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Serbia and Montenegro

Country Reports on Human Rights Practices - [2005](#)

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Serbia and Montenegro is a state union consisting of the relatively large Republic of Serbia and the much smaller Republic of Montenegro.* The state union is a parliamentary democracy. The state union government's responsibilities are limited to foreign affairs, national security, human and minority rights, and internal and external economic and commercial relations. The country has a population of 10.8 million** and is headed by President Svetozar Marovic, who was elected by parliament in 2003.

The Republic of Serbia is a parliamentary democracy with approximately 10.2 million inhabitants. Prime Minister Vojislav Kostunica has led Serbia's multiparty government since March 2004. Boris Tadic was elected president in June 2004 elections that observers deemed essentially in line with international standards. While civilian authorities generally maintained effective control of the security forces, there were a few instances in which elements of the security forces acted independently of government authority.

The government generally respected the human rights of its citizens and continued efforts to address human rights violations; however, numerous problems from previous years persisted. The following human rights problems were reported:

- police violence, misconduct, and impunity
- arbitrary arrest and selective enforcement of the law for political purposes
- lengthy pretrial detention
- corruption in the judiciary
- lengthy trials of human rights cases
- government impediments to freedom of speech and the press
- harassment of journalists
- societal violence and discrimination against religious and ethnic minorities
- housing of internally displaced persons in inadequate conditions
- widespread government corruption
- harassment of non-governmental organizations (NGOs), particularly those involved in human rights
- two of the International Criminal Tribunal for the former Yugoslavia's (ICTY) most wanted war crimes suspects, Ratko Mladic and Radovan Karadzic, remained at large
- violence against women and children
- trafficking in persons

The government's increased efforts in addressing human rights violations brought notable improvements. The government cooperated to a significant degree with the ICTY to turn over persons indicted for war crimes, potential witnesses, and documents; demonstrated that it could effectively prosecute high-profile crime cases in its domestic special courts; increased attention to human rights abuses of minorities; and implemented a witness protection program to help combat trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces killed two persons.

On January 7, members of the armed forces shot and killed a 16-year-old ethnic Albanian while he was trying to cross

the country's border with Macedonia illegally. A Ministry of Defense investigation determined that the military acted in accordance with the law.

On October 21, a man died after being beaten by a police officer in Kikinda. Authorities charged officer Sasa Mijin in the Zrenjanin district court two days later and suspended a total of eight officers in connection with the case. Mijin was in custody and awaiting trial at year's end. Another officer, Tatjana Radisic, received a reduction in pay and was demoted.

Long-delayed trials for political killings from previous years continued during the year, some with notable progress.

At year's end the Belgrade special court for organized crime continued the trial of three dozen suspects in the 2003 assassination of prime minister Djindjic. Former secret police special operations unit (JSO) commander Milorad Ulemek was charged with organizing the assassination, former JSO deputy commander Zvezdan Jovanovic-Zveki was charged with murder, and 12 other persons were charged with organization and taking part in murder. Several others were charged with lesser crimes in connection with the assassination.

On July 18, the Belgrade special court for organized crime concluded its trial of Ulemek and others for the 2000 killing of former Serbian president Ivan Stambolic. The court sentenced Milorad Ulemek and 3 persons under his command to 40 years in prison, 2 others to 15 years in prison, and 1 person to 4 years in prison. The verdict named former Federal Republic of Yugoslavia and Serbian president Slobodan Milosevic, on trial before the ICTY, as the main instigator of the political assassination.

On June 29, a Belgrade district court concluded the retrial of Milorad Ulemek and 5 other former JSO members for the 1999 attempted killing of then Serbian Renewal Movement leader Vuk Draskovic. The court sentenced the 6 to 15 years in prison and also handed down prison sentences to a former intelligence chief and a former customs administration chief for their involvement.

The government had yet to complete its investigation into the disappearance and subsequent killing of Yili, Mehmet, and Agron Bytyqi, three US citizen brothers who were executed in Serbia in 1999. The bodies of the three were discovered in 2001 in a mass grave in rural Petrovo Selo, near a Serbian police facility. The bodies were found with their hands bound and gunshot wounds to their heads. At year's end there had been no indictments in the killings.

Domestic courts and the ICTY continued to try cases arising from crimes committed during the 1991-99 conflicts in Croatia, Bosnia and Herzegovina, and Kosovo (see sections 1.e. and 4).

Several military conscripts died during the year while on guard duty in remote areas, and their families challenged the military's determination that the deaths were suicides. During the year an official commission of inquiry rejected the military's finding that two soldiers who died in October 2004 while on guard duty in Topcider were victims of a homicide and suicide without third-party involvement. Authorities referred the case to the courts for resolution; however, no court action had been taken by year's end.

In July a demining expert was killed in an unexploded ordnance removal operation in Nis.

b. Disappearance

There were no reports of politically motivated disappearances.

During the year authorities failed to investigate human rights groups' allegations that, early in the year and subsequently in July, individuals belonging to the Security Information Agency threatened witnesses to the government's alleged involvement in incinerating bodies of Kosovar Albanians at the Mackatica plant in 1999. Authorities also did not investigate mass graves on Serbian Ministry of the Interior property that were discovered in 2001.

State union and Serbian authorities continued to cooperate with neighboring countries, the International Commission on Missing Persons, and other international organizations to identify missing persons and investigate graves discovered in Serbia. However, progress was slow, and at times the government showed an unwillingness to release information to the public. During the year authorities identified 560 bodies exhumed from mass graves dating to the Kosovo conflict and returned them to Kosovo. The government had not completed the identification and return of all the remains recovered by year's end. There were 2,494 missing persons cases that remained unsolved.

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

The law prohibits such practices; however, police at times beat detainees and harassed persons, usually during arrest or initial detention for petty crimes.

The Belgrade-based Humanitarian Law Center (HLC) reported that, on February 16, police hit a 17-year-old girl in the stomach at a downtown Belgrade police station and handcuffed her to a radiator for several hours while detaining her for suspected theft. Authorities had not taken action on the report at year's end.

The Helsinki Committee for Human Rights in Serbia (HCS) reported that, on June 30, traffic police ordered a family to lie on the floor of their home in a village near Nis while the police hit and threatened to kill them. Police arrested the family and took them to a police station without informing them of their rights or the charges against them and continued to threaten and harass family members. Authorities had not taken action on the case at year's end, and the family reported continued police harassment.

HLC reported that, on July 5, police entered the apartment of a Belgrade man without authorization and beat the man and a friend. Police reportedly broke the door open, punched and kicked the men, then took them to the police station without informing them of any charges against them. Authorities had not taken action on the report by year's end.

On July 31, a lawyer for the Leskovac Committee for Human Rights reported that a police officer in Leskovac, Goran Velickovic, had beaten him. The lawyer had represented a client who was severely beaten by Velickovic in 2003. Authorities were investigating the case by year's end.

The Lawyers' Committee for Human Rights (YUCOM) reported that, on September 28, Novi Sad police officers beat a man during a train ride from Belgrade to Novi Sad, mistaking him for a rowdy football fan. YUCOM also received reports during the year of police using excessive force during football games and other sports events in Belgrade. The victims in these cases decided not to file charges against the officers.

Two court decisions during the year addressed past cases of police misconduct. In February the Vrbas municipal court ordered the Serbian government to pay approximately \$3,700 (260 thousand dinars) to Dragan Sijacki for police abuse in 2000. In March the first municipal court in Belgrade ordered the Serbian government to pay approximately \$14 thousand (1 million dinars) to the parents of the late Milan Ristic after an investigation found that police conduct was probably responsible for his death. The court found that authorities failed to conduct an expedient and comprehensive investigation into the cause of death and that they had hastily concluded that the death was a suicide.

There was no information on whether any further action was taken during the year in the following cases of alleged police misconduct: the prosecution, reported pending in 2004, of police officers Zoran Gogic and Dragan Bojanic for beating a man in Zrenjanin while on duty in January 2004 and the prosecution, reported pending in 2004, of three police officers for beating a man while in detention in 2003. A judge dismissed the private prosecution by the HLC, reported pending before an investigative judge in 2004, of officers in the Cacak police department for allegedly hitting and threatening a man in 2003 to force him to confess to a robbery.

Prison and Detention Center Conditions

Prison conditions generally met international standards; however, conditions varied greatly between facilities, and some guards abused prisoners.

In some prisons, most notably the Belgrade reformatory hospital housing psychiatric prisoners, inmates complained of dirty and inhumane conditions. The quality of food varied from poor to minimally acceptable, and health care was often inadequate. Guards were inadequately trained in the proper handling of prisoners. Juveniles were supposed to be held separately from adults; however, this did not always occur in practice.

The government permitted the International Committee of the Red Cross (ICRC) and local independent human rights monitors, including HCS, to visit prisons and to speak with prisoners without the presence of a warden.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions, with some high-profile exceptions.

Role of the Police and Security Apparatus

The approximately 43 thousand police officers in Serbia are part of the Ministry of the Interior. The police are divided into 33 regional secretariats that report to the republic government. The armed forces are under the control of the state union government and are responsible for national security. During the year responsibilities for border security were formally transferred to the Ministry of the Interior; however, in practice there has been no hand over of border post responsibilities from the military to the interior ministry, and military personnel still perform these functions.

The effectiveness of the police was uneven and generally limited. While most officers were Serbs, the force included Bosniaks (Bosnian Muslims), ethnic Hungarians, a small number of ethnic Albanians, and other ethnic minorities. The

multiethnic police force in southern Serbia was composed primarily of ethnic Albanians and Serbs.

Corruption and impunity in the police force were problems, and there were only limited institutional means of overseeing and controlling police behavior. The inspector general's office, created in 2003, had increasingly limited authority, and the office had no autonomy to investigate and redress abuses. While the office recommended numerous disciplinary proceedings against interior ministry employees since its establishment, it had no means of following up on proceedings, and some secretariats completely ignored its recommendations.

During the year the interior ministry inspector general's office recommended disciplinary measures against ministry employees, leading to 856 cases that resulted in financial penalties, reassignments, and dismissals. The office filed 29 criminal complaints against 48 ministry employees on charges including forgery, misuse of public funds, corruption, accepting bribes, assault, and incompetence.

The Center of Public Security also took disciplinary measures against interior ministry employees, including submitting 1 employee for precriminal investigation, dismissing 7, opening a misdemeanor investigation of 1, reassigning 23, and reducing the salary of 9. In 63 cases, the center filed reports with department chiefs, who dismissed 33 employees, reassigned 45 to lower positions, reassigned 2 to equal positions, and reduced the salary of 141.

During the year the government and the Organization for Security and Cooperation in Europe (OSCE) trained police, including on community relations. A foreign government also sponsored police training programs on witness protection and corruption.

Arrest and Detention

Arrests were generally based on warrants, although police were authorized to make arrests without a warrant in limited circumstances, including if there was a well-founded suspicion that a person had committed a capital crime. The law requires an investigating judge to approve any detention over 48 hours, and authorities respected this requirement in practice. Bail was allowed but rarely used; detainees facing charges that carried possible sentences of less than five years were often released on their own recognizance.

The law provides that the police must inform arrested persons immediately of their rights. While police usually did so in practice, some abuses were reported (see section 1.c.).

The law provides access for detainees to counsel, at government expense if necessary, and this right was generally respected in practice. Unlike the previous year, there were no reports that police pressured attorneys to limit their contact with detainees. Family members were normally able to visit detainees. Suspects can be detained for up to six months without being charged.

The law prohibits the use of force, threats, deception, and coercion, as well as use in court of evidence acquired by such means; however, police sometimes used these means to obtain statements.

Authorities used arbitrary arrest and selective enforcement of the law for political purposes, particularly to undermine the credibility and reputation of those critical of the government.

On March 22, the government arrested then Belgrade police chief Milan Obradovic and charged him with permitting the beating of a murder suspect. Details of the charges were leaked to the media, and observers believed the arrest was politically motivated. The government released Obradovic after 60 days in detention and dropped the criminal investigation; however, the investigation was pending at year's end, and the interior ministry carried out disciplinary measures against Obradovic, first suspending him for four months, reducing his pay by 20 percent, and demoting him to a low-ranking position in the provinces, then further reducing his pay and classifying his position as unassigned.

On September 28, the government arrested former minister of justice Vladan Batic on charges related to the release from prison of a member of the so-called Jotka group in 2003. Batic said he was acting upon the Constitutional Court's ruling that holding these prisoners was unconstitutional. Human rights organizations criticized the arrest as politically motivated, stemming from Batic's regular and public criticism of the government. No charges were raised, and Batic was released within 48 hours.

Shortly after Batic's arrest, police arrested Dragan Vulic, former assistant minister in charge of Serbian correctional facilities, also in connection with the release of the Jotka member. Human rights organizations again decried this arrest and detention as selective enforcement of rule of law to punish allies of former prime minister Djindjic. Vulic was released after 30 days in detention.

The law limits the length of pretrial detention from indictment to the conclusion of a trial to 2 years for most cases, but allows detention for up to 4 years for crimes that carry up to the maximum penalty (40 years in prison). The law sets 2 years as the maximum detention permitted after an appellate court vacates the judgment of a trial court. Nonetheless,

prolonged pretrial detention was a problem. The law prohibits excessive delays by authorities in filing formal charges against suspects and in opening investigations; however, such delays continued regularly. Due to the inefficiency of the courts, cases often took an excessively long time to come to trial, and once started, trials often took an excessively long time to complete (see section 1.e.).

Persons detained for serious crimes generally were held for the full six months allowed before charges are required to be filed.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the courts remained susceptible to corruption and political influence.

Corruption in the judiciary remained a problem. There were reports that government officials attempted to undermine politically sensitive prosecutions, including by applying pressure on prosecutors. On September 16, authorities arrested Supreme Court judge Slavoljub Vuckovic and charged him with accepting a bribe in the Jotka organized crime case.

On October 14, a court resumed the trial of former deputy public prosecutor Milan Sarajlic, who was charged with accepting payments from the Zemun organized crime clan in 2004; the trial had been put on hold due to Sarajlic's poor health in 2004.

The private sector still considered corruption in the commercial courts to be widespread. In addition land transfers often were extremely difficult, leading many in the private sector to allege administrative corruption.

The courts were highly inefficient, and cases could take years to be resolved.

The court of the state union is responsible for coordinating jurisprudence in the state union, resolving jurisdictional disputes between Serbian and Montenegrin institutions, ruling on alleged violations of rights guaranteed by the state union constitutional charter, and settling disputes that the state union's joint customs office is unable to resolve. The court was established in 2004, but no cases had been brought before it by year's end.

The Serbian judicial system consists of municipal courts, district courts, a Supreme Court, and a Constitutional Court. In addition, the law provides for special courts for war crimes and organized crime; these were operational during the year within the Belgrade district court. The Constitutional Court rules on the constitutionality of laws and regulations. While the law provides for an administrative appeals court and a second instance appeals court to reduce the Supreme Court's caseload, the National Assembly has postponed the establishment of the courts until 2007.

The government disbanded military courts on January 1. A special branch in each district court assumed responsibility for military cases.

Trial Procedures

Trials are generally public, but they are closed during testimony of a state witness. There are no juries. The law provides that defendants are presumed innocent and have the right to have an attorney represent them at public expense, if needed, and to be present at their trials. Both the defense and the prosecution have the right to appeal a verdict. Defendants have the right to access government-held evidence and question witnesses. These rights were generally respected in practice.

The special war crimes court continued trying war crimes cases, some of which concluded with long-awaited indictments and sentences. On June 17, the court concluded the retrial of Aleksandar Cvjetan for the 1999 killing of 19 ethnic Albanians in Kosovo. In March 2004 a court sentenced Cvjetan to 20 years in prison, but the Supreme Court subsequently ordered a retrial. The war crimes court confirmed the original 20-year sentence; however, the decision was pending on appeal in the Supreme Court at year's end.

The Belgrade district court also tried Dejan Demirovic in absentia for the Podujevo killings and obtained his extradition from Canada; Demirovic was in custody pending trial at year's end.

On July 15, the special war crimes court concluded the retrial, ordered by the Supreme Court in 2004, of the Sjeverin war crimes case involving the torture and killing of 16 Muslims in 1992. The court confirmed the original conviction and sentencing of Dragutin Dragicovic, Oliver Krsmanovic, and ICTY indictee Milan Lukic to 20 years in prison, and Djordje Sevic to 15 years in prison. The court's decision was pending on appeal in the Supreme Court at year's end. In August authorities in Argentina arrested Lukic, and his extradition to the ICTY was pending at year's end.

The special war crimes court commenced several trials during the year. On October 12, it began the trial of Anton Lekaj, who was accused of the 1999 murder and torture of Roma in Kosovo during a wedding procession. On December 12, the court passed its first verdict in the Ovcara case (also known as the Vukovar massacre), convicting 14 Serbs of murder, torture, and inhumane treatment of more than 200 Croatian prisoners of war in 1991. The convictions can be appealed to the Supreme Court.

The special war crimes court made preparation for two additional trials. In August the court indicted seven persons in the Zvornik case involving the 1992 eviction and murder of Bosnian Muslims. In October the court indicted six persons in the Scorpions case involving the execution of six Bosnian Muslim civilians from Srebrenica in 1995.

Political Prisoners

There were no reports of political prisoners.

Property Restitution

During the year a government commission began preparing a register of property seized since 1945, but it made no progress on enacting a property restitution law or returning property.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions; however, the government interfered with privacy and correspondence. While the law requires the interior ministry to obtain a court order before monitoring potential criminal activity and police to obtain a warrant before entering property except to save people or possessions, police occasionally did not respect these provisions in practice.

Most observers believed that authorities selectively monitored communications, eavesdropped on conversations, read mail and e-mail, and tapped telephones. Human rights leaders frequently reported that their communications were being monitored.

On October 20, the Serbian post office confiscated promotional materials (such as leaflets, lighters, pens) of the Movement for an Independent Montenegro while the group was in Belgrade for a news conference. Authorities explained that the materials contained "politically unacceptable content," but the group claimed the post office screened mail without a court order and illegally confiscated materials.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The law provides for freedom of speech and of the press; however, there were reports of government interference in these freedoms and reprisals against persons who criticized the government.

In general, independent media organizations were active and expressed a wide range of views; however, some media organizations experienced threats and reprisals for publicizing views critical of the government, and many reporters lacked professionalism in citing sources and achieving accuracy.

The government published the daily *Borba* and owned one of the country's most important printing houses, also named Borba. The oldest nationwide daily, *Politika*, was co-owned by a German company and the government but operated by several shareholding companies.

State-controlled Radio-Television Serbia (RTS) was a major presence, operating three television channels as well as radio service. The government had considerable influence, although not formal control, over other major television stations, including TV Politika and TV Novi Sad, as well as Radio Belgrade's three stations. In addition, many television stations relied on the state-owned news agency Tanjug for news information. While RTS's coverage was generally objective, there occasionally appeared to be a bias toward the government.

In August parliament amended the broadcast law to postpone the privatization of local broadcast media until the end of 2008 and give government appointees to the broadcasting council six-year terms in office, while persons appointed by NGOs and professional organizations would serve for four years.

Media organizations, particularly the radio station B92, were victims of vandalism, bomb threats, and intimidation for coverage of views unpopular with the government.

Local government leaders in Vranje reportedly harassed OK Radio reporters, and several reporters received death threats, following the radio's September 2004 report that 2,500 ballots had been printed illegally for the local elections there. The report was confirmed by the Center for Free Elections and Democracy.

Libel is a criminal offense. In September the Serbian parliament adopted a new penal code that replaces imprisonment with fines of \$552 to \$13,800 (460 euros to 11,500 euros) as punishment for libel.

In March the Vranje committee of the Socialist Party of Serbia (SPS) charged Goran Vladkovic, editor-in-chief of OK Radio, with disseminating false information and libel in connection with the radio's September 2004 report on the illegal printing of ballots for a municipal election. The SPS sought over \$343 thousand (24 million dinars) in compensation for alleged damages. A trial was pending at year's end, and OK Radio reported numerous threats and break-ins of its offices.

Journalists sometimes practiced self-censorship because of possible libel suits and fear of offending public opinion, particularly on subjects relating to wars in the former Yugoslavia.

While there were no government restrictions on the Internet or academic freedom, there were reports that the government selectively monitored e-mail correspondence.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government usually respected it in practice; however, authorities occasionally impeded public protests.

On March 30, police prevented approximately 300 members of the Association of Free and Independent Unions from protesting in front of a Serbian government building.

On July 10, members of the Women in Black organization gathered in Belgrade to commemorate the tenth anniversary of the Srebrenica killings in Bosnia and Herzegovina. While the government provided security and did not interfere with the event, which was organized by an outspoken critic of the government, some human rights groups criticized police for not responding adequately to threats and tear gas used by other groups against participants.

Freedom of Association

The law provides for freedom of association, and the government generally respected it in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice; however, the Serbian government maintained a discriminatory property tax.

While there is no state religion, the majority Serbian Orthodox Church received some preferential treatment. For example, the military continued to offer only Serbian Orthodox services, although it allowed members of other faiths to attend religious services outside their posts. There were also complaints that the Serbian government funded construction of a large Serbian Orthodox Church by raising postal charges. The Serbian government subsidized salaries of Serbian Orthodox clergy in Kosovo.

Although there is no formal registration requirement for religious organizations, any group planning to hold gatherings is required to register with local police. Religious organizations may register as citizen groups with the interior ministry in order to gain the legal status necessary to own real estate and conduct other transactions.

Serbian tax law exempts property owned by 7 traditional religious groups (the Serbian Orthodox Church, the Muslim community, the Roman Catholic Church, the Slovak Evangelical Church, the Jewish community, the Reform Christian Church, and the Evangelical Christian Church) from taxation but requires tax to be paid on property owned by any of the country's 182 other religious communities. Some religious organizations received tax notices during the year; the tax was expected to have the greatest impact on the smaller, unrecognized religious communities, such as the Adventist Church, which holds approximately 200 properties in the country.

A number of religious groups reported problems dealing with local government authorities.

Non-Orthodox religious organizations continued to report difficulty obtaining permission from local authorities in Serbia

to build new worship facilities. The Belgrade Islamic community reported continued difficulties in acquiring land and government approval for an Islamic cemetery in the city.

During the year the municipal council for the prevention of addictions and religious sects in the town of Leskovac identified Adventists, Baptists, Pentecostals, the Evangelical Church, Jehovah's Witnesses, and "Satanists" as sects and promoted propaganda against them.

Local authorities ordered the demolition of a Romanian Orthodox church built on private land in the village of Malajnica. Authorities reportedly acted because the local Serbian Orthodox clergy had not approved the church. The case was before the Serbian Supreme Court at year's end. In May a local Romanian Orthodox priest who led a religious procession without police permission was charged with inciting religious hatred but was acquitted.

Serbian law requires students in primary and secondary schools either to attend classes from one of the seven traditional religious communities or, alternatively, to take a class in civic education. Leaders of religious groups excluded from the program continued to express their dissatisfaction at the government's narrow definition of religion.

The Church of Jesus Christ of Latter-day Saints reported one case of the government restricting the import of religious material. Church members attempted to bring religious materials from Bulgaria, but border police refused them entry until they emptied the materials from their vehicles.

There was no progress noted during the year on restitution of previously seized religious property. The government reported that it was near to completing a register of seized religious property. As a temporary measure, a few religious communities have been granted free use of some facilities that had been seized from them. There was no progress noted in drafting a law on restitution of religious property in Serbia.

Societal Abuses and Discrimination

Religion and ethnicity are closely related; in many cases, it was difficult to identify discriminatory acts as being either primarily religious or primarily ethnic in motivation. Minority religious communities reported continuing problems with vandalism of church buildings, cemeteries, and other religious sites. Many attacks involved spray-painted graffiti, rock throwing, or the defacing of tombstones, while a few cases involved much more extensive damage. The police response was often inadequate.

Members of the Church of Jesus Christ of Latter-day Saints in Belgrade reported several incidents to police during the year when they were physically assaulted by youths; in one of these incidents, a church member lost consciousness after being beaten in a park. The police told the members that nothing could be done, since the perpetrators were minors.

During the year courts made progress in several of the trials connected to attacks against mosques in Belgrade and Nis in apparent response to violence against the Serb community in Kosovo in March 2004.

In April a court sentenced 1 person arrested in connection with the burning of a Belgrade mosque to three months in prison; the trial of 10 other persons indicted in the attack continued at year's end. The Serbian government repaired the outside of the mosque but had not yet repaired the interior.

In July a Nis municipal court convicted and sentenced eight persons to spend three to five months in prison for the March 2004 burning of the Islam-Aga mosque in Nis. Muslim leaders criticized the sentences as too lenient.

The Jewish community had fewer than four thousand persons. Representatives of the Union of Jewish Communities of Serbia and Montenegro reported continued incidents of anti-Semitism but no physical violence against Jewish persons. There were several reports of anti-Semitic graffiti and vandalism at a few Jewish cemeteries. In addition the release of foreign anti-Semitic literature translated into Serbian often led to a spike in hate mail and other expressions of anti-Semitism.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice. The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs)

According to official figures of the Office of the UN High Commissioner for Refugees (UNHCR), there were

approximately 208 thousand IDPs from Kosovo in Serbia, mainly Serbs, Roma, and Bosniaks as a result of the 1999 events in Kosovo. Approximately nine thousand remained in collective centers that were inadequate for any purpose other than as emergency shelter.

The state union government did not screen or assume responsibility for the six thousand IDPs that the ICRC ceased supporting when its mandate expired in 2004; however, it continued to pay salaries to IDPs who were in the Kosovar government before June 1999. In order to obtain temporary residence status in Serbia, the law requires IDPs to first return to Kosovo and deregister themselves from their previous address. Failure to complete this process effectively prevents IDPs from obtaining access to health insurance, social welfare, and public schools.

In 2004 the Serbian government signed agreements with 13 countries. During the year it signed agreements with 2 additional countries to accept unsuccessful migrants and persons without legal residence in those countries, who were primarily Roma. The Serbian Red Cross opened an office at the Belgrade airport to assist returning Roma.

The UNHCR estimated that there were 40 to 45 thousand displaced Roma living in Serbia proper; half of those were not registered due to lack of documents. Many Kosovar Roma were perceived to be Serb collaborators during the conflict in Kosovo and could not safely return there. Living conditions for Roma in Serbia were extremely poor. Local municipalities often were reluctant to accommodate them, hoping that, if they failed to provide shelter, the Roma would leave the community (see section 5). If Roma did settle, it was often in official collective centers with minimum amenities or, more often, in makeshift camps in or near major cities or towns.

There were sporadic incidents of attacks and vandalism against IDPs, particularly ethnic Ashkalis. In Vojvodina, several Ashkali houses were vandalized during the year.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The state union has adopted a law on asylum that provides a framework but does not mention procedures or implementation. The government, on the republic level, has not passed legislation or established a system for providing protection to refugees. In practice the government may provide protection against *refoulement*, the return of persons to a country where they feared persecution, and UNHCR grants the refugee status. Forty-four persons were granted refugee status during the year.

The government provided temporary protection to individuals from Bosnia and Herzegovina and from Croatia who may not qualify as refugees under the 1951 convention and its 1967 protocol.

According to the 2005 refugee re-registration process, there were approximately 140 thousand refugees in Serbia from other successor states of the Federal Republic of Yugoslavia, primarily Croatia (100 thousand) and Bosnia and Herzegovina (40 thousand). The government, with UNHCR support, worked to close the remaining collective centers for refugees by establishing qualifications for persons to remain at the centers and by seeking alternate housing for others. Approximately six thousand refugees remained in collective centers in Serbia at year's end.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation

The state union and the Serbian republic each have a parliamentary system of government. The state union parliament elects the state union president, while the president of the Serbian republic is elected by popular vote. On June 2, the Serbian National Assembly (parliament) adopted amendments to the state union's constitutional charter that postponed direct elections for the state union parliament and stipulated that state union and Serbian republic parliamentary elections take place separately.

An OSCE and Council of Europe election observation mission reported that the June 2004 Serbian republic presidential elections were peaceful and conducted essentially in line with international standards. Problems noted by the mission included lack of a central voter register, lack of facilities for eligible voters living in Montenegro, and evidence of some degree of disenfranchisement in the Romani community. Voting took place in Kosovo, where 97 thousand voters were registered; however, restrictions on movement hindered the ability of ethnic Serbs to vote, while the ethnic Albanian population, with very few exceptions, did not participate in the election, even in areas where some were on the voter lists.

An OSCE election observation mission reported that December 2003 Serbian republic parliamentary elections were conducted generally in line with international standards.

There were 13 women in the 126-seat state union parliament and 23 women in the 250-seat Serbian parliament. There were no women in the 5-member state union cabinet and 1 woman in the 16-member Serbian cabinet.

There were 7 members of minorities in the 126-seat state union parliament and 11 members of minorities in the 250-seat Serbian parliament. There was 1 member of a minority in the 5-member state union cabinet but no members of minorities in the 16-member Serbian cabinet.

Serbian law exempts ethnically based parties from the 5 percent threshold required for a political party to enter the Serbian parliament. Roma continued their historical pattern of low voter turnout. Local ethnic Albanian leaders in southern Serbia boycotted national elections notwithstanding their active involvement in local governance.

Government Corruption and Transparency

There was a widespread public perception of government corruption, and it appeared at every level. A Gallup survey released in March indicated that 60 percent of Serbians polled believed that government corruption was a major problem.

In June the government announced it would phase out the existing council for combating corruption, but it was unclear at year's end whether another body would replace it. During the year the council failed to investigate a number of corruption cases, including government contracts, questionable energy imports, and the use and sale of state-owned commercial office space.

Government authorities were inconsistent in their approach to official corruption. Investigations often appeared to be politically motivated and there are numerous examples of authorities failing to act in response to detailed reports of suspected corruption involving a wide range of officials. Media reporting of corruption was often sensationalist. Official anti-corruption bodies could be responsive and did have some success; however, there were cases where their efforts were blocked.

On September 8, Minister of Defense Prvoslav Davinic announced his resignation following the finance minister's criticism of his awarding of a \$360 million (300 million euros) procurement contract in August as excessive, unjustified, and possibly corrupt. The contract allegedly involved the purchase of 74 thousand helmets and 69 thousand flak jackets for an army with only 28 thousand soldiers. Observers believed the accusations were politically motivated and stemmed from a rivalry between the two ministers. The Belgrade district court found no criminal wrongdoing in connection with the procurement but at year's end was investigating minor charges of misuse of office while Davinic was defense minister. The charges involved facilitating apartment leases for his bodyguards.

Authorities took no further action during the year against the interior ministry officials who were accused by the finance minister in September 2004 of having misappropriating public funds; observers believed the charges were politically motivated and lacked evidence.

Officials also engaged in questionable procedures in several high visibility privatizations, and the media reported that the political leadership overlooked and justice ministry officials ignored illegal transfers of funds made to government ministers.

The Serbian government's implementation of the November 2004 access to information law was slow, and the government generally did not provide access in practice. The law provides for public access to information of "legitimate public importance" (with many exceptions) and establishes an independent commissioner, selected by the Serbian parliament, to handle appeals when government agencies reject requests for information. NGOs reported that their requests for information from the government went unanswered.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, these groups were often subjects of harassment, threats and libel suits for expressing views critical of the government. Prominent human rights groups included the Helsinki Committee for Human Rights in Serbia, the Humanitarian Law Center, the Lawyers' Committee for Human Rights, the Fund for an Open Society, the Youth Initiative for Human Rights, and Belgrade Center for Human Rights.

After a video recording of the 1995 execution of six Srebrenica Muslims by a Serb paramilitary group called the "Skorpions" was shown on television on June 1, the Socialist Party of Serbia, the Serbian Radical Party, and the Democratic Party of Serbia accused the Humanitarian Law Center, other NGOs, and media outlets of conducting an anti-Serb campaign. Some NGO workers were subsequently threatened and attacked, primarily through media campaigns demonizing them and publication of personal information, such as their addresses.

The state union government does not have an autonomous human rights ombudsman; however, during the year the Serbian government established a new ombudsman's office in Belgrade. Vojvodina Province has an ombudsman, who operated independently during the year. The legal aid office in the state union Ministry for Human and Minority Rights also assisted citizens with human rights complaints.

The state union and Serbian governments made significant progress in their cooperation with the ICTY to apprehend and bring to justice war criminals; however, two of ICTY's most wanted war crimes suspects with links to Serbia, Ratko Mladic and Radovan Karadzic, remained at large. From January through April, Serb authorities assisted in the transfer of 13 indictees to the tribunal, with one additional transfer in September; however, six ICTY indictees with ties to the country remained at large, including key indictee Mladic. The state union and Serbian governments also made progress in complying with ICTY document requests and in facilitating the testimony of witnesses. The state union government's national cooperation council (NCC) transferred approximately 900 pages of documents to the ICTY prosecutor's office in response to requests for information, but outstanding requests remain. The NCC facilitated the testimony of 46 witnesses by granting waivers that freed potential witnesses from local prosecution under state secrets laws.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, discrimination against women and ethnic minorities as well as trafficking in persons and violence against women and children were problems.

Women

Violence against women was a problem, and high levels of domestic violence persisted. The Serbian Victimology Society reported in July that one-third of women have been victims of physical violence, and half of women have been victims of psychological violence.

Domestic violence is a crime punishable by a prison sentence of 6 months to 10 years, depending on the seriousness of the offense, and a minimum of 10 years if death results. Such cases were difficult to prosecute due to lack of witnesses and evidence, as well as unwillingness of witnesses or victims to come forward. In a 2005 World Health Organization study of Serbian women, two-thirds of physically abused women reported that they did not seek help because they thought such abuse was normal or not serious. The few official agencies dedicated to coping with family violence had inadequate resources.

Rape, including spousal rape, is punishable by 1 year to the legal maximum sentence (40 years' imprisonment) for a simple case, a minimum of 3 years for an aggravated case, and a minimum of 5 years if death results or the victim is a minor. Only a small proportion of rapes were reported because victims feared that they would not be protected, that their attackers would take revenge, or that they would be humiliated in court. Few spousal rape victims filed complaints with authorities. Women's groups reported that sentences were often too lenient.

The Center for Autonomous Women's Rights in Belgrade offered a rape and spousal abuse hotline, and sponsored a number of self-help groups. The center also offered assistance to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflicts in the former Yugoslavia. The Counseling Center Against Family Violence operated a domestic violence shelter partly funded by the government.

Prostitution is illegal.

Trafficking in women for the purpose of sexual exploitation remained a problem (see section 5, Trafficking).

Sexual harassment was a common problem, but public awareness of it remained low. The law provides that sexual harassment is a crime punishable by up to six months' imprisonment for a simple case and by up to one year's imprisonment for abuse of a subordinate or dependent.

Women have the same legal rights as men, including under family law, property law, and in the judicial system. To ensure that women's rights are respected, the Serbian government established the council for gender equality in 2004. The Vojvodina government also has a secretariat for labor, employment, and gender equality. The OSCE mission to Serbia helped to establish municipal bodies in charge of gender equality in more than 30 municipalities.

Traditional views of gender roles, particularly in rural areas, resulted in discrimination against women. In remote rural areas, particularly among some minority communities, women could not effectively exercise their right to control property. In rural areas and some minority communities, it was common for husbands to direct the voting of wives.

The social status of women was generally considered inferior to that of men, and women were not well represented in commerce. Women were legally entitled to equal pay for equal work; however, according to the International Helsinki

Federation for Human Rights, women's average wage was 11 percent lower than that of men.

Children

The government was committed to the rights and welfare of children. The educational system provided nine years of free, mandatory schooling. However, ethnic prejudice, cultural norms, and economic distress discouraged some children, particularly Roma, from attending school. One government survey found that approximately 99.8 percent of children attended school; however, the government acknowledged that the survey missed many transient Roma.

Romani education remained a problem. Many Romani children did not attend primary school, either for family reasons, because they were judged by school administrators to be unqualified, or because of societal prejudice. Due to the lack of primary schooling, many Romani children did not learn to speak Serbian. Some Romani children were placed mistakenly in schools for children with emotional disabilities because the Romani language and cultural norms made it difficult for them to succeed on standardized tests in Serbian. The UNHCR, with government support, conducted health education programs for Roma and catch-up and head-start programs for Romani children. During the year 48 elementary and secondary schools offered weekly Romani language and culture classes in which 1,336 students participated.

Free medical care was available in government clinics, including free medicines from a limited list of covered drugs. Boys and girls had equal access to medical care.

Child abuse was a widespread problem. While teachers were instructed to report suspected child abuse cases, they often did not do so. Police generally responded to complaints, and prosecutions of child abuse cases occurred during the year. Psychological and legal assistance was available for victims, and there was an incest trauma center.

Child marriage was a problem within some communities, particularly among Roma and in rural areas of southern and eastern Serbia. In the Romani community, boys and girls generally married between the ages of 14 and 18, with 16 as the average, and boys generally married a few years later than girls. Child marriage was most common among Muslim Roma, most of whom came from Kosovo and were living in other parts of the country as IDPs.

Trafficking of children for the purpose of sexual exploitation remained a problem (see section 5, Trafficking). Some Romani children were trafficked within the Romani community and to Roma abroad for exploitation in begging and theft rings.

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons through and, to a lesser extent, to and from Serbia (excluding Kosovo) remained a problem. The penalty for trafficking is imprisonment of 1 to 10 years for a single offense, 3 to 40 years for multiple offenses, and 5 to 40 if a minor is involved or if a victim is killed.

The government's prosecution of trafficking cases became more effective, and courts handed down less lenient sentences for trafficking offenses than in previous years. On September 30, the special department of the Belgrade district court concluded a long-running and high-profile trafficking case involving Ukrainian victims, sentencing the organizer of the crime to eight years in prison and sentenced three others to three to six years in prison.

On December 28, the special court for organized crime concluded the 2004 case of 10 persons tried for trafficking women to Italy. The leader of the group, Dejan Stosic, received a four-year prison sentence; the others received sentences of 5 to 30 months.

During the year authorities filed 13 criminal charges against 21 persons for trafficking; antitrafficking groups worked with 113 trafficking victims and received 1,712 telephone calls on an SOS hotline for victims.

Serbian government antitrafficking efforts were led by an antitrafficking coordinator who was the chief of the border police and incorporated government agencies, NGOs, and international organizations. The state union ministries of foreign affairs and human and minority rights also participated. The government assisted in international investigations of human trafficking and participated in a regional antitrafficking operation.

With financial assistance and training from the international community, a witness protection unit became fully functional during the year. In addition reports suggested that police increasingly recognized and correctly assisted trafficking victims. For example, in February port of entry police recognized that an unescorted minor girl deported from Sweden with her two-year-old child and lacking paperwork was a trafficking victim and provided her assistance.

Serbia was a transit point, and to a lesser extent a point of origin and destination, for trafficking in women and girls for the purpose of sexual exploitation. Serbia was primarily a transit point for internationally trafficked women going to Kosovo as well as to Croatia, Bosnia and Herzegovina, Albania, and Western Europe. The primary source countries

for persons trafficked to and through Serbia were Moldova, Ukraine, Romania, Russia, and Bulgaria. Approximately two thousand trafficking victims were in or passed through Serbia during the year, including women trafficked for sexual exploitation, children in begging rings, and exploited seasonal agricultural laborers.

Underage girls were among those trafficked for sexual exploitation. In November authorities rescued a 14-year-old girl at the Slovenian border from an international trafficking ring attempting to take her to the Netherlands for work and sexual exploitation. Her family in Prokuplje had sold her for \$3,600 (3 thousand euros); the parents stated they thought their daughter would be staying with an aunt and attending school in the Netherlands. Two Croatians and two citizens of the Netherlands were arrested for trafficking the girl.

While Serbia was not traditionally a major source for trafficked women, poor economic conditions have increased women's vulnerability to traffickers, particularly in the Romani community. Trafficking of children by Roma for use in begging or theft rings was a problem.

Traffickers recruited victims through enticements including advertisements for escorts, marriage offers, and offers of employment. Women often went to work as prostitutes knowingly and only later became trafficking victims. In many cases international organized crime networks recruited, transported, sold, and controlled victims. The main points in Serbia for holding and transferring trafficked women were the Belgrade suburbs and Pancevo.

Authorities encouraged victims to participate in trials of traffickers and did not prosecute victims.

The government's agency for coordination of protection to victims worked to ensure that trafficking victims were correctly identified and referred to assistance providers. Separate shelters for domestic and foreign trafficking victims operated during the year. The NGO Astra operated a hotline for trafficking victims. NGOs and volunteers provided legal, medical, psychological, and other assistance to victims.

The International Organization for Migration (IOM) managed repatriation of foreign victims and assisted in the reintegration of local victims. The IOM also ran a regional clearing center for information on trafficking victims. There were numerous training programs, including training for hotline volunteers, shelters, social welfare officers, and police.

Serbian government and NGO public awareness efforts to combat trafficking included conferences on trafficking, documentary films shown across Serbia, and school outreach programs.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government generally enforced the law. There were no reports of discrimination against persons with physical or mental disability; however, facilities for their education and care were nonexistent or inadequate, and the government did not address the problem. A high unemployment rate and lack of accommodations made it difficult for persons with disabilities to obtain employment.

The law mandates access for persons with disabilities to new public buildings, and the government generally enforced this provision in practice.

National/Racial/Ethnic Minorities

Minorities constituted 25 to 30 percent of Serbia's population and included Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, and others.

Although not widespread, there continued to be incidents of vandalism and some physical attacks against minorities, mainly Hungarians in Vojvodina. The number of incidents against minorities in Vojvodina decreased compared with 2004.

In October the European Parliament adopted a resolution asserting that the rights of minorities were being violated in Vojvodina and noting several cases of vandalism, verbal abuse, and physical attacks on ethnic Hungarians. On October 10, the NGO Human Rights Watch released a report on violence against minorities in Serbia that reached similar conclusions. The Serbian and state union government responded with increased engagement with ethnic minority leaders in Vojvodina. The Serbian government agreed to a 10-point strategy for improving ethnic relations in the province, including education and public awareness campaigns, and support for greater representation of minorities in the police and judiciary.

On November 9, a neo-Nazi group disrupted an anti-Fascist seminar at Novi Sad University in Vojvodina, harassing and slapping participants. Authorities charged 18 men with inciting ethnic, racial, and religious hatred and intolerance. In the weeks following this incident, the Serbian Ministry of Interior officially identified several neo-Nazi groups by name.

Ethnic Albanian leaders of the southern municipalities of Presevo, Bujanovac, and Medvedja continued to complain about the under-representation of ethnic Albanians in government structures. Dissatisfaction became particularly strong after army border guards shot and killed a 16-year-old ethnic Albanian in January as he was trying to cross the border with Macedonia illegally. A working group made up of interior ministry, OSCE, the coordination body for Southern Serbia, and municipal representatives addressed concerns between the ethnic Albanian community and police.

There were a few reports that police failed to take action to stop armed highway robberies that have occurred since mid-2004. Masked men claiming to belong to the Albanian National Army demanded money from drivers, mainly ethnic Albanian guest workers returning to Kosovo for the summer holidays.

Roma continued to be targets of numerous incidents of police violence, verbal and physical harassment from ordinary citizens, and societal discrimination. Police made modest improvements in investigating cases of societal violence against Roma. Twice during the year unknown persons attacked Romani settlements with Molotov cocktails; police investigated and pressed criminal charges against the assailants.

Many Roma, including IDPs from Kosovo, lived illegally in squatter settlements that lacked basic services such as schools, medical care, water, and sewage facilities. Some settlements were located on valuable industrial or commercial sites where private owners wanted to resume control; others were on the premises of state-owned enterprises due to be privatized. During the year Belgrade authorities continued to suspend demolition of one settlement on privatized land until they could locate alternative housing for Roma living there.

At year's end the prosecutor's office had not completed investigating the 2003 case of six Luzane villagers accused of attacking a Romani family.

During the year Belgrade authorities established a Romani coordination center and purchased land for the construction of an apartment complex for Roma; construction had not begun at year's end.

To address concerns of minorities, the state union Ministry for Human and Minority Rights operated a hotline for minorities and others concerned about human rights problems. Callers to the hotline most commonly reported being the victim of threats, ethnic slurs, and bullying. The government also sponsored several school programs to educate children about minority cultures and to promote tolerance.

Other Societal Abuses and Discrimination

Violence and discrimination against homosexuals was a problem. The media carried slurs against homosexuals. Some NGOs reported that homosexuals were denied equal opportunities in education and employment. A survey by the Youth Initiatives for Human Rights indicated that lesbians, gays, bisexuals, and transgender persons experienced widespread threats, hate speech, verbal assault, and physical violence.

Section 6 Worker Rights

a. The Right of Association

The law provides the right for workers, except military and police personnel, to join or form unions of their choosing, subject to restrictions, including approval by the Ministry of Labor and a statement from the employer that the union leader is a full-time employee, which reportedly was tantamount to an employer approval requirement. A state-affiliated trade union federation dominated organized labor, due to preference for unions belonging to it by the managements of the state-owned industries that dominated the economy. Smaller federations of independent trade unions competed with the government-affiliated federation, but were successful in doing so primarily in the relatively small proportion of the formal nonagricultural economy that is not state-owned. In the state-owned sector, 60 to 70 percent of workers belonged to unions. In the private sector, only 4 to 6 percent were unionized, and in agriculture approximately 3 percent.

The law does not prohibit antiunion discrimination, and it was not a significant problem during the year.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law protects the right to organize and bargain collectively, and it was exercised freely in practice. The new labor law implemented in March requires collective bargaining agreements for any company with more than 10 employees. However, in order to negotiate with an employer, a union must have 15 percent of company employees as members. In order to negotiate with the government, a union must have 10 percent of all workforce employees as members. Wage arrears were reported to be substantial and widespread. Approximately 27 percent of the workforce was covered by collective bargaining agreements.

The law provides for the right to strike except by persons providing essential services such as education, electric power, and postal service. These employees constitute approximately 50 percent of the workforce and must announce planned strikes at least 15 days in advance and ensure that a "minimum level of work" is provided. Workers exercised the right to strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively enforced laws protecting children from exploitation in the workforce. The minimum age for employment is 16, although in villages and farming communities it was common to find younger children at work assisting their families. Children, particularly Roma, also worked in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers. Romani children were often forced by their families into manual labor, compelled to beg, or trafficked abroad to work in begging or theft rings. The Labor Inspectorate of the Ministry of Labor, Employment, and Social Issues checked for child labor during its inspections; however, the ministry stated it found no violations during the year. The ministry also included prevention of child labor in its regular child and family protection programs.

e. Acceptable Conditions of Work

In Serbia, the minimum wage for the period July-December was set by the Social Economic Council at approximately \$105 (7,400 dinars) per month. The minimum wage did not provide a decent standard of living for a worker and family. In companies with a trade union presence, there was generally effective enforcement of the minimum wage. This was not the case in smaller private companies, and workers were often afraid of losing their jobs because many of them were not legally registered. The Labor Inspectorate is responsible for enforcing the minimum wage.

The standard workweek of 40 hours was generally followed in state-owned enterprises but not in private companies. The law provides that an employee may not work overtime for more than 4 hours a day or for more than 240 hours in a calendar year. For an 8-hour workday, one 30-minute break is required. At least 12 hours of break are required between shifts during a workweek, and at least 24 hours of break are required over a weekend.

Collective agreements were the primary means of providing premium pay for overtime. However, the new labor law requires that the premium for overtime work should be at least 26 percent of the salary base, as defined by the relevant collective agreement. Trade unions within a company are the primary agents for enforcing overtime pay; however, the Labor Inspectorate also has enforcement responsibilities. The inspectorate had mixed results enforcing labor regulation due to a variety of factors, including politics and corruption.

It is mandatory for companies to establish a safety and security unit to implement safety and security regulations; however, in practice these units often focused on rudimentary aspects of safety, such as purchasing soaps and detergents, rather than on providing safety equipment for workers. Workers did not have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment.

KOSOVO

Kosovo has a population of approximately 2.2 million and is administered by the UN Interim Administrative Mission in Kosovo (UNMIK) pursuant to UN Security Council (UNSC) Resolution 1244. UNMIK promulgated regulations that addressed the civil and legal responsibilities of governmental entities and private individuals and ratified laws passed by the Kosovo Assembly. The UNMIK-promulgated Constitutional Framework for Provisional Self-Government in Kosovo (the constitutional framework) defines the provisional institutions of self government (PISG). Multiparty elections in October 2004 for seats in the Assembly were generally free and fair. UNMIK international civilian authorities and a UN-authorized North Atlantic Treaty Organization peacekeeping force for Kosovo (KFOR) generally maintained effective control over security forces; however, there were reports that local elements of the security forces acted independently of their respective authority.

UNMIK and the PISG generally respected the human rights of residents; however, there were serious problems in some areas, particularly relating to minority populations. The following human rights problems were reported:

- politically and ethnically motivated killings
- deaths and injuries from unexploded ordnance or landmines
- lengthy pretrial detention and lack of judicial due process
- corruption and government interference in the judiciary
- attacks and harassment against journalists
- societal antipathy against Serbs and the Serbian Orthodox Church
- restrictions on freedom of movement for minorities, particularly ethnic Serbs
- lack of progress returning internally displaced persons to their homes
- a widespread perception of corruption in the PISG
- violence and discrimination against women
- trafficking in persons, particularly girls and women for sexual exploitation
- societal violence, abuse, and discrimination against minority communities
- societal discrimination against persons with disabilities
- child labor in the informal sector

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that UNMIK, the PISG, KFOR, or their agents committed unlawful or arbitrary killings.

During the year unexploded ordnance from the 1999 conflict or landmines killed two children and seriously injured three, compared with one fatality and 13 serious injuries in 2004. Unexploded ordnance remained a threat to civilians.

There was one apparent politically motivated killing of a police officer. On January 13, unknown persons detonated a bomb under an official UNMIK vehicle, killing Omar Ali, an UNMIK police officer.

On April 7, authorities charged Shkumbin Mehmeti, Florim Ejupi, Xhavit Kosumi, and Faik Shaqiri with murder for the killing of a Kosovo Police Service (KPS) officer and an UNMIK police officer in Podujeve/Podujevo municipality after the March 2004 riots. All remained in custody awaiting trial at year's end.

There were apparent politically motivated killings of ethnic Albanians. On January 31, unknown persons shot and killed Sadik Musaj, a witness at the "Dukagjini group" trial. On April 6, unknown persons killed Muhamet Sallaj, a former Kosovo Liberation Army (KLA) member. On April 15, unknown persons killed Enver Haradinaj, brother of former prime minister and Alliance for the Future of Kosovo (AAK) President Ramush Haradinaj; on July 25, Tasim Osaja, a suspect in the killing, turned himself in to police in response to a warrant for his arrest. On June 4, unknown persons shot journalist Bardil Ajeti of the Albanian language daily *Bota Sot* in a drive-by shooting; Ajeti died 20 days later from his injuries. In another drive-by shooting on July 12, unknown persons killed Muhamet Xhemajili, former commander of the UCPMB, the armed ethnic Albanian group previously active in Serbia's Presevo Valley. On September 5, a car explosion killed Kosovo Protection Corps and former KLA member, Naser Ramaj and his brother Jeton. On October 10, unknown persons shot and killed Hasan Rrustemi, a witness in the pending war crimes trial of former KLA (and former Kosovo Protection Corps) Commander Selimi Krasniqi.

There were apparent ethnically motivated killings of Serbs during the year. On August 28, unknown persons shot and killed Ivan Dejavnovic and Aleksandar Stankovic and injured two passengers in their car in the Serb-majority municipality of Strpce.

In a possible politically motivated attack, on October 11, unknown persons killed ethnic Turk Ibish Cakalli, a member of the Turk Democratic Party of Kosovo.

On May 18, an international panel of judges convicted six ethnic Albanians in connection with the killing of two ethnic Serbs during the March 2004 riots: Nexhat Ramadani was sentenced to 16 years, Xheladin Salihu to 11 years, Scaip Ibrahim to 3½ years, and Agron Ibrahim, Agim Abdullahu and Sadri Shabani were each given 2½ years in prison.

During the year a court acquitted Albanian Labinot Gashi, who was arrested by KPS police for the June 2004 killing of 17-year-old ethnic Serb Dimitrije Popovic and serious injury of another ethnic Serb teenager in a drive-by shooting. The trial of a second ethnic Albanian defendant, Albert Krasniqi, was ongoing at year's end.

There were no developments in the March 2004 killing of the father of Avni Elezaj, a former KLA fighter and bodyguard of former prime minister and AAK President Ramush Haradinaj.

There were no developments in the following 2003 cases: The killing of two witnesses in the Dukagjini group case, Tahir Zemaj and Ilir Selimaj; the sniper killing of UNMIK police officer Satish Menon; and the separate killings of KPS

officers Hajdar Ahmeti and Agim Makolli. Bedri Krasniqi remained at large for the suspected 2003 killing of KPS members Sebahate Tolaj and Isuf Haklaj.

On April 7, authorities indicted Florim Ejupi on charges that he and accomplices planned and executed the 2001 Merdare bus bombing near Podujeve/Podujevo that killed 11 ethnic Serbs and wounded 40. A second April 7 indictment accused Ejupi, Shkumbin Mehmeti, Xavit Kosumi, and Faik Shaqiri of involvement in a March 2004 attack on international and KPS police at a road checkpoint established after the March 2004 riots.

b. Disappearance

There were no reports of politically motivated disappearances; however, there were still over two thousand persons missing from the 1999 conflict whose remains had not been identified or whereabouts determined.

A working group of Pristina and Belgrade officials on persons missing from the 1999 conflict met five times during the year under International Committee for the Red Cross (ICRC) auspices. During the year the group accounted for approximately 560 sets of human remains and added 57 persons previously unaccounted for to its list of the missing. According to the ICRC, 2,464 persons were unaccounted for as of December, compared with more than 3 thousand at the beginning of the year. Of those still unaccounted for, the ICRC reported that 75 percent were ethnic Albanians, 17 percent were ethnic Serbs, 4 percent were from the Roma, Ashkalia, and Egyptian communities, and 3 percent were from other ethnic groups.

During the year UNMIK's missing persons and forensics office continued to identify the remains of missing persons in Kosovo. From its establishment in 2002 through the end of the December, the office performed 446 field operations and exhumations. Many bodies of missing persons have been recovered and the focus was on establishing the identities of the 1,389 sets of human remains discovered and received since 2002. By October the missing persons and forensics office submitted 2,655 bone samples for DNA testing to the International Commission on Missing Persons, which had returned 1,484 results.

In April the Office of Missing Persons and Forensics began excavation of a cave and its surrounding area in Kline/Klina municipality that was used to dispose of 21 human remains.

UNMIK continued to encourage the Serbian government to accelerate its cooperation on transferring identified remains of Kosovar victims of the 1999 war found in mass graves in Serbia; however, progress was slow. The missing persons and forensics office received 638 bodies, most of which were returned to families for burial. Families of the missing continued to demand that the Serbian government return all Kosovar remains still in Serbia and provide access to government files that might indicate locations of additional mass graves or places where Kosovar bodies may have been incinerated.

In 2004 the Prizren prosecutor's office announced arrest warrants for two former ethnic Serb policemen, Goran Janjusevic and Slavisa Milkovic, for committing war crimes against the civilian population in the Prizren region, including the kidnapping and killing of Ardian Zyrnagjiu during the 1999 conflict. The suspects remained at large at year's end.

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

The constitutional framework and criminal procedure code prohibit such practices, and there were no reports that UNMIK or KFOR employed them.

In June members of activist Albin Kurti's Kosovo Self-Determination movement began spray-painting their "no negotiation, self-determination" slogan on buildings and other property, escalating their activity during the year. On October 19, the KPS reportedly arrested and abused protestors, some of whom had spray-painted slogans on UN vehicles, following a demonstration in Pristina by members of the movement. In an October 25 letter to the UN special representative concerning the incident, Kosovo Ombudsperson Marek Nowicki cited eyewitness reports that "many" activists had experienced "severe ill-treatment" during their arrest and statements by persons who had been arrested that the ill-treatment continued after they had been taken into custody. An internal KPS investigation was ongoing at year's end.

Some individuals accused KFOR of using excessive force in executing searches. On September 18, UNMIK police and the KPS with KFOR support searched a private home and arrested four ethnic Serbs in Gracanica suspected of participating in a number of killings in Lipjan/Lipljan municipality in 1999. The family reported pushing and shoving by the KFOR soldiers and KPS officers who conducted the raid; the case was turned over to an international prosecutor, and the investigation was continuing at year's end.

On August 22, an international public prosecutor rejected a motion to allow the release of KPC Commander General Selim Krasniqi, under arrest with four other KPC officers for suspected involvement in 1998 abuse of persons in the Drenovac detention camp in the Prizren area. On August 22, the court released one of the five officers, Milaim Latifi,

who was reinstated in the KPC.

There were reports of attacks and threats against ethnic Albanian political and institutional figures as well as private persons. On March 15, unknown persons detonated an explosive device near President Ibrahim Rugova's motorcade, causing injury to bystanders. On April 18, unknown persons detonated an explosive at the headquarters of the opposition political party Ora, injuring several persons in apartments above the offices. Nonpolitical motives, including clan rivalry and common criminality, were also suspected in some cases.

There were reports of politically motivated violence against ethnic Serbs during the year. On February 8, unknown persons destroyed the official vehicle of ethnic Serb leader Oliver Ivanovic with explosives, but caused no casualties. On July 4, unknown persons threw a hand grenade into the Zubin Potok offices of the Serbian Democratic Party for Kosovo and Metohija.

During the year authorities brought a number of persons to court for crimes related to the interethnic riots in March 2004 (see section 5).

Prison and Detention Center Conditions

Prison and detention centers generally met international standards, and UNMIK permitted visits by independent human rights observers; however, a local nongovernmental organization (NGO), Council for Defense of Human Rights and Freedoms (CDHRF), claimed that UNMIK prohibited it from visiting detainees in prisons and detention centers since May.

Facilities were at times overcrowded; however, the construction of two new facilities continued during the year. UNMIK police corrections officers managed prisons and detention centers but increasingly transferred responsibilities to the Kosovo Correctional Service.

There were prisons in Lipjan and Dubrava as well as five detention centers in operation during the year. The CDHRF reported receiving approximately 10 telephone calls a day from prisoners and their families charging abuse and excessive solitary confinement in prison. While women and juveniles are supposed to be held separately from men, the CDHRF stated that there were cases of women and juveniles being held in Lipjan/ Lipjan prison in close proximity to men serving sentences for lesser crimes.

In December the OSCE found deficiencies in hygiene in holding cells but noted improvements in the conditions since 2002 due to UNMIK/KPS refurbishment of existing cells and the construction of new cells at police stations.

UNMIK reported that 35 disciplinary proceedings were brought against members of the Kosovo Correctional Service during the year, resulting in 1 dismissal, 1 suspension, 20 written warnings, 12 oral warnings and 1 suspension of promotion.

There were no reports that international prison monitoring groups visited Kosovo's prisons or detention centers during the year.

d. Arbitrary Arrest or Detention

The constitutional framework and criminal procedure code prohibit arbitrary arrest and detention, and UNMIK, KFOR, and the PISG generally observed these prohibitions in practice.

Role of the Police and Security Apparatus

UNMIK continued to transfer police authority and functions to the KPS, while maintaining oversight. An international commissioner of police directed both UNMIK police and the KPS. The combined force was generally effective and constituted an improvement over previous years. Members of ethnic minorities made up approximately 16 percent of the KPS' 6,900 officers at year's end, compared with 15 percent in 2004.

The International Crisis Group reported that corruption in the security forces was a problem, particularly in the KPS border police.

An UNMIK office of oversight investigated corruption in UNMIK and the criminal justice system. The judicial system effectively prosecuted members of the security forces who committed abuses. The KPS professional standards unit, run by UNMIK police, conducted over two hundred disciplinary investigations against KPS officers for participating in or failing to prevent violence in the March 2004 riots; most of these investigations were still ongoing at year's end.

As of November, of the 426 persons charged with criminal offences in connection with the March 2004 riots, the courts

had convicted 209 and acquitted 12. There were 110 cases pending and charges were dropped in 95 cases. A December OSCE report accused the courts of inadequate charging and sentencing as well as the improper use of plea bargains, which are neither explicitly allowed nor regulated by law. The ability of authorities to conduct criminal investigations into the riots were hampered by the displacement of injured parties out of Kosovo, loss of material evidence, and witness intimidation or unwillingness to testify.

Arrest and Detention

Police generally arrested suspects openly using a warrant issued by a judge or prosecutor; however, in certain high-security cases, suspects were arrested secretly by masked or undercover police officers. By law, arrests must be based on prosecutor orders and arrestees must be brought before a judge within 72 hours; however, there were reports that UNMIK police abused this authority by arresting persons, particularly petty offenders, and holding them for less than 72 hours with no intention of bringing charges and longer than 72 hours without bringing formal charges. Suspects have the right to be informed of the reason for their arrest in a language they understand; to remain silent and not answer any questions except those concerning their identity; to free assistance of an interpreter; to defense counsel and to have defense counsel provided if they cannot afford to pay for legal assistance; to medical treatment including psychiatric treatment; and to notify a family member. UNMIK police and the KPS generally respected these rights in practice. The law permits bail as an alternative to detention on remand, but this was applied in only a handful of cases.

KFOR could arrest and detain individuals without a warrant, and the KFOR commander could extend the detention of individuals in 30 day increments without charging them with a crime before a court, provided they were not released by a court. There were no reports that KFOR arrested persons without a warrant during the year.

There were no reports that KFOR, UNMIK, or the KPS held political detainees during the year.

UNMIK police and the KPS may hold individuals in pretrial detention for a maximum period of 1 month from the day of arrest, which could be extended by the courts up to a total of 18 months. The average length of pretrial detention was 30 days. The law allows for house arrest, an appeal for detention on remand, and expanded use of bail as alternatives to pretrial detention. There was a backlog of 700 to 800 pretrial detainees, and approximately 2,200 persons were detained on remand during the year.

e. Denial of Fair Public Trial

The constitutional framework provides for an independent judiciary; however, the local judiciary was at times biased and subject to outside influence, particularly in interethnic cases, and did not always provide due process. There were credible reports of corruption in the local judiciary and that the Supreme Court and other courts deferred to the government in some cases.

Legal authority is held by UNMIK under UNSC Resolution 1244. UNMIK police and justice authorities held executive responsibility for the judicial system but worked with local judges and prosecutors. The Serbian government operated a non-sanctioned parallel judicial system in ethnic Serb enclaves.

The court system includes a Supreme Court, 5 district courts, 25 municipal courts, and a Commercial Court. On December 27, the number of UNMIK-appointed international judges was reduced from 18 to 14, and the number of international prosecutors rose from 8 to 13. At the end of the third quarter, there were 125,974 criminal and civil cases waiting resolution in the municipal courts and 11,924 criminal and civil cases waiting resolution in the district courts. The Supreme Court had 1,445 unresolved cases on its docket at the end of the third quarter.

UNMIK's judicial inspection unit monitored judicial performance and made recommendations on discipline and training. The joint UNMIK/PISG Kosovo Judicial and Prosecutorial Council (KJPC) was responsible for the review of cases of judicial misconduct. As of December 27, the KJPC had received 266 complaints of judicial and prosecutorial misconduct, including 10 allegations of commission of a criminal act, 170 allegations of neglect of judicial/prosecutorial functions (95 for delay of cases), 20 allegations of breach of impartiality, 6 complaints of ethnic bias, and 24 allegations of breach of ethics. The KJPC had completed investigation of 159 complaints, dismissing 147 and recommending 12 for disciplinary action.

While the law provides that a panel of two professional and three lay judges tries serious cases, an UNMIK regulation authorizes international prosecutors to try cases of a sensitive ethnic or political nature, including before a panel of three international judges. Of the 250 active cases handled by international prosecutors through September, international judges tried approximately 75 with a conviction rate of over 90 percent.

Trial Procedures

Trials are public, and the law provides for the right of defendants to be present at their trials, to confront witnesses, to see evidence, and to have legal representation, at public expense if necessary; however, these procedures were

rarely used in practice. Defendants are presumed innocent until proven guilty and have the right of appeal. Trials are heard by panels consisting of professional and lay judges; there are no jury trials.

Legal experts and human rights observers continued to express concern over a lack of fairness in criminal trials involving ethnic minorities prosecuted or tried by ethnic Albanian judicial personnel. The UNMIK-established judicial integration section continued to address judicial system problems that affected minorities. In addition, UNMIK operated nine court liaison offices, four of which were created during the year, to assist minority communities in ethnic Serb-majority areas by accompanying members of minorities to courts, filing documents with courts on their behalf, and providing information and legal assistance to refugees and internally displaced persons (IDPs).

Kosovo's investigative, judicial, and penal systems and the International Criminal Tribunal for the former Yugoslavia (ICTY) continued to identify and punish perpetrators of war crimes from the 1999 conflict; however, many cases remained unresolved. Trials continued in local courts to adjudicate approximately 40 cases of alleged war crimes and genocide arising from the 1999 conflict. For example, on May 12, a Pristina district court found three of five former KLA fighters of the "Kacaniku group" guilty of war crimes committed against civilians between February 27 and March 21, 1999 and sentenced them to prison for three to five years; the court acquitted the other two defendants. The war crimes case against former KLA (and former Kosovo Protection Corps) Commander Selimi Krasniqi was in pretrial process at year's end. On October 10, a witness in the case, Hasan Rrustemi, was shot and killed.

Political Prisoners

There were no reports that KFOR, UNMIK, or the PISG held political prisoners during the year.

Property Restitution

The UNMIK Housing and Property Directorate (HPD) is responsible for the resolution of residential property claims associated with the 1999 conflict. In Mitrovica, ethnic Serbs in the northern part of the city continued to occupy ethnic Albanian properties, while ethnic Albanians in the southern part occupied and denied ethnic Serbs access to their property. By year's end the HPD reported that it had decided all of the 1,824 property claims in north Mitrovica, Leposavic, and Zvecan and all 29 thousand overall claims. In over half of these cases, HPD resolved claims by allowing squatters to remain in place with owner permission and HPD administration of the property.

More than 17 thousand property-related claims were backlogged in municipal courts; these were almost exclusively monetary claims by ethnic Serbs for war-related damage. The OSCE estimated that 11 thousand additional claims involving agricultural and commercial property were awaiting adjudication at year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

UNMIK regulations and the constitutional framework prohibits such actions, and UNMIK, KFOR, and the PISG generally respected these prohibitions in practice; however, KFOR forces assisted UNMIK civilian police and the KPS in conducting searches for high-risk suspects and independently searched private property for weapons without court orders, based on UNSC Resolution 1244's peacekeeping authority.

Section 2 Respect for Civil Liberties

a. Freedom of Speech and Press

UNMIK regulations and the constitutional framework provide for freedom of speech and of the press, and UNMIK and KFOR generally respected these rights in practice; however, there were allegations that the PISG interfered with freedom of speech and press, particularly with media outlets that were critical of its positions and performance.

Individuals could generally criticize authorities publicly or privately without reprisal.

UNMIK regulations prohibit hate speech and speech that incites ethnic violence, as well as newspaper articles that might encourage criminal activity or violence.

The 111 licensed independent broadcast outlets (89 radio and 22 television stations) were active and expressed a wide variety of views. International authorities controlled Radio Television Kosovo (RTK), Kosovo's public broadcasting company. The PISG did not own or expressly control any media outlets.

The office of the temporary media commissioner implemented UNMIK regulations governing the media and enforced codes of conduct on broadcasting and the print media. As envisioned in the constitutional framework, on April 21, the Kosovo Assembly passed and, on July 11, the special representative of the UN secretary-general (SRSG) promulgated, a law on the formation of a permanent independent media commission to regulate the broadcast media.

Adoption of the law set in motion a transition, which began in September, during which the office of the temporary commissioner will evolve into the permanent commission overseen by a seven-member governing council.

On March 18, leading print media representatives adopted a press code and, on August 10, adopted the statute for a press council to provide for self-regulation of the print media. The temporary commissioner's office phased out its regulation of print media in October.

The PISG occasionally interfered with the media. On December 15, a local television station was covering a story on alleged fiscal misconduct by Enver Muja, chief executive officer of Gjilan/Gnjilane municipality, in the building of a road. Police reports stated that Muja's bodyguard and two friends attacked three television reporters, injuring one and breaking a television camera. Thirteen journalists in Gjilan/Gnjilane subsequently resigned, accusing their employer of trying to block the story due to pressure from the municipality.

During the year the office of the temporary media commissioner (TMC) fined *Bota Sot* approximately \$78 thousand (65 thousand euros) and *Pavaresia*, which subsequently ceased publication, approximately \$10,800 (9 thousand euros) for election-period violations committed in September and October 2004.

On August 9, the TMC fined ethnic Serb newspaper *Jedinstvo* \$13,200 (11 thousand euros) for publication of false articles denigrating a specific ethnic group and failure to publish a timely correction. The fine was later reduced to \$8,400 (7 thousand euros).

On June 3, unknown persons shot and mortally wounded the editor of *Bota Sot*, Bardhyl Ajeti. The temporary commissioner's office reported that the attack followed contacts between Ajeti and the commissioner's office during which Ajeti stated that he disagreed with the *Bota Sot* editorial positions and intended to leave the newspaper with other staff members to start a new publication. Police investigation of the killing continued at year's end.

The Association of Professional Journalists of Kosovo (APJK) reported that, on March 30, KPS officers physically assaulted Behxhet Begu and Bardh Bektashi from RTK in Vushtrri for allegedly parking their car illegally on municipal property. An internal KPS investigation was ongoing at year's end.

The APJK reported that, on October 19, KPS officers assaulted and arrested journalists at a demonstration by members of the Self-Determination movement. In an October 25 letter to the UN special representative, Kosovo Ombudsperson Marek Nowicki called for an independent investigation of the KPS action in the incident, alleging that the KPS arrested two journalists who were photographing the demonstration, mistreating one. Some eye-witnesses stated that the journalists were participants in the demonstration. An internal KPS investigation was ongoing at year's end.

The APJK reported other incidents of harassment of the media during the year. In February the association accused the KPC of blocking filming of Serbian President Boris Tadic's visit to Kosovo. The APJK also reported that unknown persons made telephone death threats to the editor in chief of radio *Top Ilira* in February to stop reporting on the Democratic League of Kosovo (LDK) party.

There were no UNMIK, KFOR, or PISG restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

UNMIK regulations and the constitutional framework provide for freedom of assembly, and UNMIK, KFOR, and the PISG generally respected this right in practice.

UNMIK required demonstration organizers to notify it 48 hours in advance for police coordination. KPS and UNMIK police rarely used force to disperse demonstrations.

On October 19, members of the KPS allegedly physically abused demonstrators while arresting and detaining them following a demonstration in Pristina (see section 1.c.).

Freedom of Association

UNMIK regulations and the constitutional framework provide for freedom of association, and UNMIK, KFOR, and the PISG generally respected this right in practice.

UNMIK routinely registered political parties and NGOs.

c. Freedom of Religion

UNMIK regulations and the constitutional framework provide for freedom of religion, and UNMIK and the PISG generally respected this right in practice.

There are no specific licensing regulations for religious groups; however, religious organizations must register as NGOs with UNMIK and the Ministry of Public Services in order to purchase property or receive funding from UNMIK or other international organizations.

Religious identity and ethnicity were closely intertwined. Ethnic Serbs identified with the Serbian Orthodox Church, which influenced their cultural, historical, political, and religious views (see section 5). While significant parts of the ethnic Albanian community continued to view the Serbian Orthodox Church as a symbol of Serbian nationalism, relations between leaders of the ethnic Albanian community and the Serbian Orthodox Church improved slightly during the year as PISG officials and political figures met on several occasions with church clergy.

In April primary school authorities dismissed a student from class for wearing a headscarf. A similar case resulted in a June 2004 opinion from the Organization for Security and Cooperation in Europe (OSCE)-funded ombudsman that the ministry's prohibition of headscarves should only apply to school teachers and officials, not students. Both parties filed petitions with the Ministry of Education and formal complaints with the OSCE ombudsman; the investigations were ongoing at year's end.

On May 23, the media reported that a public school principal suspended a teacher for wearing a headscarf to class, citing a law that obligates public education institutions to adopt a neutral attitude towards religion. On May 29, the Pristina municipality department of education dismissed the teacher.

Protestants also reported that school authorities sometimes called in parents of pupils to deter their children from following Protestantism.

The Islamic community continued to allege that UNMIK's denial of a radio frequency for an Islamic radio station, the closing of a prayer room in the national library, and the refusal of Pristina municipality to grant public land to build a mosque were examples of a lack of religious freedom.

Protestants alleged discrimination in access to the media, particularly by the RTK, which had denied the protestant community's request for its own television broadcast.

Societal Abuses and Discrimination

Ethnic Albanian attacks on Serbian Orthodox churches and cemeteries during the March 2004 riots resulted in extensive property damage, including the destruction or damaging of 30 religious sites, some dating from the 14th century. A Council of Europe mission assessed that approximately \$13.1 million (9.7 million euros) would be required to repair and restore the damaged sites. The riots halted the transfer of responsibility for protection of Serbian Orthodox churches and other religious symbols from KFOR to UNMIK police and the KPS; however, the transfer process has since continued for minor religious sites.

Security concerns prevented monks and nuns at some Serbian Orthodox monasteries from using parts of monastery properties, and ethnic Serb families reported fear in traveling between Kosovo and Serbia to join relatives for religious holidays or ceremonies. To lessen concerns about security, UNMIK police deployed 350 international police officers in January to 30 locations designated for returning displaced ethnic Serbs and inhabited by ethnic Serbs. Bishop Teodosije of the Serbian Orthodox Church asserted that, on December 31, the municipality of Gjakova erected a monument to ethnic Albanian members of the KLA on land owned by the church.

Approximately 40 individuals from two families in Prizren have some Jewish roots, but there are no synagogues or Jewish institutions. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation

UNMIK regulations and the constitutional framework provide for freedom of movement; however, interethnic tensions and real and perceived security concerns restricted freedom of movement. During the year UNMIK, KFOR, and the PISG generally improved protection of these rights for minority communities.

Sporadic incidents of violence and intimidation targeting minorities continued to limit freedom of movement for ethnic Albanians in northern Kosovo. The PISG and UNMIK enhanced efforts to facilitate minority travel throughout Kosovo,

but real and perceived risks deterred many minorities from traveling outside of their neighborhood.

To reduce the risk of attack by making ethnic Serb and ethnic Albanian vehicles indistinguishable, UNMIK continued to offer Kosovo license plates at no fee to ethnic Serbs who had already registered their vehicles in Serbia.

On April 22, KFOR withdrew its armored vehicles and barricades from the Austerlitz bridge connecting ethnic Serb-majority northern Mitrovica with ethnic Albanian-majority southern Mitrovica. The KPS assumed control of the bridge on June 6; on July 18, it opened to all civilian traffic for the first time since 1999. However, very few persons drove vehicles with Kosovo license plates across the bridge for fear of attack in northern Mitrovica.

UNMIK regulations provide that the central civil registry may issue travel documents to any person registered as a habitual resident of Kosovo, and the registry routinely issued such documents in practice. On October 3, UNMIK transferred managerial and operational responsibility for the registry to the PISG, but retained its overall authority, including for the issuance of UNMIK travel documents and the security of the central registration database.

The law prohibits forced exile, and authorities did not use it.

UNMIK regulated movement in and out of Kosovo.

Internally Displaced Persons (IDPs)

According to the Office of the UN High Commissioner for Refugees (UNHCR), approximately 225,487 persons remained displaced within Serbia and Montenegro at year's end from the 1999 conflict, while 1,364 of the 4,100 persons driven from their homes in the March 2004 riots, mostly from Mitrovica and Pristina, remained displaced. Few IDPs returned during the year due to uncertainty over Kosovo's future political status, lack of employment opportunities, security concerns, and property disputes. While some international agencies, NGOs, and the PISG continued to organize small-scale return projects, observers criticized the newly-created PISG Ministry of Communities and Returns for delaying disbursement of PISG funding for return projects. Municipalities hired staff and devised municipal return strategies without appreciative tangible results.

The UNHCR reported that 2,048 minorities returned to Kosovo during the year, including ethnic Albanians who returned to areas where they are a minority. Overall minority returns since 2000 stood at 14,433 at the end of the year. A slightly smaller number of ethnic Serbs returned compared to 2004, when more Bosniaks and Goranis returned. Ethnic Serbs made up approximately 35 percent of returnees during the year, compared with 33 percent in 2004. Roma (including Ashkalia and Egyptians) continued to return in slightly greater numbers, making up 45 percent of the overall number of returns. In Mitrovica ethnic Serbs in the north of the city and ethnic Albanians in the south continued to illegally occupy each others' properties, hindering potential returnees.

Although the PISG reconstructed more than 95 percent of the homes damaged or destroyed in the March 2004 riots, a number of the individuals displaced by the riots have not returned due to both a real and perceived lack of security, unemployment, and residents' complaints about the quality of reconstruction. The prospect for returns varied according to region and ethnic group.

During the year UNMIK began construction on a relocation facility to eventually accommodate approximately 531 Roma, Ashkali, and Egyptian IDPs living in three lead-polluted camps in northern Kosovo; however, all the IDPs remained in the polluted camps at year's end. World Health Organization testing showed dangerously high blood-lead levels in many camp residents. UNMIK began a concurrent donor funding campaign to rebuild the IDPs' original neighborhood in south Mitrovica, which was destroyed in 1999 by ethnic Albanians, who accused Roma of being Serb collaborators, but completed only limited clearing of rubble by year's end. Limited funding slowed the return project. On September 2, the European Roma Rights Center filed an appeal to the Kosovo prosecutor's office to initiate a criminal investigation into the matter; no formal charges had been filed at year's end.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol; however, UNMIK granted displaced persons with status as "persons with temporary protection in Kosovo." In practice, UNMIK provided protection against *refoulement*, the return of persons to a country where they feared persecution; however, UNMIK did not grant refugee status or asylum. UNMIK cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

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

UNMIK regulations and the constitutional framework provide residents with the right to change their government peacefully, and they exercised this right in practice through periodic and generally free and fair elections on the basis

of universal suffrage.

Kosovo continued to be administered under the civil authority of UNMIK. UNMIK and its chief administrator, the SRSG, established an international civil administration in 1999 following the North Atlantic Treaty Organization military campaign that forced the withdrawal of Serbian forces. In 2001 UNMIK promulgated the constitutional framework for the PISG. Under the constitutional framework, a 120-member Kosovo Assembly selects a president, a prime minister, and other ministers and PISG officials. Kosovo's leaders continued to criticize UNMIK for the slow pace of transfer of powers to the PISG; however, the international mission retained a number of competencies, including security and relations with foreign governments

Elections and Political Participation

International and domestic observers determined that the October 2004 Assembly elections were generally free and fair, although less than five percent of ethnic Serbs participated, largely due to Serbian government pressure not to vote. Kosovo has a multiparty system dominated by four virtually monoethnic Albanian parties with several minority parties and coalitions.

Under UNMIK regulations, individuals may nominate themselves as candidates to their parties, which must hold open and transparent internal elections to select candidate lists. The largest party, the LDK, all but ignored this requirement at its party convention in 2004. Party affiliation played an important role in access to government services and social opportunities. Traditional social arrangements and clan loyalties also played an important, although unofficial role, in political organizations.

There were reports of attacks and threats against ethnic Albanian political and institutional figures (see section 1.c.).

There were 36 women in the 120-seat Assembly. Women must occupy every third spot on each political party's candidate list. There were no women on the eight-member Assembly directive body and only one female minister. Women represented 28 percent of the elected municipal representatives. On September 20, 34 female Assembly members established an informal women's caucus with an eight-person, multi-ethnic board.

There were 21 ethnic minority members in the 120-seat Assembly, including 10 ethnic Serbs and 11 members of other groups, including ethnic Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians. There were two minority PISG ministers, one ethnic Serb and one Bosniak, and three minority deputy ministers. One Bosniak and one ethnic Turk held a rotating seat on the Assembly presidency; the Serb boycott left empty the set-aside seat for one ethnic Serb. At year's end ethnic Serbs in the largest Kosovo Serb political party had not claimed their set-aside cabinet posts and continued to boycott the Assembly; however, members of Slavisa Petkovic's political party took up 2 of the set-aside seats and led a ministry. The constitutional framework requires that the Assembly reserve 10 seats for ethnic Serbs and 10 for members of other ethnic groups, but ethnic minorities were underrepresented at the municipal level.

Government Corruption and Transparency

There was a widespread public perception of corruption in both the PISG and UNMIK. There were credible reports of irregularities involving the PISG's handling of its first international tender for a mobile phone license. UNMIK voided the PISG-selected winner, requesting the tender be reissued. The main opposition party, the Democratic Party of Kosovo, continued to criticize the government for corruption and presented its allegations to UNMIK for investigation; at year's end UNMIK stated that its investigation was continuing.

In 2003 UNMIK promulgated a law on the access to official documents; however, the law exempts UNMIK documents and was rarely used. According to OSCE reports, the PISG did not provide public access to documents during the year.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without restriction, investigating and publishing their findings on human rights cases. UNMIK, KFOR, and the PISG were generally cooperative and responsive to their views.

Domestic NGOs proliferated with the large influx of donor funding immediately following the 1999 conflict, resulting in a robust civil society and multiple, competing NGOs. Domestic NGOs complained that donor funding is no longer as available. Religious NGOs complained about the lack of a tax exemption on some items imported into Kosovo; some religious NGOs reported faith-based discrimination.

The International Organization for Migration (IOM) coordinated training and projects for the KPC in collaboration with other NGOs. Human rights observers, including those of the OSCE and some local NGOs, were active in documenting

ethnically or politically motivated killings, attacks, and incidents of intimidation.

An OSCE-funded ombudsperson investigated allegations of government abuses of international human rights laws. While the ombudsperson's office actively issued reports and recommendations, its recommendations were rarely followed by UNMIK, particularly UNMIK police. Most cases investigated by the office concerned property rights, abuse of official authority, administrative acts or omissions by public authorities, issues involving the fairness and length of court proceedings, employment-related disputes, and impunity.

UNMIK, KFOR, and the PISG generally cooperated with the ICTY regarding crimes committed during the 1999 conflict. On March 10, the ICTY indicted then-prime minister Ramush Haradinaj and co-defendants Idriz Balaj and Lahi Brahimaj. On November 30, the ICTY concluded the trial of Fatmir Limaj, PDK caucus leader, and two other ethnic Albanians, Haradin Balaj and Isak Musliu, begun in November 2004. In its first decision with respect to the Kosovo conflict, the tribunal sentenced Balaj to 13 years' imprisonment and acquitted Limaj and Musliu.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

UNMIK regulations specifically prohibit discrimination on the basis of race, gender, ethnic origin, disability, or language; however, violence and discrimination against women, persons with disabilities, and ethnic minorities persisted.

Women

Domestic violence against women, including spousal abuse, remained a serious and persistent problem. UNMIK regulations prohibit domestic violence and convictions carry prison terms of 6 months to 5 years. When victims did press charges, the KPS conducted investigations and brought the cases to court. According to UNMIK, family loyalties and close-knit communities and the backlog of cases in both civil and criminal courts added to a low rate of prosecution.

The Center for Protection of Women and Children, a local NGO, received approximately 3,650 requests for assistance from victims of violence during the year. Through October, UNMIK victim advocates were involved in 1,468 domestic violence cases. The judicial system processed 77 protection orders from January to October; authorities arrested 341 persons, resulting in the opening of 1,045 cases. A total of 52 of the 53 cases completed by October resulted in convictions, with sentences ranging from judicial reprimands to imprisonment. Traditional social attitudes towards women in this male-dominated society contributed to the high level of domestic abuse and low number of reported cases.

There were no governmental agencies dedicated solely to dealing with family violence. Four shelters assisted victims of domestic violence and trafficking, two run by local NGOs and two by international NGOs. The KPS reported that 66 victims of domestic violence received shelter during the year. Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence about domestic violence, sexual abuse, and rape.

During the year the OSCE, the prime minister's office, and UNMIK established an anonymous hotline to report domestic abuse. In addition, the KPS training school offered special courses on domestic violence and rape in its curriculum.

UNMIK regulations criminalize rape; however, spousal rape is not specifically addressed. Under Kosovar law, rape is punishable by 1 to 10 years in prison; statutory rape (sexual intercourse with a girl under 14) is punishable by 1 to 5 years in prison.

Rape was significantly underreported due to the cultural stigma attached to victims and their families. According to UNMIK, victim advocates provided services to victims in approximately 30 cases of rape. By October courts processed approximately 50 cases of rape resulting in 60 convictions; some cases involved multiple defendants.

The law prohibits prostitution, but prostitution remained prevalent. The UNMIK police trafficking and prostitution investigation unit investigated cases of prostitution and suspected trafficking in persons.

Trafficking in women for the purpose of sexual exploitation was a serious problem (see section 5, Trafficking).

There was no specific law against sexual harassment, which was a common problem. Social awareness of sexual harassment remained low, and few cases were reported.

Women have the same legal rights as men, but traditionally not the same social status, which affected their treatment within the legal system. Despite a lack of legal impediments, relatively few women obtained upper-level management

positions in commerce, the KPS, or government. While the number of women with jobs continued to increase, female unemployment remained high at around 70 percent, compared with 40 to 70 percent unemployment in the general population. Traditional social attitudes toward women resulted in discrimination. In some rural areas, women often had little ability to make decisions involving their children or to exercise control over property. While women and men have an equal legal right to inherit property, family property customarily passes only to men. Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom calling for children and property to pass to the deceased father's family, while the widow returns to her birth family.

In August the prime minister's office created an office for gender equality, which began coordinating gender outreach efforts with the UNMIK office of gender affairs. During the year the office for gender equality assumed responsibility over 26 ethnic Albanian and 4 ethnic Serb municipal gender officers previously under the office of good governance. In October the Assembly established a functional subcommittee on Human Rights, Gender Equality, Petitions and Public Claims.

To combat discrimination against women, UNMIK integrated antidiscrimination, antitrafficking, and human rights into the legal curriculum at the University of Pristina during the year.

Children

UNMIK and the PISG were generally committed to the welfare and rights of children.

UNMIK regulations require children between the ages of 6 and 15 to enroll in public school; however, a few children from minority (excluding ethnic Serb) communities did not attend PISG-run public school due to security concerns. Primary education is free. According to UNICEF, 97.5 percent of ethnic Albanian and 99 percent of ethnic Serbian children were enrolled in primary school, while only 77 percent of children between the ages of 7 and 14 from non-Serb minority communities (Roma, Ashkalia, Egyptian, Turkish, Bosniak, Gorani, and others) were in school. The UN Children's Fund (UNICEF) reported that less than 52 percent of the children who completed primary education continued to secondary school; 43 percent of these were female. There were lower rates of secondary school attendance and completion for ethnic Albanian girls than for ethnic Albanian boys or ethnic Serb girls. Some children were forced to leave school early to work (see section 6.d.).

UNMIK regulations require equal conditions for school children and provide the right to native-language public education through secondary level for minority students. Schools teaching in Serbian, Bosnian, and Turkish operated during the year. Both ethnic Serb and ethnic Albanian children attended schools with inadequate facilities that lacked basic equipment. A few schools housed both ethnic Serb and ethnic Albanian pupils, who studied different curricula and rotated class schedules.

Romani, Ashkali, and Egyptian children attended mixed schools with ethnic Albanian children but reportedly faced intimidation in some majority Albanian areas. Romani children tended to be disadvantaged by poverty, leading many to start work both at home and in the streets at an early age to contribute to family income. Some Bosniak children in predominantly Bosniak areas were occasionally able to obtain primary education in their language, but those few outside such areas received instruction in the majority Albanian language.

The government provided medical care, and boys and girls had equal access to it.

There were reports of child abuse, although it was not believed to be widespread; however, high unemployment and family dislocation resulted in a high rate of child abandonment. Since domestic adoptions and foster family programs did not keep pace with the rate of abandonment, authorities sometimes housed infants and children in group homes with few caregivers. Since the end of war in 1999, parents reportedly abandoned five hundred children. Children with disabilities were often hidden away without proper care, particularly in rural areas.

During the year the Ministry of Labor and Social Welfare operated 32 social welfare centers that assisted 1,250 orphans, 1,075 delinquent children, 50 abused children, 68 abandoned children, and 120 children with behavioral problems. The ministry also managed foster homes and coordinated with NGOs to place children in temporary shelters. According to the Center for Social Work, 19 abandoned disabled children, ranging from 3 to 18 years of age were living in government-funded homes under 24-hour care; 15 of these attended specialized schools.

Child marriage was reported to occur, especially among the ethnic Romani, Ashkali, Egyptian, and Albanian communities, although UNMIK did not compile statistics on the problem.

Children were trafficked for the purpose of sexual exploitation (see section 5, Trafficking).

Child labor was a serious problem (see section 6.d.).

Children and their families remained displaced from the 1999 conflict.

Trafficking in Persons

UNMIK regulations criminalize trafficking in persons; however, trafficking of women and children remained a serious problem. There was evidence of both international and local official involvement in trafficking.

Conviction for trafficking is punishable by 2 to 20 years' imprisonment. Engaging or attempting to engage in trafficking is punishable by 2 to 12 years' imprisonment, or up to 15 years if the victim is a minor; organizing a group to engage in trafficking is punishable by 5 to 20 years' imprisonment; facilitating trafficking through negligence is punishable by 6 months to 5 years imprisonment. A client engaging in sex with a trafficking victim may be sentenced for up to 5 years, while sex with a trafficked minor carries penalties of up to 10 years imprisonment. Voluntary prostitution is punished as a minor offence; prostitutes can be punished, but not clients, unless the police can prove that a client knowingly used the services of a trafficking victim. Prostitution constitutes grounds for deportation.

During the year the UNMIK/KPS joint antitrafficking unit conducted 2,025 bar checks (25 of which were covert), 60 raids, and 2,386 inspections, resulting in the closing of 76 premises suspected of involvement in trafficking. UNMIK/KPS arrested 92 persons for trafficking in persons and made another 32 arrests for trafficking related offenses, resulting in 70 trafficking cases filed by the office of the prosecutor and 22 convictions. In July three Albanian citizens were convicted of trafficking, prostitution, and rape and sentenced to prison terms of 10 to 12 years; clients in the prostitution ring included KPS officers. Factors that contributed to a low number of prosecutions included the increasing sophistication of organized crime efforts to avoid direct links between the victims and senior crime figures, the lack of a witness protection program (although anonymity is provided during trial through written testimony), inadequate training for judicial personnel, and failure of police to adapt to new techniques employed by traffickers.

UNMIK, the KPS, the border police, the OSCE, the office of good governance, and the ministries of health, education, public services, and labor and social welfare are responsible for combating trafficking. The PISG's action plan to combat trafficking was released in May with the purpose of consolidating government efforts to combat trafficking.

Kosovo was a source, transit, and destination point for trafficked persons. Internal trafficking was a growing problem. As in previous years, the vast majority of victims were women and children trafficked almost exclusively from Eastern Europe, the Balkans, and the former Soviet Union into Kosovo, primarily for sexual exploitation but also for domestic servitude or forced labor in bars and restaurants and through Kosovo to Macedonia, Albania, and Western Europe. During the year 30 of the 55 identified victims of trafficking were repatriated or returned to their community.

The Center for Protection of Women and Children assisted 59 victims of trafficking during the year, of whom 52 were female, 41 were minors, 50 were residents, and 46 were ethnic Albanians. According to the IOM, of the victims from outside Kosovo it has assisted since 2000, over 45 percent were from Moldova, 19 percent from Romania, 12 percent from Ukraine, and the rest from Bulgaria, Albania, Russia, Serbia and Montenegro, Slovakia, and Nigeria. The majority of these victims were between the ages of 18 and 24 years. IOM figures indicated that 64 percent of Kosovar victims were internally trafficked, while approximately 15 percent were trafficked to Macedonia, and 13 percent to Albania and Italy. The IOM assisted 19 victims—all minors—during the year, 8 of whom were Kosovars.

The overall number of trafficking cases involving minors increased from 2004. Children and young girls from rural areas were particularly at risk of being trafficked, as were those from urban areas with a high level of poverty, unemployment, and illiteracy. The IOM reported that 73 percent of Kosovars who had been trafficked had completed only primary education.

Trafficking victims worked primarily in the sex industry, mostly in brothels and nightclubs but increasingly in private residences. Less than 20 percent reported that they were aware that they would be working in the sex industry when they left their homes. Trafficking victims reported that they were regularly subjected to beatings, rape, denial of access to health care, and confiscation of their travel and identity documents. Victims were often found in poor health and poor psychological condition.

UNMIK reported that traffickers often worked as part of a coordinated effort between ethnic Serbian and ethnic Albanian organized crime elements, with Serbia and Montenegro acting as a transit hub for trafficking victims from Eastern Europe into and through Kosovo. Bar and brothel owners purchased victims from organized crime rings.

Methods of trafficking increased in sophistication. In reaction to an aggressive eradication campaign by the UNMIK antitrafficking unit, traffickers shifted the commercial sex trade out of public bars and clubs and into private homes, where operations were more difficult to detect. Traffickers increasingly used financial incentives to encourage victims to refuse assistance. The IOM reported that, of the 476 mainly international victims it has assisted since 2000, 40 percent fell prey to traffickers after accepting a bogus job offer abroad, 30 percent claimed to have been kidnapped, and 17 percent were promised marriage. In 83 percent of cases, recruiting was through personal common contacts; the recruiter was an acquaintance of the victim in 45 percent of the cases and a friend or family friend in approximately 10 percent. Recruiters were most often female.

There was anecdotal evidence during the year that some UNMIK and PISG employees condoned trafficking and that a

complex set of financial relationships and kinship ties existed between political leaders and organized crime networks that had financial interests in trafficking. In addition some local prosecutors reported instances in which the same lawyer represented an accused trafficker as well as the victim.

During the year UNHCR official Rasheed Khoon was placed on trial before an international judge for having sexual intercourse with a minor trafficked female and providing narcotics to other trafficked minors between September and December 2004. On November 2, Khoon was sentenced to three years' imprisonment for one count of abusing a person under age 16 and falsifying an official document. An Albanian female accomplice was sentenced to two years' imprisonment.

While UNMIK regulations provide a defense for trafficking victims against criminal charges of prostitution and illegal border crossing, a few local judges sometimes incorrectly sentenced trafficking victims to prison. Some local judges also wrongly issued deportation orders against women convicted of prostitution or lack of documents; however, UNMIK did not enforce such orders. Cultural taboos and the threat of social discrimination caused most repatriated Kosovar victims to remain silent about their experiences.

International and local NGOs were the main source of assistance to trafficking victims. Local NGOs, such as United Methodist Committee on Relief and the Center for Protection of Women and Children, operated shelters that provided medical care and psychological counseling services to trafficking victims in cooperation with UNMIK, the OSCE, and the IOM. An interim secure facility also provided temporary shelter to victims while they considered whether to be repatriated or to testify against traffickers. Police often referred suspected trafficking victims to the IOM through OSCE regional officers.

The PISG became involved in treating victims of trafficking in January when the Ministry of Labor and Social Welfare, in cooperation with UNMIK and OSCE, opened a semi-independent supported housing unit for minors who were victims of trafficking, abuse, and domestic violence. Five young adults received room, board, education, and job training at the facility.

International organizations, particularly the IOM and NGOs, organized prevention campaigns to prevent trafficking. In July the IOM began a 12-month campaign to increase public awareness of the problem. The prime minister's office of good governance, the Ministry of Education, and the IOM distributed antitrafficking educational materials for use in primary and secondary schools. In September the office of good governance began a public relations campaign directed at deterring potential clients of prostitutes who were trafficking victims.

Persons with Disabilities

UNMIK regulations prohibit discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; however, there was considerable discrimination in practice. The law did not meet international standards, and there was no expertise on the issue of the rights of persons with disabilities. There are no guardianship laws with appropriate due process protections, and the law does not recognize the placement of individuals with mental disabilities in institutions and involuntary treatment as separate legal issues. The law mandates access to official buildings; however, it was not enforced in practice.

According to the NGO Mental Disability Rights International (MDRI), patients with mental disabilities continued to be detained in isolated conditions with no legal basis, since there is no law to regulate the process of committing persons to psychiatric or social care facilities or to protect rights within institutions. On occasion, individuals in need of mental health treatment were convicted of fabricated or petty crimes and sent to prisons that lacked resources for adequate treatment.

At year's end neither UNMIK nor the PISG had filed criminal charges or taken other legal action in response to a 2002 report by MDRI that found extensive evidence of physical abuse, sexual assault, neglect, and arbitrary detention by staff and patients in mental health care facilities at the Shtimje Institute, the Pristina Elderly Home, and the Pristina University Hospital.

The ministries of education, health, social welfare, and public services were responsible for protecting the rights of persons with disabilities.

There were an estimated 14 thousand persons with mental disabilities. In response to a December 2004 MDRI report that institutional care of persons with mental disabilities left them isolated, arbitrarily detained, and vulnerable to physical violence and sexual abuse, the PISG expanded options for independent living by such persons and spent \$144 thousand to \$240 thousand (120 thousand to 200 thousand euros) each on 14 integration homes endorsed by MDRI. UNMIK reported that the Ministry of Health had taken steps during the year to develop administrative instructions for mental health care institutions that resulted in the corrected transfer of prisoners with mental disabilities to mental health clinics. The CDHRF reported that prisoners with mental disabilities were often kept in prison facilities, because of lack of availability of mental health treatment.

National/Racial/Ethnic Minorities

Official and societal discrimination with respect to employment, social services, language use, freedom of movement, the right to return, and other basic rights and harassment of members of minorities improved over the previous year, although discrimination persisted, particularly against ethnic Serbs and Roma, Ashkali, and Egyptians. Violence and crimes against property directed at minorities lessened, but remained a problem.

UNMIK police recorded approximately 184 ethnically motivated crimes through the third quarter. However, according to UNMIK, incidents targeting minorities were generally underreported due to distrust of the KPS and the legal system. In the first half of the year, NGOs recorded approximately 6 incidents per week of such crimes as stoning, assaults, and harassment of Kosovo Serbs and other minorities, as well as property crimes such as arson and vandalism.

During the year police and KFOR commenced large-scale operations to apprehend persons responsible for the March 2004 interethnic riots that resulted in the deaths of 8 ethnic Serbs and 12 ethnic Albanians, injury of more than 900 persons, severe damage or destruction of more than 900 ethnic Serb, Romani, and Ashkali houses and 30 Orthodox churches or monasteries. In its July report on follow-up actions after the riots, UNMIK stated that 348 individuals had been brought before the courts for riot-related offenses. Of these, 179 cases were completed, 71 were awaiting trial, and 98 were under investigation. At least 57 serious cases were prosecuted by international lawyers and resulted in sentences of up to 16 years in prison. Kosovo judges handed down more than 85 convictions, with punishment ranging from court reprimands and fines up to \$240 (200 euros) to imprisonment for periods ranging from two months to two years. On May 19, an international panel of judges of the Gjilan/ Gnjilane district court convicted six ethnic Albanians in connection with the killing of two ethnic Serbs during the riots and sentenced them to prison terms ranging from 3.5 to 16 years.

Of the seven persons originally detained on suspicion of organizing or leading the riots, criminal investigations were ongoing in the cases of four: KPC reserve commander, Naser Shatri; chairman of the KLA war veterans association in Peja, Nexhmi Lajci; chairman of the KLA war veterans association in Gjilan, Shaqir Shaqiri; and chairman of the KLA war veterans Association in Vushtrri, Salih Salihu.

At year's end the PISG had reconstructed more than 95 percent of the houses damaged or destroyed in March 2004 and started church reconstruction (see section 2.c.).

Ethnic Albanians destroyed, often by arson, private property belonging to ethnic Serbs; some cases of violence against Serbs may have been attempts to force them to sell their property. A UNMIK regulation prevents the wholesale buy-out of many ethnic Serb communities in an effort to prevent the intimidation of minority property owners in certain areas; however, it was rarely enforced. The ombudsperson and human rights groups criticized the regulation as limiting the ability of ethnic Serbs to exercise their property rights.

Discrimination continued against ethnic Serbs in the provision of education and health care services by the PISG. Minority employment in the PISG continued to be low and was generally confined to lower levels of the government. Members of minorities occupied 11 percent of posts in the PISG ministries, despite a PISG target of more than 16 percent.

Authorities made no progress during the year investigating or prosecuting 2003 cases of violence against ethnic Serbs.

Roma lived in dire poverty, and those who lived in Mitrovica were viewed as ethnic Serb collaborators by many ethnic Albanians; as a result, in 1999, their houses were destroyed and they were forced to live in IDP camps, where they still reside. Roma throughout Kosovo were subject to pervasive social and economic discrimination and often lacked access to basic hygiene, medical care, and education and were heavily dependent on humanitarian aid. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in the homes they occupied prior to the 1999 conflict in Vushtrri, security concerns remained.

Bosniak leaders continued to complain that thousands of their community members had left Kosovo because of discrimination and a lack of economic opportunity.

In September authorities began a process of local government reform (decentralization) with the opening of pilot projects in the monoethnic areas of Hani I Elezit (Albanian), Mamushe (Turkish), and Junik (Albanian). The process was delayed as opposition parties continued to oppose the government's working program, the government moved slowly, and ethnic Serbs left discussions following their inability to reach consensus on the boundaries for two ethnic Serb-majority pilot projects in Gjilan and Gracanica.

Other Societal Abuses and Discrimination

The law prohibits discrimination based on sexual orientation; however, the law was not applied during the year.

Traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. Gays and lesbians generally felt insecure, with many reporting threats to their personal safety. The print media previously reinforced these attitudes by publishing without retraction negative articles about homosexuality that characterized gays and lesbians as mentally ill and prone to sexually assaulting children. Individual homosexuals also reported job discrimination. At least one political party, the Islamic-oriented Justice Party, included a condemnation of homosexuality in its political platform.

On December 31, local media reported that KPS officers and a treating physician verbally abused and mistreated two young men after an unknown assailant had attacked them with a knife. The KPS suspended two officers without pay pending investigation.

Section 6 Worker Rights

a. Right of Association

UNMIK regulations allow workers to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice.

The only significant union, the Association of Independent Trade Unions of Kosovo (BSPK), claimed over 120 thousand members; only 50 thousand of its members (approximately 10 percent of the workforce) were employed. UNMIK regulations prohibit antiunion discrimination; however, some union officials reported discrimination in practice. The BSPK reported that only a small number of companies respected the regulation preventing antiunion discrimination and claimed that worker rights were abused in every sector, including international organizations, where staff did not have security insurance or pensions.

b. The Right to Organize and Bargain Collectively

UNMIK regulations allow unions to conduct their activities without interference, and UNMIK protected this right in practice. UNMIK regulations also provide for the right to organize and bargain collectively without interference, and the government did not restrict this right in practice; however, collective bargaining took place on only one occasion. UNMIK regulations do not recognize the right to strike; however, strikes were not prohibited in practice, and strikes occurred during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

UNMIK regulations prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

UNMIK regulations and policies prohibit exploitation of children in the workplace, including a prohibition of forced or compulsory labor, provide for acceptable working conditions; however, UNMIK and the PISG rarely challenged these practices when they occurred.

The pre-1989 labor laws that remain in force set the minimum age for employment at age 16 and at age 18 for any work likely to jeopardize the health, safety, or morals of a young person but permit children to work at age 15, provided it is not harmful or prejudicial to school attendance.

In villages and farming communities, younger children typically worked to assist their families. Urban children often worked in a variety of unofficial retail jobs, such as washing car windows or selling newspapers, cigarettes, and phone cards on the street; the numbers of such children grew in the last year, although statistics were not kept by either UNMIK or the PISG. Some children were also engaged in physical labor, such as transporting goods.

Trafficking of children was also a serious problem, primarily for sexual exploitation (see section 5).

The Ministry for Labor and Social Welfare, in cooperation with UNMIK, coordinated child protection policies, and the ministry's department of social welfare had responsibility for ensuring the protection of children; however, the ministry did not conduct inspections or otherwise enforce child labor laws during the year.

e. Acceptable Work Conditions

Although UNMIK regulations provide for a minimum wage, one has not been adopted. While many international agencies and NGOs paid adequate wages, the average full-time monthly public sector wage of \$181 (151 euros) and the average private sector wage of \$250 (208 euros) were inadequate to provide a decent standard of living for a worker and family.

UNMIK regulations provide for a standard 40-hour work week, require rest periods, limit the number of overtime worked to 20 hours per week and 40 hours per month, require payment of a premium for overtime work, and prohibit excessive compulsory overtime. A labor inspectorate within the Ministry of Labor and Social Welfare is responsible for enforcing labor standards. The inspectorate primarily advised employers and fined only one employer during the year for violation of the standards. Employers often failed to implement these regulations due to the high underemployment and unemployment in Kosovo.

The labor inspectorate was responsible for enforcing health and safety standards but lacked trained staff and did not do so effectively. The law does not permit employees to remove themselves from dangerous workplaces without jeopardizing their continued employment.

MONTENEGRO

Montenegro, with a population of approximately 673 thousand, is a constituent republic of the state union of Serbia and Montenegro. The republic has a presidential and a parliamentary system of government. The 2003 presidential elections were conducted generally in line with international standards. While civilian authorities generally maintained effective control of the security services, there were a few instances in which elements of the security forces acted independently of government authority.

The government generally respected the human rights of its citizens and demonstrated a heightened concern for the protection of human rights; however, there were problems in some areas. The following human rights problems were reported:

- police abuse of detainees
- prison overcrowding
- impunity and corruption of security forces
- lengthy pretrial detention
- judicial corruption and political pressure on the judiciary
- prolonged trial delays
- restrictions on freedom of the press
- violence and discrimination against women
- trafficking in women and children
- discrimination against ethnic minorities

RESPECT FOR HUMAN RIGHTS

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.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, police occasionally beat suspects during arrest or while suspects were detained for questioning.

On September 1, the police raided the main penitentiary following the August 30 killing of the chief of the criminal police. During the raid police reportedly beat the prisoners with the intent to cause severe internal injury without leaving visible marks. Between 18 and 31 prisoners were injured, some severely. The minister of interior and the supreme state prosecutor both promptly announced investigations into the police action; the investigation was ongoing at year's end.

The local prosecutor, after an investigation, dropped charges against the police officers responsible for the alleged 2003 beating of Igor Zindovic.

The local state prosecutor brought criminal charges against police inspector Dobrasin Vulic for the 2003 beating of Nikola Popovic. The trial was ongoing at year's end.

Prison and Detention Center Conditions

Prison conditions generally met international standards; however, some problems remained. Prison facilities were antiquated, overcrowded, poorly maintained, and had inadequate hygiene.

The law mandates that juveniles be held separately from adults and pretrial detainees be held separately from convicted criminals; however, this did not always occur in practice due to overcrowding.

The government permitted prison visits by human rights observers, including the International Committee of the Red Cross (ICRC) and local nongovernmental organizations (NGOs). Both the ICRC and the Helsinki Committee of Montenegro made several visits during the year. The ombudsman's office routinely visited prisons, meeting with detainees and inmates without prior notice.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The interior ministry controls both national and border police. Although these services generally were effective in maintaining basic law and order, their effectiveness in fighting organized crime was limited. A sizable percentage of the police force consisted of Bosniaks (Bosnian Muslims), many of whom were deployed in the Sandzak, a predominantly Muslim area in the north. Impunity was a problem. The government investigated police abuses, but criminal procedures and sentences against police were rare.

Corruption was a problem; the small, close-knit society discouraged reporting corruption and provided criminals access to law enforcement officers.

Arrest and Detention

Arrests require a judicial warrant or "high suspicion that the suspect committed an offense." A suspect could be detained for up to 48 hours before being arraigned and charged before a judge. Detainees are informed of the charges against them at the arraignment, where the judge makes the initial judicial determination of the legality of the detention. In practice arraignment generally occurred in the legally allowed time of 48 hours after arrest. The law provides for access to an attorney in this initial period, but this often did not occur. Detainees were allowed prompt access to family members. There is a system of bail; however, it was not widely used because citizens could rarely raise money for bail.

There were no reports of political detainees.

Long trial delays, combined with difficulty in meeting conditions for bail, occasionally led to lengthy pretrial detention. Approximately two-thirds of the prison population were pretrial detainees, whose average length of detention was five months.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, lack of cooperation between police and prosecutors, a backlog of cases, often primitive courtroom facilities, and judicial corruption remained problems. The government at times influenced prosecutors for political reasons. There were reports that judges issued tainted decisions out of fear of reprisals or loss of position if they ruled against particular parties.

The court system consists of municipal courts, higher (or district) courts, and a Supreme Court at the republic level. The law mandates formation of an Appeals Court and an Administrative Court to reduce the burden on the Supreme Court; these courts were established during the year. Cases are assigned to the court which has legal and physical jurisdiction.

Trial Procedures

Criminal trials are public; juries are not used. Defendants have the right to be present at their trial and to consult with an attorney in a timely manner. Defendants have a right to access to an attorney; however, an attorney is provided at

public expense only if the possible sentence is greater than five years' imprisonment. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy the presumption of innocence and the right of appeal; although the government at times influenced the judiciary, these rights were generally respected in practice.

There were no war crimes trials during the year.

Political Prisoners

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice. In September the law was changed to require the national security agency (NSA) to obtain court authorization for a wiretap. Some observers believed that police selectively used wiretapping and surveillance against opposition parties and other groups. Many individuals and organizations operated on the assumption that they were, or could be, under surveillance.

Eviction of Roma from illegal settlements, and sometimes legal residences, was a problem (see section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, there were some restrictions of freedom of the press in practice.

There were a small number of credible allegations of political and business pressure on the media. In December the radio and television (RTCG) council dismissed the director of public television broadcaster TVCG (TV Montenegro), justifying the action as a response to the director's failure to submit the TVCG program plan. The TVCG editorial staff resigned in protest. The dismissal was viewed by some observers as an attempt to bring the TVCG editorial board closer in line with government positions.

The independent media was active and generally expressed a wide variety of political and social views without government restriction.

There were no reports that journalists practiced self-censorship; however, some NGOs warned that the possibility of bringing criminal libel charges against journalists, accompanied by potentially large fines up to \$16,800 (14 thousand euros), could deter journalists from reporting candidly on events.

Despite some steps to move away from government control of the media, certain media retained close ties to the government. Only one out of a dozen local, government-owned newspapers was privatized.

The print media consisted of private news outlets and one national state-owned newspaper, which published a wide variety of domestic and foreign articles.

There were a wide variety of public and private broadcasting media, including public radio and television broadcaster RTCG, as well as 16 private television and 39 private radio stations. Domestic radio and television stations regularly rebroadcast some programs from Belgrade's BK and Serbian National Television, as well as from a number of foreign services.

The trial of one person for the May 2004 killing of Dusko Jovanovic, the director and editor-in-chief of the leading opposition daily, *Dan*, was still in progress at year's end. While the motive of the killing remained unknown, *Dan* and other media outlets called the killing a major attack on freedom of the press and journalistic safety. On August 30, unknown persons shot and killed the chief police official investigating the Jovanovic and other major unresolved killings.

Officials sporadically brought or threatened libel suits against media organizations when accused of wrongdoing. There were no publicized cases of direct government censorship of the media. Unlike in previous years, only a few new libel suits were filed by state officials against media organizations. A government minister and the leadership of a municipal government sued the opposition daily newspaper *Dan* for libel and publication of false information. On January 17, the basic court in Podgorica fined the publisher of the defunct daily newspaper *Publika* in a libel suit brought by the chief of the former state security service (SDB). Despite some pending court cases and the continued

risk of libel suits, there was a modest increase in the willingness of the media to criticize the government during the year.

The law mandates regulatory structures designed to insulate former state-owned media from direct party control; these include a radio and television (RTVCG) council that took over editorial oversight of the national public radio and television from the government. The RTVCG council was established in 2003, with members selected by a variety of NGOs and professional groups; however, some observers noted that many RTVCG members had close ties to the government. In December the council's decision not to accept a program plan proposed by the TVCG director resulted in his dismissal and the subsequent resignation of the entire editorial staff.

Since 2003 radio and television stations received broadcast licenses from an independent regulatory body, which assumed such authority from the government. During the year the regulatory body allocated frequencies for 16 television and 39 radio stations in its first public tender.

There were no government restrictions on the Internet or academic freedom; however, a group of professors and other educational professionals in Niksic protested their dismissal by the government for refusing to teach the "mother tongue," claiming they were only licensed to teach the "Serbian" language. The government had recently relabeled "Serbian" as the "mother tongue", asserting the change reflected the existence of various dialects in use. The professors claimed the government's action was politically motivated. The government asserted the dismissals were justified by the educators' subsequent strike, which the government held to be a breach of contract (see section 6.b.).

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. There was no state religion, although the republic constitution mentions the Orthodox Church, the Islamic community, and the Roman Catholic Church as equal and separate from the state; however, the Serbian Orthodox Church received some preferential treatment in practice.

While there was no formal registration requirement for religions, religious groups had to register as citizen groups with the republic's Ministry of the Interior and Department of Statistics to gain status as a legal entity, which is necessary for real estate and other administrative transactions. There were no problems with registration reported in practice.

There was no progress noted during the year on restitution of previously seized church property. The Serbian Orthodox Church claimed the government applied the restitution law in a discriminatory manner. During the year the church filed a suit with the European Court of Human Rights (ECHR), alleging that delays in addressing its claims for property taken by the government after World War II were politically motivated. The ECHR had not acted on the filing at year's end.

Societal Abuses and Discrimination

Religion and ethnicity were closely intertwined, and in many cases it was difficult to identify discriminatory acts as primarily religious or ethnic in origin. Minority religious communities reported better cooperation with government organizations, leading to increased ability to operate normally; however, some elements in society continued to discriminate against such communities.

Tensions continued between the canonically unrecognized Montenegrin Orthodox Church and the Serbian Orthodox Church. In June the erection of a prefabricated Serbian Orthodox chapel on a prominent mountain in the southwestern part of the republic, with the assistance of a state union military helicopter, antagonized nonmembers of the Serbian Orthodox Church, who viewed it as a political act.

There were no reports of anti-Semitic acts. A September 2004 survey by the government statistics office concluded that there was no organized Jewish community. A small, scattered number of adherents of Judaism likely lived in the republic.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs)

There were approximately 17 thousand IDPs from Kosovo. The majority of these IDPs were ethnic Montenegrins or Serbs; however, there were also approximately 1,300 Roma and others. The Romani IDP population lived in collective centers with limited access to health care and education. Discrimination and harassment against Roma remained a serious problem (see section 5).

Protection of Refugees

The law does not provide for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The state union has adopted a law on asylum that gives a framework but does not mention procedures or implementation. In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status but not asylum. According to established procedures, potential refugee cases would be referred to the Office of the UN High Commissioner for Refugees (UNHCR) in Belgrade for determination. During the year no persons applied to either the Montenegrin government or UNHCR for refugee status.

The government was also prepared to provide temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol; however, no persons requested such protection during the year.

The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. Conditions for refugees varied; those with relatives or property in the country were able to find housing and, in some cases, employment.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Filip Vujanovic was elected president in 2003 elections that an Organization for Security and Cooperation in Europe (OSCE) election observer mission found were conducted generally in accordance with international standards, as were parliamentary elections held in 2002. In rural areas husbands commonly directed their wives' voting.

There were 8 women in the 75-seat parliament and 2 women in the cabinet.

There were 11 members of ethnic minorities in the 75-seat parliament and 3 members of ethnic minorities in the cabinet. Ethnic Albanians and Bosniaks participated in the political process, and their parties, candidates, and voters participated in all elections; Roma were significantly underrepresented in the government.

Government Corruption and Transparency

There was a widespread perception of government corruption, particularly in the executive and judicial branches. In September a leading NGO issued a comprehensive case study, which reported that unclear legislation and broad discretion in the exercise of government power institutionalized corruption as the "most efficient way of operations." There also were widespread allegations of corruption affecting the privatization of industry; observers noted that a lack of transparency prevented determining the validity of those allegations. There were reports that officials restructured firms eligible for privatization to make them unattractive to outside buyers, thereby leaving them in the officials' control.

On November 8, parliament adopted a law on free access to information; early implementation of the law was mixed but generally positive, with the authorities providing increased access to government information in practice. Citizens could inspect secret files kept on them by the SDB (the precursor of the NSA) from 1945 to 1989.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

There were a number of NGOs investigating human rights cases, including Helsinki Committee of Montenegro and the Center for Democracy and Human Rights. NGOs were credited with helping to reduce police brutality and other abuses. The government generally cooperated with international organizations.

The government cooperated with the International Criminal Tribunal for the former Yugoslavia in allowing access to witnesses.

The ombudsman for human rights does not have authority over the work of the courts, except in cases of prolonged procedure, obvious abuses of procedure, and failure to execute court decisions. The office of the ombudsman operated without government or party interference and was provided with adequate resources by the government. The ombudsman was generally considered to be effective. Upon finding a violation of human rights or freedoms, the ombudsman may initiate disciplinary procedures or dismissal of the violator. Failure to comply with the ombudsman's request for access to official data, documents, or premises, or to the ombudsman's request to testify at a hearing is punishable by fines of 10 to 20 times the minimum monthly wage of \$600 to \$1,200 (500 to 1 thousand euros). No fines were imposed during the year, as in practice essentially all its recommendations were respected. In March the ombudsman office released its first annual report to parliament. The greatest number of complaints related to delays in the courts and the work of local governments; only a few complaints involved police misconduct. In general the government and the courts implemented the ombudsman's recommendations.

A parliamentary committee on human rights continued to exist but was inactive during the year.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce it in practice. Violence and discrimination against women, child abuse, trafficking in persons, and discrimination against ethnic minorities were problems.

Women

Although violence against women, including spousal abuse, is illegal, it was widespread, particularly in rural areas. During the year official agencies, including the police, improved their response to domestic violence; however, efforts were still inadequate. Domestic violence is a crime punishable by a fine or prison sentence of up to 10 years, depending on the seriousness of the offense or, if death results, by a sentence of 3 to 12 years' imprisonment. Victims of domestic violence rarely filed complaints with the authorities. According to a 2004 survey conducted by an NGO, only 30 percent of victims reported domestic violence incidents to police; however, domestic violence-related offenses made up 30 percent of all police arrests. The government prosecuted a small number of domestic violence cases; however, NGOs reported that judges refused to impose jail sentences, although prosecutors routinely asked that convicted abusers be imprisoned; most convictions resulted in probation.

Rape, including spousal rape, is illegal. The government sought to enforce the law, but deeply ingrained societal attitudes continued to stigmatize rape victims, and judges frequently allowed such stigmatization of victims during court procedures. As a result victims were reluctant to report rape, including spousal rape. Punishment for rape, including spousal rape, is 1 to 10 years' imprisonment; however, the crime only can be prosecuted if the victim brings charges. According to a local NGO, 80 percent of domestic violence cases against women involved spousal rape; however, there were no reports of indictments of alleged rapists.

Prostitution is a crime, as are soliciting and procuring. The government took active measures to suppress prostitution, soliciting and procuring. Prostitution existed but was not widespread.

Trafficking in women for sexual exploitation was a problem (see section 5, Trafficking).

Sexual harassment was a problem. Sexual harassment is illegal but tolerated by society at large. While victims were hesitant to report harassment, police were usually effective in intervening when requested to do so.

Women did not enjoy equal status with men, and few women held senior management positions in government or commerce, although an increasing numbers of women served as judges, and there were many women in professional fields such as law, science, and medicine. Traditional patriarchal ideas of gender maintained that women should be subservient to male members of their families and continued to subject women to discrimination in the home. In rural areas, particularly among minority communities, women could not always exercise their right to control property, and husbands commonly directed wives' voting.

Legally, women were entitled to equal pay for equal work; however, they did not always receive it in practice. The government's Office for Gender Equality was charged with ensuring the legal and economic rights of women.

Children

The government was committed to the health and educational needs of children; however, insufficient resources impeded achievement of this goal.

The educational system provided eight years of free, mandatory universal schooling. There was no difference in the treatment and attendance of boys and girls at the primary and secondary levels. Although ethnic Albanian children had access to instruction in their native language, some Albanians criticized the government for not developing a curriculum in which Albanians could learn about their ethnic culture and history. Most Romani children received little or no education beyond the primary school level; however, in an effort to address this problem, the government provided 13 thousand textbooks in the Romani language during the year.

Child abuse was an underreported problem that the government took little action to address. The law does not allow a juvenile to make an allegation of a crime without a parent or guardian present; consequently, there was almost no reporting of child abuse or incest to authorities.

Child marriage was particularly a problem among Roma. In the Romani community, boys and girls generally married at an early age, with girls marrying somewhat earlier than boys.

Trafficking in girls for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Child labor was problem (see section 6).

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the republic. There were reports that police and other officials were involved in trafficking; however, there were significantly fewer reports than in previous years.

The law sets the punishment for all trafficking in persons violations at up to 10 years' imprisonment. During the year, six persons were arrested and charged on suspicion of trafficking in persons. Several cases from previous years were still in the courts. Prosecutors filed seven new trafficking cases during the year and secured the convictions of six individuals in cases filed in previous years. The average length of sentences imposed for trafficking rose during the year, from six months in prison to an average of two and one-half years in prison.

The state-union level national coordinator, appointed by the Ministry of Interior, chairs the antitrafficking working group composed of relevant ministries (interior, health, labor, and education), social services, the OSCE, the International Organization for Migration (IOM), and NGOs. The government coordinated its antitrafficking efforts with other countries in the region, particularly through the Southern European Cooperative Initiative Center in Bucharest.

The republic remained primarily a transit point for trafficked persons, particularly women and children, and, to a lesser extent, a destination. According to police, victims came from Serbia and often continued to Italy and other West European countries. The police and NGOs reported a larger number of cases of internal trafficking, particularly involving victims from Serbia. Statistics on trafficking were difficult to obtain, as traffickers increasingly stopped holding their victims in public locales such as bars and nightclubs. Victims were generally women with less education and usually, but not always, poor. The IOM reported that 6 of 15 trafficking victims housed in the local shelters during the year were minors.

Traffickers were often citizens who sometimes worked with foreign partners and were principally involved in organized crime. They usually used fraud to entice their victims and resorted to force and coercion to keep victims from leaving.

There were reports that police and other officials were involved in trafficking, for example, border police and customs officials who corruptly facilitated border crossings by traffickers and their victims.

The law provides procedures for protecting trafficking victims by distinguishing them from prostitutes and illegal migrants, as well as by establishing procedures for referring victims to appropriate social services; however, according to local NGOs, law enforcement authorities continued to mismanage some cases involving potential victims. The government repatriated victims with assistance from the IOM.

International organizations sponsored police training in methods of dealing with human trafficking. International organizations sponsored training for police (including border police), prosecutors, and judges in methods of dealing with trafficking. Local NGOs, with funding from international donors, operated a shelter in Podgorica and hotlines throughout the republic; the government assumed responsibility for funding a second shelter that opened in 2004. Public awareness campaigns, sponsored by the government with international support, continued to be conducted throughout the republic.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, there was societal discrimination against persons with disabilities. The law mandates access to new official buildings for persons with disabilities, and the government generally enforced these provisions in practice; however, facilities for persons with disabilities were inadequate, including at polling stations.

The government provided mobile voting for handicapped or ill voters who could not come to polling stations.

The ministries of health, labor and social welfare, and education are responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Societal discrimination against ethnic minorities was a problem. Prejudice against Roma was widespread, and local authorities often ignored or tacitly condoned societal intimidation or mistreatment of Roma, some of whom were IDPs from Kosovo. According to a local NGO, 70 percent of Roma were illiterate, 70 percent did not speak the local language, 95 percent were officially unemployed, 40 percent had no access to public utilities, and 90 percent lived below the poverty level.

Romani IDPs, who lived primarily in collective centers and scattered settlements throughout the republic, often lacked identity documents and access to basic human services (see section 2.d.). Eviction from illegal settlements and, sometimes, legal residences was a serious problem. During the year there was limited official recognition of the problem, with authorities in the capital providing land and utility connections for an international NGO project to replace illegal and inadequate Romani housing.

Society generally showed antipathy towards homosexuals, leading most homosexuals to conceal their identity. Violence against homosexuals was rare and not condoned by the government.

Section 6 Worker Rights

a. The Right of Association

The law entitles workers, except for the uniformed military and police personnel, to form and join unions of their choice, without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 95 percent of the workforce in the formal economy was unionized.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right of collective bargaining; however, collective bargaining remained at a rudimentary level. Under the law the registered workforce is covered by collective bargaining agreements. The law provides for the right to strike, and workers generally exercised this right by conducting legal strikes; however, the law prohibits strikes by military and police personnel.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The government had laws and policies to protect children from exploitation in the workplace, including prohibition of forced or compulsory labor, and policies regarding acceptable working conditions, and the government generally enforced these laws and policies effectively.

The official minimum age for employment is 15 years, although in farming communities it was common to find younger children assisting their families. Romani children also could be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers. Some such children worked in the "gray zone" between voluntary and forced labor; however, there were no reports that such practices occurred systematically.

Children were trafficked for sexual exploitation and child prostitution (see section 5).

Inspectors from the state labor inspectorate were responsible for enforcing the child labor laws.

e. Acceptable Conditions of Work

The national minimum wage of \$62 (52 euros) per month did not provide a decent standard of living for a worker and family. There were no reports of employers failing to pay the minimum wage, which was enforced by the Ministry of Labor.

The law requires a 30-minute rest period daily, limits hours worked to 40 per week except in specified unusual circumstances, and requires an unspecified premium for work in excess of 40 hours per week. There is no specific prohibition on excessive compulsory overtime. The Ministry of Labor effectively enforced the regulations on hours of work.

The government did not give high priority to the enforcement of occupational safety and health regulations. Workers did not have the right to remove themselves from situations that endanger health and safety without jeopardy to their employment.

*The report on Serbia and Montenegro is divided into three sections addressing the human rights situations in Serbia, Kosovo, and Montenegro. Discussion of state union-level activities and institutions affecting human rights is included in the Serbia section.

** For this report, Kosovo's population of 2.1 million is included as part of Serbia's population.



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