



Report on  
Situation Testing of  
**DISCRIMINATION AGAINST  
LESBIANS, GAYS, AND ROMA  
WOMEN IN THE AREA OF  
ACCESS TO GOODS AND  
SERVICES AND ACCESS TO  
HOUSING IN KOSOVO**

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Kosovar Gender Studies Center (KGSC) ([www.kgscenter.net](http://www.kgscenter.net))

KGSC has been contributing to gender mainstreaming since 2002 and continuously makes efforts to achieve gender equality in Kosovo. It has been pioneering changes to the discriminatory system, social norms, and double standards, and is very active in monitoring public institutions. KGSC mission is to integrate gender-sensitive analysis, programs, and policies in all sectors of Kosovar society by increasing gender awareness and focus on gender issues, developing gender studies and ensuring the inclusion of gender-sensitive policies through research, policy development, advocacy, and lobbying.

Center for Social Group Development (CSGD) ([www.csgd-ks.org](http://www.csgd-ks.org))

CSGD has been working with the LGBTI community since October 2003. The aim of CSGD is to support, protect, and advocate for the rights of LGBTI community in Kosovo. Since then, CSGD has made maximum efforts to work in the area of empowering the LGBTI community in Kosovo, raise awareness to the general population and advocate for the LGBTI rights, and work on HIV prevention among MSM in Kosovo.

Disclaimer:

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## **Executive Summary**

Situation testing is a method for proving discrimination and the following report is representing results of using this method to show the most common forms and ways of discrimination against lesbians, gays, and Roma women in Kosovo in accessing goods, services and housing. While there is a common knowledge on discrimination based on sexual orientation and ethnicity, evidence collected during situation testing conducted in Pristina showed which of these minority groups are the most exposed to discrimination and what kind of problems the members of each of these groups are facing within their everyday life. This was realized by forming the pairs of testers and control testers who differ only in one particular protected characteristic and whose role was to investigate what is the experience of lesbians, gays, and Roma women like in common life situations, such as searching for an apartment to rent or visiting bars together with the partner/friend when that particular characteristic is visible to public. The information gathered in this way is helpful primarily for proving discrimination and its mechanisms based on sexual orientation and ethnicity, as well as for developing evidence-based advocacy strategies for the improvement of their position in Kosovo society.

## **Introduction**

Situation testing as a method has been used for different purposes. The main purpose of situation testing is to prove the evidence-based existence of discrimination against certain minority groups or the members of their communities. It is a method that was used worldwide, either to collect evidence after reported case of discrimination that may be used for strategic litigation or advocacy, or to investigate the occurrence of discrimination in certain areas and against particular minority group for which existence there is a common knowledge but without solid proof. Kosovo LGBTI+ activists were introduced to the method of situation testing thanks to the project on building capacities of LGBTI+ groups for lobbying and advocacy in 2016<sup>1</sup>. This was the starting point for brainstorming the ways it can be conducted in Kosovo as a useful method for proving discrimination and its mechanisms.

Although the year 2020 was very challenging regarding the COVID 19 health crisis, Kosovar Gender Studies Center (KGSC) and Center for Social Group Development (CSGD) decided to initiate the testing of discrimination based on sexual orientation and ethnicity. The areas to be tested have been determined based on the pandemic developments by respecting the preventive measures which were in force by Kosovo Government as well as making sure to choose areas which would not put the testers at risk of getting infected. This is why we have concluded that the safest areas for testing would be access to goods and services and housing, as in these areas the testers would be the least exposed to direct contact with those included in testing.

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1. Engagement for Equity Program (E4E), implemented by the Advocacy Training and Resource Center - ATRC and supported by the United States Agency for International Development (USAID)

Even in those areas we had to follow the situation with virus spreading and adapt to the periods when the infection was not at its peak.

Roma community faces discrimination, prejudices, and marginalization as a minority with very different origin and culture comparing to majority population in Kosovo. Roma women face multiple discrimination both within their own communities and at the level of whole society, as it is grounded on both ethnic origin and gender, and aggravated by the specifics of Roma culture, which implies strict differences in gender roles. Roma community, and Roma women especially, have faced numerous obstacles within social inclusion, through ethnic discrimination, lack in access to political decision-making, and low level of education. This is particularly pronounced in certain Roma communities who insist on strict adherence to long-established traditional norms throughout their culture and history. Social injustice, such as poor living standards and poverty, reduced access to education, health care services or housing, little or no employment prospects, and access to other public services, especially impact the position of Roma women. They live in strongly patriarchal communities with strict gender roles and are raised with the knowledge that men are in charge of all decision-making processes, even about their own lives. Arranged marriages are not uncommon, and they are often forced to be married as minors.

Social injustice and discrimination faced by lesbians and gays differs from Roma women, as it is based on different ground (protected characteristic) - sexual orientation. There is very low level of awareness about the specific issues concerning lesbian and gays in Kosovo. Widespread homophobia and prejudices forces them to remain hidden, and often their problems start within their own families who refuse to accept them because of their sexual orientation. Homosexuality is widely understood as a disease in Kosovo society, which keeps them even more marginalized. Many lesbians and gays are facing hate speech and hate crime through verbal harassment or abuse, death threats, or physical violence. Family rights of lesbians and gays are non-existing - marriage or any other form of partnership is not allowed by the law.

Conducting situation testing may comprehend the improvement of the position of certain minority groups in Kosovo, as well as the improvement of work of groups and organizations representing those groups in the public life of Kosovo. In the end, using situation testing will help to improve the understanding of discrimination and its mechanisms against certain minority groups and individuals.

## **What is situation testing and when/why is it used?**

Situation testing is an experimental method of determining discrimination and obtaining evidence that credibly imitates the situation of discrimination. It is an experimental method aiming to establish discrimination on the spot.

For this purpose, experimental groups are formed whose members have personal characteristic based on which the discrimination occurred before, as well as the control groups, whose members do not possess that same characteristic, but share all the other important characteristics with the experimental group, so that the different treatment they enjoy can be explained only by discrimination.

Testing of a certain (reported) situation can be conducted by repeating it in the same way with the help of testers and control testers. In situation testing, two people are assigned fictitious identities and qualifications that are comparable in all key respects. The identities differ only on the characteristic being tested (in our case, it is sexual orientation and ethnicity). Each tester of a pair then applies for the same opportunity (e.g. job application, entrance to a restaurant, apartment renting) and documents the interaction. With an appropriate sample of tests and statistical techniques, situation testing can identify treatment that differs for testers whose only difference is a certain protected characteristic. The essence of situation testing is that a tester possessing a specific protected characteristic identical to that of the complainant and another tester similar to the complainant in all characteristics except the protected characteristic (control tester) apply to the same institution with the same objective and the same questions. This is done by placing rigorously selected testing pairs in situations that are considered particularly vulnerable to discriminatory treatment (e.g. entrance to a restaurant, job applications, housing). If a certain situation repeats in a same way regarding the experience of a paired testers, we can conclude that the reason for such occurrence is discrimination, since the only difference between them is a certain protected characteristic.

Situation testing may be used for different purposes. Some of the main ones are:

- **Determination of discrimination and facts related to some discriminatory practice**
- **Providing evidence (burden of proof)**
- **Court cases – strategic litigation –**
- **Advocacy and raising awareness**
- **Research**

Based on our needs, situation testing of discrimination might be used differently. For example, there is a difference when we want to test the discrimination against so called visible or unobservable minorities. “Visible minorities” are those whose protected characteristics based on which they might be discriminated are visible in direct contact with them (skin color, sex, gender identity, age, some forms of disabilities, etc.). This is important when we want to test, for example, discrimination based on ethnicity. The members of some ethnic groups are more visible than others, like in the case of Roma people, or Roma women in our case.

When testing discrimination against “visible” minorities, we tend to find testers whose personal characteristics are similar. For example, control testers who do not possess that “visible” protected personal characteristic based on which we are conducting situation testing should dress up similarly, should behave the same way, etc. On the other side, when testing the discrimination based on protected personal characteristics that are not so obvious, we have to think of the ways of making it more visible. This was the case in testing discrimination in Kosovo, as it included discrimination based on ethnicity and sexual orientation. While it was easier to find two more non-Roma women with all the other protected personal characteristics similar to Roma testers except the skin color, it was much harder to think of the ways how lesbian and gay testers will express their sexual orientation, make it more visible, and at the same time – take care not to be endangered.

Testing the discrimination can be conducted in two different types: based on the reported case of discrimination or proactively (research testing). In our case of testing discrimination in Kosovo, it is proactive testing, which means there was no reported specific case of discrimination, but it is based on the common knowledge on the existence of discrimination in tested areas against lesbians, gays, and Roma women. On the other hand, testing based on the reported case is based on some particular case. The person who believes s/he is a victim of discrimination testifies on their own experience and that experience is the starting point for conducting the situation testing. Usually, the main difference between these two types of situation testing is that in the first case (proactive testing), we test more subjects to collect information within the certain area of discrimination and/or against certain groups/individual. While in the situation testing based on the reported case we usually test one reported subject/perpetrator and its aim is usually strategic litigation or advocacy action in that particular case.

## **Methodology of using situation testing of discrimination against lesbians, gays, and Roma women in Pristina in the area of access to goods and services and housing**

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### **3.1. Preparation activities with situation testing coordinators**

Due to a COVID 19 health crisis, preparations have been implemented in several phases and periods between. The first meeting on organizing situation testing of discrimination was held in June 2020. At the beginning, the situation testing coordinators were chosen, as well as the areas of discrimination to be tested (definition of a problem) – access to goods and services and housing. Beside the areas of discrimination to be tested, it was decided that the testing will be conducted for the members of three minority groups – lesbians, gays, and Roma women, that is, the discrimination based on sexual orientation and ethnicity will be tested.

It was agreed that the bars in Pristina will be tested by sending the testers together with the control testers in the field, where in the case of lesbians and gays, they will act like couples, and the heterosexual couples as control testers will also be there, so that they can compare the attitudes of the staff and the rest of the guests toward both groups. In case of Roma women, two female Roma friends were sent to the bars as testers for the same purposes, together with two non-Roma female friends as the control testers.

The preparation activities included the definition of the problem, purpose, and the expected outcomes; logistic preparations; selection and engagement of testers and control testers; and training the testers and control testers.

The main duties and responsibilities of situation testing coordinators were defined as following:

- fact findings
- elaboration of testing choreography
- assembling the questionnaire
- training the testers
- administration: contracts with testers and taking their statements
- presence at the scene
- making sure questionnaires are filled in
- analyzing the test results
- interviewing testers, letting them vent their frustrations
- defining the follow up activities

In November 2020, the training for situation testing coordinators was held. Through this training, the coordinators were introduced with situation testing as a method, when, why, and how it is used for proving discrimination in certain areas. The purpose, goals, objectives, and expected outcomes were also defined, as well as the places/areas to be tested. In the end, the documents were also defined, such as the agreements with testers and the form for reporting (reporting questionnaire) which was then used after the testing was conducted.

### **3.2. Preparation activities with testers and control testers**

The period after holding the training for situation testing coordinators was used by them to select the testers and control testers willing to participate in the project. Following the received instructions in training sessions, situations testing coordinators selected ten testers and control testers for conducting the situation testing of discrimination in access to goods and services: two testers for acting as lesbian couple, two testers for acting as gay couple, a female and male control testers representing heterosexual couple, two Roma women as testers, and two non-Roma women as control testers. The selected testers had to meet several criteria:



- the testers must not have prejudice toward the discriminated person
- it is recommended that the testers do not have a criminal past
- the testers should not be too emotional
- the testers must not have had previous contact with the discriminator being tested
- the testers must not be underage persons

During the selection of the testers, the coordinator should also be careful in regard to the testers' personal capabilities, as follows: the capability of making objective observations, lack of prejudice or the capacity to successfully overcome prejudice, reliability, certainty, trustworthiness for longer engagement, lack of bias, capacity to suppress their own feelings during the testing, calmness, not being prone to provocations, good self-awareness, capacity for independent thinking and decision-making, creativity.

In April 2021, the training for testers and control testers was held. They were introduced with the methodology of situation testing and their role within it. Beside the theory part on the issue, the role-play practice was used for training the testers in different possible situations they might find themselves in. The most important conclusion of this training was that they gained knowledge about their role in controlling the situation and avoiding possible unpleasant, sensitive, or dangerous situations. After agreeing on the fact that the well-being of testers is the most important and defining the limits they are willing or not willing to cross in that matter, they felt much more ready and safe for taking part in situation testing.

### **3.3. Methodology in conducting situation testing of discrimination based on sexual orientation and ethnicity in access to goods and services and housing in Pristina**

Situation testing coordinators have defined the particular bars and the real estate agencies to be tested. They also had the task to follow the testers and control testers and be close to them while the testing was conducted.

Situation testing of discrimination based on sexual orientation in access to goods and services was conducted by forming three testing couples whose responsibility was to visit the bars in Pristina and test the reaction of staff and other guests to their acting like a couple (meaning, expressing their sexual orientation): lesbian couple, gay couple, and control heterosexual couple. The testing and control testing couples were visiting the bars at the same time, acting like couples – touching each other's hair, hands, or legs, looking at each other, etc. Control testers would enter the bar couple of minutes before the lesbian/gay couple, so that they can observe the behavior of staff and other guests toward them. We have agreed that the couples will not kiss each other, as we concluded this might endanger the lesbian and gay testers.

Control testers did not really have any reactions to them as a couple, but their role was more of observation of behavior toward the lesbian or gay couple, as they described their own experience as couple as feeling invisible almost everywhere.

Situation testing of discrimination against Roma women in the area of access to goods and services was set in a form of forming two pairs of testers – two Roma women acting as friends who are visiting bars in Pristina, same as with the control testers of two female non-Roma friends. They were responsible for observing several occurrences: the time of waiting for the service, the behavior of the staff in the bars, and the behavior of other guests toward them (same as in the case of situation testing against lesbians and gays).

Situation testing of discrimination in access to housing involved testing the attitudes of employees in real estate agencies. Based on previously explained differences in the grounds of discrimination (“visible” and “non-observable” minorities), the methodology used in testing was different. While in the case of testing discrimination based on ethnicity the testers and control testers were obliged to visit the real estate agencies and conduct the testing in person, as the testers are members of Roma community as so-called “visible” minority, situation testing of discrimination based on sexual orientation was conducted via telephone. Telephone testing is carried out quickly, requires less funding, testers do not always have protected characteristics, which can be found much easier (in the case of research on a particular discriminatory practice), testers can note certain information during the implementation of testing, which further helps them to complete the questionnaire faster.

The testers and control testers contacted the real estate agencies with the request to rent an apartment for a lesbian couple, gay couple, and two Roma female friends. Control testers participated only in the cases that were suspicious of possible discriminating act, as the situation was clear in most cases and there was no need to include them in all cases. All of the testers asked to rent an apartment with a price range up to 300 euros, in any part of Pristina, but easily accessible to the city center. In the case of Roma women, we have agreed on what they will answer if asked about where they work (non-governmental organization and the supermarket), as this was reported as a common question by the agents.

Testers and control testers wore similar clothes and acted with the same manners. Their age is similar (20+), they were wearing casual clothes (trousers and T-shirts), and they were not noticeable by their personal appearance. In testing the discrimination based on sexual orientation, the way of testers and control testers were acting as a couple was practiced in training for testers: they had to touch each other's hands, face or hair at times, look at each other with an amorous look. Lesbian and gay testers were instructed to wear some piece of cloth or jewelry with rainbow colors, or some other visible sign that represents the lesbian and gay community.

The testers and control testers had the responsibility to describe within the report how the bar looked like, how many people were there, their age, sex, class, and other characteristics.

They were also reporting on how long they were waiting for the service, as well as about the behavior and attitudes toward them coming from the staff of the bar and the other guests.

After the testing was conducted, the situation testing coordinators were responsible for documenting the evidence/testimonials, evaluation of situation testing, debriefing the testers and letting them vent their frustrations, and defining the further activities based on the results obtained through situation testing.

## **Results and findings of using situation testing of discrimination against lesbians, gays, and Roma women in the areas of access to goods and services and housing in Pristina**

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### **4.1. Results of situation testing of discrimination based on sexual orientation in the area of access to goods and services – Testing the bars in Pristina**

The subjects of situation testing of discrimination based on sexual orientation in access to goods and services were the bars in different neighborhoods in Pristina: Ulpiana, Lesna, Sunny Hill, Rruga B, Santea, Pishat, Emshir, and three bars in the city center.

#### **4.1.1. Results of situation testing of discrimination based on sexual orientation – two testers as lesbian couple and two control testers as heterosexual couple**

Lesbian couple testers did not have many unpleasant or discriminating experiences comparing to a gay couple testers. In fact, it is hard to conclude if some of their experiences can be described as experiencing sexism or homophobia. The most interesting fact is that the control testers were those who had more insights and in most of the cases they reported on discrimination or mistreatment toward the lesbian couple (the same was with the gay couple testers). For example, in one of the bars the control testers described the behavior of the waiter who was staring at them and laughing with the bartender who could not see them, but then went closer, so that they could continue laughing and mocking them. None of this was noticed by the lesbian couple testers. In other situation, the waiter was not happy with heterosexual couple showing their affection toward each other and was curious about the lesbian couple. He even asked them, while taking the order: *“Why are you holding hands like that? Why are you behaving like that? What is your relation, are you sisters, friends or what?”* But in the end, when they were paying, he apologized and said: *“I asked about your relationship because you guys look very happy, I didn’t mean anything bad by asking.”*

Out of ten bars that were the subjects of testing, in four bars neither testers nor the control testers reported about any mistreatment or discrimination. In two bars, control testers noticed few of the guests or staff members staring at lesbian couple, which was not reported by lesbian testers. There were no other actions beside staring reported by any of the testers, and only in one bar lesbian couple reported they felt very uncomfortable on their way out of the bar because they were holding hands, and everyone was staring at them.

#### **4.1.2. Results of situation testing of discrimination based on sexual orientation – two testers as gay couple and two control testers as heterosexual couple**

Testers and control testers representing gay and heterosexual couples were testing the same subjects/bars as it was the case with lesbian and heterosexual couples.

Unlike the experience of lesbian couple testers who did not have many unpleasant experiences, gay couple testers did not have bad experience in only one out of ten tested bars. They not only had bad experiences in the bars, but also on their way in or out. . In five out of ten tested bars, testers experienced mocking, staring, or even bad words both by the staff of the bars as well as from other guests. In some of the tested bars they felt unpleasant because of the guests' reactions – three bars in total, and in one bar only the staff members were discriminating. They have experienced discrimination, prejudices, judgment, and other unpleasant experiences almost everywhere, regardless if the bar was full of people or empty, or the structure of other guests regarding their age, sex, class, or other personal characteristics.

The reactions of staff members were laughing, making jokes with other staff members, staring, one of them said: *“There are faggots everywhere, wherever you go there are faggots!”*. In one of the bars, the manager was talking loudly to one of the waiters, gesturing aggressively, like he wanted to say that gay couple should not be allowed to enter the bar, testimonies given by both, the testers and control testers. The waiter in one of the tested bars hesitated/refused serving to the gay couple when they wanted to pay the bill. Although the bar was not packed with customers, the waiter pretended to be busy. On the other hand, a straight couple was served with no hesitation and in time.

The reactions of the other guests in the bars were more unpleasant toward the gay testers, compared to the attitudes of staff. Almost everywhere, a gay couple reported they felt very uncomfortable when they were coming in or leaving the bar, because everyone was staring at them. In front of one of the bars, before they entered, some people on the street swore at a gay couple. In one bar, at the next table to them, there was a group of five male friends. When another friend came in to join them, one of the guys said: *“Come here, bro, we have some nice girls here”*, laughing and mocking the gay couple. In most of the bars, people were staring at them, while rolling their eyes or making bad comments. The testers testified about how they felt and some of their statements were: *“To me, this was one of the most stressful moment of situation testing, I didn't feel comfortable with the place nor with the people”* or *“The way the other guests and people passing by looked at us was the worst feeling ever, it was very stressful and very unpleasant feeling.”*

In one bar that was almost empty, with only 5-6 guests inside, they reported: *“This time we were sitting across from each other and there wasn’t much space to do anything, except touching each other’s hands a bit. This is because we didn’t feel safe after the way the manager and the waiter stared at us, they didn’t really have a nice approach.”* And in one of the testimonies, one of the testers stated: *“At the entrance, as always, we have received a lot of staring, a lot of shocked looks, also on our way out.”* - which indicates they had a bad experience at all sites tested. One of the control testers reported that after the gay couple left the bar, two male friends were staring at them and one of them said: *“Look at those faggots, I would f\*ck their whole family!”* with an angry facial expression.

After leaving one of the bars, one of the testers reported the incident that happened on their way out. One of the urban bus drivers, looked at the gay couple and by sticking his head out of the bus window started to mock them. The testers stopped and confronted him. After two minutes, another urban bus driver recorded the testers with his phone, so one of the testers asked him why he was recording. He denied that he was recording but the tester heard him say to his friend that he wanted to record them. The testers described this incident like it was initiated by the people who never saw gays before.

In overall conclusion, gay couple testers experienced all kinds of discrimination, insults, mocking, etc. There were staff members who were late with servicing or did that in a very unpleasant way. They were making jokes about gay couple guests among each other, staring at them, passing by them intentionally, just to be able to stare. The other guests were even more unpleasant, making jokes between each other about them, using bad words. And the control testers, acting like heterosexual couple, who behaved completely the same as the gay couple, reported that not only they did not have any kind of bad experience, but in most of the cases they felt invisible.

#### **4.2. Results of situation testing of discrimination based on ethnicity (against Roma-women) in the area of access to goods and services – Testing the bars in Pristina**

Roma and non-Roma pairs of testers and control testers were testing different bars compared to situation testing of discrimination based on sexual orientation. Ten bars were the subjects of situation testing of discrimination based on ethnicity in different neighborhoods of Pristina: Emshir; Pishat, Rruga B, Santea, Sheshi, Ulpiana, Sunny Hill, Lesna, and in the city center.

The examples of direct discrimination against Roma women were not reported within the situation testing, or at least it was not clear if some of their experiences of the subject’s behavior may be characterized as discrimination. In two bars, a pair of Roma women testers reported that the staff was not polite, but the same was reported by the control testers as well. The only difference in providing services to a pair of testers was reported in two of the visited bars, where testers had to wait longer than the control (non-Roma) testers.

In both cases, testers reported that they could not be sure if it was based on discriminatory practice or because both of the bars were full of people, so the staff could not manage to be on time.

Control non-Roma testers entered one of the bars ten minutes later than the Roma-women pair of testers. There were more than twenty people in a bar and the waiter came immediately to serve them. After he received an order from the control (non-Roma) testers, he went to take an order from the Roma-women pair of testers, so they had to wait for their service for more than ten minutes. Although this can be explained as motivated by discrimination, there is also a fact that the bar was full of people, and this cannot be valid proof for sure. What is also important to notice about this case is that the reporting about it was different between testers and control testers. While the Roma testers both reported about staff's service without expressing any kind of emotions or justifications, control testers characterized the delay in providing service as unjustified. The reason for these differences may be explained by the fact that Roma women are not so informed about the mechanisms of discrimination, as well as they are used to a different treatment due to experiencing it on a daily basis.

### **4.3. Results of situation testing of discrimination based on sexual orientation in the area of access to housing – Testing the real estate agencies in Pristina**

#### **4.3.1. Results of situation testing of discrimination based on sexual orientation – one tester representing a lesbian couple and one control tester representing a heterosexual couple**

Situation testing of discrimination in access to housing was not requiring the involvement of more than one tester and one control tester, as it was conducted via telephone and Viber application. The lesbian tester called the real estate agencies and asked if she could send her request via Viber application so that she can receive their offers the same way. In cases that were suspicious as an act of discrimination, another tester contacted the same subject and in a same way, but representing the heterosexual couple as possible costumers, to be able to compare the behavior of the agents toward both testers. Most of the real estate agencies are situated in the center of Pristina, and there were ten of them tested.

After all of the agencies accepted to be contacted again via Viber application, the following text was sent to them:

*“Hello, I am Flora, and I am interested in renting a one-bedroom apartment. I want to rent the apartment for me and my girlfriend Anita. In other words, we are a couple. The location of the apartment should be in Prishtina, no matter the exact location, as long as it is easily accessible to the Prishtina center. Thank you in advance for sending me the offers you have.”*

In seven out of ten tested cases, the agents replied by offering several options, showing no discriminating behavior. In two of those cases, the agents were even so polite and pleasant that they also offered to negotiate and lower the price stated in the official offer. In one case, the agent offered two apartments to a tester, but emphasized that the apartments are not available at the requested time for renting. As this was a bit suspicious, control testers were included in this case, but the same was confirmed with their experience, so it was not the case of discrimination as well. In one case, the agent asked the tester to send him her Instagram account information. She answered that she is not using social networks, and when asked to express her feelings about what she thinks why he wanted that information, she said she was not sure if he wanted to know more about her for professional reasons, or if it was an act of sexism.

After sending the aforementioned text via Viber application, one of the tested agencies did not reply for an hour. The tester called them again, reminding them to reply to her Viber message. First the agency sent a link to an offer, but immediately deleted it, which was visible in the Viber message thread. The tester asked them to send it again via Viber, but they have never replied. In this case the control tester was included, by sending the same request, but for a heterosexual couple, and she has received two offers immediately. Based on the action the real estate agent took in this case, this can be described as an example of direct discrimination.

In another case, after sending the Viber message, the agent replied to a tester with a question. *“Hello, I am sorry, but am I misunderstanding, or have you mentioned that Anita is your girlfriend? Meaning you are two women?”*. After a tester confirmed, there was no reply by the agent. The control testers contacted them with the same request for a heterosexual couple and they have received two offers immediately. Therefore, within the situation testing of discrimination against lesbians in the area of access to housing, two cases of direct discrimination were reported.

#### **4.3.2. Results in situation testing of discrimination based on sexual orientation – one tester representing a gay couple and one control tester representing a heterosexual couple**

Situation testing of discrimination against gays in the area of access to housing was conducted in the same way as in the case of lesbians. The tester contacted the real estate agencies on the phone and directed them to a Viber message. Ten different real estate agencies were the subjects of situation testing of discrimination against gays in access to housing. The following text has been sent via Viber application:

*“Hello, I'm Enveri and I am interested in an apartment with one bedroom, for me and my boyfriend. The location is not of much importance as long as it's in Prishtina and easily accessible to a city center. I would really appreciate it if you send me the offers you have.”*

Discrimination against a gay couple (tester representing a gay couple) was not reported in six out of ten tested real estate agencies. In two of those cases, the agents answered that they have some offers, but could not send it immediately as the agents were in the

field. Control tester representing the heterosexual couple received the same answers by those agents. There was also one agency which reported they have no offers at the moment, but this was also confirmed by the control tester. In three cases the agents behaved professionally, were formal and polite to a gay customer and sent couple of offers.

Three agencies did not reply at all to a tester representing a gay couple in search for an apartment to rent. Tester tried to contact them several times repeatedly, but after receiving the calls and Viber messages, there was no reply by any of those three agencies. Control tester was included in all cases, contacting the agencies the same way, with only difference that he required an offer of the apartment for rent for a heterosexual couple. All the control testers immediately received at least one, if not more offers. Those three cases can be listed as a clear case of discrimination.

In another case, a tester representing a gay couple received an answer by the agent that they do not have an apartment with one bedroom and asked if he is interested in an apartment with two bedrooms. After the tester confirmed, the agent emphasized that the mentioned apartment is not renovated and is in a very bad condition. After the control tester representing the heterosexual couple contacted them with the same request, he immediately received an offer. Therefore, four cases of discrimination were reported within the situation testing of discrimination against gays in the area of access to housing.

#### **4.4. Results in situation testing of discrimination based on ethnicity in access to housing – two testers as Roma female friends and two control testers as non-Roma female friends**

Situation testing of discrimination in the area of access to housing was conducted in a different way in testing the discrimination on the ground of ethnicity. Roma women testers visited the agencies directly in person due to the differences in the visibility of the minorities (skin color), which was impossible to emphasize via telephone call. Control testers (non-Roma women) went together with them at all sites, but they were not included in all of the tested cases – only in those that seemed suspicious of possible discriminating acts. It is interesting to notice that the control testers answered the situation testing questionnaires in all cases in solidarity with the testers, even where they were not included, by recounting the experiences they have received by Roma women testers, so that their experiences may be confirmed by more sources. Testers represented themselves as two friends in search of an apartment to rent, with the price range up to 300 euros and easily accessible to the city center. Ten real estate agencies were the subjects of situation testing of discrimination based on ethnicity in access to housing.

Agents in seven out of ten tested real estate agencies acted professionally, listened to the request by the testers, and offered them at least one apartment for rent in the requested price range. Some of them were interested about their working status, but this was something described as a common occurrence when contacting the real estate agencies during the training for testers.



Testers have reported unprofessional behavior in one of the tested agencies, where the staff was not polite and claimed they only have apartments for selling, not for renting, but the same situation happened when control testers visited them, so it cannot be listed as a case of discrimination.

After visiting one of the tested real estate agencies, testers have reported that the agents claimed they only have offers with the price range higher than requested, although they acted professionally and were kind to them. Control testers were included in this situation and their experience was completely different – they have received several offers in the price range from 190 to 300 euros. Even after leaving the real estate agency, they have received more offers via phone.

In another agency, the agent claimed they had an offer today of an apartment whose renting price was 300 euros per month, but that offer was no longer relevant as the apartment was just rented. They have offered them another apartment with a higher price and with a possibility to negotiate it. Control testers had different experiences in this situation as well – the same agency offered them several options of the apartments with the price range from 200 to 300 euros, and even contacted them on the phone half an hour after they left the agency, offering more options. Those two cases can be characterized as clear cases of discrimination on the ground of ethnicity.

## Conclusion

Based on the results of the situation testing of discrimination conducted in Pristina, among the members of three minority groups involved, it can be concluded that gays are the most discriminated group in all tested areas. The acts of discrimination vary from ignorance, staring, mocking, making jokes, even to threats of physical violence. Additionally, discriminating acts toward gays were not made only from the subjects of situation testing – staff of the bars in Pristina and real estate agencies, but also from other people who were not the subjects of testing: other guests in the bars, as well as passers-by, regardless their sex, age, class, or other personal characteristics.

Situation testing of discrimination against lesbians often shows that it is hard to make a difference if some mistreatment might be characterized as lesbophobia or sexism. For example, in testing the bars, in two cases the staff was more polite toward the lesbian than to heterosexual couple, which might be (but not necessarily) explained as an sexist act. Furthermore, the discriminating acts were not so dramatic as in the case of gays and they involved staring, ignorance, and flouting. As reported, the discrimination and/or prejudices were coming mostly from men, in our cases, coming from the staff of the bars and real estate agencies, and not involving passers-by.

Roma women testers experienced ignorance expressed through delays in providing services, or even rejection. The forms of discriminating acts were not clear and open, but more hidden, like in the situation testing of discrimination in the area of access to housing – none of the tested subjects refused directly to offer them an apartment, but they offered

them some they considered was unattainable for them. However, it is important to emphasize that Roma women involved in situation testing looked like any other person regarding their clothes, manners, and overall appearance. The question is whether the situation would be the same if they were dressed differently and emphasized more belonging to the Roma community with their appearance (clothes, language, etc.).

In the end, it is important to emphasize that all of the results of situation testing were obtained in testing the discrimination in Pristina. It would be interesting to see what the situation would look like if it was conducted nationally, or by including more minority groups, such as transgender persons or people with disabilities. Furthermore, more domains may be included, like employment or access to health care. These results would be a useful tool for proving the discrimination and using this evidence-based results as an advocacy tool for the improvement of the position of these groups in the society.

In addition to further gathering information on discrimination against these or some other minority groups, it is recommended that organizations advocating for their rights use the results obtained to develop further advocacy strategies for the improvement of their position in Kosovo society. Those strategies should help in making the discrimination and its mechanisms (problem) more visible as it becomes evidence-based, as well as for promoting the strategies for its solution. Situation testing is, therefore, a useful tool both for improving the institutional protection of human rights and for raising awareness on specific problems certain minority groups are facing with, so the advocacy strategies should be developed in both directions – addressing the institutions as well as the general public

## Literature

Law on the Protection of Discrimination of the Republic of Kosovo

*Proving Discrimination Cases – the Role of Situation Testing*, Isabelle Rorive, Centre for Equal Rights and Migration Policy Group, 2009.

Criminal Code of the Republic of Kosovo

*Situation Testing – a Method of Proving Discrimination*, Neda Chalovska, Foundation Open Society Macedonia, Organization for Security and Co-operation in Europe

*Situation Testing of Discrimination – Manual for Activists*, Jovana Vuković, Association for Democratic Initiatives, Sarajevo, 2017.

European Center for Minority Issues (n.d.) *Situation testing*. Accessed in: <https://www.ecmikosovo.org/en/Situation-testing>

<http://www.migpolgroup.com/>

