



RESEARCH ARTICLE

Kosovar Attitudes towards Homosexuality and Lesbianism and the Legalisation of Same-Sex Civil Unions

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***Corresponding Author:**vjosa.jonuzi-
shala@universitetiaab.com**ABSTRACT**

The Kosovo Assembly has been unable to pass the Civil Code of the Republic of Kosovo since 2019, due to an article that proposes the legalisation of civil unions between people of the same sex. A number of members of parliament (MPs) have articulated a range of objections to the Civil Code, citing religious, health, cultural, traditional, and moral considerations as grounds for their opposition. Furthermore, they have stated that the proposed legislation is contrary to the will of the people. Nevertheless, no research has been conducted into Kosovar attitudes towards homosexuality. The study has four principal aims. The first objective is to address the gap in empirical research on homosexuality in Kosovo, thus paving the way for future researchers in this field. Secondly, the study seeks to substantiate the positions held by specific demographic groups on the subject of homosexuality. Thirdly, the study seeks to determine whether the country is able to legalise same-sex unions. Fourthly, the study examines the progress of the non-voting of the Civil Code in the Parliament of Kosovo. In order to address the research questions, the paper employs a mixed-methods approach, integrating a qualitative method (literature review) and a quantitative method (survey). The findings indicate that, of the 1,050 respondents, 55% are in favour of legalisation.

INTRODUCTION

In 2015, the Ministry of Justice of the Republic of Kosovo established a State Commission with the objective of drafting the Civil Code. The Commission was supported by the European Union and its work was conducted in accordance with the EU legal basis, known as the *Acquis* (Eur-Lex, n.d.). The Commission submitted three drafts: in 2018, 2019, and 2022. The 2022 draft (Ministry of Justice, 2022), in particular, prompted contention within the Assembly of Kosovo due to the stipulation set forth in Article 1138, paragraph 2, which states that “Registered civil unions between persons of the same-sex are allowed. Conditions and procedures are regulated by a special law”. Meanwhile, in paragraph 4 it is foreseen that: “Married people and partners in civil unions enjoy mutual rights and duties under this Code”.

This initiative has its roots in the Constitution of Kosovo (Official Gazette, 2008), Article 53 of which states: “Human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted consistent with the court decisions of the European Court of Human Rights”. Additionally, the initiative was influenced by several decisions of the European Court of Human Rights and the Court of Justice of the EU. These decisions directly impacted the content of the draft Civil Code of Kosovo, which was modernised with new legal approaches. These included the Coman case regarding marriage for same-sex couples, the Keegan case regarding parental responsibility, and the Olsson case regarding parental rights (Gashi, 2022, 1232).

The final attempt to hold a vote on the Civil Code was on 16 March 2022. In her presentation, the Minister of Justice placed considerable emphasis on the importance of the Civil Code, and urged the

Assembly to vote in favour of the Code (Haxhiu, Assembly of the Republic of Kosovo, Transcript, 2022, 143-145) while the President of the parliamentary majority in the Assembly focused on Article 1138 (civil unions), underscoring that “the draft Civil Code does not regulate the marriage of same-sex persons, but only affirmatively recognises civil unions...” (Kusari-Lila, Transcript, 148). The meeting proceeded with the presentation of the positions of the representatives of the political groups and other deputies, who presented their arguments for and against the voting of the code. The voting proceeded as follows: out of 120 MPs, 77 were present in the hall, of whom 28 voted in favour, 29 voted against, 4 abstained and 16 did not participate in the voting (Transcript, 212). It is notable that not only the opposition, but also the majority of MPs voted against the Civil Code. This included minority MPs, who, according to Kosovo's constitution, must necessarily be part of coalitions and thus of the state authorities. Furthermore, some members of the Committee on Human Rights and Gender Equality, including the chairwomen Duda Balje of this committee did not vote on the Civil Code (Assembly of the Republic of Kosovo, n.d.).

The reasons provided by MPs from the ruling party and the ruling coalition for voting against or abstaining on the draft Civil Code are as follows: the lack of input from religious clerics, health professionals, intellectuals or interest groups and the preservation of the natural family (Meta, Transcript, 157–158); the reaction of the Islamic community (Balje, Transcript, 164); the request of the Islamic community not to vote (Shabani, Transcript, 179); objections from religious communities, concerns about harm to human health and the risk of HIV/AIDS (Demi-Murtezi, Transcript, 180-182); the belief that it is against religion, the principles by which we live, our traditions, values and family culture (Jilta, Transcript, 185); the lack of public will (Rrahmani, Transcript, 195); the argument that it undermines the “sanctity and dignity of humanity” (Gjyshinca, Transcript, 198); and the claim that in a referendum “over 90% of the people would vote against it” (Agusholli, Transcript, 201).

With regard to the draft Civil Code, it should be noted that there are also articles that have not yet been voted on that do not relate to civil unions. These include the age of marriage, premarital contracts, joint property of spouses, children's rights, inheritance of women and girls, and commercial contracts (Transcript, 143–212). However, the continued non-revision of the Civil Code is contingent upon the resolution of paragraph 2 of Article 1138. Following the failure of the vote on the draft Civil Code, reactions from EU structures also increased, particularly in relation to the article on civil unions (EU-Kosovo Stabilisation and Association Parliamentary Committee, 2022, 5; European Parliament, 2023, 9).

A number of countries around the world have enacted specific legislation pertaining to same-sex civil unions, or have amended existing legislation governing marriage and family. Countries that have enacted such legislation have typically used terms such as “civil union”, “civil partnership”, “life partnership”, or “registered partnership” (Duignan, 2024).

LITERATURE REVIEW

Theories on aetiology of homosexuality

Homosexuality is a very complex issue that expands in three dimensions: causes, (in) possibility and method of treatment, and cultural context. All these factors caused disagreements, even at the highest scientific levels, about homosexuality. These disagreements have had an impact on other levels of society in general.

There are many theories about the aetiology of homosexuality, but all studies suggest that it is either innate or acquired (Breedlove, 2017; Kinney, 2015; Drescher, 2015; Kirkpatrick, 2000; Trivers, 2002, 281-305; Freud, 1984, 16-20). Whether congenital or acquired, the causes of homosexuality have biological and psychological origins (Sheldon et al., 2007). Recent studies also analyse the epigenetic causes, which include the influence of environmental factors on changes in the genetic code (Ngun, 2015). So, the question naturally arises: What is homosexuality? Is it a pathology, an immaturity or a normal variation?

According to Drescher (2015), pathological theories consider homosexuality as a disease or mental disorder caused by an internal or external pathogenic defect that may have occurred before or after birth, such as intrauterine hormonal exposure, excessive maternal care, inadequate or hostile paternal care, sexual abuse, and other very severe conditions. Theories of immaturity, usually of a

psychoanalytical nature, see the expression of homosexual feelings or behaviour at a young age as a normal step towards the development of heterosexuality in adulthood. Homosexuality should only be a temporary phase that will be overcome, and is therefore considered a “developmental delay”. Adult homosexuality is considered a developmental delay in growth. Simply put, homosexuals are people who have not grown up, immature individuals. Normal variation theories see homosexuality as a naturally occurring phenomenon; they see homosexuals as people who are born different and have a natural difference that a small number of people have, such as being left-handed. Proponents of these theories equate normal with natural; they regard homosexuality as a good thing, or at least they are neutral about it, and that is why homosexuality is not included in the manuals of psychiatric diagnosis.

According to American Psychiatric Association, “sexual minority orientations are normal variations of human sexuality” (APA, 2021, 13). So, according to supporters of this theory, homosexuality is natural, and it is considered a normal thing. The APA removed the diagnosis of homosexuality in 1973 (Drescher, 2015) and the World Health Organisation in 1990 (WHO, 1992, 221). Among other things, APA (2009, 2) concluded that same-sex sexual attraction, behaviour and orientation are in themselves normal and positive variations in human sexuality; there is no evidence that it is a mental or developmental disorder, but stigma can have many negative consequences throughout life.

Homosexuality and socio-cultural changes

Historical epochs across the globe have demonstrated that the reality of sexual relations between individuals of the same sex differs from the prevailing norms (Britannica, 2024; Strzałkowska, 2021; Gade, 1986), including the part of the world that is Islamic today, even many centuries after the acceptance of Islam (Ćwiek, 2021). The evidence of this can be seen in poems and illustrations from the late Middle Ages (Zaharin, 2022, 702; Boronha, 2014, 58-73). Furthermore, the interpretations of the holy books, the Qur'an and the Bible, on homosexuality are often contradictory (Zaharin, 2022, 702; Boronha, 2014, 21-46; Rahemtulla, 2011). In 1858, the Ottoman Empire enacted legislation that decriminalised same-sex sexual intercourse, including within the administrative territories of Kosovo (Nikolett, 2023). The legacy of this period is evident in the many songs of Albanians and other Balkan peoples, who refer to *dilbers* – boys who are attractive and 'steal your heart'. The Turkish word “Dilber” is derived from Persian words: *Dil* meaning heart and *Ber* meaning burden-carry. Thus, the word can be translated as ‘sweetheart’, ‘handsome’ or ‘favourite’ (Vujaklija, 1980, 222). With the exception of women, there are currently 42 individuals in Kosovo with the name Dylber or Dilber. (Statistical Agency of Kosovo, 2024).



Figure 1: Turkey, probably Istanbul, 18th century. Two erotic scenes, ascribed to Abdullah Bukhari, both signed and one dated 1156 AH/1743 AD

Source: Sotheby's Auction. Erotic: Passion & Desire / Lot 55

In contrast to the previous centuries and the Western world (Pickett, 2021; Hallakarva, 1990), homosexuality is considered a serious crime in the Islamic world, with penalties that may include death or long-term imprisonment, as well as corporal punishment (Iran Human Rights, 2020; Amnesty International, 2024; Britannica, 2024). A similar situation exists in some post-colonial countries, including some regions of Africa, the Middle East, Eastern Europe, the Caribbean, Oceania and Asia, where Sexual orientation change efforts (SOCE) is still falsely promoted as a treatment (APA, 2021, 14).

Since the earliest times, societies have undergone significant transformations. The lifestyle models that have emerged in the context of modernity have resulted in the displacement of all traditional forms of social order, with tradition itself undergoing a process of dismantlement on an unprecedented scale (Giddens, 1996, 4). The crisis and decline of patriarchy can be attributed to two factors: the advent of multimedia networks and the proliferation of alternative social movements, including women's movements and new sexuality movements (Castells, 2002, 498). In society, there has been an increase in the provision of marriage and family counselling services, a rise in the prevalence of common-law marriages, an increase in the formation of families with children from previous marriages, a decline in birth rates, an increase in the number of children born to single parents, and an increase in the use of artificial insemination (IVF) (Haralambos, 1989, 346). With the exception of marriage and family counselling services, all these phenomena are already occurring in Kosovo and are considered to be part of the prevailing social landscape. This includes the increase in the number of divorces, marriages 'for papers', conducted for the purpose of obtaining international documents or passports, the significant growth of various society associations representing civil society, religious conversions, and the emergence of novel customs. In general, the new trends indicate that traditional marriages are on the verge of collapse (Haralambos, 1989, 348). In postmodern society, communities are constituted on novel bases, around novel values and goals, including religion, lifestyle, gender, ecology, virtual communication, and sexual orientation..., thus creating some completely new forms of belonging (Day, 2006, 53). As Maffesoli (1996, 76) notes, "costumes change, just as the individual, according to personal tastes (sexual, cultural, religious, friendship), daily takes his place in the various plays of the theatre of the world".

In comparison to earlier periods, the changes brought about by modernisation are more profound in terms of both inclusion and power (Giddens, 1996, 4-5). With regard to inclusion, they have become pervasive across the globe. With regard to power, they have transformed some of the most intimate and personal features of our daily lives (Giddens, 1996, 6).

It is wrong to assume that all forms of global diffusion of certain influences can be reduced to the processes of 'Westernisation' or 'Occidentalisation', but the 'Easternisation or Orientalisation' of the world must also be taken into account (Maffesoli, 1996, 128). A similar phenomenon can be observed in Kosovo, where certain interest groups are trying to exert influence in the political sphere.

Legal framework

The legislative landscape on the issue of same-sex unions and marriage is diverse, with numerous countries having enacted laws pertaining to these matters (Lipka and Masci, 2019). The first countries to accept same-sex partnerships were those in northern Europe. In 1989, Denmark became the first country to enact legislation to register these partnerships (Nielsen, 1990), followed by Norway (Civil Partnership Act) and Iceland in 1993 (Act on Marriage No. 31), Sweden in 1994 (Registered Partnership Act), the Netherlands in 1998 (Dijk, 1999), the United Kingdom in 2004 (Civil Partnership Act), Ireland in 2010 (Scherpe & Hayward, 2017) and Switzerland in 2020 (Swiss Civil Code).

The Netherlands was the first country in the world to approve same-sex marriage, with more than 15,000 marriages registered to date (Same-sex Marriage, 2001). The Pew Research Center (2014, 2015, 2024) and the Human Rights Campaign (n.d.) have conducted extensive research on the topic of same-sex marriage. Subsequently, same-sex marriage was legalised in Belgium, Canada and Spain in 2005, South Africa in 2006, Norway, Sweden and Mexico in 2009, Iceland, Argentina and Portugal in 2010, Denmark in 2012, Uruguay, New Zealand, France, Brazil, Scotland, England and Wales in 2013, Luxembourg, Finland, Ireland, Greenland and the United States in 2015, Colombia in 2016, Australia and Austria in 2017, Germany, Taiwan, Ecuador and Northern Ireland in 2019, Costa Rica in 2020 and Chile in 2021.

In the Swiss referendum, 64.1% of voters expressed their support for same-sex marriage (Federal Chancellery CHF, vote no. 647). A 2017 referendum in Australia confirmed that 61.6% of voters supported the legalisation of same-sex marriage (BBC News, 2017). Similarly, 62% of voters in the 2015 Irish referendum voted in favour of the change (BBC News, 2015). The majority of countries have amended their legislation to grant the status of marriage to same-sex unions, while a number have enacted specific legislation to regulate the institution of same-sex marriage.

The countries surrounding Kosovo have already adopted legislation allowing same-sex partnerships. Croatia adopted the Law on Same-sex Unions in 2003 (Zakon o istopolnim zajednicama), Slovenia adopted the Law on Same-sex Partnerships in 2005 (Zakon o registraciji istospolne partnerske skupnosti), and in August 2022 Slovenia adopted the Law on the Family, which legalises marriage and adjustment for same-sex couples (Istospolno usmerjeni in (skupna) posvojitvev otrok). In 2020, Montenegro also adopted the Law on Life Partnership of Persons of the Same Sex (Zakon o životnom partnerstvu lica istog pola). Despite pressure and strong opposition from the Orthodox Church and a number of parliamentarians, the Greek parliament amended the Family Code in December 2015 (Amnesty International, 2015). Italy enacted the Law on the Regulation of Civil Unions between Persons of the Same Sex and the Discipline of Cohabitation in 2016 (Law of 20 May 2016), despite its unique political and social characteristics, including the Vatican (Dona, 2021). The General Synod of the Church of England (Britannica, 2024) voted to allow priests to officiate at same-sex marriages and civil partnerships. However, the Church still does not allow same-sex weddings on its own premises.

In most countries, the legalisation of same-sex marriage was preceded by the legalisation of civil unions and partnerships, and was achieved after a long period of debate. In most cases, religious institutions and conservative groups opposed the legalisation of same-sex marriage and exerted pressure to achieve it. Kosovo is facing a similar scenario, characterised by the influence of certain quasi-conservative groups. However, the latest Freedom House (2023) report indicates that Kosovo has made notable progress in the area of political rights and civil liberties. For Kosovo to be classified as 'free' in the Freedom House report, it needs to score only 1 point, which would move it out of the 'partly free' category.

METHODOLOGY

This research was conducted with the objective of elucidating the attitudes of the Kosovar population towards homosexuality and the legalisation of same-sex civil unions (quantitative component). The research was conducted with a total of 1,050 individuals, of whom 53.3% were women ($n=560$) and 46.7% were men ($n=490$). The participants were between the ages of 18 and 40. The age range of the respondents was selected for analysis of the data collected in order to align with the average age of the Kosovo population between 2020 and 2024, which is estimated to be between 30.5 to 32 years old (World Data, 2024).

The study is based on a survey of the relevant population. The data were collected from respondents at the AAB College in Pristina, Ferizaj and Gjakova (Faculty of Law, Public Administration, Architecture, Arts, Economics, Foreign Languages, Physical Education and Sports, Mass Communication, Computer Science, Social Sciences, Psychology and Health Sciences) and the University of Pristina (Departments of History, Philosophy, Sociology, Psychology, Political Science, Social Work and Anthropology). The research was carried out between 16 November 2022 and 12 March 2023.

This paper presents and analyses 3 demographic and 5 research questions. The sample size was of a statistically acceptable size with a margin of error of $\pm 3\%$ and a confidence level of 95%. The paper employs descriptive statistics, cross-tabulation analysis based on gender, age and place of residence, and correlation analysis (Pearson).

Ethical principles

The research was conducted *via* an online survey utilising the *Google Forms platform* (Link to the questionnaire "Study on homosexuality and lesbianism": <https://forms.gle/h7ppg8GgNMLceAfTA>). This methodology was selected due to its cost-effectiveness and reliability in ensuring the confidentiality and anonymity of participants, which are crucial considerations in this field of study. This methodology was selected due to its cost-effectiveness and reliability in ensuring the confidentiality and anonymity of participants, which are crucial considerations in this field of study (Wright 2005). This was explicitly stated at the outset of the questionnaire, where it was emphasised that "the research was conducted for research purposes only. The data will be kept strictly confidential". In Kosovo, ensuring confidentiality on such issues will enable respondents to answer truthfully.

Research instruments

The questionnaire comprised five questions pertaining to the research topic and three demographic questions, namely gender, age and place of residence. The questions are presented in the following list:

Q1. Is homosexuality a disease?

Q2. Have you ever discussed homosexuality or gender identity with your family?

Q3. Would it bother you if you had gay/lesbian friends?

Q4. Do you believe that gays and lesbians should have the same rights as everyone else?

Q5. Do you think that the Assembly should adopt the Civil Code of the Republic of Kosovo, which states that “registered civil unions between persons of the same sex shall be allowed”?

RESULTS

The results of the questionnaire in Kosovo for the three demographic questions are presented in Table 1. The five research questions are presented as descriptive (Tables 2, 3, 4, 5, 6) cross-tabulation (Tables 2-1, 2-2, 2-3, 2-4, 2-5, 2-6), and correlation analysis (Tables: 2-2, 2-3, 2-4, 2-5, 2-6).

Table 1: Frequency and percentage distribution by gender, age and place of residence

		Frequency	Percent	Valid percent	Cumulative percent
Gender	F	560	53.3	53.3	53.3
	M	490	46.7	46.7	100.0
Age	18-21	382	36.4	36.4	36.4
	22-25	346	33.0	33.0	69.3
	26-40	322	30.7	30.7	100.0
Place of residence	Rural areas	495	47.1	49.2	49.2
	Urban areas	512	48.8	50.8	100.0
	Total	1007	95.9	100.0	
	Missing System	43	4.1		
	Total	1050	100.0		

Table 1 presents the demographic data. With regard to gender, there was a 6.6% greater proportion of women than men. The majority of respondents fell within the 18-21 age bracket, while the number of respondents residing in urban areas was 1.7% higher than those living in rural areas.

Table 2: Respondents' position on the question, “Is homosexuality a disease?”

		Frequency	Percent	Valid percent	Cumulative percent
Valid	Yes	322	30.7	30.7	30.7
	No	728	69.3	69.3	100.0
	Total	1050	100.0	100.0	

As illustrated in Table 2, the descriptive statistics reveals that the proportion of respondents who view homosexuality as neither a disease nor a disorder is approximately twice as high as those who consider it a disease.

Table 2-1: Cross-tabulation analysis of the question, “Is homosexuality a disease?”

	Total	Gender		Age			Place of residence	
		F	M	18-21	22-25	26-40	Rural areas	Urban areas
Yes	322	157	165	95	108	119	146	170
No	30.7%	28.0%	33.7%	24.9%	31.2%	37.0%	29.5%	33.2%
	728	403	325	287	238	203	349	342
	69.3%	72.0%	66.3%	75.1%	68.8%	63.0%	70.5%	66.8%
Total	1050	560	490	382	346	322	495	512
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The cross-tabulation analysis (Table 2-1) indicates that a greater proportion of women, younger individuals, and respondents residing in rural areas do not perceive homosexuality as a disease.

Table 2-2: Correlation analysis of the question, “Is homosexuality a disease?”

			Gender	Age	Place of residence
Is homosexuality a disease?	Pearson Correlation	1	-.061*	-.107**	-.040
	Sig. (2-tailed)		.048	.001	.205
	N	1050	1050	1050	1007
Gender	Pearson Correlation	-.061*	1	.040	.036
	Sig. (2-tailed)	.048		.198	.252
	N	1050	1050	1050	1007
Age	Pearson Correlation	-.107**	.040	1	.174**
	Sig. (2-tailed)	.001	.198		.000
	N	1050	1050	1050	1007
Place of residence	Pearson Correlation	-.040	.036	.174**	1
	Sig. (2-tailed)	.205	.252	.000	
	N	1007	1007	1007	1007

*. Correlation is significant at the 0.05 level (2-tailed).

**. Correlation is significant at the 0.01 level (2-tailed).

As illustrated in Table 2-2, the correlation analysis reveals a moderate negative correlation with a level of -.061 in relation to gender. The findings indicate that a greater proportion of men view homosexuality as a pathological condition. Additionally, a strong negative correlation of -.107 is observed with regard to age. The findings indicate that respondents of an advanced age are more likely to view homosexuality as a pathological condition. Nevertheless, the results indicate that there is no correlation between the place of residence and the question of whether homosexuality is a disease.

Table 3: Respondents’ position on the question, “Have you ever discussed homosexuality or gender identity with your family?”

		Frequency	Percent	Valid percent	Cumulative percent
Valid	Yes, we have	420	40.0	40.0	40.0
	No, never because there was an opportunity	507	48.3	48.3	88.3
	No, never because it is an embarrassing topic	123	11.7	11.7	100.0
	Total	1050	100.0	100.0	

The descriptive statistics (Table 3) indicates that the proportion of respondents who have never discussed their sexuality or gender identity for any reason is higher (60%).

Table 3-1: Cross-tabulation analysis of the question, “Have you ever discussed homosexuality or gender identity with your family?”

	Total	Gender		Age			Place of residence	
		F	M	18-21	22-25	26-40	Rural areas	Urban areas
Yes, we have	420	235	185	143	108	169	162	236
	40.0%	42.0%	37.8%	37.4%	31.2%	52.5%	32.7%	46.1%
No, never because there was no opportunity	507	257	250	195	177	135	270	225
	48.3%	45.9%	51.0%	51.0%	51.2%	41.9%	54.5%	43.9%
No, never, because it is an embarrassing topic	123	68	55	44	61	18	63	51
	11.7%	12.1%	11.2%	11.5%	17.6%	5.6%	12.7%	10.0%
Total	1050	560	490	382	346	322	495	512
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The cross-tabulation analysis (Table 3-1) indicates that a greater proportion of women, individuals aged 25 to 40, and those residing in urban areas have engaged in discourse with their families regarding the topics of homosexuality and gender identity.

Table 3-2: Correlation analysis of the question, “Have you ever discussed homosexuality or gender identity with your family?”

			Gender	Age	Place of residence
Have you ever discussed homosexuality or gender identity with your family?	Pearson Correlation	1	.025	-.122**	-.123**
	Sig. (2-tailed)		.422	.000	.000
	N	1050	1050	1050	1007
Gender	Pearson Correlation	.025	1	.040	.036
	Sig. (2-tailed)	.422		.198	.252
	N	1050	1050	1050	1007
Age	Pearson Correlation	-.122**	.040	1	.174**
	Sig. (2-tailed)	.000	.198		.000
	N	1050	1050	1050	1007
Place of residence	Pearson Correlation	-.123**	.036	.174**	1
	Sig. (2-tailed)	.000	.252	.000	
	N	1007	1007	1007	1007

** . Correlation is significant at the 0.01 level (2-tailed).

Table 3-2 illustrates a robust inverse correlation of -.122 between age and the inquiry, "Have you ever discussed homosexuality or gender identity with your family?" This indicates that older respondents were more inclined to have engaged in such discourse with their families. The same results are also presented with a strong negative correlation of level -.123 with respect to place of residence. The findings indicate that respondents residing in rural areas have not engaged in discussions about this topic with their families.

Table 4: Respondents’ attitudes to the question, “Would it bother you if you had gay/lesbian friends?”

		Frequency	Percent	Valid percent	Cumulative percent
Valid	No, it would not	293	27.9	28.0	28.0
	Yes, it would	379	36.1	36.2	64.2
	It would make no difference	374	35.6	35.8	100.0
	Total	1046	99.6	100.0	
Missing	System	4	.4		
Total		1050	100.0		

Based on the descriptive statistics (Table 4), the number of people who would have no problems with this issue is higher (63.5%).

Table 4-1: Cross-tabulation analysis of the question, “Would it bother you if you had gay/lesbian friends?”

	Total	Gender		Age			Place of residence	
		F	M	18-21	22-25	26-40	Rural areas	Urban areas
No, it would not	293	158	135	101	79	113	127	156
	28.0%	28.2%	27.8%	26.7%	22.8%	35.1%	25.9%	30.5%
Yes, it would	379	173	206	182	101	96	187	182
	36.2%	30.9%	42.4%	48.1%	29.2%	29.8%	38.1%	35.5%
It wouldn't make difference	374	229	145	95	166	113	177	174
	35.8%	40.9%	29.8%	25.1%	48.0%	35.1%	36.0%	34.0%

Total	1046	560	486	378	346	322	491	512
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The cross-tabulation analysis (Table 4-1) indicates that a greater proportion of women, individuals aged between 26 and 40, and those residing in urban areas would not object to having gay or lesbian friends. Furthermore, a greater proportion of women, individuals aged 22 to 25, and those residing in rural areas perceive the sexual orientation of their friends to be of minimal importance.

Table 4-2: Correlation analysis for the question, “Would it bother you if you had gay/lesbian friends?”

			Gender	Age	Place of residence
Would it bother you if you had gay/lesbian friends?	Pearson Correlation	1	-.067*	.015	-.042
	Sig. (2-tailed)		.031	.623	.183
	N	1046	1046	1046	1003
Gender	Pearson Correlation	-.067*	1	.040	.036
	Sig. (2-tailed)	.031		.198	.252
	N	1046	1050	1050	1007
Age	Pearson Correlation	.015	.040	1	.174**
	Sig. (2-tailed)	.623	.198		.000
	N	1046	1050	1050	1007
Place of residence	Pearson Correlation	-.042	.036	.174**	1
	Sig. (2-tailed)	.183	.252	.000	
	N	1003	1007	1007	1007

*. Correlation is significant at the 0.05 level (2-tailed).

**. Correlation is significant at the 0.01 level (2-tailed).

Table 4-2 illustrates a moderate negative correlation between gender and the question "Would it bother you if you had gay/lesbian friends?" The results indicate that a greater proportion of men perceive the presence of gay/lesbian friends as problematic. No correlation was identified between age and place of residence.

Table 5: Respondents’ position on the question, “Do you believe that gays and lesbians should have equal rights as the others?”

		Frequency	Percent	Valid percent	Cumulative percent
Valid	Yes, because it is not their fault that they are gays/lesbians	585	55.7	55.7	55.7
	No, because it is their fault that they are gays/lesbians	370	35.2	35.2	91.0
	Depends on whether they are gays or lesbians	95	9.0	9.0	100.0
	Total	1050	100.0	100.0	

The descriptive statistics (Table 5) demonstrates that a greater proportion of individuals express support for the assertion that gay and lesbian individuals should be afforded the same rights as others (55.7%), while a smaller proportion of respondents indicate that this is contingent upon gender.

Table 5-1: Cross-tabulation analysis to the question, “Do you believe that gays and lesbians should have equal rights as the others?”

	Total	Gender		Age			Place of residence	
		F	M	18-21	22-25	26-40	Rural areas	Urban areas
Yes, because it is not their fault that they are gays/lesbians	585	331	254	169	201	215	251	306
	55.7%	59.1%	51.8%	44.2%	58.1%	66.8%	50.7%	59.8%

No, because it is their fault they are gays/lesbians	370	184	186	174	108	88	190	170
	35.2%	32.9%	38.0%	45.5%	31.2%	27.3%	38.4%	33.2%
Depends on whether they are gays or lesbians	95	45	50	39	37	19	54	36
	9.0%	8.0%	10.2%	10.2%	10.7%	5.9%	10.9%	7.0%
Total	1050	560	490	382	346	322	495	512
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The cross-tabulation analysis (Table 5-1) indicates that a greater proportion of women, individuals aged between 26 and 40, and those residing in urban areas believe that homosexual and lesbian individuals should be afforded the same rights as their heterosexual counterparts. A greater proportion of men, individuals aged 22 to 25, and those residing in rural areas indicated that lesbians should be afforded these rights, yet not gays.

Table 5-2: Correlation analysis of the question, “Do you believe that gays and lesbians should have equal rights as the others?”

			Gender	Age	Place of residence
Do you believe that gays and lesbians should have equal rights as the others?	Pearson Correlation	1	.072*	-.167**	-.099**
	Sig. (2-tailed)		.020	.000	.002
	N	1050	1050	1050	1007
Gender	Pearson Correlation	.072*	1	.040	.036
	Sig. (2-tailed)	.020		.198	.252
	N	1050	1050	1050	1007
Age	Pearson Correlation	-.167**	.040	1	.174**
	Sig. (2-tailed)	.000	.198		.000
	N	1050	1050	1050	1007
Place of residence	Pearson Correlation	-.099**	.036	.174**	1
	Sig. (2-tailed)	.002	.252	.000	
	N	1007	1007	1007	1007

*. Correlation is significant at the 0.05 level (2-tailed).

**. Correlation is significant at the 0.01 level (2-tailed).

Table 5-2 illustrates a moderate positive correlation of 0.072 between gender and attitudes towards equal rights for the gays and lesbians. The findings indicate that a majority of women concur with the assertion that gays and lesbians should be afforded equal rights. Nevertheless, a robust inverse correlation of level -.167 is observed between age and the question regarding equal rights for gays and lesbians. These findings indicate that respondents in the older age group are in favour of equal rights for the gays and lesbians. Additionally, a strong negative correlation of level -.099 was observed between the place of residence and the question about equal rights for gays and lesbians. This indicates that respondents residing in rural areas are less likely to endorse the proposition that gays and lesbians should have equal rights.

Table 6: Respondents’ position on the question, “Do you think that the Assembly should adopt the Civil Code of the Republic of Kosovo, which states that registered civil unions between persons of the same sex shall be allowed”?

		Frequency	Percent	Valid percent	Cumulative percent
Valid	Yes, because it is a right guaranteed by the Constitution of the Republic of Kosovo	141	13.4	13.4	13.4
	Yes, because it is regulated in the EU	108	10.3	10.3	23.7

Yes, because an adult is free to live in the union, they prefer	328	31.2	31.2	55.0
No, because this legal regulation is imposed by the foreigners	315	30.0	30.0	85.0
No, because we have not been given sufficient details	80	7.6	7.6	92.6
Not now, it should be postponed until a later date	78	7.4	7.4	100.0
Total	1050	100.0	100.0	

The descriptive statistics (Table 6) indicates that 55% of respondents expressed support for the legalisation of the Civil Code, while 45% opposed it, providing rationale for their stance.

Table 6-1: Cross-tabulation analysis to the question, “Do you think that the Assembly should adopt the Civil Code of the Republic of Kosovo, which states that registered civil unions between persons of the same sex shall be allowed”?

	Total	Gender		Age			Place of residence	
		F	M	18-21	22-25	26-40	Rural areas	Urban areas
Yes, because it is guaranteed by the Constitution of the Republic of Kosovo	141 13.4%	69 12.3%	72 14.7%	53 13.9%	50 14.5%	38 11.8%	83 16.8%	50 9.8%
Yes, because it is regulated in the EU	108 10.3%	53 9.5%	55 11.2%	29 7.6%	42 12.1%	37 11.5%	41 8.3%	62 12.1%
Yes, because an adult is free to live in the union, they prefer	328 31.2%	196 35.0%	132 26.9%	114 29.8%	108 31.2%	106 32.9%	138 27.9%	174 34.0%
No, because this legal regulation is being imposed by the foreigners	315 30.0%	148 26.4%	167 34.1%	144 37.7%	77 22.3%	94 29.2%	149 30.1%	155 30.3%
No, because we have not been given sufficient details	80 7.6%	44 7.9%	36 7.3%	18 4.7%	42 12.1%	20 6.2%	50 10.1%	27 5.3%
Not now, it should be postponed until a later date	78 7.4%	50 8.9%	28 5.7%	24 6.3%	27 7.8%	27 8.4%	34 6.9%	44 8.6%
Total	1050	560	490	382	346	322	495	512
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The cross-tabulation analysis (Table 6-1) indicates that women (35%) and respondents residing in urban areas (34%) exhibit greater tolerance towards the legalisation of civil unions between individuals of the same gender on the grounds that it respects human rights, in comparison to men (26.9%) and respondents from rural areas (27.9%). However, a greater proportion of men (25.9%) than women (21.8%) expressed tolerance, citing reasons such as the fact that it is regulated by the Kosovo Constitution and EU laws. A greater proportion of men (34.1%) than women (26.4%) believe that the article legalising same-sex civil unions should not be adopted on the grounds that it has been imposed by foreigners. Irrespective of the rationale behind the endorsement of civil unions between individuals of the same sex, a majority of respondents between the ages of 22 and 15 (57.8%) and those residing in urban areas (55.9%) are in favour of its legalisation.

Table 6-2: Correlation analysis to the question, “Do you think that the Assembly should adopt the Civil Code of the Republic of Kosovo, which states that “registered civil unions between persons of the same sex shall be allowed”?

			Gender	Age	Place of residence
Do you think that the Assembly should adopt the Civil Code of the Republic of Kosovo, which states	Pearson Correlation	1	-.035	.003	.022
	Sig. (2-tailed)		.255	.928	.492

that "Registered civil unions between persons of the same-sex are allowed?"	N	1050	1050	1050	1007
Gender	Pearson Correlation	-.035	1	.040	.036
	Sig. (2-tailed)	.255		.198	.252
	N	1050	1050	1050	1007
Age	Pearson Correlation	.003	.040	1	.174**
	Sig. (2-tailed)	.928	.198		.000
	N	1050	1050	1050	1007
Place of residence	Pearson Correlation	.022	.036	.174**	1
	Sig. (2-tailed)	.492	.252	.000	
	N	1007	1007	1007	1007

** . Correlation is significant at the 0.01 level (2-tailed).

Table 6-2 demonstrates that there is no correlation between the inclusion of the phrase "Registered civil unions between persons of the same-sex are allowed" in the Civil Code of the Republic of Kosovo and demographic variables such as gender, age, and place of residence.

DISCUSSION

The Constitution of Kosovo was formally adopted on 9 April 2008. In consequence of this, 9 April has been designated an official holiday in Kosovo (Law No. 03/L-064). However, there are three paradoxes inherent to the Kosovo situation.

The initial paradox is of a normative nature. The Constitution of Kosovo provides for the protection of human rights and fundamental freedoms. In addition to Article 53, which states that the human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted in accordance with the rulings of the European Court of Human Rights, Article 24(2) stipulates that "No one shall be discriminated against on grounds of race, colour, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status." Moreover, Article 56 of the Constitution stipulates that no derogation from human rights and freedoms, including those pertaining to sexual orientation, shall be permitted, even in exceptional circumstances. Conversely, Article 37(1) stipulates that: The Constitution of Kosovo enshrines the right to marry and the right to have a family as provided by law, based on free will. However, the Family Law (Article 14) stipulates that marriage is only between a man and a woman (Family Law of Kosovo, Law No. 2004/32), which is at odds with the Constitution. This situation gives rise to ambiguity, as the Family Law is not aligned with the Kosovo Constitution.

The second paradox pertains to the conduct of government officials, both past and present. In terms of chronology, since 2008, the Constitution of Kosovo has been described as 'ideal' not only by the international community (Goldirova, 2008), but also by the political class in terms of its achievements regarding non-discrimination in all its aspects. Consequently, the political class in Kosovo has demonstrated a growing understanding of the LGBTIQ+ community in the wake of the Constitution's adoption. Furthermore, the draft Civil Code is also founded upon the aforementioned constitutional principles. However, it is evident that the entire political landscape in Kosovo has undergone a significant transformation, including a shift in the political leadership. With regard to the vote on the draft Civil Code on 16 March 2022, it is notable that the opposition did not contribute to the proceedings. However, concurrently with the opposition, the majority of MPs – comprising Albanians and other minorities (Bosniaks, Turks, Gorani, Roma, Ashkali, Egyptians) – except for Serbs who boycotted the parliamentary sessions – acted in a similar manner.

A third paradox can be identified with regard to the Kosovo Constitution. Article 8 of the Constitution states that "the Republic of Kosovo is a secular state and is neutral in matters of religious beliefs". However, one position and opposition MPs justify the non-approval of the draft Civil Code on the basis of the attitudes of religious institutions in Kosovo, namely the Islamic Community of Kosovo,

the Diocese of Prizren-Prishtina (Catholic Church), the Evangelical Protestant Church of Kosovo and the Jewish Community of Kosovo (Assembly, Transcript, 2022, 149, 156, 180).

Conversely, civil society in Kosovo is actively lobbying for the aforementioned rights and freedoms, particularly the legalisation of civil unions, including gender equality and other marginalised groups (Center for Social Group Development, 2022). A request to halt discriminatory rhetoric was recently submitted to the President of the Parliament by 57 civil society organisations and individuals, particularly the Chairwoman and members of the Parliamentary Committee on Human Rights, Gender Equality, Missing Persons, Victims of Sexual Violence in War and Petitions (Civil Rights Defenders, 2024). It is noteworthy that since 2017, high-ranking state officials have participated in LGBTIQ+ parades, which are commonly referred to as 'pride parades' or anti-homophobic (Associated Press, 2017; Vijesti Online, 2017; Klan Kosova, 2024).

The primary challenge in Kosovo's political landscape is the lack of clarity surrounding the ideological stance of political parties. With the exception of the largest governing party, Lëvizja Vetëvendosje (LVV), which is social democratic (Agani and Peci, 2015, 9 and 12) and acts in accordance with this designation, the remaining parties exhibit a lack of clarity regarding their ideological stance. The largest opposition party, the Democratic Party of Kosovo (PDK), emerged from the war as a centre-left party and has since undergone a significant transformation, becoming a centre-right party (Agani and Peci, 2015, 7). Meanwhile, Kosovo's oldest party, the Democratic League of Kosovo (LDK), is a member of the EPP (European People's Parties) but is officially a centre-right party (Agani and Peci, 2015, 2, 7, 8 and 10). It considers itself a conservative people's party, without distinguishing between conservative and right-wing political entities. Consequently, Members of Parliament frequently display contradictory attitudes. This interweaving is a consequence of the absence of an ideological affiliation, which is a result of political maturity and personal calculations, which are the advantages of being an MP.

CONCLUSION

The Kosovo Assembly has been unable to adopt the Civil Code since 2022 due to the inclusion of Article 1138, which provides legal recognition for same-sex civil unions. As in other countries in the region, opposition to the proposal exists within the Assembly, and the reasons for this opposition are similar to those observed in other contexts. The justifications are based on religious and medical considerations, and there is a lack of public support for such a change.

During the debate on 16 March 2022, the MPs who voted against or abstained did not refer to the first sentence of the draft Civil Code, which states, "Registered civil unions between persons of the same sex are allowed". Instead, they expressed their opinions, objections, and questions about marriages, the adaptation of children, and the procedural aspects of these acts between persons of the same sex. Consequently, the MPs concentrated on the second sentence ("Conditions and procedures are regulated by a special law"), although this special law may be the subject of parliamentary discussion in the future. This could potentially lead vicious situation within the political structures.

In this situation, two possibilities present themselves:

Based on the Constitution of Kosovo the first possibility is a referendum (Article 65, paragraph 3). However, the Constitution of Kosovo also states that "None of the laws of vital interest may be submitted to a referendum" (Article 81, paragraph 2). It is evident that the Civil Code constitutes a law of vital interest. Consequently, a referendum may be held either following the adoption of the Civil Code or when the time comes to adopt the special law on the conditions and procedures for same-sex unions.

The second possibility is a secret ballot in Parliament.

In both instances, whether by referendum or by secret ballot in parliament, the pivotal, fundamental, and crucial issue in an environment like Kosovo is the assurance of confidentiality. In countries with a relatively small population, where provincialism is a prevalent phenomenon, it is only under conditions of confidentiality and anonymity that individuals are able to express their opinions, demonstrate sincerity, and speak their truth. Ultimately, this is also a consequence of globalisation,

which is not without its dramatic aspects, both in terms of the topics it encompasses and the speed at which it occurs, as well as the influences it receives from the West and the East.

The survey presented in this research (1,050 respondents) has demonstrated that a specific demographic in Kosovo has exhibited tolerance towards homosexuality over an extended period. One potential explanation for this is the confidentiality of the survey. It is important to note, however, that this research does not claim to represent the views of the people of Kosovo. Instead, it provides a foundation for future empirical studies to be conducted.

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