



FREEDOM IN THE WORLD 2022

Kosovo

PARTLY FREE

56
/100

<u>Political Rights</u>	25 / ₄₀
<u>Civil Liberties</u>	31 / ₆₀

LAST YEAR'S SCORE & STATUS

54 /100 **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Kosovo holds credible and relatively well-administered elections, but its institutions remain weak, and rampant corruption has given rise to deep public distrust in the government. Journalists face serious pressure, and risk being attacked in connection with their reporting. The rule of law is inhibited by executive interference in the judiciary.

Key Developments in 2021

- After winning nearly 50 percent of the vote in February's snap parliamentary elections, the nationalist party Vetëvendosje (Self-Determination) filled 58 of the 120 seats in parliament, and was able to form a government without relying on the support of the country's largest political parties. Parliamentarians voted to elect Albin Kurti as prime minister and Vjosa Osmani as president the following month.
- In June, Kurti met with Serbian president Aleksandar Vučić, beginning a new round of the EU-facilitated Kosovo-Serbia Dialogue—a series of diplomatic meetings intended to normalize relations between the two countries following Kosovo's 2008 declaration of independence. The process stalled again in July, and talks had not resumed by year's end.
- Municipal elections held in October were deemed generally free and fair by local and international election observers despite some flaws, including voter roll irregularities. Most elected positions were won by representatives of the Democratic Party of Kosovo (PDK) and the Democratic League of Kosovo (LDK), both traditionally dominant parties that moved to the opposition after the February snap elections.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

3/4

Kosovo is a parliamentary republic, with the prime minister indirectly elected for a four-year term by a simple majority (61 votes) of the 120-member Assembly).

Snap elections were held in February 2021 after a December 2020 ruling by the Constitutional Court found that the incumbent administration, led by LDK's Avdullah Hoti, had been illegitimately elected. The 2021 parliamentary elections resulted in landslide win for the nationalist party Vetëvendosje, which received nearly 50 percent of the vote—the largest electoral share in Kosovo's history.

In March, the Assembly elected Vetëvendosje's Albin Kurti as prime minister with 67 votes. Kurti, who first served as prime minister between February and June 2020, was elected to the role, despite a January 2021 Supreme Court ruling that declared him ineligible to run for parliament because he had been convicted of a crime less than three years previously.

The president is elected by the Assembly for a five-year term by a two-thirds majority or simple majority if after two rounds, no candidate has received a two-thirds majority. In April 2021, the Assembly elected Vjosa Osmani with a majority of 71 votes in the third round. Osmani is Kosovo's second woman president.

Score Change: The score improved from 2 to 3 because the newly elected prime minister and president were appointed according to normal procedures following parliamentary elections generally deemed to be competitive and free.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

3/4

The unicameral Assembly contains 120 seats and members are elected to four-year terms; 100 are directly elected by proportional representation, while 10 seats are reserved for ethnic Serbs and another 10 are reserved for other ethnic communities.

In the 2021 snap parliamentary elections, Vetëvendosje won 58 seats, the LDK won 15 seats, PDK won 25 seats, and the Alliance for the Future of Kosovo (AAK) took 8 seats. The Serb List won 10 seats; other minority parties filled the remaining 10 seats. The election was considered "transparent and competitive" by local and international

observers, and did not feature any significant irregularities. In 2021, voter turnout increased to 48.78 percent from 44.6 percent in the 2019 elections.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

3/4

The Central Election Commission (CEC), which administers elections, is generally transparent and fair. The 2021 local and national elections were well-organized by the CEC, and the results were widely accepted. However, international election observers found that the government has failed to implement effective electoral reforms, as recommended by the European Commission, and the “inconsistent and selective implementation of electoral rules” by the CEC and the courts remains a persistent issue. In October, the Assembly adopted the second phase of the European Reform Agenda (ERA 2) and its Action Plan, which includes provisions for several electoral reforms; the government confirmed its commitment to the reforms at year’s end.

In June, President Osmani dismissed the chairwoman of the CEC and accused her of failing to ensure the CEC’s impartiality and independence; several civil society groups and members of the opposition criticized Osmani’s decision, claiming it was politically motivated.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

3/4

Many parties compete in Kosovo. However, political parties sometimes face intimidation and harassment that can negatively impact their ability to operate. The

Serb List has been accused of harassing rival parties and creating an environment where voters fear supporting alternatives.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

4 / 4

Opposition parties have a reasonable chance of gaining power through elections. Vetëvendosje, formerly a political movement, transformed into a political party and won the 2019 parliamentary elections, a significant power shift away from mainstream political parties. However, the political old guard was able to help oust the Vetëvendosje government in 2020.

Despite the collapse of the Vetëvendosje government in 2020, the party won more than 50 percent of parliamentary seats in the 2021 snap elections, and was able to form a government without relying on the support of the country's largest political parties.

Candidates competing in Serb areas from parties other than the Serb List frequently encounter intimidation during election campaigns. All 10 parliamentary seats reserved for ethnic Serbs are filled by Serbian List representatives.

Score Change: The score improved from 3 to 4 because the advantages previously enjoyed by established parties proved insufficient to prevent a decisive opposition victory in parliamentary elections.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

2 / 4

Corruption and clientelism often pressure voters' choices during elections. Powerful businesspeople in Kosovo may influence their employees' political choices.

Serbia continues to exert influence on the platform of the Serb List, as well as the political choices of ethnic Serbs generally.

Major political figures in Kosovo, including former president Thaçi and former prime minister Haradinaj, have links to organized crime and high-level corruption, which play powerful roles in politics and have influenced the installation of key leaders.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?

2/4

While several parliamentary seats are reserved for ethnic Serbs, the population is not fully integrated into the electoral process or Kosovo's institutions. Seven minority groups are officially recognized and politically represented through parliamentary quotas.

Gender quotas are enshrined in the constitution and more than 40 women were elected to the Assembly in the 2021 parliamentary elections, many of whom were elected without the quota. However, women have historically been underrepresented in politics. Though parties are legally required to achieve gender parity in their candidate lists, they often fail to do so.

LGBT+ people are politically marginalized, and their interests are not represented in Kosovar politics.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

2/4

Kosovo's political system has historically been characterized by its dysfunction and instability. The Kurti government, elected in February 2021, at times struggled to effectively implement its reform-oriented platform throughout the year.

Serbia still maintains influence in northern Kosovo, where Kosovar institutions do not have a strong presence. The Russian, Chinese, and Turkish governments have also

exerted influence over government processes in Kosovo in recent years.

Though a new round of the EU-facilitated Kosovo-Serbia Dialogue began in June when Kurti met with Serbian president Aleksandar Vučić, no substantial progress in normalizing Kosovar-Serbian relations was made before the process stalled again in July. Opposition members criticized Kurti’s participation in the talks, claiming that he had not adequately involved the Assembly in the process.

State capture is a prominent issue and is often a result of clientelism—the illegal giving of favors to officials from wealthy individuals or groups, should officials pursue the interest of those who reward them.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

1/4

Corruption and state capture are widespread, and the institutional framework to combat them is weak. The mandates of Kosovo’s four main anticorruption bodies overlap, and they have difficulty coordinating their efforts. Authorities have shown little commitment to prosecuting high-level corruption, and when top officials are prosecuted, convictions are rare.

Throughout 2021, the newly elected Kurti government pursued several reforms aimed at combatting corruption and organized crime; the administration committed to establishing new judicial vetting mechanisms and proposed drafting legislation that would enable the government to confiscate “unjustifiably acquired assets.”

C3 0-4 pts

Does the government operate with openness and transparency?

2/4

The Kurti government made a number of key decisions throughout the year—including some related to the Kosovo-Serbia dialogue process—with limited transparency and without consulting the Assembly, prompting criticism from the opposition and civil society groups.

Despite the adoption of the Law on Access to Public Documents in 2010, which was intended to make government documents available upon request, government institutions frequently deny those requests with little or no justification. Courts have been very slow to respond to complaints from those denied government information due to persistent backlogs in the judicial system.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	2/4
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The constitution guarantees press freedom and a variety of media outlets operate in Kosovo, including the publicly operated Radio Television Kosovo (RTK). However, the government and business interests exert undue influence on editorial lines, including at RTK. Journalists report frequent harassment and intimidation; several journalists were attacked in 2021 while reporting in northern Kosovo.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	2/4
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The constitution guarantees religious freedom. However, the Law on Freedom of Religion prevents some religious communities from registering as legal entities, a designation that would allow them to more easily buy and rent property, access burial sites, establish bank accounts, and carry out other administrative activities. Tensions between Muslims and Orthodox Christians occasionally flare up, though interreligious relations are generally peaceful.

D3 0-4 pts

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Is there academic freedom, and is the educational system free from extensive political indoctrination?

2/4

Kosovo's higher education system is subject to political influence. In July 2019, three universities that were established between 2009 and 2015 lost their accreditation due to the poor quality of their curriculums and administrative failures. PDK officials were involved in establishing these schools, and some held leadership positions at the universities.

In September 2021, the Kurti government abolished tuition fees for students pursuing bachelor's and master's degrees at Kosovo's public universities.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

3/4

Individuals are largely free to express their political views without fear of retribution. In recent years, limited space has opened up for discussion on sensitive topics such as ethnic relations and LGBT+ matters.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

3/4

Freedom of assembly is generally respected, though demonstrations are occasionally restricted for security reasons.

After a Draft Law on Public Gatherings was posted online for public consultation in October 2021, civil society groups voiced concerns that provisions included in the law would restrict the ability of individuals and groups to exercise their assembly rights. The draft law remained in the Assembly at year's end.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

3/4

Nongovernmental organizations (NGOs) function freely, though the courts can ban groups that infringe on the constitutional order or encourage ethnic hatred. NGOs occasionally experience pressure to curtail criticism of the government, though many continue to criticize the authorities and have largely been able to engage in advocacy work without interference.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

2/4

The constitution protects the right to establish and join trade unions, but employers frequently fail to respect collective bargaining rights. It is difficult to form a private sector union because employers often intimidate workers to prevent them from organizing. As a result, few private sector unions exist in Kosovo. Several public sector unions engaged in strikes throughout 2021, demanding that the government approve and implement a new draft law on public sector pay. A previous law on salaries, which would have increased public sector wages, was struck down by a June 2020 Constitutional Court ruling.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

1/4

Political interference in the judiciary remains a problem, and widespread judicial corruption negatively impacts the branch's independence. Resource constraints and a lack of qualified judges hinder the performance of the judiciary. In 2021, the Kurti

government established a working group to create a judicial vetting mechanism; discussions remained ongoing at year's end.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Prosecutors and courts remain susceptible to political interference and corruption by powerful political and business elites, undermining due process.

Although the law states that defendants should not be detained before trial unless they are likely to flee or tamper with evidence, judges often order suspects to be detained without cause. Lengthy pretrial detentions are common due to judicial inefficiency and resource constraints.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

2 / 4

Although the EU brokered an agreement in 2015 between Kosovo and Serbia to disband the Serb Civilna Zastita (Civil Protection) security force in northern Kosovo, there have been reports that the force is still operating illegally. Prison conditions have improved in recent years, but violence and poor medical care remain problems. The police sometimes abuse detainees in custody.

In November 2020, a number of former Kosovo Liberation Army (KLA) members—including former president Thaçi—were charged with war crimes by the Kosovo Specialist Chambers (KSC), a tribunal in The Hague investigating war crimes committed during Kosovo's 1998–99 war for independence. The first trials of KLA fighters began in December 2021; those charged remained in detention at year's end. The KSC is unpopular among Kosovar Albanians, and the government previously attempted to stop its work through efforts to repeal or renegotiate the 2015 law establishing its existence.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

2 / 4

Kosovo's Roma, Ashkali, and Gorani populations continue to face discrimination in education, employment, and access to social services.

LGBT+ people face social pressure to hide their sexual orientation or gender identity and face obstacles in making legal changes on the latter. The Civil Code of Kosovo excludes same-sex partnerships from legal recognition.

Women experience discrimination in employment, particularly in regard to hiring for high-level positions in government and the private sector. The Law on Gender Equality seeks to ensure that the governing boards of private companies have gender parity, but this has not been widely implemented.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

3/4

Freedom of movement and residence is somewhat impaired in Kosovo, especially for those living in Serb areas. The government refuses to accept travel documents issued by the Serbian government that show towns in Kosovo as the place of residence, hindering travel for many Serbs. Meanwhile, Serbs living in Kosovo do not benefit from Serbia's visa waiver agreement with the EU, making travel with a Serbian passport relatively difficult for those living in the enclaves. Kosovars have also been hindered from traveling to Bosnia and Herzegovina by the need for visas in recent years.

The government continued to restrict movement and enforce curfews at different times throughout 2021 to prevent the spread of COVID-19.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

1/4

The legal framework on property rights is poorly outlined, and those rights are inadequately enforced in practice. While the law states that inheritance must be split equally between male and female heirs, strong patriarchal attitudes lead to pressure on women to relinquish their rights to male family members. A number of policies incentivize co-ownership, where couples who wish to register their properties jointly have their municipal taxes and fees waived. However, this has not significantly increased the percentage of properties owned by women. Property reclamation by displaced persons is hindered by threats of violence and resistance to accepting returnees from local communities.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

2/4

Domestic violence remains a problem, despite the government's five-year strategy that was launched in 2017 to address the issue, and is considered a civil matter unless the victim is physically harmed. When criminal cases are referred, prosecutions and convictions are rare. Rape is illegal, but spousal rape is not addressed by the law. Courts often give convicted rapists sentences that are lighter than the prescribed minimum. A 2020 report by the Kosovo Women's Network (KWN) found that "at least 74 women were killed by their male partners or relatives" between 2017 and 2020.

Same sex marriage is not legally recognized in Kosovo, though LGBT+ activists say that provisions in the constitution implicitly permit same sex marriages. A draft law that would recognize same sex civil unions remained stalled in parliament at the end of 2021.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

2/4

Equal opportunity is inhibited by persistently high levels of unemployment. Kosovo is a source, transit point, and destination for human trafficking, and corruption within the

government enables perpetrators. Children are at particular risk of exploitation by traffickers, who can force them to beg or engage in sex work.

Labor laws intended to protect employees' rights exist, but are frequently violated in practice. Exploitative working conditions are particularly common in the private sector.



On Kosovo

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Country Facts

Global Freedom Score

56/100 **Partly Free**

Other Years

2021

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