

KOSOVO

EXECUTIVE SUMMARY

Kosovo is a parliamentary democracy. The constitution and laws provide for the authorities and responsibilities of the freely elected unicameral national Assembly, the Assembly-approved government, and the Assembly-elected president. The country declared its independence in 2008 after it accepted the Ahtisaari plan, which provided for internationally sponsored mechanisms, including an International Civilian Office and the EU Rule of Law Mission (EULEX), to support the new government. Multiparty elections for the Assembly, conducted beginning in December 2010, met many international standards, but serious irregularities and electoral manipulations in some areas raised concerns and resulted in a limited re-vote in some municipalities. Security forces reported to civilian authorities, with the Kosovo Security Force (KSF) also monitored by the UN-authorized NATO Peacekeeping Force for Kosovo (KFOR) and the Kosovo Police (KP) monitored, in a limited capacity, by EULEX.

Roadblocks that Serb hardliners established in the northern part of the country seriously restricted basic rights, including freedom of movement and movement of goods. Serb hardliners also employed violence and intimidation against domestic opponents and international security forces, resulting in deaths and injuries during the year. A third area of serious concern was societal discrimination against minority communities, persons with disabilities, and members of the lesbian, gay, bisexual and transgender (LGBT) community, as well as domestic violence, particularly against women.

Additional human rights concerns included allegations of prisoner abuse as well as corruption and favoritism in prisons, lengthy pretrial detention, judicial inefficiency, intimidation of media by public officials and criminal elements, limited progress in returning internally displaced persons (IDPs) to their homes, government corruption, trafficking in persons, and child labor in the informal sector.

The government took steps to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government, although many perceived that senior officials engaged in corruption and acted with impunity.

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 or its agents committed arbitrary or unlawful killings during the year.

On July 25, Enver Zymberi, a member of the Special Police Unit, was shot in an ambush by Serb hardliners following an operation by the unit to take control of Bernjak, a border crossing point on the Kosovo-Serbian border. Zymberi died of his wounds on July 26.

There were developments related to the December 2010 release of a report by a rapporteur of the Parliamentary Assembly of the Council of Europe (COE), Dick Marty. The report alleged that, from mid-1999 to mid-2000, elements of the Kosovo Liberation Army (KLA) and affiliates held scores of “disappeared” persons in Albania and that a small number of persons became “victims of organized crime” when their kidneys were extracted for use by an international organ-trafficking ring. The report stated that all of those held, Albanians and Serbs, were presumed to have been killed. On January 27, EULEX opened a preliminary investigation in the case, and on August 29, named John Clint Williamson as the lead prosecutor for the Special Investigative Task Force. At year’s end, the task force continued its investigation with government cooperation.

On July 15, a EULEX judge confirmed the indictment against nine defendants, including assembly member Fatmir Limaj, in the case of alleged war crimes committed at the high-profile KLA Klecka detention facility in 1999. On September 22, following the release of the Constitutional Court’s ruling that assembly members do not enjoy blanket immunity from arrest, Limaj surrendered to EULEX police and was placed under house arrest. On September 28, EULEX announced that Agim Zogaj, the key witness in the Klecka case, known as “Witness X,” was found dead in a park in Germany. German forensic authorities stated Zogaj, who was in a witness protection program, had committed suicide. On November 11, the trial of the Klecka case began in the district court of Pristina. All defendants pleaded not guilty. Limaj’s defense asked to postpone the trial until February 2012 due to the absence of a forensics report on the death of Zogaj and insufficient time to analyze the indictment. On November 15, the Pristina District Court postponed the trial until January 2012.

In a July 29 decision, a mixed panel of EULEX and Kosovo judges convicted former KLA members Sabit Geci, Riza Aliaj, Shaban Hoti, and Haki Hajdari of the

abuse, beatings, and murder of detainees at two KLA detention centers in Kukes and Cahan in northern Albania in 1999. The panel sentenced the four men to a total of 40 years' imprisonment -- Geci to 15 years, Alija to 12, Hajdari to seven, and Hoti to six. A fifth suspect in the case remained at large.

b. Disappearance

There were no reports of politically motivated disappearances. However, according to the International Committee of the Red Cross, as of the end of the year, 1,796 persons were still listed as missing as a result of the 1998-99 conflict. Of these, 70 percent were Kosovo-Albanians, and 30 percent were Kosovo-Serbs and other minorities.

On September 14, a law on missing persons entered into force that defines missing persons, details rights of family members of missing persons to information, and formalizes the Government Commission on Missing Persons as the coordination body on issues related to missing persons.

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

The constitution and law prohibit such practices. One organization found that the KP employed forms of abuse that could be considered torture to obtain confessions, while other observers found that torture did not exist in the correctional institutions. There were no reports during the year that EULEX or KFOR (which has limited arrest and detention authority) employed forms of abuse.

In October the COE's Committee for the Prevention of Torture (CPT) released a report on its June 2010 visit to detention facilities. The CPT received numerous and consistent allegations of physical mistreatment by KP officers from persons who were or had recently been taken into custody. The allegations primarily concerned punches, kicks, and blows with batons at the time of apprehension. The CPT also reported that some police officers attempted to obtain confessions during questioning with slaps, punches, kicks (including to the genitals), striking the person with hard objects, squeezing of the hand with a pencil being placed between two fingers, and beating on the soles of the feet. The CPT noted that in some cases the severity of the alleged mistreatment was such that it could "easily be described as torture." The CPT concluded that it appeared that "the situation as regards the treatment of persons deprived of their liberty by the Kosovo Police has stagnated if not deteriorated" since its 2007 visit.

In one case the CPT interviewed and conducted medical examinations of a group of detainees who alleged that officers of the KP special intervention group punched, kicked, and beat them with a variety of objects, at times with their hands cuffed behind them, a few days before the CPT delegation's visit to Prishtine/Pristina Police Station No. 1. Several detainees were injured to the point of requiring medical treatment. The detainees reported that a EULEX monitor was present at the station and attempted to prevent the KP officers from continuing with the beatings without success. EULEX subsequently informed the CPT in September 2010 that it had "requested its Internal Investigation Unit (IIU) to undertake an investigation into possible misconduct (i.e., inaction) by the EULEX staff member present at the police station," but that the IIU closed the case on the grounds that it was unsubstantiated.

In reports based on more recent visits, domestic observers, including the Office of the Ombudsperson and the Kosovo Rehabilitation Center for Torture Victims (KRCT), found that torture as defined by the UN Convention against Torture did not exist in the country's correctional institutions and that isolated complaints regarding mistreatment of prisoners and detainees had consistently decreased in recent years. The Office of the Ombudsperson reported receiving only two reports of detainees or prisoners who were slapped during the year. The European Commission's Progress Report on Kosovo 2011 also noted that the number of reported cases of torture or mistreatment by police and prison staff decreased during the year.

Prison and Detention Center Conditions

Physical conditions at prisons and detention centers were generally satisfactory, although physical conditions remained substandard in some areas.

In its October report the CPT concluded that material conditions of detention had significantly improved since its 2007 visit and that conditions were "generally satisfactory," with no overcrowding problems. The European Commission's Progress Report on Kosovo 2011 also observed that living conditions in the country's detention facilities improved and noted overall progress in relation to correctional services. The Office of the Ombudsperson commented on a general improvement in material conditions of detention and prison facilities. The CPT and KRCT reports stated that conditions remained substandard in some areas and in some parts of facilities, including poor lighting or ventilation in some cells and

dilapidated kitchens, toilets, and bedding facilities in some prison and detention facilities. There were no reports that prisoners lacked access to potable water.

In addition to the alleged torture and abuses listed above, the CPT's October report cited allegations that certain prisoners had "hired" members of the establishment's special intervention group to assault physically other prisoners who were causing them trouble. The CPT also concluded that corruption and favoritism were "endemic" at the main correctional center, Dubrava Prison, and a problem at other penitentiary establishments. Interprisoner violence was also cited as a problem.

The Correctional Service managed daily operations at all correctional and detention centers. EULEX retained a limited monitoring, mentoring, and advising role in the prisons and transported prisoners upon request. As of the end of August, there were 1,195 convicted prisoners and 1,489 pretrial detainees mixed in prison and detention centers. There were 20 women and 42 juveniles in detention and prison facilities. During the year the monthly prison population at Dubrava Prison varied from 650 to 1,000 inmates, below its total capacity of 1,200. Three correctional facilities, six detention centers, one center for the protection of witnesses, and one prison hospital operated during the year.

Prisoners had access to visitors and were permitted religious observance, including the right to request visits of clerics. Prisons and detention facilities also offered modified menus for observance of holidays, including for religious fasting.

Detainees could submit complaints and requests for investigations to judicial authorities and the Office of the Ombudsperson without censorship through anonymous boxes in most prison facilities. The Office of the Ombudsperson assigned two central-level and three field staff people to monitor prisons during the year.

With assistance from the European Commission, the government started construction during the year of a new high-security prison in Podujeve/Podujevo with a capacity for 300 inmates. The government provided all correctional facilities and detention centers with surveillance cameras during the year. More prisoners were employed during the year than in previous years, and for the first time juveniles at the Lipjan/Lipljan correctional center took part in educational programs in public schools, accompanied by police, rather than in the correctional center. The KRCT observed an increased ease of access to detention and correctional facilities for observer organizations.

Authorities permitted visits and monitoring of the country's prisons and detention centers, including by the CPT and EULEX. The ombudsperson and KRCT inspected correctional and detention centers during the year. Monitors reported good cooperation from the correctional service, including the ability to conduct private interviews with inmates during visits. However, in its October report the CPT noted allegations from several prisoners that they were warned by prison officers not to complain to or have any contact with EULEX monitors.

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 KP and KSF. Under the law, police function under the authority of the Ministry of Internal Affairs. EULEX operated under a mandate to monitor, mentor, and advise local judicial and law enforcement institutions. EULEX police also have operational responsibilities and conduct policing operations under a defined mandate. EULEX possesses limited executive authority in areas including organized crime, corruption, war crimes, witness protection, money laundering, terrorist financing, and international police cooperation. The KSF is a lightly armed security and civil defense force that functions under the civilian authority of the Ministry for the Kosovo Security Force and was mentored by KFOR.

Specialized police units investigating war crimes, financial crimes, and organized crime, and the EULEX police witness protection program, remained staffed by international EULEX police officers and operated independently of the KP. EULEX and the KP independently operated units on criminal intelligence and organized crime. EULEX's international police officers, prosecutors, and judges deployed in the country had broad discretion to intervene in any particular criminal matter. However, as a practical matter, most policing duties and responsibilities were in the hands of the local police.

The Police Inspectorate operated as an independent body under the Ministry of Internal Affairs and has a mandate to conduct investigations and inspections involving police personnel. The inspectorate became operational on June 1, taking over responsibility for personnel investigations from the Professional Standards Unit (PSU) of the KP. Through the end of September, the inspectorate and its

predecessor, the PSU, reviewed 438 complaints, of which 380 were disciplinary violations and 58 were criminal cases. Of the 58 investigations into criminal misconduct, 25 remained under investigation, 25 were sent to the office of the prosecutor, three were sent to the court for minor offenses, three were initially investigated as criminal cases but were reduced to disciplinary violations, and two cases were closed for lack of evidence.

The PSU investigated minor police violations and imposed administrative penalties for infractions. During the year the unit opened 1,244 cases, including instances of minor insubordination and damage or loss of police property. At year's end 284 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 48 hours. The majority of the year's arrests were carried out by police. There were no reports that police abused the 48-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, remain silent and not answer any questions except those concerning their identity, obtain free assistance of an interpreter, obtain defense counsel and have defense counsel provided if they cannot afford one, and receive medical and psychiatric treatment. Police also have the right to take a person into temporary police custody for up to six hours to protect the person from harm or danger or if the person is uncooperative with lesser measures. Kosovo and EULEX police generally respected most of these rights in practice, but the CPT found that some investigators did not inform detainees of their rights.

In its October report the CPT noted a number of allegations from detained persons that they were not able to contact a lawyer at the outset of their deprivation of liberty, but only at the start of the initial period of questioning with an investigating police officer. The CPT stated that in several cases the right of access to a lawyer allegedly became effective only after the person concerned was questioned and that a number of detained persons complained that, while they had asked for an ex officio lawyer immediately after apprehension, their first contact with the lawyer took place only at their initial court appearance.

While detainees have the right to notify family members of their detention, the CPT noted in its October report that authorities' respect for this right generally seemed to have deteriorated since its 2007 visit. The CPT reported that a number of detained persons complained that the KP failed to comply with their request to have a family member notified shortly after their apprehension and that the notification was made only towards the end of police custody. The CPT corroborated the allegations through an examination of custody registers and custody records in several of the police stations it visited.

Following an initial ruling, a court may hold individuals in pretrial detention for 30 days from the date of arrest and can extend detention up to a total of one year if no indictment has been filed. After the filing of an indictment and until the conclusion of trial proceedings, detention on remand may be ordered or terminated only by ruling of the trial panel. There is a functioning bail system. The law allows for house arrest, confiscation of travel documents, and the expanded use of bail as alternatives to pretrial detention. Defendants can also appeal their detention on remand.

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.

Pretrial Detention: Lengthy detentions, both before and during judicial proceedings, remained a problem. The law provides that a judge may impose pretrial detention when there is well-grounded suspicion that a person has committed a criminal offense and that he or she is likely to destroy, hide, or forge evidence, influence witnesses, flee, repeat the criminal offense or engage in another criminal offense, or when other measures provided by the law are insufficient to secure the defendant's presence during criminal proceedings. In practice, however, judges routinely used detention on remand without requiring any evidentiary justification. In particular, in the Mitrovica/Mitrovica District Court, which temporarily sits in Vushtrri/Vucitrn, detention on remand for defendants was continuously extended throughout the period when the court operated with limited capacity. At year's end 457 of 1,918 persons held in pretrial detention during the year were still detained.

Factors including judicial inefficiency and corruption caused trial delays.

Amnesty: On February 17, the acting president pardoned 103 individuals (approximately 10 percent of the total prison population) in honor of the country's third anniversary of independence.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary. However, the judiciary was at times biased, subject to outside influence, and did not always provide due process. There were reports of corruption in the judiciary, and the court system was inefficient. Unlike in previous years, an effective mechanism for disciplinary proceedings against judges was in place, and 34 cases against judges were heard and decided by the end of September.

In November the European Commission reported improvement in the country's judicial system, but it noted that the system remained weak and judicial efficiency needed to be enhanced.

The court system included 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. Through EULEX, 31 international judges and 15 international prosecutors supported local judges and prosecutors. There was one state public prosecutor's office, five district prosecutors' offices, and seven municipal prosecutors' offices. EULEX exercised its executive authority over a special prosecutor's office of eight international prosecutors focused on serious crimes including trafficking in persons, money laundering, war crimes, and terrorism.

In criminal cases in which EULEX international judges exercised their jurisdiction, EULEX judges sat on mixed panels with local judges. EULEX judges were 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 create a panel solely or the majority of which are local judges or to not assign particular stages of proceedings to EULEX judges. For civil cases in which EULEX international judges exercised jurisdiction, judicial panels were composed of three judges, two of whom were EULEX judges.

Under the Judicial Council, the Office of the Disciplinary Commission is responsible for investigating the activities of judges and lay judges and for prosecuting cases of misconduct before the Judicial Council. Through the end of August, 149 new cases were referred to the commission for action.

The Mitrovice/Mitrovica District Court continued to function partially during the year. Only EULEX judges were based at the court's premises in northern Mitrovica. EULEX operations at the Mitrovica District Court ceased in the fall after Serb hardliners in North Mitrovica actively prevented EULEX judges and prosecutors from reaching the court. EULEX was forced to reconsider relocating trials elsewhere in the country. Other operations of the Mitrovice/Mitrovica district and municipal courts and the Mitrovice/Mitrovica district and municipal prosecutors' offices continued to operate from the Vushtrri/Vucitrn Municipal Court. District and municipal courts in Mitrovice/Mitrovica and municipal courts in Leposaviq/Leposavic and Zubin Potok remained closed following 2008 protests against the country's independence.

The Serbian government continued to operate an illegal parallel judicial system in Kosovo-Serb enclaves and in majority Serb municipalities.

Trial Procedures

Trials are public, and defendants enjoy the presumption of innocence, the right to be present at their trials, confront witnesses, see evidence, and have legal representation. Authorities may provide legal representation 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. Most of the assistance provided by the commission during the year was for civil or administrative matters. The Ministry of Justice also operated a victims advocates' section, assisting in providing access to justice for victims of crime. The section provided free legal assistance for victims of all crimes with a special focus on victims of domestic violence, trafficking in persons, child abuse, and rape. The section operated 15 offices throughout the country and provided assistance 24 hours a day.

A judicial integration section operated by the Ministry of Justice continued to address 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.

EULEX oversees war crimes cases. EULEX can investigate and adjudicate cases either independently or, where appropriate, jointly with Kosovo counterparts.

Political Prisoners and Detainees

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

Civil Judicial Procedures and Remedies

Individuals may appeal to courts in order to seek damages for, or cessation of, human rights violations. There were many such lawsuits pending. Individuals turned to the Constitutional Court for review of their rights to due process. More than 60 percent of the 164 cases filed with the Constitutional Court during the year alleged violations of constitutional rights by courts, prosecutors, or police.

Property Restitution

Systemic challenges to the restitution of property persisted. A June report by the Organization for Security and Cooperation in Europe (OSCE) found that unresolved property claims related to the Kosovo conflict hindered the return of refugees and adversely affect the human rights of all communities, particularly Kosovo-Serbs and other non-Albanian communities. A confusing mix of laws, regulations, administrative instructions, and court practices, as well as the illegal reoccupation of properties and multiple claims for the same property, hindered the legal system's review of property rights cases.

The Kosovo Property Agency (KPA) is responsible for the resolution of residential, commercial, and agricultural property claims arising from the Kosovo conflict. OSCE monitors noted several problems hindering the KPA's work, including multiple claims filed for the same property, illegal reoccupation of properties, obstacles to registration of property titles, and delays in appointing members to the KPA appellate panel. 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. During the year the KPA carried out only a fraction of the evictions for which it had orders due to concern by authorities that attempts to serve eviction notices would lead to violence. Limitations on the KPA's exercising its mandate in the north and a lack

of criminal prosecution of property rights violators also hindered implementation of property rights decisions.

The backlog of property-related claims in municipal courts remained high, with approximately 20,000 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 to search private property for weapons without court orders, based on UN Security Council Resolution 1244's peacekeeping authority. During the year KFOR did not conduct any such searches.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights in practice. However, there were reports that public officials, politicians, and businesses intimidated media representatives. The media also encountered difficulties in obtaining information from the government and public institutions, compounded by the failure of the government formed in February to appoint a spokesperson.

Freedom of the Press: 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 able to develop editorial policies independent of business and political interests. However, other newspapers relied on funding from businesses and political interest groups, as well as the government, which provided financial support in exchange for positive coverage or absence of critical coverage.

The budget of the public broadcaster, Radio Television Kosovo (RTK), is controlled by the Assembly. 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.

Violence and Harassment: Through the end of the year, the APJK reported 33 instances of government officials, business interest groups, or media owners abusing press freedom, including making verbal threats to journalists and their agencies, pressuring outlets not to publish materials and articles, and obstructing the work of journalists. The APJK also reported that many journalists complained that editors often did not allow them to publish or broadcast stories critical of the government or particular officials due to editors' or media outlets' connections to, or preferences for, certain senior government officials. In some cases journalists reported that editors threatened to fire them if they continued to produce stories critical of the government. Five journalists reported that editors prevented them from producing stories on high-level government corruption.

Censorship: While there was no direct censorship of print or broadcast media, journalists reported pressure from politicians and organized crime frequently resulted in self-censorship. Some journalists refrained from critical investigative reporting due to fear for their personal security or their jobs. Journalists were occasionally offered financial benefits in exchange for positive reporting or for abandoning an investigation, and government officials and suspected criminals verbally threatened some journalists for perceived negative reporting. According to editors, government agencies and corporations withdrew advertising from newspapers that published material critical of them.

Internet Freedom

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

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 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.

Vetevendosje (“Self-Determination” Movement) reported that seven protesters were injured in a clash with police during a May 12 protest in front of two government buildings. The Vetevendosje activists initiated the violent protest against the visit of a senior Serbian government official. Police responded with tear gas when protesters threw stones and bags of paint at government buildings. Fifteen KP officers were injured, and protesters damaged government buildings and vehicles.

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

See the Department of State’s *International Religious Freedom Report* at www.state.gov/j/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, roadblocks placed by Kosovo-Serb hardliners, and real and perceived security concerns restricted freedom of movement in practice.

The government cooperated with the Office of the UN High Commissioner on Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Police continued to assess the security situation as stable but fragile. Members of all ethnic communities continued to remain largely within or traveled between areas where their group comprised the majority.

In-Country Movement: Roadblocks in the north put in place by Serb hardliners from July through the end of the year greatly limited movement there and in some cases cut off access to areas altogether in reaction to a joint EU-KFOR-Kosovo government effort to introduce legal Kosovo customs controls at northern border crossings. In addition, perceived risks and sporadic incidents of violence and intimidation continued to limit freedom of movement for Kosovo-Albanians in the north and Serbs in other parts of the country.

On July 27, Serb hardliners attacked and set fire to the border facilities at Jarinje on the Kosovo-Serbia border.

On September 28, nine KFOR soldiers sustained injuries in attacks by Kosovo-Serb hardliners at the Jarinje border control point. The hardliners used pipe bombs, semiautomatic weapons, a grenade, and vehicles against KFOR soldiers in an effort to break through a vehicle checkpoint and disrupt security and customs procedures at the border. Several Serb hardliners were also injured in the attack when KFOR forces responded in self-defense.

On November 28, Serb hardliners protested KFOR efforts to remove a barricade near the village of Jagnjenica in Zubin Potok municipality. Protesters fired shots, threw firecrackers and Molotov cocktails, and used pipe bombs against KFOR personnel, injuring 29 KFOR personnel, including four KFOR soldiers who were seriously injured.

Internally Displaced Persons (IDPs)

According to the UNHCR, at year's end there were 18,093 registered displaced persons within the country from the 1999-2000 conflict and subsequent violence, 54 percent of whom were Kosovo-Serbs, 40 percent Kosovo-Albanians, and 6 percent from Romani, Ashkali, and Egyptian communities. Significant numbers of additional IDPs, particularly Roma, Ashkali, and Egyptians, remained unregistered and uncounted by authorities, according to the Internal Displacement Monitoring Center (IDMC). Of the 4,100 persons displaced by riots in 2004, approximately 1,000 remained IDPs. Most IDPs remained in areas where their ethnic group was a numerical majority, according to the IDMC. An estimated 4,000 IDPs continued to live in collective centers under poor conditions and with intermittent assistance,

according to the IDMC. Many unregistered displaced Roma, Ashkali, and Egyptians lived in informal settlements lacking electricity and other basic services.

During the year the Ministry of Communities and Returns budgeted five million euros (\$6.5 million) for return of and assistance to IDPs. International community donors also provided funding directly to implementing partners of projects for returns in coordination with the Ministry of Communities and Returns. The funds were spent on housing reconstruction, food and nonfood assistance, income generation grants, and basic support infrastructure, such as roads and water systems. However, a lack of housing and poor economic conditions remained principal impediments to return. Many IDPs also reportedly remained reluctant to return home because of security concerns, poor local services, and difficulties repossessing and rebuilding their property.

Protection of Refugees

Access to Asylum: The law provides for granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Administrative instructions to implement the law, such as procedures and standards for the reception and initial treatment of asylum seekers, and rights and obligations of asylum seekers, have been promulgated but not yet implemented. During the year the UNHCR continued to assist the Department of Citizenship, Asylum, and Migration in building its capacity to adjudicate claims, provide training to border police in identifying and processing individuals who request asylum at ports of entry, and prevent the return of persons to countries where their lives or freedom would be threatened. A national commission for refugees, established in 2010, began operations during the year. The government, in cooperation with the European Commission, was constructing a new reception center for asylum seekers in the Lipjan/Lipljan municipality.

During the year 2,715 people were forcibly returned to the country, mainly from Western Europe. During the year the government increased, by tenfold over 2010, funding for reception and reintegration programs for involuntary returnees, primarily Romani, Ashkali, and Egyptian families and individuals returning from Western Europe. Despite this progress the UN Security Council's October 31 report stated that repatriated persons continued to face difficulties in accessing civil registration services, housing, health care, employment, and education.

Durable Solutions: At year's end the country hosted 146 refugees, mostly from neighboring countries.

According to the UNHCR, during the year 188 asylum seekers applied for international protection in the country. The Department of Citizenship, Asylum, and Migration and the asylum center accommodated all asylum seekers. At year's end nine asylum seekers remained in the country.

Stateless Persons

Figures on stateless persons were unavailable, but the UNHCR reported assisting 13,135 persons from the Romani, Ashkali, and Egyptian communities to obtain civil status registration in recent years. Children acquire citizenship from their parents or by virtue of birth in the country.

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.

The Serbian government continued to operate illegal parallel government structures in Kosovo-Serb enclaves.

Elections and Political Participation

Recent Elections: In December 2010 the country held snap Assembly elections, following a November 2010 Assembly vote of no confidence in the government. The elections carried into 2011. On January 9, the government held a re-vote in the municipalities of Skenderaj/Srbica, Gllogovac/Drenas, and Decan/Decani as well as in three polling stations in Malisheve/Malisevo and Lipjan/Lipljan, where the Central Election Commission annulled results due to irregularities and electoral manipulations. On January 23, the government organized a re-vote in the municipality of Mitrovice/Mitrovica as a result of a Supreme Court decision on a political party's appeal regarding failures of the ultraviolet ink and lamps used in the December 2010 round of elections.

Domestic and international observers stated the elections met many international standards but noted serious irregularities and electoral manipulations in some areas, including breeches of election procedures, falsification of signatures on the voters' list, and irregularities in counting. They reported incidences of family

voting (male heads of household voting on behalf of female family members) throughout the country. Observers also cited instances of pressure and intimidation of domestic observers.

Following its constitutive session the Assembly approved the new coalition government, led by Prime Minister Hashim Thaci's Democratic Party of Kosovo, and elected Behgjet Pacolli as president on February 22. On March 30, following a request by opposition parties, the Constitutional Court ruled that the Assembly's election of President Pacolli violated the constitution because there was not a valid quorum to conduct the vote and due to the failure of more than one candidate to contest the election. In its decision the court declared that the Assembly's vote was no longer in force and immediately ended Pacolli's mandate. Political leaders subsequently agreed on a consensus candidate, and on April 7, the Assembly elected Atifete Jahjaga as president. The political agreement was based on significant electoral reform, which continued at year's end.

Political Parties: 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. Clan loyalties also played an important, although unofficial, role in political organizations.

Participation of Women and Minorities: There were 40 women in the 120-seat Assembly. The electoral law requires a 30 percent quota for female parliamentarians. There were no women on the six-member Assembly presidency. In the government there were two female deputy prime ministers and two female ministers (one served concurrently as a deputy prime minister). There were no female deputy ministers. While no women were elected in the 2010 mayoral elections, women represented 31 percent of elected municipal representatives.

There were 25 ethnic minority members in the Assembly, including 13 Kosovo-Serbs and 12 members of other groups, including ethnic Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians. The constitution requires that the Assembly reserve 10 seats for Kosovo-Serbs and 10 for members of other ethnic groups.

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 reportedly engaged in corrupt practices. There was widespread public perception of corruption in the government. International organizations and nongovernmental

organizations (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 institutional weakness of the Anticorruption Agency also contributed to lax oversight of anticorruption efforts. In November the European Commission reported some progress in the fight against corruption, including the government's "starting to tackle some of the corruption cases."

On September 20, investigators from the EULEX Special Prosecutor's Office interviewed former minister of transport and telecommunications and assembly member Fatmir Limaj related to an investigation. Investigators suspected Limaj of embezzling as much as 80 million euros (\$104 million) from the ministry and through tendering procedures during his tenure as minister. On November 16, in response to a request of the EULEX Special Prosecutor's Office, the Supreme Court granted a final six-month extension to the investigatory period in the case.

On May 3, an appeals panel confirmed the indictment against five citizens for trafficking in human organs, organized crime, unlawful medical activities, and abuse of official authority in 2008. The charges related to the Medicus Clinic in Pristina, which the KP closed in 2008 after a months-long investigation for the international trafficking of organs. On June 10, a EULEX prosecutor from the Special Prosecutor's Office filed an additional indictment against two individuals. The trial began on October 4 at Pristina District Court before a panel of one Kosovo and two EULEX judges. All seven defendants pleaded not guilty. The trial continued at year's end.

Corruption and government influence remained problems in the security forces. In June the KP Anticorruption Task Force arrested eight KP officers from the Mitrovica/Mitrovica Operations Support Unit on charges of corruption and taking bribes. The officers were suspected of extorting money from truck drivers at vehicle checkpoints. The case continued at year's end.

On December 15, a mixed panel of EULEX and Kosovo judges in the Pristina District Court dismissed all five counts of a corruption-related EULEX indictment against former Central Bank of Kosovo governor Hashim Rexhepi due to lack of evidence. EULEX initially filed an indictment against Rexhepi on suspicions of abuse of official position, corruption, bribery, tax evasion, and money laundering in August 2010.

On September 8, the pretrial judge in the Pristina District Court dismissed all charges against customs director Naim Huruglica and customs legal advisor Lulzim Rafuna for involvement in a scheme to deprive the government of 2.5 million euros (\$3.3 million) in cigarette tax revenue. The judge ruled that EULEX prosecutors had no credible evidence to secure a conviction. However, on October 19, a mixed panel of Kosovo and EULEX judges in the District Court of Pristina decided to uphold partially an appeal by the prosecution and confirmed one count of the indictment, abuse of official position.

The Anticorruption Agency and the Office of the Auditor General (OAG) are the two major agencies responsible for combating corruption in the government. During the year the Anticorruption Agency received approximately 150 reports of corruption in addition to 67 cases that carried over from 2010; 25 cases were referred for prosecution, 10 were passed to the KP, approximately 100 were closed for lack of evidence, and approximately 70 were under investigation.

The 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.

The law provides for public access to government information as well as penalties for institutions and officials that do not provide access to information as required by the law.

A study conducted by the NGO FOL ("Speak Up") covering the period from May 2010 to May 2011 indicated that approximately 48 percent of requests for access to official documents (sent randomly to local and central authorities) received positive responses.

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 was occasionally cooperative and responsive to their views. The government from time to time met with domestic NGO monitors, responded to their inquiries, or took action in response to their reports or recommendations.

Governmental Human Rights Bodies: The Office of the Ombudsperson has the authority to investigate allegations of human rights violations and abuse of government authority. The ombudsperson was considered ineffective, and a number of senior and experienced staff members resigned from the office during the year. Up to the end of September, the office issued only one public statement regarding human rights violations. The statement was unrelated to government institutions and thus outside the scope of the ombudsperson's authority, and it contained factual inaccuracies regarding the situation it sought to address. The European Commission's Progress Report on Kosovo 2011 noted the weaknesses of the ombudsperson's institution and cited the need for the ombudsperson to improve communication with the public on the results of his work.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape and Domestic Violence: Although the law criminalizes rape, 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 16 years old) is punishable by five to 20 years in prison. Rape involving homicide is punishable by imprisonment for 10 to 40 years. Observers believed that rape was significantly underreported due to the cultural stigma attached to victims and their families.

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 as a civil matter 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 pressed 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.

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 had a unit dedicated solely to dealing with family violence. The ministry provided some financial support to NGOs running shelters for domestic violence victims that 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. Police reportedly responded appropriately to rape and domestic abuse allegations.

Sexual Harassment: 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 being fired or subjected to physical retaliation. Public awareness of sexual harassment remained low, and few cases were reported.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and have the information and means to do so free from discrimination, coercion, and violence. The law protects the reproductive rights of individuals and couples, including the right to information and access to reproductive services. In practice the government generally respected reproductive rights. The UN Population Fund reported that access to reproductive health information and treatment was generally widespread and equitable, but poor, marginalized, and illiterate communities often received limited access to information. Public health care provided limited treatment for sexually transmitted infections.

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

Relatively few women obtained upper-level management positions in business, 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.

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

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

Child Abuse: The extent of child abuse in the country was unknown, but UNICEF believed it was underreported significantly due to lack of awareness and victim services as well as authorities' limited capacity to identify, report, and refer cases of abuse.

Child Marriage: There was anecdotal evidence of child marriage, particularly in the Romani, Ashkali, Egyptian, and Kosovo-Albanian communities. The government and NGOs did not compile statistics on child marriage.

Sexual Exploitation of Children: 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. Persons who produce, use, or involve a child in making or producing pornography are subject to one to five years' imprisonment. Distribution, promotion, transmission, offer, or display of child pornography is punishable by six months' to five years' imprisonment. Possession or procurement of child pornography is punishable by fine or imprisonment of up to three years.

International Child Abductions: The country is not party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There were fewer than 100 Jews in the country. In late November unknown persons painted swastikas on all of the approximately 80 tombstones in a Jewish cemetery in Pristina. Government officials, religious communities, and associations strongly denounced the desecration of the graves. The Ministry of Culture's Institute for the Protection of Monuments cleaned the graves and pavement in the cemetery following the incident, removing the paint. The KP was investigating the case at year's end but had no suspects.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and in the provision of other state services. However, the situation for persons with disabilities remained difficult. The government did not effectively implement laws and programs to provide persons with disabilities access to buildings, information, and communications. The Office of the Ombudsperson itself was not accessible for persons with physical disabilities.

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. Kosovo Mental Disability Rights International (K-MDRI) found that the government was failing to implement its national action plan for people with disabilities and highlighted failures of the Ministry of Labor to provide opportunities for persons with disabilities to be integrated into society.

According to HandiKos, a local disability rights NGO, authorities did not adequately implement laws and governmental action plans relating to persons with disabilities. As a result children with disabilities were often excluded from educational opportunities, were not professionally evaluated, and lacked sufficient access to health and social services.

There were legal protections for children with disabilities. According to the Ministry of Education, there were seven special residential schools for children with disabilities and 77 special needs classrooms attached to regular schools. The ministry reported that at year's end 1,179 pupils were receiving special education. According to the UN Development Program (UNDP), children with disabilities faced a number of barriers to access to mainstream educational facilities, including the lack of transportation to and from educational facilities, special training for teachers, and appropriate infrastructure. As a result, only 10 percent of children with disabilities were enrolled in mainstream schools. The Ministry of Labor lacked funding and personnel to implement laws to provide support to families of children with disabilities.

According to K-MDRI and the CPT, persons with mental disabilities continued to be detained without legal basis in isolated conditions. K-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. The World Health Organization (WHO) estimated there were 14,000 persons with mental disabilities in the country. K-MDRI reported an estimated 50,000 persons with mental disabilities living isolated and stigmatized lives outside of institutions.

The government-operated Shtime/Stimlje Institute maintained a facility for persons with developmental or intellectual disabilities with 56 residents run by the Ministry of Labor and a separate psychiatric facility with 57 residents, run by the Ministry of Health. Citing insufficient training for staff and a lack of rehabilitative programming for patients and residents, K-MDRI advocated closing the Shtime/Stimlje facility and placing its patients and residents into homes and apartments in urban areas where they could be integrated in the community.

During the year the Ministry of Health hired a person with special needs to conduct outreach to persons with disabilities. The ministry operated eight integration and community homes across the country, providing inpatient care for 75 persons with mental disabilities. In addition the Ministry of Labor operated another 10 community homes with approximately 10 to 15 residents in each facility. K-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.

National/Racial/Ethnic Minorities

Ethnic minorities, which included Serb, Romani, Ashkali, Egyptian, Turkish, Bosniak, Gorani, Croat, and Montenegrin communities, faced varied levels of institutional and societal discrimination, in areas such as employment, education, social services, language use, freedom of movement, IDPs' right to return, and other basic rights.

Members of the Romani, Ashkali, and Egyptian communities 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. An OSCE report in May found that, despite steps taken by the government to implement an action plan for the integration of Romani, Ashkali, and Egyptian communities, governmental institutions had fallen short of fulfilling their commitments to create appropriate conditions for their integration. Reports of violence and other crimes directed at minorities and their property persisted.

There were clashes between groups of Kosovo-Albanians and Kosovo-Serbs during the year as well as incidents of interethnic violence at border points from July through late November.

On November 9, in the ethnically mixed neighborhood of Brdjani/Kroi i Vitakut in North Mitrovica, a fight broke out which resulted in the shooting of two Kosovo-Serb civilians and one KP officer (also a Kosovo-Serb). One Kosovo-Serb civilian later died of his injuries. The fight reportedly began after a Kosovo-Albanian security guard in the neighborhood saw Kosovo-Serbs removing construction materials from a Kosovo-Albanian house under renovation there. The case remained under investigation at year's end.

On October 20, a Kosovo-Albanian, Nasif Visoqi, shot and killed one Kosovo-Serb man and injured two others in Dobrusa village in Istog/Istok municipality in a land dispute. Visoqi turned himself in to police, confessed to the attack, and remained in custody at year's end. No date was set for a trial in the case.

During events to mark the Serbian Vidovdan holiday in the country on June 27 and 28, unknown persons stoned three Serbian busses, causing reported damage to windows and light injuries to several passengers. KP arrested two Kosovo-Serbs for "inciting national hatred" when they dressed in the full military uniform of the extremist Chetnik movement during the Vidovdan events.

On September 22, September 26, October 6, October 12, and October 30, ethnic Albanian Vetevendosje activists attacked trucks with Serbian license plates carrying commercial goods into the country. In the attacks the Vetevendosje activists dressed as road workers and stopped the trucks, removed and damaged the goods they carried, and in four instances rolled the trucks over. In the September 26 attack, the driver reported that the activists assaulted him, and he received medical attention afterwards. All cases were under investigation by the KP at the year's end.

The KP arrested and later released two ethnic Albanians for stoning a bus carrying Serbs to visit a cemetery in Gjakove/Gjakova for All Souls' Day on June 11. There were no injuries or material damage reported in the case.

According to a 2010 report prepared by the prime minister's Office of Community Affairs, minority employment in public institutions was limited and 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. There was no effective mechanism for monitoring levels of minority employment in public institutions.

In education 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. However, the Ministry of Education, Science, and Technology and international organizations reported that school enrollment rates were lowest among non-Serb minority communities (Ashkali, Bosniak, Egyptian, Gorani, Romani, Turkish, and others), and the European Commission's Progress Report on Kosovo 2011 noted little improvement in access to education for minority communities. The UNDP's 2010 Kosovo Human Development Report stated that nearly all Kosovo-Albanian and Kosovo-Serb children were enrolled in primary school, while only 77 percent of children of other ethnic groups were enrolled. Romani, 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. Romani children tended to be disadvantaged by poverty, leading many to start work at an early age to contribute to family income.

There were numerous reports that Kosovo-Serbs had difficulty accessing their property, which was sometimes occupied or used by Kosovo-Albanians. The KPA

reported it faced frequent cases of illegal occupation and reoccupation of properties, with many properties vandalized or destroyed.

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 LGBT individuals. The Center for Social Group Development (CSGD), a local NGO focused on LGBT health issues, reported that traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. LGBT individuals generally felt insecure, and many reported threats to their personal safety.

The print media at times reinforced negative attitudes by publishing articles about homosexuality that characterized LGBT persons as mentally ill. Leaders of at least one political party, the Islamic-oriented Justice Party, made public statements condemning homosexuality.

The CSGD reported that while there was little official discrimination against LGBT persons, there were a number of cases of societal discrimination against LGBT individuals during the year. Victims generally refused to allow the CSGD to present their cases publicly due to fear of discrimination. While there were no overt impediments to the CSGD's operation, social pressure and traditional attitudes effectively limited its activities.

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

Other Societal Violence or Discrimination

While there were no confirmed reports of official discrimination against persons with HIV/AIDS during the year, there were anecdotal reports that such discrimination occurred.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Law and regulations allow workers to form and join independent unions of their choice without previous authorization or excessive requirements. While the law does not expressly recognize the right to strike, strikes were generally permitted in practice. The law permits unions to conduct their activities without interference. Government regulations provide for the right to organize and bargain collectively without interference or restriction. Antiunion discrimination is prohibited by regulation.

In practice the government did not restrict the right to organize and bargain collectively and allowed unions to conduct activities without interference.

In general the government respected the right to form and join unions; however, private companies at times threatened their employees when they joined or established unions. Some union officials reported antiunion discrimination in practice. The Association of Independent Trade Unions of Kosovo (BSPK) and the Confederation of Free Unions (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.

b. Prohibition of Forced or Compulsory Labor

The criminal code prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. 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.

Regulations permit children to work at the age of 15, provided the employment is not harmful or prejudicial to school attendance. Regulations set 18 as the minimum age for any work likely to jeopardize the health, safety, or morals of a young person.

Child labor remained a problem. According to UNICEF, in recent years the number of children begging on the streets of towns and cities rose, although the overall number of child beggars remained unknown. While most children were not their families' main wage earners, child labor served as a major contribution to many families' income.

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. Some children were also engaged in physical labor, such as transportation of goods. International NGOs active in the country continued to report child labor violations during the year.

The Ministry of Labor coordinated child protection policies for the government, and police had the lead on enforcing child labor laws. The ministry established a system for monitoring incidents of child labor in municipalities.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www://dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

There is no law establishing a minimum wage. The Social Economic Council, comprised of the government, chamber of commerce, and an association of trade unions agreed in 2010 to set the national minimum wage at 170 euros (\$221) per month, which was generally respected albeit not enforceable as law. The World Bank's Consumption Poverty Report 2009 indicated that slightly more than one-third of the population lived below the poverty line of 1.55 euros (\$2.02) per adult equivalent per day, and 12 percent lived below the extreme poverty line of 1.02 euros (\$1.33) per day. The average monthly salary in the country was 345 euros (\$449).

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. The law provides for 20 days of paid leave per year for employees and up to 12 months of maternity leave.

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 workweek 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 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 harassment and the loss of employment due to political party affiliation.

The Labor Inspectorate within the Ministry of Labor is responsible for enforcing labor, health, and safety standards. There were 50 labor inspectors. However, the inspectorate primarily advised employers and, although it issued 792 citations for various labor standard violations during the year, many fines remained unpaid pending litigation.

While the law protects employees' health and working conditions, many private and public institutions failed to comply with it. Labor inspectorate officials reported difficulties in obtaining accurate information because workers rarely disclosed the problems themselves in spite of legal protections. The Ministry of Labor reported 10 workplace fatalities and 31 workplace accidents during the year.