

EQUAL RIGHTS FOR ALL COALITION (ERAC) STATEMENT

Condemning Statements Made by MP Kelmendi and Calling for Disciplinary Action to be taken by the Assembly of Kosovo

The Constitution of the Republic of Kosovo forbids discrimination against citizens on a number of grounds, including on sexual orientation. The Constitution also provides for a number of Fundamental Rights and Freedoms, such as the Right to Freedom and Security, to Gatherings, and to Association. All of these rights were exercised by citizens of the Republic when they organized a peaceful march in celebration of the International Day against Homophobia and Transphobia in Prishtina, Kosovo, on May 17th, which saw the participation of hundreds of citizens, including political leaders and ambassadors. The march was organized in line with legal requirements, and had the full logistical and security support of the relevant institutions, including the Kosovo Police.

Afterwards, independent MP Gëzim Kelmendi (also chairman of the political party “Fjala”) stated that “our people doesn’t need these kinds of parades” because “homosexuality is a disease that is scientifically proven”, and that it is against family values. He also stated that “this disease is the leading cause for the destruction of families and for population declines”.

ERAC would like to reiterate that the Constitution of the Republic of Kosovo grants fundamental rights and freedoms to all citizens of the Republic, regardless of their sexual orientation or sexual (self)identification. These rights cannot be abridged or curtailed with the false argument that they endanger family values, particularly when such statements come from public or elected officials.

Whether individual citizens are homosexual or heterosexual has no bearing on family values and a homosexual person does not endanger or distort these values neither more nor less than a heterosexual person. In addition, the right to peaceful gatherings and association cannot be curtailed and limited to those “worthy” of it, but is provided for all citizens and all communities, as long as they operate within the confines of the law.



Mr. Kelmendi holds public office and as such bears responsibility to uphold the values and the principles of the Constitution. Statements like those made by Mr. Kelmendi may incite violence, the likes of which we have already seen when the 2012, when an attack by a group of some 30 individuals was carried out against members and supporters of the community. Similar arguments about “family values” and “tradition” were also used then to justify the attacks which demolished the décor for the party and where one individual, participating in the party, was hurt. The community had also been a victim of similar—though smaller—attacks in the past.¹

We call upon the Assembly of Kosovo, of which Mr. Kelmendi is an elected Deputy and is bound by its Rules of Procedure, as well as on the Assembly Committee on Human Rights, Gender Equality, Missing Persons and Petitions, to consider this issue and to strongly condemn the public statements made by Mr. Kelmendi, as well as to investigate whether these statements qualify as hate speech under Kosovo’s legislation.

Note

Equal Rights for All Coalition (ERAC) brings together **seven (7) NGOs** that work in the domain of **rule of law** and **fundamental rights** and are active in the protection and promotion of the fundamental rights of vulnerable and/or marginalised groups (VMGs) which are **minority communities, women, youth** and **LGBT community**. Members of Equal Rights for All Coalition are: **European Centre for Minority Issues Kosovo (ECMI Kosovo), Kosovar Gender Studies Center (KGSC), Centre for Social Group Development (CSGD), Centre for Equality and Liberty of the LGBT community in Kosova (CEL), Youth Initiative for Human Rights (YIHR KS), Centre for Legal Aid and Regional Development (CLARD) and Kosovo Glocal.**

¹ <http://www.queerty.com/u-s-embassy-condemns-series-of-violent-anti-gay-attacks-in-kosovo-20121218>

