

# KOSOVO 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Kosovo is a parliamentary democracy. The constitution and laws provide for an elected unicameral Assembly, which in turn elects a president, whose choice of prime minister the Assembly must approve. The country held parliamentary elections in 2010-11 that met many international standards but also involved many irregularities, including vote buying; limitations on women's participation, especially in rural areas; and limitations on freedom of movement for ethnic minorities. The country declared its independence from Serbia in 2008. Civilian authorities maintained control over the security forces. There were some reports that the Kosovo Police (KP) committed human rights abuses.

In July NATO declared full operational capability for the Kosovo Security Force (KSF), ending the executive authority of the UN-authorized NATO Kosovo Force (KFOR) over the KSF. The mandate of the EU Rule-of-Law Mission (EULEX) mandate was scheduled to end in mid-2014. EULEX monitors the KP and the justice sector in a limited capacity. On April 19, the governments of Kosovo and Serbia initialed an agreement to normalize relations through an EU-facilitated dialogue. The two governments worked together to implement this and earlier agreements on integrated border management, freedom of movement, and civil registries. On July 11, as part of the April agreement, the Assembly approved an amnesty law that pardons a number of crimes committed before June 20 and encourages the further integration of northern citizens. President Atifete Jahjaga promulgated the law on September 17. On November 3, municipal elections, held throughout the country, including in northern Kosovo, were an important element of the April agreement to normalize relations.

The most important human rights problem during the year centered on Kosovo Serb hardliners' efforts to block normalization, including establishing roadblocks in the northern part of the country and restricting basic rights such as freedom of movement of persons and goods. Hardliners and criminal elements employed violence and intimidation against domestic opponents and international security forces, including the killing of a EULEX member in September. During the November municipal elections, assailants entered and ransacked three polling stations in the north, necessitating a revote two weeks later. Societal violence and discrimination against members of ethnic minorities, persons with disabilities, and members of the lesbian, gay, bisexual, and transgender (LGBT) community

constituted a second significant area of concern. Domestic violence against women was a third major problem.

Other human rights problems included reported police mistreatment of detainees; inmate-on-inmate violence, corruption, and favoritism in prisons; substandard physical conditions in prisons; lengthy pretrial detention and judicial inefficiency; intimidation of the media by public officials and criminal elements; restrictions on religious freedom and vandalism on religious grounds; only limited progress in returning displaced persons to their homes; violence and irregularities in local elections in some areas; government corruption; anti-Semitic rhetoric; trafficking in persons; poor conditions in mental health facilities; sporadic ethnic tensions in the north; and child labor in the informal sector.

The government took steps to prosecute and punish officials who committed abuses, both in the security services or elsewhere in the government, although many assumed 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. No single governmental organization determined whether security force killings, when they occurred, were justifiable. In most governmental institutions, internal affairs divisions investigated deaths related to the security forces and could recommend specific cases to the court system.

On September 19, unidentified assailants fired on a EULEX vehicle carrying customs officials as it traveled near Zvecan municipality, killing a Lithuanian EULEX member and injuring another passenger.

International arrest warrants that EULEX issued for suspects in the 2011 killing of police officer Enver Zymberi remained active, but officials made no new arrests or other progress in resolving the case. In March EULEX suspended its investigation.

During the year the government cooperated with EULEX's Special Investigative Task Force (SITF) to investigate allegations of serious crimes committed between July 1999 and mid-2000 by members of the Kosovo Liberation Army (KLA), the ethnic Albanian guerilla force that led the country's struggle for independence, and

their associates. The alleged abuses, outlined in a 2010 Council of Europe report, included holding persons in inhumane conditions and killing civilians to traffic their organs out of the country. Senior government officials reaffirmed their support for the investigation during a SITF visit, and the investigation continued at year's end.

On September 17, a trial panel of two EULEX judges and one local judge acquitted Assembly member Fatmir Limaj and nine others of war crimes related to the KLA-operated detention center in Klecka in 1999, where detainees were mistreated and seven Kosovo Serbs were killed.

As part of a EULEX investigation into events at a KLA detention center near Skenderaj/Srbica, authorities indicted 15 former KLA members for war crimes allegedly committed during the 1998-99 conflict. The Drenica group, as they were known, included government officials with strong connections to the ruling party, such as the country's ambassador to Albania, Sylejman Selimi, and Skenderaj/Srbica mayor Sami Lushtaku. Officials charged Selimi with seven counts related to his tenure as KLA commander in chief, including mistreating civilians and using violence against at least one protected witness. Prosecutors charged Lushtaku with killing one Kosovo-Albanian civilian, and Sahit Jashari with killing Serbian police officer Ivan Bulatovic. In November prosecutors separately filed war crimes charges against Selimi and three others for the torture and abuse of two Kosovo-Albanian women in 1998-99.

On July 19, the Prishtine/Pristina Basic Court sentenced Nazim Bllaca to four and one-half years' imprisonment for the aggravated murder of former Yugoslav State Security senior official Ibush Kllokoqi in 1999. Bllaca – a self-confessed assassin – pleaded guilty. According to the court, Bllaca's appearances as a cooperative witness in two earlier trials mitigated his sentence.

## **b. Disappearance**

There were no reports of politically motivated disappearances or abductions.

The International Committee of the Red Cross (ICRC) listed as missing 1,723 persons who disappeared during the 1998-99 conflict. ICRC's confidentiality restrictions do not allow confirmation, but observers suggested that approximately 70 percent of the list consisted of Kosovo Albanians and 30 percent were Kosovo Serbs and other minorities. Relatives of missing persons regularly expressed

frustration at the slow pace of progress and called upon authorities in Kosovo and Serbia to redouble their commitment to locating additional persons.

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

The constitution and law prohibit such practices, but in 2010 some international observers reported authorities used harsh measures against prisoners. They noted that improvements continued in both administrative practices and physical facilities.

During its 2010 visit to the country, the Council of Europe's Committee for the Prevention of Torture (CPT) received allegations of physical mistreatment by police officers from persons who had been in custody during the year. The allegations primarily concerned punches, kicks, and blows with batons police inflicted when apprehending them. The CPT also reported 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 the soles of prisoners' feet. The CPT concluded that in some cases the severity of the alleged mistreatment could "easily be described as torture." According to the CPT, it appeared "the situation as regards the treatment of persons deprived of their liberty by the KP has stagnated if not deteriorated" since its 2007 visit.

In contrast, the reports of domestic observers who made regular periodic visits, including the Office of the Ombudsperson and the Kosovo Rehabilitation Center for Torture Victims (KRCT), found only isolated complaints and indicated that prisoner and detainee mistreatment consistently decreased in recent years. The Office of the Ombudsperson received three reports of prison guards abusing detainees or prisoners during the first nine months of the year.

The Police Inspectorate of Kosovo (PIK), an independent body within the Ministry of Internal Affairs, investigated five cases in which police allegedly mistreated participants during January 2012 protests aimed at preventing Serbian commercial vehicles from entering the country. PIK sent four cases to the KP Professional Standards Unit (PSU) for disciplinary action and one to the prosecutor, who filed an indictment. The court did not reach a decision on that case as of the beginning of November.

### **Prison and Detention Center Conditions**

Prison and detention-center conditions generally met international standards, but significant problems persisted in some establishments. They included deficient facilities, prisoner-on-prisoner violence, corruption, and substandard medical care. The government permitted visits by independent human rights observers.

Physical Conditions: The Kosovo Correctional Service (KCS) 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. On November 15, corrections facilities held 1,093 convicted prisoners and 602 pretrial detainees comingled in prison and detention centers. These facilities contained 54 women, 37 minors, and 92 foreign citizens. KCS reported four inmate deaths during the year, all from natural causes. Corrections facilities in the country can manage a population of approximately 2,000 persons. Three correctional facilities, six detention centers, one center for protective custody, and one prison hospital operated during the year.

The ombudsperson, the KRCT, and the Council for the Defense of Human Rights and Freedoms jointly concluded that conditions remained substandard in some areas and in some facilities. Deficiencies included poor lighting or ventilation in some cells, dilapidated kitchens and toilets, lack of hot water, and inadequate or no bedding in some prison and detention facilities. According to the KRCT, the number of prisoners and detainees in the majority of detention centers decreased during the year, with exceptions in Gjilan/Gnjilane, Prishtine/Pristina, and Prizren, where prison population figures remained high.

Corrections officials described overcrowding as a minor seasonal problem that worsened during cold months because many individuals who committed minor crimes ask to serve their three- to six- month sentences during the winter, when time away from farming has a less negative impact on family incomes. Corrections authorities tried to accommodate such requests.

The KRCT identified significant gaps in the prison health care system, such as an insufficient number of mental health professionals, irregular supplies of medicines, delays in delivering medical treatment to prisoners and detainees, and lack or delay of proper treatment for drug users. According to the KRCT, most health care supplies were adequate, but problems remained supplying some essential medications. In some cases conditions forced prisoners to procure needed medications through private sources. In April the government adopted a new health law which transferred responsibility for prison health care from the Ministry

of Justice to the Ministry of Health. KCS officials welcomed the shift, in part due to a belief that the Ministry of Health had more resources and expertise than the Ministry of Justice.

In 2010 the CPT noted improvement in the physical condition of the country's police stations since its 2007 visit, but also concluded that prisoner-on-prisoner violence, corruption, and favoritism were endemic problems at Dubrava and other penitentiaries. The ombudsperson confirmed poor conditions at Dubrava's prison hospital.

Administration: Officials kept records on prisoners, but administrators claimed that the division of authority that gives responsibility for convicted inmates to the KCS and responsibility for convicted inmates to the judicial system caused problems. For example, prison authorities could not intervene when well connected pretrial detainees used judicial connections to obtain transfers to more comfortable facilities in Prishtine/Pristina hospital, even when the prison could adequately provide any needed medical services.

Authorities allowed prisoners access to visitors and permitted religious observance, including the right to request visits by clerics. Prisons and detention facilities 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. In the first nine months of the year, prisoners filed 128 complaints with the ombudsperson.

Improvements: The Ministry of Justice and the KCS made significant improvements during the year, beginning with replacement of three senior officials at Dubrava Correctional Facility. The KCS acting general director reported that the new administration at the facility began offering protective custody for at-risk witnesses in a segregated building and began enforcing stricter rules pertaining to high-risk prisoners. Officials also reported the completion of renovations on Dubrava ward 3 and the prison kitchen, and signed tenders for similar work on wards 5 and 7, the latter to accommodate inmates with disabilities. Officials reported no significant prisoner injuries from prisoner-on-prisoner violence during the first 10 months of the year.

On October 30, authorities transferred protected witness Shkumbin Mehmeti from Dubrava prison to Peja/Pec regional hospital after other prisoners physically

assaulted him while he was in protective custody. Mehmeti reportedly had information regarding several high-profile post-war political killings.

The KCS also reported it invested 600,000 euros (\$810,000) in the Mitrovice/Mitrovica North corrections center and significantly improved conditions for its 60 employees and inmates, who numbered 23 in September. On December 18, the government opened a new high-security prison in Podujeve/Podujevo, built to comply with international standards and designed to hold 300 inmates. After completing 10 weeks of basic training, 130 new corrections officers assumed posts at the prison.

#### **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 the KSF. The law provides that police operate 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 had operational responsibilities and conducted policing operations under a defined mandate. EULEX possessed limited executive authority in some areas, including organized crime, corruption, war crimes, witness protection, money laundering, terrorist financing, and international police cooperation. The KSF is a lightly armed civil response force, mentored by KFOR, that functions under the civilian authority of the ministry for the KSF.

International EULEX police officers staffed specialized police units investigating war crimes, financial crimes, organized crime, and the police witness protection program, which operated independently of the KP. EULEX and the KP each independently operated units dealing with criminal intelligence and organized crime. International police officers, prosecutors, and judges deployed by EULEX throughout the country had broad discretion to intervene in any particular criminal matter, but local police retained most policing duties and responsibilities.

In the first eight months of the year, PIK reviewed 682 complaints about police behavior, including minor disciplinary violations, excessive use of force, abuse of authority, unethical conduct, and criminal acts. Of those it considered to merit further consideration, PIK forwarded 484, characterized as disciplinary violations,

to the PSU. It characterized another 155 as criminal cases. It initially reserved another five cases involving high profile disciplinary breaches for further review, but in September it forwarded one of them to police for internal disciplinary measures and closed the other four due to lack of evidence.

The PSU investigated minor police violations and imposed administrative penalties for infractions. During the year the unit opened 1,235 cases, including instances of minor insubordination and damage or loss of police property. In September, 303 cases remained under investigation.

### **Arrest Procedures and Treatment of Detainees**

In January the Assembly enacted a new criminal code and a new criminal procedure code, which introduced significant legal changes. The law as revised provides that police may only apprehend persons using warrants based on evidence and issued by a judge or prosecutor, except when encountering a crime in progress. The new law requires prosecutors to charge persons they arrest within six hours in a language they understand. Authorities must bring arrestees before a judge within 48 hours or release them. The law as revised requires authorities to ensure detainees prompt access to a lawyer of their choice or one provided by the state. It also allows suspects to remain silent and to refuse to answer any questions except those concerning their identity, to obtain the free assistance of an interpreter, and to receive medical and psychiatric treatment. Police may not hold suspects incommunicado.

Following an initial ruling, a court may hold individuals in pretrial detention for 30 days from the date of arrest and may extend detention up to one year with no indictment. After filing an indictment and until the conclusion of trial proceedings, only a trial judge or a trial panel can order or terminate detention. The law allows house arrest, if ordered by a judge, confiscation of travel documents, and the expanded use of bail as alternatives to pretrial detention. Defendants can also appeal their detention, and new criminal and criminal procedure codes permit detainees to file petitions challenging the legality or conditions of their detention. Unlawfully detained defendants may also file claims for compensation.

Police, in some cases while masked or undercover, generally carried out the majority of arrests using warrants. There were no confirmed reports police abused the 48-hour rule, and state prosecutors generally either provided arrested persons with documents describing the reasons for their detention or released them. Officials generally respected the requirement for prompt disposition of cases, but

the KRCT reported detainees occasionally faced delays when attorneys were unavailable until the morning after a person's detention. The courts seldom used bail.

Nongovernmental organizations (NGOs) reported that authorities did not always allow detained persons to contact attorneys when first arrested, in some cases permitting consultation with an attorney only later when police investigators began formal questioning. In several cases officials allegedly permitted detainees access to an attorney only after formal questioning, and some detained persons complained that their first contact with a lawyer took place only at their initial court appearance, although they had requested lawyers immediately after their apprehension.

While detainees have the right to notify family members of their detention, the CPT's report on its 2010 visit found that authorities' respect for this right deteriorated since its 2007 visit. The CPT reported a number of detained persons claimed police notified family members of their arrest only near the end of their time in custody. The CPT corroborated detainee allegations by examining custody registers and custody records in several of the police stations it visited.

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 first 10 months of the year.

On January 7, Serbian Orthodox Christmas, police arrested 10 Kosovo Serbs from Lepsavic in Gracanica municipality for entering the country illegally when they identified themselves as "from Serbia." Police noticed the group following a Serbian official's police escort during the official's authorized visit to a monastery in the municipality. The public prosecutor ordered police to detain all 10 individuals for 48 hours on charges of obstructing an official person. Kosovo Police Special Operations Unit officers transferred the detainees to a Pristina detention facility. After their release on January 10, the detainees alleged that police had beat and taunted them on numerous occasions while they were in custody. One of them, Darko Vlasaj, claimed police officers targeted him especially for being born of a mixed Albanian-Serb marriage, and kicked him between the legs as they escorted him to the toilet, causing serious injury. On December 12, Pristina prosecutors, in coordination with EULEX, filed numerous

charges of assault, mistreatment while on duty, and making threats against 11 police officers implicated in the incident.

Pretrial Detention: Lengthy detention, both before and during judicial proceedings, remained a problem. The law allows judges to impose pretrial detention if there is a well grounded suspicion that a criminal defendant is likely to destroy, hide, or forge evidence; influence witnesses; flee; repeat the offense; engage in another criminal offense; or fail to appear at subsequent court proceedings. Judges routinely used detention on remand without requiring any evidentiary justification.

Lengthy detention was a particular problem in the Mitrovice/Mitrovica District Court, which temporarily sat in Vushtrri/Vucitrn. Authorities regularly extended the detention of defendants awaiting trial throughout a period when the court operated with limited capacity. In August 597 persons in this district remained in pretrial detention waiting for the court to hear their cases. With the exception of this court, for pretrial detention to equal or exceed the sentence allowed for a detainee's alleged crime was very rare.

Judicial inefficiency and corruption were among factors that caused trial delays.

Amnesty: On February 17, the president pardoned four individuals in honor of the country's fifth anniversary of independence.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but the judiciary at times exhibited bias, was subject to external and political influences, and did not always provide due process. Reports of corruption in the judiciary persisted, and the court system remained inefficient. An effective mechanism for disciplinary proceedings against judges and prosecutors was in place. Authorities generally respected court orders.

EULEX exercised executive authority over a Special Prosecutor's Office, which focused on serious crimes, including trafficking in persons, money laundering, war crimes, and terrorism. Twenty-seven international judges employed through EULEX supported domestic judges. In criminal cases where EULEX international judges exercised jurisdiction, EULEX judges served on panels with local judges at local courts. EULEX judges comprised the majority on these panels, with one EULEX judge serving as presiding judge. For civil cases in which EULEX

international judges exercised jurisdiction, judicial panels comprised three judges, including two from EULEX.

On June 18, a mixed panel sentenced the former general secretary of the Ministry of Health, Ilir Tolaj, to 18 months in prison and a fine for falsifying official documents and tax evasion. The court also prohibited Tolaj from exercising functions in public administration or public service for three years. A EULEX special prosecutor tried the case.

On May 23, a mixed panel at the Peje/Pec Basic Court convicted former special prosecutor Nazmi Mustafi of abuse of official position and illegal possession of firearms and sentenced him to five years in prison and a fine. The court found two other persons in this case guilty of influence trading and inciting abuse of official position.

On June 19, a mixed panel acquitted Deputy Prime Minister Bujar Bukoshi of abusing his official position and authority in the Ministry of Health corruption case.

On February 28, a Prishtine/Pristina District Court sentenced former minister for communities and return, Branislav Grbic, and eight former associates to seven and one-half years in prison each for embezzling 1.1 million euros (\$1.5 million) in 2006. The courts acquitted another former minister for communities and return, Slavisa Petkovic, due to lack of evidence and contradictory witness statements. The charges stemmed from 2006, when members of the group forged contracts and other documents.

The Serbian government continued operating an illegal parallel judicial system in majority Serb municipalities during the first nine months of the year but stopped taking new cases on October 1 as part of the implementation process of the normalization agreement.

## **Trial Procedures**

The law provides for a fair and impartial trial, and the judiciary generally upheld the law. Trials are public, and the law entitles defendants to the presumption of innocence, the right to be informed promptly and in detail of charges, to be present at their trials, to remain silent and not to be compelled to testify or confess guilt, to confront adverse witnesses, to see evidence, and to have legal representation.

Defendants have the right to appeal. The country does not use jury trials. These rights extend to all citizens without exception.

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 Office of the Chief State Prosecutor operated a section of advocates for victims, which helped to provide access to justice for victims of crime. The section provided free legal assistance for victims of all crimes but had 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 24-hour assistance.

The Ministry of Justice operated a judicial integration section, which addressed problems affecting minorities. 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 displaced persons.

EULEX oversees war crimes cases. EULEX may investigate and adjudicate cases either independently or, where appropriate, jointly with government counterparts. In September EULEX was investigating 94 war crime cases and conducting four war crimes trials.

On September 12, a EULEX panel sentenced Sabit Geci, Rrustem Geci, and Hetem Geci to 12-year prison terms for murder and war crimes against the civilian population of Gani Berisha in 1999.

In March the Assembly conducted a debate on the controversial Kicina case, although the justice system had concluded its work and issued its final decisions. The Kicina case involved the killings of an ethnic Albanian man and his family in 2001 by persons who suspected him of collaborating with Serbian forces. After significant outside pressure, the Assembly agreed to forego creating an ad hoc committee to investigate the concluded case further.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There were no civil remedies for human rights violations. Individuals may appeal to courts in order to seek damages for, or cessation of, human rights violations. Individuals turned to the Constitutional Court for review of their rights to due process. Although the country is not a signatory to the European Convention on Human Rights, and thus is not subject to the jurisdiction of the European Court of Human Rights, the constitution explicitly incorporates the convention's standards, and individuals may bring a violation of the convention before the Constitutional Court.

In February the Constitutional Court ruled that the Prishtine/Pristina Municipal Court violated Diana Kastrati's right to life when it denied her request in 2011 for emergency protection from her spouse, who later beat her to death. The Constitutional Court also found the municipal court violated Kastrati's rights under the European convention's right to life and effective remedies provisions. In August, Spanish authorities arrested Adnan Kastrati in connection with his wife's death, but the lack of an extradition treaty prevented his return to the country.

### **Property Restitution**

The government continued to make gains toward resolving restitution of property cases. A confusing mix of laws, regulations, administrative instructions, and court practices, as well as the illegal re-occupation of properties and multiple claims for the same property, complicated the resolution of property rights cases.

The Kosovo Property Claims Commission, which operates within the Kosovo Property Agency (KPA), evaluates claims arising from the Kosovo conflict. By September the commission rendered decisions in 42,457 of the total 42,515 registered claims and notified 35,053 claimants of their findings. At the same time the KPA reported 13,000 of its decisions had not been implemented. The KPA's Executive Secretariat received 648 appeals of their decisions during the first nine months of the year, and referred 380 of those to the Supreme Court for further action.

The KPA experienced difficulties enforcing its decisions when evicting illegal occupants, particularly in northern Mitrovice/Mitrovica, where Kosovo Serbs and Kosovo Albanians frequently refused to relinquish properties legally owned by members of the other group. The agency more frequently referred cases of "serial re-occupation" (tenants evicted from properties not legally theirs returning to occupy them) to prosecutors and police for further action.

The KPA lacked funds necessary to provide compensation in 143 cases decided by the Housing and Property Directorate in favor of claimants who lost their properties in the early 1990s due to the systemic discriminatory housing practices erratically employed at that time.

The backlog of property-related claims in municipal courts remained high. Approximately 20,000 remained outstanding at year's end, representing almost exclusively monetary claims by Kosovo Serbs for uninhabitable war-damaged property. The country lacked an effective system to allow the approximately 200,000 ethnic Serbs displaced from Kosovo to file property and other claims from within Serbia.

#### **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. KFOR forces retained the ability based on peacekeeping authority of UN Security Council Resolution 1244 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. KFOR did not conduct any such searches during the year.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press. While the government generally respected these rights, reports persisted that individual public officials, politicians, and businesses sought to intimidate media representatives. The media also encountered difficulties in obtaining information from the government and public institutions, further compounded by the failure of the government to appoint a spokesperson since 2010.

The constitution provides for an Independent Media Commission (IMC), an independent body whose primary responsibilities are to regulate broadcast frequencies, issue licenses to public and private broadcasters, and establish and implement broadcasting policies. On numerous occasions during the year, the Assembly voted on potential commissioners but could not successfully elect sufficient candidates. As a result the IMC functioned ineffectively with an incomplete panel.

Press Freedoms: Independent media were active and expressed a wide variety of views generally without restriction, although reports of verbal pressure on media owners from government officials and businesses connected to the government not to publish certain stories or materials persisted. Growing financial difficulties left the editorial independence and journalistic professionalism of both print and television media vulnerable to outside influence and pressure.

Some self-sufficient media outlets adopted editorial and broadcast policies independent of political and business interests. Media outlets with fewer resources sometimes accepted financial support from a variety of sources in exchange for positive coverage or not publishing negative stories that could harm funders' interests.

Broadcast media had access to a greater base of revenues than print media. The public perceived private broadcasters as more independent, but smaller stations reported they increasingly faced a risk of closure and became more reliant on increasingly scarce outside funding sources.

The Assembly controls the budget of public broadcasting station Radio Television Kosovo (RTK). The law provides for regulation of RTK program content and requires the station to dedicate at least 15 percent of its program time, including prime time, to minority communities in their respective languages on a proportional basis.

On June 3, more than a year after the Assembly passed legislation establishing it, a second public television channel, RTK2, began broadcasting. The law required the station to broadcast at least 15 percent of its content in non-Serbian minority languages. RTK2 broadcast exclusively through cable companies because it lacked terrestrial frequency broadcasting permission.

On June 5, a mixed panel of EULEX and domestic judges acquitted Skenderaj/Srbica Mayor Sami Lushtaku and his codefendants after ruling that the acts prosecutors charged them with were not crimes. Prosecutors had accused the mayor and other defendants of repeatedly threatening Jeta Xharra, director of the Balkan Investigative Reporting Network (BIRN), and waging a campaign of intimidation against her and a member of her staff because of BIRN's 2009 coverage of their activities. Xharra appealed the decision, but had heard nothing from the court by late November. The day before the primary court issued its ruling, Lushtaku violated court procedure by identifying, and making inflammatory accusations against, a protected trial witness. He accused the witness of being

responsible for his prosecution and for a number of war-crimes prosecutions brought against former KLA members by EULEX.

On September 4, EULEX and domestic prosecutors indicted three persons whom they alleged attacked personnel and property associated with the web portal *Kosovo 2* during an event in December 2012.

Violence and Harassment: The Association of Professional Journalists of Kosovo (APJK) reported nine instances during the year in which government officials or business interest groups abused press freedom, including by physical assaults, verbal threats to journalists, pressuring outlets not to publish certain materials, and obstructing the work of journalists. For example, on April 29, unknown assailants forcibly took a camera from a Klan Kosova television crew that was filming a feature on road construction in Malisheve/Malisevo. The assailants then assaulted two journalists, who received medical treatment for light physical injuries and psychological stress. Police arrested two suspects and referred the case to Gjakove/Djakovica Basic Court prosecutors.

The APJK reported that many journalists complained of editors' preventing them from publishing or broadcasting stories critical of the government or particular officials due to the editors' preferences for, or connections to, certain senior government officials. In some cases editors reportedly threatened to dismiss journalists if they produced stories critical of the government. Some journalists complained editors prevented them from producing stories on high-level government corruption.

Censorship or Content Restrictions: While there were no reports of direct censorship of print or broadcast media, journalists claimed pressure from politicians and organized crime frequently resulted in self-censorship. Some journalists refrained from critical investigative reporting due to fear for their physical or job security. Journalists occasionally received offers of financial benefits in exchange for positive reporting or for abandoning an investigation, and government officials suspected that criminals verbally threatened some journalists for perceived negative reporting. According to some 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 without appropriate legal authority. Individuals and groups could engage in the expression of views via the internet, including by e-mail.

Nearly all urban areas had full access to the internet, with less coverage in rural areas. The Regulatory Authority of Electronic and Postal Communications reported in August that 47 percent of all households had internet connections.

### **Academic Freedom and Cultural Events**

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

#### **b. Freedom of Peaceful Assembly and Association**

The constitution and law provide for freedom of assembly and association, and the government, EULEX, and KFOR generally respected this right. The law on public gatherings requires organizers to inform police of protests 72 hours prior to the event. Police must notify protest organizers within 48 hours if their application is accepted.

#### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government and EULEX generally respected these rights. Nevertheless, interethnic tensions, roadblocks placed by hardliners in the north, and real and perceived security concerns restricted freedom of movement. Security concerns also limited the number of displaced Kosovo Serbs who sought to return.

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

In-country Movement: Kosovo Serb hardliners sporadically constructed roadblocks throughout northern Kosovo, sometimes in response to agreements reached in the EU-facilitated Kosovo-Serbia negotiations. The roadblocks limited movement, delaying traffic for short periods of time, and in some cases cut off access to certain areas altogether. In addition occasional incidents of violence and intimidation continued to limit freedom of movement throughout the country.

Foreign Travel: On March 31, assailants attacked a bus travelling from Kosovo to Austria at Merdare border crossing between Kosovo and Serbia. Assailants allegedly blocked the bus and started throwing rocks at the vehicle. Kosovo-Albanian bus driver Qazim Berisha told Radio Free Europe two men stabbed him when he exited the bus and confronted them. Kosovo police confirmed the incident.

### **Internally Displaced Persons (IDPs)**

According to the UNHCR the estimated number of displaced persons remained very high. In September there were 17,523 persons in the country registered as displaced as a consequence of 1998-99 conflict and subsequent violence, including 9,535 Kosovo Serbs, 7,143 Kosovo Albanians, 336 Roma, 242 Ashkali, 206 Egyptians, and smaller numbers of persons of other ethnic origins. A total of 930 members of 359 families remained in the country's 37 shelters. Additionally, significant numbers of Roma, Ashkali, and Egyptians remained unregistered and uncounted by authorities, according to the Internal Displacement Monitoring Center. Many of them lived in informal settlements lacking electricity and other basic services.

Approximately 97,000 persons displaced from Kosovo remained in Serbia, according to a needs assessment survey conducted by the Serbian Commissariat for Refugees and the UNHCR.

During the year the Ministry of Communities and Returns budgeted 6.5 million euros (\$8.8 million) to facilitate the return of families displaced by hostilities and to provide them with assistance. International donors also provided funding directly to implementing partners for projects designed, in coordination with the

Ministry of Communities and Returns, to encourage returns. Authorities and implementing partners spent the funds on housing reconstruction, legal assistance, food and nonfood assistance, income generation grants, and such basic support infrastructure as roads and water systems. A lack of housing, insufficient allocation of land, and poor economic conditions remained significant impediments to return, especially to landless Roma, Ashkali, and Egyptian communities. Other impediments included security concerns, poor local services, and difficulties repossessing and rebuilding their property. Returned persons also confronted inadequate Serbian language schooling and health services. In some municipalities, including Istog/Istok, Mamushe/Mamusa, Gjakove/Djakovica and Mitrovice/Mitrovica North, community hostility toward minority returnees, including threats to personal safety, discouraged returns.

### **Protection of Refugees**

Access to Asylum: The law provides for granting asylum or refugee status, and the government has a system for providing protection to refugees. During the year the UNHCR assisted the Department of Citizenship, Asylum, and Migration in building capacity to adjudicate claims. The UNHCR also provided training to the judiciary on international refugee protection.

In the first eight months of the year, according to the UNHCR, authorities readmitted 2,638 persons returning to the country. This number included 631 members of minority communities who were returned involuntarily, mostly by Western European governments. They included 47 persons of Gorani origin, 18 Bosniaks, 15 Kosovo Serbs, 378 Roma, 144 Ashkalis, 12 Turks, and six Egyptians. Eleven Kosovo Albanians relocated to areas of the country where they numbered in the minority.

Durable Solutions: According to the UNHCR, 51 asylum seekers applied for international protection in the country during the first 10 months of the year. The Department of Citizenship, Asylum, and Migration and the asylum center accommodated all asylum seekers. Kosovo's National Commission for Refugees granted subsidiary protection to a Congolese woman after she appealed a previous rejection.

### **Stateless Persons**

Official figures on stateless persons were not available. In the first eight months of the year, the UNHCR assisted 1,300 individuals obtain personal documentation

and solve civil status problems in an effort to prevent statelessness. The majority of the persons assisted came from Romani, Ashkali, and Egyptian communities residing in Kosovo.

Children acquire citizenship from their parents or by virtue of birth in the country.

Implementation of civil status laws varied from one municipality to another, depending on differences in capacity or different interpretations of the law. The capacity to identify stateless persons and those with undetermined nationality remained inadequate.

Lack of personal identity documents hindered the social inclusion of Roma, Ashkali, and Egyptian communities by preventing them from accessing public services and depriving them of the ability to defend their political, social, and economic rights. Unregistered family members did not receive social assistance benefits, pension rights, and could not register property titles or retain rights to inherited or transferred property. Some voluntary returnees as well as readmitted children born in displacement centers abroad entered the country without birth certificates.

In March the Ministry of Internal Affairs' Civil Registration Agency began waiving fees and penalties for many registration services for Kosovo Roma, Ashkali, and Egyptians. Exemption from these fees was expected to continue until March 2014.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

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

The Serbian government began dismantling illegal parallel government structures in northern Kosovo as part of the implementation process of the April normalization agreement. Some illegal parallel institutions continued to operate in ethnic Serb enclaves throughout Kosovo at year's end.

### **Elections and Political Participation**

Recent Elections: On November 3, authorities conducted local elections. The elections marked the first time in many years citizens in northern Kosovo voted in Kosovo-administered elections. While both the Kosovo and Serbian governments encouraged voter participation, hardliners urged a boycott, and assailants attacked three polling stations in the north in Zvecan. On November 17, Kosovo administered rerun elections in the three polling stations that had been attacked. Run-off elections in 25 municipalities and rerun elections in three Zvecan polling stations took place December 1. International observers characterized these elections as conducted with minimal irregularities, although there were some reports of voter intimidation and fraud.

Irregularities, electoral manipulation, and technical failures marred national elections for the Assembly in December 2010-January 2011. Domestic and international observers stated the elections met many international standards, but serious irregularities included breaches 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.

In February 2011, following its constitutive session, the Assembly elected Behgjet Pacolli as president and approved a new coalition government led by Prime Minister Hashim Thaci's Democratic Party of Kosovo.

A court ruled that the Assembly's election of President Pacolli violated the constitution because no valid quorum had been present during the vote and only one candidate contested the election. The court nullified the Assembly's vote and immediately ended Pacolli's mandate. Political leaders subsequently agreed on a consensus candidate, and in 2011 the Assembly elected Atifete Jahjaga president. Parties conditioned the 2011 political agreement on making constitutional reforms to provide for popular election of future presidents and for significant electoral reforms. Working groups on reforms met on and off throughout the year.

Political Parties: Political parties operated without restriction or outside interference. 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: Electoral law requires a 30-percent quota for female parliamentarians, and 40 women served in the 120-seat Assembly. A

woman served the country as president, and two women in the Assembly served as deputy prime ministers. The prime minister appointed women as ministers in the EU Integration Ministry and the Ministry of Trade and Industry. The first female mayor was elected in the December 1 run-off elections.

Of the 25 members of ethnic minorities with seats in the Assembly, 13 were Kosovo Serbs. Others included Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians. The constitution provides for 10 Assembly seats for Kosovo Serbs and 10 for members of other minority ethnic groups.

#### **Section 4. Corruption and Lack of Transparency in Government**

Corruption: The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials reportedly engaged in corrupt practices during the year.

International organizations and NGOs reported corruption remained a serious problem. A lack of effective judicial oversight and general weakness in the rule of law contributed to the problem. There was a widespread public perception of pervasive governmental corruption.

In September the Office of the Prosecutor announced it handled 2,307 corruption cases involving public officials between January 2012 and September 2013. Courts sentenced 187 individuals to prison terms.

On February 27, a EULEX prosecutor filed corruption charges against Prizren Mayor Ramadan Muja and five other municipal officials. The case included allegations of illegal use of, and personal benefit from, land belonging to the municipality.

In July the Prishtine/Pristina Basic Court upheld most of the charges brought in 2012 against Fatmir Limaj, a deputy of the Democratic Party of Kosovo, and others for manipulating tender procedures, giving and receiving bribes, and tampering with evidence in relation to three tenders in the Ministry of Transport and Post Telecommunication. The cost to the government allegedly totaled approximately two million euros (\$2.7 million). The court dismissed charges of misappropriation, unlawful contracting, money laundering, and possession of illegal weapons, but confirmed an additional charge of failing to report campaign finance money donated to Fatmir Limaj. A trial was pending in November.

On April 29, the Prishtine/Pristina Basic Court sentenced five defendants in the Medicus organ-trafficking case to 20 years in prison for offenses that included organized crime, human trafficking, and serious bodily injury. Lutfi Dervishi, the director and owner of the Medicus clinic, received eight years in prison, a fine of 10,000 euros, (\$14,000), and a ban from practicing his profession of urology for two years. His son, Arban Dervishi, received a sentence of seven years and three months in prison, plus a fine of 2,500 euros (\$3,400). The court ordered both to pay 15,000 euros (\$20,000) to each of seven organ-trafficking victims. Three other defendants received varying sentences. The court acquitted former Ministry of Health general secretary Ilir Rrecaj (who admitted during the trial that he was aware of illegal kidney transplants at the Medicus clinic in 2008, but denied concealing them) of abusing his official position and falsifying documents. The Medicus case was separate and unrelated to the allegations included in the 2010 Council of Europe report *Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo*. A EULEX Special Investigative Task Force continued to investigate those allegations at year's end.

Corruption remained problems in the security forces.

On May 23, a Peje/Pec Basic Court panel convicted Nazmi Mustafi, former head of the Anti-Corruption Task Force in the Kosovo Special Prosecutor's Office, of two counts of abusing his official position and unlawful possession of a firearm. The court sentenced him to five years' imprisonment and a fine of 10,000 euros (\$14,000). The panel convicted two other defendants, Reshad Zherka and Xhelal Zherka, of trading in influence and incitement to abuse official position and sentenced each to four years' imprisonment and fines of 10,000 euros (\$14,000). The court determined Mustafi had the other defendants approach suspects in two cases he was investigating and extort, or attempt to extort, money in exchange for undermining the cases against them.

The Anticorruption Agency and the Office of the Auditor General (OAG) shared responsibility for combating government corruption. Between January 1 and November 18, the Anticorruption Agency received 180 reports of corruption. They referred 60 cases for prosecution, passed four cases to police, and closed approximately 100 for lack of evidence.

Whistleblower Protection: The law protects any citizen or employee who, in good faith, reports or discloses unlawful actions by officials or responsible persons within public institutions. There were no reports of persons claiming protection under its provisions during the year.

Financial Disclosure: The law obliges all senior public officials and their family members to declare their property and the origin of their property annually. Additionally, senior officials must report changes in their property holdings when assuming or terminating their service in a public function. The Kosovo Anti-Corruption Agency (KACA) administers the registry, verifies disclosures, and publishes disclosures on its website. Authorities may fine officials charged with minor breaches of the requirement or prohibit them from exercising public functions for up to one year. The KACA files criminal reports in more serious cases. In 2012 the KACA initiated cases for minor infractions against 306 senior public officials resulting in total fines of approximately 140,000 euros (\$190,000).

During the year the OAG audited most ministries, including the President's Office and the Assembly. The OAG reviewed fiscal management and accountability in the central government, municipal administrations, and publicly owned enterprises.

Public Access to Information: 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.

Access to public documents is a right of all citizens, and authorities can legally deny access only when disclosure infringes on or threatens national interests. Individual citizens rarely exercised this right. Civil society organizations filed the majority of information requests. During the year civil society organizations reported government institutions rarely provided documents they requested or acknowledged their requests. They also noted courts did not process lawsuits they filed against institutions that ignored their document requests. Concerned groups regarded this lack of penalties as an impediment to the law's effectiveness. Civil society organizations reported that officials sometimes refused their requests on grounds that the documents contained classified or secret information without giving the requester the name of the institution that classified the documents or the case number.

In June the Gap Institute announced it had filed two civil cases against the Ministry of Economic Development for blocking their access to records concerning privatization of the Kosovo Energy Distribution and Supply Company. Gap did not receive a response from the court by November 21.

## **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 operated, generally without government restriction, investigating and publishing their findings on human rights cases. The government was occasionally cooperative and responsive to their views. The government sometimes met with domestic NGO monitors, responded to their inquiries, or took action in response to their reports or recommendations.

Government Human Rights Bodies: The Office of the Ombudsperson has the authority to investigate allegations of human rights violations and abuse of government authority. Most human rights observers considered that the office was stronger than in previous years but not fully effective. The ombudsperson regularly conducted outreach to all of the country's municipalities and issued public statements following events of note.

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

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape, but does not specifically address spousal rape. By law rape is punishable by two to 15 years in prison and statutory rape (sexual intercourse with a child under 16 years old) by five to 20 years. Rape involving homicide is punishable by imprisonment from 10 years to life. Observers believed survivors significantly underreported rape because of the cultural stigma attached to victims and their families.

The law prohibits domestic violence and allows individuals who feel threatened to petition for restraining orders. Convictions carry prison terms of six months to five years. Domestic violence against women, including spousal abuse, remained a serious and persistent problem. 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 and prosecutable offense. Police reportedly responded appropriately to rape and domestic abuse allegations. Police documented three deaths from domestic violence during the first ten months of the year.

When victims pressed charges, police domestic violence units conducted investigations and transferred cases to prosecutors. The rate of prosecution was low, which the Special Prosecutor's Office attributed to family loyalties, poverty, and a backlog of cases in both civil and criminal courts. 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 government took measures to improve its record on domestic violence and began implementing the Action Plan on Domestic Violence for 2011-14 that it adopted in 2011. The Agency for Gender Equality was responsible for implementing policy changes to combat domestic violence, nominating a national coordinator, and providing regular reports to the government. Numerous officials participated in events dedicated to acknowledging the individuals who suffered sexual assaults related to the conflict in the late 1990s.

The Ministry of Labor and Social Welfare included a unit dedicated to family violence. The ministry provided some financial support to NGOs running shelters for victims of domestic violence and trafficking, and also provided social services through social welfare centers. Several domestic and international NGOs pursued activities to assist women, but efforts to identify and assist women generally remained constrained by a tradition of silence concerning domestic violence, sexual abuse, and rape. A government-supported high-security shelter opened in December to accommodate female and male victims of domestic violence and trafficking.

The Kosovo Academy for Public Safety included courses on domestic violence, rape, and human trafficking in all of its basic training curricula. Authorities scheduled training programs for 212 new cadets during the year. In November an Association of Women in the Kosovo Police began to function. Its goals included advancing the role of women in the service and creating a network within the police.

Sexual Harassment: No specific law addressed sexual harassment. According to women's rights organizations, sexual harassment on the job was common, and victims did not report it due to fear of physical retaliation or dismissal. Public awareness of sexual harassment remained low.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and can 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. 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 their traditionally lower status within the family 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 occupied upper-level management positions in business, police, or government. Women comprised fewer than 30 percent of the government workforce. According to the Business Registration Agency, in 2012 women owned fewer than 5 percent of all registered businesses.

While the law makes no gender distinction in property inheritance rights, men commonly inherited family property. In rare cases Kosovo-Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom requiring children and property to pass to the deceased father's family while the widow returned to her birth family. Anecdotal evidence suggested that some relatives had widows falsely declared incompetent or mentally disabled in order to claim their property.

## **Children**

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

Child Abuse: The extent of child abuse was unknown. UNICEF believed that low levels of public awareness of child abuse, lack of services for victims, and authorities' limited capacity to identify, report, and refer cases of abuse, resulted in significant underreporting of abuse.

Forced and Early Marriage: The law allows persons to marry legally at age 16. There was anecdotal evidence of child marriage, particularly in 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-year sentences. 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 a fine or imprisonment of up to three years.

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

### **Anti-Semitism**

Fewer than 100 Jewish persons resided in the country.

Observers noted an increase in anti-Semitic rhetoric, particularly on the internet. In a *Peace TV* web post, editor in chief Enis Rama made numerous anti-Semitic statements, including, "there is no other human being, tribe, clan, or race that is more devastating, more evil, or more troublemaking than the Jews." Under the title, "Israelis of the MFA," (ministry of foreign affairs) a local newspaper in September ran an op-ed article criticizing the foreign minister for hiring two individuals whom they perceived to be Jewish.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://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, transportation, health care, or other state services. Despite the legal requirement

that the government provide protection and services to all citizens equally, persons with disabilities suffered considerable discrimination. The government did not effectively implement laws and programs to ensure them access to buildings, information, or communications. For example, persons with physical disabilities could not easily access ombudsperson offices, even though office personnel attempted to accommodate such persons with disabilities to the extent possible, often by meeting at alternative locations. The Ministry of Labor and Social Welfare has responsibility for protecting the rights of persons with disabilities.

In January a law establishing the rights of blind persons entered into force. It regulates the legal status of the blind and provides financial benefits.

The law provides for protection for children with disabilities. According to the Ministry of Education, seven special residential schools served children with disabilities, and on December 20, there were 453 special-needs children in 77 special-needs classrooms in regular schools. According to the UN Development Program (UNDP), children with disabilities faced a number of barriers to accessing mainstream educational facilities, including lack of transportation, special teacher training, and appropriate infrastructure. As a result only 10 percent of children with disabilities attended mainstream schools. The Ministry of Labor lacked funding and personnel needed to implement laws and provide support to families of children with disabilities.

No national law regulates the commitment of persons to psychiatric or social care facilities or protects their rights within such institutions. Mental health facilities were substandard. The labor and health ministries had separate mandates for treating persons dealing with mental health problems. The KRCT reported that in isolated instances, police detained persons with mental disabilities with no legal basis. According to World Health Organization estimates, there were 14,000 persons with mental disabilities, but other observers estimated that 50,000 persons with mental disabilities lived isolated and stigmatized lives outside of institutions.

The main facility for persons with mental disabilities was the Shtime/Stimlje Special Institute, a complex with two residential treatment buildings. One building served adults with developmental or intellectual disabilities and treated 63 individuals during the year. The second building specialized in treating adults with psychiatric disabilities and housed 65 persons during the year, most of whom lived there since the 1999 war. The government also supported several residential “community houses” for persons with developmental disabilities. All but one was dedicated to adults with disabilities.

The Ministry of Health operated eight integration and community homes across the country providing inpatient care for 75 persons with mental disabilities. The Ministry of Labor operated another 10 community homes with 10 to 15 residents in each facility. Most residents reportedly spent years in these homes with little prospect of community integration.

### **National/Racial/Ethnic Minorities**

Ethnic minorities, which included Kosovo-Serb, Romani, Ashkali, Egyptian, Turkish, Bosniak, Gorani, Croat, and Montenegrin communities, faced varying levels of institutional and societal discrimination in areas such as employment, education, social services, language use, freedom of movement, the right to return to their homes (for displaced persons), and other basic rights. Members of the Romani, Ashkali, and Egyptian communities experienced pervasive social and economic discrimination; often lacked access to basic hygiene, medical care, and education; and were heavily dependent on humanitarian aid for basic subsistence.

The security environment in the north remained unpredictable, and authorities recorded 43 incidents including explosions, vehicle arson, and exchanges of gunfire during the first three months of the year. EULEX and KFOR repeatedly intervened to prevent clashes between ethnic groups. The roadblock on the main bridge in Mitrovica/Mitrovica continued to impede freedom of movement.

The EULEX Task Force continued investigating the June 2012 shooting of two German soldiers during an operation to remove a Rudare roadblock.

During January vandalism and other destructive acts occurred at Serbian Orthodox cemeteries located throughout the country. Police arrested nine suspects in connection with the incidents and suspended five police officers for their roles. National authorities allocated 97,000 euros (\$130,000) for repair and reconstruction of the damaged sites.

Northern Kosovo Serbs continued to prevent construction of houses in the Brdjani/Kroi Vitakut neighborhood for ethnic Albanians who had been displaced from the area in 1999. For example, in July a group of approximately 50 Kosovo Serbs blocked the main road, halting construction.

On July 29, EULEX Police arrested Zarko Veselinovic on an outstanding warrant for endangering international personnel. Authorities charged Veselinovic and

another suspect with attempted murder and unauthorized use of a firearm in the December 2012 shooting of the deputy head of the Mitrovica/Mitrovice North Administrative Office. On the same day as the arrest, a group of approximately 200 Serbs protested the arrests and blockaded a road. When EULEX police officers tried to talk with protesters, unknown assailants threw stones and broke the windshield of a EULEX vehicle. Later that evening a Molotov cocktail slightly damaged a Polish police vehicle, but no one sustained injuries.

During the year, in keeping with reforms enacted in 2012, the government appointed a full-time language commissioner to facilitate the implementation of legislation conferring equal status on the country's official languages. The commissioner had the task of monitoring government institutions and penalizing those not complying with laws. At year's end it was too early to evaluate her effectiveness.

In February the Kosovo Policy Action Network, which included more than 100 NGOs in the Kosovo-Serb community, held a conference on problems enforcing the language law. Speakers maintained most violations involved discrimination against Kosovo Serbs, especially failure to use the Cyrillic alphabet or correctly to translate relevant material into the Serbian language.

Turkish community representatives also expressed dissatisfaction with implementation of the language law, recounting instances when educational materials in Turkish for primary school students were missing or poorly translated.

Reports of violence and other crimes directed at minorities and their property persisted. On numerous occasions hand grenades were thrown at, or planted on, the property of Kosovo Serbs, and on at least one occasion, the house of a Kosovo Bosniak was the target.

Police in the Major Crimes Unit reported no progress identifying and arresting suspects in the July 2012 shooting death of a Kosovo Serb returnee couple in their Talinovic home.

Police did not identify any suspects in the June 2102 attack on Serbian Orthodox monk Father Mitrofan.

Several incidents between Kosovo Albanians and Kosovo Serbs took place on June 28, during the Vidovdan holiday, although friction between the two communities was less disruptive than in 2012. In one incident individuals threw stones at buses

transporting Kosovo Serbs returning from the Vidovdan celebration. One person sustained minor head injuries, and the perpetrators broke bus windows. Police filed criminal charges against four suspects for minor bodily injuries and damage to movable property. The case remained under investigation in November.

Minority employment in public institutions remained limited and generally confined to lower levels of the government. The government lacked an effective mechanism for monitoring levels of minority employment in public institutions.

The law requires equal conditions for schoolchildren regardless of their mother tongue and provides the right to native-language public education for minority students through secondary school. The Ministry of Education, Science, and Technology and several international organizations reported school enrollment was lowest among non-Serb minority communities (Ashkali, Bosniak, Egyptian, Gorani, Romani, Turkish, and others). 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* concluded that nearly all Kosovo Albanian and Kosovo Serb children attended primary school, while only 77 percent of children of other ethnic groups attended. Romani, Ashkali, and Egyptian children attended mixed schools with Kosovo-Albanian and Kosovo-Serb children and reportedly faced intimidation and bullying in some Albanian majority areas. Poverty disadvantaged many Romani children and caused many to leave school at an early age to contribute to family income.

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

The constitution and law prohibit discrimination based on sexual orientation.

There was no official discrimination in employment, housing, statelessness, or access to education or health care, but societal pressure persuaded the majority of LGBT persons to conceal their sexual orientation or gender identity. NGOs reported that discrimination against LGBT individuals often went unreported. NGOs also noted government literature promoting human rights and nondiscriminatory practices frequently omitted mention of LGBT rights, even when the materials explicitly named all other protected groups.

In November the Youth Initiative for Human Rights released a report which found that 40 percent of LGBT individuals were afraid to acknowledge their identity and

10 percent had been physically assaulted at least once as a result of being perceived as LGBT.

LGBT activists affected by a December 2012 assault on their NGO office reported officials treated them professionally and actively pursued their assailants. Nonetheless, as of October 1, police had not identified any suspects.

The Center for Social Group Development (CSGD), a local NGO focused on health problems, observed that LGBT individuals generally felt insecure and frequently complained of threats to their personal safety but rarely reported incidents to authorities due to the stigma attached to homosexuality. According to the CSGD, victims also usually refused to allow the CSGD to present their cases publicly or to authorities due to fear of discrimination. While the CSGD faced no overt impediments to its operation, social pressure and traditional attitudes effectively limited its activities.

The Center for Equality and Liberty reported that LGBT individuals residing in rural areas faced extreme isolation, some to the point that they were unaware of their right to exist as LGBT individuals or of the services available to assist them.

The government took steps to signal its support for LGBT rights and problems. On May 17, International Day Against Homophobia, for example, the Center for Social Emancipation and Development cosponsored a nationally televised press conference with the Office for Good Governance promoting tolerance and observance of LGBT rights. On December 11, the Ministry for EU Integration held a conference promoting support for LGBT rights as a human rights problem.

### **Other Societal Violence or Discrimination**

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

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion

discrimination and the violation of any individual's labor rights due to his or her union activities. The law applies equally to all individuals.

Authorities generally enforced the law.

The government did not restrict the right to organize and bargain collectively and allowed unions to conduct activities, including strikes, without interference.

The government generally respected the right to form and join unions. Although there was anecdotal evidence that private companies threatened their employees for joining or establishing unions, the labor inspectorate received no complaints of discrimination against employees who tried to join unions during the year. Resources, inspections, and remediation, however, were generally inadequate, and penalties were insufficient to deter violations.

Some union officials reported antiunion discrimination. For example, the Association of Independent Trade Unions of Kosovo (BSPK) reported that a few companies prevented the establishment of unions. Unions also claimed that employers violated worker rights in every sector, including international organizations, whose staff reportedly did not receive pensions.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government enforced laws against forced or compulsory labor through visits by the labor inspectorate to public- and private- sector employers who reportedly engaged in new labor practices or suspected of using children in hazardous conditions, especially in the farming and mining sectors. In June and July the government sponsored a two-month campaign to increase public awareness of employee rights, forced begging, and compulsory labor in the construction sector.

Forced and compulsory labor often involved children forced to beg and work in hazardous conditions (see section 7.c.). Children participated in farming activities using hazardous equipment:

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for employment is 15, provided the employment is not harmful or prejudicial to school attendance. If the work is likely to jeopardize the health, safety, or morals of a young person, the legal minimum age is 18.

Regulations prohibit exploitation of children in the workplace, including forced or compulsory labor. The government maintained an antitrafficking task force, which began to intervene in cases of forced or hazardous labor but was constrained by limited resources.

In October the Assembly adopted the Law on Child Protection as part of required steps towards visa liberalization with the EU.

The Ministry of Labor and Social Welfare coordinates government policies. The Institute for Social Policy established during the year managed the enforcement of child labor laws. The ministry established a system for monitoring incidents of child labor in municipalities, including municipal offices for labor and social welfare, and in remotely located schools. Inspectors immediately notified employers when they found minors working in hazardous conditions. Enforcement, however, remained inadequate.

NGOs reported child labor violations during the year. Children working in the farming and mining sectors encountered hazards associated with operating farming equipment and extracting ore from hard-to-reach areas underground. International NGOs reported that the number of children begging on the streets of towns and cities dropped in recent years, but the overall number of child beggars remained unknown. While most children were rarely their families' main wage earners, child labor served as a major contribution to some family incomes.

Young children in rural areas often assisted their families in agricultural labor, typically including school hours. Urban children often worked in a variety of unofficial construction and retail jobs, such as selling newspapers, cigarettes, and telephone cards on the street. Some children also engaged in physical labor, such as transportation of goods.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The national minimum wage was 130 euros (\$180) per month for employees below 35 years of age and 170 euros (\$230) per month for those 35 years and older. Social assistance programs could provide eligible families without sufficient resources up to 80 euros (\$110) each month, and an individual could receive up to 40 euros (\$54). Families and individuals could receive additional funds for children, discounts in electricity, and other benefits.

The law provides for a standard 40-hour workweek, requires rest periods, limits the number of regular hours worked to 12 hours per day, limits overtime to 20 hours per week and 40 hours per month, requires payment of a premium for overtime work, and prohibits excessive compulsory overtime. The law provides for 20 days paid leave per year for employees and three months maternity leave. Labor law sets health and safety standards for workplaces and governs all industries in the country.

The labor ministry's inspectorate enforces labor, health, and safety standards. As of November the agency's 50 labor inspectors reportedly conducted 230 inspections, advised employers, and issued 933 citations for various violations of labor standards. The inspectorate levied 78 additional fines for failure to correct cited violations. The inspectorate estimated it would need 150 inspectors to monitor employers adequately or have a measurable impact on labor problems. The inspectorate considered the financial penalties insufficiently high to discourage violations. Inspectors generally gave employers various amounts of time to correct violations before imposing fines.

The government did not offer guidelines for protecting workers in the informal economy.

At times during the year employers failed to abide by official labor standards, and there was a lack of government oversight and enforcement, particularly with regard to the standard workweek and compulsory and unpaid overtime. NGOs reported 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 contributions to their pensions. Employees reported firings without cause in violation of the law and employers' refusal to respect their holidays. Women's rights organizations reported that sexual abuse and harassment occurred on the job but went unreported due to fear of expulsion or 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 BSPK also

reported employers sometimes illegally fired female employees for being pregnant or requesting maternity leave.

While the law provides for protection of employees' health and working conditions, private and public institutions failed at times to comply with it. Labor inspectorate officials reported difficulties obtaining accurate information because workers rarely disclosed the problems themselves in spite of legal protections. The labor ministry reported 12 workplace fatalities and 13 serious workplace accidents during the first 10 months of the year.