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FREEDOM IN THE WORLD

Kosovo

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OVERVIEW:

The International Steering Group ended its supervisory mandate of Kosovo in September 2012, though an international presence, including NATO peacekeepers, will continue to monitor conditions on the ground. In October, the prime ministers of Kosovo and Serbia held the first high-level meetings between the nations since 2008, while Brussels noted progress on Kosovo's European trajectory. Meanwhile, legislators withdrew provisions from a new criminal code that threatened media independence after opposition from journalists and human rights groups.

Ethnic Albanians and Serbs competed for control over Kosovo throughout the 20th century. Following World War II, it became an autonomous Serbian province within Yugoslavia. In the late 1980s, the Yugoslav government began revoking much of Kosovo's provincial autonomy. In response, Kosovo Albanians, under longtime leader Ibrahim Rugova, developed their own quasi-governmental institutions during the 1990s, amid the chaos that accompanied the collapse of Yugoslavia.

An ethnic Albanian guerrilla movement, the Kosovo Liberation Army (KLA), began attacking Serbs and suspected ethnic Albanian collaborators in late 1997, provoking harsh responses by government forces. In March 1999, after internationally sponsored negotiations failed to halt the violence, NATO launched a 78-day bombing campaign that compelled Serbia to relinquish control over the province. After the fighting had ended, hundreds of thousands of displaced ethnic Albanians returned. NATO and the United Nations took responsibility for Kosovo's security and civilian administration, though Serbian rule remained legally intact.

After the international takeover, tens of thousands of non-Albanians were forced to flee the province. Currently, ethnic Albanians comprise about 90 percent of the population, with Serbs comprising most of the remainder. The largest Serb enclave is north of the Ibar River, while smaller Serb areas are scattered throughout Kosovo. In March 2004, two days of rioting against non-Albanian ethnic groups left some 20 people dead.

The October 2004 parliamentary elections resulted in a governing coalition between Rugova's Democratic League of Kosovo (LDK) and the Alliance for the Future of Kosovo (AAK). The Democratic Party of Kosovo (PDK), led by former KLA political leader Hashim Thaçi, won the 2007 parliamentary elections, raising Thaçi to the premiership.

The 2004 riots accelerated talks on Kosovo's final status. While ethnic Albanian negotiators demanded full independence, Serbian officials offered only autonomy. In late 2007, Finnish mediator Martti Ahtisaari recommended that the UN Security Council grant Kosovo a form of internationally supervised independence. Russia backed Serbia, however, and the international community was unable to reach consensus.

2013 SCORES

STATUS

Partly Free

FREEDOM RATING

4.5

CIVIL LIBERTIES

4

POLITICAL RIGHTS

5

Kosovo's Assembly formally declared independence from Serbia on February 17, 2008, and the United States and most European Union (EU) members quickly recognized the new country. In June 2008, Kosovo's Serb municipalities formed a separate assembly that rejected Pristina's independence and aligned with Belgrade. The legal situation was further complicated by the ongoing supervision of Kosovo by international entities, including the UN Interim Mission in Kosovo, an EU mission known as EULEX, and NATO peacekeepers.

Following Serbia's August 2008 request for an advisory opinion, the International Court of Justice ruled in July 2010 that Kosovo's declaration of independence did not violate international law. While Kosovo joined the International Monetary Fund and the World Bank in 2009, continued resistance from Russia and China blocked its membership to the United Nations and other international organizations. As of December 2012, 98 countries recognized Kosovo.

In November 2010, Thaçi's government collapsed, leading to early elections in December. While most Serbs north of the Ibar boycotted the vote, up to 40 percent of the roughly 55,000 Serbs in the southern enclaves reportedly participated. Significant fraud in parts of Kosovo, including vote buying, necessitated reruns in several municipalities in January 2011. Later that month, the Central Election Commission announced that the PDK won 32 percent of the vote and 34 seats in the 120-seat Assembly, while the LDK took 25 percent and 27 seats. The Vetëvendosje (Self-Determination) opposition movement finished a strong third with 13 percent and 14 seats.

A December 2010 report by Council of Europe rapporteur Dick Marty accused high-level Kosovo officials, including Thaçi, of involvement in an organized crime network that was active during and after the 1999 conflict. Most controversially, the report alleged that the group harvested organs from prisoners held by the KLA. Despite the allegations, Kosovo's parliament in February 2011 elected Thaçi to a second term as prime minister. It also elected businessman Behgjet Pacolli of the New Alliance for Kosovo as president, though the Constitutional Court overturned Pacolli's election in March, saying the vote had not been conducted properly. Atifete Jahjaga, deputy director of the Kosovo police, succeeded Pacolli in April.

In March 2011, Kosovo and Serbia began bilateral talks on technical issues regarding trade and other areas. The ongoing negotiations were repeatedly disrupted by a border conflict in northern Kosovo, the majority-Serb contested territory where Serbia funds "parallel" public services such as health care, and Pristina has scant influence. Hostilities had erupted there in July 2011 after Thaçi sent police to the border to enforce an effective embargo of Serbian goods in retaliation for a 2008 Serb ban on Kosovo imports that had followed its independence declaration. Local Serbs responded by burning checkpoints, blocking roads, and mobilizing demonstrations. NATO forces helped restore peace, and the bilateral dialogue resumed following an August 2011 NATO-brokered interim agreement.

Northern Kosovo remained restive in 2012. In January, leaders there rejected a settlement proposal by former Serbian President Boris Tadić to grant the north further autonomy. A month later, voters in northern Kosovo rejected the authority of central Kosovo institutions in a referendum held over international objections. Border blockades continued through the year.

The International Steering Group, a body representing 25 countries, ended its oversight of Kosovo on September 10. The political "milestone," as many called it, was largely symbolic, as NATO peacekeepers, EULEX, and a scaled-back UN mission continue to monitor conditions on the ground. However, this development also reflected Kosovo's state-building progress under the Ahtisaari plan, especially the decentralization process of granting self-rule to Serb enclaves south of the Ibar. In October, the EU said that Kosovo was nearly ready to begin negotiating a Stabilization and Association Agreement, a pre-accession instrument, and that talks would begin once Kosovo strengthened the rule of law, among other steps.

In September, Serbian leaders agreed to participate in regional meetings with Kosovo officials if "Kosovo" is followed on first reference in documents by an asterisk connected to a footnote explaining that, in effect, Belgrade does not

recognize Kosovo's statehood. The bilateral dialogue, which had stalled after the May general elections in Serbia, resumed on October 19 in Brussels with meetings between Thaçi and Serbian Prime Minister Ivica Dačić; the meetings were the first high-level encounter between the nations since 2008. Nevertheless, key issues, such as the contested north, remained unresolved in 2012.

On November 29, Ramush Haradinaj, a former prime minister of Kosovo and KLA commander, was acquitted at the International Criminal Tribunal for the Former Yugoslavia in a retrial of a 2008 verdict. The UN court said that there was no evidence of charges that Haradinaj committed crimes against humanity in 1998 and 1999.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Kosovo is not an electoral democracy. Members of the unicameral, 120-seat Assembly are elected to four-year terms; 10 seats are reserved for ethnic Serbs and another 10 for other ethnic minorities. The Assembly elects the president, who serves a five-year term. The prime minister is nominated by the president and requires Assembly approval. The International Civilian Office, which oversaw legislation and decisions by the government, closed in 2012.

In February 2012, the National Anticorruption Council was launched to improve intergovernmental cooperation in the fight against graft and misconduct. However, corruption remains widespread in many areas, including the judiciary and law enforcement. In April, authorities arrested the Anticorruption Task Force chief for abuse of office, including extortion. Implementation of anticorruption legislation is weak, and the government should adopt and fully support a new anticorruption strategy, according to a European Commission (EC) analysis released in October. Kosovo was ranked 105 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

The constitution protects freedoms of expression and the press, with exceptions for speech that provokes ethnic hostility. Despite a variety of technically free media, journalists report frequent harassment and intimidation. After months of public outcry, legislators in October removed provisions in the criminal code that criminalized defamation and potentially forced journalists to reveal their sources. International officials in Kosovo have been accused of occasionally restricting media independence. The government does not restrict access to the internet.

The constitution guarantees religious freedom. The predominantly Muslim ethnic Albanians enjoy this right in practice, as does the Serb minority. Nevertheless, the Muslim community increasingly complains of discrimination. In April 2012, the UN noted an apparent year-on-year rise in vandalism at Serbian Orthodox sites. Overall, however, attacks on minority religious sites have declined since 2004.

Academic freedom is not formally restricted, but appointments at the University of Pristina are politicized. Kosovo's education system is largely segregated along ethnic lines.

Freedom of assembly has occasionally been restricted for security reasons, and the constitution includes safeguards for public order and national security. In 2012, journalists held peaceful protests over the criminal code amendments. However, police forcefully dispersed a January border demonstration organized by Vetëvendosje over the government's refusal to enforce an opposition resolution to embargo Serbia. Nongovernmental organizations generally function freely. The courts can ban groups that infringe on the constitutional order or encourage ethnic hatred. The constitution protects the right to establish and join trade unions. However, workers face intimidation, and private sector unions are nearly nonexistent.

Kosovo made progress with judicial reforms in 2012. Authorities continued to implement reforms contained in 2010 laws on the Judicial and Prosecutorial Councils, a process that will lead to the introduction of a new court system in 2013. Remuneration for judges and prosecutors continued to rise, improving judicial independence. However, case backlogs remain high, enforcement of judgments is weak, courts are not fully independent, and the judiciary and

prosecutor's offices are understaffed, with a particular shortage of appellate judges, according to the EC. Northern Kosovo lacks a fully functional judiciary capable of processing civil and criminal cases.

Ethnic Albanian officials rarely prosecute cases involving Albanian attacks on non-Albanians. In 2012, Amnesty International (AI) urged EULEX to prioritize the investigation of war crimes, emphasizing that very few KLA members have been prosecuted amid "a culture of impunity." AI also called for heightened witness protection following the deaths of several witnesses in high-profile war crimes cases. Prison conditions are generally in line with international standards, though living conditions, including poor ventilation, are sometimes problematic, and prisoner abuse remains a concern.

Freedom of movement for ethnic minorities is a significant problem, and returnees to Kosovo still face hostility and bleak economic prospects. In April 2012, the UN noted an apparent rise in crimes against minority communities, including intimidation and assault, and an alarming series of "tit-for-tat" arrests between Serbian and Kosovo police in February and March. Blockades in northern Kosovo restricted freedom of movement in 2012. Kosovo's Roma, Ashkali, Gorani, and other minority populations face difficult socioeconomic conditions. Property reclamation by displaced persons remains problematic.

Kosovo is a principal transit point along the heroin-trafficking route between Central Asia and Western Europe. Organized crime is endemic, especially in northern Kosovo. Kosovo authorities are cooperating with EULEX's investigation into the allegations in Dick Marty's 2010 report. Investigators are looking into a September report by Serbian prosecutors that a former KLA fighter who is a witness in a war crimes case had claimed that he removed a Serbian prisoner's heart for sale on the black market during the conflict.

Patriarchal attitudes often limit women's ability to gain an education or secure employment. Women are underrepresented in politics despite rules that they must occupy every third spot on each party's candidate list. Women in rural areas remain effectively disenfranchised through family voting—in which the male head of a household casts ballots for the entire family—though attitudes toward women's rights are liberalizing in urban areas. Domestic violence is a serious problem, as is discrimination against sexual minorities. Kosovo is a source, transit point, and destination for human trafficking.

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