

ADVANCING LGBTI RIGHTS BY BUILDING THE CAPACITIES OF PUBLIC SERVANTS:

An evaluation of training programs of
public institutions in Kosovo

March 2018



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Lead NGOs for publishing the Report

CEL Kosova

Centre for Equality and Liberty of the LGBT community in Kosova (CEL) was established in July, 2013 with the aim to empower the **LGBT community** in Kosovo, prevent the discrimination based on sexual orientation, raise awareness of the general population on LGBT rights and advocate for equal rights and non-discrimination of the LGBT community in Kosovo in accordance with the Constitution and the laws of Kosovo. CEL also seeks to strengthen the legal framework with effect to the LGBT community in the country as well as to increase the level of active participation of the LGBT community in Kosovo in relevant international and regional mechanisms and projects beneficial to the community and society at large.

CSGD

Centre for Social Group Development (CSGD) is a non-governmental organisation that protects and promotes the rights of **LGBT community** in Kosovo. CSGD main focus is in: (1) Empowering the LGBT community; (2) Advocating and lobbying for LGBT human rights; and (3) raising awareness in society regarding issues faced by members of the LGBT community.

Equal Rights for All Coalition

ERAC brings together seven (7) NGOs that work in the domain of **rule of law** and **fundamental rights** that will work together with an additional nineteen (19) grass root NGOs, with a particular focus on the establishment of a sustainable network of NGOs that are active in the protection and promotion of the fundamental rights of vulnerable and/or marginalised groups. The project's special focus are the following groups: **all minority communities** in Kosovo, **women, youth** and **LGBT community**. Although working on similar topics and issues, these NGOs are often divided on the basis of the particular target groups they are working with or the region they are active in. By establishing structural cooperation between selected NGOs and providing formal opportunities for continuous learning, the action generates the sharing of knowledge and experience between NGOs, strengthens their capacities for advocacy with relevant central and municipal institutions, and increases their visibility.

ERAC members are the following organisations:

- European Centre for Minority Issues Kosovo – leader of the Coalition;
- Centre for Social Group Development – member of the Coalition;
- Centre for Equality and Liberty for the LGBT Community in Kosovo – member of the Coalition;
- Kosovo Center for Gender Studies – member of the Coalition;
- Youth Initiative for Human Rights – member of the Coalition;
- Kosovo Glocal – member of the Coalition;
- Centre for Legal Aid and Regional Development – member of the Coalition.

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European
Union
Kosovo

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ABBREVIATIONS

LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
NDI	National Democratic Institute
OGG	The Office of Good Governance (The office of Good Governance, Human Rights, Equal Opportunities, and Non-Discrimination)
ACG	Advisory and Coordination Group for the LGBT rights
EU	European Union
IMCGHR	Inter-Ministerial Coordination Group for Human Rights
KIPA	Kosovo Institute for Public Administration
KPC	Kosovo Prosecutorial Council
KJC	Kosovo Judicial Council
OI	Ombudsperson Institution
AJ	AJ
KP	Kosovo Police
KAPS	Kosovo Academy for Public Safety
NPISAA	National Programme for Stabilisation Association Agreement
MLGA	Ministry of Local Government Administration
MEST	Ministry of Education, Science and Technology

EXECUTIVE SUMMARY

Kosovo's advanced legal protection of human rights often does not translate into practice. This is especially the case for vulnerable communities who, in addition to dealing with this lack of rule of law, face social rejection. Emanating from society's traditional values, the stigma attached to the LGBTI community is seen in the refusal of rights, discrimination and violence. This is evident even among civil servants, despite it clashing with their professional obligations.

As this is a major obstacle to the protection and advancement of LGBTI rights, this report examines and evaluates the quality of existing training programs on LGBTI rights and issues that are attended by public servants. It scrutinizes the level of success attained by the Advisory and Coordination Group for LGBTI rights within the relevant institutions, in terms of training provision and capacity building of public servants on LGBTI rights and issues, with the aim of advancing their protection and promotion.

This report confirms that until recently, Kosovo institutions had shown no efforts to improve public servants' knowledge on LGBTI's guaranteed rights in Kosovo which would help combat public servants discriminating against and denying the rights of LGBTI. It was the European Union's "Fight against Homophobia and Transphobia" twinning project that initiated a range of trainings targeting a number of public institutions from relevant fields and trained a pool of equality trainers, though the training program does not look sustainable. This is due to both lack of financial support of the equality trainees from their institutions and lack of interest from their colleagues on this topic.

Furthermore, this report demonstrates that almost no institutions followed the recommendations of the Advisory and Coordination Group for LGBTI rights. It is only the recommendation for inclusion of equality and LGBTI issues as crosscutting in the Kosovo's public education curriculum which has been finalised and the recommendation for inclusion of human rights training in programme of Kosovo Institute for Public Administration initiated by the Office of Good Governance.

Overall, this report endorses the need for training on LGBTI rights and issues for public servants as a necessary step to advance the protection and promotion of LGBTI rights, as it shows the large stigma and rejection of LGBTI community among public servants, particularly those in roles of human rights advocates and enforcers.

INTRODUCTION

Kosovo provides an advanced legal protection for human rights that falls in line with international standards. Principles of equality and non-discrimination are embedded in the foundation of its constitution. Kosovo's legal framework protects various domains of public and private life, and arranges relevant mechanisms for its implementation. Yet, the main challenge of the state remains in realizing these human rights guarantees.

Rule of law is a common impediment to Kosovo, even more so when it comes to protecting marginalized communities, particularly the LGBTI community. This is especially because of society's traditional values, and high social stigma attached to the LGBTI community, which directly extends to public servants and law enforcers. In effect, there is a high level of indifference from public servants regarding protection and promotion of LGBTI rights. In the worst cases involving public servants, they are found directly offending LGBTI rights. Accordingly, in a study conducted by the National Democratic Institute (NDI) on the LGBTI community in Kosovo, a 12% frequency level of psychological abuse and a 17% frequency level of physical violence committed by officials in institutions and organizations among others was reported. Similarly, the study shows that the LGBTI community in Kosovo reported a 24% frequency scale of discrimination in education and personal development, 14% in police protection, and 10% in access to public services.¹

In addition to this, lack of knowledge on LGBTI issues and corresponding rights as guaranteed by the law puts public servants at a disadvantage fulfilling their mandate and specific obligations for the LGBTI community. Previous research findings suggest that there is generally low awareness among public servants about the specific issues concerning LGBTI community². The education system continues to propagate LGBTI intolerance and rejection mainly by regarding being LGBTI as deviant behaviour or mental illness, further embedding this narrative into the public discourse.³

This report investigates the existence of training programs for public servants related to LGBTI rights and issues and evaluates their quality. At the same time, the report examines the implementation of the Advisory and Coordination Group (ACG) recommendations as largely related to the provision of training and capacity building of public servants on LGBTI rights and issues for advancing their protection and promotion. It begins with an explanation of the methodology used, and continues with scrutiny of each relevant institution in a position to provide trainings and build capacity of the public servants (most of them have been addressed by the ACG recommendations), as well as those directly related to the protection and promotion of LGBTI rights. Following the analysis of the research covering the human rights mechanisms, administration, education, healthcare and law enforcers, a conclusion is provided and a set of specific recommendations proposed.

¹ National Democratic Institute, LGBTI Public Opinion Poll - Western Balkans (National Democratic Institute, 2015), available at: <https://www.slideshare.net/NDIdemocracy/ndi-public-opinion-poll-in-the-balkans-on-lgbti-communities>.

² Youth Initiative for Human Rights – Kosovo and Center for Social Group Development, Freedom and Protection for Lesbians, Gays, Bisexuals and Transgenders in Kosovo (Prishtina: Youth Initiative for Human Rights - Kosovo, 2013), available at: http://ks.yihr.org/public/fck_files/ksfile/LGBT%20report/Freedom%20and%20Protection%20for%20LGBT%20in%20Kosovo.pdf.

³ Center for Equality and Liberty and Center for Social Group Development, Reflection on LGBTI Rights in Kosovo: Annual Report 2016, (Prishtina, Kosovo November 2016), available at: <http://csgd-ks.org/wp-content/uploads/2017/02/Annual-Report-ENG.pdf>.

METHODOLOGY

This report is based on primary and secondary research. The secondary research preceded the primary, and involved reviewing the legal framework and reports of relevant institutions and organizations. Whereas the primary research consisted of (1) a questionnaire designed to obtain detailed information regarding the training programs of the institutions mandated to provide trainings relevant to the protection and promotion of LGBTI rights for public servants (annex I) and (2) additional questions specifically designed to assess the implementation of the “Recommendations on Safeguarding and Inclusion of Sustainability of the Raising Awareness Training on Equality and LGBT Community Rights in the Kosovo’s Public Institutions” issued by the Advisory and Coordination Group (ACG) for LGBT rights (annex II), as most recommendations concern the provision of trainings.

The questionnaire was sent to institutions electronically as a request for access to public documents based on the provisions of the Law on Access to Public Documents. Additional questions were also sent to those institutions who had addressed recommendations from the ACG. Although not all of these institutions have responded to the requests despite legal obligation, the received information has been sufficient to depict the number of trainings on LGBTI rights delivered to public servants and their scope. The information was analysed in the framework of each institution’s mandate.

1. HUMAN RIGHTS MECHANISMS

1.1 The Office of Good Governance and Advisory and Coordination Group

As well as providing advanced legal protection for human rights, the legal framework of Kosovo has highly prioritized human rights issues by embedding a number of human rights mechanisms at the top of the governance structure as well as throughout its various levels. Established under the frame of the Prime Minister's Office, the Office of Good Governance, Human Rights, Equal Opportunities and Non-Discrimination (The Office of Good Governance – OGG) is the highest governmental mechanism set up to provide the Government of Kosovo with advice and draw up policies on the areas of the good governance, human rights, equal opportunities and non-discrimination⁴. The OGG is also mandated with supervisory and advisory responsibility for all the ministries on the issues alike. Additionally, in December 2013 within the mandate of the OGG, the Government of Kosovo established the *Advisory and Coordination Group* for LGBT rights⁵ as an act of commitment for advancing the position of the LGBTI community in Kosovo. Consequently, as a founder and leader of the ACG, the OGG mandate encompasses direct responsibility for promoting LGBTI rights and advancing their protection through the regular partnership and cooperation between local and international institutions and non-governmental organizations (NGOs) engaged in protection and promotion of LGBTI rights⁶.

The work of the ACG has been supported by a two-year European Union (EU) twinning project '*Fight against Homophobia and Transphobia*' led by the Austrian Ludwig Boltzmann Institute of Human Rights, and supported by the Finnish National Institute for Health and Welfare. The project aimed to fight homophobia and transphobia amongst the public and within government institutions through building the capacities of Kosovo's authorities. To achieve this, the project experts provided training to trainers and a series of follow up trainings for public servants. According to the EU twinning project report made available by the OGG,⁷ a group of public servants (17 participants) identified and selected by ACG members were trained as equality trainers with a special focus on LGBTI rights and issues from 03 to 05 November 2014. Later, from 17 to 19 March 2015, the same group (16 participants) were provided a training on trainer's skills. Finally, 15 officials, Mr. Arian Mustafa, Ms. Fatime Jasiqi, Ms. Habibe Buzuku and Ms. Leonora Shala (Ministry of Education, Science and Technology), Ms. Sanie Kicmari (Ministry of Health), Ms. Teuta Fazliu (Ministry of Local Government Administration), Ms. Nezaqete Rukovci (Ministry of Culture Youth and Sports), Ms. Keriman Sadikaj (OGG), Mr. Bajrush Rexhepi, Mr. Esat Marovca, Mr. Fadil Gashi and Mr. Vesel Gashi (Kosovo Police), Ms. Biljana Rexhiq and Ms. Mejreme Zekaj (Kosovo Judicial Council) and Mr. Sylejman Sopa (Kosovo Prosecutorial Council) were certified as equality trainers on 25 October 2015. Unfortunately, as noted in the OGG's report, most the certified trainers felt concerned about their ability to succeed in organizing trainings for their peers as they were not sure that their institutions would be able and willing to support them on this task.

Notwithstanding the barriers, the EU twinning project also supported peer-to-peer trainings. Thus, four peer-to-peer trainings for officers in ministries and municipalities (48 participants) were held on 28 August, 30 September, 13 and 14 October 2015; four peer-to-peer trainings for teachers and teacher trainers (41 participants) from across Kosovo were held on 10, 11, 28 and 28 September 2015; five peer-to-peer-training sessions for police officers in five regions of

⁴ Regulation No.16/2013 on the Organizational Structure of the Office of the Prime Minister, article 40, (2013).

⁵ Decision No. 05/161, 2013.

⁶ Ibid.

⁷ Sadete Demaj, "RE: Kerkese per qasje ne dokumente publike" [RE: Request for access to public documents], Email to CSGD, 31 October 2017.

Kosovo -Mitrovica, Ferizaj, Prizren, Peja and Gjlani were conducted; two peer-to-peer trainings for judiciary (24 participants) were held on 09 and 10 July and 07 - 08 October 2015.⁸

In addition to this, the EU twinning project provided a number of specialized trainings: one two-day training for public administration (four participants) in December 2014; one two-day training for judiciary in January 2015; one one-day training for police officers in February 2015; one five-day training for education officials in December 2015; two one-day trainings for prosecutors (8 participants) in December 2015; and one one-day training with 29 Ombudsperson Institution's legal officers on *amicus curiae* cases.⁹

The EU twinning project report did not provide information on the contents of the training programs nor was the information provided by the OGG when requested.¹⁰ However, there is a dissatisfaction with the competence of equality trainers regarding LGBTI rights and issues, and a concern around the probability of there being an inadequate dissemination of information through future peer-to-peer trainings.¹¹

Following consideration of the LGBTI community's situation, and the areas requiring intervention, the ACG compiled and presented a number of recommendations¹² for institutions in the "Joint Conference on safeguarding the inclusion of the awareness-raising-training on Equality and LGBTI rights in Kosovo's Public Institutions" organized on 16 March 2016. The conference was attended by high level representatives of the institutions to whom the recommendations were given, who confirmed the commitment of their institutions in implementation of the respective recommendations.¹³ The same recommendations were sent to the conference participants electronically by the OGG¹⁴, which has not applied systematic monitoring on the same level of institutional representation as its mandate requires¹⁵, however, the monitoring has been done through reporting of the ACG members¹⁶. This suggests a shortage on the work of the OGG and limited outcomes of the ACG's work only to coordination and information sharing platform rather than to concrete actions and substantive policy changes.¹⁷

Finally, beyond its commitment in the framework of ACG and the trainings conducted under the EU twinning project, the OGG did not report to have initiated or implemented any additional training on the LGBTI rights and issues.^{18 19}

⁸ Sadete Demaj, 'RE: Kerkese per qasje ne dokumente publike' [RE: Request for access to public documents], Email to CSGD, 31 October 2017.

⁹ Ibid.

¹⁰ CSGD, 'RE: Kerkese plotesuese per qasje ne dokumente publike' [RE: Additional request for access to public documents], Email to Sadete Demaj, 07 November 2017.

¹¹ Center for Social Emancipation and Center for Social Group Development, *Annual Report 2016: Reflection on LGBTI Rights in Kosovo*, (Prishtina, Kosovo November 2016).

¹² The Government of Kosovo, Office of the Prime Minister - Office on Good Governance, "Recommendations on Safeguarding and Inclusion of Sustainability of the Raising Awareness Training on Equality and LGBT Community Rights in the Kosovo's Public Institutions," in The Joint Conference on safeguarding the inclusion of the awareness-raising-training on Equality and LGBT rights in Kosovo's Public Institutions (Prishtina, Kosovo, 2016).

¹³ Minutes of the "Joint Conference on safeguarding the inclusion of the awareness-raising-training on Equality and LGBTI rights in Kosovo's Public Institutions" 16 March 2016.

¹⁴ Sadete Demaj, 'Procesverbal/Minutes', Email to Conference Participants, 10 May 2016.

¹⁵ Regulation No.16/2013 on the Organizational Structure of the Office of the Prime Minister, article 40/1.2, (2013).

¹⁶ Sadete Demaj, 'RE: Kerkese per qasje ne dokumente publike' [RE: Request for access to public documents], Email to CSGD, 27 October 2017.

¹⁷ Center for Social Group Development and Center for Equality and Liberty, "Lookback: The LGBTI community and their rights in Kosovo - Annual Report 2017", (Prishtina, Kosovo).

¹⁸ Sadete Demaj, 'RE: Kerkese per qasje ne dokumente publike' [RE: Request for access to public documents], Email to CSGD, 27 October 2017.

¹⁹ Sadete Demaj, 'RE: Kerkese per qasje ne dokumente publike' [RE: Request for access to public documents], Email to CSGD, 31 October 2017.

1.2 Inter-Ministerial Coordination Group for Human Rights (IMCGHR)

With a view to improve high – level institutional coordination and implementation of human rights strategies and policies, the Government of Kosovo established the Inter-Ministerial Coordination Group for Human Rights in May 2016. Consisting of Ministers of line ministries, Ombudsperson and civil society representatives, the group was assigned the tasks of: strengthening coordination among all ministries and competent authorities in government in the field of human rights; monitoring the implementation of all human rights policies and strategies in Kosovo; exchanging information and data on the implementation of the recommendations contained in the reports of the competent committees and other organs of the United Nations, the Council of Europe, the European Union and other international organizations; human rights budgeting and establishment of priority human rights policies; make proposals for advancing the legal framework in the field of human rights and other important proposals for human rights improvement in Kosovo²⁰.

Although the group is not mandated to provide training, its responsibilities such as monitoring of recommendations, strategies and policies on human rights, human rights budgeting and the establishment of priority human rights policies are closely related to the advancement of LGBTI rights through training programs and specifically with the implementation of ACG recommendations. However, as the IMCGHR has not held any other meeting since its constitutive one held on 20 February 2017, no other evaluation of its impact regarding the scope of this report can be done besides implying its non-functionality.

1.3 Human rights/ protection against discrimination units/officials at the municipality and ministry level

The anti-discrimination law adopted in 2015²¹ brought a slight change to the existing structure for the protection of human rights in the government. On one hand, the law abolished the act that had established human rights units in the ministries²², while on the other hand it brought a regulation²³ which obliges ministries to reassign the units or officials for protection against discrimination. In fact, this provides these units/officials a broad range of duties and responsibilities aiming at combating discrimination and promoting equality²⁴. Similarly, this regulation affects the municipalities by obliging them to appoint units or officials for protection against discrimination, which alike their counterparts at the ministry level are assigned with quite broad responsibilities for combating discrimination and promoting equality²⁵. Nevertheless, this legal change was not followed by personnel re-systematization, which implies that persons holding the positions of human rights officers or alike positions have been given such new responsibilities. This is particularly important to emphasize, since the studies have shown that human rights officials have had limited exposure to LGBTI issues and only a few have received training²⁶. Moreover, besides their limited knowledge on LGBTI issues some of them have shown open resistance to LGBTI rights²⁷.

²⁰ *Decision No. 06/87*, 2016.

²¹ Law No. 05/L-021 on the Protection from Discrimination, 2015.

²² *Administrative Instruction No. 2011/04 for Human Rights Units in the Kosovo Government*, 2007.

²³ *Regulation No. 03/2017 on Institutional Mechanisms on Protection against Discrimination in Government and Municipalities*, 2017.

²⁴ *Ibid*, article 9.

²⁵ *Ibid*, article 10.

²⁶ *Youth Initiative for Human Rights - Kosovo and Center for Social Group Development, Freedom, and Protection for Lesbians, Gays, Bisexuals and Transgender in Kosovo*, (Prishtina, Kosovo, November 2013).

²⁷ Center for Social Emancipation and Center for Social Group Development, Annual Report 2016: *Reflection on LGBTI Rights in Kosovo*, (Prishtina, Kosovo November 2016).

Discrimination units/officials' responses given in the questionnaire regarding the possibility of having training for those working in human rights protection on LGBTI rights show that none of these units/officials conducted such trainings. Some responses highlighted the obstacles created by financial constraints whilst others emphasized the lack of opportunity had by human rights officers' to these trainings. The latter suggests self-awareness on their lack of knowledge on LGBTI rights and issues, and also demonstrates their mentality that the trainings are only supposed to be for the officials. This due to their lack of proper understanding of their role in promotion of LGBTI rights, be that even through trainings, as well as their limited power within their own institutions to undertake such initiatives. The responses further indicate the non-acceptance of the LGBTI community from the public officials up to the point of denying their existence – see the response of the human rights officials in the Junik and Partesh-Pasjan/Parteš-Pasjane Municipalities.

Table 1. Responses from the human rights/protection from discrimination officials in municipalities.

Request to institution (Municipality)	Date of request	Date of reply	Response received
Dečan/Dečane	12.10.2017	-	No reply.
Dragash/Dragaš	12.10.2017	-	No reply.
Drenas/Glogovac	12.10.2017	-	No reply.
Ferizaj/Uroševac	12.10.2017	-	No reply.
Fushë Kosovë/ Kosovo Polje	12.10.2017	13.10.2017	No trainings on LGBTI rights were organised. There is a lack of financial support for this.
Gjakova/Djakovica	12.10.2017	27.10.2017	No trainings on LGBTI rights were organised.
Gjilan/Gnjilane	12.10.2017	-	No reply
Graçanicë/Gračanica	16.02.2018	22.02.2018	No trainings on LGBTI rights were organised.
Hani i Elezit/Elez Han	12.10.2017	16.10.2017	No trainings on LGBTI rights were organised.
Istog/Istok	12.10.2017	16.10.2017	No trainings on LGBTI rights were organised and no public official has attended such trainings.
Junik/Junik	12.10.2017	27.10.2017	No trainings on LGBTI rights were organised. This is because so far there are no LGBTI cases identified in our municipality.
Kaçanik/Kaçanik	12.10.2017	26.10.2017	No trainings on LGBTI rights were organised. No case of information or complaint on LGBTI as well.
Kamenicë/Kamenica	12.10.2017	16.10.2017	No trainings on LGBTI rights were organised.
Klinë/Klina	12.10.2017	-	No reply.
Klllokot/Klokot	16.02.2018	-	No reply

Leposavic	-	-	Website under construction/ no contacts in the received list of Ministry of Local Governance Administration. ²⁸
Lipjan/Lipjan	12.10.2017	-	No reply.
Malishevë/Mališevo	12.10.2017	26.10.2017	No trainings on LGBTI rights were organised.
Mamushë/Mamuša	12.10.2017	13.10.2017	No trainings on LGBTI rights were organised.
Mitrovica Veriore/ Severna Mitrovica	16.02.2018	-	No reply.
Mitrovicë/Mitrovica	12.10.2017	16.10.2017	No trainings on LGBTI rights were organised.
Novobërdë/Novo Brdo	12.10.2017	26.10.2017	Yes, I have received the email but we have no such cases, so I did not even fill in the questionnaire. I am telling now verbally because I have nothing to write in the email and I don't even have the computer.
Obiliq/Obilič	12.10.2017	16.10.2017	No trainings on LGBTI rights were organised. I feel bad for not being able to put more information in the questionnaire, but I am open to any kind of cooperation and I welcome such trainings.
Partesh-Pasjan/ Parteš-Pasjane	16.02.2018	19.02.2018	No trainings on LGBTI rights were organised. There is a lack of financial support for this and we have no data on existing members of the LGBTI community in our municipality. However, some municipal officials participated in seminars for human and minority rights, including the rights of the LGBTI population. The seminars were organized by UNDP, USAID and local NGOs: CSD-Gračanica, European Perspective - Pristina.
Pejë/Peč	12.10.2017	-	No reply.
Podujevë/Podujevo	12.10.2017	-	No reply.

²⁸ Teuta Fazliu, "RE: Lista e zyrtareve per te drejtat e njeriut ne komuna" [RE: List of human rights officials in municipalities], Email to CSGD, 9 October 2016.

Prishtinë/Priština	12.10.2017	16.10.2017	There has been no specific training on LGBTI rights but they are mentioned within other human rights trainings, as protected rights by the existing international human rights law, as well as Constitution of Kosovo. As a Human Rights Unit, we do not have budget for such trainings and we need the support of other organisations for organising meetings with the LGBTI organisations. As a Human Rights Coordinator, I have attended a training on Gender Equality and LGBTI rights - Combating stereotypes and discrimination at the local level organised by TAIX LAF (Local Administration Facility) and NALAS (Network of Associations of Local Authorities of South-East Europe).
Prizren/Prizren	12.10.2017	26.10.2017	No trainings on LGBTI rights were organised.
Rahovec/Orahovac	12.10.2017	-	No reply.
Ranillug/Ranilug	16.02.2018	21.02.2018	No trainings on LGBTI rights have been organised so far.
Shtërpçë/Štrpce	16.02.2018	-	No reply.
Shtime/Štimlje	12.10.2017	26.10.2017	No trainings on LGBTI rights were organised. We only had a training on this topic with the OSCE and Ministry of Education.
Skenderaj/Srbica	12.10.2017	13.10.2017	No trainings on LGBTI rights were organised.
Suharekë/Suva Reka	12.10.2017	12.10.2017	No trainings on LGBTI rights were organised.
Viti/Vitina	12.10.2017	13.10.2017	No trainings on LGBTI rights were organised.
Vushtrri/Vučitrn	12.10.2017	27.10.2017	No trainings on LGBTI rights were organised.
Zubin Potok/ Zubin Potok	-	-	Website under construction/ no contacts in the received list of Ministry of Local Governance Administration. ²⁹
Zvečan/Zvečan	-	-	Website under construction/ no contacts in the received list of Ministry of Local Governance Administration. ³⁰

²⁹ *Ibid.*

³⁰ *Ibid.*

Similarly, the few responses received from the human rights/protection from discrimination units/officials in ministries show that they have not conducted training on LGBTI rights and issues. Financial constraints have been highlighted as justification, whilst a lack of understanding of what the role is for human rights/protection from discrimination units/officers' role is noted here as well. Moreover, some of the human rights/ protection from discrimination officials who certified as equality trainers with the EU twinning project did not even respond to requests for information.

Table 2. Responses from human rights/protection from discrimination officials in ministries.

Request to Institution	Date of request	Date of reply	Response received
Ministry for the Kosovo Security Forces	23.11.2017	01.12.2017	No trainings on LGBTI rights were organised. However, there was a training on Gender Equality Law, Law on Protection from Discrimination and Law on the Ombudsperson Institution, where the concept of sexual orientation and gender identity were mentioned as protected grounds. The principle of equal treatment was also highlighted.
Ministry of Infrastructure	24.11.2017	-	No reply.
Ministry of Finance	24.11.2017	29.11.2017	No trainings on LGBTI rights were organised. Especially there were no such trainings for the Human Rights Officials.
Ministry of Health	24.11.2017	-	No reply.
Ministry of Culture, Youth and Sport	24.11.2017	-	No reply.
Ministry of European Integration	24.11.2017	-	No reply.
Ministry of Justice	23.11.2017	-	No reply.
Ministry of Innovation and Entrepreneurship	Recently established – no web page available	-	-
Ministry of Labour and Social Welfare	24.11.2017	07.12.2017	No trainings on LGBTI rights were organised. The lack of an LGBTI trainer within the institution has been a challenge. Our ministry has started to deal with the rights of this community by assigning a LGBTI rights officer.

Ministry of Education, Science and Technology	24.11.2017	-	No reply.
Ministry of Internal Affairs	24.11.2017	29.11.2017	No trainings on LGBTI rights were organised by the Ministry and the Human Rights Official has not attended any LGBTI related training.
Ministry of Foreign Affairs	24.11.2017	-	No reply.
Ministry of Economic Development	24.11.2017	01.12.2017	The ministry has no request for LGBTI rights trainings.
Ministry of Environment and Spatial Planning	23.11.2017	-	No reply.
Ministry of Diaspora and Strategic Investments	24.11.2017	29.11.2017	No trainings on LGBTI rights were organised.
Ministry for Community and Return	24.11.2017	-	No reply.
Ministry of Local Government Administration	06.10.2017	10.10.2017	One EU twining project peer-to-peer training delivered by the MLGA Community and Language Officer.
Ministry of Public Administration	24.11.2017	05.12.2017	No trainings on LGBTI rights were organised.
Ministry of Agriculture, Forestry and Rural Development	23.11.2017	-	No reply.
Ministry of Regional Development	Recently established – no web page available	-	-
Ministry of Trade and Industry	24.11.2017	-	No reply.

1.4 Ombudsperson Institution (OI)

The Ombudsperson Institution represents the main independent mechanism for protection, supervision and promotion of human rights from illegal actions or failures to act and improper actions of public authorities³¹. Further, the institution is set up as a mechanism of equality for promoting, monitoring and supporting equal treatment without discrimination on grounds protected by the Law on Gender Equality and the Law on Protection from Discrimination³². Amongst other actions, the Ombudsperson noted in its latest annual report that the main hurdle for the LGBTI community is social rejection, mostly evident through abuse in families and schools, thereby calling upon the Government to undertake concrete steps to add information regarding LGBTI rights to the education system³³. The report also draws attention to the discrimination and abuse committed by the public servants. There is a widespread practice of non-compliance with the OI's recommendations by the public authorities which is compounded by the fact that the Assembly of Kosovo does not oversee and ensure these recommendations are followed.³⁴

According to previous studies, the Ombudsman Institution itself is one of the most popular institutions after the Kosovo Police for LGBTI to seek help³⁵. Generally, OI has maintained its positive approach towards LGBTI rights, though there is a lack of awareness about LGBTI issues among the representatives of the institution which often undermines the outcome of its work towards the protection and promotion of LGBTI rights³⁶.

According to their questionnaire response, OI staff did not receive specific training for the LGBTI community, but LGBTI rights were dealt with in the framework of other trainings offered.³⁷ It was also mentioned that during 2016 with the support of international donors, the following trainings were organised: Definition of Discrimination and its types, and Introduction to International Standards of Protection Against Discrimination (21- 22 March); Human Rights Indicators to implement the Human Rights Package and Measure Non-discrimination and Gender Equality (05-06 April); Presentation of European Case- Law in the sphere of protection against discrimination (20 – 21 September); Discrimination at work: legal basis, protected grounds against discrimination at work, leading cases and best European practices (04-05 October); and Seminar on Lodging Amicus Curiae: opinions with local and international courts (09-10 November). It indicated that some of the OI staff were given training to become trainers and can also provide LGBTI rights training.³⁸ Yet it is uncertain whether these trainings have provided sufficient reference to LGBTI issues to meet existing needs in this regard.

³¹ Law No. 05/L -019 on Ombudsperson, 2015, article 1.

³² *Ibid.*

³³ Ombudsperson Institution of Kosovo, Annual Report 2016, No.16 (Prishtina, Kosovo, 2017), available at: http://www.ombudspersonkosovo.org/repository/docs/Raporti_Vjetor_2016_ANG_no16_me_kopertine_per_web_338158.pdf.

³⁴ European Commission, Kosovo* 2016 Report, Brussels, 09 November 2016, available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_kosovo.pdf.

³⁵ Youth Initiative for Human Rights – Kosovo and Center for Social Group Development, *Freedom and Protection for Lesbians, Gays, Bisexuals and Transgenders in Kosovo* (Prishtina: Youth Initiative for Human Rights – Kosovo, 2013).

³⁶ Center for Social Group Development and Center for Equality and Liberty, *Lookback: The LGBTI community and their rights in Kosovo - Annual Report 2017*, (Prishtina, Kosovo).

³⁷ Merita Syla, "Lidhur me kërkesën tuaj për çasje në dokument public"[Regarding your request for access to a public document], Email to CSGD, 26 January 2018.

³⁸ *Ibid.*

2. ADMINISTRATION

2.1 Division of Human Resource Management and Capacity Development, Ministry of Public Administration

Operating within the Ministry of Public Administration, the Division of Human Resource Management and Capacity Development is responsible for drafting, promoting and coordinating the implementation of policies for capacity building and human resource development in the Kosovo Civil Service, drafting procedures for evaluation and analysis of training needs and administering the scheme in cooperation with KIPA as well as assessing the impact of training, and coordinating activities with KIPA for the implementation of training policies³⁹. Regardless of these wide and relevant responsibilities, the department did not initiate the implementation of any training related to LGBTI rights⁴⁰.

2.2 Department for Municipal Performance and Transparency, Ministry of Local Government Administration (MLGA)

The responsibilities of the Department for Municipal Performance and Transparency in the Ministry of Local Government Administration include proposing, drafting and ensuring the implementation of capacity development plans in municipalities, providing support in the implementation of capacity development activities in municipalities, developing and monitoring the system for assessing the performance of municipalities, monitoring the quality of municipal services (performance), monitoring the observance of human rights and communities in relation to the services provided by the municipalities, and monitoring gender representation and creation of equal opportunities in municipalities⁴¹. Yet, the department did not initiate or support the implementation of any training related to LGBTI rights, besides the EU twinning project with peer-to-peer training delivered by the MLGA Community and Language Officer⁴².

2.3 Kosovo Institute for Public Administration (KIPA)

The Kosovo Institute for Public Administration is a central governmental institution operating under the Ministry of Public Administration, and plays a key role in enhancing the quality of civil services provided by Kosovo's public administration and increasing civil service sustainability. KIPA's obligations include advising and supporting the Ministry of Public Administration prepare and implement training strategies, though its primary responsibilities are to identify and evaluate needs of civil servants at both central and local levels, followed by the development and provision of trainings to meet these needs. These trainings need evaluation, discussion and research conducted to develop civil servants' capacities.⁴³ Despite not having prior experience collaborating with LGBTI organizations, KIPA has undertaken significant responsibility for implementing the OGG/AGG's recommendations and the provision of continuous education by taking initiative to identify barriers to LGBTI rights that exist due to public servants' attitude and ignorance.

³⁹ The Government of Kosovo, Ministry of Public Administration, <https://map.rks-gov.net/Departments/DASHC/Divizioni-i-Menaxhimit-te-Burimeve-Njerezore-dhe-Z.aspx>, accessed on 21 January 2018.

⁴⁰ Haki Leci, "Pergjigje" [Reply], Email to CSGD, 05 December 2017.

⁴¹ The Government of Kosovo, Ministry of Local Government Administration, <https://mapl.rks-gov.net/Main-menu/Departamentet/Departament-i-Planifikimit-dhe-Reformes-se-Pushtet.aspx>, accessed on 21 January 2018.

⁴² Rozafa Ukimeraj, "Pergjigje në kërkesë për qasje në dokumente publike" [Reply on the request for access to public documents], to Arbër Nuhiu, 10 October 2017.

⁴³ Law No. 04/L-221 on Kosovo Institute for Public Administration, 2014, article 5.

KIPA's Director Ms. Refike Sulcevcı expressed commitment to implementing recommendations addressed to her institution at the "Joint Conference on safeguarding the inclusion of the awareness-raising-training on Equality and LGBTI rights in Kosovo's Public Institutions" ⁴⁴, after which the OGG demonstrated persistence in this regard. Responding to obligations created by the National Programme for Implementation of the Stabilisation Association Agreement (NPISAA) and the recommendations of the ACG, the OGG drafted the human rights training programme and module aiming at promoting equality, which it submitted to KIPA⁴⁵. The information provided by KIPA shows that the program was quite comprehensive, with a considerable portion focusing on the international and national legal framework and mechanisms for human rights, and a relatively small segment covering gender roles and homophobia among other rights⁴⁶. This is certainly a positive step by the OGG and the KIPA, however, considering the high degree of resistance to LGBTI rights, as well as the low level of civil servants' knowledge on LGBTI issues, there should be a special training program on this similar to that on gender equality⁴⁷.

The NPISAA 2017 implementation plan by KIPA includes a trainers training for this module, while the equality trainers certified by the EU twinning project are to be included in the KIPA trainers' database⁴⁸. This is problematic due to the differences between KIPA's human rights module and the EU twinning project training program which means the trainings are conducted to different standards and result in trainers who have differing levels of competency, but will all be added to the KIPA database regardless. In fact, this is also an indication of the lack or improvisation of the sustainability of the twinning project.

Beyond this, KIPA has not yet provided any training on LGBTI rights and issues except for supporting two of the EU twinning project training sessions by allowing use of their training facilities⁴⁹.

As far as the **ACG's recommendations related to the administration**, as elaborated on above, KIPA has begun implementing the recommendation to include equality training in its program, although LGBTI rights were not given enough attention within the framework of the training curriculum. The other recommendation regarding institutional and financial support to conduct two one-day trainings per ministry per year has not been implemented by any ministry, nor has the other recommendation for ongoing professional development for equality trainers through international exchange. This might be due to the recommendations being too broad and unrealistic.

⁴⁴ Minutes of the "Joint Conference on safeguarding the inclusion of the awareness-raising-training on Equality and LGBTI rights in Kosovo's Public Institutions", 16 March 2016, Kosovo Government Building.

⁴⁵ Habit Hajredini, "Kërkesë për përfshirjen në programin e trajnimeve të IKAP-it të Programit dhe Modullit të trajnimit për të Drejtat e Njeriut me fokus në promovimin e BARAZISË / i specializuar për inkurajimin e mundësive të barabarta dhe si dhe promovimin e trajtimit të barabartë për një shoqëri gjithëpërfshirëse" [Request for inclusion of the human rights training program and module focusing on the promotion of equality / specializing in encouraging equal opportunities and promoting equal treatment for a comprehensive society in the KIPA training program], to Refike Sulcevcı, 06 February 2017.

⁴⁶ Enver Haxhijaj, "RE: Kërkesë për qasje në dokumente publike" [RE: Request for access to public documents], Email to CSGD, 17 November 2017.

⁴⁷ Kosovo Institute for Public Administration, "Planprogrami për Barazi Gjinore" [Gender Equality Curriculum], September 2016.

⁴⁸ Enver Haxhijaj, "RE: Kërkesë për qasje në dokumente publike" [RE: Request for access to public documents], Email to CSGD, 09 November 2017.

⁴⁹ Enver Haxhijaj, "RE: Kërkesë për qasje në dokumente publike" [RE: Request for access to public documents], Email to CSGD, 17 November 2017.

3. EDUCATION

The education system is one of the more prominent maintainers of prejudice, rejection and violence against the LGBTI community in Kosovo. In addition to discrimination and violence occurring in schools at the hands of staff, the actual education system in Kosovo teaches prejudice and to reject the LGBTI community⁵⁰. Hence, a number of ACG's recommendations have been addressed to the education sector, namely the Ministry of Education, Science and Technology (MEST). The then MEST deputy Minister Ms. Anila Statovci-Demaj who had personally attended the ACG's "Joint Conference on safeguarding the inclusion of the awareness-raising-training on Equality and LGBTI rights in Kosovo's Public Institutions" emphasised the commitment of her institution in advancing human/LGBTI rights, while reassuring conference attendees that MEST has started work in this domain ahead of the ACG's recommendations. Yet, when contacted for the requested information on the MEST's progress on implementation of the recommendations and their previous training programs related to LGBTI rights and issues, there was no response from either the cabinet of the actual minister nor the official for access to public documents. There was no response either from Human Rights/Protection from Discrimination Officers who are members of the ACG and certified trainers for equality from the EU twinning project⁵¹.

Accordingly, there is no information on whether financial support for six training days in 2016 was provided, or if training programs will be incorporated into ongoing projects and action plans, and capacity building regarding LGBTI friendly school policy as recommended by the ACG.

On the other hand, the desk research shows that the amended core curriculum for pre-primary and primary education (grades 0, I, II, III, IV and V), lower secondary education (grades VI, VII, VIII and IX) and upper secondary education (grades X, XI and XII) was approved in October 2016. The word LGBT has been included under the Education for Democratic Citizenship section of the Cross-Curricular Issues in the core curricula of all levels of education however, it has not been sufficiently clarified as to whether this only refers to the aspect of LGBTI rights or whether it expands to the LGBTI issues as well. Further, the core curriculum for lower secondary education and upper secondary education within the framework of the subject "Society and the Environment" addresses the concepts of individual identity, social values and attitudes, however, gender and sexual identity are only explicitly mentioned in the upper secondary education core curriculum. Hence the ACG's recommendations for inclusion of equality and LGBTI issues in the curriculum, and acknowledgment of equality and LGBTI matters as intersecting issues have been implemented. However, the success of this change needs to be evaluated further, given that so far curriculum change has not been accompanied with a change of textbooks which have been assessed to have inadequate and discriminatory content against certain social groups including the LGBTI community⁵².

⁵⁰ Youth Initiative for Human Rights - Kosovo and Center for Social Group Development, *Freedom, and Protection for Lesbians, Gays, Bisexuals and Transgender in Kosovo*, (Prishtina, Kosovo, November 2013).

⁵¹ CSGD, "Kërkesë për qasje në dokumente publike" [Request for access to public documents], Email to Shyqyri Bytyqi, Alush Istogu, Merita Jonuzi, Fatime Jasiqi, Shpresa Kokollari, 24 November 2017.

⁵² Youth Initiative for Human Rights – Kosovo, "Discriminatory Language in School Textbooks: An Analysis of Upper Secondary Level of School Textbooks in Kosovo", November 2017, available at http://yih-ks.org/wp-content/uploads/2017/12/YIHR-KS_Discriminatory-language-in-school-textbooks.pdf

4. HEALTHCARE

Despite the Law on Protection from Discrimination expressly prohibiting discrimination in health protection⁵³ and the Law on Health stipulating the provision of healthcare being based on the principle of equality and non-discrimination with sexual orientation being specified,⁵⁴ healthcare remains a public sector in which the LGBTI community faces stigma and discrimination. LGBTI persons have reported feeling discriminated against and receiving sub-standard treatment from the health practitioners, in one case, a gay man who sought medical assistance at the hospital for a stomach ache was told that “he “[was] maybe pregnant since [he] probably liked men”.⁵⁵ Recently, another gay man who had been a victim of sexual harassment, was refused medical assistance from a doctor in Peja/Peč Hospital⁵⁶. Health professional staff themselves have affirmed prejudicial attitudes and giving inadequate treatment. In one case a health professional declared to be able to determine the sexual orientation of their patients based on psychological examination, while others declared that this could be done on the basis of hormone testing and civil status –“(s)he meets all the conditions to be married, but is not”.⁵⁷

Homosexuality is perceived as a mental illness by health professionals at large, which affects the way they treat their patients, often inappropriately, as well as it contributes to maintaining social rejection of LGBTI community. Despite this situation, the health sector has not been included in the ACG’s list of recommendations. The Human Rights/Protection from Discrimination Officer at the Ministry of Health, who certified as equality trainer from the EU twinning project, did not respond to the request for information regarding whether her ministry has conducted any training on LGBTI rights and issues⁵⁸.

Further, the Law on Health establishes the chambers of health professionals to carry out self-regulations and professional supervision on the work, training, and continual professional development of health professionals⁵⁹. However, their contacts details and activities related to organized trainings were not clearly reflected in the website of the Ministry of Health⁶⁰. Consequently, it cannot be inferred whether any of their eventual trainings on professional ethics referred to the LGBTI rights, or that the LGBTI issues were discussed in any of their professional trainings.

⁵³ Law No. 05/L-021 on the Protection from Discrimination, 2015, chapter. I, article 2/1.5.

⁵⁴ Law No. 04/L-125 on Health, 2013, chapter II, article 5/1.2.

⁵⁵ Youth Initiative for Human Rights – Kosovo and Center for Social Group Development, *Freedom and Protection for Lesbians, Gays, Bisexuals and Transgenders in Kosovo* (Prishtina: Youth Initiative for Human Rights - Kosovo, 2013).

⁵⁶ Center for Social Group Development and Center for Equality and Liberty, *Lookback: The LGBTI community and their rights in Kosovo - Annual Report 2017* (Prishtina, Kosovo).

⁵⁷ Youth Initiative for Human Rights – Kosovo and Center for Social Group Development, *Freedom and Protection for Lesbians, Gays, Bisexuals and Transgenders in Kosovo* (Prishtina: Youth Initiative for Human Rights - Kosovo, 2013).

⁵⁸ CSGD, *“Kërkesë për qasje në dokumente publike”* [Request for access to public documents], Email to Sanie Kijçmari, 24 November 2017.

⁵⁹ Law No. 04/L-125 on Health, 2013, chapter XIII, article 78/4.

⁶⁰ Public Administration - Ministry of Health, <http://msh-ks.org/odat-e-profesionisteve-shendetesor/>, accessed on 26 January 2018.

5. LAW ENFORCERS

5.1 Prosecution and judiciary

The stigma attached to the LGBTI community and the great influence of traditional values has not spared the professionalism of the justice practitioners. The impression that justice practitioners have a better understanding of LGBTI guaranteed rights and of their professional accountability towards the principle of equality and non-discrimination, does not represent reality. Studies targeting this category of law enforcers suggest there is a tendency to deny the existence of violence towards the LGBTI community, and to some extent, denial of the LGBTI community's existence⁶¹. Prosecutors and judges have largely shown an uneasiness in dealing with the LGBTI cases and even reported to have not addressed some reported cases of violence against LGBTI persons⁶². Or, as it happened in the first LGBTI case resolved, the court failed to qualify the case as a crime based on sexual orientation despite recording that the insults were based on the sexual orientation of the victims⁶³, thus clearly manifesting the tendency to minimize or even justify the violence against the LGBTI community.

Given that concerns regarding the attitudes of prosecutors and judges towards the LGBTI community have already been raised by reports and various advocacy forums, including the ACG's recommendations, the actions of the respective institutions that are responsible for the professional development of prosecutors and judges have been examined.

5.1.1 Kosovo Prosecutorial Council (KPC)

The Kosovo Prosecutorial Council is an independent institution for ensuring independency, professionalism and impartiality of the prosecution system⁶⁴. In addition to recruiting and proposing prosecutors in line with standards established by the institution itself and overseeing the prosecutors' performance, KPC's duties also include that of determining policies, standards and instructions related to the training of prosecutors and other personnel, and overseeing the implementation of professional training and development of prosecutors by the Academy of Justice and other training associations or organizations⁶⁵.

In response to the request for information, the Kosovo Prosecutorial Council reported to have organized a one-day training on the topic "Equality and Key Concepts of Discrimination" which included LGBTI rights. According to the KPC's response, the training was initiated by their training office and was supported by the Justice Academy and the Kosovo Judicial Council in co-trainer roles. It was attended by several prosecutors and defenders of crime victims⁶⁶.

⁶¹ Youth Initiative for Human Rights – Kosovo and Center for Social Group Development, *Freedom and Protection for Lesbians, Gays, Bisexuals and Transgenders in Kosovo* (Prishtina: Youth Initiative for Human Rights – Kosovo, 2013).

⁶² *Ibid.*

⁶³ Center for Social Emancipation and Center for Social Group Development, Annual Report 2016: *Reflection on LGBTI Rights in Kosovo*, (Prishtina, Kosovo November 2016).

⁶⁴ Law No. 03/L-224 on the Kosovo Prosecutorial Council, 2010, chapter II, article 3.

⁶⁵ *Ibid.*, chapter II, article 4.

⁶⁶ Sylejman Sopa, "Plotësimit i pyetësorit" [Filled in questionnaire], Email to CSGD, 09 November 2017.

In fact, this training was actually a peer-to-peer training under the EU twinning project which was not followed up with additional trainings as recommended by the ACG. According to the KPC, the main challenges for organizing such trainings and including this topic in ongoing training are the lack of financial resources and a lack of prosecutors' interest in attending trainings related about LGBTI rights⁶⁷.

5.1.2 Kosovo Judicial Council (KJC)

The Kosovo Judicial Council is an independent institution set to ensure the independency, fairness, impartiality, and professionalism of judicial system.⁶⁸ In coordination with the Academy of Justice, it is also responsible for defining training policies and standards, and providing trainings for judges and the judiciary staff⁶⁹. Currently there is a requirement for newly appointed judges to undergo a compulsory 12-month initial training program, nevertheless the performance and willingness of the judges in dealing with LGBTI cases remains poor. This shortcoming of the judiciary has been also noted in the European Commission Progress Report for Kosovo 2016, which advises for the inclusion of a module on anti-discriminatory on the training curricula.

In the request for information to the Kosovo Judicial Council, the Court Performance Review Unit Director Mr. Hydajet Hyseni replied that there was no information to give regarding the ACG recommendations and LGBTI rights training. He asked his colleagues to contribute their information, however none of them responded, including the members of ACG representing the KJC⁷⁰.

Based on the response from the Kosovo Prosecutorial Council, Ms. Mejreme Zeka from the Kosovo Judicial Council was a co-trainer of the peer-to-peer training organised under the framework of the EU twinning project⁷¹.

5.1.3 Academy of Justice (AJ)

The Academy of Justice is an independent institution whose functions include creating training programs and organizing trainings for judges and state prosecutors in accordance with applicable law, developing a training needs assessment process through mechanisms set up by the Academy and based on the requests of the KJC and the KPC, organizing continuous professional trainings for the State Advocates, lawyers, and other professions based on the Academy assessment, pursuant to the requests of competent institutions, developing and implementing training programs in cooperation with KJC and KPC, and in cooperation with respective chambers of open professions or respective institutions, performing analysis, researches and cooperates with scientific institutions⁷².

Besides the one peer-to-peer training organized in cooperation with KPC and KJC for equality in the context of anti-discrimination legislation in July 2015 under the EU twinning project, the Academy of Justice reported that it has also organized other similar trainings⁷³.

⁶⁷ *Ibid.*

⁶⁸ Law No. 03/L-223 on the Kosovo Judicial Council, 2010, chapter II, article 3.

⁶⁹ *Ibid.*, chapter VIII, article 50.

⁷⁰ Hydajet J. Hyseni, "FW: Kërkesë për qasje në dokumente publike" [FW: Request for access to public documents], Email to CSGD, 03 November 2017.

⁷¹ Sylejman Sopa, "Materiali i trajnimit" [Training material], Email to CSGD, 10 November 2017.

⁷² Law No. 05/L-095 on Academy of Justice, chapter II, article 6.

⁷³ Fitore Zariqi, "Përgjigje në kërkesë" [Answer to the request], Email to CSGD, 17 November 2017.

The AJ's online training calendar shows that two similar trainings were organised, one on 02 February 2017⁷⁴ and the other one on 23 June 2016⁷⁵, thus partially addressing the ACG's recommendation that required the provision of institutional and financial support for seven 2-day trainings for prosecutors and judges in the 7 regions of Kosovo, within the period of 2016 and 2017. However, LGBTI issues were not given sufficient attention within the training program⁷⁶ to give participants a wider knowledge useful for their professional practice. Furthermore, the AJ's training program for 2018 in the framework of trainings for non-discrimination is limited to gender equality and does not include LGBTI rights and issues⁷⁷.

The two other ACG recommendations to organise continuous peer-to-peer exchange between Kosovo and EU MS experts on court / prosecution cases in the realms of equality and LGBTI rights, and to support international networking and conference participation, as broad and unrealistic as they are, have remained unaddressed by the respective mechanisms of the prosecution and the judiciary.

5.2 Kosovo Police (KP)

Compared to other institutions, the Kosovo Police has dealt with a greater number of reported cases, and studies also show a greater level of trust and awareness about the role of the institution among the LGBTI community. Unlike other public servants, previous studies have shown that members of the Kosovo Police have received trainings on LGBTI rights from their institution, local government and civil society organisations⁷⁸. Yet there is also evidence that the LGBTI community does not always receive an adequate response or is forced to undergo a robust process when reporting cases, despite the police willingness to deal with such cases⁷⁹⁸⁰.

In their reply to the request for access to public documents, the representatives of Kosovo Police stated they implemented the peer-to-peer trainings organised within the EU twinning project, and explained that the compulsory three hours' in-service trainings for all the Regional Directorates have been followed up⁸¹. As a result, more than 400 police representatives, including first level supervisors, investigators and police officers at the level of the Regional Police Directorates have attended trainings related to equality and LGBTI rights⁸². Nevertheless, the exchange of knowledge with police institutions from other countries on how to address LGBTI issues in their work has been highlighted as a need for capacity building of police officers⁸³.

⁷⁴ The Government of Kosovo – Academy of Justice, <https://ad.rks-gov.net/en/training-calendar/TrainingDetails/676?control-ler=Trainings&programId=1>, accessed on 27 January 2018.

⁷⁵ The Government of Kosovo – Academy of Justice, <https://ad.rks-gov.net/en/training-calendar/TrainingDetails/531?control-ler=Trainings&programId=1>, accessed on 27 January 2018.

⁷⁶ Sylejman Sopa, "Materiali i trajnimit" [Training material], Email to CSGD, 10 November 2017.

⁷⁷ Academy of Justice, "Training program 2018" December 2017.

⁷⁸ Youth Initiative for Human Rights – Kosovo and Center for Social Group Development, *Freedom and Protection for Lesbians, Gays, Bisexuals and Transgenders in Kosovo* (Prishtina: Youth Initiative for Human Rights – Kosovo, 2013).

⁷⁹ Youth Initiative for Human Rights – Kosovo, *Taking Stock: Human Rights in Kosovo in 2015* (Prishtina: Youth Initiative for Human Rights – Kosovo, 2015).

⁸⁰ Center for Social Emancipation and Center for Social Group Development, *Annual Report 2016: Reflection on LGBTI Rights in Kosovo*, (Prishtina, Kosovo November 2016).

⁸¹ Salih Dragidela, "Kërkesë për qasje në dokumente publike –PYTESORI" [Request for Access to Public Documents – QUESTIONNAIRE], Email to CSGD, 02 February 2018.

⁸² *Ibid.*

⁸³ *Ibid.*

5.2.1 Kosovo Academy for Public Safety (KAPS)

The Kosovo Academy for Public Safety is an institution responsible for many things: providing training and higher education, implementing policies and strategies related to training, higher education and the development of capacities in the field of public safety, and its services are dedicated to Kosovo Police amongst other institutions⁸⁴.

In response to the request for information addressed to the Department of Trainings and Educational Support, while KAPS officials stated that they did not have specific trainings on LGBTI rights and issues, they did so without providing other details as requested⁸⁵. However, the Kosovo Police representatives did note that the KAPS curricula for new members of the Kosovo Police and for the community police covers the LGBTI rights within its human rights course⁸⁶. The course program cover the following aspects: legal basis for gender equality; understanding the terms homophobia, transphobia and LGBT; protection of human rights and fundamental freedoms based on domestic and international legislation; the violation of human dignity, the ways of predicting these violations; analysis of practical examples of possible violations of human rights.

Finally, referring to the responses of the Kosovo Police representatives,⁸⁷ the ACG recommendations for implementing equality trainings with a special focus on LGBTI related issues into the curriculum of the Kosovo Police basic training, and the implementation of equality and LGBT-issues included in the in- service training of Police have been materialised. However, it is unclear whether the group of the specialised trainers has yet been expanded as recommended.

⁸⁴ Law No. 04/L-053 on Kosovo Academy for Public Safety, chapter I, article 2.

⁸⁵ Mirsad Sholla, "RE: Kërkesë për qasje në dokumente publike" [RE: Request for access to public documents], Email to CSGD, 08 December 2017.

⁸⁶ Salih Dragidela, "Kërkesë për qasje në dokumente publike – PYTESORI" [Request for Access to Public Documents – QUESTIONNAIRE], Email to CSGD, 02 February 2018.

⁸⁷ *Ibid.*

CONCLUSION

Despite LGBTI rights being introduced very early to Kosovo's legal framework, even preceding the constitution, their promotion and protection have stalled badly compared to its legal standards. Alongside the country's general lack of rule of law, the traditional values of Kosovar society have been the main impediment to advancement and protection of LGBTI rights. This report, however shows that the indifference of the public institutions towards LGBTI rights has been challenged by a greater advocacy and presence of LGBTI issues.

It is evident that until recently there were no efforts to combat discrimination and denial of LGBTI rights by the public servants through improving their knowledge on LGBTI rights and their guaranteed rights in Kosovo. The stigma and rejection of LGBTI community continues to remain high among the public servants in general, even among those who are in the role of human rights advocates and enforcers. The recent trainings (almost the only ones to be held) organised under the EU twinning project framework have made an initial step in the direction of breaking this barrier, although their content on LGBTI issues has been superficial thus limiting their understanding and translation into the discourse of rights and state obligations.

Furthermore, the sustainability of the program through peer-to-peer trainings provided by EU trained and certified equality trainers remains unpromising. This is due to the lack of financial support of the equality trainees from their respective institutions or the lack of interest of their colleagues on this topic. Further to this, OGG in cooperation with KIPA, have drafted a training program on human rights aiming at promoting equality, with a relatively small segment of it covering LGBTI rights and issues.

Moreover, in regards to implementing the ACG recommendations, nearly none of the institutions have done so. This mainly shows the incapacity of the ACG as a mechanism for influencing policies as well as the lacking practice of monitoring of its recommendations. Otherwise, the recommendation for inclusion of equality and LGBTI issues as crosscutting in the Kosovo's public education curriculum has almost been finalised prior to ACG recommendations being presented⁸⁸, whereas the inclusion of the human rights training with the (lack of) special focus on LGBTI related issues in the KIPA program has started to be implemented only after initiated and coordinated by the OGG itself. Apart from this, a large part of the ACG 's recommendations were very general and ambitious.

⁸⁸ Minutes of the "Joint Conference on safeguarding the inclusion of the awareness-raising-training on Equality and LGBTI rights in Kosovo's Public Institutions" 16 March 2016.

RECOMMENDATIONS

1. The Inter-Ministerial Coordination Group for Human Rights should address LGBTI rights and issues in its work;
2. Ombudsperson staff should receive trainings on LGBTI issues so that they can have a better understanding and be able to address them through the existing human rights legislation;
3. The OGG should effectively supervise the line ministries on the progress of the ACG recommendations implementation and when necessary, undertake concrete actions to ensure the entire implementation of these recommendations;
4. Human rights/ protection against discrimination units/officials at the municipality and ministry level should increase their capacities on LGBTI rights and take a proactive role on combating discrimination and promoting equality;
5. Kosovo Institute for Public Administration should have a special training on LGBTI rights and issues similar to that of gender equality;
6. Ministry of Education, Science and Technology should follow up with change of textbooks according to the new curricula and that should address LGBTI rights and issues appropriately and afford a sufficient space;
7. Ministry of Education, Science and Technology should draft an equality training program focusing on LGBTI rights and issues for teachers;
8. The chambers of health professionals should organise trainings on the professional ethics, specifying their responsibility for equal treatment of the LGBTI community;
9. The relevant chambers of health professionals should organise professional trainings covering the LGBTI issues, so that they can address them properly during their professional work;
10. The Initial Training Program for the newly appointed judges should include an anti-discrimination module, focusing on LGBTI rights and issues;
11. LGBTI rights and issues should be included in the Academy of Justice continuous training program;
12. Kosovo Police should continue with the in-service trainings related to LGBTI rights and issues;
13. Kosovo Academy for Public Safety should provide more space for LGBTI issues within its human rights course for new police officials and community police.

ANNEX I - Questionnaire for Kosovo Institutions



Disclaimer

The following questionnaire will be used for the research that will be conducted under the project "Equal Rights for All Coalition, a four (4) years project funded by the EU and managed by the European Union in Kosovo. The purpose of this research is solely to analyse Kosovo training programs for public servants that are related to the LGBTI community. The findings will be used in a report which will be presented in a conference organised during this year and will be shared on the ERAC website and social media in Albanian, Serbian and English.

Questionnaire

Name of the institution: _____

Name and position of the official in the institution: _____

Municipality: _____

Date: _____

CHAPTER I: The Training Program

- 1) Did your institution have or does it have a training program related to the rights of the LGBTI community?
 - a. Yes, it had
 - b. Yes, it has
 - c. No, it did not have
 - d. No, it does not have

- 2) If it did, was the training program incorporated in a larger program or is it a separate training program (Please explain).

3) If it has, is the training program incorporated in a larger program or it is separate training program (Please explain).

4) If the training program was/is incorporated in the larger program, please provide some general information on how the program was designed, the methodology and what components it covers and under which section are the rights of the LGBTI community covered.

5) If the training program related to the LGBTI community is a separate training program what is the methodology and what are the issues covered. (Please explain).

6) Which office within your institution initiated, developed and financed the training program? (Please explain).

7) Where any other national or international organisations involved in the development of the training program and financing the organisation of the trainings? (Please explain).

8) How was the training program developed? What kind of material was used for the development of the program? Is the training material accessible?

9) How did your institution organise the training program related to the LGBTI community: Are they organised as a series of trainings (how many days) or only one time trainings (how many hours)? Are they repetitively organised every six (6) months or annually? (Please explain).

CHAPTER II: Participants of the Training Program

1) Who were the participants of the training program?

2) How did your institution distribute information about the program and how was organised the process of the selection of participant to be trained on the rights of LGBTI community? (Please explain).

3) Did the participants receive any certificate after successfully participating in the training program related to the LGBTI community?

- a. Yes
- b. No

4) Was there any follow-up meeting/s to the training program related to the LGBTI rights? If yes, please explain the process and who was responsible to organise the process.

- 5) How many people were trained on the rights of LGBTI community during the past three (3) years?
- a. 0 – 100
 - b. 101 – 200
 - c. 201 – 300
 - d. 301 – 400
 - e. More

CHAPTER III: Trainers of the Program

- 1) How were the trainers selected to deliver the trainings related to LGBTI community? (Please explain).

- 2) Were the selected trainers representatives of your institution or independent experts? (Please explain).

- 3) Did the trainers undergo any pre-training program specifically to deliver the training related to the rights of LGBTI community? (Please explain).

4) If yes, how was the program Training for Trainers developed, delivered and who financed it?
(Please explain)

5) Did the trainers contribute to the development of the training program? If yes, please explain their role.

6) Did the trainers/experts of the program related to the rights of LGBTI community trained representatives of your institution so they can in the future deliver trainings related to the rights of LGBTI community? (Please explain)

- a. Yes
- b. No

7) If yes, please provide some more detailed information on the process, program and the timeframe of this activity.

8) How many trainers were involved in the training program for public servants related to the rights of LGBTI community (over the past three (3) years)?

CHAPTER IV: Challenges throughout the process

1) Please identify 2-3 challenges that your institutions faces on the development of the program:

- a. _____
- b. _____
- c. _____

2) Please identify 2-3 challenges that your institutions faces on the organisation of the training session/s:

- a. _____
- b. _____
- c. _____

3) Please identify 2-3 challenges that your institutions faces on the selection of the participants:

- a. _____
- b. _____
- c. _____

ANNEX II – The recommendations by the Advisory and Coordination Group for the Rights of the LGBT Community in Kosovo



Qeveria - Vlada - Government

Zyra e Kryeministrit-Ured Premijera-Office of the Prime Minister

Zyra për Qeverisje të Mirë / Kancelarija za Dobro Upravljanje / Office on Good Governance

March, 2016

Recommendations on safeguarding and inclusion of sustainability of the raising awareness training on equality and LGBT community rights in the Kosovo's Public Institutions

The government of Kosovo established the Advisory and Coordination Group for the rights of LGBT communities (Lesbian, Gay, Bisexual and transgender) in the meeting held dt.18.12.2013 with the decision No.05 / 161. The Advisory and Coordination Group for the rights of the LGBT community was established in order to establish regular partnership and cooperation between local and international institutions and non-governmental organizations operating in protect and promote the rights of the LGBT community in Kosovo. Moreover, the establishment of the Advisory and Coordination Group serves the purpose of initiatives for joint activities to prevent and combat discrimination against the (LGBT) community and raising awareness about human rights, with special emphasis on the rights of LGBT community. Composition of the Group is set in such a way as to ensure the participation of key government institutions, and the (LGBT) community and internationally to enhance planning efforts and to facilitate the distribution and exchange of information, coordination and cooperation in this field between different and relevant actors.

On the 2 nd of March 2016, the Advisory and Coordination Group for the Rights of the LGBT Community in Kosovo unanimously endorsed the recommendations attached, taking into account the input by the experts of the EU Twinning Project 'Against Homophobia and Transphobia in Kosovo' elaborated in close cooperation with the equality trainers (especially focusing on equal treatment of LGBT persons). The recommendations encompass the sector of **education, administration, judiciary, prosecution, and police** and aim at the sustainability of the EU training program, respectively, the continuity of the awareness raising trainings on equality with a special focus on LGBT related issues within the governmental institutions of Kosovo.

In a nutshell, the recommendations outline the budgetary needs for the institutions involved to continue with awareness raising training activities in their respective sectors. Additionally, the recommendations foresee strategic planning, professional development opportunities for equality trainers and other details necessary for the sustainability of the training program by the EU Twinning Project 'Against Homophobia and Transphobia in Kosovo'.

The purpose of the recommendations is to obtain the support from the involved stakeholders in implementation of these recommendations in order to enable an inclusive society and equal treatment and opportunities for all the citizens of Kosovo.

Therefore, the Advisory Group encourages the addressed stakeholders to commit themselves to the implementation of the attached recommendations. To this end, the Office on Good Governance and the aforementioned project will organize a conference on March 16, 2016 with the purpose of making the commitment of the involved stakeholders visible.

Please find below:

The recommendations by the Advisory and Coordination Group for the Rights of the LGBT Community in Kosovo

For the Field of Education

Education

#Recommendation: Include equality & LGBT-issues in the Kosovo curriculum

As it is currently under review, the Ministry of Education should guarantee the inclusion of the topic of awareness raising on equality with a special focus on LGBT related issues in the Kosovo's curriculum framework. The topic needs to be understood as a cross-cutting issue. Nevertheless, it is recommended to incorporate Equality & LGBT- issues in the field of society, within citizenship education, in the Kosovo's curriculum framework.

Education

#Recommendation: Provide financial support for 6 training days in 2016

In 2016, 4-6 groups (60 to 80 participants) shall attend an awareness raising training program on equality with a special focus on LGBT related issues for mixed groups of school teachers, school principals, pedagogues, school steering councils, parents, officials from Municipal Educational Directorates, pupils, etc. Therefore, the Ministry of Education shall allocate a respective budget and/or support the cooperation with national and international organisations generating external funding.

Education

#Recommendation: Incorporate the training program into ongoing projects and action plans

It is recommended to support the idea of interlinking awareness raising training programs on equality with a special focus on LGBT with ongoing projects on domestic violence, sexual violence, and Human Rights. Therefore, the overall support of the Ministry of Education and the incorporation of raising awareness on equality and LGBT related issues in the respective strategy for protection from domestic violence and its action plan is requested.

Education

#Recommendation: Expand the capacity building regarding LGBT friendly school policy

In 2016, the Equality trainers together with interested school teachers/ and principals shall visit a good-practice example of a EU-member state to expand their knowledge and capacity in how to effectively establish a LGBT friendly school-policy.

Education

#Recommendation: Acknowledge equality and LGBT-matters as crosscutting issue

Ensuring equality in the Kosovo educational system needs the recognition of equality and LGBT-matters as cross-cutting issues. Therefore, it is recommended that a representative of the equality trainers with a special focus on LGBT-issues is invited to relevant working groups (i.e. on educational material / commissioning textbooks).

For the Field of Judiciary / Prosecution

Judiciary / Prosecution

#Recommendation: Provide institutional and financial support for seven 2-day trainings for prosecutors and judges in the 7 regions of Kosovo in the period of 2016 and 2017

Between 2016 and 2017, the equality trainers shall conduct seven 2-day trainings in the 7 regions of Kosovo strengthening the legal competences of prosecutors and judges in the realm of equality and non-discrimination of LGBT-persons. To attract sufficient participants it is necessary to find adequately spacious premises. Trainings should be organized in cooperation with the Kosovo Judicial Institute and the trainers need to be adequately paid for their efforts.

Judiciary / Prosecution

#Recommendation: Organise continuous peer-to-peer exchange between Kosovo and EU MS experts on court / prosecution cases in the realm of equality and LGBT rights

The continuation of peer-to-peer exchange with EU MS-experts of discrimination cases can trigger a quality improvement of court and prosecution cases within the Kosovo judicial system. Therefore, it is recommended that trainers from the judiciary will be provided with the opportunity to meet with peers from the region and EU-member states in order to stay fully informed about new developments and good practice arising. This can be facilitated by their participation in regional and international conferences and training sessions.

Judiciary / Prosecution

#Recommendation: Support international networking and conference participation

It is recommended to support the appointment of trainers to participate in the international and European conferences and networking events as the participation empowers the equality trainers of the Kosovo judiciary to incorporate international standards into the Kosovo judicial system.

For the Field of the Police

Police

#Sustainability achievement: Implementation of the equality trainings with a special focus on LGBT related issues into the curriculum of the Kosovo Police basis training

An important fact for the sustainability of the EU-Twinning project "Fight against Homophobia and Transphobia" is that the Police already implemented the contents of the Equality training with a special focus on LGBT related issues to the curriculum of their basic training. Every Kosovo Police beginner has to undergo this basic training that, all in all, lasts 2 ½ years. It is recommended to sustain this effort.

Police

#Recommendation: Implementation of equality & LGBT-issues included in the in-service training of Police

Along the internal regulation No 21 of the Police organisation, it is obligatory for every Kosovo police officer to undergo a yearly 40 hours in-service training. The Directorate for Specialized and Advanced Training is including the contents of the equality training with special focus on LGBT related issues to this obligatory training, starting with the roll-out of the new training-session in the period between July 2016 and June 2017. It is recommended to sustain this effort.

Police

#Recommendation: Expanding the group of specialised trainers

Meanwhile 4 certified trainers from Police already exist (trained and certified within the EU-Twinning project). For the above planned in-service training-sessions more trainers are needed, though. Therefore, the Directorate for Specialized and Advanced Training is in the process to organise an additional training-of-trainers session on equality with focus on LGBT related issues, to train at least 6 more trainers (to have 10 specialised trainers available). It is recommended to sustain this level of capacity building.

For the Field of General and Public Administration

Public Sector – General Administration

#Recommendation: Institutional and financial support for conducting 2 one-day trainings per ministry per year

The equality trainers from the Ministry of Health, Ministry of Culture, Youth and Sports, Ministry of Local Government Administration and the Office on Good Governance at the Prime Minister's Office are prepared to continue the equality trainings with a special focus on LGBT related issues. In order to provide 2 one-day trainings for colleagues per year and ministry, the additional costs (for accommodation, catering, travel costs and trainer fees) need governmental budget allocation.

Public Sector – General Administration

#Recommendation: Incorporate the training on equality with a special focus on LGBT related issues in the program of the Kosovo Institute for Public Administration (KIPA)

In order to provide every ministry and sector in the public administration, and also the Kosovo's Statistical Agency and Gender Equality Agency with an opportunity to attend the training program, it should be offered within the regular program of the KIPA by the certified equality trainers. This would show the commitment of the public administration towards equality and LGBT issues and secure the sustainability for the coming years.

Public Sector – General Administration

#Recommendation: Ensure the ongoing professional development on equality by international exchange

To ensure the ongoing professional development the equality trainers in the general administration should get the chance to exchange experience with international experts (trainers) in the field of equality training.

