Being LGBTI in Eastern Europe

Progress, drawbacks, recommendations
Albania: Being LGBTI in Eastern Europe

**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.

**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.

**Advocates**

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

LGBTI organizations in Albania are relatively "young".

**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.

**Numbers**

- 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.
- 1/2 believe homosexuality is imposed by the West.

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SOGI: Sexual Orientation and Gender Identity

The data used in the country reports was collected from independent sources.
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.


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.

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.

Numbers

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.

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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.

USAID

The data used in the country reports was collected from independent sources.

SOGI: Sexual Orientation and Gender Identity
Serbia

BEING LGBTI IN EASTERN EUROPE

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.

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.

Advocates

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

Numbers

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.

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.