



KOSOVO*

BIAS-MOTIVATED SPEECH

In February, the Prosecution initiated (ex-officio) a case against an official in the Ministry of Justice for hate speech against LGBTI people. In a comment on social media the official wrote that homosexuals and LGBTI people should be beheaded. The police took him into custody and held him for 48 hours. LGBTI organisations were unable to get further information regarding the case.

The conservative party Fjala held a press conference on the day of Pride Parade on 10 October, claiming that the march is against the country's values, culture and traditions. Fjala does not have any parliamentary seats.

BIAS-MOTIVATED VIOLENCE

The parliament adopted the new Criminal Code in January, introducing the prohibition of hate crimes and hate speech on grounds of sexual orientation and gender identity. The law entered into force on 14 April. Civil society welcomed the positive legal change, which was hard fought for over the past few years.

A total of 10 hate crimes were reported to the authorities this year, of which eight are pending, and in two the perpetrators were found guilty. An additional 13 cases were only reported to LGBTI organisations.

EQUALITY AND NON-DISCRIMINATION

On the occasion of IDAHOT, 17 May, local NGOs Centre for Social Development (CSGD) and Centre for Equality and Liberty (CEL) held a conference on the 'Constitutional and Equal Rights for LGBTI Persons' in Pristina. The conference focused on legal recognition for same-sex couples in the draft Civil Code and legal gender recognition.

The Advisory and Coordination Group for the LGBTI community, which was created by the government back in 2013, published a new National Action Plan 2019-2022 in April. None of the measures set out in the Action Plan were implemented in 2019.

FAMILY

NGOs CSGD and CEL, together with other human rights organisations, submitted their recommendations to the Ministry of Justice, with regard to the draft Civil Code and legal recognition for same-sex partnerships. The coalition of NGOs recommended either introducing gender-neutral language in the provision on marriage, or adding a new provision on civil unions between same-sex partners. The recommendations were not included

in the last published draft. Civil society, which participated in all the public discussions regarding the Civil Code, explained that the exclusion of same-sex partnerships contravenes the Code's principles and numerous articles of the Constitution. If adopted, civil society threatened to refer the issue to the Constitutional Court. Due to the political situation, i.e. not having a government in place, the process is currently stalled.

FREEDOM OF ASSEMBLY

For the third consecutive year, Pride week was successfully held without any incidents. The opening event was held in the government building of the President.

The organisers hosted a conference on measures required by the new government to address some of the key LGBTI rights issues.

The Pride march took place on 10 October. The organisers received no threats prior to the events and media reporting was largely positive.

LEGAL GENDER RECOGNITION

On 2 August, the Court of Appeal issued a historic decision, approving the legal gender recognition of M.P., a trans man, and allowing him to change his name and gender marker. The person's request was first denied by the local Civil Status Office in the town of Prizren, but the local Basic Court ruled in M.P.'s favour.

"The Basic Court incorporates and recognises the right to gender identity of persons who may, at a later date, without surgical intervention, request a change of gender."

- Court of Appeal

However, the Ministry of Interior and the Civil Registry Agency stated that the judgment will not be considered as precedent and other trans people will have to go through a similar court procedure. Civil society criticised this position and called for regulations on legal gender recognition.

In October, the Constitutional Court found the appeal of Blerit Morina inadmissible. Morina filed an appeal after the refusal of the Civil Registry Office and the Civil Registry Agency to change his gender marker and name in 2018. The Court argued that the case should first go to the lower courts.

* Included in this Review as a separate jurisdiction following UNSCR 1244/1999