



## Annual Report 2023

The LGBTIQ+ individuals and their rights in Kosovo

MAY 2024



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## **Abbreviation**

<b>ACG</b>	<b>Advisory and Coordination Group for the LGBT rights</b>
<b>CCRK</b>	<b>Criminal Code of the Republic of Kosovo</b>
<b>CEL</b>	<b>Center for Equality and Liberty</b>
<b>CRA</b>	<b>Civil Registry Agency</b>
<b>CSGD</b>	<b>Center for Social Group Development</b>
<b>CSO</b>	<b>Civil Society Organizations</b>
<b>EULEX</b>	<b>European Union Rule of Law Mission in Kosovo</b>
<b>IDAHOBIT</b>	<b>International Day against Homophobia, Biphobia, and Transphobia</b>
<b>KP</b>	<b>Kosovo Police</b>
<b>LGBTIQ+</b>	<b>Lesbian, Gay, Bisexual, Transgender, Intersex and Queer</b>
<b>MIA</b>	<b>Ministry of Internal Affairs</b>
<b>OGG</b>	<b>The Office of Good Governance (The office of Good Governance, Human Rights, Equal Opportunities, and Non-Discrimination)</b>
<b>OIK</b>	<b>Ombudsperson Institution of Kosovo</b>

## Executive Summary

Kosovo's legal framework<sup>1</sup> lays a strong foundation for human rights, emphasizing equality and non-discrimination, with specific provisions regarding gender and sexual orientation<sup>2</sup>. However, despite constitutional principles, the Family Law<sup>3</sup> restricts marriage to opposite-sex couples, contradicting equality principles. Efforts by civil society organizations (CSOs) like CSGD and CEL to advocate for marriage equality evidenced by the government's refusal to address recommendations for inclusive legislation. The proposed Civil Code amendment ambiguously addresses civil unions for same-sex couples, lacking clarity and adherence to constitutional mandates.

Institutional engagement with LGBTIQ+ rights varies, there are positive steps from some institutions/ministries like Ombudsperson Institution, Free Legal Aid Agency, Office for Good Governance within the Prime Ministers Office, Justice Academy, University of Pristina, contrasting with negative rhetoric from significant Members of the Parliament. While government officials have promised for the actions, concrete progress remains elusive, with key initiatives like the Law on Civil Unions yet to materialize.

In addition to legal challenges, societal attitudes pose significant obstacles. Media coverage, though improved, still portrays negative stereotypes, fueling social rejection and hate speech by covering LGBTIQ+ issues only in situations where the topic is sensational. Family rejection remains a common issue impacting also mental health challenges among LGBTIQ+ individuals. Despite CSOs' efforts to provide psychological and legal support, suicide rates among LGBTIQ+ individuals, particularly transwomen, continue to rise.

On a positive note, events like Prishtina Pride Week serve as platforms for advocacy, celebration and visibility, supported by both local and international stakeholders. Regional conferences further amplify these efforts, fostering dialogue and collaboration to advance LGBTIQ+ rights in Kosovo and neighboring countries.

Moving forward, while legal protections exist, practical implementation and societal acceptance remain critical challenges. Continued advocacy, institutional accountability, and societal education are imperative to ensure the full realization of LGBTIQ+ rights in Kosovo.

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<sup>1</sup>Constitution of the Republic of Kosovo, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=31730>

<sup>2</sup>Constitution of the Republic of Kosovo, Article 24 [Equality Before the Law] <https://gzk.rks-gov.net/ActDetail.aspx?ActID=31730>

<sup>3</sup>Family Law of Kosovo, Article 14 – Marriage, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2410>

## Introduction

Kosovo's legal landscape is underpinned by an advanced framework designed to safeguard human rights in alignment with international standards. Anchored in principles of equality and non-discrimination, enshrined in the constitution, the legal system explicitly prohibits discrimination on various grounds, including gender, gender identity and sexual orientation. These principles are reinforced by laws such as the Law on Protection from Discrimination<sup>4</sup> and the Law on Gender Equality<sup>5</sup>, reflecting Kosovo's commitment to upholding fundamental rights.

However, despite constitutional provisions advocating for equality, the current Family Law and the Draft Civil Code stand in contradiction by prohibiting marriage equality, thereby undermining the very principles it purports to uphold. Efforts to rectify this inequality have been ongoing, with civil society organizations that established the advocacy group for marriage equality, led by the Center for Social Group Development (CSGD) and the Center for Equality and Liberty (CEL), joined by other human rights NGOs, Youth Initiative for Human Rights (YIHR KS), Kosovo Gender Studies Center (KGSC), and Civil Rights Defenders. Despite presenting concrete recommendations to the Ministry of Justice, progress has been limited, with the government failing to address key concerns regarding the marriage equality within the Draft Civil Code.

The struggle for LGBTIQ+ rights extends beyond legislative battles. Institutional attitudes and societal perceptions play a significant role in shaping the lived experiences of LGBTIQ+ individuals. While some progress has been made, challenges persist. Instances of discriminatory language<sup>6</sup> from parliamentary<sup>7</sup> members underscore the ongoing need for institutional accountability and genuine commitment to human rights.

Moreover, while legal protections exist in written, their practical implementation remains inadequate. Civil society organizations continue to play a crucial role in filling the gap, offering essential services such as psychological support, legal aid, and health services to those facing discrimination and violence. However, the prevalence of hate speech in media reporting and the lack of concrete action from governmental bodies highlight the uphill battle for LGBTIQ+ rights in Kosovo.

This report provides a comprehensive overview of the legal, institutional, and societal landscape surrounding LGBTIQ+ rights in Kosovo, highlighting both progress and persistent challenges. By shedding light on these issues, it aims to catalyze meaningful dialogue and action towards achieving genuine equality and inclusivity for all members of the society, irrespective of sexual orientation, gender identity, and sex characteristics.

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<sup>4</sup>Law No. 05/L-021 On The Protection From Discrimination

<sup>5</sup>LAW No. 05/L -020 ON GENDER Equality

<sup>6</sup>Këta janë deputetët e VV-së që dolën kundër Projekt-Kodit Civil. <https://www.botasot.info/aktuale-lajme/1778911/keta-jane-deputetet-e-vv-se-qe-dolen-kunder-projekt-kodit-civil/>

<sup>7</sup>Deputetii VV-së denoncon financimin që i bëhet nga Qeveria festivaletesi DokuFest: E tmerrshme, e papranueshme.

[https://www.botasot.info/aktuale-lajme/2034242/deputeti-i-vv-se-denoncon-financimin-qe-i-behet-nga-qeveria-festivaletesi-dokufest-e-tmerrshme-e-papranueshme/?ads\\_test=1691423218](https://www.botasot.info/aktuale-lajme/2034242/deputeti-i-vv-se-denoncon-financimin-qe-i-behet-nga-qeveria-festivaletesi-dokufest-e-tmerrshme-e-papranueshme/?ads_test=1691423218)

## 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-discrimination<sup>8</sup> which explicitly prohibits discrimination on a range of bases including gender and sexual orientation<sup>9</sup>. These principles are further fortified by the Law on Protection from Discrimination<sup>10</sup> and Gender Equality<sup>11</sup>. Theoretically, the constitution allows for many international human rights agreements and instruments<sup>12</sup> 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 decisions<sup>13</sup>.

Contradictory to the principle of equality as defined by the Constitution<sup>14</sup>, 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 only<sup>15</sup>.

CSGD started the advocacy actions for the marriage equality in 2019 together with CEL. In meantime other mainstream human rights organizations joined the advocacy group<sup>16</sup>. 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. 1138<sup>17</sup>, paragraph 1. The wording “spouses of different sexes” and “husband and wife” should be replaced with the phrase “two individuals”<sup>18</sup>;
- 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 Kosovo<sup>19</sup>;
- 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 Kosovo<sup>20</sup>;

After almost 5 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*

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<sup>8</sup>Constitution of the Republic of Kosovo, 2008, c. I, article 7 (1).

<sup>9</sup>*Ibid*, c. II, article 24 (2).

<sup>10</sup>Law No. 05/L-021.

<sup>11</sup>Law No. 05/L-020.

<sup>12</sup>Constitution of the Republic of Kosovo, 2008, c. II, article 22.

<sup>13</sup>*Ibid*, c. II, article 53.

<sup>14</sup>*Ibid*, c. II, article 24, article 37.

<sup>15</sup>Law No.2004/32 Family Law of Kosovo, 2006, part II, c. I, article 9, article 14.

<sup>16</sup> In 2021, the recommendations were drafted and submitted to MoJ by CSGD, CEL, YIHR KS, KGSC, KWN, and Civil Rights Defenders.

<sup>17</sup> Book on Family of Draft Civil Code, 2022, c.II, article 1138 (1)

<sup>18</sup> Concrete Recommendations for Project Civil Code of the Republic of Kosovo, March 2019 and June 2021, c. II.

<sup>19</sup> *Ibid*, c. II.

<sup>20</sup> *Ibid*, c. II.



*and procedures are regulated by a special law.*" <sup>21</sup>At the first glance, this paragraphs looks like it recognizes legally the marriage equality. But, analyzing the paragraph, 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 paragraphs 3 and 4 it continues to regulate the marriage between two spouses of different sexes;

The draft Civil Code is not foreseeing regulation of marriage equality, 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.

**Civil Status Law** – The draft Law on Civil Status was finalized and voted by the government in December 2023.<sup>22</sup>

The new draft of Civil Status Law includes criteria to change sex-marker in public registries<sup>23</sup> 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

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<sup>21</sup>Book on Family of Draft Civil Code, 2022, c.II, article 1138 (2)

<sup>22</sup> [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://kryeministri.rks-gov.net/wp-content/uploads/2023/11/Projektligji-per-Gjendjen-Civile.pdf](https://chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://kryeministri.rks-gov.net/wp-content/uploads/2023/11/Projektligji-per-Gjendjen-Civile.pdf)

<sup>23</sup> [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://kryeministri.rks-gov.net/wp-content/uploads/2023/11/Projektligji-per-Gjendjen-Civile.pdf](https://chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://kryeministri.rks-gov.net/wp-content/uploads/2023/11/Projektligji-per-Gjendjen-Civile.pdf), articles 36-38

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.’

## **Institutional responsibility towards LGBTIQ+ rights**

During the plenary session for the draft Civil Code 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.<sup>24</sup> Such comments have continued to be expressed by Ms. Balje and other MPs during 2023<sup>25</sup>.

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.<sup>26</sup>

Public advocacy for LGBTIQ+ rights by high institutional and political representatives is indispensable in the struggle for equality and advancement of human rights. The President of Kosovo, H.E. Ms. Vjosa Osmani, and Prime Minister Albin Kurti participated in the opening of Pride Week at the Government Building on June 5. The President in her speech has expressed that love should triumph over hatred: *“Kosovo in the past year has been at the forefront of the duty to protect human rights and democracy. Let's work together for a society where love triumphs over hatred, where each of us can live, choose, and love freely. Only in this way can we build an equal and just state”*. In his speech, Prime Minister Kurti, among other things, said: *“Faced with sufferings that may seem insurmountable, such as war and foreign occupation, Love has been a strengthening and unifying force in the struggle for the liberation of Kosovo”*. Furthermore, Prime Minister Kurti also participated in the Pride Parade, demonstrating a positive commitment to supporting the LGBTIQ+ community. This participation from both leaders is especially significant given the high degree of social resistance that commonly results in discrimination and violence against the LGBTIQ+ people in Kosovo.

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<sup>24</sup> <https://klankosova.tv/balje-nuk-dal-kunder-fese-qe-i-perkas-neser-votoj-kunder-martesave-te-gjinise-se-njejte/?fbclid=IwAR2VEcfKvbgOH5pMToeJzDCLjaQb54Y-A4lXriHAxkL5nFwk9yqejWvAnbs>

<sup>25</sup> <https://nacionale.com/politike/bravo-deputete-e-felliqte-kombin-shperthen-homofobia-ne-videon-ku-duda-balje-flet-kunder-lgbtqi>

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

In January 2023, the Ministry of Health established the working group for the drafting and finalization of the draft law for the completion and amendment of the chapter on Mental Health<sup>27</sup>. Through the representative of CSOs in the working group, CSGD and CEL have sent specific recommendations and provisions that will ban conversion therapy<sup>28</sup>. The working group did not take into consideration the recommendations.

The Advisory and Coordination Group (ACG) operates under the mandate of OGG. During 2023, with the support of the Council of Europe office in Pristina, ACG, through OGG as a secretariat, have initiated drafting the new action plan 2024-2026, There are 4 main areas of intervention that are foreseen in the draft Action Plan: health, culture and education, fighting and protection from discrimination, and awareness raising to protect LGBTIQ+ rights. This Action Plan is foreseen to be finalized and to be validated in June 2024, during the Pristina Pride Week 2024.

The Office of Good Governance (OGG) successfully coordinated the official opening and reception for Pride Week at the Governmental building. This years highlight was the attendance of the Prime Minister of Kosovo, AlbinKurti, in the Official Opening of the Pride week, and walking in the Pride Parade.

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, in 2023 the Municipality not only did not hand over the premises to CSGD and CEL, but they did not still functionalized those premises to be used by CSGD and CEL.

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.<sup>29</sup>This budget allocation was carried over to the 2022 budget, maintaining the same amount.<sup>30</sup>On August 31, 2022, the Directorate of Social Welfare invited CSGD and CEL to a consultative meeting concerning the shelter. 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.<sup>31</sup>

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<sup>27</sup> During the drafting of this report, the website of the Ministry of Health, in which the original documents are published, was not accessible. Attempted to connect to the dates: 12 September 2023, 18 January 2024, 22 February 2024

<sup>28</sup> Email, 6 March 2023, recommendations sent to Mr. Bind Skeja, executive Director of NGO Qendra për Informim dhe Përmirësim Social (QIPS)

<sup>29</sup>chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://prishtinaonline.com/uploads/propozim\_buxheti\_2021\_1.pdf., line budget 1.4.11-2.

<sup>30</sup>chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://prishtinaonline.com/uploads/1.-propozim-buxheti-2022-1.pdf. budget line 1.4.11 -2.

<sup>31</sup> chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://prishtinaonline.com/uploads/1.\_propozim\_buxheti\_2023.pdf

## Law enforcement for LGBTIQ+ rights

The cooperation with police and 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, three (3) cases of human rights violation have been reported to the Police, out of which two (2) light bodily injury, and one (1) intimidation. All these cases were referred to the Basic Prosecution Office.<sup>32</sup>

On February 21, 2023, BV, also known as "EbuUbejdi," was apprehended and presented in the defendant's dock at the Prishtina Court, facing allegations of planning terrorist attacks<sup>33</sup> against the LGBTI communities. BV, denying the accusations leveled by the Special Prosecutor's Office, asserted his innocence. The indictment, filed on September 15, 2023, asserts that BV prepared terrorist actions in Kosovo, utilizing perilous substances like "Calcium Nitrate," intending harm toward LGBTI individuals at Prishtina's central square and the Merdare border crossing. During his journey from Saudi Arabia to Kosovo via Skopje airport, BV was halted and scrutinized at the "Hani i Elezit" border checkpoint due to his inclusion in the Stop List. Incriminating messages and maps obtained from the social platform "Telegram" were discovered during the inspection. As of compiling this report, BV was convicted<sup>34</sup> by the Pristina court on March 5, 2024, for attempting to organize terrorist attacks against LGBTIQ+ individuals and other citizens, receiving a sentence of three years and six months in prison.

## Human rights institutions and mechanisms while dealing with LGBTIQ+ rights

*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 marriage equality, 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"<sup>35</sup>. Further on, during 2023, the Ombudsperson Institutions in cooperation with CSGD drafted the "Guidelines for Best Practices - Treatment of Cases of LGBTIQ+ Individuals"<sup>36</sup>. This guideline aims to equip the Ombudsperson Institution in Kosovo with best practices for handling cases involving LGBTIQ+ individuals,

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<sup>32</sup>Salih Dragidella, Directorate of Policing in Community and Prevention, Re: Rastet e raportuarangapersonat LGBTI, email, 29 April 2024

<sup>33</sup>I akuzuari përsulm terrorist ndaj komunitetit LGBTI del para gjykatës, <https://kallxo.com/lajm/i-akuzuari-per-sulm-terrorist-ndaj-komunitetit-lgbti-del-para-gjykates/>

<sup>34</sup>Dënohet me tre vite e gjashtë muaj burgim Blend Vrajolli, personi që tentoi të organizojë sulm terrorist ndaj komunitetit LGBTIQ+. [https://www.dylberizm.com/2024/03/11/blend\\_vrajolli/](https://www.dylberizm.com/2024/03/11/blend_vrajolli/)

<sup>35</sup>[https://www.koha.net/arberi/326050/qelaj-diskriminimi-ne-kosove-sinjal-qe-institucionet-te-veprojne/?fbclid=IwAR1itEvLE\\_zuoX9AZt0nLB1xZBwPsVznExoH1jB4ylSIBEha3U0dXnpN9WO](https://www.koha.net/arberi/326050/qelaj-diskriminimi-ne-kosove-sinjal-qe-institucionet-te-veprojne/?fbclid=IwAR1itEvLE_zuoX9AZt0nLB1xZBwPsVznExoH1jB4ylSIBEha3U0dXnpN9WO)

<sup>36</sup><https://www.facebook.com/csgd.kosova/posts/pfbid0VfxxARCWZBRpTdxzZ6FemZjTDuQPNaLxspK5PaZfMc8ADeCFSz1pEfMqfenJZWgPI>

ensuring their dignified treatment, and addressing their specific needs. It provides practical guidance to deliver professional, respectful, and sensitive services to them while encouraging other public institutions to enhance their support for LGBTIQ+ individuals. Ultimately, it seeks to promote respect for and protect the rights of LGBTIQ+ individuals across all sectors of Kosovar society.

## **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 to 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 attitudes toward 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.

According to CSGD's media monitoring between January and December 2023, it was noticed that most of the media portals don't take a personal stand regarding the news related to LGBTQ+ thematics. They use a neutral approach and only quote the news, either a positive one or a negative one. LGBTQ+ issues are mainly present in media only when public debates raise, not providing informational articles which would contribute to raising awareness among the population.<sup>37</sup>

## **The contribution of CSOs**

The movement for the protection and promotion of LGBTIQ+ rights remained within the framework of the activities of the Center for Social Group Development (CSGD) and Center for Equality and Liberty (CEL), also supported by the Youth Initiative for Human Rights (YIHR), Civil Rights Defenders (CRD), Kosovo Gender Studies Center (KGSC), and Kosovo Women Network (KWN). Their comprehensive engagement was mainly in response to the regulation of marriage equality in the Draft Civile Code as well as for other needs of the LGBTIQ+ community itself and the cause for advancing its rights.<sup>38</sup>

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<sup>37</sup> Internal data from CSGD

<sup>38</sup>[https://www.koha.net/arberi/326050/qelaj-diskriminimi-ne-kosove-sinjal-qe-institucionet-te-veprojne/?fbclid=IwAR1itEvLE\\_zuoX9AZt0nLB1xZBwPsVznExoH1jB4ylSIBEha3U0dXnpN9WQ](https://www.koha.net/arberi/326050/qelaj-diskriminimi-ne-kosove-sinjal-qe-institucionet-te-veprojne/?fbclid=IwAR1itEvLE_zuoX9AZt0nLB1xZBwPsVznExoH1jB4ylSIBEha3U0dXnpN9WQ)

The negative public discourse regarding LGBTIQ+ issues enable the rejection and social exclusion of LGBTIQ+ people in different social domains<sup>39</sup>. 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"<sup>40</sup>, as such CEL in the previous years has accommodated LGBTIQ+ individuals who experienced abusive behavior from their families with the root problem being their sexual orientation and/or gender identity, in the shelter in Tirana. However, since the end of 2022, that project has ended, and although there have been many requests for this service, CEL has been unable to accommodate them.

## **Prishtina Pride**

The 7<sup>th</sup> edition of Prishtina Pride Week, was organized by CSGD, CEL in partnership with CRD and YIHR KS, with the slogan "Love you the way you are". This year's slogan focused on mental health and reminds all queer people that they are not alone.

The Official Opening of Pride Week 2023 was done in the Government Building, under the patronage of OGG. The opening commenced with remarks by H.E. Vjosa Osmani the President of Kosovo; Albin Kurti, the Prime Minister of Kosovo; Jonas Westerlund, Ambassador of Sweden in Kosovo; H.E. Mr. Jeffrey Hovenier, Ambassador of the United States of America in Kosovo; Frank Power, Head of Mission of European Commission in Kosovo; Blert Morina, Executive Director of CEL, and was moderated by Habit Hajredini, Director of the Prime Ministers Office of Good Governance.

Pride Week was associated with other major events<sup>41</sup> such as: "Let's Pride" event; Official lighting of the Domes of the Kosovo National Library; Unveiling Justice: A Dialogue on Access to Justice for Gender Diverse Communities in Kosovo; Queer Discussion – Personal stories about mental health; Exhibition "Our 4 Walls"; Theatre Show "Inside Four Walls" by Adelina Rose; Conference: From Crisis to Action, where panel 1 discussed Mental Health, and the second panel discussed the Civil Code; Stand up Comedy and Karaoke; Queer GRUp: Intersectionality – Feminism and LGBTIQ+ movement; Publication of the Book "Woman Warmth, Woman Wrath" by Uresa Ahmeti; Poetry Night "Shout it out, Say it Loud"; Street Action; Publication of the Regional Public Opinion Survey report and Discussion with Regional Activists; Drag Show "Soaked in Pride"; and was finalized with the Pride Walk and a concert.

The Pride march was celebrated by hundreds of people participating on 10th of June, 2023 in the main square of Prishtina with no recorded incidents, culminating with a concert with DJ's and a well-known Albanian singer.

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<sup>39</sup> 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

<sup>40</sup> ERA LGBTI – "Regional LGBTI public opinion poll for the Western Balkans"

<sup>41</sup> <https://prishtinapride.org/en/ngjarjet>

## **LGBTIQ+ Regional Conference and LBTQ Women Conference**

The Regional Conference<sup>42</sup> on "The State of Play of LGBTIQ+ Rights in the Western Balkans and Türkiye," organized by the Center for Social Group Development (CSGD) in collaboration with Council of Europe, the LGBTIQ+ Equal Rights Association for Western Balkans and Turkey (ERA), and the Center for Equality and Liberty (CEL), was held from November 23-25, 2023. Throughout the event, panels delved into the roles of national and international stakeholders in addressing anti-gender movements, aligning legislation with EU standards, and fostering collaboration with civil society organizations. Discussions emphasized the importance of countering stereotypes, promoting awareness of domestic violence and hate speech, and implementing strategies to advance LGBTIQ+ rights.

The conference's focus extended to the LBTQ+ Women's Conference<sup>43</sup>, titled "Empowering HerStory - A Conference on Lesbian, Bisexual, Trans and Queer Women Rights and Situation in the Western Balkan and Türkiye" on its concluding day. Panels within this segment tackled issues such as the impact of anti-gender movements, the representation of LBTQ+ women in conservative societies, and the position of trans women within the LGBTIQ+ movement and society. By addressing these specific concerns, the conference aimed to foster a comprehensive understanding of the challenges faced by LBTQ+ women and advocate for tailored solutions to promote inclusivity and equality within the LGBTIQ+ Movement.

## **Prishtina Queer Festival**

The Queer Festival in Pristina, held from September 1st to 3rd, 2023, showcased a diverse range of activities, featuring a documentary by Ilir Hasanaj and films by Kosovar directors Leart Rama and Erblin Nushi, along with performances by Qerkica. Held at Cinema Armata, the festival included LGBTIQ+ figures embracing Albanian tradition, and drag queens Adelina Rose and Sultaneshat Turkan performed in traditional costumes. Qerkica, dedicated folk songs of weddings to the queer community. The films, "4 Pills at Night" and "I Love You More," portrayed protagonists navigating desires and challenges in a homophobic environment, emphasizing the importance of parental and friendly alliances. Despite facing societal and political challenges, the festival aimed to create visibility and pride for the queer community in Kosovo, reflecting a broader cultural shift toward acceptance and bravery.

## **AniBar International Animation and Film Festival**

The fourteenth edition of the AniBar International Animation and Film Festival<sup>44</sup> was opened in Peja, Kosovo, with the aim of addressing contemporary societal issues. This year's theme, love in all its forms, had been warmly welcomed, emphasizing that love knows no boundaries, as stated in the festival's official statement. From Monday until Sunday, a total of

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<sup>42</sup>[https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=1515272062588330](https://www.facebook.com/watch/live/?ref=watch_permalink&v=1515272062588330)

<sup>43</sup>[https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=710211104120769](https://www.facebook.com/watch/live/?ref=watch_permalink&v=710211104120769)

<sup>44</sup>Anibar ngjallëdashni e rezistencën e qytetit e Pejës me hapjen e edicionit të 14-të <https://www.dylberizm.com/2023/07/18/1-5/>

138 films<sup>45</sup> had been showcased alongside panel discussions, musical evenings, filmmaker discussions, and workshops. The opening night, hosted by local drag queen Adelina Rose, showcased films focusing on transgender individuals, drag queen life, and love between two boys, setting the tone for the festival's exploration of diverse expressions of love.

This edition of Anibar had taken a distinct approach compared to previous years, dedicating itself entirely to the theme of love. While past editions had covered various topics, this year's focus had aimed to be more revolutionary and have a lasting impact, particularly by incorporating queer content throughout the program. However, the festival's embrace of LGBTQ+ themes had stirred controversy among some residents of Peja, with acts of vandalism against the festival's rainbow mural and expressions of hate speech on social media platforms. Despite this opposition, the festival organizers remained steadfast, reporting incidents to the authorities and emphasizing the importance of inclusivity and social dialogue. Alongside film screenings, the festival had also hosted panels discussing legal protections for LGBTQ+ individuals<sup>46</sup> and exploring topics such as the cinematic portrayal of love, self-love, and the astrological compatibility of relationships and love.

## DokuFest

The 22<sup>nd</sup> edition of the International Documentary and Short Film Festival "DokuFest" held in Prizren, featuring the theme of artificial intelligence, promising engaging discussions across numerous panels. The festival's opening ceremony incorporated artificial intelligence, with a computerized voice presenting and officially declaring the festival open, announcing the screening of the groundbreaking film "2001: A Space Odyssey" by renowned American director Stanley Kubrick. The festival ran from August 4<sup>th</sup> to 12<sup>th</sup>, 2023, showcasing around 230 films across eight cinemas, with half of them being in open-air venues and 104 competing in eight categories. This year, the festival had attracted over 3,500 submissions from 111 countries, including high-quality films from Croatia, Serbia, Albania, Bosnia and Herzegovina, North Macedonia, Turkey, and notably, a strong representation from Canadian filmmakers. Esteemed figures from the film industry, such as Swiss director Jan Baumgarten, known for his work on Bosnia and Herzegovina, had participated as panelists, making this edition one of the most significant showcases of Kosovar and international filmmaking talent.

However, on the opening night of the festival a performance in support of transgender people sparked a huge debate in the public. Therefore, on August 11, 2023, a protest<sup>47</sup> against the "DokuFest" festival was held, led by the Islamic Community of Kosovo. Criticism of the festival's performance had surfaced on social media, EmanRrahmani, Kosovo Assembly deputy noted<sup>48</sup> that *"It is terrible and unacceptable how DokuFest, Anibar, the Pride Parade, and hundreds of activities are supported by the central and local authorities with millions of euros from public funds to promote anti-values and the degeneration of our society!"*.

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<sup>45</sup><https://anibar.org/festival/programs-and-films/>

<sup>46</sup>First Panel at Anibar Discusses Activists' Dissatisfaction with the Civil Code <https://anibar.org/first-panel-at-anibar-discusses-activists-dissatisfaction-with-the-civil-code-2/>

<sup>47</sup>Protestanë Prizren kundër performancës në DokuFesti, çfarë thonë organizatorët dhe BIK; <https://www.gazetaexpress.com/protesta-ne-prizren-kunder-performances-ne-dokufesti-çfare-thone-organizatorët-dhe-bik/>

<sup>48</sup>Deputetii VV-së denoncon financimin që i bëhet nga Qeveria festivalëve si DokuFest: E tmerrshme, e papranueshme; [https://www.botasot.info/aktuale-lajme/2034242/deputeti-i-vv-se-dennoncon-financimin-qe-i-behet-nga-qeveria-festivalëve-si-dokufest-e-tmerrshme-e-papranueshme/?ads\\_test=1691423218](https://www.botasot.info/aktuale-lajme/2034242/deputeti-i-vv-se-dennoncon-financimin-qe-i-behet-nga-qeveria-festivalëve-si-dokufest-e-tmerrshme-e-papranueshme/?ads_test=1691423218)



Prominent figures, including Besim Berisha, the head of the Islamic Community of Kosovo, had called for the protest, expressing discontent with events within the festival, particularly late-night performances. Berisha had highlighted citizen frustration regarding the festival's opening night performance, citing pornographic scenes and escalating tension due to such incidents. Meanwhile, Duda Balje, who serves as both a deputy and the chairperson of the Parliamentary Committee for Human Rights, had condemned<sup>49</sup> the exploitation of such events, stating, *"For things that are not normal, do not make us accept them as modern. Do not touch the traditional and cultural spirit of Prizren! Regardless of what kind of festival it is, you do not have the right to exploit the moment to present this! Not in my Prizren, nor anywhere else."*

### ***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 LGBTIQ+ 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.

On 2023, 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 affected<sup>50</sup>.

Most of the clients received services in the region of Prishtina, Prizren and Mitrovica as well as through online platforms offered by CSOs through their outreaching network as well as the established webpage, IOS and android help-line platform of NGO CSGD<sup>51</sup>. 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 includes: 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.

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<sup>49</sup>Duda Balje reagon për performancën nudistenë DokuFest: Mos e preknifrymën e Prizrenit tradicional dhe kulturor; <https://telegrafi.com/duda-balje-reagon-per-performancen-nudiste-ne-dokufest-mos-e-prekni-frymen-e-prizrenit-tradicional-dhe-kulturor/>

<sup>50</sup> Internal data from CSOs

<sup>51</sup> See: <https://app.csgd-ks.org/>

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.

In 2023, out of 13 reported cases CEL have assisted with, representing a wide range of challenges and risks faced by individuals in the LGBTI+ community, there have been 4 cases of refusal by Civil Registry Authorities for gender marker and name change, one case of threat and privacy violation, as well as one case of workplace sexual harassment. Additionally, there have been reports of cases related to gender-based assault and discrimination, along with one case of domestic violence. Furthermore, there has been a case of workplace discrimination based on sexual orientation.

## Recommendations

- Hate speech and discriminatory language used by MPs towards LGBTIQ+ people should be addressed quickly and professionally by the rule of law institutions;
- The Ministry of Justice should regulate marriage equality within the Draft Civil Code.
- Ministry of Health must ban conversion therapy for LGBTIQ+ persons in the Law on Mental Health which is in the process of revision;
- 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.
- The Ministry of Finance, Labor, and Transfers (MFLT) should focus on profiling social workers who work with vulnerable groups, including LGBTQI cases. Additionally, they should increase the number of social workers in Centers of Social Work (CSWs) who deal with domestic violence cases related to LGBTI individuals.
- The government officials should provide more opportunities and support for community-based services for LGBTIQ+ individuals.
- 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 marriage equality to ensure the respect of human rights and human dignity.
- Mental Health professionals 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.



csgd

