
The Development of LGBTQ+ Rights in the Balkan Region: What Went Wrong

Deborah Veizi

Abstract: Over the course of the twentieth century, the Balkan region of Europe has faced a number of manmade atrocities. An aggregate of brutal circumstances and events has periodically exposed the regions' communities to numerous human rights abuses, such as exploitative totalitarian dictatorships, horrific war crimes, and mass genocide. While many scholars have examined how these contexts have led the region to the political and economic state it is in today, the question of how these events have affected human rights and mental health for the lives of people in marginalized communities has been less thoroughly studied. The LGBTQ+ community, in particular, has long experienced societal and systematic discrimination throughout the Balkan region. The state of systemic equality varies country by country, though social tolerance is a challenge continuously faced by the overall community in the region. There is plenty of worthwhile research on the status and evolution of human rights in the Balkans, (see, e.g., ILGA "Annual Review") as well as an already significant amount of scholarship on the histories of its countries. Using the example of ethnic Albanians, this paper will ask if there is a correlation between societal trauma and the stagnation of human rights progression, including LGBTQ+ rights.

Introduction and Methods

Over the past several decades, scholars have begun to study the challenge of social tolerance, legal recognition, and general visibility involving the LGBTQ+ community in the Balkan region (see, e.g., Ayoub). Looking at the issue of LGBTQ+ rights within the Balkan region has provided insight into the political nature of these nations, linking government to social acceptance (see, e.g., Ayoub, Bell, ILGA "Annual Review", Stojanovic 2011). Studying political and cultural norms surrounding LGBTQ+ life and rights in certain Balkan states helps us understand human rights in the region and Eastern Europe as a whole. Furthermore, it aids in the comprehension of how these rights come to be obtained in nations that have faced massive traumas that compromised the state of society. To understand how, and perhaps why, some Balkan states have granted LGBTQ+ citizens more rights and accepted this community more than others, this paper comparatively analyzes data on the current state of the human rights situation for Balkan LGBTQ+ people across three countries, alongside an examination of the brutal ethnic conflicts and human rights abuses faced by ethnic Albanians in the region. The first part of this paper examines and compares three current Balkan national contexts regarding LGBTQ+ rights. I will then turn to consider

the ethnic Albanian context in particular, to understand the ongoing issue of generational trauma in the region. In analyzing the individual and societal impacts of trauma as a result of conflict-related sexual violence toward ethnic Albanians, I argue that studying the Albanian case in particular helps scholars understand why trauma is an underreported and understudied aspect of understanding a lack of progress on LGBTQ+ rights. Central to this argument is the fact that there is actually very little data accurately depicting the wartime sexual violence perpetrated on the Albanian LGBTQ+ community. The Albanian case study demonstrates a strong likelihood that the LGBTQ+ community was affected, and due to the societal contexts presented in this paper, most likely more than other groups.

Research has shown that heteronormative family constructs and traditionalist values correspond to conservative legislation surrounding legal recognition and a lack of social equality for the LGBTQ+ community. However, the people of these countries as a whole have faced extremely traumatic incidents, and current research has not included an analysis of such trauma. While there is a plethora of academic discourse on the traumatizing incidents and human rights violations that have happened throughout the Balkan region in recent history, what is lacking is an explanation of how these events may have contributed to a traumatized society (see: Robert N. Gent and Ian Whitaker). Therefore, there is a lack of analysis of how massive societal trauma correlates to a lack of progress in terms of human rights, specifically in the LGBTQ+ community. Both researchers and legislators thereby lack the necessary documented analysis of this issue, leading to the struggle for legitimate legal and social equality for marginalized groups such as LGBTQ+ Albanians. While this paper will use the case of ethnic Albanians as its primary subject following the cross-national comparison, it builds upon other research that has sought to examine how a lack of proper documentation in data has contributed to policymakers struggling to analyze examinations of trauma, such as the case of wartime sexual violence in Northern Uganda (see: Dara Kay Cohen et. al).

This paper argues that mental distress and generational trauma in several countries within the Balkan region to some degree explains the lack of progression in human rights in the region. In this essay, I will analyze the current situation of LGBTQ+ rights by examining recent research on Albania, Kosovo, and Serbia systematically and comparatively to understand the issues faced by the LGBTQ+ population of the Balkans. I will then present background information on ethnic conflicts in the Balkans, specifically presenting evidence of the human rights abuses committed by Slobodan Milošević's Yugoslav regime against the ethnic Albanians of Kosovo, to better understand the possible explanation of generational trauma. Additionally, this paper will address the overall insufficiency of documentation and analysis regarding the long-term effects of ethnic conflicts and sexual violence, and how this impacts human rights progression in these states. After presenting this evidence, I will argue for how this history has affected mental health and generational trauma on a societal level and explain why a lack of academic discourse

and general documentation regarding this legitimate trauma is problematic to the cause of progressing human rights, particularly in the field of the LGBTQ+ community.

The academic discourse and overall research surrounding LGBTQ+ rights in the Balkan region uses various forms of analyses to measure the level of rights granted to the community in certain countries. While previous scholarship has not directly addressed this research topic, scholars have addressed LGBTQ+ rights in the region typically using either raw data analysis or primary source interpretations. Researchers have not looked at the issue of LGBTQ+ rights progression systematically or comparatively, thereby aiding in the overall lack of academic discussion and legitimate documentation of the issue. Of course, this lack of scholarship in turn fails to bring much needed attention to the problem at hand; the social intolerance of the LGBTQ+ community. Both primary sources and data analysis prove to be useful in the process of understanding the state of LGBTQ+ rights in Balkan countries historically and today, though researchers have too often neglected to look at mental health and trauma as a leading factor in *why* some of these states have evolved in human rights more than others. This paper seeks to bring these two problems into conversation.

Literature Review

Prior to addressing other areas of concern, it is necessary to examine the most recent data on LGBTQ+ rights to best understand the current situation faced by the community. For the purposes of this paper, I first comparatively studied the current data on LGBTQ+ rights in Albania, Kosovo, and Serbia. The European sector of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) provides an annual review on the status of LGBTQ+ rights in European countries. As the ILGA review is an unbiased collection of information from each European country, I would argue this is the most qualifying source to use when analyzing the current status of LGBTQ+ rights in Europe. For this reason, I will begin this section of the paper by reviewing key points from the 2021 ILGA Review, and then introducing other literature relevant to my argument. ILGA uses various units of measurement for their 2021 review; the measurements I focused my research on included access to adequate food and education, equality and non-discrimination, bias-motivated speech and violence, freedom of assembly, association, and expression, as well as public opinion and attitudes. I then separated these measurements into two relevant general fields; legal recognition and law enforcement, and social acceptance and visibility. ILGA reports objectively negative results for all three countries in 2021 using those measurements.

Examining the 2021 ILGA Review

In terms of legal recognition and law enforcement, the 2021 IGLA review notes that Albania does not provide legal recognition for same-sex couples without discrimination, while Serbia still does not gather data on anti-LGBTQ+ hate crimes (ILGA “Annual Review” 21; 99). Additionally, the 2021 ILGA review reports Serbia’s failure to re-elect the Commissioner for the Protection of Equality, leaving the

country without an authoritative body to implement the anti-discrimination law, while current/ongoing complaints are effectively blocked (99). In terms of legal gender recognition, surgery and hormonal treatment are mandatory requirements in Serbia (ILGA “Annual Review” 100). While the cost of these treatments is not directly noted in the ILGA report, it is common knowledge that surgery and hormonal treatment are costly endeavors, often inaccessible to a person of average income in a developing economy. In Kosovo, The Civil Code does not provide legal recognition to diverse families, defines marriage as a union between a man and a woman, and fails to establish the institution of civil partnership (ILGA “Annual Review” 67). The 2021 ILGA Review also makes note of comments from prominent political figures, such as the Deputy of the Democratic Party of Kosovo, Mergim Lushtaku, who wishes to "preserve the institution of family" and spread false information about the well-being of children in diverse family constellations (67). Similarly in the review on Kosovo, ILGA notes that several members of Vetevendosje, Kosovo’s largest political party, made “negative remarks about the awareness raising campaign on marriage equality by the Youth Initiative for Human Rights”, while Eman Rrahmani, a parliament member of Vetevendosje, is committed to a family model of “a mother, a father, a son, a daughter, a grandmother, and a grandfather” (67). These evident legal hardships and inequalities, partnered with little to no positive recognition from powerful politicians, certainly contribute to a significant lack of overall social tolerance.

Moving onto the second measurement of social acceptance and visibility, ILGA reports substantial deficiencies in general Albanian, Kosovar, and Serbian societal tolerance. As of January-December 2020, there was no representation of any minorities, including LGBTQ+ people, on primetime TV in Albania (ILGA “Annual Review” 21). Additionally, the ILGA 2021 review reports a study found one in two LGBTQ+ Albanians have experienced psychological violence and bullying, and one in five have been sexually harassed (21). In terms of politicians’ support of LGBTQ+ rights and visible, positive representations of the LGBTQ+ community such as Pride parades, a noteworthy example is that of the newly appointed Serbian Minister of Demographic Development and Family Care, Ratko Dmitrović, who has made past misogynistic and homophobic statements, including calling the Pride march “a parade of shame, shamelessness and hidden Satanism” (ILGA “Annual Review” 99). The Covid-19 pandemic has also worsened conditions for minorities such as the LGBTQ+ community; border lockdowns have severely impacted trans people’s access to gender-affirming healthcare abroad, as Kosovo does not offer any trans healthcare services (ILGA “Annual Review” 67). Additionally, ILGA notes the number of LGBTQ+ individuals seeking psychological support significantly increased, both online and in-person (“Annual Review” 67). On a more positive note, the municipality of Pristina announced the 300,000-euro funding of a shelter for LGBTQ+ survivors of domestic violence or who became homeless due to family rejection (“Annual Review” 67), indicating a positive movement towards social acceptance in Kosovo.

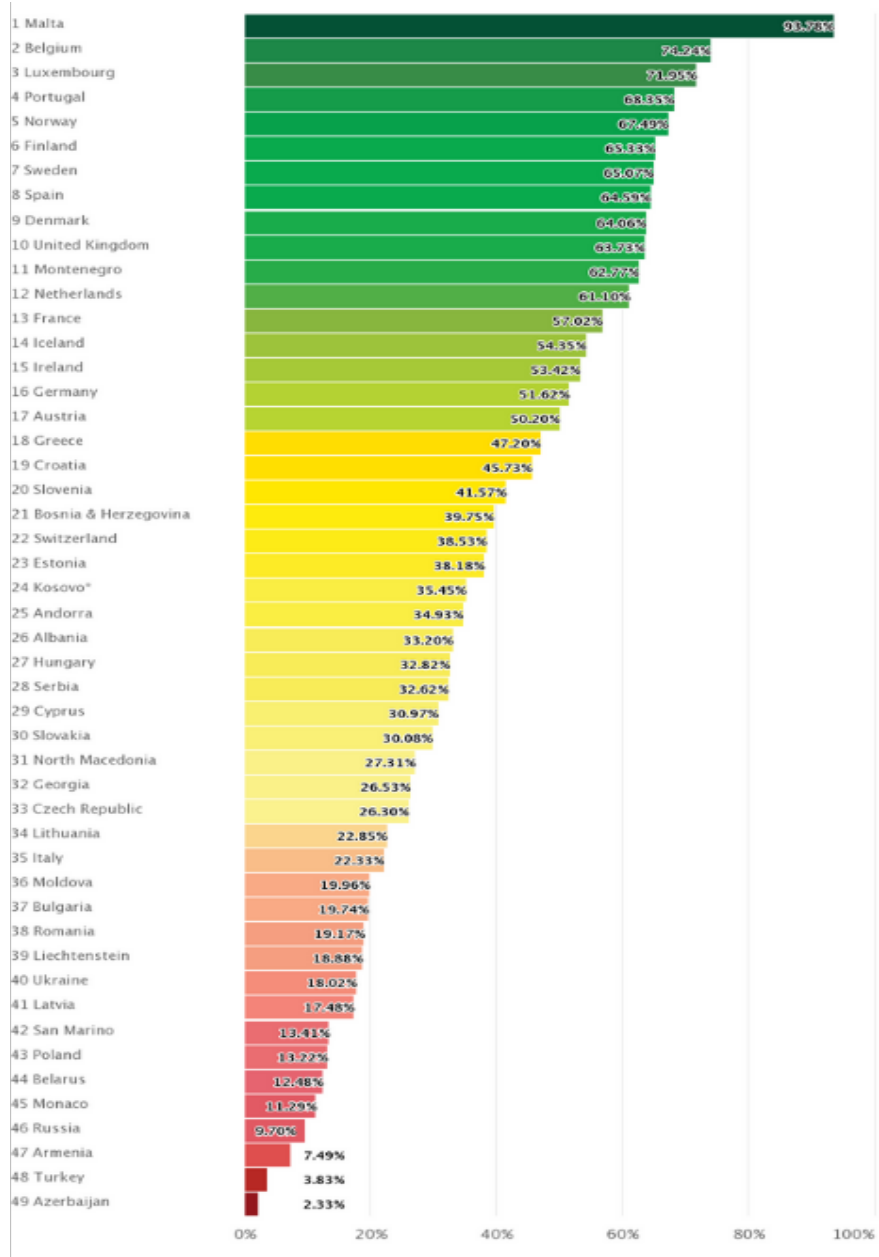


Figure 1

(ILGA “Country Report 2021”)

level. While there are some indications of improvement, the 2021 ILGA review indicates an overall lack of public (government) assistance; most aid provided to the LGBTQ+ community is provided by private LGBTQ+ organizations themselves, with support centers struggling to match demands. Additionally, the report reveals a failure to implement hate crime laws throughout these countries, and serious concerns set forth by civil society. In terms of public opinion and social acceptance, the IGLA report notes that Pride parades are a relatively new form of visibility, and even small measures of support, such as social media pages, matter.

The Power of Social Acceptance and Visibility

The last of these measurements as used in the ILGA 2021 review, public opinion, is perhaps the most important when questioning the impact of a society on the individual, as well as the societal influence on legislation. The importance of social acceptance is illuminated throughout the existing literature on LGBTQ+ rights. Philip Ayoub, in *When States Come Out: Europe's Sexual Minorities and the Politics of Visibility* (2016), argues that visibility, whether in the form of popular culture such as television and film, or politically through the open support of essential government leaders, is a key factor in the progression of human rights for minorities, particularly using the example of the LGBTQ+ community.

Similar to Ayoub's point, Mark Bell's "Data Collection in Relation to LGBTI People" published through the European Commission, also indicates changes in societal attitudes are due to visibility, meaning visibility is a determinant factor in progress. As noted further in this paper, there are several significant historical factors in the Balkans that have undoubtedly contributed to this lack of visibility, and therefore lack of rights for minorities. Also notable is that while there is a considerable amount of research on the current status of LGBTQ+ rights throughout Europe, more analytical data or academic discourse on the rights of minorities in the Balkans is necessary to robustly answer the question of why LGBTQ+ rights progression is relatively slow in the region. Two lengthy data reports on LGBTQ+ rights and societal attitudes notably lack any mention of Balkan countries, including Bell's "Data Collection in Relation to LGBTI People", as well as T.W. Smith's "Cross-National Differences in Attitudes towards Homosexuality", as presented by the Williams Institute at the University of California Los Angeles. While there is no information directly stated on the Balkans in Bell's report, based on data from other reported countries, states with a communist past tend to be more homophobic on a societal level as well as through legislation, and progressive changes tend to be slower (Bell 2-4). This is similarly noted in research from Boban Stojanovic, who notes that totalitarian regimes, such as the dictatorship enforced by Enver Hoxha in Albania for several years in its relatively recent past, tend to target homosexuals (14). As stated in the report from Stojanovic,

“As all authoritarian and totalitarian regimes uplift penis worshipping and masculinity and build their power on masculinity, they perceive sexualities outside the scope of heterosexuality as natural enemies of their power” (14).

While some may argue the quote above is a dramatic interpretation of past events, research shows that such regimes certainly did target minorities, and the nationalist ideals pursued and planted by these regimes absolutely contributed to homophobic discourse. Furthermore, this lack of documentation outside of obvious historic factors (i.e., the lack of information on mental distress) contributes to both a lack of visibility and the fueling of homophobic, nationalist discourse that focuses on male reproductive dominance.

Correlations between Homophobia and Nationalism

This combination of homophobia and nationalism is noted by many researchers. Katja Kahlina, in “Local Histories, European LGBT Designs: Sexual Citizenship, Nationalism, and ‘Europeanisation’ in post-Yugoslav Croatia and Serbia” documents this phenomenon. Kahlina asserts that nationalist discourse has facilitated resistance to sexual energy outside of the heterosexual norm, and thereby increased the opposition for sexual equality (2015: 73-74). Looking at the historic pasts of Balkan countries, reproductive heterosexuality and the heterosexual nuclear family have been at the forefront of national survival. Ian Whitaker, in “‘A Sack for Carrying Things’: The Traditional Role of Women in Northern Albanian Society” recounts the traditional male and female roles in Albanian society which have permeated through to today’s societal constructs. Whitaker notes, “The high valuation of chastity is therefore bound up with the ideal of family honour, and women were seen only as contributing to or detracting from family honour, not as individuals[...].” (1981: 149). The value of chastity and the imposed role of the female body impacts how society views sexuality and sexual energy in its entirety. Whitaker also states that historically in Albanian society, the male should find his “sexual gratification whenever and as frequently as he will”, of course within a female partner, undoubtedly advancing the notion of heterosexuality being superior and promoting the concept of male reproductive power while the female takes the role of childbearing (149). Clearly, the woman is viewed as a piece of property by her family, and there is an obvious double standard when it comes to the sexual activity of males and females in Albanian society. Historically in feuds between families, the male family members of Albanian women who were murdered by opposing clans sought vengeance only due to the loss of property, rather than the insult to the family’s honor (Whitaker 150). It is necessary to explore the history of sexual morality in these countries, particularly in the discussion of LGBTQ+ rights today. The responsibility of childbearing for women and the imposed heterosexual gratification for men not only historically perpetuates this standard of heterosexuality, but it has also been used as a nationalist tactic, as a proposed common descent is used to determine the borders of a community (Kahlina 73; 81). Particularly in the Balkan

region, there is a significant link between heterosexual norms and nationalist discourse; as I discuss at length later in this paper, sexual violence in ethnic conflicts fueled by nationalism has been used as a tool to performatively enforce these norms and to traumatize the opposition.

Overall, this homophobic and threatening atmosphere prevents LGBTQ+ people from organizing robustly (Stojanovic 16). Primary sources from Stojanovic's report indicate that significant violence and the threat of it towards visible LGBTQ+ activists demotivates many young potential activists to join LGBTQ+ groups, in addition to fear of discrimination in the workplace and issues in the family (17). Going back to the importance of social visibility, as stated by Ayoub,

“While invisibility can provide security, it stifles domestic movements for change because there are few actors to mobilize in public and too few openly LGBT people for the nation to perceive the issue as local” (25).

The prior research as stated above certainly leads to the conclusion that the current atmosphere for the LGBTQ+ community in these Balkan states has contributed to a lack of progression in rights for the community, as there is clear hesitancy to mobilize.

The Impact of the European Union and Europeanisation

Also noted by Kahlina is that the Balkans, (though this is generally true for anywhere other than the West) has consistently been viewed throughout history and literature as the “other”. As sexual equality is based on “European Union” or “Western” standards, Kahlina argues this has facilitated a nationalist, heteronormative, and “anti-Western” discourse which acts against the progression of sexual equality (81). Interestingly, the impact of the European Union (EU) on LGBTQ+ rights has been addressed by many researchers. As indicated in the research from both Smith and Ayoub, there is a certain transnational pressure to progress in LGBTQ+ rights to thereby receive international recognition. Therefore, one can and *should* question whether countries looking to join the EU are legally progressing in LGBTQ+ rights due to genuine considerations, societal pressures, and changes in social acceptance, or if progress is only happening to appeal to EU member states. Such is discussed in volume 5 of the *LGBTQ Policy Journal at the Harvard Kennedy School*, which highlights Serbia's EU candidacy as being partially determined by the country's ability to demonstrate progress in LGBTQ+ rights and minority protections (22). The literature indicates that the “carrot” of EU membership has been used as an incentive for generally homophobic states to tolerate the LGBTQ+ community, therefore LGBTQ+ rights have become a “bargaining chip” in the EU membership process, rather than producing a fundamental change in human rights in countries such as Serbia. Therefore, the actual benefits for LGBTQ+ people in these states are uncertain. What is important to note is these nations only strive to provide rights for LGBTQ+ persons due to their demand for Europeanisation, and inherently problematic here is that the EU itself lacks a robust system of enforcing accountability within its member states. As noted in the

LGBTQ Policy Journal, there is a lack of standardized rights for LGBTQ+ people across EU member states, which thereby indicates the EU's "inability to effectively discipline member states that fail to comply with EU human rights directives[...]" (21). The inability of the European Parliament to enforce such policies and demands on its own member states demonstrates serious hypocrisy, which compromises the EU's credibility. Worth noting is that Bell's "Data Collection in Relation to LGBTI People," as published by the European Commission, suggests that states which are EU members or candidates are more likely to progress in LGBTQ+ rights. However, as demonstrated by the research above, actual fundamental change in social acceptance, as well as the inability of the EU to effectively enforce standardized LGBTQ+ rights, leaves reasonable questions as to whether Europeanisation is an adequate solution to solving the issue of LGBTQ+ rights in the Balkans.

Final Comments on Existing Literature and The Case of Kosovar Albanians

As depicted above, in my analysis of the current literature on LGBTQ+ rights in the Balkans I have found that there is a common correlation between nationalism/ethnic superiority and male reproductive supremacy, which perpetuates homophobic attitudes in the region. The issue of nationalism and ethnic power has plagued the Balkans; the Yugoslav wars of the 1990's were a prime example of this. Finally, it must also be noted that in the literature on Balkan social constructs and history is the presence of significant human rights violations as a result of ethnic conflict. We see the ethnic, nationalist justification for violence consistently in the Balkans. There is a plethora of research and academic discourse already conducted on the atrocities faced in the Balkan region, much of which includes first-hand accounts of survivors (see: Amnesty Int'l 1998, 2017; Human Rights Watch). Robert Gent, in an editorial for the *Journal of Epidemiology and Community Health* (1999) written during his time working with the Kosovar refugee population during the Kosovo War in 1999, describes Yugoslav acts of murder, torture, and sexual violence against Kosovar women, men, and children alike. Gent describes the human rights abuses against the Kosovar (ethnically Albanian) population as "truly astonishing" as media reports "did not begin to indicate the extent to which abuses had been perpetrated" (Gent 594). Gent reported that many ethnic Albanians throughout the conflict had their documents and passports taken away from them; as they were unable to prove their identity, their capacity to prove their nationality was simultaneously removed (595). Additionally noted by Gent is the "systematic campaign of terror" used by the Yugoslav (specifically Serbian, led by Slobodan Milošević) regime to instill fear into the Kosovar refugee population, so that they would not return (595). The reports of political and ethnic violence by Gent do not vary much in basic information compared to other reports made by organizations such as Amnesty International and Human Rights Watch, or by governmental reports such as the U.S. Department of State's 1998 Report on Human Rights Practices. What is interesting and emphasized by Gent is the lack of systematic evidence gathered on the mental distress caused to the survivors of the war in Kosovo.

Analyzing the Impact of Wartime Violence on Ethnic Albanians

Deliberate Lasting Impacts of Wartime Trauma

Using Gent's editorial as a starting point for first-hand accounts of violence during the Kosovo ethnic conflict, the author provides plentiful evidence which indicates a systemic rule of terror against ethnic Albanians in Kosovo, as well as substantial analyses on the subject. While some may argue that the analyses from Gent could be unreliable as they are based on first-hand impressions, multiple sources of research indicate a lack of systematic data on the Kosovo conflict in terms of the exact number of victims and acts of violence faced (see, e.g., Amnesty Int'l 1998, 2017; Human Rights Watch, Cohen et. al). Furthermore, I would argue that observing and analyzing first-hand accounts of ethnic conflict gives a greater overview of the ongoing impacts experienced by survivors of the conflict. Gent provides noteworthy commentary on the cultural impact of such human rights abuses, stating that given the "strength of the oral tradition in the large extended families that comprise the majority of this [ethnic Albanian] society", several future generations will be scarred by the trauma of this conflict (595). Therefore, as the importance of oral tradition is well known, Gent suggests this was considered in the Yugoslav planning of acts of violence (1999: 595). Gent also notes how surviving men cried while recounting the violence their families had been subjected to, something incredibly unusual in the Albanian culture in which one is "careful to present a very controlled outward appearance" (594). Additionally, the impact which this systematic violence had on children is also addressed by the author; Gent states that the most "prevalent and visible harm" suffered by the ethnic Albanians was the "mental distress suffered by their children", caused by them being forced to watch atrocious acts of violence (594). According to Gent, children were frightened by any stranger's presence, showed signs of direct physical violence and behavioral disturbances including "profound psychological muteness", while "some very young children displayed hysterical anxiety at the sight of armed soldiers, including NATO forces" (594). The simple fact that this mental distress directly and deliberately impacted young children leads researchers to the question: where are these children now? How has this trauma impacted these now adults, today?

It is evident in looking at the current literature that within the goals of Milošević's regime, there was a blatant objective to traumatize generations of ethnic Albanians. As stated by Gent,

"The extent of their witness to acts of violence suggested that there had been a planned attempt to ensure that every generation of every family had personally experienced some deeply mentally scarring act. The scale of demonstration of violence perhaps having been more important to its perpetrators than simply the numbers of people killed" (595).

Milošević's intent to traumatize and impart mental distress across the ethnic Albanian community is clear and noted by researchers such as Gent; however, an analysis of the impact of such trauma on today's

ethnic Albanian society is lacking. Over twenty years ago, Gent suggested that the “systematic gathering of evidence of the scale and nature of these abuses” would primarily focus on the obvious physical harm experienced by many ethnic Albanians, not the persistent mental distress inflicted on the vast majority, a statement which remains true to this day (596).

Research shows that heteronormative family constructs and traditionalist values have resulted in conservative legislation surrounding legal recognition and a lack of social equality for the LGBTQ+ community (see, e.g., ILGA, Kahlina, Smith, Stojanovic 2011). However, the people of these countries have faced extremely traumatic incidents, and current research has not included an analysis of such trauma. Yet the evidence of trauma is there; the late 1990s conflict in Kosovo has been widely researched and documented. However, researchers and organizations have indicated there is no accurate estimate of exactly how many ethnic Albanians were forced to flee their homeland, and how many people were subjected to horrific acts of violence (see: Amnesty Int’l 1998, 2017; Human Rights Watch). Additionally, there is a deficiency in research and academic discourse on how this violence, particularly sexual violence fueled by ethnic conflict, specifically impacted male and LGBTQ+ victims. There is a considerable amount of information offered today on the status of LGBTQ+ rights within the Balkans, however, researchers have not acknowledged exactly how these historic events of trauma and mass violence have contributed to the lack of equality and overall social acceptance of the LGBTQ+ community in this region. Noted later in this paper is the fact that there is very little data or academic discussion of how the LGBTQ+ community was specifically targeted during this conflict. However, it is certainly worth discussing that historically on an international scale, the LGBTQ+ community has regularly been a target in massive ethnic conflicts and genocides. As an example, in a journal article by Harry Oosterhuis, the author explains how homosexual people were regularly persecuted in Nazi Germany as a result of eugenics (1997: 187). Oosterhuis states that various researchers have explained this phenomenon of homosexual people being targeted in conflicts due to eugenics and population policies,

“They were apprehensive at the appearance and spread of homosexuality because it would result in larger numbers of Germans no longer pro-creating. This persecution was inevitable and massive, so the argument runs, because in the Third Reich, sexuality above all served propagation, population expansion, biological health and the purity of the so-called 'Aryan' race” (187).

Observing the prior evidence of LGBTQ+ people having been targeted in ethnic conflicts and genocides, it is certainly highly likely that this group was intentionally targeted in the case of the ethnic Albanian conflict. When coupled with the history of male-reproductive supremacy in the Balkans, it can rightfully

be suggested that despite the lack of data, LGBTQ+ Albanians were purposefully attacked in the Kosovo War.

Both researchers and legislators lack the necessary documented analysis of this issue, leading to the struggle for legitimate legal and social equality for marginalized groups such as LGBTQ+ Albanians. Therefore, the amalgamation of lacking accurate data regarding sexual violence and the prevailing absence of academic discourse and research on mental distress/trauma because of said violence has contributed to not only an anti-LGBTQ+ attitude in the region, but also begs researchers to ask the question: Is there a correlation between societal trauma and the stagnation of human rights progression? This paper addresses this question using the example of the ethnic Albanians of Kosovo.

Genocide Against Kosovar Albanians

In March 1998, an internal armed conflict erupted in Kosovo, then a province of the Republic of Serbia, within the Federal Republic of Yugoslavia. By June 1998, an estimated 60,000 ethnic Albanians had fled or been forced from their homes; most were internally displaced within Kosovo, others sought international protection (Amnesty Int'l 2017 13). According to Amnesty International's 2017 report on Kosovo's wartime rape survivors, by the end of the war in June 1999, an estimated 12,000 Kosovar Albanians had been killed, and at least 3,000 Kosovar Albanians were the victims of enforced disappearances by Yugoslav and Serbian forces, while more than half of Kosovo's civilian population were living in refugee camps in Albania and Macedonia (6-13). According to a 1998 report from Human Rights Watch, 30% of homes were destroyed while 25% were badly damaged, and at least 250k displaced Ethnic Albanians as a result of Serbian and Yugoslav forces, though there were likely many more; Kosovars were unable to return as villages, homes, crops, and livestock were burned/destroyed. The horrific atrocities committed against the Kosovar Albanians are evident and undeniable, however, it is clear that there is no accurate number of exactly how much damage had been done. The above sources, while nearly identical in general purpose and information, provide vague estimates of the magnitude of forced migration, violence, and the manner in which they were committed. To understand why these insufficient estimates are problematic to the cause of progressing human rights, this specific case requires analysis and explanation of two phenomena active in this issue: psychosocial trauma and conflict-related sexual violence.

Psychosocial Trauma & Conflict-Related Sexual Violence (CRSV)

A discussion of psychosocial trauma is central to answering this research question. Dr. Joan Simalchik provides an analysis of psychosocial trauma by using a definition provided by psychologist Martín Baró:

“Psychosocial trauma is more complex in that the origin of harm is social, “not something within the individual.” To Martín Baró, “psychosocial trauma [implies the]

crystallization in individuals of the social relations of war that are experienced in a country.” In particular, social relations are organized to cause alienation and harm and, over time, become less and less malleable, further stagnating the possibility of change and healing” (Simalchik 15).

To Simalchik, trauma can be understood as having generational consequences; it impacts the individual as well as society, and without intervention, “circles of silence” will continuously deter progress (23).

Individuals are wounded by war crimes, but in the case of mass trauma and violence such as in Kosovo, the ultimate target of such violence is the ethnic group in its entirety. According to Simalchik, under state-controlled terror, human rights are inflicted but never acknowledged; unless this problem is addressed, the psychological trauma is persistent (13). Therefore, the consequences of mass violence can create “circles of silence” which persist past the violence itself (Simalchik 12). This is especially exemplified in the case of conflict-related sexual violence against ethnic Albanians. The sexual trauma faced by ethnic Albanians of all genders and ages has resulted in decades of shame and humiliation for survivors (see: Amnesty Int’l 2017). To better apply this concept to the case of ethnic Albanians, I will now discuss conflict-related sexual violence as inflicted in the 1990’s Kosovo conflict.

CRSV in the Case of the Kosovo Conflict

Amnesty International defines conflict-related sexual violence as “Incidents or patterns of sexual violence against women, men, girls or boys occurring in a conflict or post-conflict setting that have direct or indirect links with the conflict itself” (2017; 5). Research shows that rape is commonly carried out during many campaigns of ethnic cleansing as a strategy, in addition to using rape as sexual torture of prisoners (Cohen et. al, 9). The 2017 Amnesty International report titled “Wounds That Burn Our Souls: Compensation for Kosovo’s Wartime Rape Survivors, but Still No Justice” provides quotes from survivors which offer a tragically accurate look into the violence faced by an unknown number of ethnic Albanians.

““We were in the crowd. They would take you, grab your arm and put you in a house. I was locked in a room without any windows for 22 days. You could hear other women screaming from the other rooms. It was terrible; it would have been easier to die. The man would come in the evening and leave in the morning; it was always the same man. To this day I remember the face. I can draw the man.”” (H.H., qtd. in Amnesty Int’l 2017 14)

The report provides numerous primary source accounts of sexual violence, as do other reports written by prominent organizations, such as the Human Rights Watch report “Humanitarian Law Violations in Kosovo” (1998). The reports from survivors indicate a systematic objective of inflicting sexual trauma. As quoted in Amnesty International’s 2017 report, a Serbian army deserter testified, “Rape had become

normal, like taking a shower and having breakfast” (13). The Amnesty International (2017) report focuses on female-identifying survivors of conflict-related sexual violence; most survivors had reported being raped multiple times, many times by more than one individual (23). The same report notes that many accounts of rape were accompanied by other forms of inhumane treatment, such as being beaten and cut with knives, having cigarette butts put out on their bodies, and being photographed naked (24).

Research shows many survivors have never even spoken to their closest family about what happened to them. Some, through counseling by NGOs, are able to talk about their experience but very few have spoken publicly about what they survived (Amnesty Int’l 2017 6-7). They have been silenced by the deeply ingrained social stigma, which still overshadows wartime rape. In Human Rights Watch and Amnesty International reports, survivors described how the stigma, and notions of shame and inappropriate blame still associated with rape have damaged their lives and silenced their voices and indicate hope that public recognition and strong support from the authorities will change public perceptions and help them rebuild their lives. These acts of sexual violence change how sexuality is viewed on a societal level. The “circles of silence”, as noted by Simalchik, embed themselves into society. The shame surrounding sexual violence preserves the problematic notions of gender roles and familial institutions as stated earlier in this paper. As shame prevents survivors, particularly male-identifying survivors, from seeking support, the homophobic mentality based on male reproductive supremacy is perpetuated. While this is in itself problematic and contributes to society being unable to move past this trauma and initiate change, the lack of sufficient, accurate data related to conflict-related sexual violence and the consequential individual and psychosocial trauma leaves researchers and lawmakers unable to robustly tackle the issue at hand (see: Cohen et.al).

Issues with Insufficient Data Related to CRSV

There is no accurate estimate of how many people were raped or suffered other forms of sexual violence during the Kosovo conflict. Despite this, Amnesty International (2017) reports sufficient credible accounts of rape and other crimes of sexual violence were gathered by local and international NGOs during the internal armed conflict and in its aftermath, suggesting that rape and other forms of sexual violence were widespread and systematic (14). Especially problematic when considering how conflict-related sexual violence impacts the issue of LGBTQ+ rights for ethnic Albanians is the fact that there is a serious shortage of data specifically related to male-identifying and LGBTQ+ survivors of sexual violence. In fact, in my research, I was not able to find a single source explicitly analyzing or providing data on male and LGBTQ+ wartime sexual violence survivors at all. However, as previously noted in this paper, there is plenty of worthwhile evidence noting the intentional targeting of LGBTQ+ people in prior instances of ethnic conflict and genocide, thereby suggesting that a purposeful attack on LGBTQ+ Albanians was highly likely. According to a report from the United States Institute of Peace, there is

generally very little systematic data on male survivors of conflict-related sexual violence globally, and survey data on wartime sexual violence against men, again in general, is poor (Cohen et. al 7). In many fieldwork interviews, the issue of male rape survivors was rarely suggested, and when it was, it was mainly in the form of rumors, not self-identification, in contrast to female survivors who self-identified as rape survivors (Cohen et. al 7). Again, how past conflict-related sexual violence specifically impacted the LGBTQ+ community was left unresolved and unresearched.

The report from Cohen et. al suggests that a lack of systematic data on male victimization demonstrates that pervasive expectations of gender roles during wartime prevents both researchers and lawmakers from analyzing questions of conflict-related sexual violence to their best ability, which is evidently true in the case of ethnic Albanians. As researchers and politicians are faced with a lack of data, the specific effects of sexual violence on all parts of ethnic Albanian society (i.e., individual, familial, societal, governmental) on a quantitative level are left unknown, while scholars and lawmakers alike are left to rely mainly on anecdotal evidence in the process of recovering from this psychosocial trauma. Furthermore, while it is clear these acts of sexual violence have been understudied, particularly with respect to male and LGBTQ+ survivors, these acts have also gone on without any justice for survivors, again perpetuating this notion of shame by refusing to acknowledge the issue in-depth and maintaining societal silence.

Escaping Prosecution and Lack of Accountability for CRSV

Amnesty International (2017) notes that survivors of these acts of sexual violence have gone without justice or reparations. By 2006, after monitoring the United Nations Interim Administration Mission in Kosovo's progress since 2000, Amnesty Int'l observed that "perpetrators of war crimes and crimes against humanity during the conflict in Kosovo in 1998 and 1999 have escaped prosecution [...] Survivors have not received reparation for acts of torture and rape" (17-18). Additionally, The Rome Statute of the International Criminal Court "expressly provides that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity may amount to war crimes or crimes against humanity", however, according to Amnesty International, the applicable law in Kosovo falls far short of international law and standards (23). The survivors of these atrocities have gone decades without justice, while their perpetrators walk away without any form of punishment. Certainly, this brings up the issue of what sort of precedent is being set when it comes to all forms of sexual violence. Given the fact that there has been no indication of survey data collected on sexual violence towards ethnic Albanian male and LGBTQ+ survivors during this conflict, it can be assumed that this particular group of survivors have long gone without any widespread acknowledgment or support. In my research, I found that no legitimate action is being taken to prosecute the people who committed these atrocious acts, and it seems that there is very little interest in genuinely

helping survivors receive justice. Again, the levels of shame when it comes to sexuality and sexual violence persist as survivors have yet to see justice for the horrific acts perpetrated against them. Survivors are traumatized and ashamed to tell their stories, while their trauma seeps into the “circles of silence”, leaving society unable to move past these horrific events, and contributing to heterosexual-male-dominated societal constructs.

Conclusion

The Balkan region of Europe has consistently faced challenges based in ethnic supremacy and societal expectations based on gender. Researchers have examined how these contexts have led the region to the political and economic state it is in today, however, the question of how these events have affected human rights and mental health for the lives of people in marginalized communities has been less thoroughly studied. This history of human rights abuses has affected mental health and generational trauma on both an individual and societal level. A lack of academic discourse and general documentation regarding this legitimate trauma is problematic to the cause of progressing human rights, particularly in the field of the LGBTQ+ community, and thus correlates to the lack of progression in LGBTQ+ rights.

Bibliography

- Amnesty International, Amnesty International Annual Report 1998, June 16, 1998, www.amnesty.org/en/documents/pol10/0001/1998/en/.
- Amnesty International, “Wounds That Burn Our Souls: Compensation for Kosovo’s Wartime Rape Survivors, but Still No Justice.” December 13, 2017, www.amnesty.org/en/documents/eur70/7558/2017/en/.
- Ayoub, Phillip M. *When States Come Out: Europe's Sexual Minorities and the Politics of Visibility*. Cambridge University Press, 2016.
- Bell, Mark. “Data Collection in Relation to LGBTI People.” European Commission. Publications Office of the European Union, Luxembourg, 2017, doi:10.2838/522787.
- Cohen, Dara Kay, Amelia Hoover Green and Elisabeth Jean Wood. “Wartime Sexual Violence: Misconceptions, Implications, and Ways Forward.” *United States Institute of Peace*, special report 323, February 2013, <https://www.usip.org/sites/default/files/resources/SR323.pdf>, Accessed 10 November 2021.
- Gent, Robert N. “Balkan Briefing. Abuses of Human Rights in the Kosovo Region of the Balkans.” *Journal of Epidemiology and Community Health*, vol. 53, no.10, 1999, pp. 594-6, doi:10.1136/jech.53.10.594, Accessed 1 October 2021.
- Human Rights Watch, “Humanitarian Law Violations in Kosovo.” Human Rights Watch Report, October 1, 1998, www.hrw.org/report/1998/10/01/humanitarian-law-violations-kosovo.
- ILGA, “Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2021.” ILGA-Europe, Brussels, www.ilga-europe.org/sites/default/files/2021/full_annual_review.pdf.
- ILGA, “Rainbow Index 2021.” *Rainbow Europe 2021*, ILGA-Europe, <https://www.ilga-europe.org/rainboweurope/2021>.
- ILGA, “Country Ranking 2021.” *Rainbow Europe 2021*, ILGA-Europe, <https://www.ilga-europe.org/rainboweurope/2021>.
- Kahlina, Katja. “Local Histories, European LGBT Designs: Sexual Citizenship, Nationalism, and ‘Europeanisation’ in post-Yugoslav Croatia and Serbia.” *Women's Studies International Forum*, vol. 49, 2015, pp. 73-83, doi.org/10.1016/j.wsif.2014.07.006, Accessed 1 October 2021.
- LGBTQ Policy Journal at the Harvard Kennedy School*, vol. 5, 2014-2015, lgbtq.hkspublications.org/wp-content/uploads/sites/20/2016/06/LGBTQ-2014-15.pdf, Accessed 30 September 2021.
- Oosterhuis, Harry. “Medicine, Male Bonding and Homosexuality in Nazi Germany.” *Journal of Contemporary History*, vol. 32, no. 2, Sage Publications, Ltd., 1997, pp. 187–205, <http://www.jstor.org/stable/261240>.

- Simalchik, Joan. "Disrupting Legacies of Trauma: Interdisciplinary Interventions for Health and Human Rights." *Health and Human Rights Journal*, vol. 23, no. 1, 2021, cdn1.sph.harvard.edu/wp-content/uploads/sites/2469/2021/06/Simalchik.pdf. Accessed 10 November 2021.
- Smith, T. W. "Cross-National Differences in Attitudes towards Homosexuality." *UCLA: The Williams Institute*, 2011, <https://escholarship.org/uc/item/81m7x7kb>, Accessed 29 September 2021.
- Stojanovic, Boban. "Dealing with the Past, Transition and Democratization." *Regional Network Against Homophobia: LGBT Network in the Middle East, The Balkans and Caucasia*, 2011, Kaos GL, Ankara, kaosgldernegi.org/images/library/2011homophobia-1.pdf, Accessed 30 September 2021.
- U.S. Department of State, Country Reports on Human Rights Practices (Washington, DC, 1998). Available online at: https://www.webharvest.gov/peth04/20041119194818/http://www.state.gov/www/policy_remarks/1999/990226_koh_hrp.html.
- Whitaker, Ian. "'A Sack for Carrying Things': The Traditional Role of Women in Northern Albanian Society." *Anthropological Quarterly*, vol. 54, no. 3, 1981, pp. 146–56, *George Washington University Institute for Ethnographic Research*, doi.org/10.2307/3317892, Accessed 2 October 2021.