



# **MANUAL FOR JOURNALISTS: COVERING THE LGBTI COMMUNITY**



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## **Manual for Journalists Covering the LGBTI community**

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## I. Introduction

Over the past decade in Kosovo, advocacy and public support for the rights of lesbian, gay, bisexual, transgender and intersex persons, the LGBTI community, has been on the rise. A number of LGBTI persons have come out and have become persistent voices in publicly addressing the civil rights of LGBTI people; three marches on the International Day Against Homophobia and Transphobia (IDAHOT) have been organized as well as two public Pride parade events, which have either drawn attention to persisting discriminatory or rights curtailing practices or have called for the celebration of diversity in society; human rights-based civil society organizations have been leading a range of research initiatives identifying flaws in legal protection as well as in voicing concerns when institutions fail to protect, support and safeguard LGBTI rights. Meanwhile, issues pertaining to sexuality and gender identity have increasingly become intersected within a range of other public debates and events, particularly with women's rights organizations and cultural activities.

By and large, the legal framework recognizes sexual orientation and gender identity as grounds for protection. Since Kosovo's Declaration of Independence in 2008, the Constitution has prohibited discrimination on the basis of gender or sexual orientation. Meanwhile, over the years, a range of legal documents and mechanisms have been established or amended that foresee and guarantee the protection, safeguarding and promotion of LGBTI rights as human rights. In 2015, both the Law on Protection From Discrimination and the Law on Gender Equality were adopted for the first time and included prohibition of discrimination based on sexual orientation, gender and gender identity. Meanwhile in 2019, the Criminal Code was also amended to recognize gender identity — in addition to sexual orientation — as protected grounds in seven criminal offences. The latter has come about as a direct result of increased monitoring and activism by LGBTI rights organizations and activists.

In general, the culture of silence surrounding the LGBTI community has been broken; LGBTI rights have entered the public domain as part of the overall discourse on human rights. Conse-

quently, this has been associated with increased media attention and coverage of the community as well.

In this regard, it is important to note a significant decline of straight-out hate speech that largely dominated mainstream media coverage on LGBTI issues throughout the early 2000s. In those years, many media published reports and articles that aimed at outing LGBTI individuals, used derogatory and hateful language, disclosed information about community meetings and gathering that placed individuals at risk, or openly propagated hate with the potential of it leading to violence.

In 2012, the Kosovo 2.0 theme-based print magazine dedicated an entire issue to the topic of Sex — the first of its kind — which focused on issues pertaining to sexuality and gender in Kosovo and the larger region. The publication and launch event were attacked by a group of around 20 men, which was followed by a hateful protest of around 200 men outside the venue of the event. While the majority of this backlash was grounded on moralizing and violence-inciting messages, the mainstream media also indirectly contributed to the situation by either sensationalizing the nature of the event and magazine content or by inaccurately reporting on them. The majority of media outlets failed to base the reporting on the principles that freedom of expression, speech and human rights were being threatened.

Since then, significant progress can be noted regarding media coverage of LGBTI persons and issues. Today, media practices grounded on straight-out hate speech and calls for violence are extremely rare. A number of media outlets have begun more regularly following developments and events pertaining to the LGBTI community, whereas the younger generation of journalists have particularly become more attuned to pushing for better coverage of LGBTI rights. The majority of mainstream media have moved toward covering LGBTI people and issues through the prism of a human rights-based approach. This context marks a welcome sign of progress that needs to be acknowledged.

However, significant space for expanding and improving the



scope and range of coverage remains. The majority of media content published tends to rely on press releases as put forth by LGBTI organizations themselves, and occasional coverage of their events and activities. There is a lack of more explanatory, in-depth, context and issue-based reporting that would aim to explore the complex, diverse and wide-ranging aspects pertaining to LGBTI people and their rights. Seeking institutional accountability and responsibility in line with the overall, well-established legal framework and human rights mechanisms also remains an exception. Incorrect use of terminology and language, which is associated with a lack of proper understanding of the spectrum of sexuality and gender, tend to prevail across media reports on the LGBTI community. Much of the more substantial coverage on the LGBTI community and people remains dependent or subject to a few individual journalists or media outlets with a particular interest in the issues.

This "Manual for Journalists: Covering the LGBTI Community" aims to serve as a practical, informative and educational guide for journalists and editors across the media spectrum who are interested in conducting accurate and ethically-driven reporting and in offering qualitative and substantive coverage and understanding of the LGBTI community.

On the one hand, this manual provides an overview of the main legal framework and human rights mechanisms that guarantee the protection of LGBTI rights and that make up the basis upon which reporting on LGBTI can be conducted. Additionally, the manual includes a discussion on the spectrum of sexuality in order to provide a more thorough understanding of sexual orientation and gender identity. The aim of the latter is to particularly deconstruct and challenge the more conventional and traditional gender roles that often constitute the problematic basis upon which LGBTI individuals are misunderstood.

On the other hand, this manual offers a glossary of terminology with the aim of not only guiding in proper language use but also offering further understanding of how words, phrases and terms are central to the identification and experience of LGBTI persons. The manual also identifies some of the dominant prob-



lematic frames or approaches in media coverage, which might only contribute to reconfirming or strengthening prejudice or the misunderstanding of LGBTI persons. In this regard, suggestions and guidelines on covering a range of LGBTI issues and events are provided.

The "Manual for Journalists: Covering the LGBTI Community" is the first of its kind in Kosovo. Its primary purpose is to serve as a guide for editors and journalists on ethical decision making when covering the LGBTI community. Consequently, the aspiration is that its use will also contribute toward a more informed citizenry on the rights of LGBTI individuals, as well as a more aware society at large.

## II. Legal framework

Existing legislation and human rights mechanisms pertaining to LGBTI rights

The following section offers a summary of some of the main human rights-based legislation and institutional mechanisms that foresee provisions for the safeguarding and protection of LGBTI persons. The aim of this section is to offer journalists and editors an oversight of the legal responsibilities of the state, which can further serve as the basis for monitoring institutional work, seeking government accountability and generally attaining an understanding of the civil rights of LGBTI persons.

2.1). The Constitution of the Republic of Kosovo provides the highest guarantees and protections for human rights. The Constitution foresees sexual orientation as a protected identity marker.

According to Article 24, everyone is equal before the law and enjoys the equal protection of the law without any discrimination. Paragraph 2 of Article 24 states: "No one shall be discriminated against on grounds of race, color, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation [*italics added*], birth, disability or other personal status."

The European Convention on Human Rights (ECHR), an international convention to protect human rights and political freedoms in Europe, is directly applicable in Kosovo pursuant to Article 22 of the Constitution and prevails over domestic legislation. Thus, the protections and guarantees afforded by the ECHR to persons belonging to the LGBTI community are applicable in Kosovo as well. Furthermore, pursuant to Article 53 of the Constitution, human rights and fundamental freedoms must be interpreted in line with the case law of the European Court of Human Rights (ECtHR), which is an international court

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<sup>1</sup>Assembly of the Republic of Kosovo. Constitution of the Republic of Kosovo. <https://qzk.rks-gov.net/ActDetail.aspx?ActID=3702> Accessed 1 Oct 2019.

established by the ECHR.

However, the Constitution does not specifically refer to gender identity as grounds for protection. Nevertheless, it is arguable that it does provide an important framework where rights of transgender persons are protected. Firstly, the Constitution provides the right for everyone to enjoy equal legal protection without discrimination and this is inclusive of transgender persons. In cases where the law does not provide such equal protection, it is arguable that this is contrary to what is provided by the Constitution. Secondly, the prohibition of discrimination by referring to gender or other personal status provides scope for prohibiting discrimination on the basis of one's gender identity. Thirdly, the interpretation of these rights in accordance with international human rights agreements and in consistency with the decisions of the ECtHR provides further scope for transgender rights to be protected in Kosovo.

2.2). The Law on the Protection From Discrimination foresees far-reaching protections for minorities and vulnerable groups, including persons of the LGBTI community. According to Article 1 of the law, the purpose is to: "establish a general framework for prevention and combating discrimination based on nationality, or in relation to any community, social origin, race, ethnicity, colour, birth, origin, sex, gender, gender identity [*italics added*], sexual orientation [*italics added*], language, citizenship... "

Article 2 of the law sets its scope as follows: "This law applies to all acts or omissions, of all state and local institutions, natural and legal persons, public and private sector, who violate, violated or may violate the rights of any person or natural and legal entities in all areas of life... " Therefore, it is not just government institutions or state owned enterprises that need to ensure they act in accordance with the law; private companies are equally responsible.

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<sup>2</sup>Assembly of the Republic of Kosovo. Law on the Protection from Discrimination. <https://qzk.rks-gov.net/ActDetail.aspx?ActID=10924> Accessed Oct 1 2019.

<sup>3</sup>Ibid 2.

<sup>4</sup>Assembly of the Republic of Kosovo. Law on Gender Equality. <https://qzk.rks-gov.net/ActDetail.aspx?ActID=10923> Accessed Oct 1 2019.

<sup>5</sup> Ibid 4.

Furthermore, it identifies some key aspects of life, by prohibiting discrimination in a range of areas, such as: employment (including access, conditions, promotions, etc.), vocational guidance and training, social protection (including social assistance, social security and health protection), social advantages, social amenities, education, access to housing, access to goods and services available to the public, fair treatment in court proceedings, participation rights in science and culture, personal insurance, participation in public affairs, access to public places, and any other right provided for by law.

2.3). The Law on Gender Equality also foresees protection for LGBTI persons. Within its scope of rights that are guaranteed and protected, it states that it applies to men, women and "persons who have a protected characteristic of gender identity or sex determination [*italics added*]." In this regard, it guarantees "equal opportunity and treatment in public and private areas of social life, including political and public life, employment, education, health, economy, social benefits, sport and culture and other areas set out by the present or other law."

Meanwhile, Article 4, which prohibits gender-based discrimination, includes "less favourable treatment of women for reasons of pregnancy and maternity, marital status, nationality, race, disability, sexual orientation [*italics added*], social status, religion and belief, age or any other basis defined by law or agreement and international instruments into force."

2.4). The Criminal Code of the Republic of Kosovo provides for the definition of crimes and circumstances foreseeing the criminal responsibility of the persons committing such crimes. The Criminal Code foresees both sexual orientation and gender identity as grounds upon which criminal offenses can be committed. The Criminal Code dictates that sexual orientation and gender identity are aggravating circumstances when sentencing a

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<sup>6</sup>Assembly of the Republic of Kosovo. Criminal Code of the Republic of Kosovo. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18413> Accessed Oct 1 2019.

<sup>7</sup>Assembly of the Republic of Kosovo. Family Law of Kosovo. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2410> Accessed Oct 1 2019.

perpetrator who has committed crimes that were motivated by a person's sexual orientation or gender identity. There are seven criminal offences that include sexual orientation and gender identity, including: Inciting discord and intolerance (Article 141); Aggravated murder (Article 173); Assault (Article 184); Light bodily injury (Article 185); Grievous bodily injury (Article 186); Violating equal status of citizens and residents of the Republic of Kosovo (Article 190); and Destruction or damage to property (Article 321).

2.5). The Family Law of Kosovo in Article 14 defines marriage as "a legally registered community of two persons of different sexes, through which they freely decide to live together with the goal of creating a family." However, as per Article 37 of the Kosovo Constitution [Right to Marriage and Family], "everyone enjoys the right to marry and the right to have a family as provided by law." The Ministry of Justice is in the process of finalizing the Civil Code of Kosovo, the current draft of which also fails to recognize partnership or union between persons of the same sex or gender. LGBTI rights organizations have been advocating for clearly aligning the Civil Code with the Constitution and as such recognizing same-sex and gender unions and all consequent legal rights.

2.6). The Office of Good Governance, Human Rights, Equal Opportunities and Non-Discrimination (The Office of Good Governance – OGG) is established within the Prime Minister's Office, and it is the highest governmental mechanism for advising the Government of Kosovo and drawing up policies on areas of good governance, human rights, equal opportunities and non-discrimination. The OGG is also mandated with supervisory and advisory responsibility for all ministries on these issues. In this regard, it also bears responsibility with regard to LGBTI rights.

2.7). The Advisory and Coordination Group for the Rights of the LGBT Community was established in 2013, within the mandate of the OGG, and it is comprised of LGBTI organizations, eight different ministries, the State Prosecutor, Kosovo Police and the Ombudsperson Institution as some of the main actors needed

to coordinate the majority of the work around LGBTI rights, safety and support.

2.8). Ombudsperson Institution (OI) represents the main independent mechanism for the protection, supervision and promotion of human rights from illegal actions, failures to act or improper actions by public authorities. The institution is set up as, amongst other things, a mechanism of equality for promoting, monitoring and supporting equal treatment without discrimination on the grounds protected by the Law on Gender Equality and the Law on Protection From Discrimination.



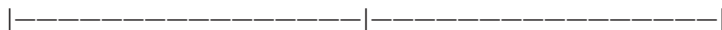


## GENDER IDENTITY (psychological sense of self)

man

genderqueer/bigender

woman



## GENDER EXPRESSION (communication of gender)

masculine

androgynous

feminine

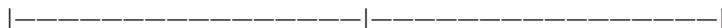


## SEXUAL ORIENTATION (romantic/erotic response)

attracted to women

bisexual/asexual

attracted to men



### 3.2 Glossary of terms and definitions

Language is central to how people participate in their social surroundings as well as to how meanings and understanding are created for a range of political and cultural practices. The language used in the media carries great importance for either leading to larger social understanding on issues pertaining to LGBTI issues and rights or further perpetuating misconceptions or even the straight-out rejection of others. That is why using correct terminology and possessing a larger understanding of the words and meanings regarding LGBTI vocabulary are key to conducting responsible and public interest-based journalism. Moreover, the use of adequate and correct terminology constitutes one of the first steps toward conducting ethical journalism.

The following section offers a glossary of some of the main terms and definitions pertaining to LGBTI persons, with the aim

of offering editors and journalists a guide to proper language usage as well as an understanding of sexual orientation and gender identity, both broadly and more specifically.

## Glossary

**Sex** – The physical, biological, chromosomal, genetic, and anatomical make up of a body, classified as male, female, intersex, or (in some schools of thought) transsexual.

**Gender** – A social construction, which combines identity, expression, and social elements related to masculinity and femininity. Includes gender identity (self-identification), gender expression (self-expression), social gender (social expectations), gender roles (socialized actions), and gender attribution (social perception).

**Gender identity** – An individual's internal sense of being male, female, both, neither, or something else. Since gender identity is internal, one's gender identity is not necessarily visible to others.

**Gender expression** – refers to the ways in which we manifest masculinity and/or femininity. It is usually an extension of gender identity, our way of being a man or a woman.

**Gender roles** – Behaviors, attitudes, values, beliefs that a cultural group considers appropriate for men and women based on their biological sex.

**Sexual orientation** – is a sustainable model of romantic and/or sexual attraction for people of the opposite sex or gender; the same sex or same gender; or for both sexes and/or more than one gender. Sexual orientation is the accurate scientific term for an individual's attraction — be it physical, romantic and/or emotional. It includes lesbian, gay, bisexual, and heterosexual orientations.

**Homosexual** – has been used to describe a person emotionally, physically, and/or sexually attracted to people of their same sex or gender. However, today it is considered an outdated clinical

term that is derogatory and offensive to many in the community.

**Heterosexual** – is an adjective used to describe a person that is emotionally, physically, and/or sexually attracted to people of a different sex or gender. Colloquially can be found referred to as straight.

**Lesbian** – A woman who is emotionally, physically, and/or sexually attracted to other women. Some lesbians prefer gay or gay women.

**Gay** – A man who is physically, and/or sexually, attracted to other men. It can also refer to a woman who is physically, and/or sexually, attracted to other women.

**Bisexual** – A person who emotionally, physically, and/or sexually can be attracted to others of the same gender or to those of another gender. Such experiences can be developed in different ways during one's life. Bisexual people do not necessarily need to have sexual experiences in order to identify as bisexual.

**Transgender** – An umbrella term for people whose gender identity and/or gender expression does not comply with their sex at birth. Transgender people might choose to undergo hormone treatment, prescribed by doctors, in order to have their body align with their gender identity; some might also choose to undergo surgery. However, not all transgender people can or will take such steps. Therefore, transgender identity does not rely merely on physical appearance or medical intervention.

**Transsexual** – A person who emotionally or physically feels they belong to the opposite sex. It also refers to individuals who seek hormonal intake, and who usually, but not always seek surgical treatment to change their sex, in order to live permanently as people of the opposite sex to that of their birth. Some individuals who have gone through such procedures may not like to refer to themselves as transsexuals.

**Trans** – Used as an abbreviation for transgender or transsexual,

as well as an umbrella term that incorporates a wide range of identities under transgender. In general, it should be avoided since not all audiences are familiar with the meaning, therefore it can lead to ambiguity. It can be used if part of a direct quote and an explanation is included in brackets, or if the meaning can be clearly explained within the context of the story.

**Intersex** – An umbrella term describing people who are born with sex chromosomes, external genitalia, and/or an internal reproductive system that are not considered "standard" or normative for either the male or female sex. These variations are also sometimes referred to as Differences of Sex Development (DSD). Intersex is the preferred term to hermaphrodite, which is outdated and considered a derogatory term.

**LGBTIQ** – Acronym for lesbian, gay, bisexual, transgender, intersex and queer. The Q at the end of the acronym in the English language is also known to stand for "questioning." In Kosovo, human rights organizations have adopted the acronym LGBTI.

**Asexual** – 1) A sexual orientation where a person does not experience sexual attraction or desire to partner for the purposes of sexual stimulation; 2) A spectrum of sexual orientations where a person may be disinclined toward sexual behavior or sexual partnering.

**Pansexual** – is a sexual orientation where a person desires a sexual partner based on personalized attraction toward physical, body, identity traits, and/or specific personal characteristics that might match with sexual and gender dualism. Therefore, it is sexual, romantic or emotional attraction regardless of the other's sex or gender identity. Some pansexual people might refer to themselves as gender blind, meaning that sex and gender do not determine their romantic or sexual attraction to others.

**Metrosexual** – is a heterosexual male, who has strong esthetic sensation or interest in fashion and personal appearance.

**Queer** – is used both as a term and as a word. 1) It stands as an

umbrella term representative of the vast matrix of identities outside of the gender normative and heterosexual or monogamous majority. 2) As a word, it is used as an adjective by some people, whose sexual orientation is not exclusively heterosexual. Generally, persons that identify as queer consider the terms gay, lesbian and bisexual as restrictive or burdened with cultural connotations that they do not ascribe to. Some people may use queer to describe their gender identity and/or gender expression. Queer used to be a derogatory term used toward those within the community. While it has been "reclaimed" by some LGBTI persons, it is not necessarily accepted throughout the community. Sometimes, the Q is added at the end of LGBTIQ, and recently it has come to refer to "questioning" in the English language.

**Heteronormativity** – denoting or relating to a world view that promotes heterosexuality as the normal or preferred sexual orientation.

**Heterosexism** – prejudice toward individuals and groups that express non-heterosexual behavior or identities, based on the power of the majority to view heterosexuality as the norm, therefore superior.

**Homophobia** – dislike or prejudice toward people attracted to the same sex. It also includes fear of such individuals or intolerance toward them.

**Transphobia** – dislike and prejudice toward transgender or transsexual people.

**Biphobia** – Prejudice or fear of bisexuals, which is predominantly based on stereotypes, such as associations with infidelity and promiscuity. It includes bias and intolerance toward bisexual people.

**Coming out** – one's lifelong process of self-disclosure and self-acceptance of their sexual orientation or gender identity. In this regard, it is important to understand that LGBTI persons first forge their identity to themselves, and share it with others

only if they choose to do so. Therefore, publicly sharing one's identity is not necessarily part of the coming out process.

**Out** – a person who self-identifies as LGBTI in their personal, public and/or professional lives.

**Openly gay** – While as an expression it has been used for people who self-identify as gay in their personal, public and/or professional lives (Eng: "Openly gay"), it is now recommended to be avoided as it implies a confessional aspect to publicly acknowledging one's gender identity or sexual orientation.

**Closeted** – used to describe a person who is not open about their sexual orientation. However, it is increasingly recommended to use "not out" about being LGBTI due to different reasons that might affect one's decision to acknowledge their sexual orientation or gender identity. They might include concerns over harassment, violence, rejection, etc.

**Outing** – the act of publicly declaring or disclosing another person's sexual orientation or gender identity without the consent of that person. This is considered inappropriate and wrong by those in the LGBTI community, as it should be a decision belonging to the person themselves.

**Crossdresser** – generally refers to men who sometimes choose to wear clothes, makeup and other accessories that are culturally associated with women. In general, these men identify as heterosexual, and it is not done for entertainment purposes. This activity is more a form of gender expression, and crossdressers do not wish to permanently change their sex or live as women.

**Drag queens** – are generally gay men, who dress like women for entertainment purposes. Transgender women are not crossdressers or drag queens. Moreover, the word "transvestite" should always be avoided, unless someone self-identifies that way.

**Drag king** – A person who identifies as a woman or female, and who dresses with clothes that are culturally associated with

men for performance purposes.

**Transition** – refers to the process of aligning one's sex assigned at birth with their self-identified gender. It includes a variety of potential steps, such as telling one's family, friends and social surroundings/circle; dressing to fit self-identification; changing name and pronoun reference, sometimes also in legal documents; hormone therapy; and sometimes (not always) undergoing surgery. Transition does not imply undergoing all such steps, as each individuals choose which ones to undertaken. The phrase "sex change" should be avoided, as those that undergo any steps for transitioning uphold that they are realigning their sex in order to reflect their self-identity, rather than changing it, which assumes a "given normality."

**Sex reassignment surgery (SRS); Gender confirmation surgery (GCS)** – refers to surgical interventions overseen and supervised medically. As not all transgender people chose to undertake it, it is just one of the possible steps of transitioning. Moreover, not all transgender persons can afford to undergo such a process.

**Cisgender** – the term used to describe people whose gender identity aligns with the sex assigned at birth. As such, it is the opposite of transgender. What makes cisgender different from being straight is that cisgender refers specifically to one's gender rather than sexuality. Therefore, a person may be cis but have any other sort of sexuality. So, two women can both be cisgender, but one is lesbian and one straight.

**Gender non-conforming; Non-binary; Genderqueer; Gender fluid** – all refer to people whose gender identify and/or gender expression falls outside of conventional societal and cultural expectations associated with and/or prescribed to masculinity and femininity. It is important to understand that many people have gender expressions that do not respond to conventional concepts, but this does not mean that they are transgender. Meanwhile, many transgender women and men may have gender expressions that are more conventionally masculine or feminine. Therefore, not all gender non-confirming people are transgender, and not all transgender people are gender non-con-



firming.

These terms are not synonyms for transgender or transsexual, and should be used when/if someone identifies as such.

**Allies** – the majority group that works toward bringing an end to oppression.

#### **IV. Media ethics, media framing and media representations**

Journalism ethics comprises the fundamental foundation upon which media outlets base their professional practices and principles. Overall, the five core principles of journalism include: truth and accuracy, independence, fairness and impartiality, humanity, and accountability.

Generally prescribed under a code of ethics, such principles offer guidance to editors and journalists in addressing ever-changing journalistic practices.

As ethics do not comprise a strict set of rules, editors and journalists are aware that different situations and issues might require different contemplation and navigation of the complexity and sensitivity of the issue tackled, in line with the responsibility of the media toward the core principles of journalism.

However, besides acknowledgment and commitment to high professional standards and principles, media professionals today should also have a larger understanding of the ways in which they play an important role in shaping and conveying ideas, beliefs and values about society at large. The notion that media only reflect or present an existing social reality does not hold, but rather the media construct meanings and understandings largely through framing and representations. Therefore, by being attentive and attuned to such concepts, editors and journalists can adopt and practice higher ethical decision-making in their approach and coverage of LGBTI persons and issues.

The simplest way to understanding media framing is as the angle or perspective from which an issue or story is treated. As such, media framing is subject to a number of decisions that media professionals take when reporting on a story, such as: what questions are asked; who are the sources of information; how the information is structured and interpreted. All of these choices and decisions contribute toward constructing and conveying ideologically-grounded values.

As certain frames tend to be constantly produced and reproduced in the media, they end up becoming some of the main

forms of media representation — that is, the ways in which the media portray certain groups, experiences, communities, or issue a particular ideological or value standpoint.

As a generally marginalized group, the LGBTI community is largely subject to problematic framing that more often contributes toward stigmatization and misrepresentation. Moreover, media representations of the LGBTI community tend to be constructed upon stereotypical generalizations, opinions or imagery.

The section below summarizes two dominant, problematic media frames and an overview of stereotypical representations within which LGBTI persons and issues pertaining to members of the community are placed, with the aim that editors and journalists will be more attentive to avoiding such perspectives in the future.

#### 4.1 The “nature” vs. “nurture” dichotomy

One of the long-lasting misunderstandings, but also divisive issues, pertaining to LGBTI persons is framed along the “nature vs. nurture” dichotomy. That is, whether individuals are born with certain sexual orientations or it is a result of upbringing and environment. This is a complex debate, however an important one to briefly touch upon as it generally ends up affecting the extent to which society at large supports, or does not support, LGBTI rights.

In this regard, it is important to emphasize that the popular consensus within LGBTI communities globally is that individuals are born with a specific sexual orientation — be it straight, gay, lesbian or bisexual. This constitutes the basis for much of the LGBTI human rights-based advocacy. Meanwhile, proponents of the nurture aspect have historically been actors — be it individuals, states, governments or other groups — who have advocated for exclusion and refusal of LGBTI individuals, even so-called “curing.” Such thinking attempts to regulate human bodies and strip people of their individuality and agency.

When the "nature vs nurture" dichotomy is part of media writing and reporting, there needs to be understanding of the complexity of nurture as well, and that nurture in itself should not be excluded from the understanding of larger political and social practices. This is because matters pertaining to choice, identification and identities are created within particular social contexts and value systems, which in and by themselves are also fluid and changeable. For example, as late as the early 1900s, women across Europe were denied voting rights as the social context and value systems dictated that participation of women in public life was "not natural." Today, women's participation in political representation is considered "natural," which points to the fact that societal ideas of what is natural has changed in line with the changed political system and social values. In this line, for example, today there is a growing movement of individuals who, as a result of nurture, choose to identify as gender fluid or gender non-confirming.

That is why media outlets must be particularly attentive to how they engage with this debate. By and large, the "nature vs. nurture" debate should no longer be considered as newsworthy or public-interest reporting or coverage. Today, media coverage on the LGBTI community should seek to go beyond the "why" and "how" as they might end up only contributing to marginalization and stigmatization of the community, and rather focus on the extent to which civil rights are guaranteed, protected and respected.

However, in cases when media deem it important to conduct stories from a more educational, informative angle — such as, seeking to explain to a particular segment of society what it means to live as a gay man or transgender woman in Kosovar society — they should be attentive to how the concepts of "nature" and "nurture" are approached.

#### 4.2 The "us" vs. "them" dichotomy

All too often, reporting on the LGBTI community falls within polarizing frames of "us" vs. "them" — a scheme that ends up

perpetuating a debate along the lines of "pro-LGBT rights" and "anti-LGBT rights." Such framings seek to construct and perpetuate ideas of disagreement and conflict, and they are largely driven by sensationalist journalistic approaches. In fact, such dichotomies have historically been used by more conservative thinking and groups that have been grounded on principles of exclusion and marginalization of others, by assigning "the other" as "the enemy," with the aim of installing fear and panic within society.

Ultimately, this dichotomy seeks to dismiss and exclude from the debate, as well as to minimize the fact that fundamental civil rights are being threatened, violated and denied. As such, the issues that should otherwise be more at the core of the discussion end up being sidelined, and the focus is placed on the conflictual. Therefore, media outlets are encouraged to avoid covering the LGBTI community within such a frame.

4.3 Common stereotypes and misconceptions

The majority of LGBTI stereotypes derive from traditional, conventional notions and understandings regarding sexuality and gender. In Kosovo, it is particularly strict and rigid culturally ascribed gender roles that continuously tend to reconfirm a normative social view divided between men and women, followed by expectations surrounding "proper feminine and masculine behavior." Such values then specifically relay toward misconceptions and prejudice about LGBTI persons, and result in a number of inaccurate and hurtful stereotypes.

Some of the predominant stereotypes and misconceptions about LGBTI persons include:

LGBTI stereotypes and misconceptions	
	That being an LGBTI person is a choice.

	That belonging to the LGBTI community is "a phenomenon brought by the West."
	That being lesbian, gay, bisexual, transgender or queer is "a sickness."
	That all gay men express feminine features, such as feminine nature, behavior, mannerism, style and gender role. In this regard, gay men are specifically associated with a lisp or feminine speaking tone, or with a limp wrist.
	That all lesbian women express masculine features, such as masculine nature, behavior, mannerism, style and gender role.
	That trans women are drag queens.
	That being a gay man, lesbian and/or bisexual is a phase, deception or about promiscuity. In this regard, is it predominantly bisexual persons that are subject to such stereotyping.
	That LGBTI persons are following a specific lifestyle.

#### 4.4 Applying terminology in journalism: What to use and what to avoid

Fair, accurate and inclusive media coverage plays an important role in increasing awareness and understanding about LGBTI persons. Wrongful terminology leads to misleading portrayals of LGBTI lives and experiences, which might only strengthen prejudice, misunderstanding and even potentially violence toward members of the community. Moreover, continuously misrepresenting LGBTI persons only ends up reconfirming and perpetuating misunderstandings.

Whereas defamatory and divisive language might appear relevant or newsworthy, it should not be included as a way of “balancing” the article. In fact, as hostile language toward LGBTI persons is often part of divisive political rhetoric, journalists and editors must be careful in how and when it is used — therefore, discerning between opposing views on LGBTI issues and usage of language that incites prejudice, discrimination and potentially even violence.

Journalists and editors must acknowledge that by better understanding, researching and understanding facts, they can not only contribute toward breaking down and discrediting myths and stereotypes about LGBTI persons, but also contribute toward a better, inclusive life for them.

Below are some guidelines and recommendations on how to report on LGBTI persons and issues, with a specific focus on terminology and definition use.

<b>Proper usage of words, acronyms, phrases expressions and definitions in journalistic texts</b>	<b>Terms, phrases and expressions to avoid</b>
<p>– On first usage, the acronym LGBTI — Lesbian, Gay, Bisexual, Transgender and Intersex community — should always be spelled out in order to fairly present the diversity of sexual orientations and gender identities within the community.</p>	<p>– The word homosexual is considered outdated and derogatory as it used to be a clinical term implying psychological irregularities; therefore, it should be avoided. When issues pertaining to sexual orientation and transgender persons are discussed in larger social contexts, the accepted and preferred terms are: LGBTI, gay, lesbian, bisexual, transgender and intersex.</p>



	<ul style="list-style-type: none"> <li>– The phrase “gay community” should be avoided, as it does not represent the diverse sexual orientations and gender identifications within the community itself.</li> <li>– Avoid descriptions such as “LGBTI agenda” or “foreign agenda” or “homosexual agenda.” LGBTI activism is about equal rights.</li> <li>– Terms such as “gay lifestyle” or “homosexual lifestyle” are considered derogatory as they imply that one dominant lifestyle exists. As a term, it is used by those aiming to degrade LGBTI people and make sexual orientation and gender identity a choice. There is not one lifestyle for straight people as there is not one lifestyle for LGBTI persons.</li> </ul>
<ul style="list-style-type: none"> <li>– The words “gay” and “transgender” should not be used as nouns. Therefore, the correct references include: gay man, transgender man and transgender woman.</li> </ul>	<ul style="list-style-type: none"> <li>– Expressions such as “has admitted being homosexual” or “has admitted being gay or lesbian” are based on subjective judgments, and imply a sense of secrecy and/or confession as part of the coming out process. Therefore, preferred terms include: “openly gay” or “out.”</li> </ul>
<ul style="list-style-type: none"> <li>– The word “lesbian” has a gender specificity. Whereas “lesbian couple” is correct, the term “lesbian woman” is unnecessary and tautological.</li> </ul>	<ul style="list-style-type: none"> <li>– “Sexual preference” is discouraged and should not be used as it implies that sexual orientation is a choice. Therefore, “sexual orientation” should be used.</li> </ul>

<ul style="list-style-type: none"> <li>- Bisexual persons should be identified accurately and not identified as gay, lesbian or straight. Just because a person is in a relationship with someone of the same sex, it does not contradict their bisexual orientation. Similarly, being in a heterosexual relationship also does not contradict one's bisexual orientation.</li> </ul>	<ul style="list-style-type: none"> <li>- Presenting bisexual persons as promiscuous should be avoided.</li> </ul>
<ul style="list-style-type: none"> <li>- Transgender persons should always be referred to by their own chosen name, and not the one given at birth. While in Kosovo the process of legally changing one's name in order to correspond to one's gender identity is still impossible (though is being legally challenged), this does not mean that transgender persons should be referred to differently from how preferred. Moreover, not all transgender persons decide, choose or have to change their name to correspond to their gender identity.</li> </ul>	<ul style="list-style-type: none"> <li>- Never place quotation marks around the transgender person's name or the pronoun they use. Also, their name given at birth should not be disclosed, unless relevant for the story and agreed prior with the person.</li> </ul>
<ul style="list-style-type: none"> <li>- Transgender persons should be referred to with the pronoun that corresponds to their gender identification. This is irrelevant of whether or not they have legally changed their name, or whether they have decided to take hormones or undergo surgery as part of their transition. Therefore, when unsure, ask the person what pronoun to use in the</li> </ul>	<ul style="list-style-type: none"> <li>- Avoid sensational, clichéd and simplified language in headlines as a way of attracting readers' and viewers' attention. For example, avoided phrases such as: "born a man," "born a woman," "in love with men and women," "sex change," etc.</li> </ul>

<p>story. If not possible, then it is preferred to use the pronoun "they" instead of assuming yourself.</p>	
<p>– A person's transgender identity should only be mentioned in the story if relevant to the issue being tackled.</p>	<p>– In general, journalists should strive to go beyond the "coming out" and "transition" narrative. Therefore, the media is encouraged to go beyond the "When did you know?" and/or "Did you have surgery/when will you have it?" frames.</p>
<p>– Be careful when using terms such as "sex change," "before the operation" and "post-operation." In general, they should be avoided and the more inclusive term, transition, used. The above should only be used if it is specifically relevant for the issue tackled in the story.</p>	<p>– Avoid ambiguity surrounding terms. A person born male and that has transitioned to female is a "transgender woman"; a person born female and who has transitioned to male is a "transgender man."</p> <p>For example, "Arta is a transgender woman." Or "Artan is a transgender man." If further explanation is required for the specific audience targeted, a follow on sentence can be included: "Arta was assigned as male at birth, and began her transition 10 years ago."</p> <p>Journalists and editors should avoid statements such as: "Arta was born a man" or "Artan was born a woman." People are born as babies and are assigned their sex based on their external anatomy.</p>
<p>– Do not assume that a transgender person has undergone or plans to undergo surgery for</p>	

<p>sex realignment. Also, if a person has decided to undergo surgery, it should only be mentioned if it is relevant to the issue being tackled/explored within the story.</p>	<ul style="list-style-type: none"> <li>- Be careful with when and how expert opinion is integrated in the story. This is specifically important when covering transgender people. In general, transgender persons themselves are the best sources for speaking on issues pertaining to transgender persons. In cases when medical or psychological experts are sought, make sure to identify and choose experts who have experience and understanding of working closely with the community and who have the trust of transgender persons.</li> </ul>
<ul style="list-style-type: none"> <li>- Within the community, transgender persons are often referred to as trans. However, in order to avoid confusion with audiences, use the full term.</li> </ul>	<ul style="list-style-type: none"> <li>- When covering transgender people, avoid focusing merely on medical issues, such as whether the person has undergone hormone treatment or surgery. Being transgender is more than just physical appearance; it is about one's self-identification. In this regard, it is inappropriate to ask a transgender person about their genitals or about surgeries. If the story is about surgery as part of a transgender person's transition, then it should aim to factually and correctly present what the process entails, whether support mechanisms at the state level are in place and functional, and it should ensure that transgender people themselves, human rights activists or experts working with the community are the sources of information.</li> </ul>

<p>– Non-binary, genderqueer persons generally prefer to be described as and referred to with the pronoun “they” as they do not identify as either male or female.</p>	<p>– Placing emphasis on their name or physical appearance should be avoided.</p>
<p>– Even though marriage rights remain ambiguous for same-sex couples, proper terminology should still be used. Preferred terminology for referring to same-sex couples seeking legally-established union is marriage equality and marriage for same-sex couples. Terms such as “gay marriage” and “same-sex marriage” should be avoided, as particularly the latter implies that such a marriage would be different from other marriages.</p>	<p>– Expressions such as “homosexual relationship” or “homosexual couple” should not be used. If necessary to note someone’s status for the article, then simply use “relationship” or “sexual relationship.”</p>

## **V. Issue-based coverage of the LGBTI community**

To date in Kosovo, there have been a small number of public figures who have come out as part of the LGBTI community. Within such a context, the tendency within the media might be to consider as particularly "newsworthy" instances when someone chooses to publically speak about their LGB sexual orientation or transgender identity. Such cases might serve as a good opportunity to further share information and raise awareness among the public at large about concepts of sexual orientation and gender identity. However, the media should also refrain from only focusing on "coming out" narratives as the main and dominant experience of someone belonging to the LGBTI community as it risks trivializing and sensationalizing their lives.

If "coming out" stories are pursued, ensure that they are tackled from the perspectives and experiences of the individuals themselves, and with regard to the support mechanisms, or lack thereof, they have faced. At the same time, though, there are a wide range of issues affecting LGBTI persons that can be tackled, such as discrimination, violence, poverty, marginalization; there are also many different aspects of being gay, lesbian, bisexual or transgender that can be pursued.

This section offers recommendations on a range of issues that can be followed in order to cover the LGBTI community substantively. It also provides guidelines on how to deal with visual representations and issues pertaining to anonymity.

### **5.1 LGBTI Pride parades**

LGBTI Pride parades are also known as Pride marches, events and festivals. They take place outdoors in public space, and the aim is to celebrate lesbian, gay, bisexual, transgender, intersex and queer social and self-acceptance, achievements, legal rights and pride. Often, these events also serve as an opportunity to protest for issues pertaining to the civil and human rights of LGBTI persons. LGBTI parades are usually celebrated annually, with different themes or topics tackled, and they attract many supporters from outside of the community as well.

Considering that Pride parades are an important event for the community and tend to attract many people to the streets, the media have an important role to play in terms of what issues will dominate and resonate, and what images are conveyed, as well as how these issues are tackled.

In Kosovo, yearly marches on IDAHOT have been organized since 2014 and annual Pride parades since 2017. Media coverage has varied across different outlets. The majority have tended to focus on the messages set forth by the community itself. However, some reporting and coverage has also been along the lines of the problematic frames and angles discussed in section IV. This has included the polarizing scheme of "pro" or "against" LGBTI rights, as well as that of conducting Vox Populli with citizens. Both approaches are problematic and should be generally avoided, as they end up framing the debate in terms of "right" or "wrong," or "appropriate" or "inappropriate," rather than focusing on political and civil rights.

Overall, Pride parades should be covered from the standpoint that community members are either celebrating diversity as a value of society or are using the event as an opportunity to highlight specific discriminatory policies and/or larger societal practices that hinder LGBTI members from accessing equal civil and human rights.

## 5.2 Covering cases of discrimination, hate speech and hate crimes

By and large, the LGBTI community remains one of the most marginalized, prejudiced and subjected to violence groups in society. Many LGBTI individuals fear being rejected by their families and closer circles, as more traditional and patriarchal values continue to guide social life. Additionally, the majority of LGBTI persons do not trust institutions to offer protection and the support required for exercising their rights, while citing prejudicial behavior by state and civil staff.

Despite the sound legal framework that prohibits discrimination on the basis of sexual orientation and gender identity, prejudice and rejection toward LGBTI individuals is widespread across Kosovo's institutions. That is why this section provides a summary of some of the areas where LGBTI persons are more prone to facing discriminatory behavior, approaches and practices, and which can serve as grounds for further and continuous investigation and reporting by media outlets.

The education system is particularly problematic; instead of promoting knowledge and a critical approach to diversity and tolerance, it continues to largely promote prejudice and misconceptions about the LGBTI community.

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<sup>9</sup> Youth Initiative for Human Rights - Kosovo and Center for Social Group Development. "Freedom and Protection for Lesbians, Gays, Bisexuals and Transgender in Kosovo." YIHR. November 2013. [http://ks.yihr.org/public/fck\\_files/ks-file/LGBT%20report/Freedom%20and%20Protection%20for%20LGBT%20in%20Kosovo.pdf](http://ks.yihr.org/public/fck_files/ks-file/LGBT%20report/Freedom%20and%20Protection%20for%20LGBT%20in%20Kosovo.pdf) Accessed 1 Oct 2019.



In this regard, the core curriculum for pre-primary and primary education (grades 0 to 5), lower secondary education (grades 6 to 9) and upper secondary education (grades 10 to 12) was amended and approved in October 2015. As such, under the Education for Democratic Citizenship section of the Cross-Curricular Issues in the core curricula of all levels of education, the LGBTI community has been included. However, this change has not been followed by a change in textbooks, which continues to have negative and discriminatory portrayals of the LGBTI community.

Meanwhile, LGBTI persons are largely discriminated against and not offered equal treatment within the public and private health sectors. This occurs despite the fact that the Law on Protection From Discrimination prohibits discrimination in health protection, while the Law on Health specifically stipulates that healthcare should be provided based on the principle of equality and non-discrimination based on sexual orientation. However, LGBTI community members report facing stigma and discrimination, as healthcare professionals and staff generally express prejudicial attitudes and do not provide adequate treatments. This is something that particularly affects transgender persons, who might have the need for specialist healthcare consultations.

As LGBTI persons in Kosovo face homophobia, discrimination, and verbal and physical attacks — which lead to stigmatization and isolation — generally, cases of verbal and physical attacks are not reported to law enforcement authorities. This happens either as a result of fear of retaliation, fear of exposure or fear of no proper investigation and treatment of the case by law enforcement authorities.

In this regard, the judicial system also lacks professionalism and understanding. Various civil society studies suggest that justice practitioners have the tendency to deny the existence of violence toward the LGBTI community and, to some extent, to deny the LGBTI community's existence. Moreover, prosecutors and judges have largely shown an uneasiness in dealing with LGBTI cases and are even reported to have not addressed some reported cases of violence against LGBTI persons. To date, there have been numerous reported cases and incidents, but they either have not ended up in court for lack of proper investigations

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<sup>10</sup> Equal Rights for All Coalition. "Advancing LGBTI rights by building the capacities of public servants. An evaluation of training programs of public institutions in Kosovo." ERAC. March 2018. [http://equalrightsforallcoalition.com/wp-content/uploads/2018/10/Advancing\\_LGBTI\\_ENG.pdf](http://equalrightsforallcoalition.com/wp-content/uploads/2018/10/Advancing_LGBTI_ENG.pdf) Accessed 1 Oct 2019.

<sup>11</sup> Center for Social Group Development, Freedom, and Protection for Lesbians, Gays, Bisexuals and Transgender in Kosovo. "The Treatment of LGBTI cases by Kosovo's Justice System." CSDG. December 2016. [http://csgd-ks.org/wp-content/uploads/2017/01/Report\\_Treatment-of-LGBTI-cases-ENG.pdf](http://csgd-ks.org/wp-content/uploads/2017/01/Report_Treatment-of-LGBTI-cases-ENG.pdf) Accessed 1 Oct 2019.

<sup>12</sup> Ibid 9.

or have not been concluded with a final court ruling on the case.

One case of a verbal and physical attack, however, has ended with a final court ruling. In June 2016, two persons belonging to the LGBTI community were verbally and physically attacked in a town in Kosovo. The Basic Court of that region found two defendants guilty for the criminal offence of light bodily injury and for inciting national, racial, religious or ethnic hatred, discord or intolerance. However, it 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 victims, thus clearly manifesting the tendency to minimize or even justify the violence against the LGBTI community.

Kosovo Police has dealt with a greater number of reported cases, and civil society studies also show a greater level of trust and awareness about the role of the institution among the LGBTI community. This is due to the fact that Kosovo Police has received more training sessions on LGBTI rights, either internally or from local government or civil society organizations. However, LGBTI rights organizations also point out that despite a general willingness of the police to deal with reported cases, there is often a lack of understanding of sensitivity and the privacy of information provided.

One issue that particularly affects transgender persons is with regard to changing both the name and sex marker in their identification documents. This process should be achievable through the municipal offices for civil registry. To date, there has only been one request by a transgender person for changing both name and sex marker in all legal documents, in which case the municipal civil registry office, based on a recommendation by the Agency for Civil Registry (ACR) — a body within the Ministry of Internal Affairs that is tasked with making recommendations on requests — denied the request. This decision was appealed but was rejected on the grounds of being "without basis." However, as of July 30, 2018, a complaint has been filed at the Constitutional Court of the Republic of Kosovo against the ACR, asking for a constitutional review of the decision to reject the appeal.

### 5.3 Photography and other visuals

In Kosovo, the majority of LGBTI members continue to live in secrecy through fear of prejudice, non-acceptance and even being subjected to potential hate crimes and violence. Therefore, many would refuse to have their photograph taken or to conduct video interviews. Meanwhile, a few activists are out and frequently make public appearances in order

to speak on behalf of LGBTI rights.

Therefore, below are some recommendations on what to avoid and how to approach visuals in order to respectfully represent LGBTI people.

Approaching visual representation
<p>– Distort the face and voice for LGBTI persons who have not chosen to be publicly out about their sexual orientation or gender identity. Also, avoid including specific personal details within the setting or the environment that could identify them to their family or close circle; therefore, make sure to discuss such details with the individual prior to being interviewed.</p>
<p>– If alternative imagery is selected, make sure not to perpetuate stereotypical or clichéd images and/or understandings about LGBTI individuals. For example, avoid emphasizing merely the aspect of preferred sexual relations, as being lesbian, gay, bisexual, transgender, intersex, queer is about more than that — it is also about one’s self-expressed gender identity or internalized feeling. Or for example, avoid showing bisexual persons between a man and a woman.</p>
<p>– Alternative imagery should seek to humanize, strengthen and lead to further understanding of the issue being tackled.</p>
<p>– For transgender persons, avoid using “before” and “after” images. Such photography does not add any substance to the story, and it merely serves to fulfill the readers’ or viewers’ curiosity, which does not by itself justify public interest.</p>
<p>– For transgender women, avoid clichéd approaches to imagery, such as showing them putting on make-up, wigs or other feminine accessories; whereas for transgender men, avoid clichéd images of showing them shaving. Such visual approaches only tend to imply that being transgender is about physical appearance, for one’s external look, whereas gender expression and gender identity are also psychological perceptions of one’s self.</p>

<sup>13</sup> Halili, Dafina. “Transgender case taken to Kosovo’s highest legal institution.” Kosovo 2.0. 31 July 2018. <https://kosovotwopointzero.com/en/transgender-case-taken-to-kosovos-highest-legal-institution/>. Accessed 2 Oct 2019.

#### 5.4 Issues pertaining to anonymity

In general, the usage of anonymous sources in journalism is discouraged as it reduces the credibility of the report or story itself. With regard to LGBTI coverage, relying predominantly on anonymous sources may end up strengthening the notion that LGBTI persons live, and should only live, in secrecy. However, it should be acknowledged that due to the fact that many LGBTI people in Kosovo do not feel safe to publicly declare their sexual orientation or gender identity, opportunities for on-the-record stories are far more limited. Therefore, considering that relying on anonymous sources all too often may not be avoidable, they should also be treated with extra caution. This includes: avoiding perpetuating the “life in secrecy” angle as the only aspect of LGBTI experience or life while also ensuring to as adequately as possible portray the challenges and difficulties LGBTI persons face and that might prevent or discourage many from coming out.

Meanwhile, media outlets should also be careful when covering LGBTI events. By and large, the majority of LGBTI events in Kosovo are publicly organized and announced beforehand. This includes conferences, seminars, workshops, Pride parades, drag queen shows, etc. However, once in a while, LGBTI rights organizations may also organize events where some, or all, information pertaining to the events is not disclosed. Therefore, media outlets should not assume the openness of events and should ensure they confirm this on a case to case basis.

Many human rights and LGBTI rights organizations have drop-in centers within their office premises or offer psychological support to community members. It is important to confirm with organizations whether the information relating to location is public knowledge or not. Ultimately, media outlets should pay significant attention when writing about LGBTI people and should never disclose someone's sexual orientation or gender identity unless agreed with the individual.

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