



Freedom in the World 2016 - Kosovo

European Union-mediated negotiations between Kosovo and Serbia on the normalization of relations played a major role in Kosovo's politics in 2015. In August, the two governments agreed on the establishment of a new body, the Association/Community of Serb-majority Municipalities, meant to allow greater autonomy for Kosovo's ethnic Serb population. Kosovo's opposition parties, led by the Movement for Self-Determination (Vetëvendosje), undertook a forceful protest campaign against the deal, arguing that its implementation would compromise Kosovo's sovereignty and inflame ethnic tensions. Vetëvendosje led number of street protests in the capital, some of which turned violent; opposition politicians on several occasions also released tear gas in the legislative chamber, disrupting proceedings. In December, the Constitutional Court ruled that parts of the deal were unconstitutional.

Amid domestic political turmoil linked with the Serb municipalities deal, in late October the European Union (EU) and Kosovo signed a Stabilization and Association Agreement (SAA), a key step toward eventual EU membership. The assembly ratified it in November, with the opposition boycotting the vote but also refraining from efforts to obstruct it.

Separately, in August the assembly voted to amend the constitution in order to establish a new war crimes tribunal to prosecute former fighters with the Kosovo Liberation Army (KLA).

Political Rights and Civil Liberties:

Political Rights:

A. Electoral Process: 9 / 12

Members of the unicameral, 120-seat Assembly of Kosovo are elected to four-year terms. The assembly elects the president, who serves a five-year term. The president nominates the prime minister, who is then approved by the assembly.

Kosovo held elections in 2014. International election observers considered the polls to be relatively free and fair, and all observers noted the increased participation of ethnic Serbs. The Central Election Commission was judged to have fulfilled its responsibilities. The ruling Democratic Party of Kosovo (PDK) won 37 seats, the Democratic League of Kosovo (LDK) won 30 seats, Vetëvendosje won 16 seats, and the Alliance for the Future of Kosovo (AAK) won 11 seats. At the end of 2014, the PDK and LDK agreed to form a government whereby the incumbent prime minister Hashim Thaçi became deputy prime minister and foreign minister, and LDK chairman Isa Mustafa replaced him as prime minister.

B. Political Pluralism and Participation: 10 / 16

There is little difference in policy between the mainstream political parties. The exception is Vetëvendosje, which began as a grassroots youth opposition movement and has since grown into a party focused on defending Kosovo's national sovereignty. Given the power-sharing features enshrined in the Kosovo constitution, it is nearly impossible for a single political party to form a government on its own. A party or coalition needs at least 61 seats in the assembly to secure a governing majority.

The International Steering Group, a body representing 25 countries, ended its oversight of Kosovo in 2012. However, North Atlantic Treaty Organization (NATO) peacekeepers; the EU's rule of law mission to Kosovo, known as EULEX; and a scaled-back team from the UN Interim Administration Mission in Kosovo (UNMIK) continue to monitor conditions on the ground.

In addition to the Serb community, Kosovo's largest ethnic minority group, eight other ethnic minority groups are officially recognized and politically represented. Ten assembly seats are set aside for ethnic Serbs, and 10 more are reserved for representatives from smaller minorities. While several political parties represent the Serb minority, the population itself is not fully integrated into the electoral process or Kosovo's institutions. The Turkish community is politically well-organized and is represented by three parties. There are two parties representing the Ashkali community, while one party represents the Gorani community.

In recent years, Priština has made advances in the decentralization process granting self-rule to Serb enclaves in the southern part of Kosovo, weakening parallel structures in those areas. However, parallel structures endure in northern Kosovo's Serb enclaves. In August 2015, the EU helped broker an agreement between Kosovo and Serbia on the structure of an Association/Community of Serb-majority Municipalities, a body intended to promote the interests of Kosovo's ethnic Serbs, and which includes a legislature for the Serb community. Further negotiations are required in order to establish the body.

Three opposition political parties—Vetëvendosje, AAK, and the Initiative for Kosovo (Nisma)—strongly protested the EU-backed agreement. Vetëvendosje members in September hurled eggs at Prime Minister Mustafa as he gave an address in defense of the deal; additionally, opposition members on at least six occasions released tear gas in the parliament chamber, once forcing lawmakers to hold a vote on the 2016 budget in another room. In November, the Constitutional Court suspended the agreement's implementation pending a review; in December it ruled that an Association/Community of Serb-majority Municipalities could be legally established, but that it could not hold executive rights that are constitutionally reserved for the central government. The ruling likely requires the deal's renegotiation.

C. Functioning of Government: 5 / 12 (+1)

Opposition protests against the deal to establish the Association/Community of Serb-majority Municipalities hampered policymaking in the second half of 2015. However, the governing PDK-

LDK coalition that formed in late 2014, following that year's successful elections, held through the year's end.

Corruption remains a serious problem, and the institutional framework to combat it is weak. The mandates of Kosovo's four main anticorruption bodies overlap, and they have difficulty coordinating their efforts. Anticorruption legislation has not been effectively implemented. Political pressure on law enforcement agencies hinders investigations into graft and other financial misconduct, which remain widespread across many state institutions. A conflict-of-interest law requires amendments so that it would apply to all public officials and political advisors, and would restrict officials from holding multiple positions and functions. Transparency International ranked Kosovo 103 out of 168 countries and territories surveyed in its 2015 Corruption Perceptions Index.

In 2014, EU foreign policy chief Federica Mogherini commissioned French law professor Jean Paul Jacqué to investigate corruption allegations against EULEX—in particular a whistleblower's allegations that senior staff members had accepted bribes in connection with murder and corruption cases, and that EULEX had concealed evidence of such activity. The so-called Jacqué Report, published in April 2015, criticized EULEX's internal handling of corruption allegations.

A wide range of government documents is available online. Civil society is consulted in the drafting of laws.

Civil Liberties: 28 / 60 (–1)

D. Freedom of Expression and Belief: 9 / 16

The constitution protects freedoms of expression and the press, except speech that provokes ethnic hostility. A wide variety of print and television outlets operate, but the government and business interests exert undue influence on media outlets through threats to withdraw advertising. Journalists report frequent harassment and intimidation, and occasional physical attacks. In November 2015, an assailant who had stabbed Milot Hasimja, the presenter of a satirical television show, at Hasimja's workplace in 2014 was sentenced to four years in prison and ordered to pay a €1,000 (\$1,100) fine in connection with the attack. Journalists investigating radical Islam have experienced online attacks, including death threats, and report that law enforcement responses to their complaints have been dismissive. There are no reports that the government censors or monitors the internet.

The constitution guarantees religious freedom. However, the Law on Freedom of Religion lacks a mechanism through which religious communities could gain official legal status, a designation that would allow them to more easily buy and rent property, establish bank accounts, and carry out other administrative activities. Two Serbian Orthodox cemeteries were desecrated in February 2015.

Kosovo authorities, under pressure from the United States and the EU, have reacted strongly to the threat of attacks by the Islamic State militant group and the radicalization of its citizens. In addition to targeting Islamic preachers who incite extremism, the Kosovo Police Force arrested more than 80 citizens in 2014 suspected of terrorist activity. While many were later released due to insufficient evidence against them, 32 of those arrested were charged with belonging to the Islamic State or another Sunni Muslim extremist group, Jabhat al-Nusra; their trials began in June 2015. The use of

bulk arrests and heavy-handed tactics by Kosovo authorities have left some members of Kosovo's majority Muslim community fearing persecution.

Academic freedom has improved in recent years. More space has opened for private discussion of formerly sensitive topics such as the treatment of the Serb population, Roma communities, and LGBT (lesbian, gay, bisexual, and transgender) people.

E. Associational and Organizational Rights: 6 / 12

The government, EULEX, and NATO peacekeepers generally respect legislative guarantees of freedom of assembly, though demonstrations have occasionally been restricted for security reasons. The constitution includes safeguards for public order and national security. Numerous antigovernment demonstrations took place in the capital in 2015. On several occasions, unruly participants caused property damage, and some protests ended with clashes between demonstrators and police.

Nongovernmental organizations (NGOs) function freely, though the courts can ban groups that infringe on the constitutional order or encourage ethnic hatred. In June 2015, police raided five Shiite Muslim NGOs suspected of propagating extremist views, though it was unclear whether any of the groups subsequently faced legal charges. The constitution protects the right to establish and join trade unions. However, workers face intimidation, and private sector unions are nearly nonexistent.

F. Rule of Law: 6 / 16

Authorities have continued efforts to strengthen Kosovo's judicial system. However, the judiciary remains susceptible to political interference and corruption; its effectiveness is also hampered by a lack of resources and qualified staff. In July 2015, the head of Kosovo's Appeals Court, Sali Mekaj, was arrested on corruption charges, in what was viewed as a major setback for the judiciary. Meanwhile, the assembly has been unable to appoint all of the members to the Kosovo Judicial Council, or to the Constitutional Court, where only seven of nine judges are seated. Separately, a dubious June 2015 decision by the Appellate Panel of the Special Chamber of the Kosovo Supreme Court reopened an ethnically sensitive dispute between the Serbian Orthodox Visoki Dečani monastery and Kosovo parties claiming ownership of adjoining property. In its ruling, which UNMIK head Farid Zarif said relied on "highly questionable legal reasoning," the court set aside its 2012 decision that had confirmed the monastery's property ownership, opening the way for a lower court to rule on the issue again.

Courts in ethnic-Serb dominated areas in northern Kosovo are not fully integrated into the national system. In February 2015, the EU brokered an agreement between Kosovo and Serbia to integrate the Serb-run courts into Kosovo's judicial system and to ensure that judicial and prosecutorial posts in Serb-run municipalities are ethnically balanced. There was little progress on the deal's implementation at the year's end.

In 2014, a EULEX investigative task force found evidence to substantiate allegations of KLA war crimes, including organ harvesting, made in a 2010 report issued by Council of Europe rapporteur Dick Marty. The Kosovo Assembly voted in August 2015 to amend the constitution and establish a new war crimes court to try accused former KLA members, many of whom now hold high-level positions in Kosovo political life. Opposition political parties requested that the Constitutional Court annul the amendments that enabled the new court to be established, saying they violated Kosovo's sovereignty. The court rejected their petition in September. Separately, in May 2015 a EULEX-backed court in Mitrovica convicted former KLA members belonging to the so-called "Drenica group" of committing war crimes against Serbs; their prison sentences ranged from 3 to 12 years.

Ethnic Albanian officials rarely prosecute cases involving Albanian attacks on non-Albanians. In March 2015, the EU brokered an agreement between Kosovo and Serbia on disbanding the Serb "Civilna Zastita," which operates as a security force in northern Kosovo; under the deal, its members would be integrated into the Kosovo Police Force.

The police are rated as the most trusted rule-of-law institution in Kosovo. Prison conditions meet international standards, but concerns include poor medical care for inmates.

The constitution prohibits discrimination, including based on sexual orientation. However, Kosovo's Roma, Ashkali, Gorani, and other minority populations face discrimination and difficult socioeconomic conditions. LGBT people face pressure to hide their sexual orientation or gender identity. A low-key LGBT rights walk took place in May 2015; it was not publicized ahead of time due to security concerns.

G. Personal Autonomy and Individual Rights: 7 / 16 (–1)

Free movement into ethnic enclaves is sometimes restricted. Returning refugees face hostility and bleak economic prospects, and property reclamation by displaced persons remains a matter of concern.

Kosovo's unemployment rate stands at roughly 31 percent, and estimates of the youth unemployment rate are above 50 percent. The gray economy accounts for a considerable share of economic activity.

Kosovo has the largest participation of women in its legislative and executive branches among Western Balkan countries, thanks to gender quotas enshrined in the constitution. However, patriarchal attitudes limit women's ability to gain an education or secure employment. Many women in rural areas are disenfranchised through the practice of family voting, in which the male head of a household casts ballots for the entire family. There is significant family and social pressure on women to waive their inheritance rights, which are guaranteed by law. Domestic violence remains a problem.

In 2014, parliament passed a law guaranteeing financial compensation and other social-welfare benefits to the more than 20,000 people who were victims of sexual violence during the 1998–99 war. However, rape in general and war rape in particular remain taboo topics in Kosovo. Women

are subject to abuse and abandonment by their husbands and families for admitting they were raped, discouraging them from applying for the new benefits.

Kosovo is a source, transit point, and destination for human trafficking, and corruption within the government enables perpetrators. Children are at particular risk of exploitation by traffickers, who can force them to beg or engage in sex work.