

# KOSOVO 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Kosovo is a parliamentary democracy. The constitution and laws provide for an elected unicameral parliament (the Assembly), which in turn elects a president, whose choice of prime minister the assembly must approve. The country last held parliamentary elections in June 2014, which international observers considered free and fair. Civilian authorities maintained effective control of the security forces. The EU's Rule-of-Law Mission (EULEX), which monitors police and the justice sector, continued to perform some executive functions. The Brussels Dialogue on the normalization of relations between Kosovo and Serbia, which the EU facilitated, continued. Northern Kosovo judicial structures began to be integrated into the national structures following the February 10 justice-sector agreement between Kosovo and Serbia. On October 27, Prime Minister Mustafa signed a Stabilization and Association Agreement for Kosovo with EU High Representative Mogherini.

One of the most serious human rights problems during the year was the obstruction, at times violent, of the parliament by opposition deputies during October- December, which blocked free debate and the passage of legislation. Endemic government and private-sector corruption and the lack of punishment for corrupt acts remained an important human rights problem. Societal violence and discrimination against members of ethnic minorities, women, persons with disabilities, and members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community constituted a third significant area of concern.

Other human rights problems included: Reported police mistreatment of detainees; substandard physical conditions in prisons; drug abuse, corruption, and favoritism in prisons; lengthy pretrial detention and judicial inefficiency resulting in mistrials; and unresolved restitution claims resulting from the 1998-99 war. There was also intimidation of the media by public officials and criminal elements, restriction of freedom of movement across the Austerlitz Bridge, and violence against displaced persons seeking to return to their homes. Restrictions on religious freedom included the lack of a registration system and repeated vandalism of religious property, restrictions on freedom of worship for Serbian Orthodox pilgrims, and limited progress in returning displaced persons to their homes. Additional human rights problems included domestic violence and discrimination against women; gender biased sex selection; child abuse; trafficking in persons; discrimination against minorities, especially Roma; inadequate support for persons with

disabilities; poor conditions in mental health facilities; sporadic ethnic tensions; and child labor in the informal sector.

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

EULEX and domestic prosecutors continued to prosecute war crimes cases that arose during and following the 1998-1999 conflict, which led to the country's independence. In August, EULEX was investigating 174 cases of war crimes and, as of December, special prosecutors had received 37 war crimes cases from EULEX.

On May 27, a panel of EULEX judges at the Basic Court of Mitrovica/Mitrovica rendered verdicts on the 15 defendants in the Drenica I and Drenica II war crimes cases. In the Drenica I case, the court convicted the ambassador to Albania, Sylejman Selimi, and the serving mayor of Skenderaj/Srbica, Sami Lushtaku, of war crimes against civilians; Lushtaku was also convicted of murder. The court acquitted the other five defendants. In the Drenica II verdict, the court convicted all 10 defendants of war crimes against civilians and additionally found Selimi and three others guilty of torture and degrading treatment. The court sentenced Lushtaku to a 12-year prison term and Selimi to eight years. Three of those convicted received six-year terms. Six others, including sitting parliamentarians and the mayor of Glogovac/Glogovac received three-year terms. All of the defendants who received three-year terms remained free pending their appeals. Two members of parliament later relinquished their mandates in accordance with the law.

According to media Lushtaku, Selimi, and another of those convicted used false medical excuses to reside primarily in private apartments at the Pristina Medical Center and avoid being jailed at the Dubrava prison. EULEX Police later re-arrested Lushtaku September 22, for allegedly failing to abide by the conditions that allowed him to receive treatment at the center.

On August 3, Kosovo adopted constitutional amendments and legislation to create the Specialist Chambers to try suspects investigated by the EU's Special Investigative Task Force (SITF). The SITF was established following a Council of Europe (CoE) report on alleged crimes committed by individual Kosovo Liberation Army leaders during and just after the Kosovo war. The mandate of the SITF is to investigate and, if warranted, prepare cases for prosecution involving serious crimes alleged in the CoE report, including war crimes and organized crimes. The legislation creating the Specialist Chambers foresees the creation of a Specialist Prosecutor's Office within the Specialist Chambers with the authority to indict the suspects, and provides for some of the proceedings to take place in another European country. At year's end Kosovo was in negotiations with the Dutch government on administrative details for the Chambers.

On October 2, the Ministry of Justice suspended the sentences of Sabit Geci and Riza Aliaj for three months to permit them to seek medical treatment in Albania. Geci and Aliaj were found guilty in 2011 of war crimes committed at detention centers in northern Albania and were serving 15-year and 12-year sentences, respectively. EULEX appealed the suspension, but on October 27, the Court of Appeals upheld the measure.

On October 6, EULEX Police arrested war crimes suspect Xhemshit Krasniqi in Prizren. Krasniqi was indicted in a case involving war crimes in two detention centers in northern Albania in 1999.

On December 2, a EULEX-majority panel of the Court of Appeals began to review an appeal of a 2013 acquittal against parliamentary deputy Fatmir Limaj and nine others. The acquittal of war crime charges related to alleged abuses at the Klecka detention center near Lipjan/Lipljan in 1999.

On December 8, the trial of Milaim Zeka, a journalist, and Rrustem Rukolli, a coordinator of Mayor Lushtaku's defense, continued on charges of violating the secrecy of proceedings, and attempting to influence a protected witness to recant his testimony. The defendants pled not guilty.

The EULEX-led trial continued of Oliver Ivanovic; Dragoljub Delibasic; and three other defendants arrested in 2014 and charged with war crimes, aggravated murder, and other offenses against Kosovo Albanians in 1999-2000.

Survivors of wartime sexual violence complained that EULEX prosecutors did not prosecute any cases. The Ministry of Justice led a working group, including EULEX and the Special Prosecutor's Office, to prioritize cases. The Kosovo Judicial Council endorsed a decision to assign 10 judges to focus on cases of sexual violence. The law and budget earmarked financial support for some survivors of wartime sexual violence; however, a commission did not begin to select beneficiaries.

## **b. Disappearance**

There were no reports of politically motivated disappearances, abductions, or kidnappings.

As of the end of the year, the International Committee of the Red Cross (ICRC) listed as missing 1,670 persons who disappeared during the 1998-99 conflict and the political violence that followed. Although the ICRC does not distinguish missing persons by ethnic background due to confidentiality restrictions, observers suggested that approximately 70 percent were Kosovo Albanians, and 30 percent were Kosovo Serbs, Kosovo Roma, Kosovo Ashkali, Kosovo Egyptians, Kosovo Bosniaks, and Kosovo Montenegrins.

The Serbia delegation permitted members of the Kosovo delegation to join EULEX, the International Commission on Missing Persons (ICMP), ICRC, and the UN Interim Administration Mission for Kosovo (UNMiK) at an exhumation in Kizevak, Serbia, where Serbian forces allegedly buried the remains of Kosovo Albanians murdered in Rezala, Kosovo, in 1999. At an ICRC-chaired working group on missing persons meeting on December 9, the Kosovo delegation provided the Serbia delegation with copies of 1998-2000 mortuary logbooks from Pristina, Gjakove/Djakovica, Peje/Pec, and Gjilan/Gnjilane that could help clarify the fate of missing ethnic Serbs.

Efforts to recover remains continued with limited results. The Government's Commission on Missing Persons reported that EULEX and the Department of Forensic Medicine conducted 19 field operations and exhumations. Four missing persons were identified based on re-examination of previously resolved cases, including retesting of past gravesites. On August 1, the EU Office in Kosovo provided ICMP with 400,000 euros (\$440,000) to test and match DNA related to persons missing from the 1998-2000 period. The funding is also intended to be used to produce a guide for families of the missing and a legal framework for accounting for missing persons, revise the *Kosovo Stocktaking Report* (describing

the status of efforts to locate, recover, and identify missing persons), and improve the capacity of the Kosovo Forensic Agency.

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

The law prohibits such practices, but there were some reports that government officials employed them.

The Police Inspectorate of Kosovo (PIK), an independent body within the Ministry of Internal Affairs, has responsibility for reviewing citizen complaints about police behavior. PIK investigated 40 charges of excessive use of force by police in dispersing a demonstration on January 27. Police used tear gas and water cannon after being attacked by protestors throwing stones and Molotov cocktails. PIK completed the investigations and, in consultation with the prosecution office, submitted four cases to police's Department for Professional Standards for disciplinary action. PIK's report listed nine cases that contained elements of criminal mistreatment and causing bodily injury while performing official duties. As of December 7, the prosecutor's office was reviewing these nine cases.

On November 18, a EULEX-majority panel at the Pristina Basic Court found six members of the Regional Operational Support Unit, which is similar to a SWAT team, guilty of mistreating Kosovo-Serb civilians while on official duty in 2013. One of the convicted received an 18-month sentence, while the other five received suspended sentences ranging from one to two years. All of the convicted were prohibited from exercising any public function for two years. The court acquitted five officers.

The Kosovo Rehabilitation Center for Torture Victims (KRCT) and Center for Protection of Human Rights and Freedoms alleged that police used excessive force when arresting parliamentary deputy Albin Kurti and 97 other members of the Vetevendosje (Self-Determination) party at party headquarters on November 28. Authorities arrested Kurti on charges related to his use of violence in the parliament as depicted in television footage of the plenary sessions; the others were detained for violently obstructing Kurti's arrest. On December 4, the independent Ombudsperson Institution (OI) asked the Pristina Basic Prosecution Office to investigate allegations that police used excessive force. The PIK did not receive any public complaints about the incident, but it announced on December 21, that it was investigating 12 cases. The police's Use of Force Review Commission and Professional Standards Directorate also began a review. EULEX expressed the

view that that police used proportionate force in the operation, protecting public order and, when needed, themselves.

Domestic observers, including representatives of the OI and the KRCT, who made periodic prison visits indicated that prisoner and detainee mistreatment remained a problem.

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

Prison and detention center conditions generally met international standards, but significant problems persisted in deficient physical facilities, prisoner-on-prisoner violence, corruption, and substandard medical care.

Physical Conditions: According to the KRCT, physical and living conditions remained substandard in some facilities in the Dubrava Prison, which held the largest number of prisoners. Deficiencies at Dubrava included poor lighting and ventilation in some cells, dilapidated kitchens and toilets, lack of hot water, and inadequate or no bedding.

KRCT received 10 complaints from prisoners that correctional staff verbally, and in some cases physically, abused them in the Dubrava Prison and, in two cases, at the High Security Prison.

Due to corruption and political interference, authorities did not always exercise control over the facilities or their inmates. According to the KRCT, inmates complained that officials at the Dubrava and the Smrekovnica prisons unlawfully granted furloughs and additional yard time due to nepotism or bribery. The KRCT reported that mobile phones and illicit drugs were regularly smuggled into correctional facilities, with more than 30 percent of convicts estimated to be addicted to drugs. On August 28, the director of the Prizren Detention Center, Ilir Gutaj, resigned, and seven other correctional officials were suspended, following allegations of corruption and aiding in the escape of a prisoner accused of murder. The Ministry of Justice established an investigative committee with EULEX. On October 2, the general director of the Kosovo Correctional Service Emrush Thaci resigned following media reports of preferential treatment for well-connected prisoners and the escape from Prizren's prison.

The KRCT documented delays and errors in the delivery of medical treatment to prisoners and a lack of specialized treatment, such as for drug addicts. In many cases conditions forced prisoners to procure needed medications through private

sources. The KRCT observed gaps in the prison health-care system at the Dubrava facility and reported an insufficient number of mental health professionals.

The KRCT observed that facilities and treatment for inmates with disabilities remained substandard. The Kosovo Correctional Service held convicted prisoners with disabilities separately from the general prison population. The Kosovo Forensics Psychiatric Institute, which opened in June 2014, provided limited treatment and shelter for detained persons with mental disabilities. Advocates for persons with disabilities faulted the government for regularly housing pretrial detainees with diagnosed mental disabilities together with other pretrial detainees, although the Kosovo Correctional Service held pretrial detainees separately from the general prison population. There were no legal provisions or administrative instructions for the treatment of prisoners with disabilities.

Administration: Officials kept records on prisoners, but correctional service administrators claimed that bureaucratic divisions of responsibility for detainees and convicts caused problems. For example, prison authorities could not intervene when well-connected pretrial detainees used Ministry of Justice connections to obtain transfers to more comfortable facilities, such as the University Clinical Center in Pristina, even when the prison could adequately provide needed medical services.

There was a system for making complaints to judicial authorities, but inmates told KRCT representatives that they distrusted it. Prison monitors reported that the Kosovo Correctional Service systematically transferred prisoners from one institution to another without giving the prisoner notice or the opportunity to appeal.

Both inmates and social workers characterized the Conditional Release Panel as “weak” for failing to address requests for early release in timely fashion and for a lack of clarity in the justification of its denials.

Independent Monitoring: The government permitted visits by independent human rights observers, but the OI was the only institution that had continuous and unfettered access to correctional facilities. The KRCT and the Center for Defense of Human Rights and Freedoms (CDHRF) were required to provide 24-hour advance notice of planned monitoring activities. The OI, KRCT, and CDHRF acted as the National Preventive Mechanism, an umbrella coordinating body to jointly monitor arrest procedures and credible allegations of inhuman prison conditions.

Improvements: According to the KRCT, the Kosovo Correctional Service renovated cells in some correctional institutions, including two wards of the Dubrava Prison. Authorities were beginning to assign prisoners to the new High Security Prison, which opened in 2014 in Gerdovc/Gerdovac near Podujeve/Podujevo. As of December there were 125 prisoners in the facility (104 prisoners and 21 pretrial detainees) fewer than half the inmates it was designed to hold.

On June 19, the Ministry for Internal Affairs opened a new detention center for foreigners in Vranidoll/Vrani Do. Its facilities generally met international standards.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, and the government, EULEX, and Kosovo Force (KFOR), a NATO-led international peacekeeping force, generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

Local security forces include the Kosovo Police and the Kosovo Security Force (KSF). The law provides that police operate under the authority of the Ministry of Internal Affairs. Police maintain internal security, backstopped by EULEX as a second responder and KFOR as a third responder. The border police, within the Kosovo Police, are responsible for law enforcement issues related to border management.

The KSF is a lightly armed civil response force that provides disaster response and humanitarian relief, demining, search and rescue, and hazardous material containment. It is subordinate to the Ministry for the Kosovo Security Forces.

EULEX, with a mandate to monitor, mentor, and advise local judicial and law enforcement institutions, also has some operational responsibilities, serving, with the police force, as second responder, including during raids and actions requiring crowd and riot control. EULEX has a limited and defined mandate for policing operations, with limited executive authority in cases of organized crime, high-level corruption, war crimes, money laundering, terrorist financing, and international police cooperation. It also engages in witness protection operations and training for police in witness protection. EULEX's executive role continued to decrease

gradually, as provided for in the exchange of letters between the government and the EU in April 2014. EULEX and KFOR personnel generally operated with impunity from the country's legal system but remained subject to their missions' and their countries' disciplinary measures. There were no reports of abuse by EULEX or KFOR.

The government investigated abuse and corruption, although mechanisms for doing so were not equally effective throughout the country. Most local security forces in northern Kosovo transitioned to government control as part of the EU-mediated Brussels Dialogue between Kosovo and Serbia.

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

The law provides that, except when encountering a crime in progress, police may apprehend suspects only through warrants based on evidence and issued by a judge or prosecutor. Within six hours, according to law, prosecutors must issue to the arrested person a written statement describing the suspected offense and the legal basis for the charges or release the individual. Authorities must bring arrestees before a judge within 48 hours or release them, and must provide detainees prompt access to a lawyer of their choice or one provided by the state. There is a bail system. Suspects have the right to refuse to answer any questions, at all stages of an investigation, except those concerning their identity. Suspects have the right 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 their arrest and may extend their detention for up to one year with no indictment. After 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 a judge to order house arrest, confiscation of travel documents, and the expanded use of bail as alternatives to pretrial detention. Defendants can also appeal their detention, and detainees may 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 under cover, generally carried out arrests using warrants. There were no confirmed reports that police abused the 48-hour rule, and 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

that detainees faced delays on occasions when attorneys were not available until the morning after a person's detention. The courts seldom used bail but often released detainees without bail pending trial.

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 when police investigators began formal questioning. In several cases detainees were able to have access to an attorney only after their formal questioning. Some detained persons complained that despite requests for lawyers after their arrest, their first contact with an attorney took place at their initial court appearance.

Pretrial Detention: Lengthy detention, both before and during judicial proceedings, remained a problem. The law allows judges to detain a defendant pending trial if there is a well-grounded suspicion that the 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 granted pretrial detention without requiring evidentiary justification. Lengthy detention was also due in part to judicial inefficiency and corruption.

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

The constitution provides for an independent judiciary, but the judiciary did not always provide due process. According to the European Commission, the administration of justice was slow and there was insufficient accountability for judicial officials. Judicial structures were prone to political interference, with disputed appointments and unclear mandates. According to the Kosovo Judicial Council, 395,274 civil and criminal cases awaited trial as of January. More than 118,000 actions required by judicial decisions awaited execution, and more than 186,365 charges of minor offenses awaited adjudication.

An effective mechanism for disciplinary proceedings against judges and prosecutors was in place. Authorities generally respected court orders.

EULEX prosecutors and judges continued to function as embedded members of the country's judicial system. The head of the Special Prosecutor's Office, with jurisdiction over serious crimes, including trafficking in persons, crimes against humanity, money laundering, war crimes, and terrorism, had a EULEX prosecutor as her deputy. In accordance with the 2014 exchange of letters between the

government and the EU, EULEX prosecutors may continue to act independently or together with domestic prosecutors in compliance with applicable law. As provided in the exchange of letters, EULEX continued to take on some new cases and process some continuing cases.

On April 14, independent expert Jean-Paul Jacque released a report concerning allegations of corruption within EULEX by a former EULEX prosecutor. The report cleared the mission of corruption but criticized its handling of the allegations and its internal procedures.

As part of the continuing implementation of the dialogue with Serbia, most civil and criminal cases in the north of the country were not brought forward because the February agreement on justice issues with Serbia was not yet implemented.

### **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 against them, 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. These rights extend to all citizens without exception. The country does not use jury trials.

According to the Organization for Security and Cooperation in Europe, the Agency for Free Legal Aid, an independent agency mandated to provide free legal assistance to low-income individuals, has not functioned as envisioned, offering only legal advice and not representing cases before the court. A section of the Office of the Chief State Prosecutor helped to provide access to justice for victims of crime. The section provided free legal assistance for victims of all crimes, with a special focus on victims of domestic violence, trafficking in persons, child abuse, and rape.

The Ministry of Justice operated a judicial integration section, with two court liaison offices, to assist minority communities in Kosovo Serb-majority areas by accompanying them to court, filing documents with courts on their behalf, and providing information and legal assistance to refugees and displaced persons.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

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

There are civil remedies for human rights violations, but victims were unable to avail themselves of this recourse due to complicated bureaucratic procedures and a large backlog of judicial cases. Individuals may appeal to courts to seek damages for, or cessation of, human rights violations. On May 28, the assembly approved the Law on Crime Victim Compensation, establishing a crime victims' compensation program for victims of violent crimes and their dependents. The Ministry of Justice appointed a working group to draft the administrative instructions for the implementation of the law. Individuals may turn to the Constitutional Court for review of their rights to due process. The constitution incorporates obligations agreed to in numerous international conventions as binding. Individuals may bring alleged violations of these conventions as well as violations of due process under domestic law before the Constitutional Court.

### **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 reoccupation of properties and multiple claims for the same property, continued to hamper property restitution cases.

As of December the Kosovo Property Claims Commission had decided 41,849 of the 42,749 registered claims for restitution, and authorities notified most claimants of results. The commission reported that the Kosovo Property Agency (KPA) authorities implemented 35,167 of its decisions. A number of decisions were on appeal to the Supreme Court for further action.

The KPA, a quasi-judicial body, had difficulty enforcing its decisions when evicting illegal occupants. The KPA also lacked funds to pay the 3.2 million euros (\$3.5 million) compensation called for in the 143 claims decided in favor of persons who lost their properties in the early 1990s due to discriminatory housing practices erratically employed at that time. The agency similarly lacked funds to remove illegal structures constructed on land after claimants had their rights confirmed.

The backlog of property claims in municipal courts remained high. Approximately 9,200 claims remained outstanding as of December, most involving monetary

claims by Kosovo Serbs for uninhabitable war-damaged property. The country lacked an effective system to allow Kosovo Serbs displaced from the country to file property and other claims from outside the country.

#### **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.

### **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, businesses, and radical religious groups sought to intimidate media representatives. Media also encountered difficulties in obtaining information from the government and public institutions as provided by law.

The constitution provides for an Independent Media Commission (IMC), a body whose primary responsibilities are to regulate broadcast frequencies, issue licenses to public and private broadcasters, and establish and implement broadcasting policies. The IMC appointed two minority members in April, thus filling all seven seats on the board.

Press and Media Freedoms: Independent media were active and expressed a wide variety of views, generally without restriction, although reports persisted that government officials, some political parties, businesses connected to the government, religious groups, and disgruntled individuals exerted verbal pressure on media owners, individual editors, and reporters not to publish certain stories or materials.

Growing financial difficulties of media outlets put the editorial independence of both print and television media at risk. While some self-sufficient media outlets adopted editorial and broadcast policies independent of political and business interests, those with fewer resources sometimes accepted financial support from a variety of sources in exchange for positive coverage or for refraining from publishing negative stories that could harm funders' interests.

Broadcast media, particularly television channels, had more access to substantial sources of revenue than print media. The assembly controlled the budget of public broadcasting station RTK and its affiliates. 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. Internet media, operating without regulation, exerted further pressure on the broadcast outlets by republishing articles from print or other internet sources, mostly without attribution.

Violence and Harassment: As of December 8, the Association of Journalists of Kosovo (AJK) and media outlets reported 27 instances in which government officials, business interests, or radical religious groups abused press freedom, including by physical assaults and verbal threats directed at journalists, pressure on outlets not to publish certain materials, and obstruction of the work of journalists.

For example, during a protest against the government in Pristina on January 27, several protesters physically attacked a Serbian-speaking reporter and cameramen from RTK2 and the Republic of Serbia public broadcaster, Radio Television Serbia. Media did not report any arrests or charges in this incident.

Censorship or Content Restrictions: While there were no reports of direct censorship of print or broadcast media, journalists claimed that pressure from politicians and organized criminal groups 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. According to the AJK, government officials, as well as suspected 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.

According to the AJK, many journalists complained media owners and managers prevented them from publishing or broadcasting stories critical of the government, political parties, or particular officials due to the owners' preferences for, or connections with, the individuals concerned. In some cases owners reportedly threatened to dismiss journalists if they produced stories critical of the government and certain interest groups connected to the political establishment. Some journalists complained that owners prevented them from producing stories on high-level government corruption.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

In September the Regulatory Authority of Electronic and Postal Communications reported that 65 percent of all households had internet connections, while the website Internet World Stats reported that 76.6 per cent of the population used the internet in mid-2014.

## **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 the freedoms of assembly and association, and the government, EULEX, and KFOR generally respected these rights. 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 whether their application is accepted, otherwise the request is considered approved.

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

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

### **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, 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 for Refugees (UNHCR) and other humanitarian organizations in providing protection

and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, persons at risk of statelessness, and vulnerable minority communities.

In-country Movement: Freedom of movement across the Austerlitz Bridge connecting North and South Mitrovica/Mitrovice remained impeded. On August 25, the prime minister reached an agreement with his Serbian counterpart in Brussels to restore freedom of movement by June 2016. On at least three occasions, Kosovo-Albanian protesters prevented or tried to prevent Kosovo Serbs from attending worship services in churches located in Kosovo-Albanian areas. In one instance police used tear gas to disperse the protesters and made one arrest.

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

As of October UNHCR estimated that 16,893 persons remained displaced in Kosovo and throughout the region due to the 1998-99 war and riots in 2004. Significant numbers of Kosovo Roma, Kosovo Ashkali, and Kosovo Egyptians remained unregistered and uncounted by authorities, according to the Internal Displacement Monitoring Center. Many of these persons resided in informal settlements lacking electricity and other basic services.

According to UNHCR nearly 105,000 persons from Kosovo were displaced to other countries in the region. A total of 9,417 displaced persons (2,346 families), primarily Kosovo Serbs, registered with UNHCR their interest in returning voluntarily to Kosovo. Through December 21, according to the Ministry of Communities and Returns, 704 persons returned.

The return process remained chronically plagued by security incidents and by reluctance of the receiving communities, particularly in Gjakove/Djakovica, Istog/Istok, Kline/Klina, Mamushe/Mamusa, Gjakove/Djakovica, and North Mitrovica/Mitrovice, to accept minority returnees. The lack of security and marginalization of returnees often discouraged returns. UNHCR reported that significant delays in providing voluntary returnees with reintegration assistance contributed to secondary displacement or illegal migration during the first quarter of the year.

Discrimination by municipalities and attacks against Kosovo Roma, Kosovo Ashkali, and Kosovo Egyptians discouraged their return. On August 10, construction materials that the municipality of Peja/Pec had purchased for a Kosovo-Egyptian returnee family were set on fire.

The Ministry for Communities and Returns, with the financial support of the EU, assisted 10 families comprising 58 displaced persons to return to the country, including with the purchase of livestock, farm equipment, and furniture, and provided assistance with obtaining legal documents and loans to start small enterprises. The ministry's budget for assisting returnees was 8.3 million euros (\$9.13 million) for the year.

### **Protection of Refugees**

Access to Asylum: The law provides for granting asylum or refugee status. The government has a system for providing protection to refugees, but, according to UNHCR, it lacked effective mechanisms and practices for identifying persons in need of international protection, as well as the countries of origin of undocumented individuals. None of the 682 asylum applications processed between 2008 and December 2015 resulted in a grant of asylum. Six persons received subsidiary protection since 2008. UNHCR described the integration of persons granted subsidiary protection as a continuing challenge despite governmental efforts to develop a framework for this purpose and UNHCR's legal and psychosocial support. The lack of interpretation services in a number of languages continued to be a problem.

Authorities transferred migrants and refugees intercepted at the country's borders to the country's asylum center. Independent observers had access to the asylum center. UNHCR reported that asylum seekers received accommodation, regular meals, and clothing provided by the center, as well as psychological assessment, counseling services, and legal aid.

In response to the emerging regional refugee crisis during the year, UNHCR and the International Organization for Migration worked closely with the government to prepare an adequate response in the event of an influx of refugees and migrants. The planning process revealed that the country would require significant external resources to meet the needs of persons in transit and asylum seekers in case of an influx to Kosovo.

### **Stateless Persons**

Official figures on stateless persons were not available. The law contains no discriminatory provisions that might cause groups or individuals to be deprived of or denied citizenship. Children acquire citizenship from their parents or by virtue of birth in the country. In April the Ministry of Internal Affairs issued an

administrative instruction that established a Stateless Status Determination Procedure for the naturalization of stateless persons and refugees. The procedures provide for access to naturalization for those granted stateless or refugee status five years after the determination.

The law provides for issuance of travel documents to stateless persons. While laws relating to civil status permit them to register life events such as birth, marriage, and death, implementation 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.

As of November UNHCR assisted 656 unregistered Kosovo Roma, Kosovo Ashkali, and Kosovo Egyptians. Unregistered family members did not receive social assistance benefits and pension rights and could not register property titles or retain rights to inherited or transferred property. Children who were born of parents displaced outside the country and entered with their readmitted parents often lacked documentation, including birth certificates, from their place of birth. Authorities acknowledged the problem but did not develop a systematic resolution. On June 24, the Civil Registration Agency of the Ministry of Internal Affairs promoted free birth registration and late registration by removing the expiry date that would have triggered fees or penalties for many registration services for Kosovo Roma, Kosovo Ashkali, and Kosovo Egyptians.

During the year the country cooperated with Montenegrin authorities to allow approximately 350 Kosovo Roma, Kosovo Ashkali, and Kosovo Egyptians who were displaced to Montenegro to apply for identity documents and to register children. A Ministry of Internal Affairs biometric team visited Montenegro several times to register these displaced persons. According to UNHCR provision of these documents from Kosovo helped significantly to regularize these displaced persons' status, thus contributing to the prevention of statelessness.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

The Serbian government continued dismantling illegal parallel government structures in the northern municipalities as part of the implementation process of

the Brussels Dialogue between Serbia and Kosovo, but some remained. Illegal parallel institutions also continued to operate in Kosovo-Serb and Kosovo-Gorani enclaves throughout southern Kosovo.

### **Elections and Political Participation**

Recent Elections: The country's second national parliamentary elections since independence, and the first that included northern Kosovo, took place in June 2014. International and independent observers evaluated the vote as generally free and fair. Thirty political parties or groups competed in the election.

Political Parties and Political Participation: 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 role in political organizations.

Members of the opposition parties Vetevendosje, Nisma, and AAK, used tear gas, pepper spray, and projectiles inside the plenary hall to attack members of the government and parliamentarians on numerous occasions in October, November, and December. They publicly stated that their intent was to block debate and the passage of legislation. In response authorities charged several members of parliament with weapons possession, causing general danger, and/or obstructing official persons in the performance of their duties.

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

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and corruption remained a serious problem. A lack of effective judicial oversight and general weakness in the rule of law contributed to the problem.

Corruption: The Kosovo Anticorruption Agency (ACA) and the Office of the Auditor General shared responsibility for combating government corruption. As of August the ACA received more than 160 reports alleging corruption, 120 of which concerned conflict of interest. Of those it reviewed, the ACA referred 70 cases for prosecution and forwarded four cases against 12 persons to police. The ACA closed 80 cases from 2015 and previous years for lack of evidence.

Convictions on corruption charges continued to represent a small proportion of those investigated and charged. The EULEX prosecutor embedded in the Special

Prosecutor's Office filed an amended indictment on September 28, combining earlier corruption indictments from 2012 and 2014 against several individuals. They included the president of the Initiative for Kosovo political party and former minister of transportation, Fatmir Limaj, and Limaj's bodyguard Shpetim Telaku; former procurement chief in the Ministry of Transportation, Nexhat Krasniqi; Tali company owner, Florim Zuka; and former cabinet chief to the minister of trade and industry, Endrit Shala. The defendants were accused of participating in organized crime, abusing their official positions or authority, misusing economic authorizations, accepting bribes, and other corruption-related charges.

During the year the Office of the Auditor General (OAG) audited the President's Office, most ministries, and the assembly. It reviewed fiscal management and accountability in the central government and municipal administrations. Its investigations revealed several violations of the law governing public procurement and rules governing public finance.

Financial Disclosure: The law obliges all senior public officials and their family members to declare their property and the origins of their property annually. Senior officials must also report changes in their property holdings when assuming or terminating their service in a public function. The ACA administers this data, verifies disclosures, and publishes disclosures on its website. During the year, based on a random sampling, the agency reported that 98.4 percent of officials declared their property and finances. Authorities may fine officials charged with minor breaches of the requirement or prohibit them from exercising public functions for up to one year. The ACA referred all charges against those who had not filed to prosecutors.

Public Access to Information: The law provides for public access to government information, but authorities did not effectively implement the law. Civil society organizations, which filed the majority of information requests, reported that government institutions rarely provided requested information or acknowledged the existence of particular documents they requested.

Courts rarely accepted lawsuits against institutions that ignored document requests, and civil society organizations regarded this lack of consequences as an impediment to the law's effectiveness. Officials reportedly sometimes denied document requests on grounds that the documents contained classified or secret information but would not give the requester the name of the institution that classified the documents or the case number.

## **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 cooperative and somewhat responsive to their views.

Government Human Rights Bodies: The OI has authority to investigate allegations of human rights violations and abuse of government authority, and it acts as the national preventive mechanism against torture. The OI is primarily responsible for monitoring detention facilities and its seven field offices enabled it to maintain contact with all of the country's municipalities. When its recommendations are not followed, the OI can bring cases against governmental bodies to court, including to the Constitutional Court. On May 28, the assembly enacted legislation granting the OI the authority to file amicus curiae briefs with the Constitutional Court. The OI can also make recommendations on the compatibility of laws and other sublegal or administrative acts, guidelines, and practices. The OI reported that the number of complaints it received increased by six percent in the first six months of the year compared with 2014.

Most human rights observers considered that the appointment of a new ombudsman on July 2 increased the effectiveness of the OI.

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

The law specifically prohibits discrimination based on sex, gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, property, birth, or any other characteristic. The government did not always 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 younger than 16) by five to 20 years. Rape involving homicide is punishable by imprisonment from 10 years to life.

EULEX noted that courts often applied penalties more lenient than the legal minimum in rape cases, particularly in cases involving minors. EULEX found that courts rarely took steps to protect victims and witnesses and did not close hearings to the public as the law requires.

Domestic violence was the most prevalent form of gender-based violence. Advocates maintained that it was underreported for reasons that included the social stigma against reporting such occurrences outside the family, a lack of trust in judicial institutions, traditional social attitudes in the male-dominated society, and a lack of viable options for victims.

Convictions for domestic violence carry prison terms of six months to five years. The law treats domestic violence as a civil matter unless the victim suffers bodily harm. Failure to comply with a civil court's judgment relating to a domestic violence case is a criminal and prosecutable offense, although prosecutions for this offense were rare. Police reportedly responded appropriately to rape and domestic abuse allegations.

When victims pressed charges, police domestic violence units conducted investigations and transferred cases to prosecutors. The rate of prosecution was low, due to societal factors as well as a backlog of cases in both civil and criminal courts. Advocates and court observers argued that prosecutors and judges favored family unification over victim protection, with protective orders sometimes allowing the perpetrator to remain in the family home while the case is pending. Sentences ranged from judicial reprimands to imprisonment.

The law permits individuals who feel threatened to petition for restraining orders, but violation of restraining orders seldom led to criminal charges. Courts rarely gave recidivists enhanced sentences as required by law.

On October 23, Zejnepe Bytyqi Berisha from Suhareka/Suva Reka was allegedly murdered by her husband, Nebi Berisha. Police confirmed her husband was convicted in 2002 for domestic violence and given a six-month suspended sentence, and in 2008 was found guilty and fined 300 Euros (\$330) for illegal possession of weapons. According to the Kosovo Women's Network (KWN), Zejnepe Berisha had reported her husband for domestic violence eight times.

On the basis of long-term policies to combat domestic violence, new regulations were put in place to require drug and alcohol-addiction treatment for perpetrators. Implementation remained limited, however, at both the central and local levels.

During the year the Ministry of Justice began drafting a new strategy to combat domestic violence, based on recommendations by outside experts, which called for legal reform to criminalize abuse and to place the focus on protecting victims.

The Ministry of Labor and Social Welfare included a unit dedicated to family violence. The Kosovo Academy for Public Safety incorporated courses on human rights and work with victims of domestic violence, rape, and human trafficking into all of its basic training curricula for police cadets.

The government and international donors provided support to seven NGOs to assist children and female victims of domestic violence. There were 10 shelters in Kosovo for victims of domestic violence.

Numerous officials participated in events dedicated to raising awareness and providing support for individuals who suffered sexual assault related to the conflict in the late 1990s, including through the President's National Council on Survivors of Sexual Violence.

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 the number, spacing, and timing of their children, manage their reproductive health, and have access to the information and means to do so, free from discrimination, coercion, or violence. The government generally respected reproductive rights, but poor, marginalized, and illiterate communities often had limited access to information, and public health facilities provided limited treatment for sexually transmitted infections.

Discrimination: The law provides the same legal status and rights for women as for men, including under family, labor, property, nationality, and inheritance laws. The law requires equal pay for equivalent work. The traditionally lower status of women within the family affected their treatment within the legal system.

The law stipulates that the partners in marriage and civil unions have equal rights to own and inherit property, but men commonly inherited family property and only 8 percent of women owned land. According to law regulating inheritance and family matters, upon death the assets of the deceased are equally shared among the

spouse and children, with second degree relatives only inheriting if all first degree relatives are deceased. In the event of a will, gender cannot be used as a condition to limit inheritance. 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.

Relatively few women occupied upper-level management positions in business, police, or government. Women constituted 48 percent of the public-sector workforce in 2014. According to the Ministry of Trade and Industry, women owned some 15-17 percent of all registered businesses (see section 7.d).

Gender-biased Sex Selection: According to the Kosovo Agency for Statistics, in 2012, the date of the last census, the male to female gender ratio at birth was 110.7 to 100. According to the UN Children's Fund (UNICEF), the government did not take steps to address this imbalance, such as regulating private clinics, or helping to increase women's social status.

## **Children**

Birth Registration: Children acquire citizenship from their parents or by virtue of birth in the country. According to the Kosovo Agency for Statistics' Multiple Indicator Cluster Survey (MICS) covering 2013-14, the births of 88 percent of children younger than the age of five were registered. Lack of registration generally did not affect a child's ability to receive elementary education or health care. According to UNICEF, it could adversely affect access to social assistance, particularly for repatriated children. Children who were not registered were stateless.

Child Abuse: Child abuse was a problem. On June 17, PIK initiated an investigation of police officers from the Suhareka/Suva Reka patrol unit who allegedly abducted and raped two girls, ages 14 and 15. PIK subsequently referred eight police officers for possible prosecution on charges of sexual abuse of a minor, abuse of official duty, intimidation, and trading in influence.

During the year UNICEF found that 30 percent of children in the country, and 40 percent for Kosovo Roma, Kosovo Ashkali, and Kosovo Egyptian children, were victims of abuse. UNICEF believed that the abuse was underreported due to 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.

According to MICS, 61 percent of children younger than age 14 were subjected to “psychological aggression” or physical punishment by household members during the month prior to the survey.

Early and Forced Marriage: The law allows persons to marry at age 16. Child marriage was rare but continued to take place in certain communities, including Kosovo Roma, Kosovo Ashkali, Kosovo Egyptians, and Kosovo Gorani. According to a separate MICS that focused on these communities, 11.6 percent of children, mostly girls, married before the age of 15. The Ministry of Local Government Administration and the Agency for Gender Equality in the prime minister’s office conducted information campaigns to discourage early marriage.

Sexual Exploitation of Children: The minimum age of consensual sex is 16. Statutory rape is a criminal offense, which, depending on circumstances and the age of the victim, is punishable by five years to life in prison. The law prohibits possession, production, and distribution of child pornography. Persons who produce, use, or involve a child in making or producing pornography may receive sentences of one to five years. Distribution, promotion, transmission, offer, or display of child pornography is punishable by six months to five years. 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. For further information see [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

Fifty-four Jewish persons resided in the country, according to the Jewish Community of Kosovo. On June 20, the Jewish Community of Kosovo reported that a metal plaque with the Star of David on their community’s headquarters in Prizren was vandalized. Police did not make any arrests.

### **Trafficking in Persons**

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

### **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. The government did not effectively enforce these provisions, and persons with disabilities suffered discrimination (see section 7.d.).

Persons with disabilities were eligible for small social payments from the government. The Ministry of Labor and Social Welfare had responsibility for protecting the rights of persons with disabilities and has sole responsibility for managing social payments and pensions for persons with disabilities.

The Medical Commission, acting under the auspices of the Ministry of Labor, removed disability pensions from one thousand members of the deaf community who had received benefits since 2004. The EU faulted authorities for removing the disability pensions without justification. The EU also expressed concern about the lack of personal assistants for children with disabilities.

According to the EU's Country Report for the year, health and social assistance for persons with disabilities remained insufficient, and physical access to public institutions remained a challenge.

The disability rights organization HandiKos reported that persons with spinal cord injuries, muscular dystrophy, Down syndrome, and multiple sclerosis lacked access to essential services, social assistance, and employment.

A Law on Mental Health entered into force on December 8. It regulates the commitment of persons to psychiatric or social care facilities and protects their rights within such institutions. The labor and health ministries had separate mandates for treating persons dealing with mental disabilities. As of October the Ministry of Health operated nine integration and community homes for people with mental disabilities, while the Ministry of Labor operated another nine. The NGO Kosovo Rehabilitation Center for Torture Victims (KRCT) described mental health facilities as substandard, although the government renovated some facilities during the year. The country's facilities did not have appropriate staff, such as psychiatrists, psychologists, social workers, physiotherapists, and other technical experts.

The KRCT reported that several persons with mental disabilities were in detention without a legal basis but noted courts were reviewing some cases. The KRCT

observed that facilities and treatment for inmates with disabilities remained substandard (see section 1.c.).

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

Ethnic minorities, which included: Serb, Romani, Ashkali, Egyptian, Turkish, Bosniak, Gorani, Croat, and Montenegrin communities, faced varying levels of institutional and societal discrimination in employment (see section 7.d), education, social services, language use, freedom of movement, the right to return to their homes (for displaced persons), and other basic rights. Kosovo Roma, Ashkali, and Egyptian communities experienced pervasive social and economic discrimination. They often lacked access to basic hygiene, medical care, and education, and were heavily dependent on humanitarian aid for subsistence.

Incidents involving violence against Kosovo Serbs attempting to return to the country persisted, particularly in the Peje/Pec, Istog/Istok, and Kline/Klina regions. In the first 11 months of the year, there were more than 254 incidents involving theft, break-ins, verbal harassment, and damage to the property of Kosovo Serbs and the Serbian Orthodox Church. Ethnic Albanians occasionally used violence to prevent ethnic Serbs from attending religious services in certain areas (see section 2.d.).

As of September, 33 crimes were reported against the Kosovo-Bosniak communities in the Peje/Pec and Prizren regions, including targeted thefts, threats, assaults, and property damage. Twenty crimes were reported against the Kosovo-Gorani community in the Dragash/Dragas area, including property damage, theft, physical assaults, and threats. There were also attacks reported against members of the Kosovo-Roma, Kosovo-Ashkali, and Kosovo-Egyptian communities in the Peje/Pec, Ferizaj/Urosevac, and North and South Mitrovice/Mitrovica municipalities.

The security environment in the north of the country improved but remained unpredictable. There were several cases of vehicle arson, explosions, theft, and property damage. Although police indicated that most incidents were internal to the Kosovo-Serb community and not ethnically motivated, there were, ethnic confrontations between young Kosovo Albanians and Kosovo Serbs near the Austerlitz Bridge. In April a series of violent interethnic clashes occurred in North Mitrovica/Mitrovice.

Efforts to reconstruct houses damaged during or after the war in the ethnically mixed Kroi i Vitakut/Brdjani neighborhood were delayed due to an interethnic dispute about the administrative boundary between the North Mitrovica/Mitrovica and South Mitrovica/Mitrovica municipalities. In May the mayors of the two municipalities formed a working group to defuse tensions. It included the Ministry for Communities and Returns, the Ministry of Local Government Administration, and neighborhood representatives. The working group met periodically but made little progress. In accordance with the August 25 dialogue agreement, the North Mitrovica/Mitrovica and South Mitrovica/Mitrovica mayors and the EU discussed the administrative lines between the municipalities, but did not reach agreement.

The language commissioner continued to monitor and report on the implementation of legislation that conferred equal status to the country's two official languages, Albanian and Serbian. The commissioner received a wide range of complaints, including that pharmaceutical packaging was not available in Albanian and tax forms were not available in Serbian. Although government institutions may incur fines for not respecting the language requirements, there were no reports of fines. The commissioner lacked direct enforcement powers. Most government institutions failed to provide equal amounts of information online in languages other than Albanian. Kosovo Serbs complained that translations into Serbian of laws, other official documents, and government websites were inadequate, even though the Albanian and Serbian language versions of laws have equal standing.

Kosovo Bosniaks praised amendments to the law that permit Bosniaks, Roma, and Turks to elect to have identity documents issued in their own languages. Representatives of the Kosovo Turkish community expressed dissatisfaction with implementation of the official languages law, especially in Prizren municipality, where Turkish is an official language. Officials maintained that translations of street names and personal documentation were missing or poorly done. Similar shortcomings occurred in municipalities where the Bosnian and Romani languages have official status, although the Central Elections Commission provided ballots and voting material in the Romani-chib language for the first time on January 18 for a special municipal election.

The employment of minorities 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 minority students with the right to public education in their native languages through secondary school. The Ministry of Education, Science, and Technology and several international organizations reported school enrollment was lowest among the country's non-Serb minority communities. Kosovo-Roma, Kosovo-Ashkali, and Kosovo-Egyptian children suffered from lower registration rates, higher dropout rates, and poor levels of performance.

All minorities complained that the government did not provide textbooks for non-Albanian-speaking students at any educational level. According to the Ministry of Education, Science, and Technology, schools teaching in the Serbian language imported textbooks from Serbia that did not conform to provisions of the domestic curriculum.

The University of Pristina, the country's largest university, taught only in Albanian. According to the Ministry of Education, the University of Pristina failed to offer the first-round entrance examination to students in Serbian, as required by law. Although public universities reserved places for non-Serb minorities, authorities failed to allocate those slots and reduced the number of reserved places by 90 percent during the year.

The government's nonrecognition of diplomas issued by the University in Mitrovica/Mitrovica North, which operated under the government of Serbia's system, was a key impediment to employment of Kosovo Serbs and other minorities within governmental institutions.

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

The constitution and law prohibit direct or indirect discrimination based on sexual orientation and gender identity in employment, health care, and education following the passage on May 28 of amendments to the Law on Anti-Discrimination.

When the motivation for a crime is based on gender, sexual orientation, or perceived affinity of the victim with persons who are targets of such hostility, the law considers that motivation to be an aggravating circumstance.

An Advisory and Coordinating Group consisting of representatives of eight ministries, the Office of Good Governance, and three LGBTI NGOs cooperated to

protect and promote the rights of the LGBTI community. This group met twice during the year and agreed to the country's first National Action Plan for LGBT rights in May. The group, however, lacked authority to implement its decisions.

The government took steps to signal its support for LGBTI rights by sponsoring and attending numerous public events, such as the second annual Pride walk on the International Day Against Homophobia and Transphobia, which was the largest in the country's history. The government also illuminated the main government building with rainbow colors.

A member of the Center for Social Group Development, an NGO that works with the LGBTI community, submitted a discrimination complaint to the Human Rights Unit in Pristina against a municipal official he alleged discriminated against him on the basis of his sexual orientation. There were no reports of action by the municipality in this case as of December.

According to human rights NGOs, the LGBTI community faced overt discrimination in employment, housing, determination of statelessness, and access to education and health care. The NGOs said societal pressure persuaded most LGBTI persons to conceal their sexual orientation or gender identity. NGOs reported that discrimination against LGBTI individuals often went unreported, alleging that police were not sensitive to the needs of their community. According to NGOs, as of December LGBTI persons had reported 13 hate crimes since the country's independence in 2008, but none of these reports had resulted in an indictment.

### **HIV and AIDS Social Stigma**

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

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

On September 29, police officer Valon Goxhuli was shot and killed in the Skenderaj/Srbica municipality. Police classified the killing as a blood-feud attack resulting from a conflict between the victim's and the alleged killer's families. Police suspect Maliq Ramadan Biringjiku of the killing. As of December 11, the suspect had not been apprehended.

## **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 requires reinstatement of workers fired for union activity, including for essential services. The law applies equally to all individuals working in the public and private sectors, including documented migrants and domestic servants.

Authorities did not effectively enforce the labor law. According to the Association of Independent Labor Unions in Kosovo (BSPK), resources, inspections, and remediation were inadequate, and penalties were insufficient. As of September the Ministry of Labor and Social Work's Labor Inspectorate issued 182 fines ranging from no monetary penalty to 35,000 euros (\$38,500). The BSPK described these fines as insufficient to deter violations. Administrative and judicial procedures were circuitous and subject to lengthy delays or appeals.

According to the BSPK, the government and employers in the country generally respected the right to form and join unions in both the public and private sectors. Political party interference in trade organizations and individual worker rights remained an issue. According to union officials, workers in the public sector commonly faced mistreatment, including sexual harassment and the loss of employment, based on their political party affiliation. Employers did not always respect the rights of worker organizations to bargain collectively. The BSPK reported that many private sector employers essentially ignored the country's labor laws. The BSPK reported continued difficulty in establishing unions due to employer interference in workers associations and unions, particularly in the banking, construction, and hotel sectors. Representatives from these sectors told the BSPK anonymously that employers used intimidation to prevent the establishment of unions. The Labor Inspectorate reported receiving no formal complaints of discrimination against employees who tried to join unions during the year. The BSPK claimed the inspectorate was not fully functional due to budgetary and staffing shortfalls.

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

The law prohibits all forms of forced or compulsory labor, but forced child labor occurred during the year (see section 7.c.).

Government resources, including remediation, were insufficient to bring about compliance, identify and protect victims, and investigate claims of forced or compulsory labor. During the year there were no investigations, prosecutions, or convictions of forced labor due, according to the Labor Inspectorate, to inadequate resources. Penalties ranged from five to 12 years' imprisonment and a fine of up to 500,000 euros (\$550,000) and were sufficiently stringent compared with those for other serious crimes. As of September authorities did not remove any victims from forced labor.

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

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

The minimum age for contractual 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 forbid exploitation of children in the work place, including forced or compulsory labor. The government maintained a committee for prevention and elimination of child labor to intervene in cases of forced or hazardous labor. The committee was constrained by limited resources. The government also maintained a National Authority against Trafficking in Persons that investigated children trafficked for labor. On September 25, it appointed Minister of Interior Skender Hyseni as National Anti-Trafficking Coordinator, and on October 6, Hyseni delegated the coordinator's responsibilities to Deputy Minister of Interior Milan Radojevic.

Inspectors immediately notify employers when they find minors working in hazardous conditions. As of November the Ministry of Labor recorded 157 cases of minors working in hazardous conditions, 93 of whom returned to school with the assistance of Social Work Centers. Of the 157 children, 33 were involved in illicit activities, 96 in street begging, and 14 were working in garbage disposal sites. One was working at a mine, nine at hotels, and four were involved in agriculture. The Ministry of Labor noted that poor coordination among the country's institutions and the lack of a centralized repository resulted in considerable underreporting of actual cases. Under the labor code inspectors may fine employers from 100 euros (\$110) to 10,000 euros (\$11,000) for subjecting a worker to hazardous working conditions. Fines were double for offenses

committed against a minor. Enforcement was poor due to inadequate training and resources. The law provides additional penalties for employers and families that engage children in labor practices or fail to meet their parental obligations resulting in the illegal employment of a minor. The law permits authorities to remove a child from the home if that is determined to be in the best interests of a child.

The Coalition for Protection of Children (KOMF) reported that children working in the farming and mining sectors encountered hazards associated with operating farm equipment and extracting ore from hard-to-reach areas underground. The KOMF also reported that the total 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 work during 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/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The law prohibits any discrimination, negative or preferential, based on race, color, sex, religion, age, family status, political opinion, national extraction or social origin, language, gender identity, disability, health status, pregnancy, genetic inheritance, or trade union membership that has the effect of nullifying or impairing equality of opportunity, treatment in employment, or occupation capacity building. The law specifically prohibits discrimination based on gender, or gender identity, and applies to access to employment, self-employment, and choice of occupation. The prohibitions include discrimination in promotion and recruitment conditions in any branch of activity and at all levels of the professional hierarchy. Fines in cases of discrimination are between 500 and 10,000 euros (\$550 and \$11,000). The law does not protect against discrimination based on HIV status or other communicable diseases. According to the NGO, GAP Institute, the penalties were adequate, but the number of labor inspectors was insufficient for the system to function properly.

Discrimination in employment and occupation occurred with respect to sex, gender, gender identity, disability, and minority status (see section 6). During the year the BSPK received reports from labor unions and individuals also claiming discrimination based on age and family status. The BSPK noted that employment often depended on the employee's political status and affiliation. The BSPK also stated that due to high unemployment, employees were reluctant to report discrimination, fearing retaliation by their employer. Most often employees addressed their work-related matters internally and informally with their employers. The BSPK also reported instances of employers discriminating against female candidates in employment interviews, and illegally firing women for being pregnant or requesting maternity leave.

By law foreigners must obtain work permits prior to seeking work in the country. According to the Labor Inspectorate, there were no reports of foreign workers denied work permits, and there were no reports of violation of foreign workers' rights during the year.

#### **e. Acceptable Conditions of Work**

The government-set minimum wage was 130 euros (\$143) per month for employees younger than 35, and 170 euros (\$187) per month for those 35 and older. For those earning less than minimum wage, the law provides monthly benefits of up to 120 euros (\$132) for eligible families and up to 40 euros (\$44) monthly for individuals. Families and individuals could also receive discounts on up to 400 kilowatt-hours of electricity and free health care.

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 12 months of partially paid maternity leave. The labor law sets health and safety standards for workplaces and governs all industries in the country.

Labor inspectors were responsible for enforcing labor, health, and safety standards, although the 51 inspectors employed during the year were insufficient to monitor the formal and informal sectors effectively. As of November these inspectors conducted 8,703 random and planned inspections. The Labor Inspectorate advised employers on improvements to comply with workplace regulations and of breaches that could bring about official sanctions. As of November it issued 972 warnings

for various violations of labor standards and levied 193 additional fines of up to 35,000 euros (\$38,500) for failure to correct cited violations. As of September the inspectorate received 259 complaints against fines and warnings issued by the labor inspectors. The Labor Inspectorate resolved these complaints in 15 to 60 days. It estimated it would need 150 inspectors to adequately monitor employers or have a measurable impact on labor problems. The inspectorate considered the financial penalties insufficient to discourage violations.

According to the Labor Inspectorate and the BSPK, the labor code is comprehensive and its provisions provide adequate mechanisms for the equal protection of public and private sector workers. According to the BSPK, the government's lack of enforcement stemmed from a paucity of unionized workers as well as resource and capacity limitations of the Labor Inspectorate.

In January the Ministry of Labor postponed implementation of the government-sponsored Collective Contract pending necessary amendments to Kosovo Labor Code provisions. The Collective Contract establishes the rights and obligations of the employer and the employee, including provisions on workhours, night work, annual leave, maternity leave, job safety, and employee health benefits. The contract also includes all of the protections in the labor laws and applies to all workers in the informal as well as formal economies. Observers noted that the agreement was intended to reduce the size of the informal economy by penalizing employers who do not register employees.

According to the BSPK, employers failed to abide by official labor standards that provided equal standards of protection to public and private sector workers. The BSPK reported a lack of government oversight and enforcement, particularly with regard to the standard workweek and compulsory and unpaid overtime. Many individuals worked long hours in the private sector as "at-will" employees, without employment contracts, regular pay, or contributions to their pensions. The BSPK reported that employers ignored legal provisions and fired workers without cause in violation of the law and refused to respect workers holidays. As of November the Labor Inspectorate received 433 formal complaints of violations of workers' rights in the public and private sectors. Women's rights organizations reported that sexual abuse and harassment occurred on the job but went unreported due to fear of expulsion or retaliation.

While the law provides for the protection of employees' health and working conditions, private and public institutions failed at times to comply. The Labor Inspectorate and BSRK officials reported difficulties in obtaining accurate

information about compliance, because workers rarely disclosed the problems due to fear of losing their jobs. The Labor Inspectorate reported eight workplace fatalities and 44 serious workplace accidents as of November.

No law specifically permits an employee to leave work due to a dangerous work situation, but the law requires every employer to provide adequate work conditions for all employees based upon job requirements. According to the Ministry of Labor, informal employer-employee arrangements may address when and whether an employee may leave work due to dangerous work situations. The country's institutions did not track these arrangements.