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FREEDOM HOUSE

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Freedom in the World - Kosovo [Serbia] (2008)

Capital: N/A

Population:
2,200,000

Political Rights Score: 6

Civil Liberties Score: 5

Status: Not Free

Overview

Fourteen months of negotiations between the Serbian government and Kosovo's ethnic Albanian leaders ended in March 2007 without a resolution of the UN-administered province's final status. The UN Security Council also failed to agree on an imposed solution. Parliamentary elections were held in November, but there was little progress on improving human rights for non-Albanian ethnic communities during the year, and the security situation appeared to deteriorate.

Control of Kosovo was contested by ethnic Albanians and Serbs throughout the 20th century. After the death of Yugoslav dictator Josip Broz Tito in 1980, ethnic Albanians began demanding that Kosovo be given republic status within federal Yugoslavia, or even outright independence. Tensions increased after Serbian strongman Slobodan Milosevic came to power and revoked much of Kosovo's autonomy within Serbia in the late 1980s and early 1990s. For most of the 1990s, an uneasy status quo held between the Serbian government and the Kosovo Albanians, who, under longtime leader Ibrahim Rugova, developed their own quasi-governmental institutions, hospitals, and school systems.

In late 1997, an ethnic Albanian guerrilla movement called the Kosovo Liberation Army (KLA) began attacking Serbs and suspected ethnic Albanian collaborators. The government responded with disproportionate force, and after internationally sponsored negotiations failed to halt the violence, NATO in March 1999 launched a 78-day bombing campaign that compelled the rump Federal Republic of Yugoslavia (FRY) to relinquish control over the province. During the war, government forces expelled hundreds of thousands of ethnic Albanians from Kosovo. A UN Security Council resolution in June 1999 granted a NATO-led peacekeeping force (KFOR) security responsibilities in Kosovo. The province effectively became a UN-administered protectorate, but FRY sovereignty was left legally intact.

After the international takeover, tens of thousands of non-Albanians were forced to flee the province. Ethnic Albanians currently comprise about 90 percent of the population. The largest Serb enclave lies north of the Ibar River; smaller Serb areas scattered throughout the province have essentially become ethnic ghettos protected by international forces. In March 2004, two days of allegedly organized

riots aimed at non-Albanian ethnic groups left 20 people dead, 800 homes and 30 churches destroyed, and more than 4,000 Serbs and other non-Albanians homeless.

The riots cast doubt on the sustainability of the existing policy toward Kosovo, and the international community began pressing for a resolution of the province's final status. The UN administration had previously called for the local leadership and society to meet certain human rights and security standards before status issues were addressed. However, Kosovo's predicament made it difficult to obtain development funds from institutions including the World Bank and the International Monetary Fund, and there were growing fears that extremists could begin attacking international forces.

Elections for the Kosovo Assembly in October 2004, though marred by a near-total Serb boycott, confirmed Rugova's Democratic League of Kosovo (LDK) as the leading political party, followed by former KLA political leader Hashim Thaci's Democratic Party of Kosovo (PDK) and former KLA commander Ramush Haradinaj's Alliance for the Future of Kosovo (AAK). The government was led by an LDK-AAK coalition. A week after the elections, which drew a 53 percent turnout, the Central Election Commission called for a full recount due to numerous complaints.

Haradinaj was indicted for war crimes by the International Criminal Tribunal for the former Yugoslavia (ICTY) in March 2005, and he resigned as prime minister to contest the charges. The trial began in March 2007, but ICTY officials complained that Haradinaj and his supporters were intimidating potential prosecution witnesses. Separately, Rugova, who had served as Kosovo's president since 2002, died in January 2006. Fatmir Sejdiu of the LDK was elected to replace him in February with an 80–12 vote in the Kosovo Assembly. In March of that year, former KLA commander Agim Ceku was elected prime minister to replace Haradinaj's poorly performing successor, Bajram Kosumi. Many Serbs suspected Ceku of war crimes, and his rise to the premiership exacerbated the ethnic divide.

Status negotiations between Belgrade and Kosovo authorities, mediated by former Finnish president Martti Ahtisaari, began in February 2006, but the two sides remained far apart when the talks ended 14 months later. Belgrade continued to offer autonomy within Serbia, while the Kosovo leadership insisted on full independence. In March 2007, Ahtisaari recommended to the UN Security Council that Kosovo be granted "supervised independence." However, Russia supported Belgrade's position and blocked several draft resolutions on the issue over the summer. In August, diplomats representing the European Union (EU), the United States, and Russia were tasked with continuing negotiations until December, but they too failed to bridge the gap by year's end, increasing the likelihood that Kosovo would declare independence unilaterally.

Meanwhile, the PDK won November parliamentary elections with 36 of 120 seats,

followed by the LDK with 25, the New Kosovo Alliance (AKR) with 13, an alliance of the Albanian Christian Democratic Party of Kosovo (PShDK) and the Democratic League of Dardania (LDD) with 11, and the AAK with 10. Smaller factions took the remainder. The PDK and LDK announced plans to form a coalition government in late December.

The security situation in Kosovo and neighboring regions deteriorated throughout 2007. In February, an organization called Vetvendosje (Self-Determination) mounted an independence rally of several thousand people in Pristina. When protesters began attacking government buildings, UN police fired on the crowd, killing two and injuring dozens of others. In July, ethnic Albanian leaders in Macedonia threatened to mobilize thousands of people to fight for Kosovo's independence. Seven inmates (some with ties to international terrorist organizations) broke out of a Kosovo prison in August under suspicious circumstances. In September, a Kosovo police officer was shot dead, apparently in gang-related violence. Weeks later, Kosovo police themselves were suspected of involvement in a bombing at a Pristina cafe reportedly owned by the leader of the gang that killed the officer. In October, Kosovo television broadcast footage of a guerrilla group, the so-called Albanian National Army (AKSh), which was stopping cars on roads and claiming to be preparing to defend Kosovo from a potential Serb invasion. The AKSh advocated creating a "Greater Albania" in the Balkans. Newly formed Serb paramilitary groups also posed a potential threat, and non-Albanian ethnic communities continued to face frequent acts of violence.

Political Rights and Civil Liberties

Ultimate authority in Kosovo resides with the UN secretary-general's special representative, who serves as chief of the UN Mission in Kosovo (UNMIK) and is responsible for implementing civilian aspects of the agreement that ended the Kosovo conflict in 1999. Kosovo's so-called Provisional Institutions of Self-Government (PISG) include a 120-seat Assembly whose members are popularly elected to serve three-year terms. Twenty seats are reserved for ethnic minorities. The Assembly elects the president, who also serves three-year terms. The president nominates the prime minister, who must then be approved by the Assembly.

Elections since 1999 have been considered generally free and fair. However, given the large role played by international officials, the lack of freedom of movement for ethnic minorities, and the limited ability of women to participate in the political process, the actual level of democratization remains low. The 2004 and 2007 parliamentary elections were marred by the fact that nearly all Serb voters boycotted the polls. Local elections set for 2006 were postponed by the special representative, and held concurrently with the parliamentary elections on November 17, with a second round held December 8. In general, the municipal elections reconfirmed the basic winners of the parliamentary elections, with the PDK and the LDK winning in 24 out of 30 municipalities in Kosovo. Large-scale

election boycotts by Kosovo Serbs, however, meant that municipal elections in five Serb-populated areas were declared invalid by UNMIK.

The main political parties since 1999 have been the LDK, the PDK, and the AAK. However, two new parties—the AKR, founded by a wealthy businessman, and the LDD, an LDK splinter faction—performed well in the 2007 elections. The political system remains largely based on clan and regional ties, complicating the effort to create a stable democratic government.

Competence in Kosovo's civil service is hampered by appointments that are based on political affiliation rather than professional qualifications, and administrative capacity at the municipal level remains weak. Belgrade-sponsored parallel administrative structures continue to operate in most predominantly Serb municipalities.

Corruption is considered to be a serious problem even by regional standards. A poll released in November 2006 revealed that 82 percent of Kosovo's residents believed there was corruption in Kosovo's government, with the Energy Ministry being singled out as the most corrupt institution. Kosovo was not rated separately in Transparency International's 2007 Corruption Perceptions Index.

Freedom of expression is limited because of the overall lack of security. Although a wide variety of print and electronic media operate in Kosovo, journalists report frequent harassment and intimidation. Real investigative journalism is rare due to fear of retribution. In June 2005, a journalist from the newspaper *Bota Sot* was mortally wounded in a drive-by shooting. In August 2006, as part of the effort to transfer responsibility to locals, UNMIK's temporary media commissioner was replaced by an Independent Media Commission, composed of five Kosovars and two internationals. However, despite such bodies and UNMIK regulations prohibiting speech that incites ethnic violence, many media outlets continue to deviate from established journalistic ethics. In August 2007, the Organization for Security and Cooperation in Europe (OSCE) condemned one Kosovo newspaper, *Infopress*, for publishing the names and addresses of Serbs who had allegedly committed war crimes. There were no reports of government attempts to restrict access to the internet.

The ethnic Albanian population, which is predominantly Muslim, generally enjoys freedom of religion, but there have been systematic attacks on Orthodox Christian churches and other holy sites associated with the Serb population. During the March 2004 violence, 30 churches and monasteries were destroyed or damaged. Since NATO took control in 1999, roughly 130 churches and other Orthodox Church properties have been destroyed or damaged. There have also been attacks on Protestant places of worship in recent years.

Academic freedom has not been formally restricted, but there are frequent complaints about the low academic standards and politicization of the University of

Pristina. Kosovo's educational system is ethnically segregated. The University of Pristina operates under the authority of the PISG and enrolls mainly Albanian students, while Mitrovica University operates under the authority of Belgrade and enrolls mainly Serbs.

Freedom of assembly, especially in ethnic flashpoints such as the divided city of Mitrovica, is occasionally restricted by UNMIK and KFOR for security reasons. Nongovernmental organizations generally function freely, although decreasing donor funding in recent years has led many to cease operations. While UNMIK regulations governing labor rights allow workers to join unions, there is no explicit right of association. Similarly, the law does not recognize the right to strike, but workers have not been prevented from striking. A 2004 World Bank report claimed that the labor market is virtually unregulated, and in the absence of collective bargaining agreements, the market largely determines wages. The largest union in Kosovo, the Union of Independent Trade Unions (BSPK), claims to represent some 100,000 workers.

Kosovo lacks a functioning criminal justice system. A 2006 Human Rights Watch report found "rampant impunity for crime." Courts at all levels are subject to political influence and intimidation. Ethnic Albanian judges rarely prosecute cases involving Albanian attacks on non-Albanians, and the physical safety of non-Albanian judges brought into Kosovo to try cases is difficult to guarantee. Criminal suspects arrested under the UN special representative's power to order executive detentions are frequently released by local judges. The backlog in the civil court system stands at tens of thousands of cases. The backlog in property claims, mainly those of Serbs, stood at approximately 21,000 by the end of 2007. Prison conditions in Kosovo are generally in line with international standards, though overcrowding remains a problem and abuse of prisoners has been reported. The leader of Vetvendosje, Albin Kurti, was placed under house arrest in May 2007 due to charges that he was responsible for the violence accompanying protests in February. He remained under house arrest at year's end. The breakdown in the judicial system has resulted in the reemergence of familial blood feuds in some areas.

Several former leaders of the KLA are under investigation by the ICTY for actions committed before, during, and after the 1999 NATO intervention. ICTY chief prosecutor Carla Del Ponte claimed in June 2006 that UNMIK's cooperation with the tribunal was the worst of any government in the region. According to Del Ponte, "the UNMIK leadership is encouraging a climate which deters witnesses from talking to my investigators when it comes to Albanian perpetrators."

Freedom of movement for ethnic minorities is a significant problem. Amnesty International has reported that non-Albanians are "subjected to both direct and indirect discrimination when seeking access to basic civil, political, social, economic and cultural rights." UNMIK has done little to promote the return of some 220,000 people (mostly Serbs) the UN High Commissioner for Refugees lists as displaced

from Kosovo. The position of Kosovo's non-Serb ethnic minorities is particularly difficult. Four seats in the Assembly are reserved for non-Albanian and non-Serb ethnic communities such as Roma, Turks, Bosniaks, and Ashkali. As a rule, however, they generally do not get serious political support from Belgrade, while most Kosovo Albanians consider them to be Serb collaborators.

In August 2006, the Commission of the European Communities reported that Kosovo is a principal point along the heroin-trafficking route between Central Asia and Western Europe, and that heroin consumption within Kosovo is on the rise. The same source noted that organized crime remains a serious problem in Kosovo, with criminal networks extending into various socioeconomic sectors and politics. Belgrade-sponsored parallel administrative structures regarding property registration cause legal uncertainty for property holders.

Gender inequality is a serious problem. Patriarchal attitudes often limit a woman's ability to gain an education or choose a marriage partner, and women represent a disproportionately high percentage of the unemployed. Women are also underrepresented in politics, although election rules stipulate that women must occupy every third spot on each party's candidate list. In Kosovo's November 2007 parliamentary elections, women gained 38 seats in the 120-seat Assembly. According to a 2004 study, only half of Kosovo women between ages 25 and 64 have received elementary education. In some rural areas, this figure reaches only 10 percent. In May 2006, the Education Committee in Skenderaj municipality prohibited married women from receiving secondary education. In many rural areas, women are effectively disenfranchised by "family voting," in which the male head of a household casts ballots for the entire family. Domestic violence is a serious problem, as is discrimination against sexual minorities. In May 2007, the head of a gay and lesbian support group had his life threatened, and local police refused to provide any protection. The man subsequently fled the province.

Human trafficking is a major problem. Kosovo serves as a source, transit point, and destination for women and children trafficked for prostitution. A large international military force and numerous international civilian agencies provide a relatively affluent clientele for the trade. In August 2006, UNICEF reported that child trafficking in Kosovo was on the rise.