



Annual Report 2022

The LGBTIQ+ people and their rights in Kosovo

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Table of Content

Abbreviations.....	3
Executive Summary.....	4
Introduction.....	5
Legislation.....	6
Institutional responsibility towards LGBTI rights.....	7
Law enforcement for LGBTI rights.....	9
Human rights institutions and mechanisms while dealing with LGBTI rights.....	9
Media reporting on LGBTI issues.....	12
The contribution of CSOs.....	13
Services from CSOs.....	14
Recommendations.....	16

Abbreviation

ACG	Advisory and Coordination Group for the LGBT rights
CEL	Center for Equality and Liberty for LGBTI right in Kosova
CSGD	Center for Social Group Development
CSO	Civil Society Organizations
EULEX	European Union Rule of Law Mission in Kosovo
IDAHOBIT	International Day against Homophobia, Biphobia, and Transphobia
KGSC	Kosovo Gender Studies Center
KWN	Kosovo Women Network
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
LGR	Legal Gender Recognition
MIA	Ministry of Internal Affairs
MoJ	Ministry of Justice
MP	Member of Parliament
OGG	The Office of Good Governance (The office of Good Governance, Human Rights, Equal Opportunities, and Non-Discrimination)
OIK	Ombudsperson Institution of Kosovo
YIHR KS	Youth Initiative for Human Rights Kosovo

Executive Summary

Despite advanced legal protection granted by the constitution and a number of laws, the cause for LGBTIQ+ rights in Kosovo struggles against strong social opposition rooted in patriarchal tradition. There is a general lack of rule of law, which, in addition to the reluctance of state institutions to act against social norms, hampers the practical provision of LGBTIQ+ rights as guaranteed in theory by existing laws. Frequently, this legal protection serves as merely a facade, to fulfill the state's obligations regarding the protection of LGBTIQ+ rights.

LGBTIQ+ rights are seen either as an imported or imposed value from abroad or are not considered to be a fundamental human right. Consequently, the majority of the LGBTIQ+ people are forced to live a hidden or double life under constant fear of violence and discrimination.

This report will shed light on all aspects of the reality of the rights of the LGBTIQ+ people in Kosovo. It provides a comprehensive summary of the (in)actions of the relevant parties towards the promotion and protection of the LGBTIQ+ rights during 2022. It begins with an introductory situation analysis, followed by a brief legal analysis. This will highlight gaps in the legal framework and the latest developments regarding the draft Civil Code of the Republic of Kosovo, where the Family is regulated, including marriage, among other civil rights. Another piece of legislation, the Civil Status Law, is in a process of amendments. The recommendations for legal gender recognition were submitted by CSGD and CEL and approved by the working group. In the final amended draft of the Civil Status Law, the criteria for changing the sex-marker in the public registers and documents is based on self-determination, and no medical report or advice is required.

Additionally, this report highlights and emphasizes the hate speech against LGBTIQ+ people, used by MPs of the Republic of Kosovo. Also it examines the role of the media, underlining the issue of hate speech being spread through online portals and social media.

Introduction

LGBTIQ+ rights, as a topic of discussion, has had an increased presence in public debates and in the media, though they continue to be denied mainly socially and at some extent institutionally as well. As a society, Kosovo rejects the liberal concept of human rights as a value, particularly that of LGBTIQ+ rights. Institutions contribute to this rejection, by using derogatory names and hate speech against LGBTIQ+ people in their public statements¹. Some others contributed by reducing their commitment to empty statements, failing to follow them through. Leaders and institutional representatives talk about needing to grant LGBTIQ+ rights as it is a requirement to achieve European integration. This rhetoric adds to the perception that LGBTIQ+ rights are a foreign threat to traditional identity.

Regarding the family and regulation of marriage for same-sex couples, Kosovo's current legal framework bans LGBTIQ+ people from entering into lawful marriage. The current Family Law restricts the act of engagement and marriage to individuals of the opposite sexes only.² This is in contradiction with the principle of equality and non-discrimination as guaranteed by the Constitution of the Republic of Kosovo.³

The Advisory and Coordination Group for LGBT Right in Kosovo (ACG) within the Office of Good Governance, Human Rights, Equal Opportunities and Non-Discrimination (The Office of Good Governance – OGG), within the Prime Minister's Office has developed and approved its National Action Plan (NAP) for 2019-2022. The ACG still lacks rules and procedures which affects their functionality especially in terms of accountability and decision-making. The ACG has not been able to monitor the implementation of its recommendations to other institutions and thus the impact on other institutions remains questionable, also considering the Action Plan is failing to be addressed and met properly.

In close collaboration with CSGD, CEL, and other human rights organizations, the OGG has brought prominence to the year 2022 through significant events like the International Day Against Homophobia, Biphobia, and Transphobia (IDAHOBIT) and the Pride Week.

The IDAHOBIT event is celebrated every year, and this year, like in previous years, the Government Building was illuminated with rainbow colors. In a new development for 2022, the building of the Ombudsperson Institution of Kosovo was also lit up with rainbow colors to mark this day.

Additionally, this report ensures a comprehensive overview of local, regional, and international support towards LGBTIQ+ issues. It discusses legal and institutional developments for LGBTIQ+ rights as well as a summary of the actions taken by the civil society organizations.

¹ Plenary session of the Parliament of Kosovo, March 16, 2022, discussions on the draft civil code

² Law No.2004/32 Family Law of Kosovo, 2006, part II, c. I, article 9, article 14.

³ Constitution of the Republic of Kosovo, 2008, c. II, article 24, article 37.

Legislation

Kosovo's legal framework provides advanced guarantees for human rights aligned with international standards. The constitution stands on the principles of equality and non-discrimination⁴ which explicitly prohibits discrimination on a range of bases including gender and sexual orientation⁵. These principles are further fortified by the Law on Protection from Discrimination⁶ and Gender Equality⁷. Theoretically, the constitution allows for many international human rights agreements and instruments⁸ to be applied to Kosovo's legal system, and to enable the interpretation of human rights and fundamental freedoms in coherence with the European Court of Human Rights decisions⁹.

Contradictory to the principle of equality as defined by the Constitution¹⁰, the LGBTIQ+ people are banned from entering lawful marriage. This is because the current Family Law restricts the act of engagement and marriage to persons of opposite genders only¹¹.

CSGD started the advocacy actions for the same-sex marriage in 2018 together with CEL. In meantime other mainstream human rights organizations joined the advocacy group¹². In March of 2019 and June of 2021, the advocacy group has sent concrete recommendations to the MoJ's working group, which among others included the following:

- Remove any reference of “man and woman” and “different sexes” in art. 1138¹³, paragraph 1. The wording “spouses of different sexes” and “husband and wife” should be replaced with the phrase “two individuals”¹⁴;
- Delete paragraph 2, of art. 1138. The purpose of this Code is codification of the Civil Law, therefore it should be more inclusive. If this draft leaves open the possibility to regulate other marital issues with a “*special law*”, it is in contradiction with the sole purpose of codifying the civil law in Kosovo¹⁵;
- Paragraph 4, of art. 1138 is in conflict with art 24 of the Constitution of Republic of Kosovo as it limits protection grounds from discrimination with paragraph 2, art. 24 of the Constitution of Republic of Kosovo¹⁶;

After almost 3 years of intensive advocacy, the Government didn't take into consideration any of the recommendations. Instead, the MoJ have reformulated paragraph 2 of article 1138 as follows: *“Registered civil unions between persons of the same sex are allowed. Conditions*

⁴ Constitution of the Republic of Kosovo, 2008, c. I, article 7 (1).

⁵ *Ibid*, c. II, article 24 (2).

⁶ Law No. 05/L-021.

⁷ Law No. 05/L-020.

⁸ Constitution of the Republic of Kosovo, 2008, c. II, article 22.

⁹ *Ibid*, c. II, article 53.

¹⁰ *Ibid*, c. II, article 24, article 37.

¹¹ Law No.2004/32 Family Law of Kosovo, 2006, part II, c. I, article 9, article 14.

¹² In 2021, the recommendations were drafted and submitted to MoJ by CSGD, CEL, YIHR KS, KGSC, KWN, and Civil Rights Defenders.

¹³ Book on Family of Draft Civil Code, 2022, c.II, article 1138 (1)

¹⁴ Concrete Recommendations for Project Civil Code of the Republic of Kosovo, March 2019 and June 2021, c. II.

¹⁵ *Ibid*, c. II.

¹⁶ *Ibid*, c. II.

and procedures are regulated by a special law." ¹⁷At the first glance, this paragraphs looks like it regulates the issue of same-sex marriage, but when it is analyzed thoroughly, it is understood that:

1. This paragraph doesn't belong there, and it doesn't contain fluency nor logic. The paragraph is put in the chapter of marriage and states that *Civil Unions* for same-sex partners are allowed;
2. This article defines marriage as the union of two spouses of different sexes. The second paragraph of this article mentions civil union for same-sex couples which will be regulated with "special law", without defining what civil union means in legal terms;
3. Then in paragraph 3 and 4 it continues to regulate the marriage between two spouses of different sexes;

The draft Civil Code is not foreseeing regulation of same-sex marriage, as it is guaranteed by the Constitution, however the second paragraph of article 1138 introduces the civil union as allowed for same-sex partners, which will be regulated by special law. There are no guarantees that this "special law" will ever be drafted or voted in the Parliament as it is not conditioned in the draft Civil Code with the timeframe when this special law has to be drafted and entered into force. Besides, MPs can not be "forced" to draft laws that they do not want to. It is in the sole discretion of MPs to draft and vote for certain laws.

On 20 of January 2022, In the meantime, the advocacy group for same-sex marriage have invited Civil Society Organizations, activists and citizens to sign the letter of support for regulation of same-sex marriage in the Draft Civil Code. More than 90 CSOs, activists and citizens have signed it¹⁸.

At the end of last year, the officials of MoJ have stated that they will initiate the drafting of the concept document for the Law on Civil Unions and this concept document will be finalized by the end of 2022¹⁹. Further on, the officials stated that this document will reflect the legislative agenda of the Kosovo Government for 2022. The legislative agenda for 2022 is public and this concept document (promised by the officials of MoJ) was not listed. Until this report was drafted (May 2023), the working group for drafting of the Law on Civil Union was not yet established.

Civil Status Law - In April 2020, the working group was established by the Ministry of Internal Affairs to draft the concept document for the Law on Civil Status²⁰. Due to COVID-19 Pandemic, the first meeting of the working group was held in June 2021 and the final draft was finalized in October 2021. This concept document was approved by the Government on

¹⁷ Book on Family of Draft Civil Code, 2022, c.II, article 1138 (2)

¹⁸ letter of support from the civil society for the regulation of marriage for same-sex couples in the draft civil code, available at: <https://csgd-ks.org/wp-content/uploads/2022/02/Letra-perkrahesje-nga-Shoqeria-Civile-SHQ.pdf>

¹⁹ Genc Nimoni, senior advisor and chief of staff MoJ, Re:Kerkese per takim, email, 23 December 2021.

²⁰ Ministry of Internal Affairs, Decision no. 317, April 29, 2020.

December 29, 2021²¹. The criterias are approved conform the resolution 2048 of the Parliamentary Assembly, held on 22 April 2015 on Discrimination against transgender people in Europe²².

The new working group was established in 2022 to compile the first draft of the Law on Civil Status²³. CSGD as a member of the working group, in coordination with CEL, submitted recommendations and concrete proposals for LGR, which were completely accepted by the working group and the Ministry of Internal Affairs. Based on the Legislative Programme for 2023, it is foreseen to be approved by the Government latest by 30 of June, 2023²⁴.

The new draft of Civil Status Law includes criterias to change sex-marker in public registries according to the European Standards and includes as follows:

1. Develop quick, transparent and accessible procedures, based on self-determination, for changing the name and registered sex of transgender people in public registers and personal documents issued by public authorities;
2. Make these procedures available for all people who seek to use them, irrespective of age, medical status, financial situation or police record;
3. Abolish sterilization and other compulsory medical treatment, as well as a mental health diagnosis, as a necessary legal requirement to recognise a person's gender identity in laws regulating the procedure for changing a name and registered gender;

All things considered, it should be noted that apart from some shortcomings, of which have some been highlighted, Kosovo's legal framework guarantees advanced protection of LGBTIQ+ rights. This protection, however, is not necessarily put into practice. Hence, the priority going forward is to focus on the practical application of the LGBTIQ+ legal guarantees.

²¹ Concept Document on Civil Status. Available at: <https://kryeministri.rks-gov.net/wp-content/uploads/2022/05/Koncept-Dokumenti-per-Gjendjen-Civile-2021-shqip.pdf>

²² Parliamentary Assembly of the Council of Europe - Resolution 2048 (2015) - Discrimination against Transgender People in Europe, paragraph 6.2, available at: <http://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=21736>

²³ Ministry of Internal Affairs, Decision no. 737, May 05, 2022.

²⁴ Legislative Programme for the Year 2023, page 11, draft law number 51.

Institutional responsibility towards LGBTIQ+ rights

During the plenary session of the Assembly of the Republic of Kosovo on March 16, 2022, an unfortunate occurrence took place as certain deputies expressed language filled with hatred. This marked the first instance where members of the Parliament of the Republic of Kosovo referred to LGBTIQ+ people as sick, a threat to public health, destructive to families, and degenerate.

Similarly, Ms. Duda Balje, who serves as both a deputy and the chairperson of the parliamentary committee for human rights, declared that she voted against based on her religious beliefs and family traditions.²⁵

With these statements, the MPs neglected their responsibilities as deputies by disregarding the oath they took, which includes a commitment to safeguard and uphold constitutional and legal principles, ensuring the protection of human rights and freedoms in accordance with domestic laws and European standards.²⁶

Public advocacy for LGBTIQ+ rights by high institutional and political representatives is indispensable in the struggle for equality and advancement of human rights, therefore the participation of the president and other leaders in the Pride Parade demonstrates a positive commitment in this regard. However, unlike previous years the President H.E. Ms. Vjosa Osmani didn't participate in the Pride Parade, but gave a speech at the opening of the Pride Week at the Government Building on June 6. *The President of Kosovo, H.E. Ms. Osmani*, stated that "Equality should be the same for every person, because equality is the most fundamental and initiating premise of our Constitution"²⁷. The participation of The President of Kosovo and that of other institutional representatives, in the opening of the Pride Week, is of a significant importance given the high degree of social resistance that commonly results in discrimination and violence against the LGBTIQ+ people in Kosovo.

However, The Presidency has never replied to the request of CSGD sent by email²⁸ to establish the "*Consultative Council for the LGBTIQ+ Community*", which was initiated in 2020 by the former President Mr. Hashim Thaqi.

In the opening of the Pride Week and in the Pride Parade participated *the Minister of Justice, Ms. Albulena Haxhiu*. Ms. Haxhiu, said that "the executive commits to work further in the advancement of human rights and that all citizens are treated equally."²⁹ Nevertheless, the Ministry of Justice has neglected the efforts of the LGBTIQ+ Organizations and other Civil Society Organizations (CSO) to push forward the recommendations that have been delivered

²⁵ <https://klankosova.tv/balje-nuk-dal-kunder-fese-qe-i-perkas-neser-votoj-kunder-martesave-te-gjinise-se-njejte/?fbclid=IwAR2VEcfKvbgOH5pMToeJzDCLjaQb54Y-A4IXriHAXkL5nFwk9yqejWvAnbs>

²⁶ Rules and Procedures of the Assembly of the Republic of Kosovo, c. IV, article 10 (1)

²⁷ "Në Kosovë nis Java e Krenarisë: "Të drejtat e LGBTIQ++ janë të drejta të njeriut""[The Pride Week begins in Kosovo: The Rights of LGBTIQ++ are human rights], *Radio Evropa e Lirë*, last modified 2022, accessed December 7, 2022,

²⁸ Team of the President: Artan Murati, Bekim Kupina, Learta Hollaj, Arban Osmani, Kerkese per takim, email on 28 of April 2022.

²⁹ "Në Kosovë nis Java e Krenarisë: "Të drejtat e LGBTIQ++ janë të drejta të njeriut""[The Pride Week begins in Kosovo: The Rights of LGBTIQ++ are human rights], *Radio Evropa e Lirë*, last modified 2022, accessed December 7, 2022,

on March 2019 proposing redefining the term ‘spouse’ in particular with provisions under marriage, and/or alternatively regulate civil unions/partnership as a form of legal recognition for couples of same-sex. Based on these recommendations, the Ministry of Justice was highly recommended to follow the strict legal meaning of the Constitution of the term ‘spouse’ as stipulated under article 37 of the Constitution of Kosovo and avoid that civil unions need to be regulated by special law.

There was a strong recommendation to include the regulation of same-sex marriage within Book Four of the draft Civil Code of Kosovo, which focuses on the regulation of family matters. Clear recommendations were given in order to amend provisions within the civil code that are strictly discriminatory to citizens of Kosovo and which are in direct conflict with the Constitution of Kosovo. CSGD and CEL in partnership with other CSOs have addressed these recommendations to main stakeholders and partners for their consideration during the review of the draft of the Civil Code in Government during the reporting period, but the Government has remained silent since the draft Civil Code failed to pass in the Assembly at the beginning of the year 2022.³⁰

The representatives of the Government throughout the year have promised that the issue will be solved by giving alternatives to the issue, however until now CSOs do not know what those alternatives are and how same-sex marriage is going to be regulated.

The Advisory and Coordination Group (ACG) operates under the mandate of OGG. The ACG still lacks rules and procedures which affects their functionality especially in terms of accountability and decision-making. The ACG has not been able to monitor the implementation of its recommendations to other institutions and thus the impact on other institutions remains questionable, also considering the Action Plan is failing to be addressed and met properly. This certainly reduces the outcome of the ACG's work only to coordination and information sharing platform rather than an effective mechanism of concrete actions and substantive policy changes.

The Office of Good Governance (OGG) successfully coordinated the official opening and reception for Pride Week at the Governmental building, as they have done for the past five years. However, the Prime Minister of Kosovo, Mr. Albin Kurti, did not attend the official opening ceremony this year, just like he did not attend last year.

In 2020, the previous local government of the Municipality of Prishtina offered and provided its public premises as a drop-in center for LGBTIQ+ people. On May 28, 2020, a 20-year contract was signed between the representative of the Municipality of Prishtina, who owns the premises, and the representatives of CSGD and CEL, who intended to utilize the premises for the betterment of the LGBTIQ+ people. However, as of the completion of this report in May 2023, the drop-in center has not yet been handed over or operationalized by the municipality.

³⁰ plenary session of the Assembly of Kosovo, March 16, 2022

Furthermore, the Municipality of Prishtina allocated a budget of 300 thousand Euros in 2021 for the construction of a shelter dedicated to supporting LGBTIQ+ individuals.³¹ This budget allocation was carried over to the 2022 budget, maintaining the same amount.³² On August 31, 2022, the Directorate of Social Welfare invited CSGD and CEL to a consultative meeting concerning the shelter.³³ The discussions during the meeting revolved around the building's layout, the services to be provided, the necessary documentation for licensing, and the importance of considering the safety of the sheltered LGBTIQ+ individuals when selecting a location. Despite addressing concrete aspects of the shelter during the meeting, the budget for constructing the shelter was not included in the 2023 budget of the Municipal Assembly of Prishtina.³⁴

Law enforcement for LGBTIQ+ rights

It should be noted that police cooperation with LGBTIQ+ organizations has been positive, and their approach and protection of the LGBTIQ+ community has generally marked progress. In addition to adequate responses to requests for protection, the Kosovo Police also provided adequate protection during pride week and the parade.

According to Kosovo Police statistics, there are six (6) cases of human rights violation that have been reported to the Police, out of which three (3) were qualified as threats, one (1) domestic violence, one (1) incitement of hatred, and one (1) harassment. All these cases were referred to the Basic Prosecution Office.³⁵

During 2022, There were two cases at the courts, filed by the transgender individuals, who requested to change the sex-marker in public registers and documents, after being refused by the Civil Registry Agency. The two cases were rejected at the Basic Court in Pristina, though there are cases in 2019 where the courts have approved the change of sex-marker. The two cases were appealed at the Court of Appeal and both were refused.

Ombudsperson Institution of Kosovo (OIK) was very vocal in public about the rights of LGBTIQ+ people. In one of his public statements, delivered in talk show, he publicly stated that: “If the draft Civil Code will not regulate the marriage, including same-sex marriage, in the line and spirit of the Constitution of the Republic of Kosovo, then he will send it to the Constitutional Court for the interpretation”³⁶

³¹ chrome-extension://efaidnbmnnnibpcajpcgiclfefindmkaj/https://prishtinaonline.com/uploads/propozim_buxheti_2021_1.pdf, line budget 1.4.11-2.

³² <chrome-extension://efaidnbmnnnibpcajpcgiclfefindmkaj/https://prishtinaonline.com/uploads/1.-propozim-buxheti-2022-1.pdf>, budget line 1.4.11 -2.

³³ Vebi Mujku, Director of the Center for Social Work in the Municipality of Prishtina, Invitation for a consultative meeting, Email, August 29, 2022.

³⁴ chrome-extension://efaidnbmnnnibpcajpcgiclfefindmkaj/https://prishtinaonline.com/uploads/1._propozim_buxheti_2023.pdf

³⁵ Salih Dragidella, Directorate of Policing in Community and Prevention, Re: Rastet e raportuara nga personat LGBTI, email, 22 Sep, 2022

³⁶ https://www.koha.net/arberi/326050/qelaj-diskriminimi-ne-kosove-sinjal-qe-institucionet-te-veprojne/?fbclid=IwAR1itEvLE_zuoX9AZt0nLB1xZBwPsVznExoH1jB4ylSIBEha3U0dXnpN9WQ

In 2022, the building of the Ombudsperson Institution of Kosovo was also lightened with rainbow colors to mark the IDAHOBIT.

Media reporting on LGBTIQ+ issues

Media often was in service of strengthening negative perceptions and social rejection of the LGBTIQ+ people. Unprofessional and unethical media reporting decreased slightly despite journalists' limited knowledge and lack of sensitivity on LGBTIQ+ issues. The increase in presence of LGBTIQ+ issues in the media was accompanied by positive changes in the reporting manner. This was certainly influenced by the public discourse of intellectual elites and the increase of open support by the institutional leaders among others. Yet, the gap between the social and institutional attitude on the LGBTIQ+ issues became very clear on social networks and online media. Notably, they are the most common platforms for spreading hate speech and inciting hate crimes. This especially manifested in the case of pride week and pride parade, where hate speech populated the online media and social networks when the events were announced publicly.

In this respect, strong media reporting was noticed also during other major events such as the process of voting the Civil Code of Kosovo in the parliament and marking of IDAHOBIT. Whereas, the highlight of 2022 was the reporting of the marriage of Ylber Kusari - brother of MP and Chief of the Parliamentary Group of ruling party, Mimoza Kusari with another person of the same-sex. The ceremony happened in Canada. The publication went viral on 3rd of January 2022. The hate speech and homophobic language was widespread in the comments of Facebook pages of Online media and portals.³⁷

According to CSGD's media monitoring between January and December 2022, it was noticed that most of the media portals don't take a personal stand regarding the news related to the LGBTQ+ thematics. They use a neutral approach and only quote the news, either a positive one or negative one.³⁸

³⁷ Lajmi. net (2022). Retrieved from https://www.facebook.com/810092909329064/posts/1650724971932516/?d=n;https://lajmi.net/martohet-ne-kanada-vellai-i-mimoza-kusarit-ky-eshte-dhendri-bukurosh/?fbclid=IwAR0xUkMRFwiqzm5jl3Dh208OIRifRLAIMCosNMaPq_vodslPsGCCGDgwSpbQ

³⁸ Internal data from CSGD

The contribution of CSOs

The movement for protection and promotion of LGBTIQ+ rights remained within the framework of the activities of Center for Social Group Development (CSGD) and Center for Equality and Liberty (CEL), also supported by Youth Initiative for Human Rights Kosovo (YIHR KS), Civil Rights Defenders, Kosovo Gender Studies Center (KGSC), and Kosovo Women Network (KWN). Their comprehensive engagement was mainly in response to the regulation of the same-sex marriage in the Draft Civil Code as well as for other needs of the LGBTIQ+ community itself and the cause for advancing its rights.³⁹

In July 2022 the representatives of the organizations that are part of Human Rights Network (HRN), where CEL is one of the founding organizations, met with the President of the Republic of Kosovo, Ms. Vjosa Osmani and the Prime Minister of Kosovo, Mr. Albin Kurti. The meeting was organized with the purpose to present the Civil Society report on Human Rights and to discuss the possibilities of cooperation in pushing forward the recommendations from the report in order to improve the Human Rights situation in Kosovo. Moreover, in the meeting the need of critical importance to include same-sex marriages in the Civil Code of Kosovo has been highlighted. If same-sex marriage is officially recognized, then couples will have the same rights and obligations as heterosexual couples. This will help in the fight against discrimination and in building a more open and equal society for all citizens. Also, in this meeting it was pointed out that hate speech is a significant problem in today's societies, and its impact can be major. Hate speech in public can affect the rights and freedoms of others, inciting discrimination, violence and alienation. It is important that Kosovo has tough laws and policies to punish hate speech in order to protect the freedom and safety of all citizens.⁴⁰

The negative public discourse regarding queer issues enables the rejection and social exclusion of LGBTIQ+ people in different social domains⁴¹. Consequently, family rejection is a common issue where reports show that the parental acceptance of LGBTIQ+ children is quite low with the belief that "if their child were LGBTI, *"I would try to help him/her to find a cure"*⁴², as such CEL has accommodated in shelter a total of ten (10) LGBTIQ+ individuals who experienced abusive behavior from their families with the root problem being their sexual orientation and/or gender identity.

Kosovo's Women Network (KWN) has reported that during the reporting period the organization has offered legal protection for a case of threat between partners. Other than that, the KWN has supported CSGD and other CSOs on the initiative to provide recommendations for same-sex marriage to the working group of the draft Civil Code.⁴³

³⁹ https://www.koha.net/arberi/326050/qelaj-diskriminimi-ne-kosove-sinjal-qe-institucionet-te-veprojne/?fbclid=IwAR1itEvLE_zuoX9AZt0nLB1xZBwPsVznExoH1jB4ylSIBEha3U0dXnpN9WQ

⁴⁰ Rina Braimi, program director CEL, Re:Annual Report 2022 on the situation of LGBTIQ+ in Kosovo, email, 21 March 2023

⁴¹ Mirzaei, A., & Ross, J. A. (2021). Impact of social exclusion on mental health outcomes in LGBT populations: A systematic review and meta-analysis. *Journal of LGBT Youth*, 18(3), 279-296. doi: 10.1080/19361653.2020.1844273

⁴² NDI (2015). NDI poll on lgbt issues in the balkans is a call to action retrieved from: https://www.ndi.org/LGBTI_Balkans_poll

⁴³ Valmira Rashiti, Gender Mainstreaming Officer KWN, Re:Annual Report 2022 on the situation of LGBTIQ+ in Kosovo, email, 07 March 2023

Prishtina Pride

The 6th edition of Pride Week⁴⁴, was organized by CSGD, CEL in partnership with CRD, YIHR KS, Dylberizm, Termokiss, Hyjneshat, and other independent activists with the slogan “We are in the state, we are in the family”. This slogan reflects the presence and the denied existence of LGBTQI+ persons both in the state and the family.

The official opening of the Pride Week 2022 was done in the Government Building under the Patronage of OGG. The opening commenced with few remarks by H.E. Ms. Vjosa Osmani, President of the Republic of Kosovo; Ms. Albulena Haxhiu, Minister of Justice; H.E. Mr. Jeffrey Hovenier, Ambassador of the United States of America in Kosovo; H.E. Mr. Tomas Szunyog, Ambassador of the European Union to Kosovo; Mr. Arber Nuhiu, Executive Director of CSGD; moderated by Mr. Habit Hajredini, Director of the Office of Good Governance.

The Pride Week was associated with other major events⁴⁵ such as: a conference “Acceptance and legal recognition of LGBTQI+ persons”; a street action “Edhe n’shtet, edhe n’familje”; Exhibition & conversation with artists “As I come out of the house, I enter home”; Drag Performance Night “Edhe n’Kosovë, edhe n’diasporë”; a discussion “Mental health of LGBTQI+ persons” Poetic Afternoon “Edhe me rimë, edhe pa rime” another discussion on “Trans women are women”; a Party/Karaoke “Edhe me Adelinën, edhe me Leonorën”; and was finalized with the Pride Walk and a concert.

The Pride march was celebrated by hundreds of people participating on 9th of June, 2022 in the main square of Prishtina with no recorded incidents, culminating with a concert with bands and a well known Albanian singer.

Services from CSOs

Psychological services

Despite the advocacy in the social domain and the legal assistance, the burden of hidden life, social rejection, discrimination, and violence continues to harm the psychological well-being of the LGBTQI+ individuals. , Therefore, CSGD and CEL continue providing psychological support. According to the data collected by associated psychological and mental health professionals, there is a high degree of correlation between the disapproving social environment and psychological violence manifested in psychological distress.

The Center for Equality and Liberty (CEL) conducted a study on the mental health of lesbian, gay, bisexual, and transgender youth in 2022. Additional data from this study reveals that the majority of participants experienced verbal abuse, and approximately one-third of participants reported experiencing physical abuse. On average, participants also reported high

⁴⁴ <https://prishtinapride.org/en>

⁴⁵ <https://prishtinapride.org/en/ngjarjet>

levels of depression, anxiety and stress⁴⁶. Therefore, due to hinder mental health, studies show that there is a higher prevalence of LGBTIQ+ people rate on suicide attempts^{47 48}.

On 2022, a concerning issue reported by mental health professionals engaged in CSOs was the suicide ideation/attempts, where internal reports show there has been a rise in suicide cases among LGBTIQ+ individuals, with transwomen being the most affected⁴⁹.

Most of the clients received services in the region of Prishtina, Prizren and Mitrovica as well as through online platforms offered from CSOs through their outreaching network as well as the established webpage, IOS and android help-line platform of CSGD⁵⁰. Specifically, online sessions have become a common option for clients since the COVID-19 Pandemic.

Legal aid services

CSOs have continued to offer free legal aid for LGBTIQ+ people whose rights have been violated on grounds of sexual orientation or gender identity. CSGD and CEL both have established procedures/mechanisms on following cases up to the court level. In cases of providing legal aid, the trajectory of services include: legal advice, reporting the case to the police in assistance of the lawyer provided by CSOs, following the case to the court/prosecution if needed, monitoring of the case throughout all the actors/procedures involved.

In order for legal aid services to be more reachable to wider LGBTIQ+ people, the online platform by CSGD offers the possibility to seek the legal service through virtual means.

On 2022, CEL has reported that two (2) cases came forward to CEL where one (1) due to the subject matter ‘threat’ and ‘property damage’, and the other ‘attack’ and ‘sexual violence’. These two (2) cases were provided with legal consulting and assistance at the Police Station and Basic Prosecution.⁵¹

⁴⁶ CEL (2022). Retrieved from: https://cel-ks.org/wp-content/uploads/hulumtim/Report_english.pdf?fbclid=IwAR3MsYemxY7b1ZU0VSLPt6yd53MRGHaz5UiYWB19BuEkLQbwCZjo90-CZMo

⁴⁷ CEL (2022). Retrieved from: https://cel-ks.org/wp-content/uploads/hulumtim/Report_english.pdf?fbclid=IwAR3MsYemxY7b1ZU0VSLPt6yd53MRGHaz5UiYWB19BuEkLQbwCZjo90-CZMo

⁴⁸ Remafedi, G. (1999). Suicide and sexual orientation: Nearing the end of controversy? Archives of General Psychiatry, 56, 885–886 cited on CEL (2022).

⁴⁹ Internal data from CSOs

⁵⁰ See: <https://app.csgd-ks.org/>

⁵¹ Blert Morina, executive director CEL, Re:Annual Report 2022 on the situation of LGBTIQ+ in Kosovo, email, 06 March 2023

Recommendations

- The government officials should provide more opportunities and support for community-based services for LGBTIQ+ individuals.
- The Ministry of Finance, Labor, and Transfers (MFLT) should focus on profiling social workers who work with vulnerable groups, including LGBTIQI cases. Additionally, they should increase the number of social workers in Centers of Social Work (CSWs) who deal with domestic violence cases related to LGBTIQI individuals.
- Ministry of Health must ban conversational therapy for LGBTIQ+ persons
- The Ministry of Health should draft a protocol for hormone therapy for trans and non-binary persons, as well as increase the capacities of endocrinologists in providing hormone therapy for trans and non-binary persons in public health institutions.
- Psychiatrists should increase their capacities and profiling through continued professional education in LGBTIQ issues, including training modules for dealing with mental health issues in LGBTIQ+ individuals.
- The government should adopt procedures that enable legal gender recognition based on self-determination.
- The Ministry of Justice should regulate same-sex marriage within the Draft Civil Code.
- The government should engage intensively with their Members of Parliament (MPs) in discussions about human rights and encourage them to vote according to constitutional acts on the issue of same-sex marriage to ensure the respect of human rights and human dignity.
- Awareness campaigns on existing psychosocial and psychiatric services for LGBTIQ+ people.



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