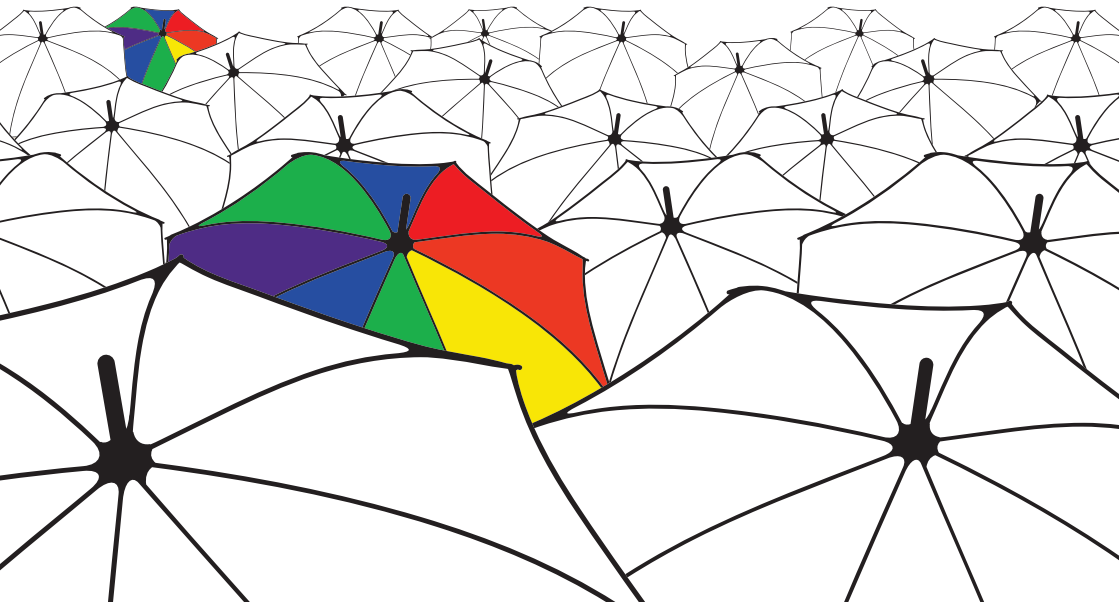




**CEL**

Center for Equality and Liberty  
K O S O V A

# THE LGBT MOVEMENT



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## **THE LGBT MOVEMENT**

Centre for Equality and Liberty for the  
LGBT Community in Kosova

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## **The Centre for Equality and Liberty for the LGBT Community in Kosova (CEL Kosova)**

The Centre for Equality and Liberty (CEL) was founded in June of 2013, by activists of the LGBT cause in Kosovo; whose purpose was to combat discrimination based on sexual orientation and gender identity, as well as empower the LGBT community while raising awareness among the general population. CEL served as a place where LGBT persons can safely meet and socialize; and continues to do so.

CEL envisions a Kosovar society which recognizes and upholds the rights of the LGBT community, as fundamental Human Rights; where LGBT persons are free of all forms of discrimination and violence. CEL's mission is the empowerment of the LGBT community in Kosovo; as well as the prevention of discrimination and violence based on sexual orientation and gender identity, by raising awareness in society, regarding LGBT issues- including advocating for equal rights, and the correction and implementation of laws in Kosovo.

In order for CEL to implement its' three programs, the following activities/ programs are implemented.

**Empowering the LGBT community in Kosovo:**

- Increasing Capacities
- Psychological and Legal Counseling
- Trainings/Workshops
- Group Discussions
- Reading Sessions et cetera.

**Raising awareness among the general society:**

- Summer School
- Workshops with youth
- Trainings with journalists
- Awareness raising campaigns
- Public Debates
- Conferences et cetera.

**Advocacy and lobbying towards relevant  
Institutions by organizing:**

- Workshops
- Monitoring and Evaluation
- Research
- Publications and Recommendations et cetera.

## **Introduction**

The initial idea of compiling a book like this one came as a result of two reasons: firstly, there is lack of literature in Albanian for the LGBT community- something that would greatly serve it; and secondly, citizens in general need to have more information on the LGBTI movement, in order to conform with societal changes, as well as to understand individuals which belong to this community. The book begins with the terminology used; moves onto crucial and significant advancements of this movement around the world, to continue in describing the situation in Kosovo, and other countries in the region.

The local progressions of this movement make up the very core of this book, seeing as our main goal is to reach the Kosovar society. Aiming to be comprehensive, the book is in expose format that starts with the history of the LGBT movement around the world, continuing to reflecting on the situation and quality of life of LGBT persons in Kosovo.

Our aim is for the book to also be included in University syllabuses, in the departments and subjects for which it is relevant. The next step will be to translate the book in Serbian as well.



CEL, together with the Program for Gender Studies and Research (University of Prishtina), has compiled the terminology which is used in this book. The coming together of all those who have been part of the LGBT movement from its' beginning in Kosovo, has sufficiently aided the selection of information regarding LGBT rights organizations in Kosovo; and their key developments over the years. The obstacle has been great, seeing as this book is the first of its' kind in Kosovo.

## **Terminology**

A historical view of different cultures, societies, and various geographical regions, proves that sexual orientations and gender identities have always been fluid. Depending on the context and political, economic, and social structures; the acceptance or rejection of this fluidity has conditioned and formed relations of power; which have made visible, or invisible sexual orientation and practice.

Although examples in favor of the LGBT community can be found in the oldest books- for example in Greek Antiquity and Ancient Rome- it seems that society still considers heterosexuality as the only natural social norm. Aside from many mythical figures, the two most widely known Ancient Greek poets, Anacreon and Sapho, wrote about and poeticized homosexuality. Even the term Lesbian derives from the name of the island Lesbos; where love and lesbian sexual relations were open and dominant.

This book aims to overlook the activism of LGBTI organizations. This compilation does not treat prior historic developments, in the region or elsewhere, but rather focuses on the modern context of the creation of organizations and their public and political engagement.

It was deemed necessary that this book initially begins with terminology which explains various

sexual orientations and gender identities, in order for society as a whole to become more aware about the acceptance and integration of the LGBTI community; by being better informed.

- **Heterosexual** - A person emotionally, physically, and/or sexually attracted to people of different sex or gender
- **Homosexual** - A person emotionally, physically, and/or sexually attracted to the people of their same sex or gender
- **Lesbian** – A female who is emotionally , physically, and/or sexually attracted to other females
- **Gay** – A male who is physically, and/or sexually attracted to other men
- **Bisexual** – A person who is emotionally, physically, and/or sexually attracted to both sexes
- **Transgender** – A person whose gender or personal identity does not comply with their sex at birth
- **Transsexual** – A person who emotionally or physically feels they belong to the opposite sex. It also refers to individuals which seek hormonal intake, and usually, but not always seek surgical treatment to change their sex, in order to live permanently as people of the opposite sex of that at their birth. Some individuals who have gone through such

procedures may not like to refer to themselves as transsexuals.

- **Intersex** - One who is born with sex chromosomes, external genitalia, and/or an internal reproductive system that is not considered “standard” or normative for either the male or female sex. Preferred term to hermaphrodite.
- **Asexual** - 1) A sexual orientation where a person does not experience sexual attraction or desire to partner for the purposes of sexual stimulation; 2) a spectrum of sexual orientations where a person may be disinclined towards sexual behavior or sexual partnering.
- **Sex** - The physical, biological, chromosomal, genetic, and anatomical make up of a body, classified as male, female, intersex, or (in some schools of thought) transsexual;
- **Gender** - A social combination of identity, expression, and social elements related to masculinity and femininity. Includes gender identity (self-identification), gender expression (self-expression), social gender (social expectations), gender roles (socialized actions), and gender attribution (social perception).
- **Gender Identity** - An individual’s internal sense of being male, female, both, neither, or

something else. Since gender identity is internal, one's gender identity is not necessarily visible to others.

- **Sexual Orientation** – is a sustainable model of romantic and/or sexual attraction for people of the opposite sex or gender; the same sex or same gender; or for both sexes and more than one gender. These attractions are generally defined as heterosexuality, homosexuality and bisexuality.
- **Gender Expression** – refers to the ways in which we manifest masculinity and/or femininity. It is usually an extension of gender identity- our way of being a man or a woman
- **Queer** - 1) An umbrella term representative of the vast matrix of identities outside of the gender normative and heterosexual or monogamous majority. 2) An umbrella term denoting a lack of normalcy in terms of one's sexuality, gender, or political ideologies in direct relation to sex, sexuality, and gender.
- **Heteronormativity**- denoting or relating to a world view that promotes heterosexuality as the normal or preferred sexual orientation.
- **Homophobia** – dislike or prejudice towards people with a homosexual orientation
- **Transphobia** - dislike and prejudice towards transgender or transsexual people

## **The contribution of the LGBTI community**

While the world has experienced big changes and developments which have defined humankind's history; for centuries, a considerable part of the world population has been left behind. This would later be known as the LGBT community. The world became entangled in many wars and battles, but little to nothing was done for the rights and freedoms of this community. With the arrival of Abrahamic religions, homosexuality was considered a sin- therefore; the “sinners” were persecuted for centuries, not only by religious institutions but by state institutions as well.

It took until the 20<sup>th</sup> century for homosexuality to be decriminalized, and to not be considered a mental illness. Denmark, Uruguay, Switzerland, Sweden, Greece, Thailand, Israel, and many other countries during this century determined by law that homosexuality is not a crime and thus cannot be punished; but this did not ensure security, and equality for persons of this community. Hence, the war continues into new centuries; and no one can know how long it will take for homosexuals, bisexuals, transsexuals and transgender people to be seen as equal, and be considered as an integral part of society.

While the world endeavored to persecute the LGBTI community; persons of the community had significant impact on science and culture throughout

the world. The poet, essayist, and journalist Walt Whitman- many times rumored about his bisexuality- left grave marks in world literature, but also became a leader for many modernist American writers. Likewise, the Irish writer Oscar Wilde was criticized for his sexual orientation and was persecuted and sentenced to prison for homosexual acts. Two outstanding French modernist poets, Arthur Rimbaud and Paul Verlaine, lived together as a homosexual couple. Nobel laureate Thomas Mann clearly stated his bisexual orientation through his writing of “Tonio Kröger” and “Death in Venice”. Federico Garcia Lorca, the most famous Spanish poet was shot dead because of his homosexual relations. Gertrud Stein, a writer and promoter of many artists in France, was one of the first females to come out as a Lesbian. Furthermore, Alan Turing who decrypted the German intelligence codes in favor of the British government was persecuted for his homosexual orientation. Movie directors Pier Paolo Pasolini and Pedro Almadovar also openly declared they were gay and incorporated homosexuality in their movies. Writer Truman Capote was known for his literary work as well as his life as a homosexual; which is portrayed in the movie “Capote”.

An icon of British poetry, Allen Ginsberg, openly expressed his homosexuality and was tried for the perversity expressed in his poems. Philosopher Michael Foucault lived together with his boyfriend. The painter Francis Bacon was known for his unique painting style, as well as the

homosexual activities portrayed cleverly in the movie dedicated to his life “Love is the Devil: Study for a Portrait of Francis Bacon”, where he was played by gay actor Derek Jacobi. Also, we must not forget famous musicians such as Elton John, Freddie Mercury, David Bowie, George Michael and Sam Smith- who aside from publishing songs which remain some of the best in the world’s musical history- were part of the LGBTI communitu,and were also activists for the cause. Those mentioned, and many other people of the LGBTI community have transformed science and culture across the world.





## **Important dates for the LGBTI community/movement**

### **(Centuries XX-XXI)**

- In New York City, on February 21<sup>st</sup> of 1903, the Police conducted the first registered raid of the United States of America, in a sauna filled with gay people (a joint place where males had sex with males) in Ariston Hotel Baths. 26 men were arrested and 12 were tried on counts of sodomy; 7 men received sentence which varied from 4 to 20 years.
- In the year 1913, the word ‘faggot’ was used in print, to refer to gay men, in a criminal jargon published in Portland, Oregon.
- In the year 1919 the first movie explicitly covering homosexuals “Different From the Others” was shown
- In 1923, Elsa Gidlow who was a lesbian and born in England published her first poem volume on an openly lesbian love story “On a Grey Thread”, in the United States of America.
- In 1924, the first ever Gay rights organization was founded in America- by Henry Gerber in Chicago, known as ‘Society for Peoples Rights’. This group existed only for some months, after being dissolved as a result of pressure by the police.

- In 1926 *The New York Times* is the first major publication to use the word "homosexuality"
- In 1931, *Mädchen in Uniform*, one of the first explicitly lesbian films and the first pro-lesbian film, is released.
- In Berlin in 1931, Dora R became the first known transgender woman to undergo vaginoplasty.
- Transsexuality was first used in reference to homosexuality and bisexuality.
- The first Gay Liberation Day March is held in New York City; The first LGBT Pride Parade is held in New York; The first "Gay-in" held in San Francisco;
- In 1970, Harvey Milk became the first openly gay person to be elected in public office for California
- Sweden becomes first country in the world to allow transsexuals to legally change their sex, and provides free hormone therapy.
- On 15 October the Australian and New Zealand College of Psychiatry Federal Council declares homosexuality not an illness – the first such body in the world to do so; in December the American Psychiatric Association removes homosexuality from its Diagnostic and Statistical Manual of Mental

Disorders (DSM-II), based largely on the research and advocacy of Evelyn Hooker

- Sweden is the first country to pass laws protecting homosexual regarding social services, taxes, and inheritances.
- In 1990, the World Health Organization referring to the 10<sup>th</sup> revision of the International Statistical Classification of Diseases and Related Health Problems (ICD-10) determined that homosexuality cannot be considered a mental illness or as any other health disorder.
- In the year 2000, Hillary Clinton became the 1<sup>st</sup> First Lady to march in an LGBT Pride Parade.
- In 2007, Ellen DeGeneres became the first open lesbian to host the Academy Awards
- In 2009, Carol Ann Duffy was chosen as the first openly lesbian or gay Poet Laureate of the United Kingdom
- Barack Obama became the first U.S. president to publicly announce support for same-sex marriage on 9 May, 2012
- In 2012 Tammy Baldwin was elected as the first openly lesbian or gay U.S. Senator.
- In 2012, Kyrsten Sinema (D-AZ) became the first openly bisexual person elected to the US Congress

- In 2012 the first same-sex marriage at the U.S. Military Academy was held for a young lieutenant and her partner (Ellen Schick and Shannon Simpson) at the Old Cadet Chapel in West Point's cemetery.
- In 2012, The first same-sex couple became engaged in the White House (Ben Schock and Matthew Phelps)
- In 2012, Orlando Cruz became the world's first professional boxer to come out as gay.
- In 2013, Barack Obama mentioned the word "gay" and the issue of gay rights for the first time in a speech at the U.S. presidential swearing in; specifically, he did so in his inaugural address
- In 2013, the first same-sex kiss ever on a Eurovision stage occurred at the 2013 Eurovision Song Contest when Krista Siegfriids, who sang "Marry Me", ended her semi-final performance by kissing one of her female dancers
- In 2015, Kate Brown became the first openly bisexual governor in the United States, as governor of Oregon
- In 2015, Neil Patrick Harris became the first openly gay man to host the Academy Awards.
- In 2017, Brazilian model Valentina Sampaio became the first openly transgender model on the cover of French *Vogue*

- In 2017, *Moonlight* became the first LGBT-related film to win the Best Picture award at the Oscars.





## **LGBTI IN KOSOVO**

Despite recent developments, protecting LGBTI rights, Kosovo remains a difficult battle. Whereas the Constitution of Kosovo guarantees the protection of human rights and equality against discrimination, as set out in Article 24 (1), which states that all people are equal before the law, and all people enjoy the right to equal legal protection, without discrimination, and moreover bans discrimination based on gender or sexual orientation, as well as other personal statuses, in practice these rights are not implemented. People of the LGBTI community remain hidden from other components of society, as the state does not offer necessary support.

The laws that were amended in 2015, namely the Law against Discrimination and for Gender Equality, also provide high order guarantees of equality and of banning discrimination based on sexual orientation, gender and gender identity, among others. Also, the Law for Protection from Discrimination offers protection from discrimination in the public and private sectors respectively, offering support in many fields.

On the contrary to equality principles that are set out in the Constitution, the Family Law limits acts of engagement and marriage, defining them as acts that involve only two persons of different genders, as such it makes it illegal for

people of the same sex to marry each other. On the other hand, the Law for Civil Status lacks sub-legal provisions for the process of gender reassignment.

In November 2016, upon a request from the President's Office, the Penal Code was reviewed. It currently defines crimes and circumstances that justify the crimes, further recognizing sexual orientation, but not gender identity, as an aggravating circumstance. As such, sexual orientation and gender identity are not specified as bases that are protected from incitement of hatred.

This shows that Kosovo guarantees rights for the LGBTI community (with certain limitations) on a legislative level, but the problem lies with the lack of implementation of these laws, which would provide protection for people that belong to this community.

Important steps for the LGBTI community were also taken in 2014, when on the basis of the mandate of the Office for Good Governance, Human Rights, Equal Opportunities and against Discrimination, the Kosovo Government established the Advisory and Coordination Group (ACG) for LGBTI rights in December. Through two action plans that have been compiled by this group, in the periods from May 2015 to May 2016, and from November 2016 to November 2018 respectively, the government aims to improve the implementation of policies against discrimination in many different



fields, with a focus on the protection of the LGBTI community from discrimination.

In a speech given he gave at the Inauguration Ceremony on April 8<sup>th</sup>, 2016, Kosovo President Hashim Thaçi spoke openly about the rights of the LGBTI community, and expressed his support for them. Thaçi also took part in the march held on the International Day Against Homophobia and Transphobia with human rights activists and other international and local representatives.



*Foto e bërë nga Qendra për Barazi dhe Liri të komunitetit LGBT në Kosovë*

Setting aside favorable legal provisions for the LGBTI community and support from certain personalities, to really see the functioning of the LGBTI community in Kosovo, it is necessary to go through the history of the first organizations that worked for the protection of the rights of this community in Kosovo.

In 2002, the NGO *Elysium*, CSDG (Center for Social Group Development) was founded, and it was the first one of its kind in Kosovo. For a year it operated as a non registered organization. Right after it, the NGO *QESh* was founded; continuing to function as an unregistered organization until the year 2014, when it was registered officially.

*Elysium*, CSDG was founded by people of the community; who through it, tried to provide a space which LGBT individuals needed. Although it is thought that overall the number of the initiators of this project was 20 people; only 3 of them decided to establish this NGO, by observing models of other organizations who were using such methods to push issues forward.

Seeing as Kosovo was not yet a sovereign state at the time, it is evident that this made the issue greater; however, a great help for this organization were international persons belonging to the LGBT community, and who lived in Kosovo at the time. Finding sufficient funds was another issue, seeing as state institutions were not yet developed at the time. Through international friends, contact was

established with donors; of whom the first one was that of Hivos from The Netherlands, who contributed even before the organization was officially registered.

Being in a country going through transition from war; made for a very difficult and hostile environment to come out in. Therefore, of the 20 people who came forth as persons or allies of the LGBT community, only 3 persons accepted to become founders of this organization. The aforementioned donation was sent to a bank account opened by one of the three founders. Throughout one year, this is how the organization functioned; until November 22<sup>nd</sup>, 2002 when the official office of this organization was opened, along with their website 'gay-kosova.org'. The launch of this website was not made public, but was organized and held in the presence of officials from UNMIK, OSCE, and KFOR; along with representative's from the British Embassy. Afterwards, interviews for radioshowes and newspapers followed. TV appearances were avoided due to LGBT people's fear of being exposed.

OSCE was the main donor and supporter of the project seeing as during that time the law against discrimination was being drafted; and parts of it were in relation to the LGBT community. The presence of this organization made sure that sexual orientation would be included as grounds for protection under the law against discrimination.

Initially, the organization began without a strategy, and long term goals, considering that its' founders were not sure it could survive in an environment such as Kosovo. Taking into account that international aid was their only hope, and the skepticism towards state institutions- no one could estimate for how long this organization would continue to function. Although through time the number of LGBT persons attending the organization grew; the biggest problem lied with visits on the field. The first *Drop-in* center was opened in 2004 in Prizren, seeing as the majority of staff working in this organization was from Prizren. After all these years of working with persons of the community, it is evident that people from rural areas are often more open to declaring their sexual orientation.

It was difficult to manage the office in Prishtina, because management needed to operate from the capital city.

During this time, the LGBT community was not very visible, and women were still not part of it. In the year 2003, this organization registered with the official name 'Center for Social Group Development (CSDG)'.

If we go back in time in Kosovo, to see to what time the first appearance of sexual orientations and LGBT people dates back to, we must make a stop at the year 1996, when the first lesbian couple came together. This case was scrutinized by the media; in wich case there were journalists who used

degrading hate speech in their reporting. Meanwhile, the Center for the Protection of Women and Children came to the couple's aid through a public statement. Thus, the lesbian movement in Kosovo, functioned inside the feminist movement.

Activists of the community worked on grounds of activismt, during the beginning of this movement. Later on, international donors continued to provide support. International organizations have contributed with continuous funds to cover project and activity costs; which in turn made way for the formation of many relationships between persons of the community from throughout Kosovo. These activities has also made it possible for persons of the community to receive held against violence; seeing as the Kosovo Police was not well informed and cooperative at the time.

At the end of 2005, when two persons of the community were attacked, the police commissioner who was Danish, aided in the suspension of two police officers who refused to provide assistance for this case.

The other organization, QESh was founded in 2004. The most important responsibility of this organization was cooperation with the Police.

The suspension of the two aforementioned police officers was followed by a different viewpoint towards activitsts and persons of the community by the police. This made Police officials more cautious in their approach. After the case of

the assaulted activists, 6000 policemen went through the human rights training. After the declaration of Independence in 2008; the time when internationals ceased to overlook the work of Kosovo's Police, Police officials changed their attitude towards the LGBT cause and people. This change in attitude was noted when upon signing an agreement with the Kosovo Police, CSDG noted that said agreement was stagnating within the Ministry of Internal Affairs. Time passed and the set deadlines for answers regarding the launch of the project had passed as well. CSDG was left without an answer. It is believed that the Police's prejudices contributed to the decline in assistance for the LGBT community. Although said agreement was never put into action; security trainings which Police officials go through, are part of the human rights unit, through which trainings for the LGBT community were being organized as well.

Furthermore, in regards to the cooperation with other law enforcement institutions such as the prosecution, and courts- attempts have been made, but the answers have been rather disappointing. NGO QESH in cooperation with the US Embassy has made attempts to offer sensitizing trainings for judges, prosecutors, lawyers, and so on. The latter chose to be present only when the meeting was organized by officials of the US Embassy; but were not interested to do so when QESH organized the meeting.

A research was conducted in 2013. It was comprised of 25 questions, and was executed by Youth Initiative for Human Rights (YIHR) and CSDG. Both organizations interviewed 80 people- only 4 of which were women. This research resulted in quantitative rather than qualitative data. Despite attempts from CSDG and QESh, it was very difficult to bring gay's and lesbian's together, seeing as CSDG was focused more on the gay community, and MSM (male having sex with male). This made it look like an organization dealing with men only, and created hostility among women of the community. QESh had more female visitors, although with no particular structure.

Another reason for this hesitation was the fact that being in a patriarchal society, although men wouldn't be able to disclose their hidden sexual orientation; they would mos probably has the chance to hiddenly act on it. On the other hand, when we speak about women in this society, because of patriarchy, they are more stigmatized as women, and are most likely unable to secretly keep the relationships they want. All this aside, seeing that Kosovo is still unable to accept this community; it did not make sense for lesbians to separate from the organization and create their own. This approach differs from places around the world, where the feminist movement has served as a sister movement for lesbians. The solution of the moment remains for them to be embraced by the LGBTI movement in

Kosovo; in which case organizations organize activities for lesbian and bisexual women up to 3 times per week.

During the beginning of these organizations, employees were comprised of people from the community only, seeing as outsiders were seen as potential threats; but this has changed with time and patience. It is evident that most LGBTI persons above the age of 30, and are married and belong to either the gay or bisexual community. Some wanted to get married themselves, while others saw it as an escape from constant social pressure.

Moreover, as we stated before, it is evident that cooperation is greater with rural areas, as opposed to the capital city, where the LGBT movement is centered. Prizren was the first place to begin cooperation with LGBT rights organizations; followed by Mitrovica and Ferizaj. Gjakova and Gjilan are of the most difficult cities to breakthrough in; and gain access to persons who belong to the community. In fact, Gjilan has remained completely isolated from the movement, and this was evident in 2009 when activists started their work on the ground, and were unable to conduct their tasks.

Like in other places around the world, Kosovo too has 'gay cruising areas', which CSDG considers as strategy points; seeing as they conduct outreach visits with these persons, because otherwise it would be impossible to reach them and



arouse their interest in attending trainings and group discussions, which are mainly held in Prishtina.

In regard to relations with the Media, the situation in Kosovo still remains difficult seeing as many refuse to cover such delicate topics related to the LGBT community. RTK was the first television channel to initiate public debate about the LGBT community; followed by the TV show ‘Jeta në Kosove’ (Life in Kosovo), followed by other journalists funded by international donors. Despite the time that’s passed, it is still considered taboo to discuss sexual orientation topics in public, seeing as the conservative mentality frowns upon even heterosexual discussions of sexuality. Although people are well aware of LGBT person’s existence in our society; some still refuse to openly voice their support for the community. Journalists who remain uninformed are far more interested in personal stories they can sensationalize; rather than providing useful concrete information to the public. There have been cases where they haven’t respected anonymity and privacy.

In 2008, the Kosovo Constitution went through changes. These changes came as a result of public discussions conducted within the Women’s Network, where one of the drafters of the Constitution was also present. Various movements which were unfolding at this time were for including legal means for the protection of the rights of the LGBTI community within the constitution.

After the closing and opening of QESh, an important step for the community was the establishment of the NGO Libertas. Lesbians, being an isolated part of society, were not all that present during the rising of this organization. Through time this number reached 30. By being more of an improvised group, rather than one with a set strategy, it was deemed necessary to operate following the models of regional and international organizations. During this time, there was a sort increase in awareness among the general population. Although the method did not include formal actions, this caused for homophobia to be more evident.

So, in 2012 an event organized by Kosovo 2.0 was followed by one of the most severe cases of assault towards the LGBTI community. People, who were presumed to be religious radicals, entered the venue of the event shortly before the event was scheduled to begin. Both physical and mental violence was imposed on the organizers of this event.

Despite the fact that the organizers had previously contacted the Police, the aggressors could not be stopped because the police wasn't present at the time of their arrival. Later on, one of the women present was threatened through phone and Facebook messages; with rape and other violent acts. After this incident, persons of the community were forced to cancel their next planned event in one of the well- known bars in Prishtina. For this

reason, a meeting was set to take place with persons of the community, within Libertas office on December 16<sup>th</sup>, 2012. The purpose of the meeting was to discuss the alarming situation which formed abruptly with the Kosovo 2.0 incident.

While around 16 activists were gathered in Libertas, 7 to 8 people threw tear gas inside the office and physically attacked activists and anyone who was present there. The Police did not immediately come to the scene of the crime, allowing for the attack to continue. One of the activists suffered injuries and was taken to the hospital immediately. The fight taking place between the attackers and the activists stopped only when the Police arrived to the scene. This incident, along with the one at the Kosovo 2.0 attack was considered as severe crimes only with the intervention of EULEX. Unfortunately, the case was closed because of the ending of the mandate of the prosecutor of these cases. These incidents took the LGBTI community many steps back, seeing as such violence was seen in the beginning of the movement. The Police being incapable of protecting activists decided to call for the cancelation of all LGBTI related events; which could bring to other violent attacks.

With religion's role gaining power in Kosovo, danger for the LGBT community has increased as well. By being a patriarchal society, the LGBTI community has been seen as social

deviance. Activists of the community also think that attacks against them have come as a result of the connection between politics and these groups. These attacks directed at the LGBT community caused crisis, which among other things resulted in their isolation for around one month.

Centre for Equality and Liberty-CEL, is another organization which fights for LGBT rights. CEL was founded on June of 2013, by activists of the LGBT cause in Kosovo; whose purpose was to combat discrimination based on sexual orientation and gender identity, as well as empower the LGBT community while raising awareness among the general population. CEL served as a place where LGBT persons can safely meet and socialize; and continues to do so.

Despite the protection that these organizations offer, persons of the LGBTI community are reluctant to report their cases to the Police, due to insecurities of coming out and being stigmatized by others. Although cases are rarely reported to the Police, homophobic incidents are evident.

In 2015, a gay man was raped by his work colleague and upon receiving legal aid by CSDG; was assigned a lawyer who would represent him in court. After two court sessions, the victim was admitted to the Psychiatric Clinic at the University Clinical Center of Kosovo; due to trauma he'd endured from this incident.

Furthermore, in 2016 a landlord was not prosecuted for his physical and verbal violence

towards a gay couple in Prishtina. No case was initiated on grounds of supposed discrimination because of their sexual orientation- in regards to denied access to shelter.

It is worth mentioning that in 2016, the first case ever was resolved by the court- in a case where two gay men filed charges for enticement of hate, discord or intolerance based on national, racial, religious or ethnic hatred, in violation of Article 147, paragraph 1, of the Criminal Code of the Republic of Kosovo, committed in complicity, contrary to Article 31 of CCRK; and assault contrary to section 187, paragraph 1, of CCRK carried out in cooperation, contrary to Article 31 of CCRK. These two gay men in June 2016 were verbally and physically attacked because of their sexual orientation. By decision of the pretrial judge, criminals were held under house arrest from 14 June 2016 until July 13 of 2016.

The latest figures show that over time there has been an increase in awareness of citizens, against punitive laws for homophobic persons, which has also led to the reduction of violence. The role of the international community has led to a change in politics, and the police's approach to protecting this community. Awareness rising among public institutions like the prosecution, the judiciary, Police, and different ministries, has led to a more close-knit cooperation with the LGBTI community in general.

The situation of this community seems to constantly be changing, seeing as many young

people are joining the movement. Moreover, persons of this community are now presented with more acceptances in their families and in society. From the year 2014 to 2016 we've noticed more cases of persons of the community feeling more comfortable to come out, and openly talk about their sexual orientations with friends and family. The war had a great impact on this movement; preventing it from moving at pace with sister movements in the region and around the world.

However, although there has been progress among the general society; IPSOS, which is a global market research and a consulting firm based in France; conducted research in the Western Balkans in 2015 on LGBT issues and came up with troubling findings. Among countries ranking high in homophobia and stereotypes within the Western Balkans, Kosovo comes out 1<sup>st</sup>. Based on this report, only 3 percent of Kosovars would understand and support their child if they were to find out their child is gay- whereas 97 percent of those questioned, answered negatively when asked about socializing or accepting someone of this community.

To help you understand at least for a bit what it's like to be an LGBTI person in Kosovo; we've selected three personal stories to be told, and help you see the struggles of those living in our society as part of the LGBTI community.

## Personal Story

I was born and raised in a traditional family; where tradition had more importance than anything else. I was taught to respect my elders and mainly men because their say is more important, and has more weight than women's. I grew up seeing my mother and grandmother tremble in the presence of their husbands. When I was young, I thought I must act the same way in the presence of my father, or brother, or any man; no matter who he is.

As a kid, I remember when my father would curse at, and use derogatory discriminatory language against Serbs, people of the Roma community; but mostly LGBT people. By hearing these things I'd think that he was right, because love should be between a man and a woman. As a consequence of this, I came to the conclusion that relationships or marriages between people of the same sex we're immoral, and would send them to hell.

I remember clearly when I learned to hate the LGBT community. I used to use hate speech against LGBT people. It couldn't have turned out any differently, seeing as I was still a child at the time, and I was learning such behavior from my father, mother, and everyone around me. It is awful to think that parents, grandparents, and everyone you know in society feel the need to raise a child by

filling them with hate; and depriving them of a pure childhood.

Luckily, things started to change while I was growing up; and when the time came that my thoughts were not being imposed on me, but were rather independent ones. And so I started to read more, and was faced with what the media in Kosovo reports in relation to this community. However, this wasn't the only reason I went on to research. Something inside of me was changing, and my thoughts were beginning to change form. Until just yesterday I was accustomed to hating all people belonging to the LGBT community; and today, I find myself thinking of a girl I've had a crush on for some time now. This certainly wasn't easy for me. This was something I could not accept. I started praying to God, to find forgiveness for my sin; because all my life I'd been taught how wrong this is. I was afraid of what might happen to me; I was afraid to tell anyone.

My thoughts were now connected to this girl. Every night before I'd go to sleep, I would think of her. But still, my conscience was bothering me, and I couldn't help but wonder what it would be like if I wasn't taught how wrong a relationship between two women (or men) is. I was panicking, because until recently I'd only had crushes on boys. I remember thinking people would look at me as an odd person. I was sure they wouldn't understand. That year, I began going to a mosque, so I could



remove these feelings and thoughts and rid myself of all sins. Despite all that I was doing to counter these thoughts and feelings; they kept growing inside of me.

One day, I decided to do some research on the internet. What I found shocked me. Until recently I'd only known about Gay's and Lesbian's, but here I found out about many different sexual orientations and gender identities. I was very interested in the scientific research and continued to read more and more explanations and material on these matters. This was all not enough for me, until I stumbled upon personal stories of LGBT people.

I couldn't sleep thinking about how wrong all of this is, and I even attempted suicide 2 times. One day I thought it was all too much, and I wanted to punish myself for these sinful thoughts. This is all as a result of my parents. They say that if any of their children were LGBT, they'd kill them. I still feel just as bad when I hear things like these. I feel like the 13 year old girl that used to hear these same comments; but now I've grown to know how to ignore them.

All this changed one day when I met some wonderful people who were working with LGBT rights organizations in Kosovo. They told me that I'm not the only one who thinks and feels this way, and that there are many such cases in Kosovo. This was the first time in my life where I didn't feel alone. I was actually really happy and filled with

joy, because at last I'd found someone who supported and understood me. But, by getting to know people of the community in more depth, I began to be faced with judgment, seeing as many people think that it's impossible to be attracted to people of both sexes.

I was familiar with the fact that people in general would judge me for my situation, but I couldn't believe that people of this community were able to judge me as well. They thought that being bisexual is denying to yourself that you're actually a lesbian. It doesn't matter how hard I tried to convince them that in fact I was bisexual. Being bisexual has nothing to do with experimentation or fear. It is possible to be attracted to people of both sexes. If you're dating a man, you will not feel the need to also date a woman; and vice-versa. You will only have the need to savor moments, and be with people who make you happy. You can't decide who you fall in love with. It just happens, and you're happy with what you get.



## Personal Story

Many people have heard of my story, after I made public the fact that I'm transgender. This caused many media outlets to cover my story. I'm Lendi, the first transgender person to publicly declare themselves so in Kosovo. As you may know from my interview, I was born in Germany in an Albanian family, and raised with five sisters. This has contributed to my family seeing me as a boy. But, this time I have something to tell you; to share my emotions with you. As I stated above, I'm openly transgender; although it's taken a lot of time and effort with many sorrows. My whole life I've been a positive person; or at least I've tried to be so. Being different from others however has put me through many challenges, even causing me to not accept myself.

From the moment I realized I was transgender, up to the moment of accepting that about myself has been a very long and difficult process. I tried to form my character by being positive, and accepting myself as I am. It's been quite a long time, and I think I've become accustomed to myself; but I still don't know if I have the happiness I want. My family has accepted me for who I am, but they've limited me in many aspects. My sisters needed their space until they could grasp my identity, and my mom is one of the strongest people in the world to me; but there is no

doubt she was scared. She was scared of seeing me starting my transition (sex reassignment) - it would be shocking to many people, let alone my own mother. They've accepted me and love me for whom I am, but that in itself was a process. So you know my beginning, and my happy ending; as for the middle of my story, it was hell. Maybe I'll go through another "middle" of the story during my transition, but as I told you before I try to be positive in life, and I am prepared for anything that life might throw at me.

I've heard many people say "lucky Lendi; he had it so easy", but the truth is that nothing was easy, and everything was a slow process on its own. Every decision I made was well thought and took time to make- it wasn't a matter of luck. It was a matter of the strength we all have inside of us. We must try to alleviate ourselves of any burden we might carry around with us every day. The curiosity of "what comes after this?" is what kept me going. I, Lendi who doesn't care what the world thinks, find myself in days where it hurts that I am Transgender; but then I think "we all want the easy way out sometimes, right?"

The whole point is to not give up. There will be bad days, months, or even years. If you want to be lucky, you must attract luck- but luck doesn't remove that burden from your back. Decide to be strong, to laugh every day, and to not let any bad period in your life make you hate yourself. In every interview I've given, I've said that it was easy for me. I take this opportunity to correct myself; I made

it easy for me, because in fact it was pretty difficult. I've delayed many things because of the fear that it might be too late for me to undergo the transition. I hope that it isn't late for me to tell you that in fact I've fallen many times, and I must warn you that you will most likely fall sometime too. But don't let yourself be beaten by the fall. You must get back up. I "Lendi the brave one" haven't always been strong- I've fallen down many, many times.

## **Personal Story**

Coming out as gay was the hardest thing I have ever experienced. It was somewhat "terrifying": a mental battle between me, my family and the people around me. I always knew there was something different about me. At age 5, I witnessed my first ever typical Albanian wedding in Kosovo. Throughout the ceremony, I noticed that I was paying more attention to the groom rather than the bride. As I was growing up I used to wear my sister's makeup without really thinking. I used to do it whenever I was bored. This was all before my 10th birthday. Although, I never really understood what it meant to be gay; I guess I was too young to understand. At that age, I just assumed it was the norm.

I thought that everyone was just like me. As time went on, I began to come to terms with my sexuality; that's where it all gets really dark. As a

teenager I often got bullied at school. For five very long and painful years I was pushed, shoved, and people thought it was ok to throw things at me. Things like chewing gum, pencils and sometimes textbooks were thrown at me, even when teachers were present. Throughout those 5 years I was called “faggot”, and I just remember how I felt whenever somebody called me that. I found it very derogatory, homophobic and extremely hurtful; sometimes to the extent where I felt like I wanted to be sick. I was so ashamed to admit that I liked guys.

I even took steps to try and change the way I was. I remember in my last year of secondary school, I watched a straight porn movie to see whether I was attracted to women, but it put me off entirely. As soon as I saw the female genitalia, I felt like vomiting. Upon turning 16, I began studying at a college in London. However, it wasn't like any other college; it was revered for supporting LGBT+ rights.

The first year there was life-changing; it felt like a personality switch once I opted to study there. I remember the bullying stopped as soon as I finished secondary school and started my studies at college. It was as though everyone in my college embraced the way I was, the way I did things and the way I would come across. In secondary school, I had no friends whatsoever and during our one hour lunch-break, I used to pass time by walking around the whole school and eating in the boys toilets because that's where I felt most safe. In college, it was much the opposite, I felt much more welcome. I

used to remember people asking me whether I wanted to spend my lunch break with them and then go out to the park once our classes had finished. During my first year in college I came out as bi to soften the blow, still afraid to come out as gay.

I used to think that if I kept saying that I was bi and started to hang out with girls then somehow, I could be the person that everyone wanted me to be. Over time, I knew it wasn't possible to change my sexuality. I was determined to change, so I spent a lot of time with girls. I went out with a Hungarian girl from my college. She was the most beautiful girl I have ever seen in my life, inside and out. You could swim in her eyes. They were crystal blue and they would just entice me. It would be so easy to relate to each other since our personalities were almost identical. It was like she was my soulmate.

After a month of dating, I still didn't feel anything for her. As much as I tried to fall in love with her, I couldn't feel anything. I felt like a monster for breaking her heart when I told her I was gay rather than bisexual, and that my feelings were nothing other than friendship. I didn't want to lose her, but I was not physically attracted to her. I am grateful to her for being so understanding. We remain very close friends. I thank her every day, for it was this that verified my sexuality. I finally fully acknowledged what I was and that I wasn't going to change for anyone. In my second year of college I came out as gay and that's when things took a turn for the worst. I was out with one of my sisters and I

was on Grindr at the time (a gay dating app). When she asked me for the time I turned the screen towards her, forgetting that the app was still open. Her face suddenly dropped. “Oh that’s so disgusting! I’m so ashamed to call you my brother” she said. “You’re an embarrassment to our family.” The argument lasted for about an hour. As time went by, she kept that secret to herself. This was just the beginning of my problems. When I turned 18, I started working at a gay bar as a flyer boy. I thoroughly enjoyed my time working there because I have never felt so accepted by strangers in my life.

My circle of friends grew a lot wider – though this later proved to be problematic. After a month of working there, one of my work colleagues tagged me in an event associated to the venue I worked at. As soon as my family found out that I was working there, they booked me a one-way flight to Kosovo saying “the reason why you’re like this is because you have too much freedom.” They thought that by sending me to live here, it would affect me in such a way, that I would become straight. When in Kosovo I noticed that I dressed very differently in comparison to any other guy in the city. I quickly began to recognize how people were always staring at me, though that never really bothered me until the homophobia started. I remember it was a warm day and I was waiting for one of my friends at the side of the road, when four guys in a rusty red car shouted “I’ll fuck your whole family of gays you faggot!” and in that very moment I didn’t know how to react. I suddenly froze. I rush of thoughts came



into my head, and at one point, I even thought that I was going to die. There have also been other occasions e.g. when I finished university, a group of 10 people came out of their school chasing after me shouting “oh ill fuck your sister, where are you going, where are you running away to.” It was that bad that I had to walk into a factory for protection by the workers there.

I’m currently at university, but I still remember these moments very vividly clear, as if it was only yesterday. When I went home for winter vacation, I returned to London. When I arrived, I stayed at my mum’s house, and it brought back a flood of horrible memories. I just remember how emotional I got when I was sitting in the lounge sobbing, while my mum asked “what’s wrong with you”? I finally plucked up the courage to tell her what she did was wrong and how I’ll never forget what actions she took when I came out to her. I told her how I was feeling and also tried to educate her about sexuality. She had none of it. Consequently, she told me to go live with my dad. And that’s when she kicked me out of the house. I’ve had my heart broken by so many guys before, but this was not even comparable. I have never felt so broken in my life.

## **LGBTI IN ALBANIA**

With the end of 2015 and beginning of 2016, Albania marked 20 full years from the day when homosexual relationships were decriminalized.

This happened during a routine session of the Albanian Parliament in 1995, when the revision of many articles of the Penal Code, prepared as an obligation put forth by international conventions which were signed untranslated, left this historical moment in utter silence. It was historical because after 70 years, the love between two people was being decriminalized. Let us remember here that, the love between two people of the same sex was considered a criminal act since early 1925.

Unfortunately, as you will see, the changes in Albanian law that occurred didn't consequently bring about qualitative change of social status for many marginalized groups. A good law is not necessarily enforced from the moment it is approved.

In 1995 two parallel realities finally came together: the legal reality and everyday life of LGBTI persons. The first reality has known improvements since 1995, so much so that today, in the legislative field, Albania is ranked as a 'good place' for LGBTI; even more so than some other EU member states, including neighbors Italy and Greece. The second reality, the life of the LGBTI community, has not been following the same trajectory.

It has been 20 years since Albania undid an injustice (on paper), and we still have so many unanswered questions. How many human lives have been destroyed? How many families have lived through the misery of discrimination, prejudice and marginalization? How many girls and boys, women and men, young and old have committed suicide or have given up on themselves or on their identity? How many of those people have lived in solitude? How many of our most beloved have lived in fear of being unfairly judged, living in the insecurity of the double life? What have been the long term consequences of these things on LGBTI community members, their relatives, friends, and society as a whole? We may never know the answer to such questions but we can start to heal and improve the everyday lives of thousands of LGBTI people and their loved ones.

This starts by documenting everyday life with as much detail as possible, identifying possibilities available now. This information will allow us as a community to better diagnose where and when intervention is needed.

For example: How accessible is healthcare for LGBTI persons, specifically LBT girls and women? What is the reality for LGBTI persons with regards to education? How has bullying affected LGBTI individuals in schools and how has this issue been addressed? How many of the recommendations of the Albanian Ombudsman have been taken into consideration? What is the situation regarding domestic violence? What kind of services

are available and what are the challenges faced by such service providers? Are there still problems with the way the media portrays the LGBTI community, particularly in the general human rights context?

How prevalent is hate speech or discriminatory speech and where is it coming from? 20 years may be enough time for laws to change on paper, but it has not been enough to substantially change the quality of everyday life for LGBTI persons. To understand the difference between the everyday life persons of the LGBTI community and the legal framework in Albania; we've deemed it important to show content from the legal framework, which is as follows:

## **Legal Framework**

- a. Same-sex relations were decriminalized in 1995.
- b. Law No. 102211 "On Protection from Discrimination" prohibits discrimination based on gender, race, colour, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, education or social situation, pregnancy, parentage, parental responsibility, age, family or marital condition, civil status, residence, health status, genetic predispositions, restricted ability, affiliation with a particular group or for any other reason and provides protection

from discrimination on grounds of sexual orientation and gender identity in the areas of education, health, labour, housing and goods and services.

- c. Law “On Protection from Discrimination” does not cover intersex people specifically, although they have an implied protection under it.
- d. Same-sex marriage is not permitted according to the family code and there are no provisions that allow same-sex partners to have or adopt children.
- e. Even though freedom of association and freedom of assembly are enshrined in articles 46 and 47 of the Albanian Constitution, neither of these specifically mentions the grounds of sexual orientation or gender identity, but they are generally applicable.
- f. Freedom of expression is a right that is guaranteed to everyone under Article 22 of the Albanian Constitution. This article does not specifically mention sexual orientation or gender identity as grounds for prohibition from discrimination.
- g. Albanian law does not have a separate category for hate speech. However, the Albanian criminal code has been amended to explicitly criminalise hate speech on the grounds of sexual orientation or gender

identity. There have not been any judicial rulings to provide interpretation for these new provisions yet.

- h. Albanian law, concerning the refugee status of foreign citizens or persons without citizenship, does not mention gender identity or sexual orientation. This means that it does not specifically allow nor deny refugee status on the grounds of gender identity or sexual orientation.
- i. Concerning transsexuals, the Albanian healthcare system does not cover gender reassignment surgery.

Even though Albanian legislation is one of the most progressive in Europe regarding protection of LGBT rights there has not been significant progress made regarding implementation of such laws. There is a stark contrast between the legal situation and the reality that LGBT people face. Let us now look at this reality in numbers.

Aleanca LGBT has identified the most common assaults and the most vulnerable target groups based on cases reported from community members. The community members who frequently come to the Aleanca center are aged between 16 and 26 years and primarily identify themselves as gay, transgender or lesbian.

Until September 2015 there have been 486 reported cases of psychological violence. This includes: insults, curses, humiliation on the streets and exclusion from public transportation, bars and

supermarkets. Only 7 of these cases have been reported to authorities. This is mainly a result of members of the community having a lack of trust in institutions and having fear of being discriminated by the police themselves. Of the seven cases reported, in three cases the member of community encountered hostility from police officers. In one case it was reported that the police officer had been neutral in his actions and three other cases reported that the police had indeed been supportive.

There have been 6 cases of physical violence reported to Aleanca which involved beating, kicking and/or slapping. Only 1 such case has been reported to the authorities. Five cases of sexual violence were reported to Aleanca and only two cases were reported to the police.

The year 2016 hasn't brought many positive changes for the LGBT community in Albania. Their situation continues to be the same; just as the overall mentality of the general population. Albania, which was isolated for many years under a communist regime and freed from it in 1990; seems to have kept a conservative outlook on this issue; and still hasn't fully opened its doors toward Europe.

Laws continue to not be upheld; and persons of the LGBT community are still discriminated against. It will take quite some time for the Albanian society to cease viewing as abnormal; variations in sexual orientation. We remain to see if the year 2017 is going to better the daily lives of the LGBT community. This would entail the emancipation of the Albanian society. As an end

note, we must also mention that there is an LGBT rights shelter called “STREHA” in Tirana, which provides services for victims of discrimination/violence based on sexual orientation or gender identity; in Albania and Kosovo as well.



## **LGBTI IN BOSNIA AND HERCEGOVINA**

On Saturday, 1st February 2014, at 3:15 in the afternoon, at the beginning of a discussion on the topic “Transsexuality in Transition” a group of 14 masked men forced their way into the Art Kriterion Cinema in Sarajevo, with the aim of attacking those present. Most of the visitors managed to hide in the emergency exit passage, where they remained for about 20 minutes. In the meantime, the organizer of the festival from Belgrade, the moderator of the discussion and another person were attacked. The attack lasted for less than a minute, resulting in minor physical injuries, but it left significant psychological consequences. The attackers escaped without a scratch. Sarajevo Open Centre had announced the event to the police 20 days prior, emphasizing the need for protection, and the police were informed of dates and times for each Festival event. The police were present on Friday evening, during the opening of the Festival. However, on Saturday, the police were not present at the agreed time and for that reason they failed to prevent and stop the attack. The police arrived only after the fact and after the perpetrators had escaped.

While the police investigation was ongoing, Sarajevo Open Centre submitted two reports to the Prosecutor of Canton Sarajevo: one for compromising the safety of all present, causing bodily harm, preventing public gatherings and conspiracy to commit a criminal offense, and a

second report for violating the principle of equality of men and citizens. The police failure to come at the agreed time has also been reported to the Internal Control of the Ministry of Internal Affairs of Canton Sarajevo and as a consequence of the investigation two police officers had been reprimanded, although their responsibility for the breach was overturned after they lodged an appeal.

Two years after the attack, no one has been indicted and the Police investigation had focused only on one suspect out of the 14 people who came into the Art Kriterion Cinema. The crime itself has been characterized as violent behavior, which is only a misdemeanor, according to the Criminal Code of the Federation of BiH. The homophobic intent behind the attack and the fact that the crime was pre-determined has been ignored. It is clear that the pattern of inadequate and reckless investigation and processing of the attacks on the Sarajevo Queer Festival in 2008 and the Merlinka Festival in 2014, as well as a number of attacks inciting violence and hate against LGBTI individuals have created an atmosphere in which homophobic and transphobic attacks in BiH are being tolerated. This culminated in another homophobic attack on the staff and guests of the Art Kriterion Cinema, on March 4th 2016.

On Friday 4th of March 2016 four young men entered the Cinema, started shouting profanities, including hate speech against LGBTI persons; they threatened those present with violence and threw bottles, ashtrays and glasses at them.

They threatened the staff with burning the place down and detonating a bomb if anyone were to call the Police. One young man was hurt and saw a doctor, and a young woman was also attacked. Thirty persons who were present at the time suffered psychological harm. The police officers that arrived at the scene escorted the attackers outside, where they stayed with them, instead of taking them to the Precinct. This meant that the attackers could clearly see the guests entering and exiting and giving their statements to the police. According to the media reports the police took all four perpetrators to the Police Precinct, and they released them after taking their statements. Further, the representatives of the Ministry of the Interior of Canton Sarajevo stated that the motivation behind the attack is unknown and the attack was therefore characterized as violent behavior (misdemeanor).

This attack once again is another instance in the pattern of violence that emerged during the Queer Festival Sarajevo in 2008 and the attack on Merlinka Festival in 2014. It is clear that the lack of punishment for homophobic and transphobic violence is leading to its repetition and sending a message to the perpetrators that what they are doing is socially justified. It is essential that the police and the Prosecutor's Office classify this crime as a hate crime on the grounds of sexual orientation, which would send a message that homophobic and transphobic attacks, will not be tolerated.

The General Election in 2014 resulted in the Executive government being formed in 2015 that

has, thus far, been open for cooperation with the civil society organizations. A new partnership was established between the Sarajevo Open Centre and the Institutional mechanisms for Gender Equality in 2015. The Agency for Gender Equality of BiH, Gender Center of Republika Srpska and Gender Center of the Federation of Bosnia and Herzegovina has demonstrated a willingness to cooperate on issues regarding gender equality and LGBTI people's rights. As a result of this cooperation there has been an institutional recognition of the issues faced by LGBTI individuals and their specific needs, for the first time in Bosnian and Herzegovinian history. In December 2015 the Government of Republika Srpska passed the Annual Operational Plan on the basis of the Gender Action Plan for 2016, which addresses a number of activities to be undertaken by the Institutions of RS in order to advance LGBTI people's rights. Significant focus has been put on addressing hate crime, but also on planning for future activities.

The Government of the Federation of BiH passed their Annual Operational Plan for 2016 in March, and it also set out the activities to be realized in the Federation of BiH. A state-level Operational Plan is currently being made and it should be adopted by autumn of 2016. The Agency for Gender Equality of BiH and the Gender Centers of Republika Srpska and the Federation of BiH have demonstrated significant commitment and understanding of broader gender concepts and so have become institutional pioneers for spearheading

equality of LGBTI persons in BiH, therefore ending the marginalization of this group by the Government.

The European Union has, through the European Commission's reports and European Parliament's Resolutions emphasized the need to harmonize the Law on Prohibition of Discrimination with European legal standards. In autumn of 2015 a working group was formed with the intent of proposing amendments to the Law. At the very beginning of the process the Civil Society Organizations, including Sarajevo Open Centre, were invited to offer their proposals. As a result of this work, in December 2015 the Council of Ministers BiH passed the Draft Law on the Changes and Amendments of the Law on Prohibition of Discrimination, which contains the amendments proposed by the Sarajevo Open Centre. In May 2015 the State Parliament held the first special session on the state of LGBTI people's human rights in BiH, and formed three concise conclusions.

However, the initial enthusiasm experienced by the LGBTI activists deflated, because almost a year later the conclusions have yet to be implemented and achieved. This act, nevertheless, opened the door for further cooperation between the Civil Society representatives who work on LGBTI people's rights and the Parliamentary Committees for Human Rights and Gender Equality. In December 2015, authorities made another pioneering move: the Government of Republika Srpska passed their Annual Plan for Implementation

of the Gender Action Plan (GAP) for 2016, which also contains specific measures for protection of LGBTI people's rights. The government of FBiH followed soon after in March of 2016. This is the first time that the governments in Bosnia and Herzegovina are including LGBTI people's rights in their action plans. It remains to be seen how these measures will be implemented, but our hopes are high, especially because of the evolving partnership between the Sarajevo Open Centre and the institutional mechanisms for gender equality.

Regardless of the cooperation between LGBTI rights organizations and state institutions, the work that needs to be done is vast, seeing as society has yet to accept persons of this community. Thus, Bosnia and Herzegovina does not fall into the category of regional countries which show full support for the community. Even their activities differ from countries such as Croatia and Serbia.

## LGBTI IN SLOVENIA

Numerous studies (Slovenian public opinion research from 1999, 2002, 2005, 2008)<sup>1</sup> show that the attitude towards gays and lesbians in recent years is moving in a positive direction in Slovenia. The results of the research on social distance towards gays and lesbians show that in the 90ies about half of the Slovenian citizens did not want gay or a lesbian as their neighbor, while in 2005 the distance shortened to 35% and in 2008 to 34%. Study on homonegativity in Europe by Štulhofer and Rimac (2009)<sup>2</sup> places Slovenia in the middle in the spectrum of homonegative countries. Similar results are also visible in research from Takács and Szalma (2011)<sup>3</sup>. Slovenia, therefore, in the European context cannot be classified among countries with highest degree of homophobia

However if we could observe strong increase of the level of acceptance towards LGBT community in the 90ties and beginning of the new millennia, this has not been the case in the last couple of years. Resent comparative research on

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Everyday Life of Gays and Lesbians, conducted by Peace Institute has shown that there has not been any decrease in the level of violence and discrimination on the basis of sexual orientation in the past 10 years. Next to that, from 2009 on we have witnessed a strong presence of new “anti-gay” movements which are opposing any change in relation to legislation in the field of regulating same-sex partnerships and families and also in the field of anti-discrimination legislation. This movement has acted as the main driving force behind the fall of Family Code that included inclusive legislation for same-sex couples and families in the national referendum in 2012 and in 2015 when the marriage equality that was adopted in the parliament and later denied by a popular vote in national referendum.

The research on everyday life of gays and lesbians that was conducted by Peace Institute in 2014 and included 1145 respondents shows that 30% of respondents have faced discrimination and/or harassment due to their sexual orientation during their schooling (primary and high school). In the majority of cases the perpetrators were their classmates (nearly 90 %). So we can conclude that school remains an unsafe place for gays and lesbians. Even more worrying is that 17 % of the respondents have faced discrimination and/or



harassment from their teachers. The research also shows that discrimination is present in the workplace as 12% of the respondents stated that they have been discriminated in the workplace and 10 % presume that they lost their job due to their sexual orientation. The report also shows that discrimination is present in public places such as bars, restaurants and hotels. Still in most cases respondents do not report discrimination. The two main reasons are: minimization of discrimination (discrimination was not sufficiently "large" that it would be worthwhile to report), and the economics of the operation, which is reflected in the belief that with reporting you would not achieve anything.<sup>1</sup>

The research on the needs of transgender people in Slovenia that was conducted in 2015, which included 65 respondents, showed that 69 % of respondents experienced discrimination based on gender identity, 21% responded that they have not experienced discrimination and 10% chose the answer "other" and stated that they have experienced discrimination occasionally, but they are not sure if this cases were connected to their gender identity. In majority of cases they faced discrimination in public institutions and public services (45 %), 43 % faced discrimination in

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primary and/or secondary school, 39 % at home, 24 % at work, 10% at university/college, 6 % from medical doctor. 35 % of respondents have faced discrimination in other settings (among friends, in partnership, police, media, LGBT community, etc.).

Civil partnership Act (ZPZ) regulates the situation of same sex partnerships in Slovenia. The legislation was adopted in 2016. The Act is approaching to marriage equality but with the absence of the possibility that partners jointly adopt a child and eligibility procedures of assisted reproduction techniques for same sex couples.

The adoption of ZPZ is a result of a long struggle of the movement that lasted over 25 years. The first legislation that was adopted in Slovenia concerning same-sex couples was adopted in 2015 - (The Registration of a Same-Sex Civil Partnership Act (ZRIPS)). The law only covered property relations, the right/obligation to support a socially weaker partner, and inheritance rights to a degree. It did not grant any rights in the area of social security (social and health insurance, pension rights, etc.) and it did not confer the status of a next-of-kin to the partners. The LGBT civil society did not support the adoption of this legislation as it deemed it unconstitutional and discriminatory; this was later found out by the Constitutional Court. In 2009, the Constitutional Court found that it was

unconstitutional to prevent registered partners from inheriting each other's property. It held that treating registered partners differently from married partners constituted discrimination on the basis of sexual orientation, breaching Article 14 of the Slovenian Constitution. A similar decision was adopted by the Constitutional Court in 2013 – this time in case of inheritance rights for non-registered same sex couples.

After this decision(s) by the Constitutional Court there was a few attempts of adoption of new legislation, in two cases the adoption was successful but later denied by the national referendum.

In September 2009, the Government of Slovenia presented a draft of the new Family Code, which would allow same-sex couples to marry and adopt children. This was later changed as in 2011 before it's passing in the parliament. The amendments were made due to the difficulty of passing the bill. Marriage remained defined, as a union between a man and a woman, but same-sex registered partnerships would have all rights of marriage except joint adoption (step-child adoption was allowed). The new law was challenged in September 2011 by a conservative popular movement 'The Civil Initiative for the Family and Rights of Children', which called for a national referendum on the issue, and started gathering the

requisite popular support. A referendum on 25 March 2012 led to the rejection of the bill.

A similar situation happened in 2015. As in December 2014 the opposition party United Left (ZL) introduced a bill that would grant full marriage equality. The sponsors of the bill stated that the goal is to provide equal rights to all members of the society and extend constitutional rights to all groups. On 3 March, the Assembly passed the bill in the third reading, in a 51-28 vote. On 10 March 2015, opponents of the bill announced that they have collected more than 80,000 signatures to call for the referendum. After the decision of the Constitutional Court to allow the referendum, the bill was rejected on 20<sup>th</sup> of December 2015.

On December 22<sup>nd</sup> 2015, following the December 20<sup>th</sup>, 2015 referendum, independent MP Jani Möderndorfer submitted in the procedure the bill (ZPZ) to give same-sex partnerships all rights of marriage, except adoption and in vitro fertilization. On 21st of April, the Assembly, in a 54-15 vote, approved this bill. In the following days, the union of migrant workers SDMS filed a motion, with required 2,500 signatures, in order to be allowed to proceed with the petition for referendum. However the Speaker of the National Assembly Milan Brglez refused to set a thirty-five-day deadline during which the proposers could collect 40,000 valid

signatures to force the referendum, arguing that this and several other SDMS referendum initiatives constitutes an abuse of the constitutional rights to the referendum. The legislation came into force in late May 2016. The SDMS appealed to the Constitutional Court about the decision of Milan Brglez, the case is still pending.

Legal gender recognition is the process of change of name and official data of gender in official documents and registers for the purpose of recognition of gender identity of the person. Slovenia, like many other countries, has no specific law to regulate legal gender recognition or any other issue for transgender people. However since 2016, gender identity and gender expression are specifically mentioned as a ground for discrimination in anti-discrimination legislation in Slovenia. Legal gender recognition is regulated in the Rules on the Implementation of the Law of the Central Register. The current legislation violates at least three human rights, namely the right to physical integrity, the right to health and the right to privacy (Article 8 of the European Convention on Human Rights). This is primarily coming from, that the right to legal gender recognition without obtaining a medical diagnosis (or. involvement in the process of confirmation of gender identity in medical processes and interventions) is not possible.

When it comes to intersex there are no specific laws regulating the rights of intersex people. In case of intersex child a group of doctors (endocrinologist, gynecologist, surgeon, urologist, geneticist and psychiatrist, if the child is older) within three days determine which gender the child should be. The decision is then presented to parents and they make final decision. The legislation in this field violates several human rights standard.

The origins of Slovenia's gay and lesbian movement lay in the first Magnus festival entitled Homosexuality and Culture organized by ŠKUC Forum in 1984. The same year, the Magnus section was founded in ŠKUC students' cultural center, the first such movement in the Eastern Europe. The ŠKUC lesbian section was set up in 1987 and was the first lesbian group in Eastern Europe. In addition to culture, artistic and scientific productions, the purpose of both was the fight against all forms of discrimination. In 1998, under the wing of the University of Ljubljana Students' Organization, Legebitra, a group for young gays, lesbians, bisexuals and transgender people and their parents was founded with the intention of offering safe places to young people and working in the human rights field. Their activities were subsequently broadened and formalized as a civil society organization. In 2003, DIH – the Society for the

Integration of Homosexuality was set up, and is now known as the DIH Society – Equal under the Rainbow; in 2009 Pride Parade organization and the Institute for Cultural Diversity were formed, in 2010 the (first LGBT) Sport Association Out in Slovenija and the Association for Diversity of Identities Kwartir were established; and in 2013 the Appareo Society for Eliminating Social Inequality. In 2015 the first transgender organization TranAkcija was established. Institute Transfeminist Initiative TransAkcija enables support, informing, empowerment and alliance of transgender and gender non-conforming persons in Slovenia, and is the first and only non-governmental organization devoted to human rights of transgender persons the country. The work of these organizations is also accompanied by other civil society organizations working in the field of equality for LGBT people. LGBT organizations are therefore active in many areas.

An Artistic and media production by the LGBT movement is extremely rich and diverse in Slovenia. Ljubljana's FGLF (Ljubljana Gay and Lesbian Film Festival) was founded in 1984 and is one of Europe's oldest LGBT film festivals. In addition to the film festival, major events worth mentioning include the annual *Gay Pride parade* on the streets of Ljubljana (June) and the *Red Dawns*

*art festival* at Metelkova (March). The first Pride parade took place in 2001, and since then the event took place every year.



Foto e bërë nga Srdjan Zivulovic/Reuters; marrur nga [www.archive.boston.com](http://archive.boston.com/bigpicture/2012/06/lgbt_pride_events.html)  
[http://archive.boston.com/bigpicture/2012/06/lgbt\\_pride\\_events.html](http://archive.boston.com/bigpicture/2012/06/lgbt_pride_events.html)



There is also a strong history of printed media. In the 1990s, there was *Revolver*, “a magazine with a homoerotic charge” and the bulletins *Kekec* and *Pandora*. The political, social and cultural magazine *Lesbo*, published by the LL Section, followed this. *Narobe* (*‘Wrong’*) magazine has been published regularly since 2007. Interviews, reviews, checks and critical tests as well as guest commentaries cover the broad field of LGBT themes, from topical political questions to culture and sport. Legebitra publishes the magazine.

Publications from ŠKUC Publishers comprise the book series *Lambda* and *Vizibilija*. Since 1990, the *Lambda* series has published homoerotic-oriented literary and humanistic works. The series, which thus far counts over a hundred titles, is one of the most prominent and largest of LGBT book series in Europe.

*Lesbomania* is a radio program for lesbians, gays and transgender people on Ljubljana's Radio Študent. The program is part of Radio Študent's cultural output and has been on air for the last 15 years on 89.3FM. The program goes out live and is a monthly collection of news, information, columns, commentaries, analysis of political reality and media discourse on LGBT topics, reviews and critiques of cultural events and interviews. In 1990 a special LGBT radio show called Pink Wave was

broadcasted nationally on the second program of the public radio Val 202.

*The Lesbian (LGBT) library and archive* was set up on 1<sup>st</sup> of May 2001. The library is a space for the systematic storage and preservation of literary, documentary and archive material related to lesbian, gay and transgender themes.

LGBT club scene has been present since the mid-1980s. The club scene offers for LGBT people maynot be large, but it is diverse. In addition to the legendary club *K4*, which is also famous for its so-called pink evening (once a month on a Saturday), the most popular clubs are the lesbian *Monokel Club* and gay *Tiffany Club* in Metelkova mesto alternative cultural center.

## **LGBTI IN SERBIA**

The beginning of LGBT activism in Serbia is placed in 1980's, when a group of lesbians and gays started holding meetings in the hotel Moskva in Belgrade's downtown. In 1990, the first LG group, Gay and Lesbian Lobby Arkadija, was founded, whose main goal was the public lobbying for the decriminalization of homosexuality. This group did not have any finances or premises, so most of its work was based on public statements in order to improve the position of lesbians and gays in Serbian society.

Back in that time, the media was not interested in LG issues, and in most cases only the independent media were reporting on the work of this group. From the very beginning, lesbian and gay movement was strongly connected with the feminist and peace movement; this connection was a "natural" consequence of the growing nationalism and radicalisation of the society just before or during the wars Serbia initiated in the beginning of 1990's. Some of the feminist/peace publications dedicated special chapters to lesbian and gay issues. These were the publications issued by the feminist peace organization Women in Black, as well as the magazine Pacifik which promoted the culture of peace and was edited by the first out gay activist in Serbia, Dejan Nebrigić.

With the beginning of the wars, most of the LG activists continued their struggles within the peace movement. This was the time of growing

homophobia and the radicalization of Serbian society, so Arkadija could not continue with public activities in such an environment. The only time when the Pride Day was publicly marked was in 1991, when a few activists from Arkadija were talking about the importance of the Pride Day and LG activism in the Cultural centre Dom omladine. When they tried to organize a similar event the following year, within the Student's protests at the Faculty of Philosophy, the group of youths representing themselves as the students of theology studies physically prevented them from entering the auditorium and holding the event. Since then, Arkadija continued marking the Pride Day with events which were closed for public.

Only a few lesbians and gays were speaking publicly on lesbian and gay issues, although even their visibility was limited due to the war issues and growing radicalization of the society. Lepa Mladenović, Dejan Nebrigić and a few more lesbian and gay activists wrote about coming out, AIDS, lesbian and gay books published in the world and other interesting issues within the two published Arkadija newsletters in 1993 and 1994. However, the lesbian and gay movement at that time was interconnected with the peace and feminist movement, and the visibility of all of these movements was limited due to the social degradation of any values based on the human rights and freedoms.

Male homosexual act was decriminalized in Serbia in June 1994. There are no indications that

this happened thanks to the pressure of lesbian and gay activism. During the war, the parliament changed the Criminal Code and erased the article previously labelled as unnatural sexual perversion (sodomy), and it is presumed that this happened incidentally when they were deciding on many different issues, among which this issue passed without public debates.

The same year, Arkadija was officially registered within the Ministry of Justice, Lepa Mladenović received the Felipa de Souza award at the celebration of Pride Day in New York by the International Gay and Lesbian Human Rights Committee (IGLHRC), and Lesbian Studies were initiated within the Women's Studies by Lepa Mladenović, Zorica Mršević, Ria Convent (Belgium), Ingrid Foeken and Anja Meulenbelt from Holland, and Chris Corrin from Great Britain.

After many years of working as a lesbian section under the Arkadija, a lesbian human rights organisation Labris was founded in 1995.

In the period from 1995 till 2001, the visibility of lesbian and gay activism in Serbia was very limited, and it was mostly oriented on the support and strengthening of lesbian and gay community. Labris was working on regional feminist cooperation and networking, lesbians were organizing workshops and regional festivals within the Lesbian Week in Slovenia, Croatia, and Serbia. In 1998 and 1999, in cooperation with the Open Society Institute and European Youth Association in Serbia, Labris initiated the Campaign against Homophobia, the

project based on the social and legal analysis of homophobia, media analysis, and analytic bibliography on homosexuality. This process was stopped when Dejan Nebrigić, the executive director of the project, was killed in his apartment, on December 29, 1999.

Dejan Nebrigić had been receiving threats from Vlastimir Lazarov, the father of his ex-boyfriend. He notified the police of this, but they refused to intervene. After many reports to the police, they even arrested Nebrigić, tortured him, and the court appointed lawyer refused to represent him due to his homophobic attitudes. In March 1999, Dejan Nebrigić filed the criminal offence against the perpetrator, and this was the first criminal case on homophobia in Serbia. The case was protracted by the court and in December Nebrigić was brutally killed. The radical authorities under Milošević's power used this case to accuse Nebrigić and lesbian and gay organizations as anti-regime and anti-state movements. The whole case affected the lesbian and gay movement, which, at that time, remained invisible and very vulnerable.

By 2001, two more LGBT organizations were founded – Queeria and Gayten LGBT. This was a very important year for LGBT activism in Serbia, as this was the first time lesbian and gay activists decided to work more publicly, believing that the society had changed after the fall of Milošević's regime. Labris and Gayten LGBT decided to organize the first Pride Parade in June, the event that was violently stopped by the members

of the extreme right-wing organization Obraz, the members of Serbian Orthodox Church, football fans, and the members of right-wing political parties. None of the planned activities within the Pride Parade 2001 were realized, many lesbian and gay activists were brutally beaten up in the centre of Belgrade, and the police and the “democratic” authorities refused to intervene and protect the Pride participants and/or prosecute the perpetrators of hooligan acts.

The murder of Dejan Nebrigić and the violently stopped Pride Parade once again negatively affected the LGBT movement in Serbia, which remained invisible for many years after that. Between 2001 and 2005, many initiatives were started, but most of them remained incomplete, and the campaigns and actions were more random than based on the previously analysed political moment. This was also the time when many cases of violence against LGBT people were documented, but even if there were reactions before the police or courts, they brought more harm than benefit to the victims of violence due to the institutional homophobic system. The worst example of this happened in 2003, when the first publicly out cross-dresser, Merlinka (Vjeran Miladinović, 43) was murdered. She was working as a sex worker and her body was found a month after she was killed. In 2004, the second Pride Parade was announced by several LGBT activists, but it was soon cancelled due to the violence that happened (again) in the streets of Belgrade, when the mosques of Belgrade and Niš

were set on fire, after the violence against Serbian citizens in Kosovo.

Between 2004 and 2009, LGBT activism became more and more visible, several new LGBT/Q groups were founded, and the LGBT struggles were becoming more structured and based on the analysis of the political momentum in Serbia. This was also the time when LGBT/Q community was publicly represented by several gay men, and the rest of the community remained mostly invisible and silent in public. During the next years, the year 2009 was the most important year for LGBTI/Q activism in Serbia; when the community became the most visible and problematic part of politics in Serbia.

That year, the Anti-Discrimination Law (ADL) had been adopted. The adoption of the law had been marked with a lot of controversies, as it had been withdrawn from the parliamentary procedure, following an intervention by the representatives of the Serbian Orthodox Church whose explanation was that the traditional religious communities are not in accordance with the legislative provisions which prohibited discrimination based on sexual orientation and gender identity. A forceful reaction from the general public was needed in order for the Anti-Discrimination Law to be adopted in its entirety. This was the first time that the public space was occupied by LGBT/Q activists, as well as by those who were supporting the LGBT rights and who came from different public domains: official state



politics, media, social and human sciences, other human rights activists, etc.

After the ADL had been adopted due to the strong public debate and media campaigns, several LGBT/Q organizations and individual activists announced the Pride Rally. Pride Rally 2009, under the slogan "*it's time for equality*", was scheduled to be held at 11 o'clock in the morning of September 20th, on the square (Plato) in front of the Faculty of Philosophy, and was banned mere 24 hours before it was scheduled to begin. At 11 o'clock in the morning of September 19th, during an impromptu meeting in the government offices, the Prime Minister of the Republic of Serbia, Mr. Mirko Cvetković, issued a resolution of the Ministry of the Interior, by which the event was relocated to a provincial part of Belgrade, Ušće. The resolution, signed by the Chief of Police, Milorad Veljović, stated that the event is being relocated due to the "extremely high risk levels". This represented a de facto ban of the Pride Rally by prohibiting the organisers to hold the event at a location previously registered with the police, by preventing them to file a complaint, as well as by failing to provide the organisers with the information on how the relocation would improve the safety of the event. That year, although the Pride Rally did not take place in Belgrade, the huge media campaign was raised and LGBT rights were finally occupying the public space more than ever before. This is also the first time that the LGBT community was not represented only by gay men, as lesbians and non-

heterosexual women were also very visible in public.



*Foto e bërë nga Beta; marrur nga artikulli i Balkan Insight  
Third Belgrade Pride Parade Passed Without Incidents”*

*<http://www.balkaninsight.com/en/article/third-belgrade-pride-parade-passed-without-incidents-09-18-2016>*

After the ineptitude of the State to confront the threats and violence, and following the banning of Pride March 2009, as well as due to the enormous amount of international pressure, Pride Parade was finally held on October 10th, 2010. As there was no significant change in the attitude of the State toward the right-wing organisations during the previous year, and as Pride Parade was finally held in 2010, it is important to reflect on all the circumstances regarding this event. In a nutshell, this event perfectly illustrates the attitude of institutions towards the implementation of LGBT rights. A part of the LGBT/Q community in Serbia is still unofficially naming this event as “State Pride”, as several ministries joined the Organizing Committee that year: the Ministry of Internal Affairs and the Ministry of Human and Minority Rights, as well as the Republic Prosecutor's Office, members of the City Assembly, etc. Despite such important changes in the attitudes of the State towards the Pride Parade, there were very few texts in the media which spoke of this event, the members of the Organizing Committee publically appeared only a few times prior to the Parade, there were no reports of violence against LGBT people and a pervasive silence about the Pride Parade was present in the public. Based on the media analysis reports from 2009, in their public appearances, the Pride Rally organizers were emphasizing the violence against LGBT/Q community in Serbia as a major problem of LGBT community, as well as their rights in general, especially the right to assembly. The same

reports from 2010 emphasized the democratization of Serbian society and the European integration process as a dominant subject in media, and the LGBT/Q community and their problems were of the secondary importance.

Pride Parade was held on October 10th, 2010. It was organized under a huge police protection. The participants were forced to pass through three police checkpoints in order to access the area in which the Parade was to be held, which was cleared of pedestrians and cars. There was a circle of approximately 100m of clear space between the participants and the police cordons, and the participants could not see what was going on behind the security cordons. The media broadcasted a small amount of information from the event itself, as the media attention (and not just that of the domestic media) was focused only at the images of violence. Behind the police cordons, around 6,000 hooligans destroyed the city and attacked police officers. After the Pride Parade, 249 people were arrested, of which 195 adults and 54 minors; 131 persons were detained, and 160 people were injured (most of the injured were policemen). Most of the arrested hooligans were soon released from prisons and recently (October 2016) they were fully released of any guilt.

One of the organizers of Pride 2009 received an asylum in the USA due to the constant threats and attacks she was suffering in the streets of Belgrade during 2009 and 2010. The rest of the crew decided to withdraw from public actions, not only because

of the threats, but also because of the serious divisions within the LGBT/Q activism in Serbia. After the Pride parade in 2010, Serbian authorities banned the Pride parades in 2011, 2012, and 2013, although there are currently two decisions by the Constitutional Court which are acknowledging that the banning of Pride rallies is against the domestic and international laws and legislative instruments. The Ministry of Interior filed the resolutions of banning all of the scheduled protests in the days when Pride should have taken place in Belgrade – both the scheduled protests by the extremist right-wing groups in Belgrade/Serbia, and the Pride parade itself, equalizing this way those who are fighting for and against the protection of human rights in Serbia. As a consequence, there are four applications before the European Court for Human Rights filed by the LGBT activists from Serbia. After the right-wing government coming to power, holding the Pride Parades in Belgrade became regular every year, starting 2014. This indicates that there is a strong influence and connection between the government and the extremist groups/individuals, who are finally under the control of the government when it comes to holding Pride Parades in Belgrade (although not in other political situations – revisionism of fascists history, hate speech by the extremist MPs, etc.). However, the positive effect of empowering role of Prides toward LGBTI community is obvious as Pride is becoming more and more the event of LGBTI community, and not only of their supporters.

Today, the LGBTI activism in Serbia is a part of the state political agenda. In 2014, the government adopted Anti-Discrimination Strategy and Action Plan on the Prevention and the Protection of Discrimination, which includes LGBTI rights as well. The mayor problems remain within inability to implement the existing legislation in a situation when many of the perpetrators and their acts of violence against LGBTI persons are known in public and have never been convicted by the court, as well as in the ignorance toward the decisions of the Constitutional Court.



## LGBTI IN CROATIA

Croatian LGBTI activism, judging by the results in the field of legislation, state protection, and the actual position of LGBTI people in Croatia, might be the brightest point in the Western Balkan region. After the decentralization process of the authorities in the Socialist Federal Republic of Yugoslavia, the new Croatian Penal Code in 1977 decriminalized homosexuality (at that time, the same happened in Slovenia, Vojvodina and Montenegro). The Croatian Medical Chamber erased “homosexuality” from the official list of mental diseases in 1973, following the same decision of the American Psychiatrist Association, and long before the World Health Organization.

The first public discussion on homosexuality was a broadcasting of the radio show in Croatia “The Frigid Jack”, by Toni Marošević. The author was an out gay man and the show dealt with various marginal social and political issues. Several media from Zagreb and Belgrade protested against the broadcasting of this show, and it was soon stopped, although the same Youth Radio continued its progressive way of reporting on social, politics and culture in Croatia.

The feminist movement in Croatia, together with Slovenian lesbian and gay groups SKUC LL and SKUC Magnus, and the previously mentioned radio show, significantly contributed to and encouraged the creation of the first lesbian group in Croatia – Lila initiatives. This initiative was

founded in 1989, just before the war, so it disappeared from the public view the following year. During the war, most of the activists of the feminist, peace, and green movements joined the Anti-War Campaign of Croatia.

The first lesbian-gay group LIGMA was founded in 1992, but during the war it was impossible to work on the improvement of the position of LGBTI people in Croatia. However, this group was important as it was led by the LGB activists who were representing themselves openly with their full names: Andreja Špehar and Amir Hanušić. In that time, LIGMA was publishing the first LGB magazine *Speak Out*, within the magazine of the Anti-War Campaign, and was providing the safe space for socialization and meetings of LGBTI community. This group ceased to exist in 1997 due to the constant internal conflicts among its members. Soon after the termination of the group, Amir Hanušić and Andreja Šprehar received asylums in Canada and Sweden because of the verbal and physical threats and attacks they suffered in Croatia.

In 1997, the still existent lesbian group *Kontra* was founded, but it was registered in 2002, when it changed its policies from radical feminism to advocating for the same sex marriage and family values. After the termination of LIGMA, there were no registered organizations until 2000 and most of the activities were limited to internet portals *crolesbians.com* (today known as *crol.hr*), *crogay.com* (today known as *gay.hr*), and *decki.com*



(later – medvjedi.hr), while in Zagreb the first club for LGBTI people was opened: Bad Boy. In 2000, the first lesbian group, LORI, in Rijeka was also registered without the obstructions from the authorities.

In 2001, after the violently stopped Pride Parade in Belgrade in which the lesbian activists from Croatia also participated, they announced the first Pride Parade (Gay Pride) to be held in Zagreb in 2002. On this occasion, in the beginning of 2002, an LGBT organization, Iskorak (Step Out) was founded. One of the founders was Damir Hršak, who was the president of the Socialist Labor Party at that time, and today he is the president of the Committee for Education, Science, and Culture within the Croatian Labor Party and was one of the candidates for MEP in 2013. At the same time, the lesbian group Kontra started their public work and these two groups announced the first Gay Pride in Zagreb.

The Gay Pride was successfully held in the central streets of Zagreb, accompanied by the insults and threats of gathered citizens who were opposing this event. The event was supported by the representatives of Croatian government and parliament, as well as by the minister of interior, who also took part in it. During and after this first outdoor event of LGBT community in Croatia, 27 hooligans were arrested, and dozens of participants, as well as persons who were presumed to have been participating in Pride Parade, were beaten up in Zagreb that day.

After the successfully held Gay Pride, the first massive media campaign, Love is Love, was launched. In the summer of 2003, the Croatian parliament adopted the Law on Same Sex Relationships, which was the first time that the Croatian legislation recognized the existence of such relationships, although this law was not applicable in practice.

After the change of the government in 2003, when the right-wing political party won the elections, the Croatian government still continued with the practice of inclusion of “sexual and gender orientation” within the newly adopted laws. In 2006, the Penal Code was amended to include hate crime – that made Croatia the first country in the Western Balkans to recognize this criminal act. By 2005, several LGBTI/Q groups were founded: Inqueerzicija, Queer Zagreb, deNormativ, kugA, Zbeletron, and Zagreb Pride. After its foundation and after successfully organized and held Pride Rallies every year, Zagreb Pride became one of the most visible LGBT/Q organizations in Croatia.

The systematic homophobic violence organized within the neo-Nazi groups in Zagreb and the football fans’ groups started in 2007, when the attacks were no longer connected only to a work of LGBTI organizations, but the attackers also started targeting the clubs, public places, private homes; they were targeting the LGBTI activists, gay men in parks and in public transportation. The reaction of the authorities and their condemnation of violence were lacking, and Zagreb Pride decided to found the

Organizing Committee which will financially support the holding of Zagreb Pride every year after that, but also to independently work on the prevention and decreasing of discrimination and violence against LGBTI persons, by creating new safe places. In 2010, this organization initiated the creation of the coalition of several LGBT/Q organizations in Croatia – the Centre for LGBT Equality, which consisted of Zagreb Pride, LORI, and Queer Zagreb.

That same year, Iskorak and Kontra announced Split Pride, the first Pride Parade to be held outside of Zagreb. In 2011, the first Split Pride was held, and the participants were stoned by the protesters, insulted and threatened. The police arrested more than 100 people, and more than 20 criminal charges were filed with the elements of hate crime; six Pride participants and journalists suffered serious bodily injuries. Just a week later, Zagreb Pride was also held, with more than 4,000 participants expressing their dissatisfaction with what happened in Croatia one week before, and expressing the solidarity with the LGBT community in Split. The Croatian President also condemned the violence, and in the following years, Split Pride was much more seriously protected by the police, and the rallies were held without violence.

Currently, a few initiatives regarding the LGBT/Q activism in Croatia are worth mentioning. In June 2013, the Croatian Government amended the Law on State Registry, which stipulates that even the persons who did not finalize the reassignment

surgery procedures, can change the personal documents and name. The Prime Minister stated on this occasion that “transgender persons are the citizens of this country as any other citizens” and he openly supported the adoption of this law.

Right before the Prides in Split and Zagreb, and following the announcements of the Croatian government to adopt the law on same-sex relationships, the civil initiative “On Behalf of Family” gathered more than 720,000 signatures on the petition requiring the amendments within the Constitution which could define the marriage as a union of one man and one woman. This initiative was a direct reaction on the announcements of the government to adopt the Law on Life Partnership. Zagreb Pride, Kontra and some other groups and activists were taking part in a working group which was drafting this law. In July 2014, the Law on Life Partnership was adopted in the Croatian Parliament, after the "On Behalf of Family" initiative successfully changed the Constitution which now defines the marriage as the union of man and woman. The LGBTIQ community in Croatia got angry as a reaction to this kind of homophobic initiative, and the twelfth Zagreb Pride was the largest pride rally ever held in the region – the organizers claim there were between 12,000 and 15,000 people. Currently, more than 150 life partnerships are registered, Zagreb Pride is gathering several thousand people every year, trans movement is getting more and more visible and influential, and the following years will show if

such trends will continue despite the re-arrival to power of the right-wing government.

