Re-opening Accession Talks with the Western Balkans is Crucial for Protecting LGBTI Rights

Press Release, EU Enlargement

A letter sent today (27 January) to the Croatian Presidency by ILGA-Europe and the Equal Rights Association (ERA) stresses that opening accession talks with North Macedonia and Albania is critical in protecting LGBTI rights.

“The blockage of accession talks with North Macedonia and Albania negatively impacts LGBTI rights in the region.” This is the main message of a letter sent today to the Croatian Presidency by ILGA-Europe and ERA, the LGBTI Equal Rights Association for Western Balkans and Turkey, and signed by ILGA-Europe’s member organisations from North Macedonia and Albania.

In October last year, the European Council failed to approve the opening of accession talks with the Western Balkans, after France refused to begin negotiations with both Albania and North Macedonia, while Denmark and the Netherlands expressed reservations about setting a date for opening negotiations with Albania.

Activists across the region have identified the decision not to open accession talks with the Western Balkans as yet another sign that the accession process is not credible – that the EU requires Albania and North Macedonia to make concessions as agreed, yet does not hold its end of the bargain.

According to ILGA-Europe’s LGBTI Enlargement Review 2019, the EU accession process has been, and continues to be, a driving force for change in the recognition of the human rights of LGBTI people throughout the region. Year on year the human rights of LGBTI people continue to feature notably in the reports, assessing progress to date and setting out recommendations for the authorities to implement in the future.

According to Katrin Hugendubel, Advocacy Director at ILGA-Europe: “The accession process has been a game-changer in the region as regards LGBTI rights. The blockage of talks has dramatically damaged the EU’s credibility and **countries in the region are losing the will to comply with the human rights standards set by the EU as a prerequisite for accession.”**

“LGBTI organisations and activists in the Western Balkans have expressed great worries and concerns about these developments. The progress the countries in the Western Balkans have made over the last years when it comes to the protection of the rights of LGBTI people is still fragile, and support from European institutions is still key. Reopening the accession talks needs to be a priority to ensure the EU can remain a supportive voice and driver for fundamental rights in the region,” Hugendubel continued.

The main recipient of the letter is the Croatian Foreign Minister, Gordan Grli?. It has also been sent to European Commissioner for European Neighborhood Policy and Enlargement Negotiations, Olivér Várhelyi and the High Representative of the European Union, Josep Borell Fontelles, as well as representatives from relevant Embassies and Permanent Representations.

According to the letter, “failure by the European Council to move forward with accession talks, despite all the

important advances [in LGBTI rights] in the Western Balkans, risks that not only the governments of North Macedonia and Albania will turn away from the enlargement process, but that throughout the region the trust in the process is lost and governments no longer stand by their commitments to uphold human rights, including those of LGBTI people, as a value to be protected and improved."

The letter has been sent to coincide with the beginning of the Croatian Presidency, and after Mr. Grli? stated in a European Parliament Foreign Affairs Committee meeting that the Presidency would to its best to begin accession talks with North Macedonia and Albania during the first half of this year.

The letter reads as follows:

It has been over 16 years since the European Union and Western Balkan countries agreed in Thessaloniki on the shared values of democracy, rule of law, respect for human and minority rights, solidarity and a market economy, which constitute the very foundations of the European Union. The EU reiterated its unequivocal support to the European perspective of the Western Balkan countries and clearly stated that the future of the Balkans is within the European Union. The process and the prospects it offered were to serve as the anchor for reform in the Western Balkans through a shared agenda, and commitment to its implementation from all sides, all the way to their future accession, in the same way the accession process has done in Central and Eastern Europe.

The EU accession process has been an important driver and support for reconciliation of the region that went through a turbulent decade of wars, ethnic conflicts and economic and societal crisis and a leading path towards the respect of human rights and the rule of law for everyone.

Within this period, legislative steps were taken to better protect the rights of LGBTI people, as EU integration served as an anchor for reforms in the region. We saw a time of real advances for human rights for all, including the protection of the fundamental rights of LGBTI people and an acknowledgement that LGBTI people are part of Western Balkan societies. The accession process has amplified the voices of local LGBTI activists and initiatives, helping drive forward their crucial work in protecting LGBTI rights and democratic societies. Most of the countries have developed LGBT National Action Plans which have created, or envisaged legal provisions for LGBTI people to be protected from discrimination and violence and to be treated equally, for example introducing recognition of same-sex partnership, and ensuring legal gender recognition procedures that will allow people to have personal documents based on self-determination. These reforms in the framework of the EU accession process of Western Balkan countries are ongoing, and advances on achieving equality for LGBTI persons are still fragile and should not be taken for granted. For example, implementation of LGBT National Action Plans still need to be properly implemented across the region, and in December, notably after the refusal of accession negotiations and contrary to European Commission advice, Albania took steps backwards when it comes to respect of freedom of speech by approving controversial anti-defamation laws.

The decision not to open accession talks with Albania and North Macedonia despite their clear efforts and advances, damages the credibility of the accession process throughout the region, a process which has been fundamental in improving the legal rights and social acceptance of LGBTI people. Albania and North Macedonia have made significant steps and, like other Western Balkan countries, have demonstrated that the rule of law and respect for human and minority rights constitute the very foundations of these two countries. North Macedonia adopted many missing laws to protect the rights of LGBTI people in the past 24 months, confirming the very essence of European values regarding fundamental rights by explicitly including sexual orientation and gender identity in its anti-discrimination, education, media and hate crime legislation. Albania adopted a number of laws protecting LGBTI people from discrimination in employment and education, and hate crime laws inclusive of sexual orientation and gender identity. ERA gathered over 200 human rights defenders in the Albanian capital of Tirana for its regional LGBTI conference this November, when the very first lesbian* march was also held in the city's streets, without incident. North Macedonia held the first Pride Parade in June 2019, and the Ministry of Labour and Social Policy organized its first National Conference on Advancement of LGBTI Rights also in June 2019.

The failure by the European Council to move forward with accession talks, despite all these important advances, risks that not only the governments of North Macedonia and Albania will turn away from the enlargement process, but that throughout the region the trust in the process is lost and governments no longer stand by their commitments to uphold human rights, including those of LGBTI people, as a value to be protected and improved.

With no clear support from the EU and by stopping the EU integration process, LGBTI communities and activists in the Western Balkans are once again at risk of increased marginalisation and of being left behind, while LGBTI movements will have even less support and space for development.

As throughout Europe, also in the Western Balkans, we are witnessing the continuous rise of populism, political and religious extremism, and the emergence of powerful forces against women's rights, sexual and reproductive rights, and LGBTI rights. These forces are attempting to restrict and threaten the rights and freedoms of LGBTI people. With LGBTI communities and activists still living in the fragile and yet to be fully reformed Western Balkans, facing a large number of human rights challenges, we have to state our deepest regrets and high concerns for the European Council's historic error of refusing to start accession talks with North Macedonia and Albania.

The strong and devoted presence of the EU in the Western Balkans is crucial for the overall improvement of the position of marginalised groups such as LGBTI people and its absence can severely damage the newly gained and still fragile progress of the past decade and a half. The LGBTI movement across the region, including in Albania and North Macedonia, always protected the cause of EU integration and its values whenever this was questioned. We also recognise that the EU became the strongest ally of LGBTI civil society in the region, and bravely fought and is still fighting for the advancement of rights for every LGBTI individual.

Therefore, we call on you, in your position as an ally to the cause of EU integration and the consolidation of rule of law and fundamental rights in the region, to raise awareness about the wide-spread consequences of this situation, and to do everything in your power to ensure that the start of accession talks is unblocked and to reiterate the European perspective of all Western Balkan countries.