

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	32
Land:	Kosovo
Kilde:	Freedom House.
Titel:	Freedom in the World 2010 – Kosovo.
Udgivet:	3. maj 2010.
Optaget på baggrundsmaterialet:	24. juni 2010.

Title	Freedom in the World 2010 - Kosovo
Publisher	Freedom House
Country	Serbia
Publication Date	3 May 2010
Cite as	Freedom House, <i>Freedom in the World 2010 - Kosovo</i> , 3 May 2010, available at: http://www.unhcr.org/refworld/docid/4c0ceae8c.html [accessed 21 June 2010]

Freedom in the World 2010 - Kosovo

Capital: Pristina

Population: 2,222,000

Political Rights Score: 5 *

Civil Liberties Score: 4 *

Status: Partly Free

Status Change Explanation

Kosovo's political rights rating improved from 6 to 5, its civil liberties rating from 5 to 4, and its status from Not Free to Partly Free due to municipal elections that were generally deemed to be in compliance with international standards, and greater recognition of minority rights.

Overview

Kosovo held municipal elections in November and December 2009, marking the first balloting since it declared independence in early 2008. The elections were praised by the European Union and featured notable participation by the Serb minority, though there were reports of fraud in some areas. The Serb enclave north of the Ibar River remained separated from the rest of Kosovo, and the country continued to suffer from harassment of independent media and high levels of corruption.

Ethnic Albanians and Serbs competed for control over Kosovo throughout the 20th century. In the late 1980s, the Serbian government began revoking much of Kosovo's provincial autonomy, but the Kosovo Albanians, under longtime leader Ibrahim Rugova, developed their own quasi-governmental institutions during the 1990s.

An ethnic Albanian guerrilla movement called the Kosovo Liberation Army (KLA) began attacking Serbs and suspected ethnic Albanian collaborators in late 1997, provoking harsh responses by government forces. In March 1999, after internationally sponsored negotiations failed to halt the violence, NATO launched a 78-day bombing campaign that compelled Serbia to relinquish control over the province. After the fighting ended, hundreds of thousands of ethnic Albanians who had been expelled by government forces returned. NATO and the United Nations took responsibility for Kosovo's security and civilian administration, though Serbian rule remained legally intact.

After the international takeover, tens of thousands of non-Albanians were forced to flee the province. Ethnic Albanians subsequently made up about 90 percent of the population, with Serbs accounting for most of the remainder. The largest Serb enclave

was situated north of the Ibar River, while smaller communities were scattered throughout the province and protected by international forces. In March 2004, two days of rioting against non-Albanian groups left 20 people dead, 800 homes and 30 churches destroyed, and more than 4,000 Serbs and other non-Albanians homeless.

Parliamentary elections in October 2004 led to a governing coalition between Rugova's Democratic League of Kosovo (LDK) and the Alliance for the Future of Kosovo (AAK), led by former KLA commander Ramush Haradinaj. However, Haradinaj resigned as prime minister to contest war crimes charges in 2005, and Rugova, who had served as Kosovo's president since 2002, died in January 2006. Subsequently, the Democratic Party of Kosovo (PDK), led by former KLA political leader Hashim Thaci, became the dominant party. It won the 2007 parliamentary elections with 36 of 120 seats, raising Thaci to the premiership in a governing coalition with the LDK, which took 25 seats. Of the other major parties, the New Kosovo Alliance (AKR) won 13 seats, a union of the Albanian Christian Democratic Party of Kosovo (PShDK) and the Democratic League of Dardania (LDD) won 11, and the AAK captured 10. Smaller factions took the remainder.

The 2004 riots had led to accelerated talks on Kosovo's final status, but Albanian negotiators demanded full independence, and Serbian officials offered only autonomy short of independence. In late 2007, Finnish mediator Martti Ahtisaari recommended that the UN Security Council grant Kosovo a form of internationally supervised independence. Russia continued to support Serbia's position, however, and the international community was unable to reach consensus.

Kosovo's parliament unilaterally declared independence on February 17, 2008. It was quickly recognized by the United States and most European Union (EU) countries, but over two-thirds of the world's states declined to follow suit. Moreover, resistance by Russia and China barred Kosovo from membership in the United Nations and other international organizations. In June 2008, Kosovo's Serb municipalities formed a separate assembly that affirmed its allegiance to Belgrade. The legal situation was further complicated by the ongoing supervision of international entities in Pristina, including the United Nations Interim Mission in Kosovo (UNMIK), an EU mission known as EULEX, and the NATO peacekeeping force.

Kosovo held municipal elections, its first balloting since the independence declaration, in two rounds in November and December 2009. Although they took place in a generally calm atmosphere and won praise from the EU, the elections were criticized for the widespread incidence of family voting (which effectively disenfranchises women) and the reliance of Kosovo officials on the international community to organize the polls. The PDK led the voting, followed by the LDK and AAK, but the contests in at least two of the three dozen municipalities were set for reruns in early 2010, after election officials found serious fraud in more than half of their polling centers. The elections were notable for the fact that Serbs took control of three municipalities, as well as the relatively high Serb turnout of 24 percent, a significant increase from the near total Serb boycotts of Kosovo elections in previous years. Overall voter turnout was about 45 percent in the first round and 38 percent in the second.

Also during 2009, reports about abuses stemming from the 1999 conflict heightened political and ethnic tensions. In November, a man identifying himself as a former assassin for the KLA's intelligence service claimed to have participated in 17 murders and other crimes, including attacks on potential witnesses in war crimes trials. He implicated senior PDK members in the killings, and said the victims were often LDK members. Other reports that emerged during the year involved torture camps that the KLA had allegedly operated, with captives including Serbs and anti-KLA ethnic Albanians (often LDK members). In August, a Human Rights Watch (HRW) official said up to 400 individuals may have been the victims of alleged KLA kidnapping and organ-harvesting schemes during the 1999 conflict.

By the end of 2009, a total of 64 countries had recognized Kosovo's independence. However, Serbia launched a suit before the International Court of Justice that year, claiming that the 2008 independence declaration violated international law. A decision

was expected in 2010.

Since 1999, Kosovo has received 25 times more international aid per capita than Afghanistan, yet it remains the poorest country in Europe, with an unemployment rate of 40 percent and average per capita income of approximately \$2,500.

Political Rights and Civil Liberties

Kosovo is not an electoral democracy. The International Civilian Representative (ICR) retains the power to override legislation and decisions deemed to be at odds with the Ahtisaari Plan, which calls for human rights and minority protections. The ICR doubles as the EU representative in Kosovo. Members of the unicameral, 120-seat Kosovo Assembly are elected to three-year terms, and 20 seats are reserved for ethnic minorities. The Assembly elects the president, who also serves a three-year term. The president nominates the prime minister, who must then be approved by the Assembly. In February 2009, ICR Pieter Feith criticized the Assembly for allowing the government to impose legislation without serious debate or scrutiny.

The 2009 municipal elections were generally considered free and fair, and Serbs reportedly participated in much larger numbers than in past elections. The electoral commission detected significant fraud in some areas, however, and most of the Serb population – particularly in the large enclave north of the Ibar River – remains loyal to the government in Belgrade. The main ethnic Albanian parties in Kosovo's multiparty system are organized to some extent around clan or regional ties. Other parties cater to various ethnic minorities, including Serbs.

Corruption in Kosovo is a serious problem, even by regional standards. It can be attributed in part to the country's history of underground institutions and wartime smuggling, and has been exacerbated by the multiplicity of legal regimes and authorities. Kosovo was not rated in Transparency International's 2009 Corruption Perceptions Index.

The 2008 constitution protects freedoms of expression and the press, with exceptions for speech that provokes ethnic hostility. Freedom of expression is limited in practice by lack of security, especially for ethnic minorities. Although there is a wide variety of print and electronic media, journalists report frequent harassment and intimidation. Defamation remains a criminal offense. In 2009, the newspaper *Infopress*, which receives large amounts of advertising revenue from the government, issued thinly veiled calls for the murder of prominent journalist Jeta Xharra, who has reported on government corruption. In October, the director of the European Broadcasting Union criticized the government for political interference at the public broadcaster, Radio-Television Kosovo (RTK). Access to the internet is not restricted.

The new constitution guarantees religious freedom, and ethnic Albanians, who are predominantly Muslim, generally enjoy this right in practice. However, since 1999 there have been systematic attacks on Orthodox Christian sites associated with the Serb population. There have also been attacks on Protestant places of worship in recent years, including several incidents during 2009. Overall, however, the number of attacks on religious sites not associated with the Albanian community has declined somewhat.

Academic freedom has not been formally restricted, but appointments at the University of Pristina are considered to be politicized, and Kosovo's educational system – including higher education – is for the most part ethnically segregated.

Freedom of assembly has occasionally been restricted for security reasons, and the 2008 constitution includes safeguards for public order and national security. Nongovernmental organizations generally function freely, although decreasing donor funding has led many to close. Groups that infringe on the constitutional order or encourage ethnic hatred can be banned by the courts. The constitution protects the right to form and join trade unions. UNMIK regulations on labor rights, which remain in force, do not recognize the right to strike, but workers have not been prevented from doing so. The largest labor

group in Kosovo, the Association of Independent Trade Unions (BSPK), claims to represent some 100,000 workers.

The constitution calls for an independent judiciary, but courts at all levels are subject to political influence, intimidation, and corruption. A September 2009 report by the Kosovo Judicial Council (KJC) expressed alarm at the large backlog of cases and insufficient budgets and staffing. Implementation of court decisions is weak. In the municipality of Ferizaj/Urosevac, for instance, less than 10 percent of the 6,050 cases processed had their sentences imposed in 2008. Impunity for war crimes is also a problem. Former prime minister Ramush Haradinaj was acquitted by the International Criminal Tribunal for the former Yugoslavia (ICTY) in 2008 amid complaints of witness intimidation; several witnesses died under unclear circumstances. In October 2009, ICTY prosecutors asked for a partial retrial. Ethnic Albanian judges rarely prosecute cases involving Albanian attacks on non-Albanians. Prison conditions are generally in line with international standards, though overcrowding remains a problem and abuse of prisoners has been reported. The weak judicial system has led to the reemergence of familial blood feuds in some areas.

Organized crime remains a serious problem, with criminal networks extending into various economic sectors and politics. Kosovo is reportedly a key transit point for Central Asian heroin en route to Western Europe.

In 2009, HRW reported that the situation for ethnic minorities in Kosovo had not improved since the independence declaration, while Minority Rights Group International (MRGI) argued that the international community had ceded responsibility for ethnic minorities to the Pristina government, which had little interest in protecting their rights. Kosovo's smaller minorities – the Roma, Ashkali, Gorani, and others – face exceptionally difficult conditions. Numerous attacks on Roma were reported in two towns during 2009. Non-Albanians' freedom of movement is restricted by security concerns, and they have had difficulty in reclaiming properties they fled in 1999. Illegal property transfers remain common. In an indication of the often hostile atmosphere for returnees, houses built for Serb returnees near Prizren were vandalized in April 2009 before the new occupants could move in. Hopes for improving security for non-Albanian communities currently rest on Kosovo's decentralization plan, which will give them more control over local police forces and judicial institutions.

Gender inequality is a major concern, especially in rural areas; support for women's rights is strongest in the capital. Patriarchal attitudes often limit a woman's ability to gain an education, choose a marriage partner, or secure employment. Women are also underrepresented in politics, although election rules stipulate that women must occupy every third spot on each party's candidate list. In the 2007 parliamentary elections, women won 38 of 120 seats; none of the 11 female mayoral candidates were elected in 2009. In many rural areas, women are effectively disenfranchised by "family voting," in which the male head of a household casts ballots for the entire family. Domestic violence is a serious problem, as is discrimination against sexual minorities.

Kosovo serves as a source, transit point, and destination for women and children trafficked for prostitution. The international presence in Kosovo provides a relatively affluent clientele for the trade.

**Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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