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Kosovo

Country:

Kosovo

Year:

2018

Freedom Status:

Partly Free

Political Rights:

3

Civil Liberties:

4

Aggregate Score:

52

Freedom Rating:

3.5

Overview:

Kosovo holds credible and relatively well-administered elections, but its institutions remain weak, and rampant corruption has given rise to deep public distrust in the government. Journalists face serious pressure, and risk being attacked in connection with their reporting. The rule of law is inhibited by executive interference in the judiciary.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 24 / 40

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

Kosovo's prime minister, who serves as head of government, is indirectly elected for a five-year term by at least a two-thirds majority of the unicameral Assembly. Snap general elections were held in June 2017 following a vote of no confidence in the government. The elections were considered credible by international observers, although there were inaccuracies in the voter lists and intimidation in Serb enclaves against both voters and

candidates. After no party won sufficient seats to form a government, the political deadlock ended in September when Ramush Haradinaj, a former guerilla fighter and leader of the AAK, was elected prime minister by the Assembly.

The president, who serves as head of state, is also elected to a five-year term by a two-thirds majority of the Assembly. President Hashim Thaçi was elected in 2016.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Members of the 120-seat Assembly are elected to four-year terms. International observers assessed the snap elections held in June 2017 as credible, but highlighted intimidation in Serb constituencies against both voters and candidates. Voter lists contained a number of inaccuracies, including deceased voters and voters being assigned polling stations relatively far from their homes.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Central Election Commission (CEC), which administers elections, generally acts transparently and fairly. However, because elections must take place between 30 and 45 days after the dissolution of parliament, the CEC struggled to meet important deadlines, send materials to voters living abroad, and adjudicate preelection complaints in a timely manner during the 2017 election period.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

A proliferation of parties compete in Kosovo. However, political parties sometimes face intimidation and harassment that can negatively impact their ability to operate. The Serb List has been accused of harassing rival parties and creating an environment where voters fear supporting any alternatives to the Serb List.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Opposition parties have a reasonable chance of gaining power through elections. The ruling PANA coalition, which includes the three largest parties—the AAK, the Democratic Party of Kosovo (PDK), and the Social Democratic Initiative (NISMA)—lost 15 seats in the 2017 parliamentary elections. Vetëvendosje, a nationalist party, gained 16 seats. After nearly three months of a deadlock, several parties previously in the opposition joined the PANA coalition and elected Prime Minister Haradinaj.

During the campaign in Serb areas, independent candidates and political parties other than the Serbian List experienced intimidation and violence.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4

The platform of the Serb List, a member of the coalition government, is influenced by the Serbian government. Several top political figures in Kosovo, including President Thaçi, have links to organized crime, which plays a powerful role in politics and influences the positions of key leaders.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

While several political parties represent the Serb minority, the population is not fully integrated into the electoral process or Kosovo's institutions. Serb List members have halted their participation in parliament, most recently in December 2016, which renders many Serbs without effective representation. The Turkish community is politically well-organized and is represented by three parties. . In addition to Serbs, Kosovo's largest ethnic minority, eight other minority groups are officially recognized and politically represented. Serbs are allocated 10 parliamentary seats, and 10 more are reserved for representatives from smaller minority groups.

Kosovo has the largest participation of women in its parliament among western Balkan countries, thanks to gender quotas enshrined in the constitution. However, women's interests are not consistently represented by the government. Many women in rural areas are disenfranchised through the practice of family voting, in which the male head of a household casts ballots for the entire family.

C. FUNCTIONING OF GOVERNMENT: 5 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

The lengthy deadlock before the formation of a coalition government in September 2017 highlighted the dysfunction and instability that troubles the political system. The PANA coalition was joined by the Serb List and the New Kosovo Alliance (AKR) to end the deadlock.

Serbia still maintains influence in northern Kosovo, where Kosovar institutions do not have a strong presence. In recent years, the government has advanced the decentralization process, granting self-rule to Serb enclaves in the southern part of Kosovo, which weakened parallel structures run by the Serbian government in those areas. However, parallel structures endure in northern Kosovo's Serb areas, meaning that the Kosovar government cannot fulfill its functions in these areas. A 2015 agreement between Kosovo and Serbia laid the groundwork for the Community of Serb Municipalities, a body intended to promote the interests of Serbs, which includes a proposed legislature for the Serb community. The establishment of the community remains at an impasse, however, and has been violently contested within and outside parliament. Three opposition political parties—Vetëvendosje, AAK, and NISMA—believe it threatens Kosovo's sovereignty.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption remains a serious problem, and the institutional framework to combat it is weak. The mandates of Kosovo's four main anticorruption bodies overlap, and they have difficulty coordinating their efforts. Authorities have shown little commitment to prosecuting high-level corruption, and when top officials are prosecuted, convictions are rare.

C3. Does the government operate with openness and transparency? 2 / 4

Despite the passage of the Law on Access to Public Documents in 2010, which was intended to make government documents available upon request, in practice government institutions frequently deny requests for information with little or no justification. Courts are slow to respond to complaints from those denied government information due to persistent backlogs in the judicial system.

CIVIL LIBERTIES: 28 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 9 / 16****D1. Are there free and independent media? 2 / 4**

The constitution guarantees press freedom and a variety of media outlets operate in Kosovo. However, the government and business interests exert undue influence on editorial lines, and journalists report frequent harassment and intimidation. In May and August 2017, two prominent journalists who report on political corruption were physically assaulted in separate incidents. These and other occurrences of intimidation and violence lead many journalists to practice self-censorship.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The constitution guarantees religious freedom. However, the Law on Freedom of Religion prevents some religious communities from registering as legal entities, a designation that would allow them to more easily buy and rent property, access burial sites, establish bank accounts, and carry out other administrative activities. Tensions between Muslims and Orthodox Christians occasionally flare up. In January 2017, protesters threw stones at the bus of Serb pilgrims visiting the Serbian Orthodox church in Gjakovë/Đakovica, amid claims that war criminals were among the visitors.

The government has reacted strongly to the threat of attacks by Islamic extremists and the radicalization of some Kosovar citizens. Bulk arrests and heavy-handed tactics by authorities have led some members of Kosovo's majority Muslim community to raise concerns about religious persecution.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom has improved in recent years. However, the university system is subject to political influence, as evidenced by 2017 revelations of a spate of suspicious promotions at the University of Priština.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Individuals are largely free to express their political views without fear of retribution. In recent years, space has opened for discussion on sensitive topics such as ethnic relations, Roma communities, and LGBT (lesbian, gay, bisexual, and transgender) matters, though some people are still uncomfortable discussing these issues.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12

E1. Is there freedom of assembly? 2 / 4

Freedom of assembly is generally respected, though demonstrations are occasionally restricted for security reasons. The constitution includes safeguards for public order and national security. Numerous antigovernment demonstrations took place in the capital in 2017. Some protests ended in clashes between demonstrators and police.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4

Nongovernmental organizations (NGOs) function freely, though the courts can ban groups that infringe on the constitutional order or encourage ethnic hatred. NGOs occasionally experience pressure to curtail criticism of the government. Funding for NGOs remained an issue in 2017, as international sources of support declined. To address this issue, the government passed a regulation in June that created a framework for government support for civil society.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The constitution protects the right to establish and join trade unions, but employers frequently do not respect collective bargaining rights. It is difficult to form a private-sector union because employers often intimidate workers to prevent them from organizing. As a result, few private-sector unions exist in Kosovo.

F. RULE OF LAW: 6 / 16

F1. Is there an independent judiciary? 1 / 4

Authorities and international donors have continued efforts to strengthen Kosovo's judicial system, but political interference in the judiciary, particularly from the executive branch, remains a problem. Widespread judicial corruption also negatively impacts the branch's independence. Resource constraints and a lack of qualified judges hinder the performance of the judiciary.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Prosecutors and courts remain susceptible to political interference and corruption by powerful political and business elites, affecting the right to a fair trial. Detained suspects are sometimes denied access to a lawyer until after questioning by authorities; occasionally, suspects do not meet with a lawyer until their first court appearance. Although the law states that defendants should not be detained before trial unless they are likely to flee or tamper with evidence, judges often order suspects detained without cause. Lengthy pretrial detentions are common due to judicial inefficiency and resource constraints.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Although the European Union (EU) brokered an agreement in 2015 between Kosovo and Serbia to disband the Serb Civilna Zastita (Civil Protection) security force in northern Kosovo, there have been reports that the force is still operating illegally. Prison conditions have improved in recent years, but violence and poor medical care remain problems.

Many former KLA members have been accused of war crimes, yet hold high-level positions in the government. Parliamentarians have attempted to stop the work of a war crimes court based in the Hague through efforts to repeal or renegotiate the 2015 law establishing its existence. Some former KLA members have been convicted by other courts. In December 2017, President Thaçi controversially pardoned three former KLA members who had been convicted of murdering a family in 2001.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Kosovo's Roma, Ashkali, and Gorani populations face discrimination in employment, education, and access to social services. Attacks on Serbs are common in Albanian areas, and perpetrators are rarely prosecuted. LGBT people face pressure to hide their sexual orientation or gender identity due to social stigma.

Women experience discrimination in employment, particularly in regard to hiring for high-level positions in government and the private sector.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

Travel to Serb enclaves is sometimes restricted due to security concerns. The government refuses to accept travel documents issued by the Serbian government that show towns in Kosovo as the place of residence, which makes travel difficult for many Serbs.

One of the new government's first acts after its formation in 2017 was to establish a new commission to assess the border demarcation deal with Montenegro. Approval of the deal is one of the conditions for Kosovo citizens to enjoy visa-free travel in Europe's Schengen zone.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

The legal framework on property rights is poorly outlined, and those rights are inadequately enforced in practice. While the law states that inheritance must be split equally between male and female heirs, strong patriarchal attitudes lead to pressure on women to relinquish their rights and surrender land to male family members. According to a study by USAID, less than 4 percent of women in Kosovo have inherited property. Property reclamation by displaced persons is hindered by threats of violence and resistance to accepting returnees from local communities.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Domestic violence remains a problem despite the government's five-year strategy to address the issue that was announced in 2016. The Kosovo Women's Network, an NGO, estimates that two-thirds of women have been victims of domestic abuse. Domestic violence is considered a civil matter unless the victim is physically harmed. When criminal cases are referred, prosecutions and convictions are rare. Rape is illegal, but spousal rape is not addressed by the law. Courts often give convicted rapists sentences that are lighter than the prescribed minimum.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Equal opportunity is inhibited by an unemployment rate of approximately 30 percent, a slight decrease from 2016. Estimates of the youth unemployment rate are above 50 percent.

Kosovo is a source, transit point, and destination for human trafficking, and corruption within the government enables perpetrators. Children are at particular risk of exploitation by traffickers, who can force them to beg or engage in sex work.

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