



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2009 Country Reports on Human Rights Practices](#) » [Europe and Eurasia](#) » [Kosovo](#)

2009 Human Rights Report: Kosovo

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

Kosovo is a parliamentary democracy with a population of approximately 2.2 million. Multiparty elections in 2007 for the Assembly generally reflected the will of the voters. Kosovo declared its independence in February 2008 and supplanted the UN Interim Administrative Mission in Kosovo (UNMIK), which had previously administered Kosovo under the authority of UN Security Council Resolution 1244. At independence, Kosovo accepted the Ahtisaari plan, which provided for internationally sponsored mechanisms, including an International Civilian Office and the EU Rule of Law Mission (EULEX). The government, EULEX, and the UN-authorized North Atlantic Treaty Organization peacekeeping force for Kosovo (KFOR) generally maintained effective control over security forces.

During the year reported problems and abuses included the following: deaths and injuries from unexploded ordnance or landmines; corruption and government interference in security forces and the judiciary; lengthy pretrial detention and lack of judicial due process; cases of politically and ethnically motivated violence; societal antipathy against Serbs and the Serbian Orthodox Church; lack of progress in returning internally displaced persons (IDPs) to their homes; government corruption; violence and discrimination against women; trafficking in persons, particularly girls and women for sexual exploitation; societal violence, abuse, and discrimination against minority communities; societal discrimination against persons with disabilities; abuse and discrimination against persons based on their sexual orientation; and child labor in the informal sector.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government, EULEX, or their agents committed arbitrary or unlawful killings.

Investigations continued into allegations that, during the 1999 Kosovo conflict, traffickers kidnapped civilians from Kosovo and brought them to Albania, where some were killed and their organs sold. In April, EULEX announced that it had begun a preliminary investigation into the allegations. In August the Council of Europe special rapporteur, Dick Marty, led a fact-finding mission to Serbia and Albania to further investigate. Marty's report to the Council of Europe remained pending at

year's end.

There were reports of politically motivated attacks and threats against Kosovo Albanian political and institutional figures during the year. On November 11, a group of people stoned Prime Minister Thaci's official vehicle during a rally for his Democratic Party of Kosovo (PDK) in Decan/Decani. Police arrested three persons in connection with the incident. On November 13, unknown assailants ambushed and beat Hysni Ahmeti, the Alliance for the Future of Kosovo mayoral candidate for Mitrovica/Mitrovice. Ahmeti survived the attack and police later charged Fadil Vallqi with attempted murder. Vallqi remained under house arrest at year's end.

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There were no new developments in the case against Milic Milicevic, Milivoje Zdravkovic, Radojko Dunjic, and Dusan Manjolic for assaulting members of the security detail for the special representative of the UN secretary-general (SRSG) and the KFOR commander in Gorazhdec/Gorazdevac, Peje/Pec municipality, in 2007. Although the trial was scheduled several times, it did not begin due to court backlogs. The defendants remained free pending trial.

During the year there were reports of one death and six injuries from landmines or unexploded ordnance from the 1998-99 conflict.

On November 20, a panel of judges sentenced Mentor Qela to 20 years, Agim Hoti to 16 years, and Driton Spahiu to 15.5 years in prison for shooting at Anton Berisha, the head of the Telecommunications Regulation Authority, as he traveled on the Pristina-Peje/Pec highway in 2007. Their appeal was denied on November 26.

There were no new developments in the 2007 killing of police officer Avni Kosumi; an investigation remained ongoing.

On March 13, the Supreme Court (consisting of a combined panel of three international and two local judges) overturned Florim Ejupi's June 2008 conviction and acquitted him of all charges, citing lack of evidence. Ejupi had been sentenced to 40 years' imprisonment for the "Nis Express" bus bombing near Podujeve/Podujevo that killed 11 Kosovo Serbs and injured 40 others in 2001.

b. Disappearance

There were no reports of politically motivated disappearances; however, according to the International Committee of the Red Cross (ICRC), as of December there were 1,875 persons still listed as unaccounted for since the 1998-99 conflict. Of the remaining missing, 70 percent were Kosovo Albanians and 30 percent were Kosovo Serbs and other minorities.

During the year the Ministry of Justice and the Office on Missing Persons and Forensics (OMPF) continued to identify the remains of missing persons. In 2008 EULEX joined their operations. From January to December, the OMPF, in coordination with the Ministry of Justice, performed 135 field operations, including 78 exhumations. One hundred and one individuals were exhumed, and 80 sets of remains were identified and handed over to families. By December, 443 unidentified sets of remains were in OMPF custody (401 from Kosovo sites, and 42 from Serbian sites). During the year the International Commission on Missing Persons (ICMP) and OMPF made 322 DNA matches (representing 106 new individuals) and reassociated 231 body parts to previously identified sets of remains. During the year the OMPF and the ICMP worked on the identification of six cases of missing persons for which there were not enough blood donors to provide information for a match. DNA information and traditional methods were combined to confirm identification of remains.

During the year officials from Kosovo and Serbia met three times in a working group on missing persons chaired by the ICRC and under the auspices of the SRSG. Although a sub-working group on forensic issues met once during the year and the parties conducted several teleconferences on forensic issues, 423 sets of human remains in the Pristina morgue remained unidentified.

During the year the OMPF identified and handed over 93 sets of human remains to families, including 19 victims from ethnic minority communities. The OMPF transferred 12 sets of remains exhumed in Kosovo to families in Serbia and one from Kosovo to Bosnia. The remainder were exhumed in Kosovo and handed over to families in Kosovo.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, and there were no reports that the government, EULEX, or KFOR (which has limited arrest and detention authority) employed them.

Prison and Detention Center Conditions

Prisons and detention center conditions generally met international standards. The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year. During the year there were some allegations of abuse and mistreatment of prisoners.

The Kosovo Rehabilitation Center for Torture Victims (KRCT), a local NGO that visited and monitored prisons and detention centers during the year, reported four allegations of excessive use of force at Dubrave/Dubrava Prison by members of the KCS Special Intervention Unit. Following a KCS investigation into these claims, one officer was suspended; he later returned to work with a warning. In an unrelated investigation, the KRCT reported that one officer was suspended and a second dismissed for corruption. The KRCT also reported one allegation of physical mistreatment, where a guard slapped a prisoner, at the Lipjan/Lipljan Detention Center. The guard received an oral warning.

The director of the KCS received 52 complaints of abuse and mistreatment from prisoners as of August. Two of the complaints resulted in the suspension of two involved officers, and the KCS demoted one of the officers.

As of September 16, there were 823 convicted prisoners and 502 pretrial detainees mixed in prison and detention centers. There were 34 females (19 convicted prisoners and 15 pretrial detainees) and 54 juveniles (29 detainees, 12 in juvenile imprisonment, and 13 in the educational correctional program). During the year the monthly prison population at Dubrave/Dubrava varied from 600 to 950 inmates, below its total capacity of 1,200. The Dubrave/Dubrava Prison and five detention centers operated during the year. The Prizren detention center was closed for renovation.

The KRCT reported that the Kosovo Correctional Service (KCS), which runs the country's prisons and detention centers, mixed pretrial detainees with convicted prisoners. The KRCT also reported that it had observed multiple cases of pretrial detainees being held for more than 12 months.

The KCS managed daily operations at the Dubrave/Dubrava Prison and all detention centers. EULEX retained a limited monitoring, mentoring, and advising role in the prisons. Additionally, EULEX transported prisoners upon request.

The KCS permitted visits and monitoring of the country's prisons and detention centers. The ombudsman and KRCT

inspected Dubrave/Dubrava Prison and detention centers during the year. The ombudsman reported good cooperation from the KCS, including the ability to conduct private interviews with inmates during visits. The ICRC did not conduct any prison or detention facility inspections during the year.

The government spent 5.43 million euros (\$7.76 million) during the year to improve living conditions in prisons and detention centers in Dubrave/Dubrava, Lipjan/Lipljan, Pristina, and Prizren.

There were no developments in the 2007 incident in which seven prisoners incarcerated for terrorism, murder, attempted murder, and robbery escaped from Dubrave/Dubrava Prison. Police subsequently arrested three escapees. In 2007 Macedonian police later killed two other escapees near Tetovo, Macedonia. Two escapees remained at large.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government, EULEX, and KFOR generally observed these prohibitions.

Role of the Police and Security Apparatus

Local security forces include the police (KP) and the Kosovo Security Force (KSF). The police function under the authority of the Ministry of Internal Affairs. In December 2008 EULEX became operational and established its mandate to monitor, mentor, and advise local judicial and law enforcement institutions. EULEX possesses limited executive authority in areas including war crimes, witness protection, money laundering, terrorist financing, and international police cooperation. In July the police assumed primary responsibility for counterterrorism activities. The KSF is a lightly armed security and civil defense force which functions under the civilian authority of the Ministry of Kosovo Security Force and is mentored by KFOR.

In December 2008 the government appointed a general director of police to replace the international commissioner of police. Two deputy general directors were appointed in February; one was a Kosovo Serb, the other a Kosovo Albanian woman.

As of August members of ethnic minorities comprised an estimated 15 percent of 7,190 police officers; 10 percent of officers were Kosovo Serbs. Following the country's February 2008 declaration of independence, 325 Kosovo Serb officers, largely at the behest of Serbian authorities, boycotted the police in protest of the secession. The Internal Affairs Ministry continued to pay the officers, who were placed on administrative leave. In April the ministry announced that it would terminate boycotting officers who did not return to work by June 30. Prior to the deadline, 318 Kosovo Serb officers returned to KP service. Seven officers refused to return and were terminated. An estimated 15 percent of officers were women.

The government and EULEX shared executive authority over the police force, although EULEX authority was limited. Police were responsible for day-to-day police operations in all areas of the country except the Serb majority northern municipalities of Zubin Potok, Zvecan, Leposaviq/Leposavic, and the northern part of Mitrovice/Mitrovica. In these Serb majority northern regions, EULEX exercised additional executive authority to ensure security.

Specialized police units on war crimes and the witness protection program remained staffed by international EULEX police officers and operated independently of the KP. EULEX and the KP jointly operated units on criminal intelligence and

organized crime. Both the international police and the judiciary have broad discretion to intervene in any particular criminal matter. As a practical matter, most policing duties and responsibilities were in the hands of the local police.

Corruption and government influence remained problems in the security forces. For example, on August 27, the police arrested fellow police officer Lieutenant Sejdi Zeqiri, the commander of Obiliq/Obilic police station. Zeqiri was arrested for abuse of official authority, bribery, and sexual harassment. At year's end, Zeqiri remained under house arrest and the investigation continued.

There was limited progress in the September 2008 arrest of six members of the Customs Service for involvement in a ring that smuggled pharmaceuticals into the country. The Customs Service dismissed five officers, and the final officer remained suspended without pay.

The police inspectorate operates as an independent body under the Internal Affairs Ministry and has a mandate to promote police efficiency and effectiveness, hold police accountable for their actions, and investigate alleged legal violations. The inspectorate forwards the results of investigations revealing violations to a disciplinary committee for possible further action.

During the year the inspectorate investigated 1,647 cases, of which 742 were citizen-initiated complaints and the remaining 905 were initiated by the police. Of those cases, the inspectorate pursued further investigation into 1,062 and turned 585 cases over to the directorate for internal investigations. Court decisions were pending in 155 cases. Of the 1,062 cases investigated, 465 were allegations of serious police violations. Of the serious violations, 22 percent were for serious cases of conduct unbecoming a police officer, 17 percent involved allegations of inappropriate use of force, 9 percent involved criminal offenses, 8 percent were for serious insubordination, and 2 percent concerned complaints of corruption. In early June the head of the inspectorate resigned, leaving the organization without a leader. No replacement had been appointed by year's end.

The directorate for internal investigations investigated minor police offenses and imposed administrative penalties for infractions. Between January and November, the unit opened 821 cases, including for minor insubordination and damage or loss of police property. As of November, the directorate completed 706 investigations, 438 of which were deemed to have merit. The directorate closed five cases without investigation due to insufficient evidence. Sanctions ranged from decreased pay (eight cases) to verbal warnings (322 cases). One hundred and fifteen cases remained under investigation.

Arrest Procedures and Treatment While in Detention

Police generally made arrests openly using a warrant issued by a judge or prosecutor and based on sufficient evidence. In some cases, masked or undercover officers conducted arrests. By law, arrests must be based on prosecutors' orders and arrestees must be brought before a judge within 72 hours. The majority of the year's arrests were carried out by the police. There were no reports that the police abused the 72-hour rule, and authorities generally charged arrestees within six to eight hours or released them. Arrestees have the right to be informed of the reason for their arrest in a language they understand; to remain silent and not answer any questions except those concerning their identity; to obtain free assistance of an interpreter; to obtain defense counsel and to have defense counsel provided if they cannot afford one; to receive medical and psychiatric treatment; and to notify a family member. The police and EULEX police generally respected these rights in practice.

Under extraordinary circumstances, KFOR can arrest and detain individuals without a warrant. The KFOR commander can

detain individuals for 72 hours, renewable for a second 72-hour period. After 144 hours, KFOR must release the detainee. There were no reports that KFOR arrested persons without a warrant during the year. In February, KFOR authorities closed and subsequently dismantled the detention facility at Camp Bondsteel.

The police and EULEX police may hold individuals for up to 72 hours without a court order. The court may hold individuals in pretrial detention for 30 days from the day of arrest and can extend detention up to a total of 18 months. There is a functioning bail system. The law allows for house arrest, confiscation of travel documents, and expanded use of bail as alternatives to pretrial detention. Defendants can also appeal their detention on remand.

Lengthy detentions, both before and during judicial proceedings, remained a problem. The law provides that a judge may impose pretrial detention only when ordinary measures, such as house arrest, are insufficient to secure the defendant's presence during criminal proceedings and enable proper administration of the criminal proceedings. In practice, however, judges routinely used detention on remand without showing any evidentiary justification.

Trial delays were caused by factors including judicial inefficiency and corruption.

Amnesty

On February 17, President Sejdiu granted amnesty or commuted the sentences of 62 individuals in honor of the country's first anniversary of independence.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the local judiciary was at times biased, subject to outside influence, and did not always provide due process. There were credible reports of corruption in the local judiciary, and the court system was inefficient.

The court system includes a constitutional court, a supreme court, five district courts, a commercial court, 25 municipal courts, 25 minor offense courts, and an appellate court for minor offenses. As of August, there were 31 international judges and 15 international prosecutors supporting local judges and prosecutors. The government maintained a central public prosecutor's office, five district prosecutors, and seven municipal prosecutors. EULEX exercised its executive authority over a special prosecutor's office which included five international prosecutors focused on serious crimes including human trafficking, money laundering, war crimes, and terrorism.

In criminal cases in which EULEX international judges exercised their jurisdiction, these judges sat on mixed panels with local judges. EULEX judges comprised the majority on these panels, with one EULEX judge serving as the presiding judge. The president of the Assembly of EULEX Judges has the authority to compose a panel solely or majority of which are local judges, or to not assign particular stages of proceedings to EULEX judges. For civil cases, judicial panels were composed of three judges, two of which were EULEX judges.

The courts were reviewed by the Office of the Disciplinary Counsel (ODC) and the Judicial Audit Unit (JAU). The ODC was responsible for investigating the activities of judges, prosecutors, and lay judges and for prosecuting cases of misconduct before the Kosovo Judicial Council (KJC). Following UNMIK's departure, the ODC was first transferred to the Justice Ministry and then in June was transferred again to the KJC. This double transfer inhibited its effectiveness. The JAU analyzed and evaluated the functioning of the courts and public prosecutors' offices and submitted reports and

recommendations to the KJC, Justice Ministry, and the Assembly. During the year the ODC referred 51 cases to the KJC, which had a total of 87 cases pending as of September. The KJC convened one disciplinary hearing before the Judicial Disciplinary Committee. During the year the JAU completed four audit reports.

The Mitrovice/Mitrovica district court partially functioned during the year. As of October, EULEX judges had conducted three trials and a fourth was ongoing. During the year EULEX began a review of the court's records and hired nine local staff.

The Serbian government continued to operate an unsanctioned parallel judicial system in Kosovo Serb enclaves and in majority Serb municipalities. District and municipal courts in Mitrovice/Mitrovica and municipal courts in Leposaviq/Leposavic and Zubin Potok remained closed following March 2008 protests against the country's independence.

Trial Procedures

Trials are public, and defendants enjoy the presumption of innocence, the right to be present at their trials, to confront witnesses, to see evidence, and to have legal representation. Representation may be provided at public expense if necessary; however, this procedure was used rarely in practice. Defendants have the right of appeal. Trials are heard by panels consisting of professional and lay judges; there are no jury trials.

The Legal Aid Commission, an independent government agency, provided free legal assistance to low-income individuals through five district legal aid bureaus. From January to August, the commission provided legal assistance to 1,115 persons: 618 in administrative matters, 439 in civil matters, and 58 in criminal matters. Of those receiving assistance, 421 (38 percent) were women and 111 (10 percent) were minorities, including members of the Romani, Turkish, Bosniak, Kosovo Serb, and Egyptian communities. The commission referred 268 cases (24 percent) to advocates from the national bar association for legal aid-funded court representation while legal aid officers handled the remaining cases. The most common types of civil legal disputes included social assistance, pension cases, property and family law cases, and inheritance disputes. For criminal cases, the commission provided advice on appeals and bail hearings.

The Justice Ministry operated a judicial integration section that continued to address judicial system problems affecting minorities. To that end, the ministry operated 11 court liaison offices to assist minority communities in Kosovo Serb majority areas by accompanying them to courts, filing documents with courts on their behalf, and providing information and legal assistance to refugees and IDPs.

The government, with the assistance of EULEX prosecutors and judges, tried and punished perpetrators of war crimes from the 1998-99 conflict; however, many cases remained unresolved.

On March 3, the Pristina district court found Gani Gashi guilty of war crimes in the killing the civilian Idriz Obrija in July 1998 and sentenced him to 17 years' imprisonment.

On April 29, the Peje/Pec district court found Gjelosh Krasniqi guilty of war crimes for taking Pashk Luli hostage and confiscating weapons in Doblbare/Doblbare in 1998. Krasniqi received seven years' imprisonment.

On September 23, EULEX police arrested Slobodan Martinovic, Srecko Martinovic, and Svetlana Stojanovic for war crimes committed in 1999. The three allegedly kidnapped and tortured eight people and were linked to an informal

detention center in the Novoberde/Novo Brdo and Gjilan/Gnjilane area. EULEX charged them with inhuman treatment, immense suffering or violation of bodily integrity or health, application of measures of intimidation and terror, and illegal arrest and detention. All three were placed on conditional release from pretrial detention on December 23. A trial date had not been set. Two others, Dragan Trojkovic and Sinisia Filic, were wanted on the same charges but remained at large.

On October 2, the Pristina district court found Rrustem "Remi" Mustafa, Latif Gashi, and Nazif Mehmeti guilty of war crimes for the torture of civilian detainees at three Kosovo Liberation Army (KLA) run detention facilities. The court, composed of one local and two EULEX judges, sentenced Mustafa to four years' imprisonment, Gashi to six years, and Mehmeti to three years. At year's end, Mustafa remained free pending a final judgment on his appeal. During the conflict, Mustafa had been the chief of the KLA Operational Zone of Llap and he later became a PDK member of the Assembly and chairman of the Assembly's Security Committee. All three were arrested in 2002 on charges of war crimes for illegal detention, torture, and killing of suspected collaborators of the Milosevic regime in the 1990s. Of the 26 victims listed in the indictment, one was Serbian; five were murdered.

There were developments in the war crimes case against Momcilo Jovanovic. On February 2, an international EULEX prosecutor at the Peje/Pec district court issued an arrest warrant for Jovanovic after he failed to respond to official summonses to appear in court. In October 2008 an international prosecutor had indicted Jovanovic for war crimes for murder and other violations of the laws of war for incidents that took place in 1998-99 in the village of Katundi i Ri/Vitomirca.

Political Prisoners and Detainees

There were no reports that the government or KFOR held political prisoners or detainees during the year.

Civil Judicial Procedures and Remedies

The constitution provides for an independent judiciary in civil matters. The local judiciary was at times biased and subject to outside influence and did not always provide due process. There were credible reports of corruption in the local judiciary and the court system was inefficient.

In November 2008 the European Commission reported that the country's judicial system remained weak at all levels. The commission cited the low public confidence in the justice system as well as the continuing existence of three parallel sources of legislation (ex-Yugoslav law, UNMIK regulations, and Kosovo law) as particular problems. The commission also noted that the backlog of court cases remained a serious problem.

According to a 2006 Organization for Security and Cooperation in Europe (OSCE) report, interference by municipal authorities and the UNMIK Department of Justice hampered judicial independence in civil matters. The OSCE cited instances in which municipal authorities plainly obstructed court proceedings, pressured judges in cases to which authorities were party, and influenced third parties to prevent courts from exercising their authority. In 2007 the OSCE reported that UNMIK and municipal authorities improperly interfered with judicial independence in the proposed sale of property in the Roma settlement in the Mitrovica/Mitrovica region. Following the report, the OSCE justice system monitors did not observe any further interference.

Individuals may appeal to courts in order to seek damages for, or cessation of, human rights violations. In practice there were many such lawsuits pending.

There were problems enforcing civil court orders. For example, following a May 19 settlement agreement, the Decan/Decani municipality publically stated it would not amend the municipal cadastral records regardless of the eventual decision of the Supreme Court's special chamber for the Kosovo Trust Agency. The case is related to a land dispute between several defunct state-owned enterprises and Visoki Decani Monastery.

Property Restitution

The Kosovo Property Agency (KPA) is responsible for the resolution of residential, commercial, and agricultural property claims arising from the Kosovo conflict.

As of December, the KPA administered 3,583 properties. Of those, 2,855 were administered upon the request of a successful claimant, and 728 were administered based on ex officio interventions by the Housing and Property Claims Commission (HPCC, the predecessor adjudicating agency to the KPA). The KPA rented 932 properties on behalf of the legitimate owners who received 1,854,291 euros (\$2,651,636) in rent. As of December, the agency had received 40,694 total claims: 36,405 for agricultural property, 979 for commercial property, and 3,309 for residential property. Kosovo Serbs in the northern part of Mitrovice/Mitrovica continued to occupy Kosovo Albanian owned properties and denied their owners access; Kosovo Albanians in the southern part of the municipality occupied and denied Kosovo Serbs access to their property.

The KPA remained unable to enforce the 10 HPCC decisions (of approximately 30,000 total) for properties located in the northern part of Mitrovice/Mitrovica, due to concern by authorities that attempts at enforcement would lead to violence.

In May 2008 the SRSG reconstituted the HPCC under the KPA to examine requests for reconsideration in instances where the original claim had been denied. As of December, one HPCC request for reconsideration remained pending. Additionally, the Kosovo Property Claims Commission, a quasijudicial arm of the KPA acting under the KPA mandate, adjudicated 27,954 claims by year's end.

In June 2008 the law was amended to bring the KPA under the control of the government. The Serbian government subsequently suspended the KPA's access to cadastral and other relevant property records located in Serbia. The Serbian government announced that the suspension would continue until UNMIK reasserted its authority over the KPA. The suspension of the KPA's operations in Serbia significantly reduced the agency's ability to fulfill its mandate, since 90 percent of the claimants were located outside of the country. The suspension prevented access to the relevant archives and caused delays in claims adjudication. On August 18, the Office of UN High Commissioner for Refugees (UNHCR) and the KPA signed a memorandum of understanding to allow the reopening of KPA offices in Serbia under UNHCR auspices.

The backlog of property-related claims in municipal courts remained high, with some 21,000 outstanding at year's end, representing almost exclusively monetary claims by Kosovo Serbs for war-related damage.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government, EULEX, and KFOR generally respected these prohibitions in practice. KFOR forces retained the ability to assist local police and EULEX police in conducting searches for high-risk suspects and independently search private property for weapons without court orders, based on UN Security Council Resolution 1244's peacekeeping authority. During the year KFOR searched private property three times but did

not conduct any searches for high-risk suspects.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. However, there were reports that reporters were intimidated by public officials, politicians, and businesses. The media also encountered difficulties and obstructions in obtaining information from the government and public institutions. The law on broadcast media prohibits hate speech and speech that incites ethnic violence.

Individuals generally could criticize authorities publicly or privately without reprisal.

According to the Association of Professional Journalists of Kosovo (APJK), media outlets' financial difficulties left the editorial independence and journalistic professionalism of both print and television media vulnerable to outside influence and pressure. A few newspapers were financially self-sufficient and thus were able to develop editorial policies independent of business and political interests. However, other newspapers relied on funding from businesses and political interest groups, including the government, which provided financial support in exchange for positive coverage or absence of critical coverage.

There was no direct censorship of print or broadcast media; however, journalists reported pressure from politicians and organized crime, which frequently resulted in indirect forms of censorship. Some journalists refrained from critical investigative reporting out of fear for their personal security. Journalists were occasionally offered financial benefits in exchange for positive reporting or for abandoning an investigation; some were verbally threatened by government officials and suspected criminals for perceived negative reporting. According to editors, government agencies and corporations withdrew regular advertising from newspapers that had published critical coverage of them.

Print media self-regulated through a code of conduct adopted by the Press Council, an organization composed of print editors and publishers, and led by an international member elected by the council. The Council's complaint board may impose fines for breaches of the code of conduct, including penalties of up to 2,000 euros (\$2,860) for serious violations, such as hate speech or defamation.

The Independent Media Commission (IMC) implemented regulations and enforced codes of conduct governing broadcast media. The commission is a permanent body overseen by a six-member governing council.

As of August, the country had 110 licensed broadcasters (42 of which broadcast in minority languages) and these broadcasters expressed a wide variety of views. Of the 68 broadcasters whose primary language was Albanian, the three entities of the publicly funded Radio Television Kosovo (RTK) group (RTK TV, Radio Kosova, and Radio Blue Sky) also broadcast daily in minority languages.

The RTK Board of Directors is responsible for overseeing RTK, the country's public broadcaster, and the Ministry of Finance controlled its budget. The law provides for regulation of RTK program content and requires that at least 15 percent of RTK program time, including prime time, be dedicated to minority communities in their respective languages on a proportional basis. On October 9, the Assembly selected the nine members of the RTK Board of Directors and the Board selected its chairman on October 27.

On October 16, the Constitutional Court suspended RTK's principal funding mechanism, a 3.5 euro (\$5) monthly RTK fee that had been added to all electrical bills. The suspension of the fee caused the European Broadcast Union to issue a public letter noting that this decision endangered the broadcaster's independence, as it would increase the likelihood that RTK would have to engage in the political process of going to the Assembly for funding. Authorities continued to search for a funding mechanism that would preserve RTK's independence and operations.

There were no reports of censorship or harassment for the publication of books, and publishing houses expressed a wide variety of views without restriction.

There were no reports that the government used libel laws, national or public security grounds, or publishing restrictions as vehicles to limit the operations of print, broadcast media, or publishing houses.

During the year the APJK reported 20 instances of press freedom abuse by government officials, business interest groups, and media owners including verbal threats to journalists and their agencies by individuals affected by negative media coverage, pressure not to publish certain materials and articles, and obstruction of their work.

During the year there were several incidents of violence or harassment directed at the media.

On January 2, a group of Kosovo Serbs threw an explosive device at firefighters in the northern part of Mitrovice/Mitrovica and attacked a television crew from local station TV Most, who were covering the fire. The reporter was injured and the camera destroyed. On July 28, police in the northern part of Mitrovice/Mitrovica passed the case to EULEX prosecutors. No arrests were made by year's end.

On March 13, Kosovo Serb media reported that reporters of the Kosovo Serb television production *Glas Juga* and Radio KIM were harassed by the police after they covered a Kosovo Serb protest in the village of Shillove/Silovo. Reportedly, police officers stopped the reporters, forced cameraman Bojan Kosanin out of his vehicle, and kicked him. The police claimed that they did not receive any complaints regarding police mistreatment. The case was referred to police for further investigation.

On May 3, local daily newspaper *Express* reported that a police security detail detained photographer Fisnik Dobreci while he was taking photos of President Sejdiu at lunch with the family of former president Rugova. *Express* reported that police detained Dobreci in a police vehicle until the end of the lunch and threatened him with five years in prison. The paper filed a lawsuit against the police, without effect. An internal police review concluded that the police had acted appropriately.

On June 18, the Committee to Protect Journalists asked Prime Minister Thaci to publicly condemn and investigate a recent wave of threats against television journalist Jeta Xharra. Xharra, the director of the Balkans Investigative Reporting Network (BIRN), had aired a video report on May 28 showing a BIRN news team being expelled from Skenderaj/Srbica municipality's public information office and being forced to leave town by an armed individual who confiscated some of the film crew's footage. Following the release of the video, a series of letters threatening Xharra appeared in *Infopress*, a local newspaper supportive of the PDK party. For example, on June 5, *Infopress* published a letter from a private citizen urging others to punish Xharra. The following day, *Infopress* distanced itself from the letter, noting that the opinion did not necessarily reflect the newspaper's views. On June 22, the Press Council, responding to a complaint filed by Xharra, concluded that the opinions published by *Infopress* constituted hate speech and fined the newspaper 1,000 euros (\$1,430).

On July 16, the IMC expressed concern over the arrest of a reporter and a technician from TV Liria while they were covering a police operation involving the arrest of dozens of municipal employees from the Viti/Vitina municipal government. The IMC stated that the detention of journalists constitutes a direct threat to their work and to freedom of expression. The APJK requested that police conduct an investigation of the incident and take measures against the policemen who arrested journalists. Police opened an investigation but denied any wrongdoing.

There were no developments in the 2007 incident in which a group of Kosovo Serb men attacked a four-person KTV crew filming the celebration of Orthodox Christmas near the Kosovo Serb enclave of Gracanice/Gracanica. No formal complaint was filed, and the police did not investigate further.

There were no developments in the 2007 incident in which a locally hired cameraman of Tirana-based Top Channel TV was attacked within view of local and UNMIK police while filming an anti-independence protest in the northern part of Mitrovica/Mitrovica. The investigation remained officially ongoing but there was no progress in the case.

There were limited developments in the following cases: police transferred the file on the 2007 assault on *Lajm* reporter Enis Veliu to the minor offenses court, and prosecutors filed an indictment against unknown persons pending identification of suspects for the September 2007 arson at the home of journalist Milaim Zeka, who had produced television programs about controversial cases, including high-profile killings and corruption.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

In August the Telecommunications Regulatory Authority reported that approximately 25 percent of citizens used the Internet daily.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government, EULEX, and KFOR generally respected this right in practice.

The law on public gatherings requires that organizers inform the police of protests 72 hours prior to the event. Police are required to notify the organizers within 48 hours if the protest will be allowed.

On a few occasions during the year, police used force to disperse demonstrations and beat demonstrators while making arrests.

In April, May, and August, EULEX police repeatedly used tear gas to disperse crowds of up to 400 Kosovo Serb protesters in Kroi i Vitakut/Brdjani in the northern part of Mitrovice/Mitrovica who were demonstrating against Kosovo Albanian returnees rebuilding their homes. On various occasions, protesters attempted to break through police lines and threw rocks at construction workers. During an incident on August 24, five construction workers and two protesters were injured.

On May 10, in the Kosovo Serb enclave of Ranillug/Ranilug in Kamenice/Kamenica, local Kosovo Serbs protested electrical power cuts by electricity provider KEK when a police special operations unit violently dispersed the crowd. Credible reports indicated that multiple officers beat and kicked one of the protesters while he was on the ground. At year's end, the police inspectorate was investigating the incident.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. The constitution includes provisions that protect religious freedom and prohibit discrimination on the basis of religion.

There are no specific licensing regulations for religious groups; however, religious organizations must register as NGOs with the Ministry of Public Services in order to purchase property. Religious groups complained that NGO status did not adequately reflect their religious character, and the Protestant Evangelical Church refused to register as an NGO.

The Ministry of Education, Science, and Technology continued to prohibit students from wearing headscarves at school. The ministry based its policy on the law requiring public education institutions to refrain from religious instruction or other activities promoting any specific religion. The ministry enforced this prohibition despite a 2004 opinion by the ombudsman that the rule should apply only to teachers and school officials, not students.

There were no developments in the February 2008 complaint to the ombudsman from a student who was ordered by her principal not to attend school with her headscarf. At year's end, the student continued attending school with her scarf.

Protestant groups continued to report that they experienced discrimination in media access, particularly by public television station RTK.

Unlike in previous years, there were no reports of burglaries of Protestant churches during the year. Individual Protestants alleged there were incidents of verbal assault directed against them.

The Islamic community reported several incidents that it believed represented violations of religious freedom, including the national library's closure of its prayer room in 2008, the Ministry of Education's denial of the community's request to include religious education in school curricula, and the government's refusal to dedicate funds to religious communities. During the year the media commissioner informed community leadership that they could submit a new application for a radio frequency, which the government had previously refused to provide. The community subsequently resubmitted the request.

Societal Abuses and Discrimination

Societal violence continued to decrease, but tensions between ethnic communities remained high, especially in the northern part of Mitrovice/Mitrovica.

Security concerns continued to affect the Kosovo Serb community and its freedom to worship. Some Kosovo Serbs asserted that they were unable to travel freely to practice their faith.

On June 6, approximately 60 refugees from Suhareke/Suva Reka attempted to visit Holy Trinity Monastery, destroyed by fire in 1999. Police denied the group access, claiming that they lacked the proper authorization. The group then tried to visit the remains of a second church, but police forced the refugees to leave, citing security reasons due to a large group of Kosovo Albanians who had gathered near the parked bus.

On August 28, the Kosovo Albanian Association of the Families of War Victims and Missing Persons organized a protest in Gjakove/Djakovica municipality against the visit of 30 Kosovo Serb IDPs attending the reconsecration of the Dormition of the Most Holy Mother of God Church, which had been burned by Kosovo Albanian rioters in 2004. Over 100 protesters reportedly threatened and threw stones at the visitors. The visitors managed to leave the area unharmed under police escort.

There were no reported incidents of rock throwing against Serbian Orthodox clergy traveling outside of their monasteries. However, clergy requested and received KFOR escorts, citing threats to their security as impediments to their ability to visit holy sites.

The Rasko and Prizren Diocese of the Serbian Orthodox Church reported that, on August 9, a Kosovo Albanian attacked Deacon Stevo Mitric, who was traveling from Mitrovice/Mitrovica to the village of Velika Hoxha in Rahovec/Orahovac. According to the diocese, Mitric was traveling through Glogovc/Glogovac municipality when another car stopped in front of him and one of the passengers attempted to pull him from his vehicle.

On September 14, a Serbian Orthodox monk returning to Visoki Decani Monastery encountered what appeared to be a bomb on the only road leading from Devic Monastery, which he had been visiting. Police examined the device, which turned out to be a nonlethal smoke bomb.

Monks and nuns at some monasteries reportedly did not use parts of monastery property--often land outside the monastery walls--due to safety concerns.

Criminal charges remained pending against a Kosovo Albanian man from Zvecan municipality who threatened a Serbian Orthodox nun from the Sokolica monastery in 2007. The case was before the Mitrovice/Mitrovica district court but could not proceed until the court resumed full operation.

Police refined their operating procedures to provide greater protection for Serbian Orthodox religious and cultural sites, requiring each regional headquarters to create a protection plan for such sites.

There were cases of vandalism and harassment directed against Serbian Orthodox Church property.

On July 2, unknown persons vandalized the Desanka Maksimovic School in Kostadince. Vandals broke windows, destroyed a picture of Saint Sava and a map of Serbia, and wrote "UCK" (the Albanian language initials of the KLA) on the

school's outer wall. Police were investigating the incident at year's end.

On August 20, a Serbian Orthodox Church parish house in Prizren was targeted by unknown persons who allegedly banged on the door and disturbed the peace. Members of the parish did not file a complaint with the police, who guarded the parish house.

On August 22, Kosovo Serb residents of the ethnically mixed Bince/Binac village in Viti/Vitina reported to police that unknown persons had damaged four gravestones in the village's Orthodox cemetery.

There were developments in some cases of Serbian Orthodox property destruction from 2008. Prosecutors filed charges against four individuals who stole the bell from a Serbian Orthodox church in Novake, Prizren; the bell was recovered and subsequently returned to the church. Police identified four minors suspected of involvement of the vandalism of a church door in Kacanik, Ferizaj/Urosevac. The case was sent to prosecutors in Ferizaj/Urosevac, and charges were pending against them at year's end.

There were no developments in the 2007 incident in which unknown persons damaged the interior of the Orthodox church in Mire/Lepi village and stole approximately 30,000 Serbian dinars (\$466).

Prosecutors filed an indictment against unknown persons pending identification of suspects in a 2007 case in which unknown persons vandalized the Church of St. John in Peje/Pec.

The Serbian Orthodox Church continued to express concern about the status of the green space in the main park in Gjakove/Djakovica, a part of which the church considered its property, and upon which a church had been located prior to 1999. The mayor of Gjakove/Djakovica publically stated that the church would not be rebuilt, and there was no progress in resolving the dispute during the year.

The government-funded Reconstruction Implementation Commission (RIC) continued to work on Serbian Orthodox religious sites in the country that were damaged or destroyed during the March 2004 riots. The RIC launched five projects in July (one each in Gjakove/Djakovica, Vushtrri/Vucitrn, and Pristina, and two in Prizren) and three other projects (in Peje/Pec, Skenderaj/Strpce, and Prizren) in November. The RIC invested 432,161 euros (\$617,990) during the year. Funds pledged by the government in 2008 had not yet been released.

The local Islamic community reported assaults on Islamic leaders during the year. On January 9, Mullah Osman Musliu from the Drenice/Drenica region was assaulted while preaching in one of the mosques in Zabel village in Gllgovc/Glogovac. The victim said that he was assaulted by a group of Wahhabi religious extremists. Police arrested four persons in connection with the assault, and an investigation continued. The community also reported incidents of theft and vandalism at mosques but stated that not all were motivated by religious intolerance.

Prosecutors filed criminal charges against two persons suspected of vandalizing approximately 30 Muslim gravestones in a cemetery in Gjilan/Gnjilane in April 2008. The case remained pending at year's end.

No agreement was reached regarding the construction of a mosque in the ethnically mixed village of Berivojce in Kamenice/ Kamenica. Kosovo Albanians and Serbs had clashed over the proposed mosque in June 2008.

There were no reports of anti-Semitic acts during the year. Approximately 40 individuals from two families in Prizren had

some Jewish roots. The Albanian-Jewish Solidarity Association, an organization dedicated to promoting relations between ethnic Albanians and Jews, was active during the year. No synagogues existed in the country, but there was a small cemetery in Pristina.

In April the Institute for the Protection of Cultural Monuments, in consultation with experts from Israel and the Kosovo Israel Friendship Association, restored the 14 Jewish gravestones that had been vandalized in 2007.

For a more detailed discussion, see the 2009 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government and EULEX generally respected these rights; however, interethnic tensions and real and perceived security concerns restricted freedom of movement in practice.

During the year the government and EULEX generally maintained the protection of these rights for minority communities. The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other vulnerable groups.

Police continued to assess the security situation as stable but fragile. No crimes related to freedom of movement were reported to police. Nevertheless, members of all ethnic communities continued to remain largely within or travel between areas where their group comprised the majority. Rock throwing and other forms of intimidation continued to affect Kosovo Serbs when traveling outside Kosovo Serb majority areas.

There were attacks during the year on vehicles carrying Serbs and other ethnic minorities. For example, on January 4, a Kosovo Serb man in Suhodoll/Suvi Do reported to police that unknown persons threw stones at his car while he was driving, causing damage to his windshield. Police continued to investigate the incident.

On January 5, a Kosovo Serb man in Mitrovice/Mitrovica reported to police that unknown persons threw stones at his van, causing approximately 250 euros (\$358) worth of damage. Police were investigating.

On June 7, a Kosovo Serb man from Gjilan/Gnjilane reported that rocks were thrown at his vehicle while driving. The glass on the left side of the car was broken. No further information was available regarding this case.

There were developments in the following cases from 2008: suspects were arrested and charged in the January case in which Kosovo Albanian youths threw stones at a car driven by a Kosovo Serb living in Gjilan/Gnjilane. Five suspects were also arrested in the February incident in which masked, armed men stopped a bus that routinely carried Kosovo Serbs to Serbia near Podujeve/Podujevo and demanded 20,000 euros (\$28,600).

No further information was available on a July 2008 case in which five or six Kosovo Albanian youths in Suhodoll/Suvi Do village in Mitrovice/Mitrovica threw stones at a vehicle operated by a Kosovo Serb.

During the year police arrested and charged a suspect in the 2007 stoning of a bus carrying a group of ethnic Serbs from Kosovo and Serbia on the way to the Visoki Decani monastery.

There were no developments in the 2007 incident in which unknown persons threw stones at a bus carrying professors and students from the Warsaw Theological Seminary to Zociste Monastery.

Sporadic incidents of violence and intimidation targeting minorities continued to limit freedom of movement for Kosovo Albanians in northern Kosovo. The government enhanced efforts to facilitate minority travel, but real and perceived risks deterred many minorities from traveling outside their neighborhoods.

Police arrested and filed charges against three suspects in the March 2008 demolition of a bridge in a Kosovo Serb village.

There were no new developments in the June and July 2008 incidents in which pedestrians discovered explosive devices along the railway in Old Kacanik village in Ferizaj/Urosevac and beneath a railway bridge in Mitrovica/Mitrovica.

There was no further information available in 2007 cases involving the placement of explosive devices or unexploded ordnance near roads or infrastructure in Mitrovica/Mitrovica, Gjilan/Gnjilane, Vrbovc/Vrbovac and Leposaviq/Leposavic. The cases remained under investigation at year's end.

The government regulated movement in and out of the country. The law provides that the central civil registry may issue travel documents to any person registered as a habitual resident of the country, and the registry routinely issued such documents in practice.

The law prohibits forced exile and authorities did not use it.

Internally Displaced Persons (IDPs)

According to the UNHCR, at year's end there were 19,695 persons displaced within Kosovo, 52 percent of whom were Kosovo Serbs and 38 percent were Kosovo Albanians. Of the 4,100 persons displaced by riots in 2004, approximately 1,200 remained IDPs.

According to UNHCR estimates, the largest number of Kosovo IDPs were concentrated in the Mitrovica/Mitrovica region. Of the 19,695 IDPs within Kosovo, 15,181 were in Mitrovica/Mitrovica; roughly half of IDPs were Kosovo Serbs and half were Kosovo Albanians. In Mitrovica/Mitrovica municipality, Kosovo Serbs in the northern part and Kosovo Albanians in the southern part of the municipality continued to illegally occupy each others' properties, hindering potential returns.

On April 1, the ombudsman urged the prime minister to immediately relocate Roma living on polluted land to a new, safer location regardless of whether they were able to demonstrate their property rights in Mitrovica/Mitrovica or any other municipality. As of August, 42 Roma families (191 persons) remained at the lead-polluted Cesmin Lug IDP camp located in the northern part of Mitrovica/Mitrovica. Osterode, an adjacent IDP camp on the grounds of a former KFOR military barracks, housed 89 families (390 persons) who had been relocated from Cesmin Lug and two other polluted camps in 2006.

Progress was slow in rebuilding the original Roma settlement in the southern part of Mitrovica/Mitrovica that was destroyed during riots in 1999. Displaced persons began returning to the neighborhood in 2006; by July, 645 inhabitants, all Roma, had returned.

During the year the Ministry of Communities and Returns budgeted 4.9 million euros (\$7 million) for the protection and assistance of IDPs. The funds were spent on housing reconstruction, food and nonfood assistance, income generation grants, and basic support infrastructure like roads and water systems.

The government allowed IDPs access to domestic and international humanitarian organizations and permitted them to accept assistance provided by these groups.

The government did not attack, target, forcibly return, or resettle IDPs under dangerous conditions.

On September 7, Human Rights Watch and Amnesty International reported a series of physical attacks and verbal harassment against Roma returnees living in Gjilan/Gnjilane. Roma in the Abdullah Preseva neighborhood reported that six such incidents took place between July 30 and August 2. Police were investigating at year's end.

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws are based on and refer to the 1951 Convention and 1967 Protocol and provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

The asylum law entered into effect in June 2008. Administrative instructions remained unimplemented pending legal review and promulgation. During the year the UNHCR assisted the newly formed Department of Citizenship, Asylum, and Migration in building its capacity to adjudicate claims, to provide training to border police to help identify and process individuals requesting asylum at ports of entry, and to prevent the return of persons to countries where their lives or freedom would be threatened.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. As of August, the country hosted 281 refugees, mostly from neighboring countries.

The government did not provide temporary protection to individuals who did not qualify as refugees.

Section 3 Respect for Political Rights: the Right of Citizens to Change Their Government

The constitution and law provide residents with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Since the country's declaration of independence in February 2008, local authorities assumed authority and responsibilities in most areas of governance. Under the constitution, the 120-member Assembly has the authority to select a president, a prime minister, and other ministers and government officials.

Elections and Political Participation

On November 15, the country held the first round of local elections for municipal assemblies and mayors. International observers assessed the elections as generally free and fair, although they noted some technical violations of elections laws. Three of the second round mayoral run-off elections held on December 13 were marred by credible allegations of

irregularities and electoral fraud. In response, election officials ordered new run-off elections in two municipalities and a recount and investigation of the allegations in the third. Observers noted that the country's election laws require revision to improve their efficacy, and electoral institutions suffered from a lack of capacity and political interference.

International and domestic observers determined that the 2007 Assembly elections generally reflected the will of the voters, although few Kosovo Serbs participated, due largely to Serbian government pressure to boycott. No significant irregularities were reported. The country had a multiparty system dominated by five Kosovo Albanian parties with several minority parties and coalitions.

The law provides that individuals may nominate themselves as candidates to their parties, which must hold open and transparent internal elections to select candidate lists. Political parties could operate without restriction or outside interference, but party affiliation played an important role in access to government services and social and employment opportunities. Traditional social arrangements and clan loyalties also played an important, although unofficial, role in political organizations.

There were 37 women in the 120-seat Assembly. The electoral law requires a 30 percent quota for female parliamentarians. There was one woman on the eight-member Assembly presidency, two female ministers, and three female deputy ministers. While no women were elected in the November mayoral elections, women represented 31 percent of elected municipal representatives.

Following the 2007 elections, there were 24 ethnic minority members in the 120-seat Assembly, including 10 Kosovo Serbs and 14 members of other groups, including ethnic Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians. There were three minority government ministers--two Kosovo Serbs and one Kosovo Bosniak--and two Serb and two Bosniak deputy ministers. One Kosovo Bosniak, one Kosovo Turk, and one representative of the Roma, Ashkali, and Egyptian communities shared a rotating seat on the Assembly presidency. Kosovo Serbs from several political parties won the 10 set-aside Assembly seats in the 2007 election. Before that election, the holders of those seats did not claim their set-aside cabinet posts and continued to boycott Assembly votes, although they did participate in committees. A Kosovo Serb led the Ministry of Communities and Returns.

The constitution requires that the Assembly reserve 10 seats for Kosovo Serbs and 10 for members of other ethnic groups, but ethnic minorities were underrepresented at the municipal level where there were no similar quotas. In the three northern municipalities of Leposaviq/Leposavic, Zubin Potok, and Zvecan, Kosovo Serb voters responded to calls from Serbian authorities not to participate in the November 15 municipal elections, and as a result, Kosovo Serbs were not represented in those municipal assemblies. Kosovo Serb representation in municipal assemblies in the southern part of the country was significantly higher than in previous years due to increased Serb participation in the elections.

In June 2008 the government implemented a new election law to create a single, multimember electoral district throughout the country. Under the law, elections are to be held with open lists according to a proportional majority system; a quota system is supposed to ensure adequate representation for women and minorities in the Assembly; and a political party must receive 5 percent of the vote in order to enter the Assembly.

The Serbian government continued to run parallel government structures in Kosovo Serb enclaves. In April 2008 UNMIK stated that organizing elections for these parallel structures was a violation of UN Security Council Resolution 1244. In May 2008 UNMIK declared the parallel municipal structures arising from these elections were illegitimate.

On April 3, the Serbian government dissolved two municipal parallel governments in Peje/Pec and Pristina due to allegations of corruption. The Serbian government sponsored parallel municipal elections in these two municipalities on August 16. The Kosovo government and international community continued to emphasize that the parallel institutions were illegal and invalid.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. According to the World Bank's Worldwide Governance Indicators, corruption was a serious problem.

There was widespread public perception of corruption in the government. International organizations and NGOs continued to report that corruption was a serious problem. A lack of effective judicial oversight and general weakness in the rule of law contributed to corruption in the government.

The law provides that public officials are subject to financial disclosure laws. During the year the Assembly passed new anti-corruption legislation and amended an existing conflict-of-interest law. The anticorruption law creates a government agency to investigate public corruption and forward suspected cases of corruption to prosecutors. The amended conflict-of-interest law tightens rules forbidding public officials from exercising their responsibilities in circumstances where family members or close associates would have a financial or other personal interest at stake; a new anticorruption agency will administer the amended conflict of interest law.

The Kosovo Anticorruption Agency (KAA) and the Office of the Auditor General are the two major agencies responsible for combating corruption in the government.

During the year the KAA stated that it had received 150 reports of corruption and estimated that that corruption during the year had cost the government at least 30 million euros (\$43 million).

On August 18, the KAA issued warning letters to six local officials from the Leposaviq/Leposavic municipal court, the Peje/Pec district court, the Gjilan/Gnjilane municipal court, and the Ministry of Health for not declaring their wealth within the deadline set by law. The warning letters indicated that the officials were subject to dismissal from their positions if they failed to comply with the regulation. Following issuance of the letters, four of the officials declared their assets. The remaining two claimed that because they did not receive salaries for their work, they were not required to declare.

The independent Office of the Auditor General (OAG) reviewed fiscal management and accountability in the central government, municipal authorities, and publicly owned enterprises. During the year the OAG audited most ministries, the president's office, and the Assembly. At a September press conference, the OAG noted that government institutions were failing to respect fiscal management laws and regulations due to a lack of understanding of their responsibilities and of basic accounting. The OAG specifically identified flaws at the ministries of health, economy and finance, education, transportation, labor and social welfare, as well as customs, the Assembly, the prime minister's office, and the president's office.

In a report released during the year, Freedom House noted that corruption was widespread and remained a major problem due to insufficient laws, a lack of political will, and the weakness of the judicial system. The report also notes the anticorruption law and the provisional penal code each define corruption differently. In 2008 the European Commission

reported that the existing institutional legislative framework addressing corruption was unclear and noted that the weak judicial system inhibited progress in combating corruption.

On June 25, the police arrested Ardian Hasanaj, a senior official at government-owned national telecommunications provider PTK. Hasanaj allegedly took bribes from two persons to help them find jobs.

The June 2008 trial of six former UNMIK international officials and one local citizen on suspicion of misusing 230,000 euros (\$328,900) meant for humanitarian projects was suspended due to lack of evidence.

During the year the Pristina district court transferred the case of Elez Hoxha to the Prizren district court to avoid a conflict of interest. Hoxha, a former Pristina district court judge, was arrested in June 2008 on suspicion of bribery. A trial date remained pending at year's end.

EULEX suspended its investigation into the conduct of 11 international and eight local employees of Radoniqi Hydro-System in its dealings with the Kosovo Electric Company for lack of evidence. The investigation began in 2007.

There was no information available concerning the previously scheduled trial of former assembly speaker Nexhat Daci. In 2007 the Pristina district court indicted Daci on three counts of embezzlement after a 2006 audit of Daci's tenure as Assembly speaker uncovered serious mismanagement, misuse of public funds, and procurement irregularities. In March 2008 an international judge confirmed the indictment. The case remained pending at year's end.

The trial of Ahmet Alishani, Daci's senior advisor continued during the year. Alishani was indicted in March 2008 on charges of fraud and bribery.

There were developments in the case of former PTK director Leme Xhema, former director of Norway Invest Mustafa Neziri, and Ove Johansen. The three, together with Roger Reynolds, former divisional manager at Kosovo Trust Agency, and Ronnen Sorensen, former managing director and chairman of Norway Invest, were charged in connection with the alleged misuse of 300,000 euros (\$429,000). Johansen allegedly arranged the fraudulent transfer of these funds from PTK to a phantom company headquartered in Norway. In May 2008 the Pristina district court sentenced Xhema to four years imprisonment. She appealed the sentence. On June 22, the Supreme Court reduced her sentence to three years. The Supreme Court also cleared Mustafa Neziri of all charges on the grounds that the statute of limitations had expired. On July 8, Ove Johansen was arrested in Montenegro and extradited to Kosovo; he was awaiting trial at year's end. Roger Reynolds and Ronnen Sorenson remained at large.

During the year EULEX prosecutors took over the case of Sabajdin Llonqari and Fitim Maksutaj, two former finance officers at Dubrave/Dubrava Prison, who were arrested in 2006 for abusing their official position and falsifying documents. The trial was pending at year's end.

The Law on Access to Official Documents provides for access to official government documents but does not include penalties for failure to comply; in practice, ministries rarely granted access during the year and the media complained frequently about lack of access to official documents.

On February 14, the APJK organized a protest to urge the government to reconsider the administrative instructions guiding the Law on Access to Official Documents. The APJK and journalists complained that the instructions prevent journalists from accessing official documents. Several days after the protest, the minister of public services invited the

APJK to present its recommendations for changes to the administrative instructions. The process was continuing at year's end.

A test conducted by the NGO Youth Initiative for Human Rights, covering the period from October 2008 to June 2009, indicated that only about 20 percent of requests for access to official documents (sent randomly to local and central authorities) received positive responses. The International Exchanges and Research Board's (IREX) Media Sustainability Index noted that the administrative instruction implementing the 2003 Law on Access to Official Documents extended the time limit beyond 15 days and was overly specific about when a document can be accessed, thus limiting access to official documents.

In 2007 the APJK reported that a survey measuring the responsiveness of government and public institutions to media requests for official documents indicated that only 23 percent of requests were successfully completed. The survey also indicated that none of the institutions approached by journalists provided the petitioner with a register of available documents.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The government and KFOR were occasionally cooperative and responsive to their views.

Following the 1998-99 conflict, many domestic NGOs, covering a wide array of issues, developed throughout the country. The government occasionally met with domestic NGO monitors, responded to their inquiries, or took action in response to their reports or recommendations. There were no reports that the government harassed, targeted, or prosecuted NGOs for their activities.

The government cooperated with international organizations, including UN representatives and the ICRC. The UN maintained a large presence in the country and covered a wide range of issues. The ICRC maintained a constant presence in the country.

Police continued to investigate the March 2008 incident in which unknown assailants in Mitrovica/Mitrovica threw a Molotov cocktail at the headquarters of the humanitarian organization Norwegian Church Aid.

The ombudsman investigates allegations of human rights violations and abuse of government authority. In June the Assembly approved the selection of a new ombudsman after four failed attempts since 2006. The ombudsman's office reported that it had good cooperation with the government and political parties.

The ombudsman was considered moderately effective, but was restricted by funding problems. The OSCE reported that, because donor funding ended in 2008, the ombudsman's office in the Serb village of Vidanje/Videje in Peje/Pec municipality closed in March. Additionally, the staff numbers were reduced at the ombudsman's office in Gracanice/Gracanica in March for the same reason.

The ombudsman continued to assert that the courts and ministries were the most frequent violators of human rights in the country. The ombudsman also noted that recent reforms in the judiciary were insufficient, and the system still suffered

from grave defects.

While the ombudsman actively issued intervention letters, reports, and recommendations, his recommendations were not always followed by the government, local courts, or the police. The ombudsman investigated cases concerning property rights, abuse of official authority, administrative acts or omissions by public authorities, lack of proper investigations into criminal acts, issues involving the length of court proceedings and the execution of court decisions, and employment-related disputes and discrimination cases.

The Assembly maintains a committee on human rights, gender equality, missing persons, and petitions; which must review all laws that affect human rights. The committee was controlled by governing coalition parties and had only limited independence. The committee did not issue any reports or recommendations during the year.

The government and KFOR generally cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY). On October 28, ICTY prosecutors appealed the acquittal of former prime minister Ramush Haradinaj and codefendant Idriz Balaj. The Appeals Chamber's decision remained pending at year's end. In April 2008 the court acquitted both men of all charges stemming from the alleged murder, persecution, rape, and torture of Kosovo Serb civilians in 1998. Lahi Brahimaj, convicted of torture and mistreatment of prisoners and sentenced to six years in prison in April 2008, also filed an appeal.

On July 23, the ICTY overturned the conviction of former culture minister Astrit Haraqija, who had been sentenced to five months' imprisonment in December 2008. Haraqija and his political advisor, Bajrush Morina, were charged with threatening a witness who planned to testify against Ramush Haradinaj. The court upheld Morina's three-month sentence.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law specifically prohibits discrimination on the basis of race, gender, ethnic origin, disability, or language. The government did not effectively enforce these prohibitions.

Women

The law criminalizes rape; however, spousal rape is not specifically addressed. Under the criminal code, rape is punishable by two to 10 years in prison; statutory rape (sexual intercourse with a child under 18) is punishable by five to 20 years in prison. Rape involving homicide is punishable by up to 40 years' imprisonment.

Observers believed that rape was significantly underreported due to the cultural stigma attached to victims and their families. Police rape units around the country received 42 reports of rape during the year. According to the Justice Ministry, victim advocates provided services to victims in approximately 31 cases of rape during the year.

Domestic violence against women, including spousal abuse, remained a serious and persistent problem. The law prohibits domestic violence, and convictions carry prison terms of six months to five years. The law treats domestic violence cases as civil cases unless the victim suffers bodily harm. Failure to comply with a civil court's judgment relating to a domestic violence case is a criminal offense and can be prosecuted. When victims did press charges, police domestic violence units conducted investigations and transferred cases to prosecutors. According to the special prosecutor's office, family loyalties, poverty, and the backlog of cases in both civil and criminal courts contributed to the low rate of prosecution.

In 2007 the OSCE issued a report on domestic violence that highlighted problems in the adjudication of domestic violence cases, including unlawful delays in reviewing applications for protection orders. The OSCE also expressed concern over appellate procedures in domestic violence cases; in some cases, courts unlawfully noted in their decisions that an appeal by the defendant would stay the execution of a protection order.

Between January and November, police reported 856 victims of domestic violence. Of the victims, 681 were female, 175 male. Only 16 sought refuge in shelters. Children also suffered from domestic violence. During the year police reported 125 child victims of domestic violence: 74 girls and 51 boys. Only 12 were placed in shelters. During the same period, the Center for Protection of Women and Children provided assistance to 144 victims of domestic and sexual violence and three victims of trafficking. The Justice Ministry's victim advocate and assistance unit was involved in 636 domestic violence cases during the year.

Convictions for domestic violence were rare, and sentences ranged from judicial reprimands to imprisonment. Traditional social attitudes towards women in the male-dominated society contributed to the high level of domestic abuse and low number of reported cases.

The Ministry of Labor and Social Welfare's protection for families section had a unit solely dedicated to dealing with family violence. The ministry provided some financial support to NGOs running shelters for domestic violence victims, which also accommodated some trafficking victims. The ministry also provided social services through social welfare centers. Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence concerning domestic violence, sexual abuse, and rape.

The police training school offered special courses on domestic violence and rape. There were no reports that the police responded inappropriately to rape or domestic abuse allegations.

Although the law prohibits prostitution, it remained prevalent. EULEX continued to monitor, mentor, and advise the police trafficking section.

There is no specific law against sexual harassment, which was a common problem. Women's rights organizations indicated that sexual harassment commonly occurred on the job but went unreported due to fear of expulsion or physical retaliation. Public awareness of sexual harassment remained low, and few cases were reported.

The reproductive health law protects the reproductive rights of individuals and couples, including the right to information and access to appropriate services. In practice, the government respected reproductive rights. The UN Population Fund (UNFPA) reported that access to reproductive health information and treatment was widespread and equitable, regardless of income level, age, sex, ethnicity, residence, and HIV/AIDS or other status. The UNFPA noted that counseling on reproductive rights, although available, was generally of poor quality.

Women possess the same legal rights as men but traditionally have a lower social status, which affected their treatment within the legal system. The Agency for Gender Equality under the Prime Minister's Office has the mandate to implement and monitor the gender equality law.

Despite a lack of legal impediments, relatively few women obtained upper-level management positions in business, the police, or government. Women represented less than 30 percent of the government workforce. According to the Business Registration Agency, women owned fewer than 5 percent of registered businesses. Female unemployment remained at

around 80 percent, 25 to 30 percentage points higher than the rate for men. During the year the Agency for Gender Equality supported a local NGO providing training for women in small businesses and also sponsored the third annual "women in business" fair in June.

According to the OSCE, women belonging to nonmajority communities were at risk of suffering multiple forms of discrimination due to gender, ethnicity, or social origin. Traditional societal attitudes toward women resulted in discrimination. In rural areas, women frequently had little ability to make decisions involving their children or to exercise control over property. While the law makes no gender distinction in the right to inherit property, family property customarily passes only to men. In rare cases, Kosovo Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom calling for children and property to pass to the deceased father's family while the widow returns to her birth family.

Children

Children acquire Kosovo citizenship from their parents or by virtue of birth in the country. According to a July 2008 UN Children's Fund (UNICEF) study, 14 percent of Roma, Ashkali, and Egyptian children in Kosovo Albanian-majority areas were not registered at birth. In Kosovo Serb-majority areas, 5 percent of Roma, Ashkali, and Egyptian children were not properly registered. UNICEF reported that as a rule, a lack of registration did not impact the child's ability to receive elementary education or health care but could adversely affect access to social assistance.

While education is free and compulsory up to age 15, statistics from 2005, the most recent year for which data was available, indicated that only 77 percent of children between the ages of seven and 14 from non-Serb minority communities (Ashkali, Bosniak, Egyptian, Gorani, Roma, Turkish, and others) attended school. Girls from non-Serb minorities attended school at a rate of 69 percent. In contrast, 97.5 percent of Kosovo Albanian and 99 percent of Kosovo Serb children were enrolled in primary school. Since 2008 the government has purchased books for pupils through the fifth grade. Fewer than 10 percent of two- to five-year-old children attended preschool.

UNICEF estimated that less than 75 percent of children who completed compulsory basic education enrolled in secondary school and that the continuation rate for Kosovo Albanian girls was less than 55 percent. Among girls from non-Serb minority communities, only about 40 percent enrolled in secondary schools.

The law requires equal conditions for schoolchildren regardless of mother tongue and provides the right to native-language public education for minority students through secondary school. Schools teaching in Serbian, Bosnian, and Turkish operated during the year. Both Kosovo Serb and Kosovo Albanian children attended schools with inadequate facilities that lacked basic equipment. A few schools housed both Kosovo Serb and Kosovo Albanian pupils, who studied different curricula and rotated class schedules.

Roma, Ashkali, and Egyptian children attended mixed schools with Kosovo Albanian and Kosovo Serb children and reportedly faced intimidation and bullying in some majority Albanian areas. Roma children tended to be disadvantaged by poverty, leading many to start work both at home and in the streets at an early age in order to contribute to family income. Roma children were also disadvantaged by having to learn another language to attend school, since many spoke Romani at home. International NGOs funded and administered various preschool programs for Roma, Ashkali, and Egyptian children to learn Albanian and Romani languages. Some Kosovo Bosniak children in predominantly Bosniak areas occasionally were able to obtain Bosnian-language primary education, but those outside such areas received instruction only in Albanian.

The extent of child abuse in the country was unknown, but UNICEF believed it was significantly underreported due to lack of awareness, victim services, and limited capacity to identify, report, and refer cases of abuse. The Justice Ministry's unit for victim advocacy and assistance reported 38 cases of child abuse between January and September. A 2006 study by UNICEF and the Ministry of Education on the prevalence of violence in schools found that violence against children was condoned and that corporal punishment was an accepted practice in homes and schools. Some students who lived far from school reported they were afraid to travel the distance due to the threat of peer violence. Children reported that persons close to them were perpetrators of violence, that boys were at higher risk for physical violence, and that girls were at higher risk of verbal abuse.

There was anecdotal evidence of child marriage, particularly in the Roma, Ashkali, Egyptian, and Kosovo Albanian communities. The government and NGOs did not compile statistics on child marriage, so the extent of the problem was unclear.

Statutory rape is a criminal offense punishable by five to 20 years in prison, depending on circumstances and the age of the victim.

The law prohibits possession, production, and distribution of child pornography. Anyone who produces, uses, or involves a child in making or producing pornography is subject to one to five years' imprisonment. Distribution of child pornography is punishable by six months' to five years' imprisonment. Possession of child pornography is punishable by fine or imprisonment of up to three years.

During the year the Ministry of Labor and Social Welfare operated 35 centers that assisted 1,497 orphans and 811 delinquent children. The ministry also managed foster homes and coordinated with NGOs to place children in temporary shelters. During the year a total of 86 children were living in foster homes and government-funded community homes under 24-hour care, including 35 children who were placed into protective care this year. The Pristina Clinical and University Hospital had previously been home to seven children; during the year one child died. The remaining six were placed in foster homes.

The Ministry of Labor and Social Welfare reported that there were 19 abandoned children with disabilities, ranging in age from three to 18 years, living in two government-funded community homes receiving 24-hour care.

Trafficking in Persons

The constitution and law prohibit trafficking in persons for all purposes; however, there were reports that persons were trafficked to, from, through, and within the country. Trafficking of women and children remained a serious problem, although limited statistics made it difficult to estimate the magnitude of trafficking in children.

The country was a source, transit, and destination point for trafficked persons, and internal trafficking remained a problem. Victims were women and children trafficked internally or from Eastern Europe and other Balkan countries into the country. Children were exploited most commonly for labor—primarily begging—while adults were trafficked mostly for commercial sexual exploitation in illegal brothels or through call girl services. Victims were trafficked through the country to Albania and Macedonia.

According to police and the International Organization for Migration (IOM), there were more identified victims of trafficking

during the year compared with previous years. During the year police identified 22 adult trafficking victims: 11 Kosovo Albanian women and 11 foreign female victims. Of the foreign victims, six were from Moldova, two were from Albania, one was Bulgarian, one was Serbian, and one refused to reveal her country of origin. Police also identified seven trafficking victims who were minors: five Kosovo Albanians, one Kosovo Serb, and one Albanian. According to police statistics, the number of internally trafficked adults remained the same during the year as compared to 2008. In both years, 11 of the identified victims were from the country. IOM data also showed a year-on-year increase in the total number of trafficking victims. In 2008 the IOM assisted 20 trafficking victims: eight foreign citizens and 12 from Kosovo. From January to October, the IOM assisted 29 victims: 21 from Kosovo and eight foreigners. Of the seven, six were from Moldova, one was from Albania, and one was from Serbia.

Trafficking in children remained a problem. The NGO Terre des Hommes reported that during the year it identified 15 child victims of trafficking. Seven were from Kosovo, eight from Albania; all were Roma. Six were girls and nine were boys, and their ages ranged from six months to 16 years. All were exploited for labor, typically begging. The six-month-old child was used to aid others in begging. Police identified one minor victim of trafficking, a sexually exploited 17-year-old girl from Albania. The IOM assisted three minor trafficking victims, two internally trafficked and one foreign, also from Albania. All three were sexually exploited.

Children from backgrounds with a high level of poverty, unemployment, family abuse, and poor education were particularly at risk of being trafficked. The IOM reported that of local victims identified since 1999, 10 percent were not enrolled in school; 32 percent had only finished primary school (fifth grade); 41 percent had finished elementary school (ninth grade); 10 percent had completed secondary education (high school); and fewer than 1 percent had attended university.

Since 1999, of the foreign victims IOM assisted, over 50 percent were from Moldova, 18 percent were from Romania, 12 percent were from Ukraine, and the rest from Albania, Bulgaria, Russia, Serbia, Montenegro, Slovakia, and Nigeria. The majority of these victims were women between the ages of 18 and 25. IOM data show that, historically, 82 percent of Kosovo's victims were internally trafficked; 7 percent were trafficked to Macedonia, 3 percent each to Albania and Italy, and fewer than 1 percent to the United Kingdom, Switzerland, Germany, Belgium, and Montenegro. The IOM reported that during the year all the Kosovo victims it assisted were internally trafficked.

Police reported that sex trafficking victims were generally not aware they would be working in the sex industry when they left their homes. However, IOM data indicated that most sex trafficking victims were trafficked by friends or acquaintances with the victim's full knowledge.

Methods of trafficking continued to increase in sophistication. Police reported that most women were trafficked into the country through the Pristina airport. Bar and brothel owners purchased victims from recruitment rings, often composed of friends of the victim.

Police and Terre des Hommes reported that recruiters were slightly more likely to be men than women. The IOM and police reported that trafficked persons often had work contracts that enabled them to enter the country legally and obtain residence permits. This made it difficult to detect and prove trafficking.

The IOM reported that, of the 473 international victims it assisted since 1999, close to 73 percent fell prey to traffickers after accepting a fraudulent job offer abroad, 8 percent were deceived by false travel arrangements, and fewer than 2 percent were promised marriage. For internally trafficked victims, 64 percent received a false job promise, nearly 21 percent were given a false promise of marriage, and 4 percent were kidnapped.

Police reported great difficulty in identifying trafficking victims due to their reluctance to come forward and report the crimes to police. Unlike in previous years, where traffickers shifted their operations into private homes, all the trafficking victims identified by police were discovered in public bars and clubs. Traffickers continued to use financial incentives to encourage victims to refuse assistance. Additionally, police reported that cultural taboos and the threat of social ostracism caused most internally trafficked victims to remain silent about their experiences. The IOM disagreed with the police assessment and noted that the victims it assisted were typically forthcoming about their experiences. Trafficking victims reported that they were regularly subjected to beatings, denied access to health care, and occasionally had their travel and identity documents confiscated. Police reported that victims were often found in poor psychological condition.

Police continued to experience difficulty in recruiting Kosovo Serb officers for their antitrafficking unit, which prevented undercover operations from taking place in northern parts of the country and in Kosovo Serb enclaves.

The country's laws and police procedures provide a defense for trafficking victims against criminal charges of prostitution, illegal entry, presence, or work in the country. According to the criminal law, trafficking is punishable by a maximum of 20 years' imprisonment. Engaging in trafficking is punishable by two to 12 years' imprisonment, or up to 15 years if the victim is a minor; organizing a group to engage in trafficking is punishable by seven to 20 years' imprisonment and a fine up to 500,000 euros (\$715,000); facilitating trafficking through negligence is punishable by six months' to five years' imprisonment. A person convicted of engaging in sex with a person known to be a trafficking victim may be imprisoned from three months to five years, while sex with a minor known to be a trafficking victim carries a penalty of two to 10 years' imprisonment. When trafficking is committed by an official in the exercise of their duties, the perpetrator may be imprisoned for five to 15 years.

Facilitating prostitution is punishable by a fine or imprisonment up to three years, and up to five years if it occurs within a 350-meter radius of a school or other location used by children. When the crime of prostitution involves minors as victims, the term of imprisonment can be up to 12 years. Prostitution is punished as a minor offense; prostitutes can be punished, but not clients, unless the police can prove that a client knowingly used the services of a trafficking victim. Prostitution constitutes grounds for deportation unless the individual is a victim of trafficking.

During the year police conducted 63 surveillance operations, 23 undercover operations, and closed 70 business establishments used for trafficking and prostitution. Police arrested 32 men and women for trafficking, and an additional 13 women on prostitution charges. Police identified 29 trafficking victims, 22 of whom received needed assistance, including safe accommodation, counseling, and professional training for return and social reintegration. The remaining seven declined treatment. At least one shelter provided medical care pursuant to its agreements with health care providers. From January to November, the Prosecutor's Office filed 31 criminal trafficking and smuggling charges; 54 additional cases from previous years remained open. Eighteen cases were completed, resulting in 12 convictions with prison sentences, four fines, three suspended sentences, and one acquittal.

Factors that contributed to a low number of prosecutions included the increasing sophistication of organized crime to avoid direct links between the victims and senior crime figures, reluctance of victims to cooperate with authorities, inadequate training for judicial personnel, and failure of police to adapt to new techniques employed by traffickers.

Police and border police shared responsibility for combating trafficking with the ministries of internal affairs; justice; health, education, and public services; and labor and social welfare. NGOs and international organizations offered the majority of protection and prevention-related antitrafficking activities.

There were a number of arrests and police actions against traffickers during the year.

On February 23, border police arrested four Kosovo Albanian men for trafficking an Albanian minor. The victim was sent to a shelter and then returned to Albania. The men were detained for one month and then released. No further information on the case was available.

On March 3, authorities suspended five police officers with pay on suspicion of abuse of authority, trafficking, and facilitating prostitution. Two of the officers worked at Pristina airport in coordination with the border police. The others worked at the Office for Immigration and Foreigners; all were in regular contact with known traffickers through text messages. At year's end, the Special Prosecutor's Office had completed its investigation and was preparing final indictments, but no arrests had been made.

On April 25, police arrested an Albanian woman and charged her with trafficking. The case was transferred to the Pristina district court, where the accused received 30 days detention. An investigation is ongoing.

Following the January 2008 police searches of six locations in Gjakove/Djakovica on suspicion of involvement in trafficking, police arrested five persons and sent four women to shelters. During the year two of those arrested were convicted and sentenced to four years imprisonment for trafficking-related offenses.

During the year a prosecutor was assigned to the case of the Kosovo Ashkali man arrested in April 2008 for trafficking a 14-year-old girl and pimping her. Charges remained pending at year's end.

During the year Aleksander and Pal Pitaqi, Veronica Dragan, and Elena Pislaru were convicted on charges of human trafficking, money laundering, and facilitating prostitution. The court found that the traffickers led an organized criminal group that recruited and held women from Moldova for sexual exploitation. Aleksander Pitaqi received six years' imprisonment and an 86,874 euro (\$124,230) fine; Pal Pitaqi received five years' imprisonment and a fine of 2,000 euros (\$2,860); Veronica Dragan received four years' imprisonment, and fine of 85,794 euros (\$122,685); and Elena Pislaru received three years' imprisonment and a fine of 2,000 euros (\$2,860).

There was no additional information available in the 2007 arrest of two Kosovo Albanian men who ran the Suka and Suka 1 cafes in Prizren.

The government and international and local NGOs provided assistance to trafficking victims. Local NGOs, such as the Center for Protection of Victims and Prevention of Trafficking in Human Beings, operated shelters that provided medical care and psychological counseling services to trafficking victims. The NGO Hope and Homes for Children operated a shelter for child victims of trafficking and domestic violence. The Justice Ministry ran a high security shelter for high-risk victims while they recovered.

During the year the Ministry of Education initiated a two-month outreach program to 113 primary and secondary schools urging students to report cases of trafficking and domestic violence. The ministry also ran an awareness campaign in 10 schools to warn students of the dangers of trafficking.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; however, the situation of persons with disabilities remained difficult. Although the law mandates access to official buildings, it was not enforced and such access was rarely available in practice.

The Ministry of Labor and Social Welfare is the government agency responsible for protecting the rights of persons with disabilities. By law, protection and provision of services is offered to all citizens; however, there was considerable discrimination in practice, and ensuring the rights of persons with disabilities was not a government priority.

According to local disability rights NGO HandiKos, existing laws relating to persons with disabilities were not adequately implemented. As a result, children with disabilities were often excluded from educational opportunities, were not professionally evaluated, and lacked sufficient health and social services.

According to the Ministry of Education, there were seven special residential schools for children with disabilities and 73 special needs classrooms attached to regular schools. The ministry reported that, as of December, 1,179 pupils were receiving special education.

There were no special legal protections for children with disabilities. A new Law on Material Support for Families of Children with Permanent Disability entered into force in June 2008. The law provides a definition of children with disabilities and permits the legal guardians of such children to apply to the Ministry of Labor and Social Welfare for material support. However, the ministry lacked both the funds and personnel to implement the law.

According to the NGO Mental Disability Rights International (MDRI), patients with mental disabilities continued to be detained without legal basis in isolated conditions. In 2003 MDRI noted that there is no law to regulate the process of committing persons to psychiatric or social care facilities or to protect their rights within institutions. On occasion individuals in need of mental health treatment were convicted of fabricated or petty crimes and sent to prisons that lacked resources for adequate treatment. According to the World Health Organization (WHO), there were an estimated 14,000 persons with mental disabilities; MDRI reported an estimated 50,000 persons with mental disabilities living outside institutions. According to MDRI, such persons lived isolated and stigmatized lives.

The government-operated Shtime/Stimlje Institute maintained a facility for persons with developmental disabilities with 60 residents and a separate psychiatric facility with 62 residents. The majority of residents at the institute were Kosovo Serbs and members of other minorities. The total number of residents in these facilities decreased from 2008, addressing in part MDRI's concerns about overcrowding. Both facilities continued to admit new patients through the year.

During the year the Ministry of Health operated eight integration and community homes across the country, each hosting 10 patients with mental illnesses. In addition, the Ministry of Labor and Social Welfare ran another seven community homes with approximately 10 residents in each facility. MDRI reported that, while these homes were intended to be transitional, most residents spent years there with little prospect of integration into the community. According to the WHO, there were not enough facilities to provide care for persons with mental disabilities and employment opportunities for persons with mental disabilities were limited.

The National Council on Disabled Persons, an advisory organization to government authorities and the Assembly, met

twice during the year.

National/Racial/Ethnic Minorities

Official and societal discrimination persisted against Kosovo Serb, Roma, Ashkali, and Egyptian communities in employment, education, social services, language use, freedom of movement, the right to return, and other basic rights. Members of the Kosovo Bosniak and Gorani communities also complained of discrimination. Reports of violence and other crimes directed at minorities and their property persisted. According to a draft report prepared by the prime minister's Office of Community Affairs, minority employment in public institutions fell during the year and was generally confined to lower levels of the government. The report recommended that the government more actively reach out to minorities and implement reporting, recruiting, training, equal opportunity, and language procedures.

A 2007 ombudsman's report concluded that ethnic discrimination was a widespread problem. The ombudsman highlighted discrimination in the delivery of public services and freedom of movement.

Between January 1 and August 31, EULEX police reported 116 cases of interethnic crime; 86 involved Kosovo Serbs as either victims or suspects. During the same period in 2008, UNMIK police reported 798 cases of interethnic crime, 617 involved Serbs as victims or suspects. Underreporting of interethnic incidents persisted as a consequence of the local police policy of assigning low priority to them and persistent mistrust between minorities and the Kosovo Albanian majority.

There were reports of violence against Kosovo Serbs during the year which were usually investigated by police. For example, on January 5, a Kosovo Serb informed the police that his son had been threatened by a Kosovo Albanian male. The Kosovo Serb was threatened in retaliation for the burning of the Kosovo Albanian's store. The victim chose not to file a formal complaint and police closed the case.

On June 13, three Kosovo Serb teenagers were reportedly beaten by a group of Kosovo Albanians in Lipjan/Lipljan while passing a construction site. On June 16, police filed assault charges against Atdhe Qerkini, Kosove Kelmendi, Bunjamin Jashanica, Gezim Xhemajli, Gazmend Bleta, and Qendrim Veseli. On June 17, the Lipjan/Lipljan municipal court ordered the six suspects to be detained for 30 days, with the exception of Veseli, a minor.

There were no developments in the April 2008 incident in Gjilan/Gnjilane in which a Kosovo Albanian man assaulted a Kosovo Serb man, who sustained slight bodily injuries.

In June 2008 the OSCE reported that a Kosovo Serb man attempted to visit his property in Decan/Decani with members of a UNDP team planning to help reconstruct his home. When the man arrived at his property, a Kosovo Albanian neighbor, who was unlawfully using the property in the owner's absence, prevented the group from entering. According to the OSCE, the Kosovo Serb owner did not attempt to visit his property again. Municipal authorities attempted to mediate the dispute but were unable to contact the property owner.

In July 2008 three unidentified Kosovo Albanian women physically assaulted and injured a Kosovo Serb woman in Gjilan/Gnjilane. The victim declined to press charges or file a complaint, and police closed the case.

There were no developments in the July 2008 case in Istog/Istok, where an unidentified Kosovo Albanian man punched and kicked Zarko Orovic, a prospective Kosovo Serb returnee visiting from Montenegro, and robbed him of 350 euros (\$500). The case was subsequently sent to prosecutors, but no suspects were identified and no arrests were made.

During the year police forwarded to prosecutors the December 2008 case in which two Kosovo Albanian youths from the southern part of Mitrovica/Mitrovica stabbed a 16-year-old Kosovo Serb in the northern part of Mitrovica/Mitrovica during a confrontation with Serbian youths. The defendants claimed they were acting in self-defense.

There were no developments during the year on investigations into the 2007 stabbing of a Kosovo Serb woman behind a cafe in Mitrovica/Mitrovica or the 2007 indictment of Sabri Haziri, who was accused of assisting in planting a bomb on a railway bridge in 2003 near the village of Llozishte/Loziste in Zvecan.

During the year there were occasional reports of Kosovo Albanians destroying private property belonging to Kosovo Serbs. Some of these attacks may have been attempts to force Kosovo Serbs to sell their property. Regulations prevent the wholesale buy-out of Kosovo Serb communities in an effort to prevent the intimidation of minority property owners in certain areas; however, these were rarely enforced. There were numerous reports that Kosovo Serbs had difficulty accessing their property, which was sometimes occupied or used by Kosovo Albanians. The KPA reported that it faced frequent cases of illegal occupation and reoccupation of properties in its eviction activities, with many properties vandalized or destroyed.

There were no developments in the April 2008 case in Kline/Klina in which a Kosovo Serb reported that his property had been taken over by a Kosovo Albanian man.

The OSCE reported 70 cases of the fraudulent sale of Kosovo Serb property by persons falsely claiming to have the right and presenting forged documents in court. In situations where the rightful owners did not live in the country, such fraud went undiscovered for long periods of time.

There were clashes between groups of Kosovo Albanians and Kosovo Serbs during the year.

In April, May, and August, EULEX police repeatedly used tear gas to disperse crowds of up to 400 Kosovo Serb protesters in Kroji Vitakut/Brdjani in the northern part of Mitrovica/Mitrovica, who were demonstrating against Kosovo Albanian returnees rebuilding their homes. On various occasions, protesters attempted to break through police lines and threw rocks at construction workers. During the August 24 incident, five construction workers and two protesters were injured.

In October 2008 police charged Blasko Lazar Simic, Tihomer Radivoje Milosevic, Miodrag Vladimir Nikolic, and Bozo Zivojin Stanojevic with assaulting a public official and inflicting minor bodily injuries during a June 2008 clash between Kosovo Serbs protesting the construction of a mosque and Kosovo Albanians in the ethnically mixed village of Berivojce in Kamenice/Kamenica municipality. Two police officers and a number of protesters were injured. A trial date was pending at year's end.

During the year the OSCE reported that the criminal justice system continued to exhibit serious shortcomings in handling cases from the 2004 riots. The OSCE noted the failure of courts and prosecutors to secure witness statements and cooperation; the failure of police to transmit reports, to appear when summoned as witnesses, or, in some cases, to cooperate with investigations; the widespread failure by prosecutors to charge alleged perpetrators with suitable crimes; the failure of judges to sentence those convicted to appropriate sentences; and long delays in proceedings. In many cases the courts did not properly account for ethnic motives as an aggravating factor and imposed mild or even suspended sentences for serious crimes.

Incidents of ethnically motivated violence against members of non-Kosovo Serb minority communities reportedly took place during the year.

Between July 30 and August 2, Roma returnees alleged they were attacked and beaten in six incidents in the village of Abdullah Preseva in Gjilan/Gnjilane municipality. Likewise, 20 Roma, Ashkali, and Egyptian families from the Halit Ibishi neighborhood in Ferizaj/Urosevac municipality reported they sought protection from the police due to continuous harassment and intimidation by unidentified persons. Police were investigating these incidents at year's end.

There were no developments in the 2007 Peje/Pec incident in which two Kosovo Albanian men assaulted and seriously injured a Kosovo Egyptian man or in the 2007 assault by a Kosovo Albanian on a Kosovo Bosniak. In the second case, the victim was hospitalized with serious injuries and police apprehended a suspect.

Roma were subject to pervasive social and economic discrimination; often lacked access to basic hygiene, medical care, and education; and were heavily dependent on humanitarian aid for survival. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in the homes they occupied prior to the 1999 conflict in Vushtrri/Vucitrn, security concerns remained.

Kosovo Bosniak leaders continued to complain that thousands of their community members had left the country as a result of discrimination and lack of economic opportunities, noting that departures had increased due to economic circumstances in the country.

Societal Abuses, Discrimination and Acts of Violence Based on Sexual Orientation and Gender Identity

The constitution and law prohibit discrimination based on sexual orientation; however, 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. There were fewer threats reported than in previous years. This diminished reporting may have been due to greater caution taken by LGBT persons in their public activities. 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.

There were few NGOs in the country that focused on LGBT issues. The Center for Social Group Development, a local NGO addressing LGBT issues, stated that there were a number of other cases of discrimination against LGBT individuals during the year, but that victims refused to allow the center to present their cases publicly out of fear of discrimination. There were no overt impediments to the center's operation; however, social pressure and traditional attitudes had the effect of limiting its activities.

There were no developments in the 2007 incident in which police officers harassed four men, three of whom were wearing dresses.

The center reported that police had failed to follow up on the alleged May 2008 murder of a 32-year-old man from Gjilan/Gnjilane municipality in the Pristina city park in an area known as a gathering point for gay men.

There was no official discrimination in employment, housing, statelessness, access to education or health care; however, societal pressure persuaded virtually all LGBT persons to conceal their sexual orientation.

Other Societal Violence and Discrimination

There were no reports of official discrimination against persons with HIV/AIDS during the year; however, anecdotal reports of such discrimination did occur.

Section 7 Worker Rights

a. The Right of Association

Regulations allow workers to form and join independent unions of their choice without previous authorization or excessive requirements, but this right was sometimes impeded by companies that threatened their employees when they joined or established unions. Regulations do not recognize the right to strike; however, strikes were generally permitted in practice, and few strikes occurred during the year. The government did not pass new labor laws during the year, so older UNMIK regulations remained in force.

The only significant unions were the Association of Independent Trade Unions of Kosovo (BSPK) and the Confederation of Free Unions (CFU). However, the Ministry of Labor and Social Welfare reported that the influence of both groups was declining as former members split off to form their own smaller unions.

b. The Right to Organize and Bargain Collectively

Government regulations provide for the right to organize and bargain collectively without interference or restriction, and the government did not restrict this right in practice; however, no collective bargaining took place during the year. The law allows unions to conduct their activities without interference, and the government protected this right in practice.

Regulations prohibit antiunion discrimination; however, some union officials reported discrimination in practice. The BSPK and CFU reported that only a small number of companies respected regulations preventing antiunion discrimination and claimed that worker rights were abused in every sector, including in international organizations, where staff did not receive pensions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Regulations prohibit forced or compulsory labor, including by children; however, there were reports that women were trafficked for commercial sexual exploitation, and forced labor in bars and restaurants and that children were trafficked for labor exploitation (see Section 6, Trafficking in Persons).

There were no reports of the government requiring work without pay or the imposition of prison labor by administrative or legislative authority.

d. Prohibition of Child Labor and Minimum Age for Employment

Regulations prohibit exploitation of children in the workplace, including a prohibition of forced or compulsory labor; however, with the exception of trafficking, the government rarely challenged these practices. Trafficking of children, primarily for labor exploitation, was a serious problem, although a lack of statistical data made it difficult to estimate its magnitude.

Regulations set the age of 16 as the minimum for employment and the age of 18 as the minimum for any work likely to jeopardize the health, safety, or morals of a young person. Regulations permit children to work at the age 15, provided the employment is not harmful or prejudicial to school attendance. The law requires children between ages six and 15 to attend school.

Child labor remained a serious problem. According to UNICEF, in recent years the number of children working on the streets of towns and cities rose, although the overall number of working children remained unknown. Poverty was the most common reason children entered the workforce. While most children were not their families' main income earners, child labor served as a major contribution to many families' income. Problems with the education system, including low quality and inaccessibility of schools, contributed to the problem of child labor.

In rural areas, young children typically assisted their families in agricultural labor. Urban children often worked in a variety of unofficial retail jobs, such as selling newspapers, cigarettes, and phone cards on the street. According to the Ministry of Labor and Social Welfare, the numbers of such children grew relative to 2008, although no statistics were available. Some children were also engaged in physical labor, such as transporting goods. International NGOs active in the country continued to report serious labor violations during the year, including child labor.

The Ministry of Labor and Social Welfare coordinated child protection policies for the government, however, the police had the lead on enforcing child labor laws. The ministry reported that limited progress had been made in reducing the number of children working on the streets. The ministry and local NGOs, with funding provided by the International Labor Organization, worked to identify and remove working children from the streets. Since 2007, 452 children were identified, of whom 369 returned to school.

e. Acceptable Conditions of Work

There is no law establishing a minimum wage, and the Assembly did not adopt any labor laws during the year. The average monthly salary in the country was 230 euros (\$329) in the public sector and 280 euros (\$400) in the private sector. The unofficial minimum wage was 80 euros (\$114). Regulations provide for a standard 40-hour workweek; require rest periods; limit the number of regular hours worked to 12 hours per day; limit overtime to 20 hours per week and 40 hours per month; require payment of a premium for overtime work; and prohibit excessive compulsory overtime.

During the year employers often failed to abide by official labor standards due to a lack of government enforcement, particularly with regard to the standard work week and compulsory and unpaid overtime. Employees often did not report such violations due to fear of reprisals. According to the BSPK, many individuals worked long hours in the private sector as at-will employees without employment contracts, regular pay, or pension contributions paid on their behalf. Employees reported being fired without cause and in violation of existing laws, and being denied holidays. Women's rights organizations indicated that sexual abuse occurred on the job but went unreported due to fear of expulsion or physical retaliation. According to union officials, workers in the public sector commonly faced similar mistreatment, including sexual abuse and the loss of employment due to political party affiliation.

The Labor Inspectorate within the Ministry of Labor and Social Welfare is responsible for enforcing labor, health, and safety standards. However, the inspectorate primarily advised employers, and although it issued over 5,444 citations during the year for various labor standard violations, fines remained unpaid pending litigation. The inspectorate lacked trained staff and did not enforce health and safety standards effectively. The law does not permit employees to remove themselves from dangerous workplaces without jeopardizing their continued employment.

Although there is a law to protect employees' health and working conditions, many private and public institutions continued to violate it. Labor inspectorate officials reported difficulties in obtaining accurate information since workers rarely disclosed the problems themselves, in spite of legal protections.