party rule to a pluralist democracy.”⁴ Of the four countries covered in this report, Bosnia and Herzegovina (BiH), Kosovo, and Serbia are emerging from the 1992–1995 and 1998–1999 wars and the breakup of Yugoslavia.⁵ Albania, while not directly involved in the late 20th century conflicts, became home to a significant influx of refugees from Kosovo and was affected by broader regional economic volatility wrought by the wars.

4 Balfour, R. & Stratulat, C. (2011). *The democratic transformation of the Balkans*. European Policy Centre. Retrieved from http://www.epc.eu/documents/uploads/pub_1363_the_democratic_transformation_of_the_balkans.pdf

5 **Composition of BiH:** Following the war, the 1995 Dayton Accords preserved BiH as a sovereign state, but divided the country into two autonomous entities, Republika Srpska and Federation of Bosnia and Herzegovina (FBiH); shortly after, an independently-governed city, the District of Brčko, within BiH, was established as well. The state, FBiH and Repulika Srpska each have their own constitution and different administrative and political systems; the District of Brčko has its own statute. The country’s presidency rotates every eight months between three members, each representing the main ethnic groups: Bošniaks, Bosnian Croats and Bosnian Serbs.

As the countries have rebuilt and recovered, their political and economic reforms have also been shaped by bids to join the European Union (EU).⁶ EU membership—which holds the promise of access to markets, political support and greater economic stability—requires the existence of a functioning market economy and specific governance, policies and practices to guarantee democracy, human rights and protection of minorities.⁷ This timely moment has opened the door for LGBTI protections: All of the countries in this report have established protection from discrimination based on sexual orientation. Though, as this report shows, significant barriers remain to ensuring LGBTI communities can live without fear and discrimination.

6 The Western Balkans countries included in this study are slowly achieving their EU-membership goals: Serbia was granted EU candidate status in March 2012 and hopes to be a member by 2015; BiH and Albania were identified as potential candidates for EU membership in June 2013, and Albania has since been granted official candidate status; and even though Kosovo is not recognized by all EU member states, it too is taking steps towards becoming a candidate.

7 European Commission. (2013, October 18). *EU membership prospects improve for Western Balkans countries*. Retrieved from http://ec.europa.eu/news/external_relations/131017_en.htm

LIFE FOR LGBTI PEOPLE

in the Western Balkans

As described below, LGBTI people in Albania, BiH, Kosovo and Serbia continue to live on the margins of society and face significant obstacles to the fulfillment of their human rights. According to the European Commission, “Homophobia, discrimination and hate crimes on the basis of sexual orientation and gender identity are still widespread...[including] in areas such as employment and education, failure of certain authorities to enforce freedom of speech and assembly, hate speech, intimidation and physical violence, even murder.”⁸

Public Opinion

Public opinion of LGBTI people and their rights in Albania, BiH, Kosovo and Serbia is overwhelmingly negative and likely one of the greatest challenges activists face in advocating for LGBTI people’s rights. According to a survey of 30 European countries, Albania is the most homophobic; 53% of Albanian citizens said they believed “gays and lesbians should not be free to live life as they wish.”⁹ The survey did not include Serbia, Kosovo or BiH, though evidence suggests that anti-LGBTI sentiment runs deep in these countries as well. For example, 90.9% of people in Kosovo think homosexuality is “morally wrong,” and 70% of Serbians have agreed with the statement that “homosexuality is a disease.”¹⁰ In a 2013 survey of over 400 youth in the BiH town of Kljuc, one in five indicated that verbally assaulting LGBTI people is “justified,” 50% said they thought homosexuality was an illness and 35% said that they would disown friends who came out as gay.¹²

8 European Commission. (2012, October 10). *Communication from the commission to the European parliament and the council*. Retrieved from http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/strategy_paper_2012_en.pdf

9 Garcia, A. (2013, April 1). Albania is Europe’s most homophobic country according to a new survey. *The Gaily Grind*. Retrieved from <http://www.thegailygrind.com/2013/04/01/albania-is-europes-most-homophobic-country-according-to-a-new-survey/>

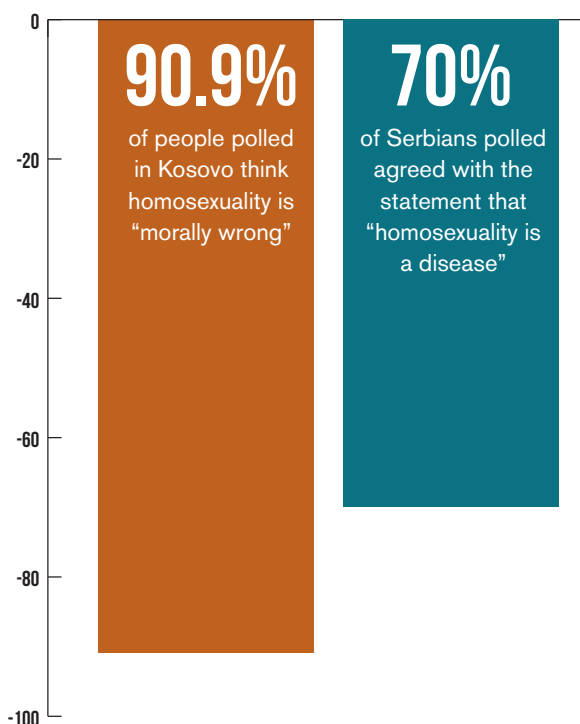
10 European Country of Origin Information Network. (2011, December 1). *Treatment of sexual minorities, including legislation, state protection, and support services*. Retrieved from http://www.ecoi.net/local_link/207821/313287_en.html

11 Research conducted for Gay Straight Alliance by Centre for Free Elections and Democracy (CeSID). (2008, February-March).

12 Tolj, A., & Lakić, M. (2013). *IWPR roundtable tackles homophobia in Bosnia*. Institute for War and Peace Reporting. Retrieved from <https://iwpr.net/global-voices/iwpr-roundtable-tackles-homophobia-bosnia>

53%

OF ALBANIAN CITIZENS POLLED IN 2013 SAID THEY BELIEVED “GAYS AND LESBIANS SHOULD NOT BE FREE TO LIVE LIFE AS THEY WISH”



Some religious institutions further legitimize anti-LGBTI attitudes. The Serbian Orthodox Church has been a vocal opponent of the LGBTI community and has closely allied with other anti-gay movements in Serbia.¹³ In BiH and Kosovo, vocal but limited groups of the Muslim right wing have emerged as opponents of LGBTI people. For example, in 2008, the first Queer Sarajevo Festival was forced to close early due to an organized attack by extremists claiming that having the festival during the month of Ramadan was a religious affront.¹⁴

The complex geopolitical landscape also affects LGBTI rights. Politicians and cultural leaders have described homosexuality as a “foreign import” and a threat to the nation. A needs assessment of LGBT communities in BiH and Kosovo further found that support for LGBT rights is often viewed as “imposed from external and international actors.”¹⁵ In 2008, for instance, the Mufti of Mostar, a leading Islamic leader for the municipality in BiH, issued a statement condemning the first Queer Sarajevo Festival, referring to it as dissemination of “degenerate ideas... imported from the West.”¹⁶ In an October 2013 *Voice of Russia* interview, Aleksandar Pavic, a Serbian political analyst, stated, “The promotion of Western culture and ‘alternative morality’ is another tool the West is using to break the moral and ethical spine of nations in order to facilitate occupation.”¹⁷ These public statements have very real effects in the lives of LGBTI people. As expanded below, many LGBTI people feel unsafe being open about their sexuality or gender identity, and some LGBTI organizations must conduct their activities underground.

Legal Protections

Despite public opposition to LGBTI rights, the legal frameworks adopted by the governments of Albania, BiH, Kosovo and Serbia are each in compliance with the European Convention on Human Rights and include basic protections on the basis of sexual orientation, and in some cases, gender

13 Milosevic, S. (2011, December 22). Serbia: For gays, a ghetto in modern Europe. *GlobalPost*. Retrieved from <http://www.globalpost.com/dispatch/news/culture-lifestyle/111221/serbia-gays-ghetto-modern-europe>

14 BBC News. (2008, September 25). *Clashes at Bosnia's gay festival*. Retrieved from <http://news.bbc.co.uk/2/hi/7635197.stm>

15 Michels, Mindy. (2014). *Mapping and needs assessment of the LGBT community in Kosovo* (p. 3). USAID.

16 Kajinic, S. (2010). “Battle for Sarajevo” as “Metropolis”: Closure of the first Queer Sarajevo Festival according to Liberal Press. In *Anthropology of East Europe Review*, 28(1).

17 The Voice of Russia. (2013). *Serbia: Breaking the back of a country's identity—Aleksandar Pavic*. Retrieved from http://voiceofrussia.com/2013_10_10/Serbia-breaking-the-back-of-countrys-identity-Aleksandar-Pavic-6921/

While a tremendous amount of work remains to implement the protections, activists view these victories as paving the way for future wins and an entry point to make tangible change in LGBTI people's lives.

identity. A 2014 USAID report finds that strong legal frameworks, such as the Constitution of the Republic of Kosovo and the country's Anti-Discrimination Law, provide important LGBTI rights protections, but also suffer from inconsistent implementation and weak judicial systems.¹⁸ While a tremendous amount of work remains to implement the protections, activists view these victories as stepping stones to future wins and an entry point to make tangible change in LGBTI people's lives. Activists are also encouraged by an increase in the number of policymakers and public officials amenable to working with them to advance LGBTI rights.

A Model of Civil Society and State Cooperation on LGBTI Rights in Albania

Over the last five years, the Albanian government has passed some of the most progressive LGBTI protections in the Western Balkans, and its public officials have demonstrated a unique willingness and ability to partner with LGBTI activists to pass reforms. In 2013, Albania became the first of the four Western Balkans countries in this study to reform its criminal code to incorporate sexual orientation and gender identity into existing hate-crime and hate-speech laws. The CSOs **Aleanca LGBT** (Alliance Against LGBT Discrimination) and **Pro LGBT** lobbied for the reforms and helped draft the amendment to the criminal code. Today, these LGBTI organizations are working with the Albanian public to monitor the debate on partnerships between same-sex couples.

18 Michels, Mindy. (2014). *Mapping and needs assessment of the LGBT community in Kosovo*. USAID.

Law	Albania		Kosovo		BiH		Serbia	
	Sexual Orientation	Gender Identity	Sexual Orientation	Gender Identity	Sexual Orientation	Gender Identity	Sexual Orientation	Gender Identity
Discrimination in employment is explicitly prohibited by law	✓	✓	✓		✓	✓	✓	
Discrimination in access to goods and services is explicitly prohibited by law	✓	✓	✓		✓	✓	✓	
Discrimination in other spheres of life is explicitly prohibited by law	✓	✓	✓		✓	✓	✓	✓
Equality body/ National Human Rights Institution is legally mandated to tackle discrimination	✓	✓	✓				✓	✓
National equality action plan contains measures for tackling discrimination	✓	✓						
National anti-discrimination law explicitly refers to gender expression						✓		
National anti-discrimination law explicitly refers to intersex people								

Equality and non-discrimination: Each of the four Western Balkans countries has established legal protection from discrimination based on sexual orientation. All except Kosovo have some, albeit limited, gender identity non-discrimination protections. None of the countries explicitly protect intersex people from discrimination.

Hate crimes: In 2013, Albania amended its criminal code to include sexual orientation and gender identity as “aggravating circumstances” within hate crime and hate speech laws.^{19 20} The Albanian Parliament also made it a crime to distribute homophobic materials through communication

and information technologies.²¹ In 2010, a hate crime law inclusive of sexual orientation was enacted in Republika Srpska and the Brčko District, two of the three entities that make up the country of BiH.²² In all four countries, there is no reference to intersex people in existing or proposed hate crime or hate speech laws.

Family: Relationships between same-sex couples are not legally recognized in any of the four countries. However, in October 2013, the Office of the People’s Advocate in Albania submitted a proposal to expand the rights of minority groups that would effectively legalize marriage equality. Igli Totozani, an LGBTI advocate, urged parliamentary debate to take place, imploring, “Let us be the first country in the Balkans to do

19 “Aggravating circumstances” defines crimes that target the voice and visibility of a particular group of people based on a defining characteristic. As a result, these crimes may bring extra penalties. In Albania, the Criminal Code now takes “aggravating circumstances” into account for crimes relating to gender, race, ethnicity, gender identity, sexual orientation, political beliefs, religion, health status and genetic predisposition or disability.

20 Williams, S. (2013, May 7). *Albania passes gay hate crimes law that surpasses the U.S.* Care2 Causes. Retrieved from <http://www.care2.com/causes/albania-passes-gay-hate-crimes-law-that-surpasses-the-u-s.html>

21 ILGA-Europe. (2013, May 5). *Historical for LGBT. Albania has a hate crime legislation.* Retrieved from http://www.ilga-europe.org/home/guide_europe/country_by_country/albania/historical_for_lgbt_albania_has_a_hate_crime_legislation

22 Sarajevski Otvoreni Centar. (2013). *Reaction to the failure to adopt the hate crime into the Criminal Law of FBiH.* Retrieved from <http://soc.ba/en/reaction-to-the-non-adoption-of-hate-crime-into-the-criminal-law-of-fbih/>

LAW	Country			
	Albania	Kosovo	BiH	Serbia
Marriage	NO	NO	NO	NO
Registered Partnership (similar rights to marriage)	NO	NO	NO	NO
Registered Partnership (limited rights)	NO	NO	NO	NO
Cohabitation	NO	NO	NO	NO
Trans* people can legally marry a person of the other gender	NO	NO	NO	NO

such [a] thing.”²³ As of the time of this study, no bill had been passed. Moreover, a recent poll indicates that nearly 50% of Albanians believe “LGBT marriages and their public manifestations must be stopped,” and, based on an interview with an Albanian activist directly involved in negotiations with the government, the current strategy is focused instead on passing a same-sex partnership law.^{24 25 26}

Legal gender recognition: In Kosovo and Albania, no policy directly addresses legal recognition of one’s gender identity. In BiH, it is legal to change one’s name to match one’s gender identity without the requirement of surgery. However, medical treatment through hormones or surgery is a requirement to have one’s gender identity legally changed in BiH.²⁷ Serbia has no clear national legislation or procedures that regulate name and gender change, though legal gender recognition is generally based on a “diagnosis” of gender dysphoria which must be confirmed by a psychiatrist and typically requires surgery.²⁸

Freedom of assembly, association and expression: Freedom of assembly, association and expression are constitutionally

23 Kurani, E. (2013, October 26). Reopening of an old topic triggers fresh debates on gay marriages in Albania. *Independent Balkan News Agency*. Retrieved from <http://www.balkaneu.com/reopening-topic-triggers-fresh-debates-gay-marriages-albania/#!prettyPhoto>

24 Global Voices. (2012, December 15). “Kosovo 2.0 Talks Sex” launch party cancelled due to attack. Retrieved from <http://globalvoicesonline.org/2012/12/15/kosovo-2-0-talks-sex-launch-party-cancelled-due-to-attack/>

25 Kurani, E. (2013, October 26). Reopening of an old topic triggers fresh debates on gay marriages in Albania. *Independent Balkan News Agency*. Retrieved from <http://www.balkaneu.com/reopening-topic-triggers-fresh-debates-gay-marriages-albania/#!prettyPhoto>

26 Aleanca LGBT Activist. (2013, November 10). Personal Conversation.

27 European Social Charter. (2013, July 19). Comments by the Sarajevo Open Centre, Transgender Europe and ILGA-Europe on the 3rd national report by Bosnia-Herzegovina on the implementation of the revised European Social Charter 2013. Retrieved from http://www.coe.int/t/dghl/monitoring/socialcharter/reporting/statereports/CommentsSarajenvoOpenCentreILGABH3_en.pdf

28 European Social Charter. (2013, March 8). Comments from the Serbian LGBT Network and ILGA Europe on the 2nd Report by Serbia on the implementation of the European Social Charter 2013. Retrieved from http://www.coe.int/t/dghl/monitoring/socialcharter/reporting/statereports/CommentsILGASerbia2013_fr.pdf

protected in all four countries, though enforcement varies. Carrying out public LGBTI events such as pride festivals remains a significant challenge. Many events have been thwarted by violent attacks on organizers and participants and have received little to no government or police support. For example:

- In 2012 and 2013, Albanian LGBTI activists organized two “Gay Bike (P)ride” events in celebration of the International Day Against Homophobia and Transphobia. Both events were targeted by violent attacks using gas bombs, though no one was hurt. Two out of five attackers in 2013 were arrested and prosecuted.²⁹
- In 2008, organizers of BiH’s first public LGBTI event, the Queer Sarajevo Festival, were taunted with violent threats, including a YouTube video portraying a fake decapitation of Svetlana Djurkovic, the festival organizer and director of Organization Q, a queer CSO.³⁰ According to Amnesty International, “In the run-up to the festival, some politicians and certain parts of the media in BiH created an atmosphere of hostility that legitimated attacks.... A number of websites...called for the organizers of the festival to be lynched, stoned, doused with petrol or expelled from the country.” Police were informed of security concerns, but attacks on the first day left eight people injured, and six were taken to the hospital.^{31 32}

29 ILGA-Europe. (2013). *Annual review 2013: Albania*. Retrieved from http://ilga-europe.org/home/guide_europe/country_by_country/albania/review_2013

30 ILGA-Europe. (2008). *Sarajevo Diary: Attacks at Sarajevo Queer Festivals*. Retrieved from http://www.ilga-europe.org/home/guide_europe/country_by_country/bosnia_herzegovina/attacks_at_sarajevo_queer_festivals/sarajevo_diary

31 Amnesty International. (2008, September 5). *Violence surrounds Sarajevo Queer Festival*. Retrieved from http://www.ilga-europe.org/home/guide_europe/country_by_country/bosnia_herzegovina/attacks_at_sarajevo_queer_festivals/amnesty_international_prior_to_sarajevo_queer_festival

32 ILGA-Europe. (2008). *Sarajevo Diary: Attacks at Sarajevo Queer Festivals*. Retrieved from http://www.ilga-europe.org/home/guide_europe/country_by_country/bosnia_herzegovina/attacks_at_sarajevo_queer_festivals/sarajevo_diary

- In 2012, the launch party of Kosovo 2.0 was interrupted when approximately 20 men overpowered the protective police presence, stormed the stage and physically assaulted an employee.³³ Attendees were eventually evacuated by police in anticipation of a larger attack.³⁴ Subsequently, according to a 2014 LGBT needs assessment, “videos threatening the LGBT community in Kosovo were released which intermingled religious verses with death threats against community members.”³⁵
- In Serbia, the government banned pride parades from 2010 to 2013. Twice, the Serbian Constitutional Court has found the bans unconstitutional, but the parades continued to be blocked.^{36 37} In 2014, the ban was reversed, and an estimated 1,500 people participated in a peaceful march, bolstered by high levels of police security and with no major incidents reported despite the approximately 50 protesters.³⁸

Violence and Discrimination³⁹

As suggested in the examples of attacks on LGBTI events above, throughout the Western Balkans, the threat of violence and discrimination based on one’s perceived sexual orientation and gender identity is widespread in public and private spaces—so much so that many LGBTI people live in silence for fear of being assaulted. Those living in rural areas are especially afraid to reveal their gender identity or sexual orientation.

Albania

According to the International Lesbian, Gay, Bisexual,

33 Global Voices. (2012, December 15). “Kosovo 2.0 Talks Sex” launch party cancelled due to attack. Retrieved from <http://globalvoicesonline.org/2012/12/15/kosovo-2-0-talks-sex-launch-party-cancelled-due-to-attack/>

34 Domi, T. (2012, December 15). Organized Thugs Attack Kosovo 2.0 Magazine Launch of Sexuality Edition. *The New Civil Rights Movement*. Retrieved from <http://thenewcivilrightsmovement.com/organized-thugs-attack-kosovo-2-0-magazine-launch-sexuality-edition/news/2012/12/15/56422#.UoWE5OLf1s>

35 Letter from the Special Rapporteur to Prime Minister Thaçi, January 10, 2013. Cited in Michels, Mindy. (2014). *Mapping and needs assessment of the LGBT community in Kosovo*. USAID. P. 5.

36 Civil Rights Defenders. (2013, May 2). *An important victory for freedom of assembly*. Retrieved from <http://www.civilrightsdefenders.org/news/achievements/an-important-victory-for-freedom-of-assembly/>

37 Civil Rights Defenders. (2013, May 2). *An important victory for freedom of assembly*. Retrieved from <http://www.civilrightsdefenders.org/news/achievements/an-important-victory-for-freedom-of-assembly/>

38 Radio Free Europe/Radio Liberty. (2014, September 28). *Hundreds of gay rights activists march in Belgrade*. Retrieved from: <http://www.rferl.org/content/serbia-belgrade-gay-pride-parade/26609921.html>

39 Unless stated otherwise, information for this section comes from Council of Europe country thematic studies on homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity.

Changing Institutional Culture and Practice: Educating Public Officials to Uphold the Law

Across the Western Balkans, LGBTI organizations are pursuing strategies to conduct sensitivity trainings and raise awareness among institutions and public officials to effectively protect LGBTI people as required by law. In Kosovo, the **Center for Social Emancipation (QESh)** is organizing trainings, roundtable meetings and other activities with government officials and institutions to raise awareness about LGBTI people and their rights. They have conducted trainings at the Police Academy and modified curriculum to reflect and uphold existing legal protections for LGBTI communities. Key to QESh’s strategy is engaging LGBTI people directly to participate in and lead advocacy and public awareness campaigns.

Trans and Intersex Association’s (ILGA) Annual Review of Albania, there were ten hate crimes against LGBTI people recorded in 2013, including “an attack directed at LGBTI events, various cases of physical violence and of physical or death threats targeting LGBTI people.”⁴⁰ Trans* people are especially vulnerable to abuse. In 2009, a trans* woman was violently murdered in Tirana.⁴¹ In 2011, members of the Albanian State Police were accused of an act of “disproportionate and violent force” against a transgender woman.⁴² That same year, the home of five Roma trans* people was set on fire.^{43 44}

The threat of violence against LGBTI people within families is as concerning to activists as public abuse. In 2013, ILGA-Europe recorded three cases of intra-familial violence

40 ILGA-Europe. (2013). *Annual review 2013: Albania*. Retrieved from http://www.ilga-europe.org/home/guide_europe/country_by_country/albania/review_2013

41 The Curvature. (2009, November 16). *Man allegedly murdered Albanian woman because she was trans*. Retrieved from <http://thecurvature.com/2009/11/16/man-allegedly-murdered-albanian-woman-because-she-was-trans/>

42 TGEU. (2011, September 6). *Albanian Ombudsman office starts investigation into the police violence against transgender person in Tirana*. Retrieved from <http://tgeu.org/albanian-ombudsman-office-starts-investigation-into-the-police-violence-against-transgender-person-in-tirana/>

43 TGEU. (2011, May 5). *Albania: House where five transgender people were living set on fire*. Retrieved from <http://tgeu.org/albania-house-where-five-transgender-people-were-living-set-on-fire/>

44 The outcome in the investigations of each of these incidents is unclear and information on any accountability of the perpetrators is unavailable.

directed against LGBTI people in Albania, though rates are likely much higher because they are seldom reported. An activist with the LGBTI organization Pink Embassy/LGBT Pro states that even if a family accepts a family member's orientation or identity, it tends to "not want the issues to be known outside the family walls."⁴⁵

Bosnia and Herzegovina

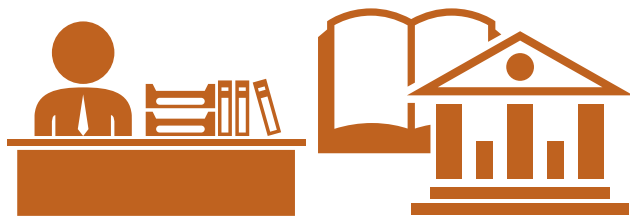
In a poll of LGBTI people conducted by the Sarajevo Open Centre, 62.6% of respondents said that the largest problem they faced was discrimination in the workplace, schools and universities.⁴⁶ LGBTI people have also reported exclusion and discrimination in hospitals, police stations, CSOs and the private sector. The majority of incidents go unreported due to fear of further public exposure.

Some LGBTI activists have found the climate so unsafe that they have left the country. For example, after attendees and organizers were brutally attacked in 2008 at the Queer Sarajevo Festival, two of the four leaders who had planned the festival sought and received asylum in the United States.⁴⁷

Kosovo

Over the last several years, a number of acts of violence committed against the LGBTI community have been documented in Kosovo, though many incidents remain unknown because "it is possible that violence is often classified as something else,"

62.6% OF LGBTI PEOPLE POLLED IN BIH SAID THAT THE LARGEST PROBLEM THEY FACED WAS DISCRIMINATION IN THE WORKPLACE, SCHOOLS AND UNIVERSITIES



45 Pink Embassy Activists. (2013, October 28). Personal Conversation.

46 Causevic, J. (2013). *Numbers of life*. Sarajevski Otvoreni Centar. Retrieved from http://soc.ba/soc/wp-content/uploads/2013/09/Analiza-istrazivanja-eng_web-verzija.pdf

47 Senka Filipović. (2013, August 3). Personal Communication.

“To be a woman who loves women, or any woman without the right accessory (a man) to stand behind, often means that you live in fear.”

such as robbery or domestic violence.⁴⁸ According to a 2008 survey conducted by the Youth Initiative for Human Rights, 57% of LGBT people surveyed said they feared for their safety.

Violence against LGBTI people happens within the context of pervasive gender-based violence. In one survey, 43% of women said they had experienced domestic violence.⁴⁹ Activists also point to the fact that lesbians are doubly burdened by threats stemming from sexism and homophobia. Lola Krasniqi, executive director of the LGBTI organization QESh (the Center for Social Emancipation), writes, “To be a woman who loves women, or any woman without the right accessory (a man) to stand behind, often means that you live in fear.”⁵⁰

Serbia

LGBTI individuals in Serbia, especially trans* people, are often the target of physical assaults, including those perpetrated by family members, neighbors or co-workers. A 2010 survey revealed that 20% of Serbians believe violence towards same-sex couples is justified, and negative public opinions of LGBTI people are often accompanied by calls for violence.⁵¹

Economic Insecurity⁵²

While there is no comprehensive data on the socioeconomic status of LGBTI persons in the Western Balkans, the four countries reviewed for this study are among the poorest in Europe. Economic hardship is experienced across populations,

48 Cozzarelli, C. (2012). *2012 Country gender assessment for USAID/ Kosovo version for external audiences*. KDID Portal. Retrieved from http://pdf.usaid.gov/pdf_docs/pa00jm48.pdf

49 Kosova Women's Network. (2008). *Security begins at home: Research to inform the first national strategy and action plan against domestic violence in Kosovo*. Retrieved from <http://www.womensnetwork.org/documents/20130715145730743.pdf>

50 Krasniqi, L. (2012, August 9). *Being a lesbian in Kosovo (and everywhere else)*. Retrieved from <http://lolakrasniqi.wordpress.com/2012/08/09/being-a-lesbian-in-kosovo-and-everywhere-else/>

51 European Union Agency for Fundamental Rights. (2013, May). *LGBT persons' experiences of discrimination and hate crime in the EU and Croatia*. Retrieved from <http://fra.europa.eu/en/publication/2013/lgbt-persons-experiences-discrimination-and-hate-crime-eu-and-croatia>

52 Unless stated otherwise, information for this section comes from Council of Europe country thematic studies on homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity.

including the LGBTI community, and activists continually emphasize that widespread economic insecurity is a significant factor in preventing LGBTI people from publicly coming out for fear of job loss or losing critical family and financial support.

Albania

Over 25% of Albania's population lives in extreme poverty.⁵³ The country's unemployment rate is 13%; for young people, the rate is twice as high.⁵⁴ Despite explicit legal protection from discrimination in the workplace in Albania, 93% of LGBTI people surveyed in 2006 indicated that they were not out at work and that acceptance of LGBTI people in the workplace was low.⁵⁵

Bosnia and Herzegovina

BiH is still recovering from the long-term economic damage it sustained in the 1992-1995 war, evidenced by the fact that its 40% unemployment rate is the highest in the Balkans, with youth unemployment at an even higher 60%.⁵⁶ ⁵⁷ As mentioned earlier, economic hardship is a significant factor in preventing LGBTI persons from publicly coming out; a 2013 nationwide survey found that only 1 in 7 LGBTI people in BiH were out to their families.⁵⁸

Kosovo

In 2013, Kosovo's unemployment rate was 35%, but experts warn that this number is far graver.⁵⁹ Digging deeper, one finds

that "63.2% of the labor force has given up looking for work."⁶⁰ LGBTI individuals who brave coming out in the workplace face serious consequences, including job loss. In one visible example, a former employee of Radio Television of Kosovo quit his job a year after coming out. He cited being subjected to derogatory comments.⁶¹ An employee of a "gay-friendly" club called "Pure Pure" was forced to leave his job—and the country—after the club was threatened for its LGBTI patronage.⁶²

Serbia

In 2013, Serbia's unemployment rate was 20.1%, and over half of the unemployed population consisted of young people. Surveys further indicate that being open in the workplace is highly problematic: 75% of the population would not want a homosexual to teach their children; 56% would not want a homosexual to be their boss; and 47% would not want a homosexual as a coworker.⁶³ The Trans Gayten project of Gayten-LGBT (a Serbian CSO), explained that transgender persons, especially during their transitions, face great difficulty securing employment.

Health Care Access⁶⁴

Access to quality, affordable, relevant and non-discriminatory health care, including access to treatment and services related to gender confirmation for trans* people, is elusive in the Western Balkans.

Albania

According to a report drafted by *Aleanca LGBT* and Pro LGBT Albania, "Health is one of the major fields where we have identified infringements of human rights and direct or indirect discrimination," including cases where health care providers prescribe hormone treatments to "cure" LGBTI people,

53 The Borgen Project. Retrieved from <http://borgenproject.org/poverty-in-albania/>

54 Topi, A. (2013, March 7). *Albania: Youth employment as a priority for the #post2015 development agenda*. Retrieved from <http://europeandcis.undp.org/blog/2013/03/07/albania-youth-employment-as-a-priority-for-the-post2015-development-agenda/>

55 Council of Europe. *Study on homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity. Sociological report: Albania*. Retrieved from http://www.coe.int/t/Commissioner/Source/LGBT/AlbaniaSociological_E.pdf

56 Al Jazeera America. (2014, February 7). *Bosnia anti-government protests spread*. Retrieved from <http://america.aljazeera.com/articles/2014/2/7/bosnia-privatizationprotestsspreadtoothercities.html>

57 Blog. Banjac, P. (2013, July 10). Youth unemployment in Bosnia and Herzegovina: How much rejection can you take? [Web log]. *UNDP in Europe and Central Asia Voices from Eurasia*. Retrieved from <http://europeandcis.undp.org/blog/2013/07/10/youth-unemployment-in-bosnia-and-herzegovina-how-much-rejection-can-you-take/>

58 Sarajevo Open Centre and Sexual Rights Initiative. (2014). *Universal Periodic Review of Bosnia and Herzegovina 20th Session 2014 Joint Submission*. Retrieved from http://sexualrightsinitiative.com/wp-content/uploads/UPR20_joint-submission_Bosnia-Herzegovina_SRI_Sarajevo-Open-Centre_FINAL.pdf

59 Balkan Insight. (2013, October 1). *Sharp fall in Kosovo jobless rate doubted*. Retrieved from <http://www.balkaninsight.com/en/article/kosovo-unemployment-data-doubted>

60 ANSAmEd. (2013, May 2). *Kosovo: unemployment reduced by 10.3% between 2009-2012*. Retrieved from http://www.ansamed.info/ansamed/en/news/nations/kosovo/2013/05/02/Kosovo-unemployment-reduced-10-3-2009-2012_8645161.html

61 Kreuzahler, N., Sok, E., & Zhegrova, D. Living openly gay in Kosovo's homophobic society. *Face the Balkans*. Retrieved from <http://www.facethebalkans.com/site/semi-the-brave/>

62 Darby, S. The New Civil Rights Movement. (2012, December 17). Retrieved from <http://www.thenewcivilrightsmovement.com/anti-lgbt-violence-escalates-in-prishtina-kosovo-officials-condemns-attacks/news/2012/12/17/56650>

63 European Union Agency for Fundamental Rights. (2013, May). *LGBT persons' experiences of discrimination and hate crime in the EU and Croatia*. Retrieved from <http://fra.europa.eu/en/publication/2013/lgbt-persons-experiences-discrimination-and-hate-crime-eu-and-croatia>

64 Unless stated otherwise, information for this section comes from Council of Europe country thematic studies on homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity.

typically men who do not conform to strict gender norms.⁶⁵

In 2010, PINK Embassy/LGBT Pro Albania and *Aleanca LGBT* filed a complaint with the Commissioner for Protection from Discrimination against a member of parliament who, at an HIV/AIDS hearing, called homosexuality a disease that should be treated with hormones. In a landmark decision, the commissioner chastised the elected official and called upon him to guarantee the inclusion of LGBTI perspectives on relevant topics “in order to help the community to enjoy fully its rights and freedoms.”⁶⁶ In a related decision, after PINK Embassy/LGBT Pro Albania found language in medical textbooks that characterized homosexuality as sexual perversion, the same commissioner found the content discriminatory and recommended that that language either be edited or the books taken off the shelves.⁶⁷

Bosnia and Herzegovina

BiH has no strategy to ensure appropriate and accessible health services for LGBTI people, nor does it include training for health workers in order to prevent discrimination on the grounds of gender identity or sexual orientation. The state does not make available surgery and other treatments necessary for gender reassignment, nor do insurance plans cover such medically necessary treatments.⁶⁸

Kosovo

Apart from a few references to mistreatment, there is no data available on LGBTI people’s experiences with health care professionals in Kosovo. A 2011 article in *Front Line Defenders* mentions “cases of harassment and discrimination against members of the LGBTI community by medical staff and local hospitals,” and a report by the Heartefact Fund, a regional foundation, indicates that “there is no surgery or any other medical facilities for gender reassignment procedures” available in Kosovo.⁶⁹

65 Aleanca LGBT & Pro LGBT. (2013, February 28). *Finally the left wing SP talks about LGBT in the Albanian parliament*. Retrieved from http://www.ilga-europe.org/home/guide_europe/country_by_country/albania/finally_the_left_wing_sp_talks_about_lgbt_in_the_albanian_parliament

66 TGEU. (2011, October 26). *Pink embassy wins the case against Albanian parliament*. Retrieved from <http://tgeu.org/pink-embassy-wins-the-case-against-the-member-of-the-albanian-parliament/>

67 ILGA-Europe. (2013). *Annual review 2013: Albania*. Retrieved from http://www.ilga-europe.org/home/guide_europe/country_by_country/albania/review_2013

68 ILGA-Europe. *Monitoring implementation of the Council of Europe Recommendation to member states on measures to combat discrimination on grounds of sexual orientation or gender identity by BiH*.

69 Savić, M. (2013). *Invisible LGBT: Report on the position of LGBT community in Kosovo*. Heartefact Fund. Retrieved from http://heartefact.org/wp-content/uploads/2013/02/HF.Kosovo-Report_FNL.20130125_Marija-Savic.pdf

Partnering to Advance Trans* Rights in Serbia

A leading LGBTI organization, **Gayten-LGBT**, is partnering with the Commissioner for Protection of Equality and the Office of the Ombudsman of the Republic of Serbia to conduct research in Serbian municipalities to inform future legal protections for trans* people regarding gender identity and reassignment. They have also worked together to draft model legislation that would establish a concrete legal framework for trans* rights. The draft bill is currently being circulated to gauge and generate public and institutional support for its passage and, more broadly, to encourage open discussion of LGBTI people’s human rights.

Serbia

In 2008, the Serbian Health Society, in response to a request from Labris Organization for Lesbian Human Rights, agreed with the World Health Organization that homosexuality should not be considered an illness. Still, biology textbooks for third-year medical students describe homosexuality as deviant behavior, and several prominent psychologists and psychiatrists continue to declare homosexuality an illness. As of 2011, one public health institution, Student Polyclinic, in Belgrade, provided mental health services for LGBTI people. In 2012, the Serbian Health Code was amended to include partial coverage of gender-affirming surgery through national health insurance, but progress on implementation, regulation and support for these health services has been limited.

Interestingly, Serbia is home to several surgeons who are internationally known for their skilled surgeries for trans* people. Nonetheless, the Belgrade Team for Gender Dysphoria, which offers assistance, treatment and surgeries to trans* people, does not have full legal permission to operate, and instead practices under a quasi-formal agreement with the Ministry for Health and the Medical Chamber. They are the only such organization, apart from a team in Ljubljana, Slovenia, that performs these kinds of operations in the Balkans.



LGBTI ACTIVISM IN THE WESTERN BALKANS

As one activist from Kosovo declared, “everything in the Balkans is considered in terms of ‘before the war and after the war,’” including LGBTI activism.⁷¹ While LGBTI activism emerged in Serbia in the 1990s, it was not until the 2000s that it became more formalized in BiH, Kosovo and Albania.

Despite great risks to their security, LGBTI organizations across the region are now leading initiatives to strengthen legal reforms, raise public awareness to change cultural beliefs, organize public events to increase LGBTI people’s visibility, conduct trainings for law enforcement and health care professionals to combat discrimination and offer much-needed safe spaces for community gatherings and peer support.

Most LGBTI organizations are based in capital cities and, because of heightened security risks and urban groups’ limited capacity to operate countrywide, LGBTI-related activities in rural areas are few and far between. As such, urban LGBTI organizations rely on the Internet and social media to reach rural LGBTI individuals and, when possible, support the formation of nascent LGBTI groups in smaller towns. In fact, LGBTI organizations and activists frequently support one another within their respective countries, an example of multiethnic and multicultural collaboration that stands in contrast to ethnic and religious divisions that persist in the region.

LGBTI Movement Challenges

LGBTI organizations express interest in regional collaboration, but results have been mixed. In 2013, Pink Embassy/LGBT Pro Albania hosted activists from Kosovo to connect and exchange ideas on best practices, and many LGBTI organizations in the Western Balkans belong to regional networks.⁷⁴ Yet many LGBTI groups interviewed for this report highlight the lack of staff time and financial capacity to more deeply coordinate on a regional basis. They also point out that LGBTI organizations often lack financial support for general operating expenses or professional development and capacity-building opportunities, further hampering their ability to grow and extend across borders.

Above all, one of the steepest challenges facing LGBTI activists in the Western Balkans is the pernicious, expansive gap between progressive laws and regressive beliefs. In response,

Building Community and Cultural Change: LGBTI Digital Strategies on the Rise

LGBTI organizations in the Western Balkans are increasingly drawing on the Internet to grow their base and foster collaboration among LGBTI groups. In some instances, LGBTI organizing was initiated online, such as the leading LGBTI group in Albania, **Aleanca LGBT**, which started as a Facebook group in 2009.⁷² Organizations like **Sarajevo Open Centre** (SOC) in BiH use the Internet and social media to share resources—from human rights publications to trainings to information about legal counseling services—with the LGBTI community, as well as to challenge cultural norms and raise awareness about LGBTI rights. In 2013, in honor of the International Day Against Homophobia, SOC organized a video campaign, “Everyone Should Be Able to Kiss Whomever They Want,” (“Neka ljubi ko god koga hoće”) featuring a video message of support from Patrick Moon, the U.S. Ambassador to BiH.⁷³

activists use cultural and social tactics to raise awareness. But this visibility has conflicting results. As detailed throughout this report, both public events and coming out in private have led to increased threats, violence and backlash.

At the same time, positive examples emerge. In Albania, increased LGBTI visibility has led to significant gains, including public gestures of support from elected officials.

71 QESh Representative. (2013, November 8). Personal Communication.

72 Executive Director of Aleanca LGBT. Interview.

73 U.S. Department of State. (2013, May 5). Embassy Sarajevo illuminated in rainbow colors for IDAHO. *HumanRights.gov*. Retrieved from <http://www.humanrights.gov/2013/05/31/embassy-sarajevo-illuminated-in-rainbow-colors-for-idaho/>

74 Pink Embassy. (2013, February 28). *PINK Embassy receives in Tirana LGBT organizations from Kosovo*. Retrieved from <http://pinkembassy.blogspot.com/2013/02/pink-embassy-receives-in-tirana-lgbt.html>

In a 2013 meeting with LGBTI activists, former Albanian Prime Minister Sali Berisha remarked, “To tell you the truth, [in the beginning] I have felt sorry when the debate about LGBT issues was going on and no one from the community was able to go publicly and defend the cause. So, I really appreciate that you both have appeared on television and have brought the LGBT issues to public attention.”⁷⁵ In December 2013, the Kosovar government signaled increasing support when it formed a national Advisory and Coordination Group for the rights of the LGBT community. The group includes representatives from a variety of government and civil society stakeholders, as well as observers and supporters from international organizations.⁷⁶

⁷⁵ Littauer, D. (2013). Albania’s prime minister strongly supports the gay community. *Gay Star News*. Retrieved from <http://www.gaystarnews.com/article/albania%E2%80%99s-prime-minister-strongly-supports-gay-community220413#sthash.iHBiv7uo.dpuf>

⁷⁶ The Republic of Kosovo: The Office of the Prime Minister. (2013, December 18). *The Kosovo Government holds its regular meeting*. Retrieved from <http://www.kryeministri-ks.net/?page=2,9,3923>

“Drawing” on the Arts to Shift Cultural Beliefs

Aleanca LGBT is using innovative cultural strategies to raise the visibility—and assert the humanity—of LGBTI Albanians. In 2013, **Aleanca LGBT** worked with a Swedish CSO, the Unstraight Museum, to create an exhibition of art featuring works by LGBTI Albanians, whose pieces reflected their daily experiences of living in Albania as members of the LGBTI community.

CONCLUSION

Despite the grave realities LGBTI people face in their daily lives, LGBTI activists in the Western Balkans have many reasons to hope. Across the region, LGBTI organizations are working in collaboration to leverage the EU accession process to compel national governments to pass, implement and enforce progressive laws and policies that will guarantee LGBTI people's human rights.⁷⁷

In a relatively short period of time, LGBTI activists have made impressive gains with elected officials, and many are on the precipice of ensuring the passage of additional legal protections for LGBTI communities, from trans* rights protections to hate-crime laws. LGBTI activists are also doing the slow, hard and creative work of shifting cultural norms,

which is the most stubborn barrier they face to ensuring lasting social change.

Today, LGBTI organizations see undeniable progress: More and more LGBTI activists are emerging, and more policy-makers are willing to take a stand. Thanks to brave individuals who are leading the way—in solidarity across ethnicities and nation states, and in collaboration with international partners—an even more fortified Western Balkans LGBTI movement is taking a stand.

⁷⁷ In BiH and Serbia, it is slightly more complicated to take advantage of the EU accession process, due to internal political divisions and general anti-West sentiments, respectively.

Recommendations for Advocates, Allies and Funders

The following recommendations are based on analysis presented in this report and reflect the needs and priorities identified by LGBTI movement actors in the Western Balkans countries of Albania, BiH, Kosovo and Serbia. These are aimed at donors, international actors and activists whose sectors either center on or impact LGBTI rights.

1. Pass new legal protections for LGBTI people including hate-crime laws, family equality legislation and legal gender recognition without discriminatory requirements. Promote the implementation of existing LGBTI legal protections and ensure law enforcement, health professionals and others are held accountable for rights violations.
2. End violence against LGBTI people. Demand protection for LGBTI individuals and human rights defenders.
3. Change institutional culture in favor of LGBTI rights. Conduct sensitivity training and provide other educational opportunities on LGBTI issues for law enforcement, educational institutions, government officials and health care providers.
4. Shift public opinion in favor of LGBTI rights. Organize pride and other public, educational and community-building events to raise the visibility of LGBTI people and increase public understanding of LGBTI rights.
5. Monitor and denounce LGBTI human rights violations. Develop the capacity of LGBTI organizations to document and monitor human rights violations and leverage regional and international mechanisms to build pressure for change.
6. Increase collaborative efforts between LGBTI organizations and policymakers. Support greater strategic cooperation between LGBTI CSOs and government officials to strengthen existing and pass new LGBTI legal protections.

Recommendations for Advocates, Allies and Funders (continued)

7. Support the development of a regional LGBTI movement. Strengthen regional and in-country collaboration among LGBTI organizations, including participation in regional networks and support for rural LGBTI activism. Create opportunities for LGBTI activists to formalize a process of sharing best practices, strengthening skills and building a national and cross-regional vision for mobilization, advocacy and social change.
8. Strengthen existing LGBTI groups and support emerging LGBTI organizations, including tailored support for underserved lesbian, trans* and intersex communities. Encourage more robust donor investment in LGBTI organizations, including larger, multi-year and general operating support grants.
9. Raise awareness among LGBTI people about their rights. Strengthen the political participation and civic engagement of LGBTI communities, including in rural areas.
10. Leverage the EU accession process. Continue to work with international and regional partners to push for state prioritization of LGBTI rights in ways that are strategic and appropriate for each country.



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