

ILGA-Europe's submission to the European Commission's 2010 Progress Report on Kosovo¹

Brussels, May 31, 2010

Political criteria

Human rights and the protection of minorities	
<i>Civil and political rights</i>	
Freedom of assembly and association	<p>The Constitution provides for freedom of assembly and association. However, it is impossible for LGBT people to exercise those rights in Kosovo due to the widespread homophobia.</p> <p>There have been no attempts to organize Pride events or any other public actions for the rights of LGBT people. In fact, LGBT 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.</p> <p>The level of organizing of LGBT people is very low. There are some organizations that are doing limited activities with the LGBT community. There is no public debate on LGBT issues and many LGBT individuals are forced to remain invisible and undercover.</p> <p>An article called <i>The Secret Life of Kosovo's Gay Community</i> published by BalkansInsight describes how LGBT people in Kosovo are forced to live in secrecy and pretense in order to avoid discrimination and violence. As mentioned by a young gay man in that article 'I've been physically and emotionally abused so I keep the fact that I am gay to myself'².</p> <p>No actions are taken by the authorities to create safe and tolerant environment for LGBT people to organize and take actions. According to the government spokesperson Memli Krasniqi "This issue [violence and discrimination against LGBT people] is not relevant in Kosovo's social context. It does</p>

¹ under UNSCR 1244/99

² *The Secret Life of Kosovo's Gay Community* by Shega A'Mula, 23 September 2009, BalkansInsight.com. <http://www.balkaninsight.com/en/main/analysis/22403/>

	not exist as a primary, secondary or tertiary issue to focus on. It is not in the government's margins of importance." ³
<i>Economic and social rights</i>	
Violence and Discrimination/ Anti-discrimination policies	<p>The Constitution of Kosovo bans discrimination on a number of grounds, including sexual orientation. Also the Anti- Discrimination law includes sexual orientation as a ground of non-discrimination in a variety of fields, including employment, membership of organizations, education, the provision of goods and services, social security and access to housing.</p> <p>Despite the broad protection provided by the legislation, LGBT people in Kosovo suffer discrimination on regular bases and are unaware of the protection provided by the Anti-discrimination law. As a result many LGBT individuals never 'come out of closet' because of the fear of discrimination and social exclusion.</p> <p>The US Department of State 2009 Human Rights Report on Kosovo notes: '[..] there were reports of violence and discrimination directed against lesbian, gay, bisexual, and transgender (LGBT) individuals. Traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. LGBT individuals generally felt insecure, with many reporting threats to their personal safety. [...] The print media at times reinforced negative attitudes by publishing articles about homosexuality that characterized LGBT persons as mentally ill. At least one political party, the Islamic-oriented Justice Party, included a condemnation of homosexuality in its political platform.'⁴</p> <p>Indeed, homophobic and transphobic attitudes are deeply rooted in Kosovo, with the consequence that LGBT people face widespread discrimination not just in the public sphere, but also at the hands of family members. These attitudes are exacerbated and legitimized by the failure of state authorities to uphold LGBT people's rights. Many police officers and public prosecutors in Kosovo have homophobic attitudes which are reflected in their refusal to follow up homo/transphobic crimes adequately, or to take seriously threats and dangers to LGBT people. The leading activist from</p>

³ ibid

⁴ <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136039.htm>

Centre for Social Emancipation (QESh) repeatedly received death threats in 2007. Every time he reported, the police showed reluctance to investigate the cases.⁵ In May 2008, 32 year old man was murdered in the Pristina city park- an area known as a gathering point for gay men. According to the Centre the police had failed to follow up on the case. There are also reports that police officers themselves are often the perpetrators of violence against LGBT people.⁶

Because of the fear of double victimization and stigmatization, most cases of violence against LGBT people go unreported.

There is no public discussion on the issues of sexual diversity in Kosovo and no steps are taken by the government to enforce the existing legislation.

⁵ <http://www.amnestyusa.org/lgbt-human-rights/act-to-protect-lgbt-activist-threatened-in-kosovo/page.do?id=1181001&tr=y&auid=2744175>

⁶ <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136039.htm>