

ILGA-Europe's submission to the European Commission's 2012 Progress Report on Kosovo¹

Brussels, May 11, 2012

Political criteria

Human rights and the protection of minorities	
Freedom of assembly and association	<p>The Constitution provides for freedom of assembly and association. However, it is impossible for LGBTI people to exercise those rights in Kosovo due to the widespread homophobia.</p> <p>There have been no attempts to organise Pride events or any other public actions for the rights of LGBTI people.</p> <p>There are some organisations that are doing limited activities on LGBT issues. The level of organising of LGBTI community is still low. However, from September 2011, LGBT organisation QESh restarted its activities and aims to strengthen and mobilize the community and open a public debate on LGBTI issues.</p> <p>LGBTI people in Kosovo prefer to conceal their sexual orientation and gender identity and refrain from speaking about their rights based on a legitimate fear of discrimination and stigmatization. There are no places for the community to gather.</p> <p>In December 2011, <i>Balkan Insight</i> reported that a bar for the LGBT community of Kosovo had opened in September but had closed shortly afterwards due to unwanted publicity. The opening of the country's first gay bar was publicised on the news website Lajme Shqip and a barrage of homophobic comment had followed. The venue closed down².</p>

¹ under UNSCR 1244/99

² <http://www.balkaninsight.com/en/article/lone-gay-bar-s-closure-leaves-kosovo-gays-bereft>

Equality and non-discrimination	<p>Both the constitution and the law refer to sexual orientation as a protected ground from discrimination. However, despite the protection on the statute books, the LGBTI community seems to have no protection at all in real life.</p> <p>In the above mentioned article of <i>Balkan Insight</i>, various people were interviewed and spoke of the conservative atmosphere that prevails in the country and the hostility towards the LGBT community. Consequently, most hide their sexual orientation when it is known they are at risk, amongst other things, of physical attack, forced marriage, psychological abuse and discrimination in general including in the provision of healthcare.</p> <p>In April 2011, a sixteen-year old girl was dismissed from school on the basis of absenteeism. The girl however told media that she was dismissed because of her dressing style. The newspaper specified that the girl dressed like the boys in her class. The Ministry of Education has requested that the student is accepted back to school as the reasons for her dismissal are not sufficient. However, the municipal authorities overturned that decision and the student is still not back to school. There is little knowledge on the side of the victim and relevant authorities that this is a possible case of gender expression discrimination.</p> <p>In December 2011, two young women were asked to leave a café -for showing affection towards each other- by the owner of the place who knew about the same-sex orientation of the women.</p> <p>There is little to no awareness in general public and in LGBTI community of Kosovo about the protection provided by constitution and law. In addition, there is no public discussion on LGBTI issues. As a result, most discrimination cases against LGBTI people remain unreported and most LGBTI individuals remain 'in the closet'.</p>
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