

# Being LGBTI in Eastern Europe

*Progress, drawbacks, recommendations*



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# Albania

BEING LGBTI IN EASTERN EUROPE

## Numbers

## Progress

- Progress in the protection of rights of LGBTI, at legal and policy level.
- Parliament voted and government adopted, the National Action Plan (NAP) on LGBTI inclusion (2016-2020), covering education, employment, health and housing.
- Constitution requires enforcement of universally applicable principles of non-discrimination.

**92%**  
say they would not interact with LGBTI people.

**48%**  
believe homosexuality is a sickness.

**76%**  
of LGBTI say they have been psychologically abused or verbally harassed.

## Drawbacks

- Clause on prohibiting discrimination on the grounds of SOGI\* not included in constitution.
- Denial of the right to marry and have a family.
- Sexual harassment and discrimination in recruitment and employment.
- High level of homophobia among local administration employees.
- No mention of LGBTI in sexual education.
- Transgender people often relegated to sex work.
- Health and well-being, including HIV and access to public health services, are real concerns for LGBTI people.

**1/2**

believe homosexuality is imposed by the West.

## Recommendations

- Criminalize incitement of hatred on the grounds of SOGI.
- Enforce existing laws and amendment of discriminatory laws needed.
- Monitor implementation of plan of action.
- Remove offences relating to consensual same-sex conduct.
- Prohibit medically unnecessary procedures on intersex children.

## Advocates

Four LGBTI organizations in Albania:  
Alliance LGBT, Pro LGBT, PINK Embassy OMSA.

LGBTI organizations in Albania are relatively “young”.



SOGI: Sexual Orientation and Gender Identity  
The data used in the country reports was collected from independent sources.

# Bosnia and Herzegovina

BEING LGBTI IN EASTERN EUROPE

## Numbers

## Progress

- Issues related to LGBTI are now actively discussed at level of Ombudsman, Parliament and Ministry of Human Rights and Refugees.
- Criminalization of hate crimes provides strong legal basis for combating violence and discrimination against LGBTI people.
- Only country in region that has sex characteristic as a ground of discrimination in its anti-discrimination law.
- Anti-discrimination Action Plan and Amendment to Law on Prohibition of Discrimination adopted.

## Drawbacks

- No legal recognition of same-sex marriage and of gender recognition.
- Vast majority of citizens see homosexuality as a disease and support prosecution.
- Extremely low number of reported cases of human rights violations against LGBTI people.
- Protection of intersex people against unnecessary surgeries yet to be discussed.
- Law enforcement does not provide security at pride events. Limited records of cases of discrimination.
- Many doctors ignore / discriminate against LGBTI people.

## Advocates

Growth of associations since 2010 has resulted in rapid development of the LGBTI movement through activities of civil society organizations in Prijedor, Banja Luka, Tuzla, Zenica, Mostar and Sarajevo.

# 72%

of LGBTI say directly exposed to psychological and verbal violence.

# 82%

of LGBTI say could not rely on family support.

# 36%

say discrimination happens primarily in employment.

# 13%

say discrimination happens primarily in access to social services.

## Recommendations

- All levels of governance should put in place LGBTI-inclusive public policies.
- Institutions and political parties should adopt supportive narratives.
- Fund CSOs: only one has managed to build a strong structure and develop programmes.



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SOGI: Sexual Orientation and Gender Identity  
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## Numbers

**48%**

of people interviewed say homosexuality is a disease.

**92%**

of citizens disapproved same-sex activities in 2009.

A majority of transgender people are unemployed, suffer poverty and have problems with housing.

## Progress

- Law on Prevention and Protection against Discrimination can be applied in case of discrimination based on SOGI\*.
- Law on Labor Relations includes reference to discrimination based on SOGI.
- National Network against Homophobia and Transphobia formed in 2013.

## Drawbacks

- In law, no explicit protection from discrimination on grounds of sexual orientation; lacks provisions for hate speech and hate crimes on the grounds of SOGI.
- Law on Family defines marriage exclusively as traditional union between one man and one woman.
- SOGI not listed in health protection law, and in the Macedonian version of the text, "sex" is the term used for "gender".
- No reference to SOGI in hate speech laws.
- Textbooks for higher education include contents that pathologize homosexuality.
- The level of homophobia towards LGBTI people remains high.
- Transgender people face the highest risk of poverty, exclusion and discrimination.
- Homophobic and transphobic bullying is present in schools.

## Recommendations

- Include SOGI as legal grounds for discrimination.
- Develop a protocol for the health protection of transgender people.
- Ombudsman should produce annual report on hate speech in media.

## Advocates

Several organizations have worked on LGBTI issues since the 2000s, including LGBTI Support Center and LGBT United Tetovo.



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## Numbers

### Progress

- Wide anti-discrimination legal framework, including of grounds of SOGI\*.
- Police has been investing in efforts to train the staff and to improve communication with the LGBTI community.
- Constitutional Court established that failing to recognize sex change of a post-operative trans person violates applicant's privacy and dignity.
- In September 2017, Pride Parade held in Belgrade for fourth year in a row. Prime Minister attended.
- Model Law on Gender Identity prepared and is currently under discussion.

**90%**  
oppose pride parade.

**70%**  
of LGBTI exposed to psychological violence and harassment.

**90%**  
of LGBTI say medical institutions not adequately responding to their needs.

### Drawbacks

- In practice, protection of LGBTI people's rights is weak and inconsistent.
- Rights of same-sex partners and access to documents for trans people are unregulated.
- No legal provisions for recognizing gender where different from sex assigned at birth.
- "Transsexualism" classified by health system as mental disorder.
- LGBTI living with HIV face more discrimination than almost any other group in Serbia.
- Lack of reliable data on hate crimes, as well as cases of discrimination based on SOGI.

### Recommendations

- Conduct efficient and effective investigations of hate crimes based on presumed or actual SOGI.
- Amend legislation to recognize and protect right of trans and intersex people.
- Fund NGOs working on LGBTI issues.
- Ensure basic human rights for same-sex partnerships.
- Ensure equitable access for LGBTI people to healthcare services.
- Ensure stronger political commitment to promote a culture of respect for LGBTI people.

### Advocates

Organizations working on the promotion and protection of LGBTI people are diverse, and they are perceived as important agents of change.



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