

FREEDOM IN THE WORLD

Kosovo

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OVERVIEW:

In January 2011, Kosovo held repeat voting in certain municipalities following evidence of fraud during the December 2010 general elections. Hashim Thaçi's PDK was victorious in those elections, and parliament reelected him prime minister. In April 2011, law enforcement official Atifete Jahjaga became Kosovo's first female president after the Constitutional Court overturned the election of the previous president, Behgjet Pacolli. Meanwhile, ongoing talks between Kosovo and Serbia were disrupted by a border conflict in northern Kosovo.

Ethnic Albanians and Serbs competed for control over Kosovo throughout the 20th century. In the late 1980s, the Serbian government began revoking much of Kosovo's provincial autonomy, but the Kosovo Albanians, under longtime leader Ibrahim Rugova, developed their own quasi-governmental institutions during the 1990s.

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 ended, hundreds of thousands of ethnic Albanians who had been expelled by government forces 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 making up most of the remainder. The largest Serb enclave is north of the Ibar River, anchored by the divided city of Mitrovica, while smaller Serb areas are scattered throughout the province. In March 2004, two days of rioting against non-Albanian ethnic groups left 20 people dead and 800 homes and 30 churches destroyed.

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 continued to support Serbia's position, however, and the international community was unable to reach consensus.

2012 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 refused to recognize Pristina's independence and affirmed its allegiance to Belgrade. The legal situation was further complicated by the ongoing supervision of international entities in Pristina, including the UN Interim Mission in Kosovo (UNMIK), an EU mission known as EULEX, and the NATO peacekeeping force.

In August 2008, Serbia submitted a resolution to the United Nations requesting an advisory opinion from the International Court of Justice (ICJ) on whether Kosovo's declaration of independence violated international law; in July 2010, the ICJ found that it did not. While the country became a member of the International Monetary Fund (IMF) and the World Bank in 2009, continued resistance from Russia and China blocked membership to the United Nations and other international organizations. As of December 2011, 81 countries recognized Kosovo.

In September 2010, Kosovo's Constitutional Court ruled that President Fatmir Sejdiu had violated the constitution by simultaneously serving as Kosovo's president and leader of the LDK. Sejdiu resigned as president, and the LDK withdrew from Thaçi's governing coalition. The weakened government lost a confidence vote in November, triggering early elections on December 12. Significant fraud in parts of Kosovo—especially in Thaçi's stronghold in the Drenica region—necessitated reruns in several municipalities in January 2011. In February 2011, the Central Election Commission announced that the PDK won 30 percent of the vote and 34 seats, while the LDK took 24 percent and 27 seats. The Vetëvendosje (Self-Determination) opposition movement finished a strong third with 12 percent and 12 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 KLA prisoners. Despite these allegations, on February 22, 2011 Kosovo's parliament elected Thaçi to a second term as prime minister after lengthy coalition talks. The legislature also elected businessman Behgjet Pacolli of the New Alliance for Kosovo (AKR) as president, though the opposition contested his election on the grounds that he had not received enough votes in the Assembly in accordance with the constitution. The Constitutional Court sided with the opposition and overturned Pacolli's election in March. Atifete Jahjaga, deputy director of the Kosovo police, succeeded Pacolli in April under controversial circumstances. Jahjaga had no party affiliation, which was cited as a major reason for the legislature agreeing on her candidacy. Shortly after Jahjaga's election, Pacolli announced that she had been chosen for the position during a meeting attended by himself, Thaçi, LDK leader Isa Mustafa, and U.S. ambassador Christopher Dell.

In March, 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, including education and health care, and Pristina has scant influence. Hostilities had erupted there in July after Thaçi sent police forces to the border to enforce an effective embargo of Serbian goods in retaliation for a 2008 Serb ban on Kosovo imports. Local Serbs responded by burning checkpoints, blocking roads, and mobilizing demonstrations. A Kosovo policeman was killed in the hostilities. NATO forces helped restore peace, and the two countries resumed their dialogue following a NATO-brokered interim agreement that allowed most traffic to pass through the border. However, the implementation of a separate customs agreement reached during the dialogue on September 2 led to further protests from the northern Kosovo Serbs.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Kosovo is not an electoral democracy. Members of the unicameral, 120-seat

Assembly are elected to four-year terms, and 20 seats are reserved for ethnic minorities. The Assembly elects the president, who serves a five-year term. The prime minister, who is nominated by the president, requires Assembly approval. According to the constitution, the president and the Assembly have governing authority, though the International Civilian Representative (ICR) retains the right to override legislation and decisions deemed to be at odds with the human rights and minority protection provisions of the Ahtisaari Plan.

Kosovo's December 2010 parliamentary elections were the most problematic of any held after 1999. Reported irregularities included vote buying; limited freedom of movement for ethnic minorities; and limitations imposed on women in rural areas. More than 500 people have been indicted for electoral fraud. While most Serbs north of the Ibar boycotted the vote, up to 40 percent of the roughly 55,000 Serbs in the enclaves south of the Ibar reportedly participated.

Corruption is a serious problem. Misconduct is widespread in many areas, including the judiciary and law enforcement. In October 2011, EULEX arrested six officials in an investigation of weapons procurement fraud in the police. Overall, implementation of anti-corruption legislation is weak, and better cooperation is needed between the Anti-Corruption Agency, police, and courts, according to the European Commission's (EC) Kosovo 2011 Progress Report, released in October. Kosovo was ranked 112 of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index.

The constitution protects freedoms of expression and the press, with exceptions for speech that provokes ethnic hostility. Despite a wide variety of technically free media, journalists report frequent harassment. Freedom of expression is also limited in practice by a lack of security, especially for ethnic minorities. In July 2011, Kosovo's media watchdog demanded a retraction from the public broadcaster RTK for effectively slandering Krenar Gashi, then the director of a prominent Pristina think tank, following publication of Freedom House's 2011 Nations in Transit report, which Gashi had coauthored; the report faulted the politicization of RTK. International officials in Kosovo have been accused of occasionally restricting media independence.

The constitution guarantees religious freedom. The predominantly Muslim ethnic Albanians enjoy this right in practice, but the Muslim community increasingly complains of discrimination. An October 2011 Constitutional Court ruling upholding the government's effective ban on girls wearing the Islamic headscarf in public schools sparked protests and condemnation from Muslim leaders. Several cases of vandalism at Serbian Orthodox cemeteries were reported in 2010 and 2011, and vandals attacked an Orthodox Church in Samodreža in October 2011. 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. In October 2011, Pristina education director Remzi Salihi was murdered by a teacher who was allegedly denied promotion for political reasons. 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. Islamic groups organized several peaceful demonstrations in 2011, though protests during the northern conflict with Serb demonstrators were marked by violence. 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.

Kosovo made progress on the judiciary in 2011. The Constitutional Court issued several important decisions, including on the presidency, to reinforce rule of law. Authorities continued to implement reform measures such as the laws on the Judicial and Prosecutorial Councils, and salaries for judges and prosecutors were increased to promote independence. The number of backlogged cases fell 26 percent in six months following the January 1, 2011 implementation of a reduction strategy. Nevertheless, courts are subject to political influence and intimidation, and enforcement of legal decisions remains weak. Moreover, the absence of municipal courts in northern Kosovo undermines rule of law there.

Ethnic Albanian officials rarely prosecute cases involving Albanian attacks on non-Albanians. Despite several convictions and indictments in war crimes trials in 2011, impunity is a problem. In September 2011, the key witness in the war crimes trial of former KLA commander Fatmir Limaj was found dead of an evident suicide. The circumstances were suspicious, however, as were those of several witnesses in the 2008 war crimes trial of former prime minister Ramush Haradinaj. Prison conditions are generally in line with international standards, though overcrowding and the abuse of prisoners remain problems.

Freedom of movement for ethnic minorities is a significant problem, and returnees to Kosovo still face hostility. In October 2011, the OSCE admonished local institutions regarding returnee security after a spate of harassment at returns sites in Ferizaj. Blockades during the northern border conflict restricted freedom of movement, and the EC called for an urgent resolution in October. Kosovo's Roma, Ashkali, Gorani, and other minority populations face difficult socio-economic 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 the EULEX investigation into the allegations in Dick Marty's 2010 report.

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 becoming more open 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. In 2011, the government adopted an antitrafficking action plan, but the implementation of such legislation tends to be weak.

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