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## RESPONSES TO INFORMATION REQUESTS (RIRs)

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The Board		1 December 2011
About the Board	<b>KOS103872.E</b>	
Biographies		
Organization Chart	Kosovo: Treatment of sexual minorities, including legislation, state protection, and support services	
Employment		
Legal and Policy	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
References		
Publications	<b>Treatment of sexual minorities</b>	
Tribunal		
Refugee Protection Division	Sources indicate that Kosovar society is "homophobic" (YIHR 18 Nov. 2011; ILGA Europe 29 April 2011; PH n.d.) and that homosexuality is a "taboo" topic (Front Line Defenders 29 May 2007; BIRN 23 Sept. 2009). According to a 2010 poll conducted in the region by the Gallup Balkan Monitor, 90.9 percent of people surveyed in Kosovo believe that homosexual acts are "morally wrong" (2010a) and 57.5 percent "strongly agree" with the statement that "[h]omosexual relations are always wrong" (2010b). In comparison, when asked to indicate on a one- to five-point scale whether they agreed or disagreed with the statement that "[h]omosexuals are entitled to the same rights as all other people and should not be discriminated against," 28.3 percent agreed or strongly agreed, 42.4 percent disagreed or strongly disagreed, and 29.3 percent ranked their response in the middle, did not answer the question or said that they did not know (Gallup Balkan Monitor 2010c).	
Immigration Division		
Immigration Appeal Division		
Decisions		
Forms		
Statistics		
Research		
Research Program		
National Documentation Packages	Several sources report that sexual minorities in Kosovo hide their sexual orientation (BIRN 23 Sept. 2009; ILGA Europe 29 April 2011; US 8 Apr. 2011, Sec. 6). According to the Youth Initiative for Human Rights (YIHR), a Pristina-based non-governmental organization (NGO) that is part of a regional network covering the post-conflict area of the former Yugoslavia (18 Nov. 2011), there is a "discreet community" of lesbian and gay people in Pristina, but few feel safe revealing their sexual orientation (YIHR 24 May 2010). The YIHR also reports an NGO director as saying that, unlike the larger provincial towns, "[g]ays 'would get killed' in a small town like Kaçanik" (ibid.). A representative of a Kosovar lesbian, gay, bisexual and transgender (LGBT) organization explained, in the Balkan Investigative Reporting Network's (BIRN) news site <i>Balkan Insight</i> , that there are no gay bars or clubs in Kosovo (23 Sept. 2009). Without providing details, the United Nations High Commissioner for Refugees (UNHCR) reports that businesses such as restaurants that cater to LGBT people "have been targeted once this affiliation has been made public" (UN 9 Nov. 2009, 20). According to the European section of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA Europe), there have not been any gay pride parades or other public events to promote the rights of sexual minorities in Kosovo (29 April 2011).	
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Media Relations		
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Amnesty International describes discrimination against LGBT people in Kosovo as "pervasive" (2011), while Freedom House similarly characterizes it as a "serious problem" (2008). According to ILGA Europe, in addition to the public sphere, LGBT people face discrimination within their families (29 April 2011). Sources indicate that sexual minorities who are victims of discrimination are often unwilling to publicly report their cases for fear that it will lead to more discrimination (UN 9 Nov. 2009, 20; US 8 Apr. 2011, Sec. 6). Similarly, ILGA Europe indicates that "most" incidents of violence against LGBT persons are not reported because of the "fear of double victimization and stigmatization" (29 Apr. 2011). The Executive Director of the YIHR explained that discrimination based on sexual orientation is "one of the least discussed aspects of human rights in Kosovo" and "largely neglected," in part, he suggested, because of Kosovo's traditional and conservative culture (18 Nov. 2011).

According to a representative of a Kosovar LGBT rights group, BIRN reported, lesbians in Kosovo face "double discrimination" based on their gender as well as their sexual orientation, and are more hidden than gay men (23 Sept. 2009). The YIHR executive director, in correspondence with the Research Directorate, explained that LGBT people "face a great risk of experiencing exclusion, discrimination or even verbal and physical violence if their identity is uncovered" (18 Nov. 2011). Human rights observers and a media source report that sexual minorities in Kosovo have been subject to violence (BIRN 23 Sept. 2009; YIHR 24 May 2010, 12; US 8 Apr. 2011, Sec. 6). Two sources report that in May 2008, a gay man was murdered in a Pristina city park that was known as a meeting point for gay men (ILGA Europe 29 April 2011; YIHR 18 Nov. 2011). The YIHR indicates that a lesbian activist reported on three "homophobic" murders that were allegedly committed between 2006 and 2010, although authorities have not "classified any murders of recent years as homophobic" (24 May 2010, 12 note 35).

The United States (US) Department of State's *Country Reports on Human Rights Practices for 2010* notes that, according to a 2008 survey conducted by the YIHR, 57 percent of LGBT people feared for their safety (US 8 Apr. 2011, Sec. 6).

The US Department of State also notes that Kosovo media sources sometimes portray LGBT people as "mentally ill," and that one political party, the Justice Party, condemns homosexuality as part of its party's agenda (ibid.).

## Legislation

Kosovo's constitution forbids discrimination based on sexual orientation (US 8 Apr. 2011, Sec. 6; ILGA Europe 29 April 2011; Kosovo 2008, Art. 24). According to ILGA Europe, Kosovo also has an anti-discrimination law that forbids discrimination based on sexual orientation in a number of areas, including "employment, membership of organizations, education, the provision of goods and services, social security and access to housing" (29 April 2011).

However, several sources note that discrimination against LGBT people persists despite the legislation (ILGA Europe 29 April 2011; UN 9 Nov. 2009, 20; CSIS and EKEM Nov. 2010). A European Commission's progress report on Kosovo states that "the high level of formal protection provided by law has to be effectively implemented" (EU 9 Nov. 2010). A report by the Center for Strategic and International Studies (CSIS) and the Hellenic Centre for European Studies (EKEM) notes that authorities throughout the Balkans overlook the persistent discrimination taking place against homosexuals (Nov. 2010). The US Department of State indicates that, according to the Center for Social Group Development (CSGD), a local NGO that works on LGBT health issues, there was not much "official discrimination" against LGBT persons in 2010, but there were a number of cases of "societal discrimination" (8 Apr. 2011, Sec. 6).

## State Protection

In 2009, a spokesperson for the Government of Kosovo said, in an interview with BIRN, that the government supports the law against discrimination, but that the issue of LGBT rights "is not relevant in Kosovo's social context. It does not exist as a primary, secondary or tertiary issue to focus on" (23 Sept. 2009).

However, a spokesperson for the Kosovo police reportedly stated that some cases of physical violence against homosexuals have been reported to them and that they offer LGBT people the same protection and rights as other Kosovar citizens (BIRN 23 Sept. 2009). As well, some police officers have reportedly been dismissed or disciplined because of their treatment of LGBT people (YIHR 18 Nov. 2011; Front Line Defenders 29 Aug. 2007).

ILGA Europe maintains that the Kosovar authorities have failed to uphold the rights of LGBT people and do not treat threats and crimes against this group seriously because of "homophobic attitudes" (ILGA Europe 29 Apr. 2011). Several sources provide the example of a 2007 case in which the director of an LGBT rights organization was denied police protection after receiving death threats (ibid.; Front Line Defenders 29 May 2007; UK Gay News 24 May 2007; Freedom House 2008). The director ended up fleeing Kosovo because he feared for his safety (ibid.; *Metro Weekly* 6 Mar. 2008; Front Line Defenders 29 Aug. 2007). Front Line Defenders, an international organization dedicated to helping protect human rights activists (n.d.b), also reports that one of the director's friends "had his throat slashed in a Pristina bar"; he survived but also left the country (ibid.). BIRN reports of a case in which the Kosovar police physically abused two gay men because of their sexual orientation (18 Dec. 2008). In addition, the YIHR executive director noted that when the gay man was murdered in the Pristina park in 2008, an LGBT rights group provided information and eyewitness accounts to the police, but the police did not treat the case as a "gay bashing" and the case remains unsolved (18 Nov. 2011).

### Support Services

ILGA Europe states that there is a low level of organization among LGBT people in Kosovo, although there are some groups doing "limited activities" (29 Apr. 2011). According to Front Line Defenders, one LGBT rights group in Kosovo did not officially register as an association due to fear that they might be individually identified and subsequently "harassed or attacked" (n.d.a). According to the YIHR, only one LGBT rights organization, the CSGD, was active as of November 2011 (18 Nov. 2011).

The CSGD was reportedly established in 2002 and has worked on a number of projects promoting HIV/AIDS prevention among men having sex with men (PH n.d.). According to *Country Reports 2010*, the CSGD did not experience open obstacles to its operation, but its activities were limited because of "social pressure and traditional attitudes" (US 8 Apr. 2011, Sec. 6). The CSGD has reportedly worked with the Kosovo police to raise awareness of LGBT issues, but according to the US Department of State, the Government of Kosovo delayed the renewal of a collaboration agreement between the police and the CSGD without providing an explanation (ibid.). According to the YIHR executive director, "Elysium" is the same organization as the CSGD (21 Nov. 2011). A member of Elysium, reports BIRN, indicated that his organization runs a drop-in centre where gay people can share their problems (23 Sept. 2009). The member also noted that his organization did not receive any financial support from the government (BIRN 23 Sept. 2009).

According to Front Line Defenders, the Centre for Social Emancipation (QESH) was founded in 2005 with the mission of providing information about legal and social issues to the LGBT community (29 May 2007). The previously-mentioned LGBT rights defender who received death threats was the director of this organization before he fled Kosovo in 2007 (Front Line Defenders 29 Aug. 2007; *Metro Weekly* 6 Mar. 2008). According to the YIHR executive director, QESH disbanded approximately one and a half years after the former director left Kosovo

(21 Nov. 2011).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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