



LEVERIS
ORGANIZACIJA ZA LEZBIČKA I GAYSKA PRAVA



VICTORY
INSTITUTE

COLLABORATORS
SUBVERSIVE
FRONT

LGBTI

POLITICAL PARTICIPATION IN THE WESTERN BALKANS

RESEARCH REPORT

LGBTI POLITICAL PARTICIPATION IN THE WESTERN BALKANS

RESEARCH REPORT

March 2018

This study was commissioned by Labris, the LGBTQ Victory Institute, and Hirschfeld-Eddy-Stiftung



Collaborators



The content of this material may be reproduced in whole or in part in any form or by any electronic, mechanical, photocopied or other means, provided the source is cited, that the use is non-commercial and does not place additional restrictions on the material. The ideas and opinions expressed in this report are the sole responsibility of the authors and those persons interviewed and do not necessarily reflect the views and opinions of Labris, the LGBTQ Victory Institute, or Hirschfeld-Eddy-Stiftung.

LGBTI POLITICAL PARTICIPATION IN THE WESTERN BALKANS

Researcher & Author: Aleksandra Dimovska, MA

Contributors: Aleksandra Dimovska, Subversive Front
Antonio Mihajlov, Subversive Front
Jelena Vasiljević, Labris
Luis Abolafia Anguita, LGBTQ Victory Institute
Caryn Viverito, LGBTQ Victory Institute
Logan Graves, LGBTQ Victory Institute

Design & Layout: Daniel Mitkovski

ISBN: 978-608-65959-6-8

Table of contents

1.INTRODUCTION	2
1.1. OVERALL OBJECTIVE OF THE RESEARCH PROJECT AND RESEARCH QUESTIONS	3
1.2. RESEARCH METHODOLOGY	4
1.3. RESEARCH PAPER STRUCTURE	5
2.COUNTRY OVERVIEW OF THE HUMAN RIGHTS LANDSCAPE OF THE LGBTI COMMUNITY.....	7
2.1. ALBANIA	7
2.2. BOSNIA AND HERZEGOVINA.....	9
2.3. CROATIA.....	11
2.4. KOSOVO	13
2.5. MACEDONIA.....	15
2.6. MONTENEGRO.....	17
2.7. SERBIA	19
2.8. SLOVENIA.....	21
2.9. CONCLUSION	23
3.POLITICAL PARTICIPATION OF THE LGBTI COMMUNITY IN THE WESTERN BALKANS.....	25
3.1. COUNTRY OVERVIEW OF POLITICAL PARTY PLATFORMS AND LGBTI ISSUES	27
3.2. RELATIONSHIP BETWEEN CSOs AND POLITICAL PARTIES.....	36
3.3. EU ACCESSION AS A TOOL FOR EMPOWERING CSOs IN THE WESTERN BALKANS.....	37
3.4. CONCLUSION	39
4.INTERVIEWS ON LGBTI POLITICAL PARTICIPATION IN THE WESTERN BALKANS	42
4.1. METHODOLOGY	42
4.2. MAIN FINDINGS FROM INTERVIEWS.....	43
4.2.1. <i>Interviews with politicians and representatives of political parties</i>	<i>43</i>
4.2.2. <i>Interviews with LGBTI activists.....</i>	<i>52</i>
4.2.3. <i>Interviews with experts on LGBTI-related issues.....</i>	<i>60</i>
4.2.4. <i>Interviews with institutional representatives.....</i>	<i>63</i>
5.CONCLUSIONS, BEST PRACTICES AND RECOMMENDATIONS FOR INCREASING LGBTI POLITICAL PARTICIPATION	67
6.LIST OF ANNEXES	76
6.1. ANNEX A	76
6.1.1. <i>Questionnaire 1: LGBTI Political Participation in the Western Balkans</i>	<i>76</i>
6.1.2. <i>Questionnaire 2: LGBTI Political Participation in the Western Balkans</i>	<i>76</i>
6.1.3. <i>Questionnaire 3: LGBTI Political Participation in the Western Balkans</i>	<i>77</i>
7.GLOSSARY.....	78
8.BIBLIOGRAPHY.....	81

List of Abbreviations

BiH - Bosnia and Herzegovina

CSF - Civil Society Facility

CPD – Commissioner for Protection from Discrimination

CSOs - Civil Society Organizations

EC - European Commission

EIDHR - European Instrument for Democracy and Human Rights

EU - European Union

ERA - Equal Rights Association for Western Balkans and Turkey

HRO - Human Rights Ombudsman

IDADHOT - International Day Against Homophobia, Transphobia and Biphobia

ILGA - International Lesbian, Gay, Bisexual, Trans and Intersex Association

IPA - Instrument for Pre-Accession Assistance

LGBTI - Lesbian, Gay, Bisexual, Trans, Intersex

NAP - National Action Plan

NDI - National Democratic Institute

NGOs - Non-governmental Organizations

OIK - Ombudsman Institution Kosovo

SOC - Sarajevo Open Centre

SOGI - Sexual Orientation and Gender Identity

UDHR - Universal Declaration of Human Rights

CHAPTER

1

1. Introduction

One of the most important aspects for the citizens of democratic societies is the extent to which they can take part in their country's political system. For many, being civically active is a crucial way in which they can contribute to their community and be active members of society. This type of civic activism aimed at influencing the outcome of a political issue is known as political participation and is considered to be key part of any democracy.¹ However, political participation involves much more than just voting. Participation in electoral processes derives from the freedom to speak out, assemble and associate; the ability to take part in the conduct of public affairs; and the opportunity to register as a candidate, to campaign, to be elected and to hold office at all levels of government.²

Democracy is more likely to develop and endure when all segments of a society are free to participate and influence political outcomes without suffering bias or reprisal. However, in many new and emerging democracies, large portions of the population are excluded from politics based on their ethnicity, religion, age, disability, gender or sexual orientation.³ Moreover, social, cultural and economic factors can often serve as barriers to political participation of marginalized groups, including the LGBTI community.

The situation for LGBTI people around the world varies greatly – some countries embrace the principles of equality, while in others, LGBTI people continue to face discrimination, persecution and violence. Countries in the Western Balkans region including Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia are no exception when it comes to analyzing to which extent state authorities allow for their LGBTI communities to be politically active and have a voice in mainstream politics.

The prospect of joining the European Union has prompted governments to commence tedious reforms on the alignment of national anti-discrimination legislation with that stipulated by EU law, while LGBTI activism in Eastern and Central Europe has experienced a steady growth since the fall of state socialism. However, LGBTI people in the Western Balkans see themselves as the most discriminated minority group due to the constant exposure to psychological abuse and verbal harassment, physical violence, homophobia and transphobia, discrimination at work as well as discrimination on police protection, political engagement, education, professional development and other areas.⁴

Unfortunately, human rights of LGBTI individuals in the Western Balkans are too often violated. However, vibrant democracies are characterized by a continuous expansion of the available forms of participation.⁵ It is important to increase the participation of LGBTI persons so they can have a voice in the political process and achieve a greater level of equality, understanding that political participation is a fundamental means of addressing the social and economic inequities associated with marginalization. ³ It is also important to work on the advancement of LGBTI political

inclusion in the Western Balkans by increasing their participation in the creation and implementation of electoral politics, encourage increasing public support for openly LGBTI public officials, as well as strengthening capacities for effective activism and increasing visibility and outreach efforts.

1.1. Overall objective of the research project and research questions

The overall purpose of the research paper is to outline the opportunities to increase political participation in Serbia and the Balkans, specifically Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia.

The main research question guiding this research paper is: What are the opportunities to increase LGBTI political participation in Serbia and in the Balkans and how to leverage those?

The specific objectives of the research include:

1. Identifying progress, challenges, and best practices in the processes of political participation of the LGBTI population in the region.
2. Identify the entry points to work with political parties to incorporate LGBTI issues and openly LGBTI people within their structures and candidates.

This research will be used to understand what the opportunities are to increase political participation of LGBTI people in the Western Balkans and its impacts towards equality. Furthermore, the final products delivered by this paper will be used for various purposes, including LGBTI organizations in the region to understand the opportunities to use political participation as an advocacy tool to achieve equality.

Labris (Serbia) and the LGBTQ Victory Institute (United States of America) commissioned this research, which was carried out by Subversive Front (Macedonia).

Labris, one of the oldest lesbian human rights organizations in the region (founded in Belgrade, Serbia, in 1995) is an organization that considers the right to different sexual orientation as one of the basic human rights. Their mission is to work on the elimination of all forms of violence and discrimination against lesbians and all women in general and to establish a more equal society. Their vision is a society without hate, fear, with rule of law, society where sexual and gender minorities would have equal rights as majority. Labris's values are tolerance, solidarity, nondiscrimination, equality and dignity for all minorities.

Founded in 1993, *The LGBTQ Victory Institute* (Victory Institute)'s mission is to increase the number of lesbian, gay, bisexual, transgender, and queer people in public office and to provide programming, services, and other support to help ensure their success. The Victory Institute has developed and trained thousands of LGBTI leaders in the U.S., increasing international representation across our programs every year. Their

programs focus on developing LGBTI leaders through internships, fellowships, campaign trainings, and an annual international conference. They have expanded their work to implement international campaign and leadership trainings, having trained more than 200 LGBTI individuals in the Balkans, Colombia, the Dominican Republic, Honduras, India, Peru, and South Africa.

The association for a critical approach to gender and sexuality, *Subversive Front*, from Skopje, Macedonia was established on June 23, 2013. Subversive Front's mission is to work on the promotion of a more critical, unconventional, non-patriarchal approach towards areas of gender and sexuality, and thus to work on recognition, introduction and promotion of the rights and status of people who do not fit within the hetero-normative categories in Macedonia. They also work to foster a strong political movement to create a favorable and acceptable climate for LGBTI people.

1.2. Research methodology

The majority of the research predominantly relied on qualitative research methods, including conducting semi-structured interviews with interlocutors gained through existing lists of key individuals for interviews as well as through the snowball sampling method. It is important to note that the snowball sampling method enabled us to solicit additional interlocutors from the existing list of interviewees from among their acquaintances.

The Victory Institute and Labris provided the researchers with a list of documents that needed to be reviewed before commencing with the research, previously recorded and transcribed interviews for use in the analysis, as well as a list of key individuals that needed to be interviewed and consulted.

The list of documents provided by both Labris and the Victory Institute, which enabled a comprehensive literature review, included research papers, publications and brochures on the human rights situation as well as country-based and regional analysis on the LGBTI political participation in the Western Balkans.

The interviews that were already recorded and transcribed were included in this research, in addition to separate interviews that the researchers conducted with politicians and representatives from political parties, LGBTI activists and representatives from the civil sector, representatives from independent institutions, and experts from Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia. The interviews with these key individuals were conducted through several interviewing methods, including face-to-face interviews, Skype, teleconference as well as questionnaires sent out by e-mail.

The set of questions which were used to interview the interlocutors were all contained as part of the questionnaires⁶ the researcher drafted guided by a comprehensive interview guide. It is important to note that the prepared set of questions were all adapted and appropriately structured into personalized questionnaires for the

target groups in this paper. The structure of the questionnaires included a combination of both open and closed questions which allowed for the researcher to obtain rich qualitative data. Moreover, a slight difference between the interviews that were conducted face-to-face, Skype or phone and by e-mail is that the first method allowed for the researcher to conduct interviews which included a broader discussion and more follow-up questions in comparison to the pre-selected questions contained within the questionnaire sent by e-mail.

1.3. Research Paper Structure

Chapter 1 contains the introductory remarks on the topic of political participation of the LGBTI community in the Western Balkans, as well as the background on the research methodology, the overall objective of the research and the research questions.

Chapter 2 is devoted to the country-by-country overview of the human rights legal landscape of the LGBTI community in the Western Balkans, specifically in Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia. For this purpose, in addition to the available literature sources chosen by the Victory Institute and Labris, a list of information sources was consulted including Annual Reports of the EU institutions, US Department of State Country Reports on Human Rights Practices, ERA Country Profiles, NGO reports, publications and other sources done on the issue covered by the paper.

Chapter 3 deals with the analysis of political participation of the LGBTI community in the region in terms of the connection between party politics and civil society organizations. It explores the political parties in the target countries and their take on LGBTI issues, LGBTI activism and its relation to relevant political actors, and the EU accession process as a mechanism to advance basic democratic principles and empower CSOs.

Chapter 4 covers the main findings of the interviews on LGBTI political participation in the Western Balkans. The sub-sections of the chapter are dedicated to an analysis of the findings obtained through the interviews with politicians and representatives of political parties, LGBTI activists and representatives of the civil sector, experts, representatives from independent institutions. After each sub-section is a summary of the key points put forth in the interviews.

Chapter 5 presents the conclusions derived from this research, a set of recommendations for policy-makers, CSO actors and other relevant stakeholders in both the national and regional context, and an elaboration of best practices from five Western Balkan countries.

The final part of the research paper contains the list of annexes (three questionnaires; biography of the researcher)

CHAPTER

2

2. Country overview of the human rights landscape of the LGBTI community

2.1. Albania

Constitution

The Albanian Constitution offers no specific protection to LGBTI people. Article 18 which states grounds for prohibition of discrimination does not make mention of sexual orientation and gender identity. The Albanian Constitution does not prohibit same-sex marriage. Article 53 states that “everybody has the right to get married and have children”. However, the Family Code of the Republic of Albania clearly defines marriage between a man and a woman. The Constitution establishes comprehensive rights for citizens (Article 15) and guarantees the equality before the law, regardless gender among other causes (Article 18). Gender may be interpreted in a broad sense as an encompassing term for SOGI as well.⁷

Anti-discrimination legislation

In 2010, Albania adopted a comprehensive Law on the Protection against Discrimination which regulates the implementation of the principle of equality in connection with “gender, race, colour, ethnicity, language, gender identity, sexual orientation...” The law explicitly promotes equal access to employment, education, goods and services, health services, and housing. It also defines the national human rights structures mandated to address inequality and discrimination in Albania.⁸

In 2016, the Council of Ministers adopted the National Plan of Action for the LGBTI 2016-2020, and in August an order of the prime minister established the National Group of Implementation and Coordination to implement the action plan. The action plan seeks to improve the legal and institutional framework for protecting LGBTI persons, eliminate all forms of discrimination, and improve access to employment, education, health, and housing services.⁹

According to the ILGA – Europe Rainbow Map Index 2016 reflecting the European countries’ legislation and policies guaranteeing LGBTI human rights, Albania ranks 24th out of 49 countries with a score of 33.24%.¹²

Bias-motivated speech and bias-motivated crimes

In 2013 the Albanian Parliament amended the Criminal Code to specifically define crimes motivated by sexual orientation and gender identity as “hate crimes”. The same year Parliament passed a new law prohibiting the dissemination of homophobic information. The Criminal Code does not provide protection from biased transphobic speech nor from biased homophobic and transphobic hatred incitement. It does not criminalize biased homophobic and transphobic violence in the form of threat or harm on

the grounds of SOGI.⁸ Despite the law and the government's formal support for LGBTI rights, homophobic attitudes persisted in private and public life.⁹ Regarding LGBTI people in the media, for almost two decades the media has been a perpetuator of homophobia in Albania. Problems with unethical reporting, misinformation, and scandalizing of LGBTI issues remain serious. Albania has no official data collection on hate crimes. Violent attacks are underreported in Albania in part due to police abuse or ridicule.⁸

Right to marriage and family

The Constitution of Albania recognizes the right of marriage and family to everyone, while the Family Code defines marriage as an institution between a man and a woman, effectively prohibiting same-sex marriage.⁸

Rights and equal treatment of trans and intersex persons

Currently the only law that offers some degree of protection to trans and intersex people is the Law for Protection from Discrimination. However, no other legislation offers the possibility for gender reassignment procedures. The Law on Civil Status, amended in 2013, in principle allows both gender marker and name changes in the official acts of civil status. Even though many trans individuals have no other choice of survival but through sex work, the Criminal Code penalizes trans-sex work as "prostitution." Furthermore, Albania's health system does not cover medical operations for transgender people and hospitals are ill-equipped to handle any trans-related operations. This forces trans individuals to go abroad for surgery and/or treatment. It is unclear how the healthcare system currently supports this surgery and treatment, following the non-discrimination law. Moreover, information on intersex people is almost nonexistent. There are no organizations specifically for intersex people. Like LGBT persons in general, intersex persons are not mentioned in any law or strategy related to healthcare. In formal terms, the legal basis that regulates the healthcare of citizens is available to intersex people as well.⁸

Right to employment

The Labour Code was amended in 2015 and entered into force in 2016 which prohibits discrimination in employment and profession on the grounds of SOGI, defining discrimination as any differentiation, exclusion or preference threatening the individual right to be equal in terms of employment and treatment. The anti-discrimination law and the Labour Code constitute the legal basis for protection of LGBTI people in the area of employment. The Law prohibits discrimination in employment based on SOGI status.⁸

Right to education

Though education curricula have no explicit content on LGBTI rights, the Ministry of Education and Sciences and public Universities have regularly held open lectures and presentations on LGBTI rights. Article 13 on the Law on Prevention and Control of HIV/AIDS/STIs provides that the Ministry of Education and Science is obliged to include curriculums and text books regarding the prevention and control of HIV/AIDS in the national education program on sexual and reproductive health.⁸

Right to healthcare

The Law on Healthcare guarantees the right to health for all. However, all legislative documentation in the area of healthcare is generic and makes no specific reference to SOGI or LGBTI person's healthcare needs. Because the legal basis provides healthcare to everyone, LGBTI people are beneficiaries of the healthcare on the same basis as all other citizens.⁸

Right to freedom of assembly and association

LGBTI organizations held the annual Tirana Pride in May 2017 without any incidents. The Albanian LGBTI movement is comprised of several organizations including Alliance against Discrimination LGBT, PINK Embassy and Together for the LGBT Cause.

2.2. Bosnia and Herzegovina

Constitution

Article 2 of the Constitution of BiH prohibits discrimination. However, grounds such as sexual orientation, gender identity and sex characteristics are not included in the exhaustive list of protected categories. The Constitution of BiH remains silent on gender eligibility for a marriage.¹⁰

Anti-discrimination legislation

The 2009 Law on Prohibition of Discrimination was revised in 2016 when the House of the Peoples adopted amendments with which SOGI was more accurately defined in local languages, and sex characteristics was explicitly added to the list of protected grounds, which provides intersex persons with legal protections. It also aimed to prohibit discrimination on the basis of association with a protected group, improved the definition of harassment and sexual harassment and introduced victimisation as a form of discrimination etc.¹¹

According to the ILGA – Europe Rainbow Map Index 2016 reflecting the European countries' legislation and policies guaranteeing LGBTI human rights, Bosnia and Herzegovina (BiH) ranks 25th out of 49 countries with a score of 31.34%.¹²

Bias-motivated speech and bias-motivated crimes

Six years after Republika Srpska and Brčko District, the Federation of Bosnia and Herzegovina (FBiH) also regulated hate crimes through its Criminal Code. The amendments to the Criminal Code of FBiH including hate crime regulation were adopted in the FBiH's Parliament in April of 2016. Hence, all three BiH's administrative units have hate crimes regulated within their criminal codes.¹³ While BiH has no system in place for recording hate crimes, Sarajevo Open Centre has reported the existence of numerous cases of discrimination and violence on the grounds of sexual orientation.¹⁰

Right to marriage and family

Legislation in BiH does not allow for any form of union between same-sex couples and the current legal framework does not engage in protecting these relationships. There are currently no attempts to legally regulate life partnerships of same-sex couples at any level of government in BiH.¹⁰

Rights and equal treatment of trans and intersex persons

Trans persons in BiH are discriminated against in all areas of life on the basis of their gender identity and gender expression. They can only change the sex marker in their official documents after they have completed full medical transition, however names on official documents can be changed at any time. Trans persons receive no public assistance for medical gender reassignment procedures. Legal gender recognition is not available in a fast, transparent and dignified manner. Instead, trans people are often left in a legal vacuum.¹⁰ However, Bosnia and Herzegovina is the first country in the region to offer protections based on sex characteristics and provide clear protection for intersex persons in its anti-discrimination legislation.¹¹

Right to employment

Article 8 of the FBiH's Labour Law explicitly prohibits discrimination on the grounds of sexual orientation; however, gender identity is not explicitly covered. The Brčko District Labour Law also protects individuals from employment discrimination on the basis of sexual orientation; gender identity is not explicitly mentioned. The Labour Law of Republika Srpska does not cover sexual orientation nor gender identity explicitly as protected grounds of discrimination, but it prohibits discrimination on any characteristic not directly related to the nature of the work. Despite improved legislation, LGBTI persons face frequent harassment and discrimination, including termination of employment.¹⁴

Right to education

The Constitution of Bosnia and Herzegovina guarantees the right to education; however, no current law mandates the provision of comprehensive sexual education at school through a standardized curriculum. As a result, the quality of education on sexuality varies widely within the country. The needs and problems of LGBTI people are not adequately recognised within the education system in BiH, as there is no education on sexuality and gender diversity, and LGBTI persons and their lives are often presented with a negative connotation.¹⁰

Right to healthcare

The laws pertaining to healthcare do not specify sexual orientation or anything besides sex as a ground for non-discrimination. They do, however, specify that these laws guarantee the right to healthcare to any and all persons. Still, a vast majority of LGBTI people do not feel comfortable sharing their sexual orientation or gender identity with a healthcare practitioner, in fear that they would be treated worse if they did.¹⁰

Right to freedom of assembly and association

Though these freedoms are regulated all across BiH, the environment for the development of civil society has been challenging. Also, though there has not yet been a pride parade organized in BiH, there have been other significant and visible LGBTI-themed events which have often been marred by homophobic attacks.

Despite the lack of support from State authorities and lack of strategies for development of civil society, LGBTI activism in the country is growing. In addition to established organizations such as Sarajevo Open Centre, Foundation CURE and Association Okvir, BUKA was registered in 2013, LibertaMo Association in 2015 in Mostar and Tuzla Open Centre at the beginning of 2016.

2.3. Croatia

Constitution

Since the 2013 referendum, the Constitution defines marriage solely as a union between a woman and man, effectively reinforcing the prohibition of same-sex marriage. The constitution also includes two provisions on anti-discrimination namely on equal rights and freedoms as well as respect and legal protection of personal and family life without explicitly mentioning sexual orientation or gender identity.¹⁵

Anti-discrimination legislation

The 2008 Anti-Discrimination Law includes sexual orientation, gender identity and gender expression on the list of protected categories against discrimination when it comes to access to public and private services, or access to public service establishments. LGBTI rights are governed by the general anti-discrimination legal framework and two specific acts, including the Personal Name Law as well as the Regulation on the Method of Collecting Medical Documents, and the Determination of Conditions and Conditions for Change of Sex or Life in Another Gender Identity. Other anti-discrimination directives which have been included in various segments of legislation since 2003 include the Gender Equality Law, Media Law, Electronic Media Law (anti-discrimination based on sexual orientation, gender identity and gender expression), Life Partnership Act, Labor Code, Sport Law, Asylum Law, the Law on volunteering (anti-discrimination based on sexual orientation, gender identity and gender expression) and others.^{15 16}

According to the ILGA – Europe Rainbow Map Index 2016, reflecting the European countries' legislation and policies guaranteeing LGBTI human rights, Croatia ranks 11th out of 49 countries with a score of 62.36%.¹²

Right to marriage and family

Since 2014, same-sex couples in Croatia have effectively enjoyed the same rights as heterosexual married couples, except adoption rights. However, separate

legislation does provide same-sex couples with a mechanism similar to step-child adoption called "partner-guardianship".¹⁵

Bias-motivated speech and bias-motivated crimes

With the adoption of the new Criminal Code in 2013, hate crimes were introduced as a qualified form of a criminal offense and more stringent punishment was established for hate crimes based on gender identity and sexual orientation. Improvements have also been introduced in the hate crime protocol, where it is stated that the police must proceed with special care in cases of hate crimes.¹⁶

Rights and equal treatment of trans and intersex persons

In addition to the aforementioned anti-discrimination framework, the rights of trans persons in Croatia are governed by the Personal Name Law as well as the Regulation on the Method of Collecting Medical Documents and Determining Terms and Conditions for the Change of Gender. The Personal Name Law allows a transgender person's legal name to be changed without the obligation undergo sex reassignment operations, while a court decision is needed for the change of gender markers in official documents.¹⁶ Also, since 2013, having undergone sex reassignment surgery no longer has to be stated on an individual's birth certificate. The rights of intersex persons are not legally protected in any way.¹⁶

Right to employment

Croatia's previously mentioned anti-discrimination law enacted in 2008 bans all discrimination on the basis of both sexual orientation, gender identity, and expression.⁶⁴ As this law specifically states that all discrimination is banned, this includes workplace discrimination. Further detail is given in a section that outlines discrimination as banned in work, advancement opportunities, vocational guidance, vocational training, and retraining. Membership in political parties, trade unions, and civil society organizations are also protected from discrimination.

Right to education

Croatia's anti-discrimination law, mentioned above, also prohibits discrimination in the area of education and science.⁶⁴

Right to healthcare

The above-mentioned anti-discrimination law above also includes the right to access healthcare, goods and services, and sports.⁶⁴

Right to freedom of assembly and association

The 2000's marked a turning point in LGBTI history in Croatia with the formation of several LGBTI associations and the first gay pride in Zagreb in 2002, which had widespread public and political support. Zagreb Pride was successfully organized for the sixteenth time on June 10, 2017.¹⁵ Zagreb is home to the first LGBTI centre as well as the

NGO Queer Zagreb, while the second LGBTI centre was opened in Split and the third in Rijeka.¹⁷

2.4. Kosovo

Constitution

Though not a member of the United Nations or the Council of Europe, in its Constitution Kosovo gives precedence to international law and takes upon itself the direct applicability of the Universal Declaration of Human Rights (UDHR) and European Convention for Protection of Human Rights and Fundamental Freedoms. Kosovo has banned discrimination on the grounds of sexual orientation, or more specifically the constitution and law prohibit direct or indirect discrimination based on sexual orientation and gender identity in employment, healthcare, and education.¹⁸ The definition of marriage remains liberal – it makes no reference to gender – thus allowing for such cases to be brought forward in the Constitutional court. However, the Family Code of Kosovo defines marriage as a union between a man and a woman.¹⁹

Anti-discrimination legislation

In 2015, the 2004 anti-discrimination law was replaced with the new Law on Protection from Discrimination, which established a general framework for prevention and combating discrimination based on a number of grounds, including gender identity and sexual orientation. It prohibits any discrimination in direct or indirect form. Also, the new Law on Gender Equality was adopted, replacing the 2004 version, which includes an updated definition of gender identity that is inclusive of transgender persons.¹⁹

According to the ILGA – Europe Rainbow Map Index 2016 reflecting the European countries' legislation and policies guaranteeing LGBTI human rights, Kosovo ranks 27th out of 49 countries with a score of 30.48%.¹²

Bias-motivated speech and bias-motivated crimes

In legal terms, when the motivation for a crime was based on gender, sexual orientation, or perceived affinity of the victim with persons who are targets of such hostility, the law considers motivation to be an aggravating circumstance. For the first time in 2016, two defendants were sentenced to jail for a hate crime perpetrated against members of the LGBTI community.¹⁸ Furthermore, during LGBTI-related public events, marches and concerns in the past few years, social media has been fuelled with hate speech and comments including death threats, insults and other slurs against participants including high level politicians. Also, LGBTI human right defenders are also under frequent threats and harassment.¹⁹

Right to marriage and family

Kosovo's Constitution prohibits discrimination based on sexual orientation stating that everyone enjoys the right to marry and the right to have a family as provided by law. The President of the Constitutional Court had said that Kosovo de jure allows same-sex marriage but that due to political reasons the issue is unclear. However, same-sex couples cannot get legally married in Kosovo, as the Family Code defines marriage as a union between a man and a woman.¹⁹

Rights and equal treatment of trans and intersex persons

Transgender and intersex people are not acknowledged by Kosovo's Constitution and although there are no laws criminalizing trans identities, this does not mean that trans people's rights are protected in Kosovo. The Law on Gender Equality includes an updated definition of gender identity, protecting "the gender related identity, appearance or other gender related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth." Regarding intersex persons, the publicly disclosed surgical interventions on intersex minors at the Kosovo Clinical Centre still happen, as such procedures are not regulated by any legal provision or international human rights standards.¹⁹

Right to employment

The aforementioned 2015 anti-discrimination law includes protections for groups in the area of the workplace, including access to employment, occupation, promotions, and at all levels of hierarchy.⁶⁷

Right to education

The Kosovo Constitution guarantees a right to education and education is mandatory for all citizens. This includes all sexual orientations, per Kosovo's anti-discrimination law which includes sexual orientation and gender identity. Academic freedom and scientific creativity is also guaranteed.⁶⁶ Additionally, the 2015 anti-discrimination law guarantees a right to access education, vocational training, internship experience, and retraining.⁶⁷

Right to healthcare

The anti-discrimination legislation also makes explicit mention of protection for those seeking personal insurance, humanitarian aid, health protection, and social security.⁶⁷

Right to assembly and association

Kosovo held its first Pride Parade on October 10, 2017 attended by hundreds of people and joined by President Hashim Thaci. Also, since 2014, numerous activities around IDAHOT (International Day Against Homophobia, Transphobia and Biphobia) have taken place. Government officials signaled support for LGBTI rights by sponsoring and attending numerous public events, such as the third annual IDAHOT pride walk, which was the largest in the country's history. President Thaci became the country's first president to participate in the walk.¹⁹ In the last 10 years, the LGBTI movement in Kosovo

has grown stronger and more organized, as there are currently three national active LGBTI organizations, including Centre for Equality and Liberty (CEL), Centre for Social Group Development (CSGD) and Centre for Social Emancipation (QESH).

2.5. Macedonia

Constitution

Even though the Constitution guarantees the protection civil and political freedoms and rights with regards to the equality of citizens regardless of sex, race, color of skin, national and social origin, political and religious beliefs, property and social status,²⁰ it does not contain provisions guaranteeing the right of citizens regardless of their sexual orientation, gender identity (or other status).²¹

Anti-discrimination legislation

The Law on Protection and Prevention Against Discrimination, the new all-inclusive law set to be presented and adopted in the Parliament by mid-2018, will now include SOGI as protected grounds of discrimination. The new law will not include marriage as an exclusion of discrimination, as marriage is defined in the Family Law. Even though including SOGI as a basis for discrimination was pointed out as a positive improvement from the previous law, a provision which would include sex characteristics should also be incorporated to legally protect the rights of intersex persons. Overall, the legislation in Macedonia does not include non-discrimination provisions on sexual orientation and gender identity in the areas of employment, access of goods and services, military, healthcare, assembly, and asylum.²²

The Criminal Code does not explicitly offer protection on the basis of sexual orientation or gender identity. However, Article 137 uses an open legal norm “personal characteristics and circumstances” in which the above basis can also be interpreted.¹³ A revision of the Criminal Code and adoption of amendments regarding protection from SOGI-based hate crime and hate speech acts has been planned for 2018.

According to the ILGA – Europe Rainbow Map Index 2016 reflecting the European countries’ legislation and policies guaranteeing LGBT human rights, Macedonia ranks 41st out of 49 countries with a score of 16.03% - the lowest score out of all Western Balkan countries analyzed in this report.¹²

Bias-motivated speech and bias-motivated crimes

Hate speech, such as negative stereotyping, against LGBTI persons in the media, including the internet and social media, has grown in intensity and frequency in recent years. Statements by politicians, negative media coverage, and inflammatory comments on internet-based social media platforms are increasingly prevalent in the field of hate speech against LGBTI persons and mutually reinforce stereotypes and intolerance.²³ The level of intolerance towards LGBTI persons is alarmingly high and homophobic and transphobic hatred and violence is increasing and is not effectively prevented or punished

by the authorities.²³ LGBTI persons face high levels of stigmatization if they reveal their identity by reporting a homophobic or transphobic attack to the police.²³

Right to marriage and family

The Law on Family defines the rights and obligations of only unmarried heterosexual couples. Close and personal romantic relationships are defined as relationships between two people of different sexes who are or have been in a relationship and are not together in an extramarital state. Thus, under the current law, same-sex couples are neither recognized by the state nor have any rights.²⁴

Rights and equal treatment of trans persons

The most frequent problems that trans persons face are in the field of education, healthcare, employment, and state administration.²³ Macedonia and Albania are the two of the few countries in the Western Balkans where there are no legal provisions to allow trans persons to change their name or gender in personal documents. However, in September 2017, the Macedonian Administrative Court adopted and published an unprecedented decision on data modification of the data in the birth registry according to the sex change of a transgender person. In regard to health services, transgender individuals do not have access to hormone therapy, reassignment surgery and appropriate psychological counseling. Furthermore, there are also no regulations clarifying whether the cost of gender reassignment treatment can be covered by the public healthcare system.²³

Right to employment

Labor legislation in Macedonia includes “sexual orientation” in its non-discrimination provision and covers harassment with reference to LGBTI persons.²⁵ It also prohibits direct or indirect discrimination relating to: employment conditions, promotion at work, access to all forms and levels of education, and all rights deriving from work relations or relating to work relations.¹³

Right to education

Education is accessible to everyone under equal conditions as guaranteed by the Constitution, however there is no legal protection of LGBTI individuals in the educational system or legislation and sexual education is not objective as LGBTI issues are not made part of the curriculum.¹³ In 2017, a revision of school textbooks has been conducted in accordance with law on all textbooks that have noted errors, false facts, discriminatory content and hate speech, prejudice and stereotypes, which also encompasses issues related to LGBTI.

Right to healthcare

The right to healthcare applies equally to all based on the Law on Health Protection; however, LGBTI individuals, in particular transgender persons, are not entitled to particular treatment. The Law on Protection of Patient’s Rights introduces the notion of

“sexual orientation” in an anti-discrimination clause, thus laying the legal grounds for realization and protection of the rights of LGB persons in the healthcare sector.¹³

Freedom of assembly and association

LGBTI persons have the right to establish associations under Article 20 of the Constitution which states that “Citizens are guaranteed freedom of association to exercise and protect their political, economic, social, cultural and other rights and convictions. Citizens may freely establish associations of citizens and political parties, join them or resign from them.” A number of LGBTI organizations have been established since 2000s, including Subversive Front, the LGBTI Support Centre, LGBT United Tetovo, Coalition “Sexual and Health Rights of Marginalized Communities”, Women’s Alliance and EGAL (Equality for Gays and Lesbians).

The right of citizens to assemble peacefully and express public protest is a right guaranteed by Article 21 of the Constitution. Pride Week events and other happenings have been organized in Macedonia for more than 7 years, while the first Pride Parade is expected to take place in Skopje in 2018.

2.6. Montenegro

Constitution

The Montenegrin Constitution defines marriage solely as a union between a man and a woman. Direct and indirect discrimination on any grounds is prohibited along with infliction of hatred, however it does not explicitly include sexual orientation or gender identity in any provision.²⁶

Anti-discrimination legislation

The Law on Prohibition of Discrimination forbids incitement to hatred based on sexual orientation as well as discrimination based on sexual orientation and gender identity, which applies to LGBTI individuals. Hate crimes based on sexual orientation are considered an aggravating circumstance.²⁷ A provision in the law elaborates that any differentiation or unequal treatment based on gender identity or sexual orientation shall be deemed as discrimination, as everyone has the right to express their gender identity and sexual orientation.²⁸

The government adopted a 2013-2018 LGBTI Strategy for improving the quality of life of LGBTI persons, which sets out objectives, individual measures and indicators of success to improve the legal and policy framework in several sectors, including education, healthcare, law enforcement and social acceptance. Despite criticism from the CSOs, the respect for LGBTI rights and the level of acceptance towards LGBTI persons in society have improved as a result of measures taken under the Strategy.²⁸

According to the ILGA – Europe Rainbow Map Index 2016 reflecting the European countries’ legislation and policies guaranteeing LGBTI human rights, Montenegro ranks 20th out of 49 countries.¹²

Bias-motivated speech and bias-motivated crimes

The Criminal Code was amended in 2013 so as to include harsher penalties for hate crimes committed due to the victim’s sexual orientation. The Code was also amended to punish bias-motivated speech based on the victim’s sexual orientation and/or gender identity.²⁸ The Law on Electronic Media which covers both radio and television in public and private broadcasting, as well as the Law on Media which covers only printed media, prohibits incitement or spreading of hatred or discrimination on the basis of gender identity or sexual orientation. However, LGBTI persons, as individuals or as a group, are the main targets of hate speech in Montenegro.²⁹ LGBTI persons and their supporters experience continued societal discrimination, ostracism, public hostility, and violent abuse. LGBTI activists have noted that members of the community do not report some violent attacks to police because the victims were afraid of further victimization generated by their complaints.²⁷ Homo/transphobic violence remains a problem in Montenegro as the prevalence of stereotypes and prejudice against LGBTI persons render them targets of violence.²⁹

Right to marriage and family

The Family Code of Montenegro neither provides for same-sex marriage nor registered partnership for same-sex couples. However, the drafting of the Law on Registered Partnerships for same-sex couples as planned under the 2013-2018 LGBTI Strategy has been underway and is yet to be finalized.²⁹

Rights and equal treatment of trans and intersex persons

In 2014, Montenegro established a Protocol for legal gender recognition and several individuals have already started the procedure. However, before the finalization of the procedure, it was impossible for an individual to change the gender marker in their documents. Regarding legal gender recognition, transgender persons who wish to get married to someone of the opposite gender and enjoy the rights granted to cohabiting partners are obliged to change the gender marker in official documents.⁴⁰ In terms of healthcare, transgender persons have the same access to general healthcare services as all other individuals. Also, gender reassignment treatment is covered under the national health insurance system at a rate of 80%.²⁸

Right to employment

Montenegro’s anti-discrimination includes protections on the basis of sexual orientation and gender identity in the workplace. Specific workplace protection for listed groups includes prohibition of unequal salary, as well as employment in and of itself.⁶⁸

Right to education

The anti-discrimination law also prohibits discrimination in the field of education and vocational training. This includes prohibition of expelling, deliberate difficulty in attendance, prevention of attendance, and unjust differentiation of students on the grounds of sexual orientation or gender identity.⁶⁸

Right to healthcare

The previously mentioned anti-discrimination law does not explicitly refer to healthcare or to insurance, for any group as a protected right, but it does make reference to a protection of access to goods and services.⁶⁸ No other similar laws are on the books in Montenegro that refer to guaranteed rights of citizens.

Freedom of assembly and association

Montenegro held its first Pride event on July 24, 2013 in the coastal town of Budva, followed by violent reactions from the public. However, the fifth Podgorica Pride was successfully organized on September 23, 2017 and called for more rights and tougher punishment for violent acts against LGBTI people in Montenegro. The LGBTI rights movement in Montenegro includes several organizations namely LGBT Forum Progress, Queer Montenegro and Juventas.

2.7. Serbia

Constitution

Both direct and indirect discrimination on any grounds is prohibited by the Constitution, but sexual orientation and gender identity are not explicitly mentioned. The Constitution states that “everyone shall have the rights to equal legal protection, without discrimination.” It also explicitly defines marriage as being between a man and a woman. However, other forms of recognition, such as civil unions or domestic partnerships, are not explicitly mentioned nor prohibited.³⁰

Anti-discrimination legislation

Between 2009 and 2011 the Serbian Parliament adopted several laws, which specifically ban discrimination based on sexual orientation, including the Labour Law, Law on Higher Education, two media laws, Law on Public Information, Law on Broadcasting, and the Youth Law. It also adopted a comprehensive Anti-Discrimination Law which specifically bans discrimination based on sexual orientation and allows the right to privacy, as well as free expression of sexual orientation. Though there is no affirmative language about gender identity, a provision presents language that may be interpreted to prohibit discrimination against trans individuals.³⁰

Serbia has also adopted a strategy (2014-2018) to combat discrimination against LGBTI people which was followed in 2015 by the adoption of a National Action

Plan (NAP). The NAP has been considered by LGBTI organisations as a positive step forward; however, they deem the quality of its implementation as poor.³⁰

According to the ILGA – Europe Rainbow Map Index 2016 reflecting the European countries' legislation and policies guaranteeing LGBTI human rights, Serbia ranks 28th out of 49 countries with a score of 29.68%.¹²

Bias-motivated speech and bias-motivated crimes

The Anti-Discrimination Act, the Criminal Code, Public Information Act and other laws forbid hate speech. The introduction of hate crimes as an aggravating circumstance for sentencing in the Criminal Code did not exactly meet the expectations that it would efficiently aid in prosecution and harsher punishment for perpetrators of hate crimes against LGBTI persons. Also, notwithstanding all the improved legal prohibitions, hate speech is widespread in media. A majority of hate crimes have never been reported to NGOs and even fewer cases are being reported to authorities, due to lack of trust in State bodies, fear of coming out in public, possible secondary victimization that could follow and a lack of information about existing support mechanisms in the community.³¹ Also, the majority of attacks were never resolved and perpetrators never identified.³²

Rights and equal treatment of trans and intersex persons

A law on gender recognition for trans persons has not been adopted, and the matter remains unregulated even in cases of gender-affirming surgery. Serbian laws allow for legal name and gender changes only after undergoing full medical transition. Following a change in the Health Insurance Law in 2012, sex change surgeries are fully subsidized by the State. Activists are pushing for a law that will advance and protect transgender rights in areas of legal gender recognition, healthcare, education and employment.³³ There are no legal provisions for intersex persons specifically, as intersex variations are still considered as medical disorders.

Right to employment

The anti-discrimination law prohibits labour discrimination in employment and promotes equal conditions for enjoying all the rights pertaining to the sphere of labour including promotion, professional training, as well as fair and satisfactory working conditions. The Labour Law prohibits direct and indirect discrimination of employees and persons seeking employment based on sex and sexual orientation. However, trans persons are disadvantaged in the labour market due to their trouble obtaining new documents following the change of their personal data.³¹

Right to education

Discrimination in education and professional training is forbidden by numerous laws including the Anti-Discrimination Law, Law on Higher Education, Law on Textbooks and Educational Tools, and the Law on Primary Education. However only the Anti-Discrimination Law and Law on Higher Education explicitly mention only sexual orientation as a forbidden ground of discrimination.³¹

Right to healthcare

The Constitution protects the right to healthcare and obliges the state to assist in the development of healthcare. The Healthcare Act contains provisions on anti-discrimination, without explicitly mentioning SOGI. Lack of access to healthcare, for both the general population in Serbia and LGBTI persons, can be attributed both to legislative deficiencies and the lack of enforcement of regulations.³¹

Freedom of assembly and association

Since 2001, when the first Belgrade Pride was organized in a very hostile environment, considerable progress has been made. In September 2016, Belgrade Pride was held peacefully in Belgrade, for the third year in a row, and in what seems to be an increasingly relaxed social climate. This was reinforced on September 11, 2017 when Belgrade Pride was organized for the fourth time and joined by Serbia's first female and lesbian Prime Minister, Ana Brnabic. Trans pride was also peacefully held in 2015 and 2016. Civil society in Serbia has been perceived to be vibrant and active, and NGOs, particularly LGBTI organizations, are seen as dominant agents of change.³⁰

2.8. Slovenia

Constitution

The Constitution of the Republic of Slovenia does not include any clause protecting marriage as a union between a man and a woman, but it also does not mention sexual orientation. The Constitution contains a general anti-discrimination provision in Article 14, which states that everyone shall be guaranteed equal human rights and fundamental freedoms. Although sexual orientation is not stated among various grounds on which discrimination is prohibited, this can be derived from the general clause. This means that formally the inclusion of these two grounds among the constitutionally protected grounds of discrimination is subject to the interpretation of the Constitutional Court. The fact that sexual orientation is nevertheless a protected ground in the meaning of Article 14 of the Constitution was confirmed by the unanimous decision of the Constitutional Court in 2009 which concerned statutory inheritance rights of same-sex partners.³⁴

Anti-discrimination legislation

With one of the most wide-ranging anti-discrimination laws in the EU, discrimination on the basis of sexual orientation has been banned in the workplace, education, housing, as well as the provision of goods and services. In 2016, the government introduced a new anti-discrimination bill, which prohibits discrimination based on sexual orientation, gender identity and gender expression, among others.³⁵

In 2016, the government adopted a new Civil Unions Act that replaced the 2005 act on the registration of same-sex civil partnerships. The new legislation provides equality to same-sex couples, except for in adoptions, in-vitro fertilization, and use of the term

“marriage.”³⁶ In 2017, a law was passed permitting same-sex marriages which would allow for same-sex couples to have the same rights as heterosexual couples, though still excluding the option of jointly adopting children.

According to the ILGA – Europe Rainbow Map Index 2016 reflecting the European countries’ legislation and policies guaranteeing LGBTI human rights, Slovenia ranks 20th out of 49 countries with a score of 44.28%.¹²

Bias-motivated crimes and bias-motivated speech

NGOs, law enforcement authorities, and the Ministry of Labor, Family, Social Affairs, and Equal Opportunities record but do not track the progress of cases of violence against LGBTI persons. Additionally, according to LGBTI sources, 90 percent of victims do not report such cases.³⁶

Rights and equal treatment of trans and intersex persons

While the law prohibits discrimination based on sexual orientation, access to gender reassignment procedures for trans persons has not been deemed adequate. With only one team of doctors performing gender reassignment surgery, transgender persons often chose to seek treatment at private clinics abroad due to lengthy wait times at home. Some reported difficulties in accessing hormone therapies and scheduling second opinion medical appointments.³⁶

Right to employment

Slovenia implemented the Principle of Equal Treatment Act in 2007, which prohibits discrimination on the basis of sexual orientation in employment, hiring, and harassment.⁶⁵ The law does not include gender identity or expression as a protected group. The right to a specific occupation is also listed, as well as protection at all levels of the workplace.

Right to education

The Principle of Equal Treatment Act also prohibits discrimination in education on the basis of sexual orientation.⁶⁵ The law does not mention gender identity at all, leaving unclear protection mechanisms for transgender individuals. Career training and orientation, vocational study, and professional education and training are included in addition to generalized education.

Right to healthcare

The Principle of Equal Treatment Act extends to areas of healthcare.⁶⁵ Social security is also included in this specific protection and access to goods and services is guaranteed for listed groups.

Freedom of assembly and association

The LGBTI movement has been active in Ljubljana since 1984, when MAGNUS, the gay section at ŠKUC (Student Cultural and Art Centre, Ljubljana), was founded as the

"Cultural Organisation for Socialisation of Homosexuality." A pro-lesbian feminist group, Lilit, was started in 1985, followed in 1987 by LL, a lesbian group within ŠKUC. In 1990 Magnus and LL founded the national lesbian and gay campaigning organisation, Roza Klub.

2.9. Conclusion

This chapter on the country-specific analysis of the legal framework regulating LGBTI rights focuses on several key areas including Constitutional and Penal Code provisions, anti-discrimination legislation, laws regulating access to healthcare, employment, education, advancement of the rights to association and assembly, the right to marriage and family, as well as bias-motivated crimes and speech.

The Western Balkans represents a region in which there are visible and significant differences in the national human rights legislations guaranteeing fundamental human rights for LGBTI persons. On the one hand, Macedonia has not yet included SOGI as a basis for discrimination in its national anti-discrimination law; while on the other, the two Balkan EU Member States, Slovenia and Croatia, have already established legal rights for same-sex partnerships. It is important to once again highlight Bosnia and Herzegovina's success in becoming the first country in the region to include sex characteristics in its anti-discrimination law and provide legal protections to intersex persons.

It is evident that there is a large difference among each country's degree of advancement in terms of the national human rights legislation and LGBTI rights. Non-existent provisions in the national legal framework to guarantee the protection of fundamental rights or existing laws with unsatisfactory implementation records will only enable for the persistent marginalization of LGBTI persons in each Western Balkan country.

Therefore, the purpose of this chapter is twofold: to give a concise overview and allow for a better understanding of the degree of legal protections enjoyed by LGBTI persons in each country; and to enable relevant stakeholders to use this knowledge as a tool to pursue change in society. Furthermore, by identifying and understanding the gaps and inadequacies of the respective national legal frameworks, LGBTI activists could utilize this knowledge as an entry point to call for increased political participation of LGBTI persons in order to be a voice at the table where decisions are made, and trailblaze a path towards equal fundamental rights and freedoms.

CHAPTER

3

3. Political Participation of the LGBTI Community in the Western Balkans

One of the major challenges for consolidating democratic societies in the Western Balkans is to overcome the persisting gap between civil society and political parties. Establishing mutual trust and a culture of cooperation in order to shape policies, political campaigns and concrete initiatives for the wellbeing of society is a complex and long-term goal. That being said, it is evident that there is a strong need for further capacity-building and awareness-raising, as well as for a change of mindset on both sides. Also, it is worth noting that as one of the main actors in supporting democracy, the European Union (EU), has significant leverage in the region.³⁷

LGBTI persons represent an invisible minority of every society in the region, exposed to violence and discrimination, which deserves special attention. The state of human rights of LGBTI people depends largely on how much the leading political parties in a particular country are willing to devote themselves to adequately addressing this issue. It is worth noting that LGBTI persons make up about 10% of the population of each country, and thereby 10% of the crucial voting body in electoral processes.³⁸ While advocating for the rights of LGBTI people is usually associated with leftist political parties, particularly social democratic and green parties, in reality political parties of all-political ideologies engage with the rights of LGBTI people - from the far right to the far left. Advocating for LGBTI rights by the right-wing, traditional and conservative parties did not lead to the disappearance of these parties, nor to the loss of electorate support. On the contrary, these parties strengthened their fundamental democratic principles, pointing to the view that everyone is equal and deserving of the same amount of attention and dedication.

The more tolerant societies in well-developed European democracies have enabled LGBTI people to freely and publicly declare as socially different without enduring harsh personal or professional consequences. In contrast to the Balkans, LGBTI persons are presidents, prime ministers and ministers, members of parliament, mayors, city councilors, etc. and actively contribute to the development of their countries.³⁸ Due to the existing prejudices and stereotypes which tend to prevail in the Western Balkans, openly LGBTI politicians is not considered a common practice in this region. In Western Europe, leaders such as the Prime Minister of Luxembourg, the Irish Prime Minister or the former German Vice-Chancellor and Foreign Minister have all publicly declared as homosexual. However, though not a common trend, the fact that in Serbia, Croatia, Montenegro and Slovenia there are openly LGBTI political leaders is a positive advancement towards encouraging an inclusive political culture and increased LGBTI political participation.

When acknowledging the importance of political parties, it is essential to simply put forth that political parties are the mechanisms by which people of any background can be actively involved in the tasks of shaping policy and deciding how society should be

governed. While they are not perfect organizations, they are essential for the effective functioning of democracy. Without the support of political parties, it would be difficult for individual Members of Parliament, as legislators and/or as members of the Executive Government, to organize themselves effectively for the task of promoting the national interest—including challenging the government, where that is necessary and appropriate—and ensuring that proposed new laws are proportionate, effective and accurately drafted.³⁹

The EU is one of the most influential supporters of the democratic transition process in the Western Balkans region, providing this support through various bilateral and regional initiatives and projects. Civil society organizations have become leading partners for projects and programmes implemented by the EU in the region. Through the EU enlargement process, many candidate countries benefit from the support provided to enforce and consolidate CSOs, such as Croatia where a vital civil society landscape has been established with active CSOs that tackle a broad range of issues.³⁷

However, a long-lasting transition towards sustainable democracy in the Western Balkans can only be achieved if constructive dialogue and close cooperation takes place among all relevant stakeholders in a transparent and efficient manner. Mutual exchanges between political party actors and CSOs facilitated in an environment which allows working collectively on national reforms and policy formulation can enhance trust and national policy debates, improve citizens' acceptance of policy outcomes and establish a competitive democratic political system with a common long-term vision for democratic societies.

In the Western Balkans, there is often a lack of constructive dialogue or effective cooperation between CSOs and political parties due to mutual mistrust and inadequate actions on both sides which only hampers further reforms and progress. Moreover, a lack of transparent and institutionalized consultation processes in preparing and formulating public policy is one of the major obstacles for constructive dialogue. Only a strong, active, and critical civil society together with reliable, transparent and accountable political institutions can allow for the greatest societal progress.³⁷

However, the balance between a visible LGBTI civil society and a complementary political party scene is what requires in-depth analysis. Thus, the following chapter will analyze the political parties in the target countries and their take on LGBTI issues, LGBTI activism and its relation to the relevant political actors, and the EU accession process as a mechanism to advance basic democratic principles and empower CSOs.

3.1. Country overview of political party platforms and LGBTI issues

Albania

A publication as part of the 'Think Politically' initiative by Pro LGBT and Aleanca kundër Diskriminimit, identified the political parties which had included human rights, and more specifically issues faced by the LGBTI community in their party programmes. The political parties that were analyzed included the Democratic Party, Socialist Party, Socialist Movement for Integration, New Democratic Spirit, Republican Party, Red and Black Alliance, Law and Justice Party, G99, Social Democracy Party, Social Democratic Party, and the Unity for Human Rights Party. Initially, it must be noted that a good part of the political parties did not seem to have genuine political programs as they have often acted on the party statute. The only political party that had openly discussed themes related to homosexuality in its political programme was the Socialist Party which had provided measures to fight discrimination against LGBTI people. More specifically, in the chapter regarding the rule of law, it was noted that measures would be taken to prevent the victimization of several groups of citizens including persons LBG persons.⁴⁰

The political parties analyzed had not dedicated much of their electoral programmes to issues related to human rights and had almost no mention of LGBTI issues. Moreover, although the issues were not widely covered in the political programmes of the two biggest parties, the Democratic Party and the Socialist Party, their leaders have expressed their support through addressing LGBTI issues during meetings with the heads of Aleanca kundër Diskriminimit LGBT and Pro LGBT.⁴⁰

While parties such as the New Democratic Party Spirit, the Socialist Movement for Integration, the Party for Justice, Integration and Unity simply do not mention LGBTI-related issues, the Legality Movement Party and the Republican Party are quite explicit on their anti-LGBTI stance in their political programmes by calling for the criminalization of homosexuality. They have also publicly demonstrated their negative views toward the LGBTI community by resorting to hate speech and calling for violence against LGBTI persons.⁴⁰

It is worth mentioning that although a growing number of advocacy organizations are working to challenge the myths and prejudices against LGBTI people, media representations have a very important effect on the Albanian population. Many studies have shown that negative depictions in the media affect the public's perception of the issue. The media tends to position itself with the views of one political party or another on relevant issues, taking a political approach rather than viewing the story through a human rights perspective. Nonetheless, the media has generally given space to the LGBTI movement and has not boycotted it as other countries in the region have.⁴⁰

In Albania, there is no data available on openly LGBTI political leaders.

Bosnia and Herzegovina

During the campaigning season of the 2014 general elections in Bosnia and Herzegovina, it should be noted that there were very few promises made in regards to human rights. The entire field of respect and protection of the human rights was either ignored or overshadowed by the ethno-national slogans and nationalist rhetoric. The parties, as expected, devoted the maximum attention to the growing economic and social issues, which while being a justified issue to address, human rights were mentioned only superficially without clear objectives or as an issue almost exclusively related to the conditions for European integration.⁴¹

In line with that, it was almost impossible to find references to terms such as LGBTI people, and protection from discrimination based on sex, gender identity or sexual orientation. The silence of BiH political parties on the rights of LGBTI people is interrupted only by rare public appearances and press releases, as the ultimate tool of reacting, only in connection to few parties and serious human rights violations including physical assault and serious injuries inflicted upon LGBTI people. The political opinions on the issues affecting LGBTI persons such as freedom of assembly, gender reassignment, same-sex partnership, and discrimination in education and healthcare have simply not been voiced by parties.⁴¹

In a study conducted by the Sarajevo Open Centre (SOC) on the monitoring of the 2014 general elections in BiH, twelve parties who had won the seats for the Parliamentary Assembly of BiH were chosen for analysis and monitoring, including the Social Democratic Party of Bosnia and Herzegovina (SDP BiH), Party for Democratic Action (SDA), Union for a Better Future (SBB), Croatian Democratic Community BiH (HDZ BiH), Party for Bosnia and Herzegovina (SBIH), Croatian Democratic Community 1990 (HDZ 1990), People's Party for Work and Betterment (NSRzB), Democratic People Community BiH (DNZ BiH), Party of Independent Social Democrats (SNSD), Serbian Democratic Party (SDS), Party of Democratic Progress (PDP), and Democratic People Union (DNS).⁴¹

Overall, issues related to LGBTI people and discrimination based on sexual orientation and/or gender identity, or any other field of interest for LGBTI people and their rights (freedom of assembly and organization, civil partnership, hate crime, etc.) were not present in the statutes and fundamental program objectives and visions of the aforementioned parties in the context of elections in 2014. Every party had clearly stated their support for and dedication to the respect of fundamental human rights and freedoms and their ensuring, but the ideas mentioned were only declarative in nature. Certain parties emphasized combating discrimination on multiple bases in their program objectives, but they had left out sexual orientation and gender identity. Looking at the party manifestos and programs for the following four-year period, all parties expressed their devotion to the idea of human rights and freedoms, as guaranteed by the international documents, but there was almost no mention of the serious problem of the growing discrimination and unequal access to the fundamental human rights and freedoms of marginalized groups such as LGBTI people, nor of any concrete actions and policies

which would lead to the realization of the principles and intentions listed in the party documents.⁴¹

In Bosnia and Herzegovina, there is no data available on openly LGBTI political leaders.

Croatia

Since accession to European Union in July 2013, and through the increased public LGBTI activism in the years leading up to it, the issue of LGBTI rights has become a more heated topic in Croatia, even leading to a referendum on same-sex marriage in 2013.⁴⁶

Croatia's main political parties remain classically divided when it comes to LGBTI rights, with the left/center-left wing political parties being proponents, and right/center-right wing parties being opponents of LGBTI rights. Croatia's political parties that explicitly voice their support towards LGBTI rights are the SDP (Social Democratic Party of Croatia), HNS (Croatian People's Party - Liberal Democrats), HSLs (Croatian Social Liberal Party), ORaH (Sustainable Development of Croatia) and HL (The Croatian Labourists – Labour Party).⁴⁶

Contrastingly, HDZ (Croatian Democratic Union), HDSSB (Croatian Democratic Alliance of Slavonia and Baranja) and HSP AS (Croatian Party of Rights Dr. Ante Starcevic) are opposed to LGBTI rights. It seems that all major parties have given standpoints when it comes to the inclusion of the "LGBTI agenda" into their party manifestos, mainly concerning same-sex marriage and anti-discrimination.⁴⁶

Furthermore, high-ranking politicians have publicly stated their support for the Croatian LGBTI community. Croatian President Ivo Josipović (SDP) provides strong support for LGBTI rights and has been one of the most prominent supporters for LGBTI rights even before he became president. Vesna Pusić, the Croatian Minister of Foreign Affairs and a member of HNS, is very popular among Croatian LGBTI persons, and was named a "gay friendly person of the decade" according to votes from the LGBTI community. She has been very much involved in improving LGBTI rights while being a member of ruling governments. The founder of ORaH and former Minister for Environment and Nature Protection, Mirela Holy has also been a notable supporter of LGBTI rights for years.⁴²

In Croatia, Damir Hršak, member of the Croatian Labour Party and former candidate for Member of European Parliament (MEP) was the first ever politician in Croatia to identify publicly as homosexual.

Kosovo

The country's top political leaders have mentioned their support of an inclusive society and LGBTI rights, however this has a tendency to only occur in their meetings with representatives from the international community. Examples of such instances include the meetings held between the US State Department's Special Envoy for the Human Rights

of LGBTI Persons with the former Prime Minister Isa Mustafa (Democratic Lead of Kosovo) as well as the former head of the Kosovo Assembly Kadri Veseli (Democratic Party of Kosovo) respectively. Only during these meetings, and in no instance beforehand, was it stated that human rights and equal opportunities for everyone are key, and that LGBTI persons will be respected in Kosovo. However, even though visibility has increased for the LGBTI movement in Kosovo, access to equal rights is rarely felt by the community itself.⁴³

Three demonstrations against homophobia, biphobia and transphobia have been held in Kosovo, with a few representatives from the political establishment in attendance, though usually as private citizens rather than representatives of their parties. President Hashim Thaci led Prishtina Pride March in 2016 which is considered to be Kosovo's biggest political involvement yet. However, to date, none of the political parties have come out with a common stance on supporting LGBTI persons. No political literature, be it in the form of a platform, programme or manifesto, from any party has ever mentioned the LGBTI community, and government representatives have never raised the issue publicly during their mandates in Parliament.⁴³

The independent media organization, Kosovo 2.0, approached the elections by contacting the five Kosovar Albanian parties represented in the last parliamentary term, including the Democratic Party of Kosovo (PDK), Democratic League of Kosovo (LDK), Vetevendosje, Alliance for the Future of Kosovo (AAK) and Initiative for Kosovo (Nisma), and posed six questions in order to try and establish a position for each party on LGBTI rights. The questions addressed various issues, including discrimination and violence against LGBTI persons on preventing bullying in school and domestic violence, the proposal of CSOs to amend the criminal code on criminalizing hate speech and hate crime based on SOGI, attendance of the annual march on homophobia / biphobia / transphobia, reasoning for not coming out publicly in support of LGBTI rights, and the party's reaction to a member displaying discriminatory attitudes toward LGBTI people contrary to existing legislation. Disappointingly, four out of the five parties didn't provide answers to any of the questions except for Vetevendosje which answered all six questions. The former Ombudsman and member of Vetevendosje, Mr. Sami Kurteshi had provided responses which focused around the notion that the party respects and protects human dignity, human rights and freedoms by all means available to a democratic society. Also, he stated that preventing discrimination towards vulnerable social groups is an issue of the political culture that society follows and cultivates, as these are the political and legal actions of a democratic society with active citizenship.⁴³

Similar to Albania's case, media reporting has often reinforced society's existing negative perceptions towards the LGBTI community. Even though the media reporting on LGBTI issues has somewhat improved over the years, abusive comments on online media persist, which is used as a reinforcement platform for homophobia.⁴⁴

In Kosovo, there is no data available on openly LGBTI political leaders.

Macedonia

The most recent Parliamentary elections held on December 11, 2016 were seen as an opportunity for further stabilization and democratization of the country, having in mind the core goal of the elections - restoring rule of law and promoting human rights and good governance.

After several electoral cycles, LGBTI issues had, for the first time, occupied a greater and more important place in the political programs of a few parties, almost all of them from the opposition. However, Macedonia still lacked politicians who had publicly declared themselves as part of the LGBTI community, thus reducing political representation of LGBTI people as only a part of party programs and public statements and speeches from politicians. Domestic political crises in the past couple of years enabled LGBTI issues to be pushed to the margins of the political scene.

However, the first National LGBTI Conference in 2016 organized by Subversive Front in Skopje was an important event aimed at strengthening the political dialogue on LGBTI issues in Macedonia. The conference invited civil society and political parties to engage in dialogue on LGBTI issues. The conference also presented the “Vote for equality” campaign that Subversive Front conducted around the 2016 elections to inform and educate voters on the political platforms the parties in terms of LGBTI inclusion. This campaign, which promoted greater political participation of LGBTI persons, also encouraged the political parties to perceive the LGBTI community as an influential electorate and as a community that should be included in their key policies.⁴⁵

The questionnaire prepared by Subversive Front which analyzed the representation of LGBTI issues was sent to 31 political parties. However, only 5 of them answered – Social Democratic Union of Macedonia (SDSM), Liberal Democratic Party (LDP), Liberal Party (LP), Democratic Renewal of Macedonia (DOM) and the Left Party (Levitsa). The analysis of the political programmes and the summary of the responses to the questionnaire show that the LGBTI issues and needs are included to a very small extent in the political agenda of the parties, and only in the left-oriented parties. The parties where these issues are included to the highest degree have minimal political power and influence. This is a reflection of the dominant homophobic and transphobic attitudes and norms that prevent the political parties from showing open and vocal public support. In addition, the problems and the needs of trans and intersex people are nowhere to be found in the political agendas of the parties. The Liberal party was the only one to respond positively to the question of there being an openly LGBTI person in their list of candidates for the upcoming elections.⁴⁵

In sum, the current ruling party, *the Social Democratic Union of Macedonia (SDSM)* believes and advocates for equal rights of the LGBTI people in Macedonia while showing tangible political will to support legislative initiatives to amend key anti-discrimination legislation. The previous ruling party which held power for more than ten years, the *Internal Macedonian Revolutionary Organization–Democratic Party for Macedonian National Unity (VMRO-DPMNE)* regrettably does not cover the basic principles of respect and promotion of human rights and freedoms in general terms or

relating to LGBTI persons in its party statute nor in its 2017 – 2020 party programme. On the other hand, the Liberal Party (LP), the Democratic Renewal for Macedonia (DOM), the Left Party (Levitsa) as well as the Liberal Democratic Party (LDP) through their party Statutes and programmes have reiterated their commitment to work on overcoming prejudices and homophobic attitudes, discrimination and the stigmatization of LGBTI persons, as well as ensuring the adoption of Constitutional guarantees for equal rights and freedoms of Macedonian LGBTI citizens.⁴⁵

Finally, the political will on behalf of the new government was most recently demonstrated by holding the constituent session of the inter-parliamentary group on improving the rights of LGBTI people in the Macedonian Parliament for the first time in history. The group consists of 13 parliamentary members from various parties, including the Social-Democrats (SDSM), Liberal-Democrats (LDP), the Greens (DOM), the Democratic Union for Integration (DUI) and two independent MPs. The mission of the inter-party parliamentary group is to advocate for the improvement of the rights of the LGBTI people in accordance with Parliamentary mechanisms so as to build a society in which sexual orientation and gender identity will not present an obstacle to safeguarding fundamental rights and freedoms.⁴⁵

In Macedonia, there is no data available on openly LGBTI political leaders.

Montenegro

The political discourse on LGBTI rights in Montenegro remains quite limited. The Government of Montenegro has been changing its approach within the past years by shifting its policies from highly homophobic or ignorant to formally very cooperative. The most important document that Government has produced is the 'Strategy of Improvement of Quality of Life of LGBTI persons for period 2013-2018', and accompanying annual action plans. Nevertheless, ignorance and disputes are still present on the level of implementation of adopted standards and recommendations.⁴⁶

In Montenegro, the Democratic Party of Socialists (DPS) is the ruling party together in a coalition with the Social Democratic Party (SPD), Croatian Civic Initiative (HGI) and Liberal Party (LPCG), New Democratic Power (FORCA), Croatian Civic Initiative (HGI) and the Bosniak Party (BS). The opposition is composed of: Democratic Front (DF), which is a structure made up of the New Serbian Democracy (NOVA), the Movement for Changes (PZP), the Democratic People's Party (DNP), the Labour Party (LP) and several smaller constituents; the Socialist People's Party (SNP); Positive Montenegro (PCG); and the independent MPs who used to belong to some of the parliamentary opposition parties and now belong to the newly formed/in the process of forming Democratic Alliance (DEMOS) and United Reform Action (URA).⁴⁶

The ruling Democratic Party of Socialists (DPS) does not recognize LGBTI rights or anti-discrimination in any context within its political manifesto. Only the Liberal Party of Montenegro (LPCG) explicitly supports LGBTI rights and same-sex marriage. According to the LPCG, there exists a deficiency of tolerance leading to the phenomenon of discrimination, lack of understanding, one-sided opinions, coarse disregard for others and

the rejection of diversity, thus pointing out the need for equalizing the rights of all minorities (regardless of religion, ethnicity, gender, sexual orientation). Also, the Social Democratic Party (SDP) mentions that they aspire to the ideal of freedom for all human beings, regardless of social status, ethnic or religious affiliation, sexual orientation, race or gender.

46

Several parties do refer to anti-discrimination towards various groups in society, although not specifically mentioning the LGBTI population. For example, the Bosniak Party (BS) has a paragraph in its manifesto about making Montenegro a truly egalitarian society, united and anti-discriminatory towards “special minorities.” Also, Positive Montenegro (PCG) mentions anti-discrimination by noting that PCG, through the principle of equality, implies a society of equal opportunities, social justice and the active prevention of inequality and discrimination. The Socialist People’s Party (SNP) speaks about ethnic, religious and cultural distinctiveness, but does not mention LGBTI rights. When it comes to the Democratic Front (DF), it notes the fact that human rights in many areas have still not reached a satisfactory level, social groups are discriminated against and individual rights and freedoms are frequently challenged, yet also does not mention LGBTI rights explicitly. Part of this structure, the New Serbian Democracy (NOVA) states that they are building an open society, respect human dignity, freedom, equality, fighting for justice, democracy, tolerance, the rule of law, solidarity between men and women, respect for human rights and the rights of the minorities.⁴⁶

Despite the general declarative left-leaning policies within the majority of Montenegrin political parties, it seems that they are reluctant to elaborate specific equality measures for the LGBTI population or policies catering to acceptance, tolerance and diversity, which is surprising considering the general trend of the socialist left in Europe towards including LGBTI rights into their agendas.⁴⁶

In Montenegro, an openly LGBTI political leader is the President of the Council for Civil Control of the Police, Aleksandar Sasa Zekovic.

Serbia

In April 2016, Serbia held their most recent parliamentary elections. Political parties adhered to laws requiring mixed-gender party lists ahead of the 2016 elections. The *Serbian Progressive Party (SNS)* won the most seats, and the allied *Socialist Party of Serbia (SPS)* finished second. However, the parties together lost 42 seats in the parliament, with the far-right *Serbian Radical Party (SRS)*, the conservative and Eurosceptic ‘Dveri’ party–*Democratic Party of Serbia*, and the progressive movement *Enough Is Enough (DJB)* grouping making up much of the difference. However, Vučić’s government, led by SNS, included for the first time a member of Serbia’s LGBTI community, Ana Brnabić, who became Minister of Public Administration and Local Self-Government and was subsequently voted into office as Prime Minister in June 2017.

As included in the study conducted by Labris,⁴⁷ according to the register of political parties, there are 106 political organizations in Serbia. A total of 66 parties (39 national parties and 27 parties of national minorities) have publicly available programmes

and statutes online. The analysis of normative and programme documents of political parties in Serbia showed that almost all parties, in principle, advocate for the respect of human rights. A very small percentage of parties have proposed concrete measures for the protection of human rights. Out of the 56 analyzed statutes, 41 deal with human rights: from mentioning of the principle or simply advocating for human rights, to having institutionalized party mechanisms. Only four parties deal with human rights at an advanced level: the *Liberal Democratic Party (LDP)* provides an honorary membership for those who have stood out in the fight for human rights, while the *Democratic Party (DS)*, *Social Democratic Party (SDS)* and *Serbian Progressive Party (SPS)* have separate party bodies dealing with human rights. Only one party included a special program dedicated to human rights - *New Party*.

Regarding human rights and gender equality, the LGBTI community's rights was least represented in party documents. Only 13 out of 66 parties, who have available statutes and programs, were in any way dealing with this issue - from principle advocacy to more concrete steps. In only 10 party statutes, the LGBTI topic was mentioned mostly in the context of protecting the rights of "marginalized groups" or by advocating for equality regardless of sexual orientation. Only three parties have statutory bodies in charge of LGBTI rights, namely the SDS and its 'Forum for the Rights of the LGBTI community of the SDS', the Greens which advocate for same-sex marriage or extramarital communities, and the LDP which explicitly states the equality of their members regardless of their sexual orientation. In 38 party statutes, the existence of the LGBTI community was not mentioned, while no national minority party deals explicitly with LGBTI rights. Thus, only 11 out of 66 programs mentioned the rights of the LGBTI community. Only the New Party had a special institution: a human rights program dedicated to the rights of the LGBTI community. In the program of one party (Dveri), the LGBTI community was even mentioned in a negative context.⁴⁷

In sum, the analysis of the programmes, statutes and other key documents of the current ruling party, Serbian Progressive Party (SNS), had shown that in principle the values of human rights are mentioned, the issue of gender equality is institutionalized, and the LGBTI community is not mentioned. However, there have been public party statements where they point out that State organs must respect the Constitution and relevant laws in order to prevent any form of violence and discrimination on any ground, even on the basis of sexual orientation. The statute of the Socialist Party of Serbia (SPS) does explicitly state that the party will advocate for the respect and protection of all human rights and freedoms without specifically mentioning LGBTI rights, however it does refer to the protection of the rights of socially sensitive and minority groups where the LGBTI community would be included.⁴⁷

Besides the conservative Dveri, the Serbian Radical Party (SRS) as well as the movement Enough is Enough (DJB) do not explicitly refer to LGBTI rights, however they do advocate for the protection of everyone's human rights and freedoms. Parties such as the Democratic Party (DS), Liberal Democratic Party (LDP), Social Democratic Party (SDS) and the New Party (NS) in their statutes, party programmes or other documents

have explicitly mentioned the need for the protection of LGBTI rights and/or the prohibition of discrimination based on SOGI, as they all have common ground which is a democratic society free of discrimination and based on the principles of human freedom, social justice, equality and equal opportunities for all.⁴⁷

In the Western Balkans, the most prominent example of an openly LGBTI politician is Ana Brnabic, the first female and openly lesbian Prime Minister of Serbia. However, other examples of Serbian political leaders include LGBTI activist and politician Boris Milicevic, member of the Central Committee of the Socialist Party of Serbia since 2010, and former adviser to the Minister for European Integration on human rights, with a focus on LGBTI rights, as well as Milos Djajic, Democratic Party member and activist.

Slovenia

Early parliamentary elections for the 90 National Assembly Representatives of Slovenia was held in July 2014. Seventeen parties participated, including seven new parties, some of which formed only months before the election took place. At the initiative of LGBTI NGOs, eight parties signed a commitment before the elections to respect LGBTI rights. Nevertheless, at that time activists were worried that major parties did not sign the commitment, despite their high ranks in the public opinion polls at that time.⁴⁹

The parties that ran in the Parliamentary elections offered a commitment to respect the rights of LGBTI people. It was signed by Civic List (DL), Positive Slovenia (PS), Social Democrats (SD), Solidarity, Verjamem, Alliance Alenka Bratušek (ZaAB) and the United Left (ZL), and the Pirate Party of Slovenia, while 9 did not respond to the call or they refused to sign the statement.⁴⁹

Representatives of the signatory parties emphasized their commitment to the rights of individuals irrespective of sexual orientation or other circumstances. In their view, the rights of LGBTI people in the 21st century should no longer be called into question and discussed. The signatories of the commitment promised to do everything in their power to adopt normative measures that will eliminate systemic discrimination against LGBTI persons, partnerships and families, as well as measures adequately regulate the gender reassignment process. They also promised to establish an independent institution to monitor the state of human rights, promote them, and protect against discrimination in line with the Council of Europe and EU requirements and recommendations.⁴⁸

The Modern Centre Party (SMC), who won the election, stated that they respect the human rights of all people, but do not want to specifically commit themselves politically to respecting human rights only for certain groups. The party had also mentioned that they will do everything in their power to have the rule of law, and in this way also respect the human rights of all people in the Slovenia.⁴⁹

In the new coalition treaty, the ruling parties, namely the Social Democrats (SD), Modern Centre Party (SMC) and Democratic Party of Pensioners of Slovenia (DeSUS) had then committed themselves to respecting the human rights of LGBTI persons. They noted that the government coalition would not open "ideological issues" and that it would

strive for full respect of diversity and equal opportunities for all - including for LGBTI people.⁴⁹

In Slovenia, LGBTI activist Natasa Sukic was elected councilor to the City of Ljubljana, while Miha Lobnik, the former head of Legebitra and fellow LGBTI activist, was appointed as the Advocate for Equality.

3.2. Relationship between CSOs and political parties

The constructive interplay of the political and the civil society spheres is a basic pillar of democracy, touching on issues such as freedom of expression, democratic participation, accountability and transparency. However, ensuring political dialogue between political party actors and civil society actors is a highly delicate and complex challenge which needs to be addressed in different ways on different societal levels.³⁷

Civil society organizations and political parties both play essential roles in a democratic system: on one hand CSOs represent societal group interests, draw public attention to shortcomings and the needs of society, launch civic initiatives, contribute to decision-making processes, hold political parties accountable and thereby influence politics. On the other hand, political parties are responsible for directly shaping the political process – whether in government or in opposition.³⁷

Unfortunately, decision-making and policy formulation is too often one-sided and not entirely transparent. Consultations on political projects with CSOs and other societal actors is mostly very limited, and as a result, they are labeled as “elite projects” far from representing the interests of citizens.³⁷

CSOs in the Western Balkans face many obstacles, as in most cases, they must carry out their work in non-supportive environments: administrative, juridical, legal, financial, and political. Financing for CSO activities is very scarce and only a privileged few have the capacities to develop project proposals to acquire funds through EU grants and other public or private sources. Furthermore, the shortcomings of governments in providing well-organized, transparent, multi-stakeholder consultation processes to prepare and formulate public policy is a major obstacle for CSOs in making meaningful contributions and utilizing their expertise. Nevertheless, CSOs in the Western Balkans very often lack the essential professional competencies or skills to closely interact with the political parties. Campaigns based on awareness-raising through lectures and public performances usually result in low levels of outreach and influence on societal and political processes.³⁷

It is not uncommon that political party actors in EU candidate countries and potential-candidate countries easily switch from one political ideology and conviction to another, be this for tactical, personal, or other reasons. Ruling political parties often monopolize public discourse, as NGOs, trade unions and other CSO actors do not have the professional capacities to reach an audience broad enough to influence discussions on certain topics in society.³⁷

On a more positive note, civil society in the Western Balkans has strengthened its position in the last five years. CSOs are consulted with more often than before in local and national decision-making processes. There are also encouraging signs of progress in relation to the status and position of the sector as a whole. Several changes in legislation, policy and budgets have taken the will of citizens into consideration. This due at large to successful negotiations and public pressure from civil society. There is reason for cautious optimism; still, this process of democratic consolidation is only in its beginning stages and the lack of legitimacy of CSOs remains a concern, generally characterized by low levels of participation and a weak base. This relates to both the lack of public trust in CSOs as vehicles for change as well as limitations in the civic culture common for many post-communist states. As a consequence, civil society generally lacks dynamism and pluralism, which limit popular influence in decision-making and public policy.⁵⁰ Without support from parties and without the adequate knowledge-base and skillset, civil society leaders, including LGBTI leaders, are also less prepared and likely to engage in civic participation to create change, such as interacting with parties and local politicians, joining political parties and movements, and running for local office.

In sum, in a pluralistic political system, both political parties and CSOs assume particular roles and mandates. They do not exist in a vacuum, but rather are systematically interlinked and their productivity and positive effects dependent on each other.³⁷ The often low levels of citizen's engagement, weak legitimacy and capacity of CSOs, corruption, poverty, unemployment, gender inequality, lack of respect for labour rights, and citizens' generalized lack of trust in institutions, all constitute threats to democratic development and stability in the region. They are crucial components of a functioning democratic society that respects the rights of its citizens as well as sustained and secure development. These matters are furthermore closely intertwined. Still, women, youth, ethnic minorities, the Roma community and LGBTI persons remain underrepresented to a large extent. These groups also suffer most from the unequal power structures that persevere in the region. Legitimate and representative CSOs and trade unions are crucial in the struggle for an equal distribution of power, access to social justice and for a democratic society based on solidarity to be achieved.⁵⁰

3.3. EU accession as a tool for empowering CSOs in the Western Balkans

All countries included in this research are actively engaged in reform efforts to become members of the European Union. The accession process provides possibilities for CSOs to influence developments towards the creation of a more democratic society. The importance of a vibrant civil society is emphasized by the EU in its transformative agenda and CSOs' role as partners for cooperation and consultation is clearly acknowledged. This offers an opening to consolidate progress in relation to transparency, participation and accountability. CSOs already facilitate participation and dialogue with local and national authorities, advocate and promote reforms in these fields and monitor

performance of local and national government. However, advancements are uneven and sporadic, results fragile, legitimacy and representativeness sometimes weak and there is a need to further support efforts to institutionalise and strengthen civil society in this regard. However, the role that CSOs play in each country individually and on the regional level is key to the democratic transition of the Western Balkans.⁵⁰

The EU has been committed to supporting civil society for many years, as an empowered and capacitated civil society can positively influence the emergence of a democratic political culture. The most relevant EU programme for supporting reforms in candidate and potential candidate countries for the Western Balkans to fulfill the Copenhagen Criteria is the Instrument for Pre-Accession (IPA). Through IPA II (2014-2020), the EU commits itself to supporting political reform, in particular by strengthening democracy and its institutions. With an increased budget of €11.7 billion (€11.5 billion for the period 2007-2013) the EU finances the support of public administration, rule of law, sustainable economy, citizens, agriculture and sustainable development. The Civil Society Facility (CSF) plays a virtual role in creating an “enabling environment for CSOs” and supports capacity-building programmes for CSOs, among others.³⁷

However, IPA II is not the only funding instrument available to the Western Balkans: the European Instrument for Democracy and Human Rights (EIDHR), with a principal focus on human rights and democratic transition, plays an important role when pushing forward democratic developments in the region. The EIDHR 2014-2020, with a new objective of “support to democracy”, provides “support to participatory and representative democracy” as well as “to inclusive political participation and representation, through the expansion of the political space”. It is thereby the first instrument specifically targeting the political sphere; nonetheless, support to political parties is still excluded as a funding principle from EIDHR and other EU instruments. This tool can be used to promote actions, such as workshops, forums and research, that increase the political participation of LGBTI people in the region, who seek to make positive changes to their democracy through civic engagement.³⁷

The European Commission (EC) has also placed great emphasis on involving CSOs in the process of drafting its annual Progress Reports on (potential) candidate countries: local CSOs as well as international NGOs are invited to contribute to the consultation process and thus have the opportunity to comment from civil society’s point of view on achievements and shortcomings in the transformation process of their country. The same is true for EC consultations on specific issues related to the enlargement process.³⁷

Overall, the EU has recognized the important role of an active and enabled civil society for the reform process in these countries, translating this into its policy approach and diverse programmes as outlined above. This has not only raised awareness but has also improved public acknowledgement, and thus, to a certain extent, has aided the role and influence of CSOs in the political process in Western Balkans countries. Nonetheless, neither the policies nor the programmes or projects of the EU sufficiently take into account

the crucial task of bridging the gap between CSOs and political parties. In the long-run, the EU should try to involve both sides and contribute to establishing regular political dialogues.³⁷

3.4. Conclusion

Constructive interaction and strategic cooperation of political actors and civil society organizations represents the foundation for the proper functioning of a democratic society based on fundamental rights and freedoms. Even though both sides play an essential role in a democratic system, CSOs face numerous obstacles in their everyday functioning due to political, financial, legal or societal factors.

However, despite the shortcomings of the various governments in allowing for a transparent and inclusive consultation process in policy-making with CSOs, they have been able to strengthen their position in local and national decision-making processes. The opportunities that the EU accession process provides CSOs in gaining influence in the creation of a democratic state based on EU values must also be emphasized. The role played by CSOs both on the national and regional level is crucial to ensuring the values put forth by the EU, such as ensuring the human and civil rights of all, including marginalized populations such as the LGBTI community. Increased civic participation from LGBTI leaders and LGBTI CSOs would guarantee that the community's voice is heard and that their needs are addressed within the political agenda.

Nevertheless, LGBTI rights still remain underrepresented in governmental strategies, political party programmes and Statutes as well as other key documents which are relevant to ensuring political accountability, long-term sustainability and finally social justice. Also, due to the existing prejudices and stereotypes which tend to prevail in the Western Balkans, openly LGBTI politicians are not considered a common practice in this region. However, countries in the region including Serbia, Montenegro, Croatia and Slovenia where there are openly LGBTI political leaders could be noted as being positive examples for encouraging an inclusive political culture and increased LGBTI political participation.

The Western Balkans is a region where, in some of the aforementioned countries, governments are led by parties with party programmes and Statutes which simply do not recognize LGBTI rights or prohibit discrimination based on sexual orientation and gender identity. For that reason, it is necessary for relevant stakeholders to truly grasp the wide spectrum of party politics in the national and regional context as this would help to recognize and address the shortcomings of parties in terms of representing LGBTI rights.

Civil society organizations should initially focus on bridging the gap and building capacities domestically before expanding their network externally, while political parties can easily coordinate and closely collaborate on an inter-parliamentary, inter-governmental or inter-party level. However, there is an overall need for an intensified and

more strategic cooperation between LGBTI and allied CSOs and political parties both on the national and regional level so as to be able to gain maximum visibility and impact on the advancement of LGBTI rights.

CHAPTER

4

4. Interviews on LGBTI political participation in the Western Balkans

4.1. Methodology

The majority of the research predominantly relied on qualitative research methods, including conducting semi-structured interviews with interlocutors gained through existing lists of key individuals for interviews as well as through the snowball sampling method. It is important to note that the snowball sampling method enabled us to solicit additional interlocutors from the existing list of interviewees from among their acquaintances.

The organizers of the research provided the researchers with previously recorded and transcribed interviews, were included in this research in addition to the new set of interviews that the researcher conducted with politicians and representatives from political parties, LGBTI activists and representatives from the civil sector, representatives from independent institutions, and experts from Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia, and Slovenia. The interviews with these key individuals were conducted through several interviewing methods, including face-to-face interviews, Skype, teleconference as well as questionnaires sent out by e-mail.

The set of questions used to interview the interlocutors were all contained as part of the questionnaires the researcher drafted, shaped by a comprehensive interview guide provided by the organizers of this research. It is important to note that the prepared set of questions were all adapted and appropriately structured into personalized questionnaires for the target groups in this paper. The structure of the questionnaires included a combination of both open and closed questions which allowed for the researcher to obtain rich qualitative data. Moreover, a slight difference between the interviews that were conducted face-to-face, Skype or phone and those conducted by e-mail is that the first method allowed the researcher to conduct interviews which included a broader discussion and more follow-up questions in comparison to the pre-selected questions contained within the questionnaire sent by e-mail.

4.2. Main findings from interviews

4.2.1. Interviews with politicians and representatives of political parties

Albania

Vasilika Hysi (Member of Parliament, Socialist Party)

Vasilika Hysi is a member of the Albanian Parliament, Chairperson of the Committee on Legal Affairs, Public Administration and Human Rights, and Chairperson of the Subcommittee on Human Rights. In her work as an MP, she has proposed changes and improvements to the Criminal Code and various laws in order to enable better protection of the rights of women, children, minorities, LGBTI rights, and prohibition of discrimination. Ms. Hysi has stated that the Socialist Party has introduced LGBTI rights in their Statute and programme and that during their time in Parliament visible progress has been noted.

Bosnia and Herzegovina

Dajana Bakic (Executive Director, Tuzla Open Centre; Central Committee Member, SDP)

Dajana Bakic defines political participation as each activity that advocates and/or makes (positive) change, made possible through being an active citizen, not only as a member of a political party. However, from the activist point of view, she views being an LGBTI activist as being political because “the personal is political”. Ms. Bakic is active in both the social sphere as Executive Director of Tuzla Open Centre and the political sphere as a member of SDP and former elected representative of a local parliament. As the director of a LGBTI organization, Ms. Bakic notes that relevant authorities sometimes ignored and view LGBTI organizations negatively due to their pushes for change in society. However, her organization has not had any major difficulties thus far from the government and have experienced direct cooperation with them on various occasions.

As for her recommendations on how the government should address political participation of the LGBTI community in Bosnia, she believes that the government should encourage the participation of LGBTI people since the political system should reflect society, which in turn represents diversity, representation and opportunities for all. In her opinion, people should not be afraid to be proud of their identity and should be vocal and visible about their opinions. She believes that the government should guarantee that the political arena become a safe space for everyone.

Nino Zelenika (Activist at LibertaMo, member at SDP)

Nino Zelenika, a member of the SDP and activist at LibertaMo, defines political participation as any activity that affects community in general, which can range from voting

to attending public meetings, joining a formal or non-formal organization, joining a political party, or non-governmental organization, etc. As a member of the SDP, the motivation behind his active involvement is his belief that active political engagement is necessary in order to foster change in the country and society. He describes the SDP as generally LGBTI-friendly, in accordance with their political and ideological stands; however, he says that the party does not actively advocate for equality because the human rights of LGBTI community are not yet widely recognized among party leadership and membership as one of the major political issues in society. Last, he noted that the SDP has included LGBTI issues as part of their party programme and statute.

Croatia

Karolina Leakovic (Vice-President of the Party of European Socialist Women, Vice-President of Social Democratic Women's Forum, International Secretary of SDP Croatia and Member of Croatian Parliament)

Karolina Leakovic defines political participation as every act of contribution to a collective effort in changing societies, which can be in the form of political party membership or joining an NGO or campaigning for a cause. She has participated in the Croatian political system by joining SDP, voting, being active in feminist NGOs and trade unions, and participating in protests and referendums. Injustice, inequality and an elitist approach to political participation reserved for a privileged few motivated Ms. Leakovic to become politically active.

As for the relationship between her political party and the LGBTI community, she said that while the SDP was in government between 2011 – 2015, they had initiated, drafted and implemented laws that improved LGBTI rights in Croatia, including life partnership, with important and significant changes to inheritance laws, health insurance, etc. However, due to open issues and lack of communication between LGBTI activists and party leadership, there were clashing opinions on the legality of the referendum on the constitutional definition of marriage. As for the SDP and their advocacy for LGBTI rights, Ms. Leakovic states that SDP members and prominent political figures participate in the Zagreb Pride, support the cause, and advocate for a tolerant society against hatred and homophobia. SDP is a proud member of the Rainbow Rose network within Party of European Socialists and regularly contributes to its activities. When it comes to legislation activities or any kind of public awareness-raising activity, SDP members and politicians are loud, active and present. SDP also respects diversity and plurality and encourages political representation of underrepresented groups. Regarding the issue of including LGBTI rights in the SDP party platform, she says that the party is currently in the process of forming a new platform which will surely include the issue of sexual orientation, as well as gender and sexual identity.

Dr. Mirela Holy (Croatian politician, former leader of the Croatian Sustainable Development party (ORaH))

Dr. Mirela Holy was a parliamentarian in the 6th and 7th Assembly of the Croatian Parliament, Minister of Environmental Protection in the Government of the Prime Minister Zoran Milanovic's and a representative at the City Assembly of Zagreb. After being part of the Social Democratic Party from 1998 to 2013, she founded her own green party named the Croatian Sustainable Development Party (ORaH), however she is no longer politically active. Dr. Holy defines political participation in a very comprehensive manner: citizens participate in elections (i.e. the consumption of their electoral rights), followed by political action of citizens and politicians at all levels of executive and legislative authorities, participation through non-governmental organizations, activities of citizens in political parties and on independent lists, and civil activism to prevent harmful projects or policies.

The motivation behind her rich political career is her take on influencing social changes, which she says could only be done through politics as it provides us with instruments to change society. With the SDP, she voted for the law on registered partnership and as president and founder of ORaH, she created the most progressive political program that advocated for full equality of sexual minorities, same-sex marriages, adoption of children and systematic care of transgender persons. ORaH is the only Croatian political party that, under her leadership, has developed a special policy for improving LGBTI rights, thus leading to her award as LGBTI ally of the year in 2014.

Bartol Simunic (Digital communications, SDP)

Bartol Simunic works in the field of digital communications for SDP and has been active in the youth wing of the SDP for several years. He relates his definition of political participation to his own experience of becoming politically active to push for change in Croatia and express himself through politics. He sees the SDP as supporting the LGBTI community in Croatia by backing key anti-discrimination and equality legislation, including same-sex partnership. Although much of the LGBTI community does not want to have close ties to political parties due to their lack of trust in the political system, the SDP supports sexual minorities as a part of Croatian society as stated in their last election's party program. As for youth activism on LGBTI issues, he says that some former members of the youth wing of SDP are active in the civil sector and use activism as a way to bring about change in society.

Kosovo

Dhurata Hoxha (Minister of European Integration, Kosovo Democratic Party)

Dhurata Hoxha has been the Minister of European Integration since September 2017, previously serving as the Minister of Justice. Ms. Hoxha has stated that the visibility of LGBTI people in Kosovo has increased in part due to the clear public support of the government; however, there is still room for improvement. Though cooperation between the government and LGBTI civil society organizations has been good so far, coordination

is necessary for their work to be successful. Ms. Hoxha has stated that prejudices remain the main obstacle for LGBTI political participation in Kosovo and that similar issues such as discrimination and lack of equality should be tackled all at once.

Macedonia

Ivon Velickovski (President, Liberal Party of Macedonia)

Ivon Velickovski has been the President of the Liberal Party since 2011 and was awarded LGBTI “ally of the year” in 2017. His party has shown their support of improving LGBTI rights in Macedonia by incorporating provisions on LGBTI-related matters in their election campaign for the parliamentary elections of 2016 and pledging to continue this support beyond the elections. The Liberal Party has a very open-minded stand toward the LGBTI population in Macedonia and have several LGBTI members in the party. They participated in the “Vote for Equality” campaign organized by Subversive Front and publicly declared their support on furthering LGBTI rights in Macedonia during their participation in the 2017 International Day Against Homophobia, Transphobia and Biphobia (IDAHOBIT) Conference.

Liljana Popovska (President, Democratic Renewal of Macedonia (DOM))

Liljana Popovska is the President of the Green Party. Ms. Popovska has stated that there are members of DOM who are part of the LGBTI community, and that LGBTI people took part in the drafting of the party program which touches upon these issues. Also, her party has actively collaborated with LGBTI civil society organizations. She has mentioned that it is important to raise awareness on LGBTI rights and that this effort should be led by both politicians and the media.

The Greens have shown their support to improving LGBTI rights in Macedonia by incorporating provisions on LGBTI-related matters in their election campaign for the parliamentary elections of 2016 and have also pledged to continue this support beyond the elections.

Zdravko Saveski (Leftist Party)

Zdravko Saveski is a member of the central committee of the Leftist Party. He became involved in politics as he believed it was his obligation for the common good in Macedonia and due to his belief that everyone has a moral obligation to play their part in creating a better society. As a Leftist party, their main fields of impact are aimed towards social justice, democratization, worker’s rights and other progressive spheres. As for LGBTI rights, he believes that Macedonian homophobic tendencies can be addressed by organizing marches to promote tolerance and an increased dialogue between the LGBTI community and the party.

The Leftist Party has shown its support of improving LGBTI rights in Macedonia by incorporating provisions on LGBTI-related matters in their election campaign for the

parliamentary elections of 2016 and have also pledged to continue this support beyond the elections.

Mila Carovska (Minister of Labour and Social Policy, Social Democratic Union of Macedonia)

Mila Carovska has been serving as the Minister of Labour and Social Policy since June 2017. Ms. Carovska stated that discrimination and violence of LGBTI people need to be addressed first and before political participation. The party is expected to implement their political programme which includes aspects related to education, anti-discrimination and violence and says that tangible change should be felt in the following years. Also, the party is expected to work on improving internal policies as there are members of the party who are members of the LGBTI community.

The Social Democratic Union have shown their support to improving LGBTI rights in Macedonia by incorporating provisions on LGBTI-related matters in their election campaign for the parliamentary elections of 2016 and have also pledged to continue this support beyond the elections.

Nikica Korubin (Member of Parliament, Liberal Democratic Party)

Nikica Korubin is a member of Parliament and a member of the Liberal Democratic Party. She has stated that her party does not have direct cooperation with LGBTI civil society organizations and this is partly due to the lack of trust of the LGBTI community towards political parties. Ms. Korubin believes that it is important to address LGBTI-related issues as being part of the human rights sphere and that the next steps for the LDP include improving their interaction with NGOs.

The Liberal Democratic Party have shown their support to improving LGBTI rights in Macedonia by incorporating provisions on LGBTI-related matters in their election campaign for the parliamentary elections of 2016 and have also pledged to continue this support beyond the elections.

Montenegro

Suad Numanovic (Minister for Human and Minority Rights, DPS)

Mr. Suad Numanovic defines political participation as an opportunity to involve oneself in the active political life of one's community, in accordance with authorities and clear legal procedures. His participation in the political system of Montenegro began by joining the Democratic Party of Socialists (DPS), and continued with serving as the DPS headquarters from 1998-2003. Since 2003 he served as a minister without portfolio followed by Minister of Labor and Social Welfare. Since 2012, he has served as the Minister for Human and Minority Rights.

Regarding the relationship between the Montenegrin government and the LGBTI community, the Montenegrin Government, guided by the principle that "no one

should live in fear and be invisible”, has developed the "2013-2018 Strategy for the Improvement of the Quality of Life of LGBTI People in Montenegro" which systematically defines guidelines in combating discrimination and increasing the visibility of LGBTI persons in Montenegrin society. The Strategy, whose implementation monitoring procedures are carried out by Ministry of Human and Minority Rights through the adoption of annual Action Plans covering a number of concrete measures to improve social acceptance of LGBTI persons and create a social environment in which their freedoms and rights are fully respected. The Montenegrin government and its ministries have increased cooperation and partnership with LGBTI activists and NGOs that work to improve the quality of life of LGBTI people in the country. Because of this work, he expects that active members of the LGBTI community will very soon participate further in all areas of social life.

The DPS recognizes the need to establish standards by which all people are equal regardless of their personal qualities. They are also aware of the necessity of clear guidelines in providing effective protection against discrimination and eliminating prejudices in order for social consciousness to change in terms of accepting diversity, understanding and tolerance.

Finally, Mr. Numanovic believes that we must create the conditions for this social group to be more visible and enjoy equal citizen status. Though this would surely be a lengthy process due to high levels of prejudice, traditional understandings of morals and the conservative value system, it requires a long-term and systemic approach to create conditions for LGBTI people to take equal part in political life.

Azra Jasavic (Deputy Prime Minister of Montenegro, Positive Montenegro)

Ms. Jasavic defines political participation as an opportunity, freedom, right and obligation to decide on the future of one's country by raising public awareness on behalf of socially responsible activists. In 2012, she founded the political party Positive Montenegro and served as its Vice-president until 2015. In 2016, Ms. Jasavic was appointed as Deputy Prime Minister of Montenegro.

Ms. Jasavic believes that the government gives full support to the LGBTI population, however most of it only on the declarative level. Even though the government has repeatedly supported Pride Parades, she is not satisfied with their work on this issue and believes they must put forth additional efforts to ensure that all members of the LGBTI population can freely express themselves without fear of discrimination.

Positive Montenegro treats the LGBTI community with the same respect shown to everyone in Montenegrin society. Ms. Jasavic believes that LGBTI people in society are unjustly stigmatized, which is why the party has always expressed their support to cherishing and advancing respect for diversity. Positive Montenegro has also always supported all laws that affirm LGBTI rights, assist in the organization of Pride Parades and continuously advocate for affirmation of the principle of equal opportunity.

Members of the LGBTI community are active in the political system of Montenegro through civil society, however there is room for expanded political participation of LGBTI people. Ms. Jasavic believes that their participation brings about more security and inclusion of LGBTI people, which would also enable other people to understand that diversity does not create societal divisions and sexual orientation does not impede on anyone's personal or professional life.

Jovan Kojcic (Adviser to the Prime Minister of Montenegro for human rights and protection from discrimination)

Jovan Kojcic is the adviser to the Prime Minister of Montenegro for human rights and protection from discrimination. He has been active in the Montenegrin government since 2011 where he has been able to participate in important decision-making processes as a human rights expert. However, Mr. Kojcic has been active in this area even before joining the government as he had previously directly cooperated with CSOs, academia and other stakeholders.

In his opinion, political participation brings visibility. Mr. Kojcic believes that the level of civic engagement in Montenegro is high and better in comparison to other countries in the region. As a law professor, he has given opinions on the legislation in Montenegro as well as submitted the initiative for constitutional assessment of the Montenegrin Family Law as he deemed provisions under the law were not in accordance with the Constitution and that international conventions were violated, which eventually opened the path toward enabling for marriage equality. Mr. Kojcic believes that it is the duty of the political parties to show good will to include open LGBTI persons in electoral lists by encouraging this processes and increasing their visibility.

Serbia

Milos Djajic (Member of the Democratic Party, Founder of the Centre of Modern Skills)

Milos Djajic is a member of the Democratic Party (DS) and founder of the Centre of Modern Skills. He has been active in the civil society sector since the 1990s, and joined the Democratic Party in 2002. He believes political participation has two tracks, i.e. work with the National Assembly and work through the political parties. Mr. Djajic thinks that due to the high number of registered parties in Serbia, people do not treat political participation in a very serious manner. The Serbian Democratic Party has been supportive of LGBTI rights, as they have organized events about LGBTI rights and have supported every Pride Parade organized in Belgrade thus far. Finally, Mr. Djajic believes that it is necessary to find courageous people who will speak about LGBTI issues in politics, as there is a lack of positive role models not only in politics, but also in culture, sports and other areas.

Slovenia

Tanja Fajon (Member of European Parliament, Social Democrats; Group of the Progressive Alliance of Socialists and Democrats in the European Parliament)

Tanja Fajon is a Slovenian Member of the European Parliament and a member of the Social Democrats, part of the Party of European Socialists. She defines political participation as the possibility for an individual to be involved in different stages and levels of shaping political processes and decisions, thus influencing the common future. As an elected member of the European Parliament and Vice-president of her party, the motivation behind her political activism is the will to make a step forward: from being an observer and reporter of politics as a journalist, to playing a more active role in directly contributing her broad spectrum of experience.

Ms. Fajon says that the Social Democrats in Slovenia share the values of equality, human rights and dignity for all and are traditionally inclined to support the LGBTI community as sexual orientation. She is a member of the LGBTI inter-parliamentary group, which plays a role in legislative proposals to ensure that LGBTI people are not discriminated against in the fields of social life, employment, healthcare, migration, asylum and other areas. It is also important to note that as part of the 2014 – 2018 party programme of the Social Democrats, they have included issues of equality regardless of sexual orientation, equal opportunities for vulnerable groups including the LGBTI community, as well as eradication of homophobia, hate speech and elimination of systemic discrimination of LGBTI persons.

Luka Mesec (President, United Left Party; Member of Parliament)

Luka Mesec is the leader of the United Left Party (Združena Levica) and member of Parliament. As a left-wing activist for the past ten years, his leftist political beliefs along with student activism during the years of the European economic and political crisis motivated him to actively participate in the political system of Slovenia.

Mr. Mesec says that his party is trying to avoid becoming a parliamentary party in the classical sense, but rather have a balanced approach between working inside and outside Parliament. Therefore, almost all policies and proposals are coordinated with civil society, trade unions and other crucial civil society actors. In collaboration with the LGBTI community, the United Left proposed a law on marriage equality which was put forth and defended during the referendum. The “For” campaign, which strongly voiced arguments in favor of the new law on marriage equality, was co-organized by the party and the LGBTI community in Slovenia. Apart from this law, the party has also been proposing multiple legislation changes including the right to change one’s gender on ID cards and other personal documents without medical confirmation, which is currently mandatory, as well as the right of gay and bisexual men to donate blood, which is forbidden in Slovenia. Also, as a leftist party, Mr. Mesec says that they are trying to build a coalition to counteract neoliberal ideas which will involve participation from underrepresented population groups.

Summary of findings

- **Albania:** The Socialist Party has not only included LGBTI rights in their Statute and party programme, but has also noted visible progress when their MPs proposed changes and improvements to the Criminal Code and various other laws to enable better protection of the rights of LGBTI persons.
- **Bosnia and Herzegovina:** The SDP in BiH is a LGBTI-friendly party which has an LGBTI activist as a central committee member who successfully proposed and secured changes to the party programme to integrate LGBTI issues. The government should encourage the political participation of LGBTI persons as the political system should reflect a society characterized by diversity and equal opportunities for all.
- **Croatia:** While in government, the SDP initiated, drafted and implemented laws which advanced LGBTI rights in Croatia through collaboration with LGBTI CSOs. The Green party, ORaH, which has created the most progressive political programme which had created a special policy for advancing LGBTI rights.
- **Kosovo:** Although societal prejudice remains the main obstacle for political participation of LGBTI persons, visibility of the community has been increased due to public governmental support. Intensified cooperation between the government and CSOs is needed for maximum effectiveness for tackling issues such as discrimination and lack of equality.
- **Macedonia:** The Liberal Party, the Greens, the Liberal Democratic Party and the Leftist Party have all reiterated their support to improving LGBTI rights in Macedonia by clearly incorporating provisions on LGBTI-related matters in their party programmes and/or Statutes. For the Social-Democrats, tackling discrimination, hate speech and violence against LGBTI takes priority. There is a need for increased dialogue between the LGBTI community and the parties. Macedonian homophobic attitudes can be lessened by organizing marches of tolerance. Efforts for raising awareness for LGBTI rights should be led by both politicians and the media.
- **Montenegro:** The government led by the Democratic Party of Socialists has not only developed close relationships with LGBTI CSOs, but has also developed an official strategy on systematically combating discrimination and increasing LGBTI visibility. Due to societal prejudice and conservative values, a long-term and systemic approach is needed to create conditions for increased political participation of LGBTI people. As a party which has fully supported LGBTI rights, Positive Montenegro also suggested that the government dedicate more efforts into providing tangible support for the LGBTI community, not only on the declarative level. Greater political participation of LGBTI persons would bring about more security and inclusion to the community and would demonstrate to the benefits of diversity to society. Finally, it is the duty of the political parties to show good will to include open LGBTI persons in electoral lists by encouraging these processes and increasing their visibility.

- **Serbia:** The Serbian Democratic Party (DS) has been supportive of LGBTI rights, as they have organized events about LGBTI rights and have supported every Pride Parade organized in Belgrade thus far. It is necessary to find courageous people who will speak about LGBTI issues in politics, as there is a lack of positive role models not only in politics, but also in culture, sports and other areas.
- **Slovenia:** The Social-Democrats are traditionally inclined towards supporting LGBTI rights in Slovenia and have included various mandates to promote LGBTI equality in their 2014 – 2018 party programme. Following consultations with the LGBTI community, the United Left Party proposed a law on marriage equality which was later jointly defended by civil society activists during the referendum as part of the “For” campaign.

4.2.2. Interviews with LGBTI activists

Albania

Altin Hazizaj (CEO, Human Rights House Albania)

Mr. Hazizaj states that the main challenges that the LGBTI community faces in Albania are access to education, justice, labor markets, the health sector and the right to marriage. Another challenge is the organization of the LGBTI community itself. There are many challenges connected to living in Albania as a member of the LGBTI community as they face the widespread conservative mentality in society, reflected in the lack of legislation or services.

His organization has carried out different initiatives, activities, and research in order to address these challenges. These activities aimed to introduce new legislation and trainings of executive agencies in order to support them for the implementation. As result of these efforts (combined with what similar organizations have done) there seems to be a slight advancement in terms of legislation and raising awareness among political representatives, but there is still a lot to be done.

Despite the overall problem of the conservative mentality in society, the main problem faced during the interaction of activists with politicians is their “silent consensus” especially expressed by the representatives of the main political parties. They show a moderate level of support for a number of issues, but choose to do so as privately as possible in fear of political backlash against them, thus making them less likely to support public legislation. Also, there are political party representatives (especially conservative parties) who strongly view LGBTI rights as a threat to society and the traditional family unit.

The position of political parties can be classified as partly supportive, neutral or opposed to “hot topic” LGBTI issues such as the right to same sex partnership or marriage; while for legislation which addresses anti-discriminatory policies, there is a broader consensus within the framework of human rights.

As for the main positive developments in the last 10 years in Albania regarding LGBTI rights, there have been some legislative advancements mostly in anti-discriminatory policies.

The problems within the LGBTI community in terms of organization are evident, as there are four main organizations defending and promoting LGBTI rights in Albania, but their coordination is still weak. In terms of the wider community, it exists only virtually.

Bosnia and Herzegovina

Sasa Gavric (Former Executive Director, Sarajevo Open Centre)

Sasa Gavric is a LGBTI activist in Bosnia and Herzegovina and the former Executive Director of the Sarajevo Open Centre (SOC). He views political participation in both the narrow and broad sense: participation through the official channels of the political system, specifically political parties and institutions; as well as the work of bodies such as NGOs, trade unions, the media and religious communities to influence political decision-making.

The work of SOC has been challenged by the complex federal structure of governance in Bosnia and Herzegovina, in addition to the lack of government debate on LGBTI issues. However, with SOC being the leading LGBTI organization in BiH, they took the initial step to involve relevant institutions in their work, such as the government of Republika Srpska and the Federation, to change criminal laws and incorporate hate crime provisions. However, Mr. Gavric believes that the different governments, predominantly State and entity level governments, have not yet developed proper ownership of the issue and solutions still depend on the work of the SOC to take the lead in proposing and fighting for change.

As for his recommendations on how the government should address political participation of the LGBTI community in the country, Mr. Gavric stated that political participation is a responsibility of the citizens themselves, however the State holds the responsibility to make this possible by guaranteeing a free and safe social and legal environment, free of discrimination where citizens can organize themselves as they see fit to initiate change.

Croatia

Marko Jurcic (Former Program and PR coordinator, Zagreb Pride)

Marko Jurcic was part of Zagreb Pride, a queer-feminist and anti-fascist organization which is committed to the achievement of an active society of solidarity and equality free from gender and sexual norms, and any other kind of oppression.

Mr. Jurcic believes that LGBTI issues became part of mainstream politics following the referendum in Croatia. However, though he believes that Croatia is becoming more of a centrist-oriented country, the Catholic Church has had great influence

over right wing parties as well as over the general Croatian society, especially on issues such as marriage equality. Mr. Jurcic also believes that by being an activist who is not part of a political party, he can contribute more to the systematic change of Croatian society.

Kosovo

Agim Margilaj (Programme Officer, Centre for Social Group Development)

A short interview was conducted with Mr. Margilaj, who has been publicly active in the LGBTI movement in Kosovo since 2010. As a program officer at the Center for Social Group Development, he has been successfully implementing several LGBTI projects financed by international donors. Mr. Margilaj also played a key role in drafting of the anti-discrimination legislation and National Strategy for the LGBTI community, as well as promoting regional cooperation among LGBTI movements in the Western Balkans and Turkey. Mr. Margilaj defines political participation as the democratic right to be elected and have the power to elect an individual to public office.

Macedonia

Antonio Mihajlov (President, Subversive Front)

Antonio Mihajlov defines political participation as any activity that shapes, affects, or involves the political sphere. In relation to LGBTI rights, it can also mean electing officials who are members of the LGBTI community, or allies and supporters of this community. However, it should be noted that not every LGBTI elected official is an advocate for LGBTI equality.

As an LGBTI activist his definition of political participation is broad and includes:

- Affect-based politics – participation in protests, signing joint statements, conducting petitions on shared affects (such as hatred, oppression, stigma).
- Identity-based politics – addressing and articulating pressing needs and issues of LGBTI people to relevant State authorities, MPs and political parties.
- Issue-based politics – participation in activities such as rallies, demonstrations, protests.

Alliances among different social groups can be built to foster a culture of understanding, acceptance and empowerment of LGBTI people in political parties and in elected positions who have not yet come out, as well as garnering political support by MPs and political parties through enabling a network of competent allies and supporters of the wider campaign for human rights and equality for LGBTI people.

During the “Vote for Equality” research study and campaign in 2016, Subversive Front collaborated with 7 political parties on assessing their level of inclusion of LGBTI issues and needs in their political agendas. In consultation with them, and the other LGBTI

CSOs, they developed 5 key priorities in advocating for LGBTI equality for the next 4 years of the new legislature. These priorities were presented at their IDAHOT Conference on LGBTI on May 17, 2017.

Regarding governmental support to his organization, neither the previous nor the current (post-June 2017) government have openly and aggressively hindered the participation of Subversive Front in advocating for LGBTI equality. The current government has shown a few positive signals in supporting LGBTI equality publicly, including the opening of the Skopje Pride Weekend 2017 and the celebration of the 5th birthday of the LGBTI Support Center. Through two current ongoing initiatives (on the new Anti-Discrimination Law and the initiative for legal gender recognition in the Ministry of Labour and Social Policy), the new government has shown concrete steps forward in advocating for improved rights and status of LGBTI people in the country.

Finally, in addition to the means of institutional support, Mr. Mihajlov believes that political parties consult with LGBTI CSOs and activists to make efforts among their party members, especially the youth wing members, to address LGBTI rights and equality more frequently.

Ljumi Bekiri (Human rights activist)

Ljumi Bekiri is a university student and human rights activist with a focus on marginalized groups, specifically LGBTI rights. He has also been publicly recognized as part of various movements and platforms in Macedonia, notably the student plenum and colorful revolution protests, as well as a vocal person in the media expressing his opinions on current political affairs. Fighting injustice in society since his teenage years, he sees political participation as citizens taking part in any kind of political activity in society with the aim of creating change. However, as a LGBTI activist in Macedonia where political decision-making is directly linked to the political parties, he calls for closer cooperation and dialogue between the parties and the LGBTI community.

He has worked with a member from the Social Democratic Party of Macedonia (SDSM) on drafting a policy document on gender discrimination in the media as well as on the communications and public relations aspect of the party's election campaign for the Parliamentary elections of December 2016. His recommendations on ways for the government to address political participation of the LGBTI community in Macedonia include acquiring public trust, organizing intra-party trainings on LGBTI-related issues, pushing for extensive law reforms on anti-discrimination while maintaining strong contact with the community, and advocating for the protection of human rights in a pro-European democratic setting.

Montenegro

Danijel Kalezic (President, Queer Montenegro)

Danijel Kalezic is the President of Queer Montenegro, an organization formed with the aim of enabling a Montenegrin LGBTI movement to actively and continually fight for human rights protection, combat homophobia and transphobia, and achieve full legal and social equality and full acceptance of LGBTI people by the general population.

On the topic of LGBTI politicians and political participation, Mr. Kalezic believes that people prioritize economic issues over issues of sexual orientation when deciding for whom to vote for in elections. He also believes that if an openly LGBTI individual in any party would not be used to improve the status of LGBTI people in Montenegro, but rather to paint a better picture of that party. Thus, he concludes that many people do not see the benefit of overcoming obstacles such as fear of discrimination and violence to be politically active and openly LGBTI party members. Regardless, young people remain interested in fighting for human rights of LGBTI persons and political parties are willing to cooperate with them and include them in discussions on this issue.

Jelena Colakovic (Programme Director, Juventas)

Jelena Colakovic is the Programme Director at Juventas, an organization that incorporates LGBTI work in areas such as direct assistance and service providers, public policy changes, and developing the capacities of decision-makers.

Ms. Colakovic believes that civil society activists are free to make decisions without restrictions and be outspoken and critical of social issues, without being bound by a political party rulebook. Regarding Juventas and political participation, the organization has participated in all public debates on relevant laws and strategic documents. However, they have tried to be smart when choosing which discussions to take part in, to be able to contribute most effectively.

Serbia

Goran Miletic (Director for Europe, Civil Rights Defenders)

Goran Miletic, as an activist, human rights lawyer and Director for Europe with Civil Rights Defenders, uses advocacy and lobbying as a key tool for the improvement of LGBTI rights. As an activist, he views political participation as a positive process since concrete change can only be achieved through direct interaction with politicians and other stakeholders. Mr. Miletic has been a member of NGOs that lobby for the adoption of crucial LGBTI legislation, such as anti-discrimination legislation. He is currently in contact with politicians about two important pieces of legislation, namely the law on registered partnerships and the law on legal consequences of sex change. He has been very vocal and present in the media to which the government has had mixed reactions – they cringe when he presents relevant findings that expose the reality of inequality, yet they see him as a crucial partner in the work to improve LGBTI rights in Serbia.

Mr. Miletic says that the government should be less sensitive on critiques and accept the conclusions and recommendations for the improvement of human rights of

LGBTI community. Moreover, it is important to implement all well-known international human rights standards and include activists in the process of creating relevant policies.

Kristina Kastelec (Da se zna!; Liberal Democratic Party)

A short interview was also conducted with Kristina Kastelec, former member of the organization Da se zna! and member of the Human Rights Council of the Liberal Democratic Party. Ms. Kastelec believes that politics are a tool with which change can be initiated in one's community and society. They also note that their party has been active in showing support to the LGBTI community even before the LGBTI issue became part of mainstream politics.

Aleksandar Prica (President of Managing Board, Rainbow Association)

A short interview was conducted with Mr. Prica, the President of the Managing Board of Rainbow Association, an association working in areas such as health, anti-violence, anti-discrimination and social cohesion of LGBTI people in Serbia. Mr. Prica defines political participation not only as activities carried out through political parties, but also as the impact on social processes. Though never part of a political party, his experience in the civil sector spans over 10 years. Despite his somewhat skeptical outlook on politics due to its sometimes-flawed nature, as an activist he has cooperated actively with Serbian politicians of all political options successfully thus far.

Slovenia

Simon Maljevac (Director, Legebitra)

Simon Maljevac, a sociologist with over 10 years of activism, understands political participation in a broad manner - everything that one does with the intent of changing something politically, policy-wise or improving life for a certain group of people. As an LGBTI activist, he views this structurally; meeting politicians is one form of political participation while protesting and writing policy papers are other forms.

As the leader of Legebitra, Mr. Maljevac primarily works on policy, advocacy and lobbying. He has also been involved with the two referendums in Slovenia and served as the national campaign coordinator for the second referendum. When it comes to working with the politicians, the organization works on the governmental level with ministries such as the Ministry of Labour, Family, Social Affairs and Equal Opportunities, as well as with members of Parliament and local governments. Also, it is important to note that the civil society network in Slovenia, which includes both LGBTI and non-LGBTI organizations, is well-connected and collaborates closely on various issues. Working with the government has never been easy, as there is a mistrust of the government among civil society organizations. However, the relationship is slowly improving and the importance of dialogue has been recognized, though shifts in support from the government are usually closely tied to the shifts of ruling parties in power. Regardless, Legebitra has collaborated with and received financial support from the government for their service-based work.

Finally, Mr. Maljevac believes that an issue that needs special attention is addressing the visibility of openly LGBTI people in politics. Parties should be inclusive on more than a declarative level and should really examine whether and to what extent they are true allies.

Summary of findings

- **Albania:** The main challenges faced by LGBTI persons in Albania are access to education, justice, labor markets, healthcare and the right to same-sex marriage. Despite the conservative mentality, a persisting issue of CSOs during their interaction with political parties has been the “silent consensus” – parties sometimes provide support for an issue, but in a very non-public manner, as to avoid ostracism and political backlash from their party. Despite successes of LGBTI CSOs, such as Human Rights House Albania, in achieving legislative advancements and raising awareness among political representatives, coordination within the LGBTI community itself needs to be further strengthened.
- **Bosnia and Herzegovina:** LGBTI activists and groups, NGOs, trade unions, the media and religious communities all take part in political participation to influence decision-making processes within the democratic system. Despite the challenges and lack of debate on behalf of the government, the Sarajevo Open Centre had succeeded

in establishing cooperation with relevant institutions and amending key legislation on LGBTI rights. Even though political participation is a responsibility of citizens themselves, the State also has the responsibility to enable this by ensuring a free and safe social and legal environment, free of discrimination.

- **Croatia:** LGBTI issues have become part of mainstream politics in the past couple of years, especially following the marriage referendum. Even though Croatia is becoming more of a centrist-oriented country, the religious community has great influence over the right-wing parties. Some activists feel more able to contribute to the systematic change of Croatian society when operating outside of a political party membership, and instead interacting with democratic institutions as a member of civil society organizations.
- **Kosovo:** Various CSOs were included and consulted with when drafting the anti-discrimination legislation and the National Strategy for LGBTI persons. CSOs are also been vocal in the media and public events about changing societal attitudes towards the LGBTI population.
- **Macedonia:** Acts of political participation shape the political sphere and include fostering a culture of respect towards LGBTI people in political parties and garnering political support from MPs and political parties for LGBTI rights. The previous and current government have not openly hindered the work of CSOs; however, the current government has shown public support for advancing LGBTI equality. Despite this, there is a need for greater dialogue between the LGBTI community and the political parties. Parties should dedicate more effort to providing intra-party sensitization training of party members, especially youth-wing members, on LGBTI-related issues, in consultancy with LGBTI CSOs. Furthermore, in order to tackle the LGBTI community's persisting lack of trust in the public institutions, the government needs to intensify efforts toward advocating for extensive anti-discrimination legislation reforms while maintaining regular contact with the community itself.
- **Montenegro:** CSOs including Queer Montenegro and Juventas have participated in public debates about LGBTI-related laws and strategy documents. Citizens tend to prioritize economic issues over issues of sexual orientation when deciding their vote. Some activists feel more effective and free to participate politically from civil society, outside of a political party membership, believing political parties would use an openly LGBTI member to portray a more diverse and positive image of their party, rather than to initiate real change. More work to bridge the gaps between civil society and parties is needed.
- **Serbia:** Activists believe that concrete change can only take place through direct interaction with politicians and other relevant stakeholders. Activists from various CSOs have worked closely with politicians to advocate for crucial changes to key legislation and contribute to the political decision-making processes in Serbia. The Liberal Democrats not only have an openly LGBTI member of their Human Rights Council, they have shown support to the LGBTI community even before this issue

entered mainstream politics. Though there have been instances where the government has had mixed reactions towards public appearances of activists who present information that highlights the shortcomings of the government in terms of advancing toward equality, they still recognize their crucial role in the path towards securing rights for LGBTI persons. The government should not only make an effort to more effectively accept the conclusions and recommendations put forth by activists, but also to implement all key international human rights standards and include CSOs in the processes of policy creation.

- **Slovenia:** The LGBTI and non-LGBTI CSOs network in Slovenia is very well connected. In contrast, the relationship between the CSOs and the government has never been easy due to mutual distrust. The importance of dialogue has been recognized and the relationship has been improving, despite the fact that the shifts of governmental support have been closely tied to the shifts in ruling parties in government. The largest LGBTI organization in Slovenia, Legebitra, has had high public visibility which has aided their cooperation with the government so far. An issue that requires special attention is increasing the visibility of openly LGBTI people in politics, as parties should be self-critical in their role in supporting LGBTI members who wish to participate more openly and actively.

4.2.3. Interviews with experts on LGBTI-related issues

Serbia

Biljana Maletin (Women's rights and gender equality expert)

Biljana Maletin has been working on women's rights and gender equality for over 20 years. More specifically, she has worked on introducing the gender perspective into programs and policies, and has actively cooperated with civil society organizations, women from political parties, trade unions and the public sector.

Ms. Maletin believes that more people would be willing to be openly LGBTI in politics if they had support from their family and others close to them, even though this could be hard due to the lack of a political culture that supports civic participation of LGBTI people. According to her, many of the parties are homophobic and it is therefore important to mainstream the issue of LGBTI rights so that political leaders become less afraid of losing votes for supporting something that is "taboo". Also, Ms. Maletin thinks that it is imperative to have positive role models in the LGBTI community which could encourage political leaders to take a more positive stance and have more open discussions on LGBTI issues.

Zorica Mrsevic (Senior Research Fellow, Institute of Social Sciences, Belgrade)

Zorica Mrsevic is a Serbian professor, jurist, researcher and human rights activist. She works in the field of human rights and feminism, at local and international

levels. She currently works as a senior research fellow of the Institute of Social Sciences in Belgrade. She served as Deputy Ombudsman of the Republic of Serbia for Gender Equality and the Rights of Persons with Disabilities, from 2008 to 2011. Ms. Mrsevic is the author of more than 20 books and 300 studies and articles on gender equality, phenomenology of violence, human rights of marginalized groups and jurisprudence.

Ms. Mrsevic defines political participation as the possibility to influence political decision-making processes. She believes that if Ana Brnabić (openly lesbian Prime Minister of Serbia) is considered successful in government, it will contribute positively to the benefit of the LGBTI population, improving perceptions and future opportunities for LGBTI political leaders. Ms. Mrsevic thinks that the most effective way, and at the same time the most dangerous way, to be politically effective is to be openly LGBTI, which inspires others to be more courageous.

Slovenia

Roman Kuhar (Professor, University of Ljubljana)

Dr. Kuhar is currently teaching at the University of Ljubljana, and has previously worked at the Peace Institute and has collaborated with the largest LGBTI NGO in Slovenia, Legebitra. Publicly active in the political system of Slovenia during his contribution to the marriage equality debate from 2001 onwards, he understands political participation as a broad concept – it does not only mean having the right to vote.

Though he says that the relationship between the different governments and the LGBTI community in Slovenia has been more or less consistent on a declarative level which lacks concrete actions, civil society in the country has been strong and vocal for years due to their unrealized set of goals. He believes that there have been some improvements of at the local level in regards to the representation of LGBTI people in the media and visibility of trans individuals; however, there is much room for improvement especially when it comes to the issue of same-sex couples and adoption of children.

EU membership could potentially be helpful for prompting authorities to adopt extensive anti-discrimination legislation, as it could serve as a strong political tool before and shortly after acquiring membership, in addition to the regional influence coming in from neighboring countries and their legislative reforms. As for his recommendations on how the government should address political participation of the LGBTI community in Slovenia, Dr. Kuhar thinks that the government should give clear and strong messages of what is and is not acceptable when it comes to the LGBTI community, including strong condemnation of homophobic rhetoric and violence, as well as giving clear messages on the meaning of political participation and its effect on citizens' lives.

Dr. Vesna Leskosek (Professor and Dean, Faculty of Social Work, University of Ljubljana)

Dr. Leskosek is currently working at the Faculty of Social Work at the University of Ljubljana, and she is also researcher and lecturer working mostly on inequality and gender issues. She defines political participation as taking full advantage of the ability to be proactive and vocal on ways how to improve one's life, as this is the only way to achieve equality in any social issue.

Greater political participation of the LGBTI population is brought about through close cooperation between LGBTI organizations and activists; although strong right-wing movements which are currently very active in Slovenia greatly impede their work. Dr. Leskosek views the lack of consistency in government policy, whether overall or intra-governmental differing views, results in a two-faced approach to tackling LGBTI issues. For instance, the government supported Gay Pride and discussions on the topic, while simultaneously siding with right-wing parties when it came down to concrete action such as the adoption of the Family Act. Dr. Leskosek believes that becoming a member of the EU could be positive because the country is required to fulfill criteria on human rights advancements and there is much greater access to resources, so they could potentially adopt more comprehensive anti-discrimination legislation to include the LGBTI population. However, the situation after the country joins the Union might not be as positive as expected.

Summary of findings

- **Serbia:** Since many parties are homophobic, it is important to mainstream the issue of LGBTI rights to decrease political leaders' fears of losing votes. More people would be willing to be openly LGBTI in politics if they had support from their family and loved ones, even though the political culture is not the most encouraging for this. It is also important to have positive role models among LGBTI people which would prompt political leaders to have a positive and open discussions on LGBTI issues. The most effective way, and perhaps the most dangerous as well, to be politically effective is to be openly LGBTI since such leaders would inspire others to also come out.
- **Slovenia:** The relationship between the government and the LGBTI community has remained mostly declarative, even though CSOs have been speaking out for years. Improvements have been made in media representation but the government and activists still need to work towards legislative changes such as passing adoption laws for same-sex couples. Overall, the government should deliver clear messages of condemnation of homophobic rhetoric and violence, and emphasize the importance and benefits of political participation of LGBTI people.

4.2.4. Interviews with institutional representatives

Albania

Irma Baraku (Commissioner for Protection from Discrimination)

Irma Baraku has served as the Commissioner for Protection from Discrimination (CPD) in Albania since 2010. The work of the Commissioner is accomplished by reviewing claims of victims of discriminatory behaviors, monitoring law enforcement, recommending sanctions, and informing and sensitizing the community, public administration bodies and private entities to promote the principle of equality and non-discrimination.

Ms. Baraku has stated that as an institution, they do not treat the LGBTI community as a special category, but rather as an equal part of Albanian society. The Commissioner has also influenced the adoption of a new curriculum after tedious discussions on the discriminatory classification of sexual orientation with the Faculties of Law and Medicine, respectively. Finally, she pointed out that the main issue faced by LGBTI people as being hate speech.

Kosovo

Hilmi Jashari (Ombudsman)

Since 2015, Hilmi Jashari has been fulfilling a 5-year mandate as the Kosovar Ombudsman. According to the Constitution of the Republic of Kosovo (Articles 132-135), the Ombudsperson Institution (OIK) is defined as a constitutional category, specifically as an independent constitutional institution. The Ombudsperson and its deputies supervise, promote and protect fundamental rights and freedoms of natural and legal persons from illegal and improper actions or inactions of public authorities, institutions and persons or authorities exercising public authorizations in the Republic of Kosovo, as well as oversee the establishment of the National Mechanism for Prevention of Torture (NMPT). In addition, the Ombudsperson represents an equality mechanism for promoting, monitoring and supporting equal treatment without discrimination on grounds recognized by the Law on Gender Equality and the Law on Protection from Discrimination.

Ms. Jashari has stated that practical implementation of human rights standards and education have been persistent issues. He believes that there is good momentum for openly LGBTI people to become actively involved in politics as they could bring about tremendous societal change in Kosovo.

Slovenia

Vlasta Nussdorfer (Human Rights Ombudsman)

Vlasta Nussdorfer, the Slovenian Human Rights Ombudsman, defines political participation as active engagement in daily life. The Human Rights Ombudsman (HRO) is an advocate for the protection of human rights and has been active in tackling LGBTI-related matters. The Ombudsman previously pointed out the lack of enforcement of fundamental human rights of the LGBTI community, which later on brought about the adoption of the Family Code in 2017. The HRO has also warned authorities that same-sex couples do not have the same rights as others in the fields of social care, healthcare and pensions, as well as raising awareness around the discrimination of children in LGBTI families. Moreover, the HRO's welcoming of marriage equality, contrary to provisions in the Slovenian Constitution, allowed Slovenia to become the 11th democratic country in Europe to overcome inequality in this area.

Guided by the growing inadequacy in social status among citizens, discrimination of some groups in society are not always fully respected. Ms. Nussdorfer says that the LGBTI community in Slovenia is highly active, politically and otherwise. The HRO has reiterated its commitment to do everything her power and within the legal framework to communicate recommendations to the government and its relevant agencies on how to fully respect the rights of the LGBTI community. The government has collaborated and supported the HRO's mandate by responding to the HRO's recommendations with semiannual and annual reports to follow-up on implemented or non-implemented recommendations. Regarding the Ombudsman's recommendations on how to address political participation of the LGBTI community in Slovenia, Ms. Nussdorfer says that it is of utmost importance that there be violation no of their rights, and that the government should have a clear strategy on how to protect the rights of underrepresented groups, which includes the LGBTI community, and ways how to address their political participation.

Summary of findings

- **Albania:** The Commissioner for Protection from Discrimination has not treated the LGBTI community as a special category, but rather as an equal part of Albanian society. The Commissioner sees the main issue faced by LGBTI persons in Albania as hate speech.
- **Kosovo:** As a constitutional category, the Ombudsman represents the equality body for promoting, monitoring and supporting the equal treatment. Human rights standards should be implemented while there is current momentum for openly LGBTI people to become actively involved in politics.

Slovenia: The Human Rights Ombudsman has served as an advocate for LGBTI rights numerous times, including an instance when an indication by the institution about the lack of enforcement of basic human rights of LGBTI persons subsequently led to the adoption of the Family Code in 2017. The institution has supported political participation of citizens by teaching them how to protect their human rights, solving specific human rights violations and encouraging young people to fulfill their right to vote. The HRO believes that the government should develop a clear strategy on how to protect the rights of underrepresented groups and increase their political participation, seeing as the LGBTI community is already a politically active group.

CHAPTER

5

5. Conclusions, best practices and recommendations for increasing LGBTI political participation

There is a huge disconnect between perceptions of general population and the LGBTI population towards marginalized groups throughout the Balkans. Citizens of the Western Balkans easier see other social groups with whom they are more likely to identify or with whom they share similar problems as discriminated, than with LGBTI group which seems to be fairly invisible in Western Balkan societies. However, LGBTI community respondents see its social group as the most discriminated one throughout the Western Balkans. Despite that, it is proven that personal interaction with LGBTI people significantly decreases the level of prejudice among the general population. The more LGBTI people someone personally knows, the less likely they are to be prejudiced or stereotypical of the LGBTI community. Moreover, when it comes to physical and psychological violence and discrimination of LGBTI persons, the general population in the region still does not have a clear idea how much LGBTI persons are exposed to these types of violence – general population perceptions about the problem significantly undermines the reality for LGBTI people.⁴

Over the course of the past few years, some progress has been noted in the Western Balkans. A mere glance at ILGA-Europe's Rainbow map shows that legal protection, varying from anti-discrimination acts, to hate crime and hate speech legislation explicitly including the grounds of sexual orientation and gender identity is fairly advanced in the region. Moreover, the EU accession process has been a crucial element for the advancement of the human rights situation in the region due to the requirements for membership, as all countries analyzed in this paper are either in the pre-accession phase, currently negotiating or already full-fledged EU members. In terms of legislation, the Western Balkans rank higher in the Rainbow Europe map than several EU member states. However, despite advancements in national legislation regarding the safeguarding of LGBTI human rights, LGBTI people still face discrimination, societal exclusion and marginalization, and violence and negative public attitudes throughout the region.⁵¹

Human rights and the LGBTI topic are non-voting issues throughout the Western Balkans - more important topics for voters are the economy, employment and the general improvement of the quality of life. Moreover, the complex geopolitical landscape also affects LGBTI rights, as politicians and cultural leaders have described "homosexuality" as a foreign import and a national threat.⁵² However, rationally there are no obstacles for decision-makers to add LGBTI issues to their political agendas and move toward a resolution. It should be strongly reiterated time and time again that LGBTI people are voters as much as rest of the population throughout Western Balkans. In the six Western Balkan countries covered in this paper, excluding Croatia and Slovenia, an average of more than 60% of the LGBTI population in 2015 had voted in their country's last Parliamentary elections.⁴

Regarding LGBTI activism, Pride is the only publicly visible activity that deals with LGBTI rights and is seen as an activity that positively contributes toward the position of LGBTI people in Western Balkan societies. While Pride is not widely accepted by the general population throughout the region, it seems it's all about rhetoric and communication - a peaceful walk aimed at pointing out problems one societal group is facing versus a Pride parade (often associated with violence) would be much more acceptable to the general population.⁴ Despite pushback to LGBTI rights promotion, an overall trend of better protections is in progress. Also, although trans rights still seemed to be more marginalized among activists' goals, activists are working more intensely on decreasing transphobia.⁵³

Finally, the constructive interaction between the political and civil society is a fundamental democratic pillar when addressing issues including freedom of expression, political participation, transparency and accountability.³⁷ Nevertheless, constructive, productive and efficient dialogue between political actors and civil society representatives is a challenge which needs significant improvement and sustainable strategic planning. A well-equipped and empowered LGBTI civil society is crucial in utilizing political participation as a tool to achieve equal distribution of power, access to social justice and a democratic society based on solidarity.

Following the thorough analysis of the available materials on LGBTI political participation in the Western Balkans and through interviews with activists, politicians, and experts, this research proposes the following next steps for society as a whole to take to increase LGBTI political participation and specific recommendations for policy-makers, CSO actors and other relevant stakeholders in both the national and regional context in order to establish a meaningful and long-lasting culture of respect for fundamental human rights.

Key conclusions drawn the research:

- The Western Balkans represents a region in which there are visible and significant differences in the national human rights legislations guaranteeing fundamental human rights for LGBTI persons, where non-existent provisions in national legal frameworks or existing laws with unsatisfactory implementation records only enable for the persistent marginalization of LGBTI persons.
- One of the major challenges for consolidating democratic societies in the Western Balkans is to overcome the persisting gap between civil society and political parties, as it is evident that there is a strong need for further capacity-building and awareness-raising, as well as for a change of mindset on both sides.
- Due to the existing prejudices and stereotypes which tend to prevail in the Western Balkans, openly LGBTI politicians are not considered a common practice in the Western Balkans, with exceptions in Croatia, Serbia, Montenegro and Slovenia which serve as positive examples for encouraging an inclusive political culture and increased LGBTI political participation.

- In the Western Balkans, there is often a lack of constructive dialogue or effective cooperation between CSOs and political parties due to mutual mistrust and inadequate actions on both sides which only hampers further reforms and progress.
- LGBTI rights still remain underrepresented in governmental strategies, political party programmes and Statutes as well as other key documents which are relevant to ensuring political accountability, long-term sustainability and finally social justice.
- Though political participation is a responsibility of citizens themselves, the State also has the responsibility to enable this by ensuring a free and safe social and legal environment, free of discrimination.
- Intensified cooperation and dialogue between the government, CSOs and the LGBTI community is needed to achieve maximum effectiveness for tackling the lack of trust in the public institutions, advocating for extensive anti-discrimination legislations, deliver widespread messages of condemnation of homophobic/biphobic/transphobic rhetoric and violence, as well as emphasize the importance and benefits of political participation of LGBTI people in societies characterized by diversity and equal opportunities for all.

Next steps to advance towards increased political participation of LGBTI persons:

1. CSOs should initially focus on bridging the gap and building capacities domestically before expanding their network externally, while political parties should coordinate and closely collaborate on an inter-parliamentary, inter-governmental or inter-party level.
2. Encourage the promotion of strategic messages from LGBTI CSOs, State institutions and government officials, as well as political parties and politicians focused on fighting violence against marginalized groups, including LGBTI persons, to dissuade stereotyping, prejudices, hate crimes and hate speech.
3. Increase the opportunities for networking and cooperation between LGBTI CSOs and political parties in order to align socio-political priorities on the national and regional levels.
4. Establish dialogue and enhance cooperation between CSOs and political parties on LGBTI issues in order to achieve the inclusion of provisions on LGBTI rights in parties' political agendas.
5. Enhance close cooperation between the CSOs, political parties and the media so as to jointly raise awareness on LGBTI needs and issues as well as combat homophobic and transphobic hate rhetoric.
6. By identifying and understanding the gaps and inadequacies of national legal frameworks, activists, politicians and other relevant stakeholders should utilize this entry point to be more proactive and call for increased political participation of LGBTI persons in order to fully realize fundamental rights and freedoms.

Recommendations for the government, political parties, and State institutions:

1. Organize LGBTI awareness-raising campaigns on importance of active political participation and civic engagement of the LGBTI community, both on the national and regional level.
2. Urge national governments to send clear messages of condemnation of homophobic and transphobic rhetoric and hate-based violence.
3. Call for the establishment of a cross-regional platform of political parties on LGBTI issues to be used as a forum for dialogue and exchange of best-practices, which can be subsequently implemented at the national level.
4. Call for the establishment of a cross-regional inter-Parliamentary anti-discrimination working group where dialogue would also focus on LGBTI issues and the subsequent recommendations could be implemented nationally.
5. Establish regular regional cooperation and collaboration of relevant governmental institutions to address LGBTI issues to share best practices and strengthen inter-institutional cooperation.
6. Parties should dedicate more effort to consulting and working with LGBTI CSOs and utilizing their expertise to implement intra-party sensitization trainings for party members, especially youth-wing members, on LGBTI-related issues and how to support LGBTI party members.
7. In order to tackle LGBTI community's persisting lack of trust in the public institutions, the government needs to intensify efforts toward advocating for extensive anti-discrimination legislation reforms, while maintaining regular contact and consultation with the community itself.
8. The government should not only make an effort to more effectively accept and implement the conclusions and recommendations put forth by activists, but also adhere to international human rights standards and include CSOs in the process of policy creation.
9. Political parties should be more inclusive and open to addressing the visibility of openly LGBTI people in politics, by publicly encouraging participation of LGBTI persons in politics.
10. Political parties should strive to create progressive political programmes which advocate for the full equality of LGBTI persons, allow for same-sex partnerships and enable systemic care of transgender and intersex persons.

Recommendations for CSOs and activists:

1. Enhance cooperation with State institutions, especially the Ministry of Interior and the law enforcement agencies, on LGBTI issues in order to increase their knowledge and in turn improve the sense of security of the community as guaranteed by the country.

2. Advocacy efforts should initially be aimed at adopting suitable legal measures to regulate same-sex partnerships, which is more easily digestible for most political parties, before regulating issues such as legalizing same-sex marriage and adoption of children by same-sex couples.
3. CSOs working on anti-discrimination issues, gender equality, as well as LGBTI rights should work directly with government institutions responsible for amending anti-discrimination laws that are inclusive of SOGI.
4. Conduct LGBTI human rights sensitization trainings for local and national government officials, healthcare providers, educational institutions, media professionals and law enforcement.
5. Further build on the capacities of LGBTI CSOs to not only document and follow-up on human rights violations, but also push national authorities to hold perpetrators accountable.
6. Formalize a strategic and sustainable partnership-based coalition among LGBTI CSOs to share best practices and strengthen mutual capacities in order to develop both a national and regional strategy for resource mobilization, advocacy and strategic partnerships.
7. Collectively work on drafting a strategy on an initiative of CSOs to train LGBTI leaders to advance their knowledge on effective political participation in democratic processes;
8. Collectively work on building the capacities of LGBTI CSOs to hold public officials and politicians accountable and demand good governance, transparency and efficiency from key state institutions.
9. LGBTI activists should jointly work on further strengthening coordination and cooperation between and within the LGBTI CSOs network first domestically and later regionally.

Best practices from the Western Balkan countries

As the creation of best practices varies depending on the possibilities enabled by the political climate and the relevant national legislative framework, this cannot be said to be the case in the Western Balkan countries. While there are several examples of good practices, there is limited information on established best practices with regards to the improvement of the situation of LGBTI rights. By enhancing the national human rights legal frameworks and subsequently receiving support from State authorities, these examples of good practices noted in the text below may serve as starting points for further adaptation and application to other situations which will in turn prove their effectiveness and sustainability. The fact that currently there is no uniform regional set of best practices to advance LGBTI rights only reiterates the dire need for CSOs and political parties to collaborate in drafting a joint strategy containing national best practices, which could then be adapted to fit the regional framework.

❖ Albania

An example of a good practice of implementing measures against human rights violations has been the collaboration of the Office of the Commissioner for Protection from Discrimination (CPD) with the judiciary system. The CPD is an "independent public institution" that investigates complaints of discrimination in accordance with the 2010 Law for the Protection from Discrimination. Through this partnership, the non-discrimination law is fulfilled not only administratively by the CPD, but also through its effective implementation in the courts. The CPD has focused on raising awareness, providing legal recommendations and signing cooperation agreements with central and local government institutions and some CSOs. Though the work of the institution has been criticized by some NGOs in Albania for its ineffectiveness, the work of the CPD alongside the Ombudsman on the issue of safeguarding human rights, specifically those of LGBTI persons, could prove to be useful in the long term.^{54 55}

Another good practice from Albania is that for the first time in 2017, the Headhunter group, a human resources company in Albania, launched and implemented the LGBTIQ Employment Equality Index, the first non-EU country to have such a system in the Balkans. The Index is a ranking system that determines how well companies respect the rights and dignity of LGBTIQ persons in their hiring, training, development and general employment practices. The results of the second annual LGBTIQ Employment Equality Index in Albania were even more impressive. Participation increased considerably and 109 companies operating in Albania answered the questionnaires sent by the Headhunter Group, which demonstrates a significant increase in the awareness level from businesses in relation to the measures in place to protect rights and support minorities, specifically LGBTI job-seekers and employees. Awardees and some other participating companies from the previous year which had scored higher in the present year's Index had already taken concrete measures to protect LGBTIQ Albanians. They set an admirable example for other employers in the country to follow, by recognizing that upholding the rights of any group benefits all of the society.⁵⁶ As the LGBTIQ Employment Equality Index sets an example in Albanian society with regards to equality in the workplace for LGBTI persons, this can serve as a starting point for activists to push for public promotion of this equality initiative which can then be further discussed jointly between the private sector, political parties and LGBTI activists.

❖ Bosnia and Herzegovina

By adopting amendments to the Anti-Discrimination Law of BiH, the country advanced its legal framework on anti-discrimination by becoming the first country in South-East Europe to include "sex characteristics" as a prohibited ground for discrimination, effectively protecting intersex persons. The Sarajevo Open Centre (SOC) had actively participated in this process of amending the law through their working group which prepared concrete amendment drafts that were presented jointly with the Agency for Equality of BiH. The amendments were also presented to State institutions, including the Ministry for Human Rights and Refugees and the ministerial working group. Finally,

the ministry took some of the amendments into account allowing the law to prohibit discrimination on the grounds of SOGI as well as sex characteristics.⁵⁷ This case is an example of close and relentless cooperation between State institutions and CSOs in order to amend key human rights legislation and advance LGBTI rights.

❖ **Kosovo**

Despite the prevalent discrimination faced by LGBTI persons in Kosovo, as part of Kosovo's 2017 Pride week, Prishtina held its first ever Pride Parade. While NGOs working on LGBTI rights have organized marches in Prishtina that have drawn support from important political leaders, the conservative mentality of most of the population remains far behind. In fact, LGBTI leaders wanted to organize the Pride Parade to peacefully confront those who spread hate speech and promote hate-based violence and directly expose them to the LGBTI community and its movement. The President of Kosovo, Hashim Thaci made an appearance at the Pride Parade where he publicly condemned violence or threats to the LGBTI community; he was joined by other politicians and diplomats. The parade took place without any major incidents. Regardless of Kosovo's reputation as a homophobic country, the organizing of the first Pride Parade points to effective cooperation and coordination between LGBTI CSOs and State authorities in order to organize such a groundbreaking event in a safe environment – something that has not been possible thus far in other Western Balkan countries such as Macedonia.^{58,59}

❖ **Macedonia**

So far, the broadest protection against discrimination is provided in the Law on Protection of Patients' Rights, as the notion of "sexual orientation" is introduced. The law has become a solid legal basis for the realization of LGBTI persons' rights in the healthcare system and stands out as a best practice in the normative regulation of discrimination. The authorized bodies and institutions were originally set up with the purpose to protect against discrimination i.e. to protect the rights, draw on the freedoms and rights defined by the Constitution and the laws.⁶⁰

❖ **Serbia**

An example of a good practice from Serbia is the engagement of Labris as an organization with extensive experience in providing political leadership trainings to LGBTI activists from the Western Balkans, as well as conducting trainings on sensitization of youth-wing members of political parties on LGBTI-related issues. The first training for LGBTI political engagement in 2014 was organized jointly by Labris and NDI with the aim of providing the participants from the Western Balkans with key information on the importance of the role of LGBTI actors as potential leaders of change in political reality and active subjects of democratization in society. Labris together with the Victory Institute and NDI had also organized a conference on the topic of LGBTI political participation in the Western Balkans during which jointed together political decision-makers and activists from the region to discuss increased political participation of underrepresented groups, including the LGBTI community. The openly LGBTI activists

from the region completed a political leadership training to gain knowledge on political activism but also learn about possibilities how to affect social changes through various forms of political activism.⁶¹⁶² The positive example set by the sensitization trainings of political decision-makers could enable for closer cooperation between LGBTI CSOs and political parties, increased political participation of LGBTI persons, as well as greater inclusion of LGBTI-related issues and needs in national political party agendas.

Good practices in Serbia further refer to the active devotion of CSOs and independent institutions to full exercise of the right to freedom of assembly, mutually networking of CSOs in these actions and providing free legal aid to human right defenders and organizers of banned assemblies. There are examples of good practices when it comes to LGBTI assemblies. Public manifestations of LGBTI activism were prohibited in 2009, 2011, 2012 and 2013. However, thanks to the coordinated action of activists, in 2014 and 2015, Pride Parade was organized, together with other LGBTI manifestations. By undertaking coordinated action, political influence on fulfilling the right of public assembly was effectively diminished. The coordinated action of activists which led to a change in government approach to LGBT assemblies included: networking of various NGOs and collaboration with the Ministry of Interior and National Assembly committees so as to establish open and trustful dialogue between organizers and the police; receiving open support by key international political figures present in the country, such as the EU Delegation, OSCE etc.; involving national key political stakeholders as supporters of high risk gatherings; specializing in strategic human rights litigation; and networking with independent institutions, as they are also included in advocating the maintenance of public assemblies, such as the Commissioner for Equality.⁶³ The Serbian example of the efforts and strategic activities of the CSOs in order to fulfill their Constitutionally guaranteed freedom of assembly and in turn successfully organize Pride Parades can be used as a guideline platform for countries which had not yet had a Pride Parade, such as Bosnia and Herzegovina and Macedonia.

CHAPTER

6

6. List of annexes

6.1. ANNEX A

6.1.1. Questionnaire 1: LGBTI Political Participation in the Western Balkans

Politicians and Political Party Officials

1. How do you define political participation? (max. 150 words)
2. How have you participated in the political system of your country? (max. 150 words)
3. What motivated you to become actively involved? (max. 150 words)
4. How would you describe the relationship between your political party and the LGBTI population in your country? (max. 150 words)
5. How does your political party advocate for the protection of human rights of the LGBTI community? (Please provide an example) (max. 150 words)
6. How does the government and/or your political party encourage and support political participation of your citizens, especially underrepresented citizens (women, people with disabilities, LGBTI people)? (max. 150 words)
7. How many LGBTI-identifying people are part of your party, if any? What are their role and position within the party? (max. 150 words)
8. Has your party included LGBTI issues in your party platform and/or government programme? (max. 150 words)
9. Does your party envision greater political participation and inclusion of the LGBTI community in your country, and what are your party's proposals in this regard? (max. 150 words)
10. Has your party directly participated in the legislative procedures on the law of same-sex partnership? (max. 150 words)

6.1.2. Questionnaire 2: LGBTI Political Participation in the Western Balkans

LGBTI Activists and Experts

1. How do you define political participation? (max. 150 words)
2. How do you as an LGBTI activist approach political participation generally? (max. 150 words)
3. What trainings, if any, have you attended on political participation? (max. 150 words)
4. Have you worked for a political party or a candidate running for public office? (max. 150 words)

5. Have you served as an active member of a group that tries to influence public policy? (max. 150 words)
6. Have you communicated through social media on political topics, including LGBTI issues? (max. 150 words)
7. Have you directly contacted politicians to try to influence party platforms to include LGBTI issues? (max. 150 words)
8. Have you participated in a TV/radio show to publicly express opinions on political topics, including LGBTI issues? (max. 150 words)
9. Are you a member of a political party? (max. 150 words)
10. To which degree are governments receptive of your participation in the political sphere? (max. 150 words)
11. How has the government supported your organization's participation? Or, if they haven't, how have they hindered it? (max. 150 words)
12. How would you recommend that the government addresses political participation of the LGBTI community in your country? (max. 150 words)

6.1.3. Questionnaire 3: LGBTI Political Participation in the Western Balkans

Institutional Representatives

1. How you define political participation? (max. 150 words)
2. How have you personally participated in the political system of your country? (max. 150 words)
3. What motivated you to become actively involved? (max. 150 words)
4. How would you describe the relationship between your institution and the LGBT population in your country? (max. 150 words)
5. How does the institution advocate for the protection of human rights of the LGBT community (example)? (max. 150 words)
6. How does the institution encourage and support political participation of your citizens, especially underrepresented citizens? (max. 150 words)
7. Does your institution envision greater political participation and inclusion of the LGBT community in your country and what are your institutions proposals in this regard? (max. 150 words)
8. How has the government support your institution's participation? (max. 150 words)
9. How would you recommend that the government addresses political participation of the LGBT community in your country? (max. 150 words)

7. Glossary

Bisexual – A person who is sexually and emotionally attracted to men and women.

Cisgender people - General term that refers to people whose gender identity and / or gender expression match the sex they are assigned at birth.

Discrimination – Any distinction, exclusion, restriction and every form of putting a person or group of persons at a disadvantage on some basis. Bases or characteristics on which a person or group of persons is put in unfavorable position are varied and can include: sexual orientation, gender identity, gender expression, gender, age, race, ethnicity and / or nationality, religion, political affiliation, etc. Discrimination can be direct or indirect, institutionalized discrimination, and discrimination on multiple grounds. Bullying, sexual harassment, mobbing, and segregation are also forms of discrimination.

Gay man – A man who is sexually and emotionally attracted exclusively to a person of the same sex – another man. Due to the historical burden of the term homosexual, the use of this neutral term is recommended.

Gender – As a social construct of sex, gender is a category that refers to economic, social and cultural attributes which the biologically born bodies acquire. As an individual construct of one's own identity / expression, the gender confirms, denies and / or exceeds the socially assigned and formed sex and gender roles of men and women, as well as the whole binary basis of male and female.

Gender identity – It refers to the personal feeling and personal perception of gender, which may or may not necessarily correspond with the sex assigned at birth. This includes the personal experience of the body and other gender expressions such as clothing, speech, gestures, and mannerisms.

Heteronormativity – The assumption that all people are heterosexual, i.e. that heterosexuality is perfect and superior to homosexuality and bisexuality. Heteronormativity is an opposition towards homosexuality and bisexuality, which is practised at a systematic level (political and economic system, culture, society) and results in systematic rejection, exclusion, and oppression of non-heterosexual identities and sexual behaviors.

Heterosexual – A person who is sexually and emotionally attracted to a person of the opposite sex.

Homophobia - Irrational fear, intolerance, hatred, prejudice and / or discrimination against gays and lesbians. Homophobia manifests itself as undisputed belief in the superiority of heterosexuality which is promoted by the cultural and

institutional social practices. This belief begets violence toward non-heterosexual persons which in turn, is reflected in the physical and verbal attacks on them, discrimination in employment, paying taxes, retirement, etc.

Homosexual – Outdated clinical term for those who are sexually and / or emotionally attracted to people of the same sex. The term is inappropriate and offensive to many gay men and lesbians.

Intersex – A person born with chromosomal, hormonal or genital characteristics that do not correspond to the set standards of male and female categories due to their sexual and reproductive anatomy. This term has replaced the term hermaphrodite which today is considered inaccurate and insulting. Intersexuality may receive various forms and include various positions of intersex people.

Lesbian – A woman who is sexually and emotionally attracted to a person of the same sex. Lesbian is one of the oldest and most positive terms for homosexual women, which in the lesbian feminist theory does not only mean a sexual identity that resists conventional gender expectations of women, but also a social and political identity built in opposition to male chauvinism, patriarchy, heterosexism, and phallocentrism.

LGBTI – Umbrella term used to denote the lesbian, gay, bisexual, transgender, and intersex persons. It can be extended to include queer people (LGBTQI).

Misogyny – Hatred towards women or the female gender in general.

Patriarchy – Social system in which men have a dominant role in relation to women. The patriarchal system of values and social norms creates the basis which the existing system of relations of power and privilege that are continually assigned to men is built upon.

Queer – This term primarily relates to everything that differs from conventional in a certain unusual way (synonymous for strange, eccentric). Initially, the term had offensive meaning for non-heterosexual people and today is used for subversive denouncing of existing almost fixed models, and by that rejecting the differences and the identities. With this, all LGBTI persons, without distinction, are covered by this term, and none of LGBTI identities enjoys the preferential and privileged position. This term denotes defiance to heteropatriarchal norms.

Sex characteristics - Chromosomal, gonadal and anatomic characteristics of the person that include the primary sex characteristics (reproductive organs and genitalia and/or chromosomal structures and hormones) and the secondary sex characteristics (muscle mass, hair distribution, chest and/or stature).

Sexism – Discrimination and/or attitudes and behavior that promote the stereotypes and repressive social roles and norms based on somebody's sex/gender.

Sexual orientation – Emotional and/or sexual attraction toward, as well as the ability for sexual and intimate relations with persons of the same sex, opposite sex, or more than one sex.

Straight - A neutral term for heterosexual people.

Transgender people – General term that refers to people whose gender identity and / or gender expression differ from the sex they are assigned at birth. The term can include transgender and intersex people, transvestites and people with other gender variants, but is not limited only to them.

Transphobia – Irrational fear, intolerance, hatred, prejudice and/or discrimination against transgender people.

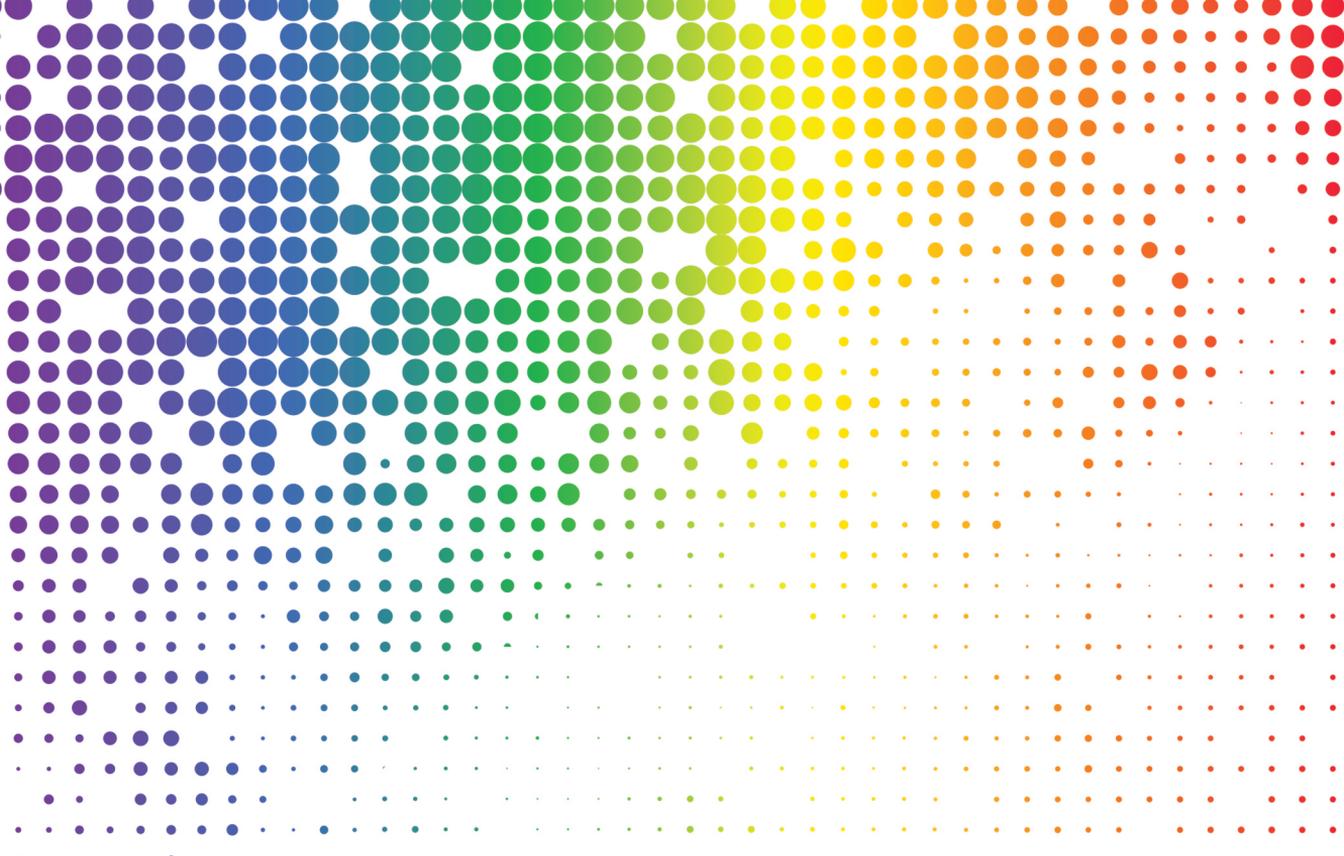
8. Bibliography

- ¹ White, D. (n.d.). *What is political participation?* Retrieved from <http://study.com/academy/lesson/what-is-political-participation-definition-forms-examples.html>
- ² UN: Women and Elections – Political participation. (n.d.). Retrieved from <http://www.un.org/womenwatch/osagi/wps/publication/Chapter3.htm>
- ³ National Democratic Institute. (n.d.). Political inclusion of marginalized groups. Retrieved from <https://www.ndi.org/political-inclusion-of-marginalized-groups>
- ⁴ NDI, USAID, Civil Rights Defenders, Victory Institute. LGBTI Public Opinion Poll: Western Balkans (Serbia)
- ⁵ van Deth, Jan W. (2016). What is political participation? *Oxford Research Encyclopedias*. Retrieved from <http://politics.oxfordre.com/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-68>
- ⁶ See Annex A
- ⁷ United Nations Development Programme. (2017). *Being LGBTI in Eastern Europe: Albania Country Report*. Retrieved from http://www.eurasia.undp.org/content/rbec/en/home/library/democratic_governance/being-lgbti-in-eastern-europe--albania-country-report.html
- ⁸ Equal Rights Association. (2016). *Albania*. Retrieved from <http://www.lgbti-era.org/content/albania>
- ⁹ United States Department of State. (2017). *Kosovo- 2016 Country Reports on Human Rights Practices*. Retrieved from <https://www.state.gov/j/drl/rls/hrrpt/2016/eur/265388.htm>
- ¹⁰ Equal Rights Association. (2016). *Bosnia and Herzegovina*. Retrieved from <http://www.lgbti-era.org/content/bosnia-and-herzegovina>
- ¹¹ ILGA-Europe. (2016). *Anti-discrimination law updated – great step forward in BiH*. Retrieved from <https://www.ilga-europe.org/resources/news/latest-news/anti-discrimination-law-updated-bosnia-herzegovina>
- ¹² ILGA Europe. (n.d.). *Country Ranking*. Retrieved from <https://rainbow-europe.org/country-ranking>
- ¹³ Sarajevski Otvoreni Centar. (2016). *FBIH finally adopts hate crime regulation*. Retrieved from <http://soc.ba/en/federation-of-bih-finally-adopts-hate-crime-regulation/>
- ¹⁴ United States Department of State. (2017). *Bosnia- 2016 Country Reports on Human Rights Practices*. Retrieved from <https://www.state.gov/j/drl/rls/hrrpt/2016/eur/265402.htm>
- ¹⁵ WIKI 2. (n.d.). *LGBT Rights in Croatia*. Retrieved from https://wiki2.org/en/LGBT_rights_in_Croatia
- ¹⁶ Zagreb Pride. (n.d.). *Prava LGBTIQ osoba u Hrvatskoj*. Retrieved from <http://www.zagreb-pride.net/hr/o-nama/pravalgbtqosoba/>
- ¹⁷ WIKI 2. (n.d.). *LGBT Rights in Slovenia*. Retrieved from https://wiki2.org/en/LGBT_rights_in_Slovenia
- ¹⁸ United States Department of State. (2017). *Kosovo- 2016 Country Reports on Human Rights Practices*. Retrieved from <https://www.state.gov/j/drl/rls/hrrpt/2016/eur/265436.htm>
- ¹⁹ Equal Rights Association. (2016). *Kosovo*. Retrieved from <http://www.lgbti-era.org/content/kosovo>
- ²⁰ Constitution of the Republic of Macedonia [The former Yugoslav Republic of Macedonia]. (2011). Retrieved from <http://www.wipo.int/edocs/lexdocs/laws/en/mk/mk014en.pdf>
- ²¹ Mladenovic, N. (n.d.). Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity- Legal Report: “The former Yugoslav Republic of Macedonia”. *The Danish Institute for Human Rights*. Retrieved from http://www.coe.int/t/Commissioner/Source/LGBT/FYROMLegal_E.pdf
- ²² Aengus, C. (2016). *State-Sponsored Homophobia: A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition* (11 ed.). Geneva: ILGA. Retrieved from http://ilga.org/downloads/02_ILGA_State_Sponsored_Homophobia_2016_ENG_WEB_150516.pdf

-
- ²³ European Commission on Racism and Intolerance. (2016). *ECRI Report on "the Former Yugoslav Republic of Macedonia*. Retrieved from http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Former_Yugoslav_Republic_Macedonia/MKD-CbC-V-2016-021-ENG.pdf
- ²⁴ Drpljanin, V., & Menkinoski, I. (2017). *Analysis of the Legal Framework for the Protection of the Rights of the LGBTI Community*. Skopje: Helsinki Committee for Human Rights of the Republic of Macedonia. Retrieved from http://www.mhc.org.mk/system/uploads/redactor_assets/documents/2477/Analiza_na_zakonska_Ramka_a_vo_odnos_na_pravata_na_LGBTI_ANG_02.pdf
- ²⁵ Dimovska, A. (2017). Adoption and Amendments of the Laws within the Human Rights Framework for LGBTI. *Sarajevski Otvoreni Centar*. Retrieved from <http://soc.ba/en/adoption-and-amendments-of-the-laws-within-the-human-rights-framework-for-lgbti/>
- ²⁶ Constitution of Montenegro. (2017). Retrieved from http://www.wipo.int/wipolex/en/text.jsp?file_id=187544
- ²⁷ United States Department of State. (2017). *Montenegro- 2016 Country Reports on Human Rights Practices*. Retrieved from <https://www.state.gov/j/drl/rls/hrrpt/2016/eur/265454.htm>
- ²⁸ Equal Rights Association. (2016). *Montenegro*. Retrieved from <http://www.lgbti-era.org/content/montenegro>
- ²⁹ European Commission on Racism and Intolerance. (2017). *ECRI Report on Montenegro*. Retrieved from <https://www.coe.int/t/dghl/monitoring/ecri/country-by-country/montenegro/MNE-CbC-V-2017-037-ENG.pdf>
- ³⁰ Equal Rights Association. (2016). *Serbia*. Retrieved from <http://www.lgbti-era.org/content/serbia>
- ³¹ Stopić, J. (2017). Being LGBTI In Eastern Europe: Serbia Country Report. United Nations Development Programme. Retrieved from <http://www.rs.undp.org/content/serbia/en/home/presscenter/articles/2017/12/15/being-lgbti-in-serbia-report.html>
- ³² United States Department of State. (2017). *Serbia- 2016 Country Reports on Human Rights Practices*. Retrieved from <http://www.lgbti-era.org/content/serbia>
- ³³ Maki. (2018). State of transgender rights in Serbia: Trans people still hope for a brighter future. *Transgenderfeed*. Retrieved from <https://transgenderfeed.com/2018/01/04/state-transgender-rights-serbia-trans-people-still-hope-brighter-future/>
- ³⁴ Kogovšek Šalomon, N. (2014). *Slovenia: Full Recognition as a Continuous Challenge*. Retrieved from http://www.mirovni-institut.si/wp-content/uploads/2013/01/Grid-for-survey_Slovenia_WEB-PUBLICATION.pdf
- ³⁵ WIKI 2. (n.d.). *LGBTI rights in Slovenia*. Retrieved from https://wiki2.org/en/LGBT_rights_in_Slovenia
- ³⁶ United States Department of State. (2017). *Slovenia- 2016 Country Reports on Human Rights Practices* Retrieved from <https://www.state.gov/j/drl/rls/hrrpt/2016/eur/265474.htm>
- ³⁷ European Network of Political Foundations. (2015). *Building Bridges between Civil Society and Party Political Actors in the WB: The Perspective of Political Foundations*. Retrieved from <http://www.european-network-of-political-foundations.eu/docs/policy/files/download/Builing%20Bridges%20between%20CS%20and%20Party%20Political%20Actors%20in%20Western%20Balkans.pdf>
- ³⁸ Miftari, E. (2015). *Ljudska Prava Ne Poznaju Politicku Ideologiju: Politicke stranke I prava lezbejki, gejeva, biseksualnih i transrodnih osoba*. Sarajevo: Sarajevski Otvoreni Centar. Retrieved from http://soc.ba/site/wp-content/uploads/2015/03/politicke-stranke_eng_web.pdf
- ³⁹ UK Parliament. (2010). *The importance of political parties*. Retrieved from <https://publications.parliament.uk/pa/spconf/239/23907.htm>
- ⁴⁰ Pro LGBT, & Aleanca kundër Diskriminimit LGBT. (2013). *Mendo politikisht*. Retrieved from <http://www.lgbti-era.org/sites/default/files/pdfdocs/0053%202013%20ALB%20Mendo%20Politikisht.Prol.GBT.Aleanca.pdf>
- ⁴¹ Pandurević, D., Bošnjak, E, & Kućukalić, N. (2015). *Political parties and the human rights of LGBT*

-
- people: monitoring of the general election 2014. Sarajevo: Sarajevo Open Centre. Retrieved from http://soc.ba/site/wp-content/uploads/2015/05/merged_document_4.pdf
- ⁴² Le Parisien. (n.d.). *LGBT rights in Croatia*. Retrieved from <http://dictionnaire.sensagent.leparisien.fr/LGBT%20rights%20in%20Croatia/en-en/>
- ⁴³ Kosovo 2.0. (2017). *Big Elections Issues: LGBTI Rights*. Retrieved from <http://kosovotwopointzero.com/en/big-election-issues-lgbti-rights/>
- ⁴⁴ Center for Equality and Liberty, & Center for Social Group Development. (2016). *Annual Report 2016: Reflections on LGBTI Rights in Kosovo*. Retrieved from <http://cel-ks.org/uploads/Annual-Report-ENG.pdf>
- ⁴⁵ Subversive Front. (n.d.). *Vote for Equality*. Retrieved from <http://s-front.org.mk/voteforequality/indexen.html>
- ⁴⁶ Tiefenbacher, W. (2015). *Politicizing sexual orientation – inclusion of LGBTI rights into political party agendas*. Podgorica: Centre for Civic Education. Retrieved from <http://media.cgo-cce.org/2015/06/cgo-cce-politicizing-sexual-orientation-1.pdf>
- ⁴⁷ Đurbabić, J. (2016). Političke partije o ljudskim pravima, rodnoj ravnopravnosti i LGBT zajednici: Od načela do konkretnih mera. *Labris*. Retrieved from <http://www.lgbti-era.org/sites/default/files/pdfdocs/0159%202016%20SRB%20Od%20nacela%20do%20konkretnih%20mera.pdf>
- ⁴⁸ Vecer. (2014). *Čas je za Parado ponosa*. Retrieved from <https://www.vecer.com/clanek/201407026040902>
- ⁴⁹ Kuhar, R. (2015). Damijan v vsako slovensko šolo. *Narobe*. Retrieved from <https://narobe.si/novice-od-tu-18/>
- ⁵⁰ Olof Palme International Center. (2015). *Western Balkans*. Retrieved from https://www.palmecenter.se/wp-content/uploads/2014/03/ContextAna_2015_WESTERN-BALKANS_eng.pdf
- ⁵¹ Bećirović, A. H. (2017).. *National Human Rights Institutions and the Protection of LGBTI rights in the Western Balkans – Experiences, Challenges and Good Practices*. Sarajevo: Sarajevo Open Centre. Retrieved from <http://soc.ba/site/wp-content/uploads/2017/10/HRP-ENG-institucije-za-zastitu-WEB.pdf>
- ⁵² Luft, A., Filipović, S., Miller, K., & Schneeweis, I. (2015). *Western Balkans LGBTI: Landscape Analysis of Political, Economic and Social Conditions*. Astraea Lesbian Foundation for Justice. Retrieved from <https://www.astraeafoundation.org/uploads/files/Reports/Astraea%20Western%20Balkans%20Landscape%202015.pdf>
- ⁵³ Pearce, S. C., & Cooper, A. (2016). LGBTI Activism in Eastern and Central Europe. In N. Naples (Ed.), *The Wiley Blackwell Encyclopedia of Gender and Sexuality Studies*. Retrieved from <https://doi.org/10.1002/9781118663219.wbegss707>
- ⁵⁴ Office of the United Nations High Commissioner for Human Rights. (n.d.). *Replies provided by Albanian institutions related with the Questionnaire of Human Rights Council Resolution 24/16*. Retrieved from <http://www.ohchr.org/Documents/Issues/IntlLaw/PreventionStudy/MemberStates/Albania.pdf>
- ⁵⁵ Refworld. (2014). Immigration and Refugee Board of Canada. *Albania: Commissioner for the Protection from Discrimination*. Retrieved from <http://www.refworld.org/docid/537da5594.html>
- ⁵⁶ The Headhunter (2017) LGBTIQ Employment Equality Index. *2017 Annual Report of Findings*. Retrieved from <http://www.lgbti-era.org/one-stop-shop/lgbtiq-employment-equality-index-2017-annual-report-findings>
- ⁵⁷ Sarajevski Otvoreni Centar (2016).. *Better protection of LGBTI persons through the amendments to the anti-discrimination law of BiH*. Retrieved from <http://soc.ba/en/better-protection-of-lgbti-persons-through-the-amendments-to-the-anti-discrimination-law-of-bih/>
- ⁵⁸ Prishtina Insight (2017). *Kosovo makes history with first ever pride parade*. Retrieved from <http://prishtinainsight.com/first-pride-parade-mag/>
- ⁵⁹ Balkan Insight (2016). *Kosovo's fearful gays stay firmly in the closet*. Retrieved from <http://www.balkaninsight.com/en/article/mentality-over-constitution-lgbt-in-kosovo-08-11-2016>

-
- ⁶⁰ Mladenovic, N (n.d.). Danish Institute for Human Rights. *Study on homophobia, transphobia and discrimination on the grounds of SOGI – legal report on Macedonia*. Retrieved from https://www.coe.int/t/commissioner/source/lgbt/fyromlegal_e.pdf
- ⁶¹ Labris (2014). *First training held on political leadership*. Retrieved from <http://arhiv2017.labris.org.rs/odrzan-prvi-lgbt-trening-za-politicko-liderstvo/>
- ⁶² Labris (2015). *Democracy for All: Political Participation of LGBTI Persons in the Western Balkans*. Retrieved from <http://arhiv2017.labris.org.rs/odrzana-konferencija-demokratija-za-sve-politicko-ucescelgbti-osoba-na-zapadnom-balkanu/>
- ⁶³ Western Balkans Assembly Monitor Project (2016). *Freedom of Assembly in Serbia*. Retrieved from http://ecnl.org/wp-content/uploads/2016/07/Serbia_WBA-Project-Report.pdf
- ⁶⁴ Croatian Parliament (2008). *Decision on the Disclaimer of the Discrimination Law*. Retrieved from https://narodne-novine.nn.hr/clanci/sluzbeni/2008_07_85_2728.html
- ⁶⁵ Official Journal of the Republic of Slovenia (2007). *Act implementing the principle of equal treatment, Slovenia*. Retrieved from <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/68656/89155/F265912074/SVN68656.pdf>
- ⁶⁶ Republic of Kosovo (2008). *Constitution of Kosovo, Fundamental rights and freedoms*. Retrieved from <https://web.archive.org/web/20080526222929/http://www.kushtetutakosoves.info/?cid=2%2C250>
- ⁶⁷ Republic of Kosovo (2015). *Law on the protection from discrimination, Kosovo*. Retrieved from <https://www.kuvendikosoves.org/common/docs/liqjet/05-L-021%20a.pdf>
- ⁶⁸ Former Yugoslav Republic of Macedonia (2015). *The law on prohibition of discrimination, Macedonia*. Retrieved from <http://www.legislationline.org/documents/action/popup/id/16579>



LYBRIS
ORGANIZACIJA ZA LEZBEJSKA LJUDSKA PRAVA



VICTORY
INSTITUTE

COLLABORATORS:

SUBVERSIVE
FRONT
ASSOCIATION FOR CRITICAL APPROACH TO GENDER AND SEXUALITY

