

Serbien - Montenegro (31)



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381

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The state union of Serbia and Montenegro (SaM) is a constitutional republic consisting of the relatively large Republic of Serbia and the much smaller Republic of Montenegro.\* The two republics hold most real authority, while the state union Government's responsibilities are essentially limited to the Foreign Ministry, the military (VSCG, formerly the VJ), human and minority rights, and foreign and domestic economic and commercial relations. Serbia has a parliamentary system of government run by Prime Minister Vojislav Kostunica. Boris Tadic was elected President in two rounds of elections on June 13 and June 27 that were deemed generally free and fair. A new multiparty government was formed in March. The Constitution provides for an independent judiciary; however, the judiciary was inefficient and often subject to political influence and corruption.

The SaM military reports through the Defense Minister to the Supreme Defense Council (VSO), whose voting members are the Presidents of SaM, Serbia, and Montenegro. The military is responsible for external defense. In Serbia, the police are responsible for law enforcement and maintenance of order as part of the Interior Ministry (MUP). The Security Intelligence Agency (BIA) is under the control of the Serbian Government as a whole, effectively giving control to the Prime Minister. Civilian authorities generally maintained control of the security forces. Some members of the security forces committed human rights abuses.

The economy was in transition from a system based on social ownership to a market-based environment with a mix of industry, agriculture, and services. Exclusive of Kosovo, the population of the Republic of Serbia was 7.5 million, and the population of SaM was 8.2 million. The SaM gross domestic product grew by 6 percent during the year. Average wages were projected to outpace inflation. Income distribution and economic opportunity were uneven. Poverty and unemployment were highest in southern and eastern Serbia and among the refugees from the wars in Croatia and Bosnia-Herzegovina (BiH) and internally displaced persons (IDPs) from Kosovo.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police at times beat detainees and harassed citizens. Police effectively investigated high-level killings committed during and after the Milosevic era; however, impunity and corruption were problems. Prolonged pretrial detention was a problem. Courts remained backlogged and administratively paralyzed, and lengthy trials persisted. The war crimes court, a department of the Belgrade District Court established in 2003, began hearing war crimes cases during the year. The media was generally independent; however, journalists practiced some self-censorship because of their vulnerability to private libel suits and indirect political manipulation.

There were incidents of arbitrary arrest and detention. The judiciary continued to be susceptible to political influence. Poor cooperation between the judiciary and other government branches slowed the implementation of legislative reforms.

Two persons in Serbia indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) surrendered to the Tribunal. The Government transferred many documents to the ICTY and gave waivers for witnesses to testify; however, the ICTY remained dissatisfied with overall SaM cooperation, in particular because it believed that key indictee General Ratko Mladic was at large in Serbia.

In March, there were a number of incidents of societal violence and discrimination against religious minorities following widespread anti-Serb violence in Kosovo. Violence and discrimination against women and ethnic minorities were problems. Trafficking in women and children remained a problem which the Government took steps to address.

### 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 political killings; however, on May 15, police shot and killed an armed poacher along the administrative boundary line with Kosovo. Police, accompanied by a representative of the NATO-led Kosovo force (KFOR), investigated the shooting and determined that it was justified.

The trial of the suspects in the March 2003 assassination of Prime Minister Djindjic was ongoing at year's end. Djindjic was allegedly killed by members of the Red Berets—an autonomous state security police unit from the era of former Federal Republic of Yugoslavia (FRY) President Slobodan Milosevic—in collusion with the Zemun organized crime clan.

There were some developments in police investigations of political killings from previous years. The trial of two former police officers and five others (including two who remained at large) for the 2002 killing of former Belgrade police chief Bosko Buha was dismissed in November for lack of evidence.

On February 2, the retrial of former State Security Service (RDB) chief Radomir Markovic began for the 1999 attempted killing of Serbian Renewal Movement leader Vuk Draskovic, which resulted in the deaths of four persons. The retrial was ongoing at year's end, and Markovic remained in prison.

On February 23, the trial of nine persons began for the killing of former Serbian President Ivan Stambolic and the 2000 attempted killing of Vuk Draskovic. The trial, in the Belgrade Special Court for Fighting Organized Crime, was ongoing at year's end.

Domestic courts and the ICTY continued to adjudicate cases arising from crimes committed during the 1991-99 conflicts in Croatia, BiH, and Kosovo, including the ICTY prosecution of former FRY and Serbian President Slobodan Milosevic (see Sections 1.e. and 4).

There were no deaths from landmines during the year.

#### b. Disappearance

There were no reports of politically motivated disappearances.

During the year, SaM and Serbian Government authorities continued efforts to cooperate with neighboring countries and international organizations seeking to identify missing persons and investigating graves discovered in Serbia; however, progress was slow.

During the year, the Government exhumed two sites containing 77 bodies from the Croatia and BiH conflicts, identifying 21 of the bodies and returning them to families (9 within SaM and 12 to BiH). The Government also identified 181 bodies previously exhumed from mass graves dating to the Kosovo conflict and repatriated them to Kosovo. The Government, in cooperation with international organizations and the International Commission on Missing Persons, had not completed identification and repatriation of the additional remains by year's end.

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

SaM and Serbian laws prohibit such practices; however, police at times beat detainees and harassed citizens.

The Leskovac-based Human Rights Committee reported that there were fewer reports of torture and police abuse in the Leskovac area than there were in 2002 and 2003, but that there was little progress in addressing past abuses.

The MUP Inspector General confirmed six cases of torture by police during the 2003 state of emergency but stated that the perpetrators had not been identified.

By year's end, the few lawsuits filed by nongovernmental organizations (NGOs) on behalf of individuals who claimed they were tortured as detainees during the 2003 state of emergency had been withdrawn at the victims' request because the perpetrators could not be identified.

Police most often beat and physically abused persons during arrest or initial detention; low-level criminals were most often the victims of such abuse. In June, a man stopped for an identity check requested the

name or identification number of the officer who stopped him. The officer reportedly then put the man in a police car and hit him approximately 10 times on the head. The Humanitarian Law Center (HLC) sent a letter about the incident to the MUP Inspector General, who said he had no information on the case. The MUP did not subsequently investigate the case.

The Leskovac-based Human Rights Committee reported that, in one case, 33 persons from Belgrade were mistreated after being taken to the police building in Vlasotinac.

There was one report that police threatened to have a person prosecuted after he said he would sue them after being mistreated. In another case, a man in Zrenjanin, who claimed police officers beat him in his cafe on January 13, filed a complaint on February 19 and then initiated a private prosecution on August 24 because there had been no response to his original complaint. The municipal prosecutor then filed charges against the police officers (Zoran Gogic and Dragan Bojanic) for mistreatment while on duty and against the cafe owner for interfering with an official in performance of his duty. Unlike in previous years, there were no reports that police used beatings or threats of beatings to deter detainees from filing claims of abuse on prior occasions.

The public prosecutor filed charges against the three police officers involved in the August 2003 beating of a man each day during his 30-day detention; the man has also filed a private criminal complaint against the officers. The hearing on the man's other police brutality claim from 2001 was postponed because the accused officers did not appear.

During the year, there were developments in cases in which police in previous years reportedly used beatings to coerce confessions. The public prosecutor, claiming that there were insufficient grounds to believe that the acts occurred, dismissed the criminal complaint that the HLC filed in 2003 against unidentified officers of the Cacak Police Department. The HLC complaint claimed that, in May 2003, the officers threatened and hit Zeljko Popovic in an attempt to coerce a confession of robbery. After the complaint was dismissed, the HLC pursued the case as a private prosecution and requested further investigation. On October 6, an investigating judge held a hearing on the private prosecution, which remained pending at year's end. In October 2003, the public prosecutor indicted Popovic for stealing; the case had not been brought to trial by year's end.

Two Vranje policemen involved in the 2002 beating of Nenad Tasic were sentenced to 7 months and 5 months in prison, respectively; however, the court overruled the public prosecutor's decision that the two officers be prohibited from working as policemen in the future. The Supreme Court was reviewing the case at year's end. In April, the First Municipal Court in Belgrade ordered the Government to pay Tasic \$10,000 (600,000 dinars) in a civil compensation suit filed by the HLC. On November 29, the Belgrade District Court confirmed the compensation award.

There were developments in the case of a Romani man, Nebojsa Majlic, whom Leskovac police allegedly clubbed in 2002. After the assault, Majlic was charged with interfering with police performance of duty; his trial began during the year and was ongoing at year's end. In 2003, the Human Rights Committee filed a criminal complaint against the police who abused Majlic; however, at year's end, the trial of the police had not begun.

Prison conditions generally met international standards; however, conditions varied greatly from one facility to another, and some guards abused prisoners. The Helsinki Committee for Human Rights in Serbia (HCS) noted that some prisons offered clean, secure environments for inmates; however, in others—most notably the Belgrade Reformatory Hospital housing psychiatric prisoners—inmates were forced to live in filthy, inhumane conditions. The quality of food varied from poor to minimally acceptable, and health care was often inadequate. Guards were inadequately trained on the proper handling of prisoners.

There were some deaths in prison due to natural causes and suicides. Some inmates complained that other inmates subjected them to intimidation and occasional assaults. Inmates could report such problems to prison staff or to a district court; authorities generally responded by placing inmates in separate cells and at times taking disciplinary measures such as placing offenders in solitary confinement.

Men and women were held separately. Juveniles were supposed to be held separately from adults; however, in practice, this did not always happen. Pretrial detainees were held separately from convicted prisoners.

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.

There were attacks on and threats against witnesses and potential witnesses in domestic prosecutions.

#### d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The approximately 23,000 police officers in Serbia are part of the MUP's Sector for Public Security. The Sector is divided into seven directorates: uniformed police (including traffic and patrol officers), criminal investigations, organized crime, analysis, special operations units (including gendarmes and the special antiterrorist unit, or SAJ), human resources and training, and border police. The police are divided regionally into 33 secretariats. All municipal and rural units are branches of the republic police. Effectiveness of the police was uneven and generally limited. Many police personnel, including some high-level officials, are holdovers from the Milosevic regime. While most police 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. In 2003, an Inspector General with enforcement authority was installed in the MUP; however, at year's end, he still had little ability to conduct investigations. On September 24, Finance Minister Mladjan Dinkic announced that several MUP officials would be charged with misappropriation of funds during equipment purchase contracting; however, no charges were filed by year's end. In 2003, the SaM Minister for Human and Minority Rights established an "SOS" hotline, which victims could contact to report on police abuse and other cases. The hotline had received 934 fully documented cases on a variety of issues by year's end. In some cases, hotline calls resulted in the Government resolving the caller's problem. For example, the Jehovah's Witnesses community called the hotline after several individuals entered their Kingdom Hall in Loznica on December 2 and demanded \$1,350 (1,000 euros) per month in protection money, implying that the police would not interfere. The Human and Minority Rights Ministry brought the problem to the attention of the MUP, which called in the perpetrators, and the threat was not repeated. During the year, the Government and the Organization for Security and Cooperation in Europe (OSCE) trained police, including on community relations.

According to the MUP Inspector General (IG), during the year, the IG recommended initiating disciplinary proceedings against 15 MUP employees, transferring 13 employees, reducing the pay of 34 employees, and referring 23 cases of illegal or improper activity for follow up by chiefs of regional secretariats. Chiefs of regional secretariats brought disciplinary proceedings against 12 employees, transferred 2 employees, filed misdemeanor complaints against 1 employee, and recommended reduction of pay for 8 employees. In addition, the IG filed 71 criminal complaints against 83 employees on charges including abuse of position, taking or giving bribes, forgery, corruption, fraud, making a false report or statement, mistreatment while on duty, causing serious bodily injury, causing minor bodily injury, extortion, unscrupulous work, revealing official secrets, mediation of prostitution, and unauthorized possession of a weapon.

Courts occasionally ordered the Government to pay compensation for police abuses. In April, the First Municipal Court of Belgrade ordered the Government to pay \$10,000 (600,000 dinars) in a civil compensation suit for the beating of Nenad Tasic (see Section 1.c.).

Amendments to the law in May preserved the 2-year limit on detention from indictment to the conclusion of first instance trial for most cases, but increased the limit to 4 years for crimes that carry up to the maximum penalty (40 years in prison). The amendments also increased from 1 year to 2 years the maximum detention permitted after an appellate court vacates the judgment of a trial court. These amendments were brought in response to defense delaying tactics designed to free defendants. A person wrongfully detained could demand rehabilitation and compensation from the Government.

The police were authorized to make an arrest without a judge authorized warrant in certain circumstances, including well-founded grounds of suspicion that the person committed a capital crime; however, arrests were generally made only with warrants. An investigating judge must approve any detention of more than 48 hours, and this requirement was employed in practice. Amendments to the law in May provide detainees the right to initiate urgent action by an investigating judge to determine the legality of their detention and to have the investigating judge order the detainee's release if the detention was found to be illegal. Arrested persons must be informed immediately of their rights, but there were reports that police officers at times failed to do so and also failed to inform detainees that what they said could be used against them. Bail was allowed but rarely used; detainees facing charges that carried possible sentences of less than 5 years were often released on their own recognizance.

Detainees had access to counsel in principle; however, this right was sometimes not respected in practice. There were reported cases of police pressuring attorneys to have only limited private contact with defendants or contact that was not truly private. There were also cases in which a suspect was interrogated without an attorney present, but the record of the interrogation stated that an attorney was there. Family members were normally able to visit. No suspect could be detained for more than 3 months without the authorization of an investigating judge or detained for more than a total of 6 months without being charged;



these rights were respected in practice. 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. A suspect's attorney must be present during any statement to police in order for that statement to be admissible in court. There were no reports of statements made under threat or force being used in court. Unlike in the previous year, there were no reports of incommunicado detention.

There was one report of police detaining a journalist for an "informative talk" (see Section 2.a.).

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.).

#### e. Denial of Fair Public Trial

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

The courts were highly inefficient—cases could take years to be resolved—and there were no official channels for alternative dispute resolution. During the year, the Government and the judiciary made little progress in implementing the extensive organizational reforms mandated in the 2001 laws on courts, judges, and public prosecutors. The National Assembly passed an amendment providing for nomination of prosecutors by the Supreme Judicial Council—replacing nomination by the Government—and their confirmation by the National Assembly.

There were reported attempts by officials to undermine politically sensitive prosecutions, including by applying pressure on prosecutors. Journalist Misa Vasic reported on a phone call in which a private attorney allegedly sought to persuade Zemun clan crime figure Dejan "Bagzi" Milenkovic to testify falsely that the chief prosecution witness in the Djindjic assassination case was involved in another murder. In the phone call, allegedly recorded by the former head of the organized crime police (UBPOK), the attorney asserted that Interior Minister Jovic and BIA Chief Radomir "Rade" Bulatovic supported a deal in which Dejan "Bagzi" Milenkovic, also a defendant in the Djindjic assassination, would be given state witness status in exchange for the false testimony (see Section 2.a.). The weekly Vreme, which carried Vasic's report, later carried purported excerpts from the transcript of the phone call.

On July 1, the SaM Council of Ministers halted all ongoing trials at SaM military courts until political leaders resolved questions about the jurisdiction and role of the military judiciary; the military courts remained closed the rest of the year and were scheduled to be disbanded as of January 1, 2005. In addition to the military court system, the only other SaM court, the Court of the State Union of Serbia and Montenegro, was established with the appointment of judges in May and June. The court is responsible for coordinating jurisprudence in the state union, resolving jurisdictional disputes between Serbian and Montenegrin institutions, ruling on petitions brought by citizens who claimed violation of rights guaranteed by the SaM Constitutional Charter, and settling disputes that SaM's joint customs office is unable to resolve. The court was fully established during the year, but no cases were brought before it.

The Serbian court system is made up of municipal and district courts, the Supreme Court, and the Constitutional Court. Special courts for war crimes and organized crime were established within the Belgrade District Court. The Constitutional Court rules on the constitutionality of laws and regulations and relies on the authorities to enforce its rulings. The law mandates the establishment of an administrative appeals court and a second instance appeals court to lighten the burden of the Supreme Court; however, during the year, the National Assembly postponed their establishment until 2007 because preparatory work for the courts had not been done.

The High Judicial Council, staffed by Supreme Court justices, nominates judges for approval by the National Assembly. The High Personnel Council disciplines and, with the National Assembly's concurrence, dismisses judges; however, there were no dismissals during the year.

The Judges' Training Center organized educational programs offered throughout the country. International organizations and local NGOs, including the HLC and the Belgrade Center for Human Rights (BCHR), also conducted training for judges during the year.

Trials are generally public, but they are closed during testimony of a state witness (defendants against whom charges were dropped or not filed in exchange for testimony). 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. The courts also must provide interpreters, if required. 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. All these rights were generally respected in practice.

Deputy Public Prosecutor Milan Sarajlic, who was charged with accepting payments from the Zemun organized crime clan, was released from jail due to poor health. During the year, it was determined that he was not mentally fit to stand trial, and no trial was scheduled.

On March 9, the Special War Crimes Court opened with its first trial (the Vukovar/Ovcara case; see below); the Court provides the same rights to defendants as do regular courts.

There was a semi-independent War Crimes Prosecutor--appointed by the National Assembly--and a small War Crimes Investigative Service within UBPOK, as well as specialized court chambers and a dedicated detention unit for the War Crimes Court.

On March 17, Aleksandar "Sasa" Cvjetan was sentenced to 20 years in prison for killing 19 ethnic Albanians in Kosovo in 1999. In December, the Supreme Court ordered a retrial to establish certain questions of fact and procedure, including whether Cvjetan's attorney was present during the defendant's confession.

In September, the Supreme Court overturned the 2003 convictions of four people in the Sjeverin war crime case because the trial did not specify which defendants committed which criminal acts. The Supreme Court ordered a retrial, which had not begun by year's end.

The ICTY transferred two lower level figures involved in the Vukovar massacre (also known as the Ovcara case) for government prosecution. Serbia's Special Prosecutor for War Crimes greatly expanded the investigation beyond information provided by the ICTY and, in January, indicted eight persons. On March 9, the trial of six of the indictees began, the first trial to be held in the Special War Crimes Court. Indictments against another 12 persons were added in May. Two indictees became state witnesses and another died when he jumped from a window while attempting to escape, leaving 17 persons on trial. The trial was ongoing at year's end.

During the year, trials in absentia began for Milorad "Legija" Ulemek and Dejan "Bagzi" Milenkovic for the Djindjic assassination; however, Ulemek surrendered before the trial was completed. SAJ squad member Dejan Demirovic was being tried in absentia for participating in the killing of 19 ethnic Albanians in Podujevo, Kosovo, in 1999. The trials were not completed at year's end, and no issues of defendants' rights arose.

There were no reports of political prisoners.

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

The Constitution prohibits such actions; however, the Government at times infringed upon these rights in practice. The law requires the MUP to seek a court order before monitoring potential criminal activity and requires that police must only enter premises with a warrant, except to "save people and property"; however, occasionally police did not respect these provisions in practice.

Most observers believed that the authorities selectively monitored communications and eavesdropped on conversations, read mail and e-mail, and wiretapped telephones.

The Government did not fulfill its promise to open to the public all secret files on persons collected under former regimes. The few files actually delivered to individuals who requested them had been cleansed of documents that might have contained sensitive reporting on the individuals. One individual who received a file was warned that he would be charged with revealing government secrets if he made the file public.

Unlike in the previous year, there were no evictions of Roma from squatter settlements.

## Section 2

### Respect for Civil Liberties, Including:

#### a. Freedom of Speech and the Press

SaM and Serbian law provide for freedom of speech and of the press; however, although the media frequently criticized the Government without reprisal, implied political pressure from various sources, an uncertain regulatory environment, and vulnerability to libel suits placed constraints on free expression by journalists, editors, and other members of the media. Unlike in the previous year, there were no reports of pressure on the media by senior government officials.

The country had a mixture of privately owned and fully or partially government-owned media outlets. The Government published the daily Borba and owned one of the most important printing houses in the country,

also named Borba. The oldest nationwide daily, Politika, was co-owned by German media giant WAS and the Government, but run by several shareholding companies.

The Government funded a Hungarian language newspaper, and state owned media outlet Radio-Television Serbia (RTS) provided some Hungarian language programming. Radio stations owned by municipal governments also provided minority-language programming. Tanjug was a state-owned news agency that many television stations relied on for news information.

State-controlled RTS was a major presence in television and radio. Aside from the three RTS channels, the Government had considerable influence, although not formal control, over some other major television stations, including TV Politika and TV Novi Sad, as well as Radio Belgrade's three stations. RTS's coverage was generally objective; however, there occasionally appeared to be a slight bias toward the Government. Management personnel could be politically influenced, since the Government appointed editors-in-chief. On March 18, the Government replaced RTS Director General Aleksandar Crkvenjakov with government loyalist Aleksandar Tijanic. Minister of Culture and Information Dragan Kojadinovic claimed that Crkvenjakov was removed for inadequate coverage of the March outbreak of anti Serb violence in Kosovo; however, the media reported Tijanic's upcoming appointment several days before the escalation of violence in Kosovo. The RTS Board of Governors resigned in protest of Tijanic's appointment.

Two major private TV stations, BK and TV Pink, have shown editorial bias in favor of the Government. After the Government in 2002 granted RTV B-92 a temporary license to broadcast republicwide pending the final allocation of frequencies, the media outlet set up new transmitters to make itself a national channel that could compete with TV Pink and BK. Unlike in the previous year, editor-in-chief of RTV B-92 Veran Matic did not report receiving any further warnings from officials that his media outlet would not receive radio or television frequencies if it did not change its reporting. Approximately 300 television stations and 700 radio stations that operated independently operated under temporary licenses or without any legal basis.

On October 8, the Association of Independent Electronic Media (ANEM) protested the decision of Trstenik Municipal Council to donate ownership of Television Trstenik—part of the local public company RTV Trstenik—to the Serbian Orthodox Church. ANEM claimed that this move, which was cancelled during the year, violated the provisions of the law on privatization of broadcasters.

Radio stations owned or organized by municipalities pressured local journalists not to report on municipal government problems.

There was one instance of police calling in a journalist for an "informative talk." In October, UBPOK called in journalist Misa Vasic for an informative talk at the request of the Belgrade District Public Prosecutor. Vasic was called in after he wrote about a phone call in which a private attorney reportedly offered a defendant state witness status in the Djindjic assassination case in exchange for false testimony. In the call, the attorney allegedly asserted that two senior government officials supported the deal (see Section 1.e.).

Hrvatske Rijeci, a magazine for the Croatian minority, received five threatening phone calls with anti-Croatian content between January 13 and 14.

On March 27, a RTV B-92 news team discovered a bomb under its van, which had been parked in the southern Serbian town of Raska while the team was in Kosovo reporting on a surge of violence against Serbs. Police did not identify the perpetrators, and the investigation appeared to be inactive at year's end.

The law creates a regulatory framework designed to foster free and independent media and mandates formation of an independent Broadcast Council to transform RTS into a public broadcasting service and to allot radio and TV frequencies; however, the law had not been implemented by year's end. Some observers believed that the continued lack of clear guidelines created an atmosphere unfriendly to free expression. Some media outlets clearly attempted to curry favor with the Government in hopes of receiving favorable treatment once new media reform laws are fully implemented.

Libel remained a criminal offense. Although no suits were filed by the Government, the low threshold defining libel enabled individual government officials, as well as former members of the Milosevic regime, to win private cases against media outlets that criticized them. Libel can result in jail terms, and courts have the power to issue "conditional sentences" that silence offending journalists with the threat that any further offense will lead to immediate imprisonment. On March 16, a Sabac city court convicted Radio Free Europe/Radio Liberty correspondent Hanibal Kovac of criminal defamation and gave him a 2-month suspended prison sentence for a September 2003 report accusing Cedomir Vasiljevic, a senior official in the Serbian Radical Party (SRS) and former Serbian Government minister during the Milosevic regime, of participating in the violent takeover of an administrative building in 1999. In May, journalist Ljiljana Jokic Kaspar was sentenced to 6 months in prison, with the sentence suspended for 2 years, for reporting that Miroslav Savic had served in the reserve complement of the Red Berets, which, after Savic's reported service, was implicated in the 2003 killing of Prime Minister Djindjic.

At year's end, the prosecutor had taken no action on the 2003 defamation lawsuits filed by then MUP Minister Dusan Mihajlovic against Dinkic and Barac. The 2003 libel suits filed by then Government communications director Vladimir "Beba" Popovic against NIN, Vreme, and RTV B-92 were thrown out during the year. In June, Democratic Party member Radisav Ljubisavljevic withdrew his 2002 libel suit against RTV B-92.

According to the HLC and the BCHR, 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.

Unlike in the previous year, the Government did not prohibit any television or radio stations or newspapers. However, the Government did prohibit the distribution of the book "Military Secrets" on the grounds it revealed military secrets. On March 26, Military Police officers seized the remaining 251 copies of the book despite a Military Police warrant which only authorized them to take 1 copy of the book.

The Government did not restrict access to the Internet; however, there were reports that the Government selectively monitored e-mail correspondence (see Section 1.f.).

The Government did not restrict academic freedom. The Government reversed attempts by the Education Minister to restrict course content and to replace academic personnel based on political considerations. On September 16, the Education Minister was forced to resign. Svetlana Djordjevic, the author of a book enumerating human rights abuses she witnessed Serbian government and military officers commit in Kosovo in 1999, received a series of threats beginning in 2003, after publication of her book. Some of the threats contained symbols associated with the Red Berets and its former leader, Milorad Ulemek, on trial for the assassination of Prime Minister Djindjic and other crimes.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

#### c. Freedom of Religion

The SaM and Serbian constitutions and laws provide for freedom of religion, and the state union and republic Governments generally respected this right in practice. There is no state religion in SaM; however, the Serbian Orthodox Church received some preferential treatment, including funding for construction of a large church in Belgrade. The armed forces continued to offer only Serbian Orthodox services; however, members of other faiths may attend religious services outside their posts.

While there is no formal registration requirement for religious groups, any group planning to hold gatherings is required to register with local police. Religious groups also could register as citizen groups with the MUP to gain the status of juridical person necessary for real estate and other administrative transactions.

The Belgrade Islamic community reported continued difficulties in acquiring land and government approval for an Islamic cemetery in the city.

The Supreme Court ruled against a tent church used by the Protestant Evangelical Roma Church in its long-running dispute with the southern town of Leskovac, in which the tent church was singled out from among 463 illegal structures in the area for demolition. On April 30, building inspectors, police, and a demolition team arrived to demolish the church; however, worshippers prevented the demolition, and the city agreed to allow relocation of the church. At year's end, church leaders and city officials were working on details of the agreement.

Religious education in primary and secondary schools continued during the year. Students are required either to attend classes from one of the seven "traditional religious communities" or to substitute a class in civic education. The proportion of students registering for religious education grew during the year and caught up with the proportion of students choosing the civic education option. Some Protestant leaders and NGOs continued to object to teaching religion in public schools and to proposals to classify some of the Republic's religions as traditional.

There was no progress noted during the year on restitution of previously seized religious property.

Representatives of the Union of Jewish Communities of SaM reported an increase in anti-Semitism. There were no reports of physical violence against Jewish persons; however, there was anti-Semitic graffiti and vandalism at a few Jewish cemeteries. According to representatives of the Union of Jewish Communities of SaM, anti-Semitic hate speech often appeared in small circulation books. The release of new books (or reprints of translations of anti-Semitic foreign literature) often led to a spike in hate mail and other

expressions of anti-Semitism.

There have been a number of continuations in the Savic case, in which an author of anti-Semitic literature was tried for spreading racial/national hatred. The latest continuance, granted in 2003 due to the reported ill health of the defendant, was ongoing at year's end.

Religion and ethnicity are closely related in SaM; in many cases, it was difficult to identify discriminatory acts as being either primarily religious or primarily ethnic in motivation (see Section 5). Minority religious communities reported continued problems with vandalism of church buildings, cemeteries, and other religious premises. Many of the attacks involved spray-painted graffiti, rock throwing, or the defacing of tombstones; however, a few cases involved much more extensive damage. The police response was often inadequate.

After the December 2003 parliamentary elections—in which the SRS took a plurality of seats—there was an upsurge in vandalism and violence against minority ethnic and religious groups in the northern Serbian province of Vojvodina (see Section 5). Among the incidents that targeted religious sites or adherents were: The January 19 desecration of a Hungarian Catholic cemetery in Novi Sad; the January 19 desecration of a Reformist church in Sombor; the January 24 desecration of a Croatian Catholic cemetery in Subotica; the desecration of another Subotica graveyard, where Croats and Bunjevci (both Catholic groups) are buried, on the night of March 26-27; the desecration of 21 gravestones in the Catholic and Orthodox graveyard in Novi Becej between May 1 and 2; and an attack in Novi Sad on two Christian Adventist ministers. In this last incident, police had not arrested the perpetrators or filed a criminal complaint by year's end, although the identity of the attackers was known. In this incident and in most cases, police tried to minimize their seriousness, attributing them to drunk individuals and youths without performing thorough investigations.

In reaction to widespread violence by ethnic Albanians against Serbs and their personal and religious property in Kosovo on March 17, there were protests and violence in Serbia beginning on the night of March 17-18, including violence against Muslim religious sites belonging primarily to the Bosniak and Romani communities.

During the night of March 17-18, the Belgrade mosque was looted and set on fire by 300 to 500 youths, reportedly mostly from Belgrade's sports clubs, who went to the mosque after demonstrating in front of the Serbian Government building. Government and political leaders condemned the attack, and the Interior Minister fired the police commander of the Stari Grad municipality (within Belgrade), where the mosque is located, for inadequate police response. Police arrested 110 persons for the attack. After a radio station carried the home address of a Muslim boy who was injured when he fell from the roof of the mosque, an explosive device was thrown at his house.

The same night as the attack on the Belgrade mosque, the mosque in the southern Serbian city of Nis was destroyed by arson. Thousands of rioters surrounded the building to prevent police and firefighters from entering it. Eleven persons were charged in the attack with "joining together for violent activity," which carries a sentence of up to 5 years in prison.

Attacks also took place against Muslim property in Serbia's northern province of Vojvodina in reaction to the Kosovo events. HCS noted 40 attacks between March 17 and 21 against property owned by Albanian and Bosniak Muslims in Vojvodina. Also, in the western Serbian town of Mali Zvornik, attackers broke mosque windows with stones on March 20.

There was also an attack against at least one non-Muslim religious site, apparently in reaction to the events in Kosovo. On the evening of March 18, a Protestant Bible Cultural Center in Nis was burned by a mob of 30 that threw Molotov cocktails; police, who appeared to be trying to minimize the incident, did not identify any suspects or make any arrests by year's end.

There were no developments during the year in the 2003 criminal complaint filed by the HLC against Momir Vujic for abusing his Muslim neighbor on ethnic grounds for 3 years.

For a more detailed discussion, see the 2004 International Religious Freedom Report.

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

The Constitution provides for these rights, and the Government generally respected them in practice.

The conflicts that occurred in Bosnia, Croatia, and Kosovo led to widespread displacement of persons. There were approximately 216,000 internally displaced persons (IDPs) from Kosovo in Serbia, mainly Serbs, Roma, and Bosniaks.

During the March anti-Serb violence in Kosovo, more than 350 persons—mostly Serbs, but also Ashkali and

Roma—left Kosovo for Serbia. About half of these IDPs later returned to ethnic enclaves in Kosovo, not necessarily to their own homes. Most Serb IDPs from Kosovo rented inadequate lodgings or were housed with host families or relatives in Serbia proper; however, approximately 9,000 remained in collective centers that foreign observers found to be inadequate for any purpose other than emergency shelter.

During the year, the ICRC ceased supporting IDPs because the Government was not screening them and assuming responsibility for assisting those in need at the agreed rate. The Government continued to pay salaries to IDPs who were in the Kosovo Government before June 1999. The Government did not forcibly return IDPs or resettle them under dangerous conditions. There were government efforts to promote voluntary and safe return or resettlement by IDPs.

Serbia agreed to take in tens of thousands of Roma from Kosovo who fled to several West European countries. The UNHCR estimated that there were 40,000 to 45,000 displaced Roma living in Serbia proper, as many Kosovar Roma were perceived as Serb collaborators during the Kosovo conflict and so 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 not remain in 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.

The HLC reported that the Government did not allow some Kosovo IDPs to redesignate their official places of residence; this deprived them of health insurance, social welfare, and normal access to schools. The Nis Council for Human Rights reported that the approximately 20,000 refugees and IDPs in the Nis area suffered from "quiet discrimination" in areas such as housing and employment.

The Constitution prohibits forced exile, and the Government did not employ it.

The SaM and Serbian Constitutions provide for the granting of asylum (at the SaM level) or refugee status (at the Republic level) in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol.

In 2003, Bosnian and SaM authorities signed an agreement and protocol on the return of refugees; however, the agreement had not been implemented by year's end. The UNHCR, OSCE, and the European Union also helped institute a trilateral approach to refugee returns during the year, bringing together SaM, BiH, and Croatia.

There were approximately 282,000 refugees in Serbia from other successor nations of the Socialist Federal Republic of Yugoslavia. Of these, most were from Croatia (188,000) and BiH (99,000). During the year, the UNHCR opened an office at the Belgrade airport to assist asylum seekers arriving from abroad. Although progress slowed during the year, the Government, with the support of the UNHCR, continued working to close remaining collective centers housing refugees from BiH and Croatia by setting qualifications to remain housed in collective centers and seeking alternate housing for others.

### Section 3

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

The SaM Constitutional Charter provides citizens with 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. SaM and the Serbian Republic each have a parliamentary system of government. On December 22, the Serbian National Assembly, in accordance with the SaM Constitutional Charter, amended Serbian election law to provide for direct election of its representatives to the SaM Parliament; previously, the Serbian Government had appointed its members. In SaM, the SaM Parliament elects the SaM President; in Serbia, the President is elected by direct vote.

On June 13 and June 27, Boris Tadic of the Democratic Party (DS) was elected President of Serbia in a two-round election. The OSCE observation mission reported that international and domestic nonpartisan observers were generally satisfied with polling procedures, although some minor irregularities were recorded. The media provided voters with broad and balanced coverage of the campaign.

The OSCE observation mission to the December 2003 elections for the National Assembly (parliament) of the Republic of Serbia reported the elections were conducted generally in line with OSCE commitments. Broadcast and print media provided extensive and largely balanced coverage of the campaign, and state media generally complied with laws and regulations. The lists of four parties or coalitions included persons indicted for war crimes. The SRS—whose leader Vojislav Seselj faces war crimes charges before the ICTY—

-won a plurality (82 of 250 seats); however, democratic parties together controlled more than half of the seats. On March 3, a minority coalition of democratic parties formed a government with outside support from the Socialist Party of Serbia (SPS).

There was significant corruption in the executive branch of government. On September 24, Finance Minister Mladjan Dinkic announced that several MUP officials would be charged with misappropriation of funds during equipment purchase contracting; however, no charges had been filed by year's end. There was also a widespread public perception of corruption in local governments. The Government's Anticorruption Council, an advisory body, focused primarily on corruption related to privatization.

On November 2, the National Assembly passed the Law on Free Access to Information of Public Importance. The Law provides for access to information of "legitimate public importance" (with many exceptions) and establishes an independent Commissioner for Information of Public Importance, selected by the National Assembly, to handle appeals when Government agencies reject requests for information. At year's end, the Law was in the early stages of implementation. Transparency International's efforts to get information using the new Law have had poor results.

There were 13 women in the 126-seat SaM Parliament and 23 women in the 250-seat Serbian National Assembly. There was one woman in the 16-member Serbian Cabinet. Women were very active in political organizations; however, they held less than 10 percent of ministerial-level and parliamentary positions in the Serbian and SaM Governments.

There were 7 members of minorities in the 126-seat SaM Parliament and 11 members of minorities in the 250-seat Serbian National Assembly. There were no members of minorities in the 16-member Serbian cabinet and 1 member in the 5-member SaM cabinet. The two largest ethnic groups, Serbs and Montenegrins, dominated the country's political leadership. In March, the law was amended to exempt ethnically based parties from the 5 percent threshold required to enter the National Assembly. Roma continued their historical pattern of low voter turnout; very few ethnic Albanians participated in republic-level elections during the year, but did participate in local elections in Presevo.

In Vojvodina, the Hungarian minority constituted approximately 15 percent of the population, and many regional political offices were held by ethnic Hungarians. In the Sandzak, Bosniaks controlled the municipal governments of Novi Pazar, Tutin, and Sjenica, and Prijepolje.

Ethnic groups have established 11 minority councils.

#### Section 4

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

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

The Government was generally unfriendly toward several human rights NGOs, although it did not interfere with them. For example, police failed to respond adequately when HLC head Natasa Kandic was threatened by an angry crowd in March; HLC's reporting on war crimes and other issues has earned it the Government's disfavor.

The SaM and Serbian Governments made little progress in their cooperation with the ICTY. The ICTY remained dissatisfied with overall SaM cooperation, in particular because it believed that key indictee General Ratko Mladic was at large in Serbia. Serbian authorities claimed that they searched for Mladic during the year but were unable to locate him and did not believe he was in Serbia.

Two ICTY indictees in Serbia surrendered to the Tribunal; however, approximately 16 ICTY indictees with ties to the country remained at large, including key indictee Radko Mladic. The ICTY claimed that Government authorities warned Goran Hadzic, the only Serbian national indicted during the year, of a secret indictment against him in order to enable him to flee and avoid arrest. Hadzic's whereabouts remained unknown at year's end.

SaM and Serbian Governments have made progress in compliance with document requests from the ICTY and in facilitation of the testimony of witnesses. SaM's National Cooperation Council (NCC) transferred hundreds of pages of documents to the ICTY's Office of the Prosecutor during the year; however, a number of requests from the ICTY remained outstanding at year's end. At year's end, the NCC had enabled the testimony of 62 witnesses through the granting of waivers that freed potential witnesses from local prosecution under state secrets laws.



During the year, domestic war crimes indictments and trials continued in Serbia (see Section 1.e.).

There was no autonomous human rights ombudsman at either the SaM or the republic level; however, Vojvodina Province has an ombudsman, who operated independently during the year. The office of the Vojvodina ombudsman made assessments and recommendations during the year concerning the rights of minorities, the rights of the child, gender equality and prisons. Over the 12-month period starting in November 2003, the ombudsman's office received 265 written complaints from citizens, of which it resolved 188, according to the ombudsman's annual report.

There is one government-controlled human rights entity, the Legal Aid Office of the SaM Ministry for Human and Minority Rights, which assisted citizens with human rights complaints.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

SaM and Serbian laws provide for equal rights for all citizens, regardless of ethnic group, language, or social status, and prohibit discrimination against women; however, discrimination against women and ethnic minorities was a problem.

#### Women

Violence against women was a problem, and high levels of domestic violence persisted. Domestic violence is a crime punishable by a prison sentence of from 6 months to 10 years, depending on the seriousness of the offense, and a minimum of 10 years if death results. By one estimate, half of all women suffered physical or emotional abuse. The few official agencies dedicated to coping with family violence had inadequate resources; however, public recognition of the problem has increased. Spousal rape is a criminal offense; however, few victims filed complaints with the authorities. Victim accusations are not required for prosecution of domestic violence cases, and prosecutions of such cases did occur during the year. According to a victims' rights advocate, police response to domestic violence has improved markedly; a number of police officers provided assistance to female victims of violence and detained offenders to protect victims.

Rape was a problem. Rape, including spousal rape, is punishable by 1 year to the legal maximum sentence (currently 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 are reported because victims fear that they will not be protected, that their attackers may take revenge, or that they will be humiliated in court.

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 who 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 problem, but there was little awareness of the issue. It is a crime punishable by a fine or up to 6 months' imprisonment for a simple case and by up to 1 year's imprisonment for abuse of a subordinate or dependent. While women's social status was not equal to men's, women served in high-level positions in government, politics, and professional occupations, though they were not well represented in commerce. In urban areas, such as Belgrade, Nis, and Novi Sad, women were represented widely in many professions including law, academia, and medicine. Women were also active in journalism, politics, and human rights organizations. Since regulations now allow women to serve as police officers, the police hired increasing numbers of women officers. Women legally were 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 the average wage of men.

Traditional patriarchal ideas of gender roles, particularly in rural areas, subjected women to discrimination in many homes. In remote rural areas, particularly among some minority communities, women effectively lacked the ability to exercise their right to control property. In rural areas and some minority communities, it was common for husbands to direct the voting of wives.

During the year, the Government established the Council for Gender Equality, but it was still being constituted at year's end. There is also a parliamentary committee for gender equality. The Vojvodina Government has a Secretariat for Labor, Employment, and Gender Equality.

## Children

The Government was committed to the rights and welfare of children. The educational system provided 9 years of free, mandatory schooling. However, economic distress affected children adversely in the education system, particularly Romani children, who rarely attended kindergarten. Approximately 99.8 percent of children attended school, according to one Government survey; however, the Government acknowledged that many transient Roma were missed by the survey. 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.

It was estimated that approximately 30 percent of children were abused. While teachers were instructed to report suspected child abuse cases, they often did not do so. Police were generally responsive 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. Also, victims who were with their mothers could stay in the domestic violence shelter.

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 in Serbia and to other Roma abroad to be used in begging and theft rings.

UNICEF worked with eight local NGOs to promote children's rights. A ninth NGO, Beosupport, led the working group for combating trafficking in children, a subgroup of the Serbian Antitrafficking Team. The project "Living Together" is a joint effort of seven local NGOs, coordinated by the Child Rights Center Belgrade, that focused on encouraging youth of different backgrounds to overcome barriers to living together peacefully.

## Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons 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 years if a minor is involved or if a victim is killed.

The Government prosecuted trafficking cases during the year; however, sentences issued tended to be lenient. There were at least six trials of traffickers, mostly with multiple defendants, ongoing or completed by October 15; however, poor tracking of cases begun prior to the year made it difficult to determine the actual total. On August 30, the trial of 10 persons began in the Belgrade Special Court for Fighting Organized Crime; the defendants were charged with criminal conspiracy and trafficking of women from Serbia to Italy, where the women were forced into prostitution. The trial was ongoing at year's end. One trial, which began in 2003 on trafficking-related charges against the organizer of a trafficking ring and 12 accomplices, resulted in all 13 defendants being convicted; the maximum sentence, issued to the organizer, was to 3½ years in prison. The convictions were being appealed at year's end.

During the year, police filed 24 criminal complaints for trafficking against 51 persons. By year's end, two of these criminal complaints had resulted in six individuals being sentenced to between 2½ and 3½ years in prison. Another 4 of the cases resulted in indictments, 15 were under investigation by the judiciary, and 3 cases were rejected by the judiciary.

The Serbian Antitrafficking Team, led by Serbian Antitrafficking Coordinator Dusan Zlokas (Chief of the Border Police), incorporated government agencies, NGOs, and international organizations. Government participants are the Supreme Court, Public Prosecutors Office, Interpol Belgrade, the MUP, the Ministry of Labor, Employment and Social Issues, the Ministry of Education, the Ministry of Justice, the Ministry of Finance and Economy, the Ministry of Health, the Ministry of Foreign Affairs (SaM level), and the Ministry of Human and Minority Rights (SaM level). During the year, the Serbian Antitrafficking Team added a focus on child trafficking to its mandate. The Government assisted in international investigations of human trafficking and participated in a regional antitrafficking operation.

The country was a transit country, and to a lesser extent a country of origin and a destination country, for trafficking in women and girls for the purpose of sexual exploitation. Serbia was primarily a transit country for internationally trafficked women going to Kosovo, Croatia, BiH, Albania, and Western Europe. The primary source countries for trafficking in persons were Moldova, Ukraine, Romania, Russia, and Bulgaria. According to an NGO study published during the year, there were at least 2,000 trafficking victims in or who passed through Serbia, including women trafficked for sexual exploitation, children in begging rings, and exploited seasonal agricultural laborers.

According to preliminary results of a study by the International Organization for Migration (IOM), the Government, NGOs, or international organizations assisted 39 foreign trafficking victims (including 8 minors) in Serbia during the year, while about 15 Serbian victims (including 7 minors) had been assisted in SaM or elsewhere in the region. The study found more victims of labor exploitation than of sexual exploitation among foreign victims; the balance was not clear for Serbian victims. The 24 trafficking complaints police filed during the year involved 35 victims, including 22 minors. Of these minors, 13 (12 females and 1 male) were sexually exploited, 8 (4 males and 4 females), were used for begging, and 1 was forced into marriage. Eight of the 22 minors were Roma (6 used for begging, 2 for sexual exploitation). Only one minor victim was a foreigner (Bulgarian). All adult victims were female: 10 from SaM, 2 from Ukraine, and 1 from Romania.

Serbia did not traditionally serve as a major source country for trafficked women, but poor economic conditions have increased Serbian women's vulnerability to traffickers, particularly for Roma. Trafficking of children by Roma for use in begging or theft rings was a problem.

Recruitment enticements included advertisements for escorts, marriage offers, and offers of employment. Often women knowingly went to work as prostitutes and later became trafficking victims. Women were recruited, transported, sold, and controlled by international organized crime networks. The main points in Serbia for holding and transferring trafficked women were the Belgrade suburbs and Pancevo.

There were no reports of government officials condoning or participating in trafficking in Serbia. During the year, one police officer was indicted for facilitating prostitution; he was suspended and awaiting trial at year's end.

During the year, the government Agency for Coordination of Protection to Victims was established to ensure the correct identification of victims and their subsequent referral to assistance providers. A second trafficking shelter was established during the year exclusively for domestic victims, leaving the original shelter, run by the Counseling Center Against Family Violence, to assist foreign victims. The antitrafficking NGO Astra ran a hotline for trafficking victims. NGOs and volunteers provided legal, medical, psychological, and other assistance to victims. The IOM managed repatriation of victims and assisted in the reintegration of local victims. It also ran a regional clearing center for information on trafficking victims, which operated in government-donated offices in Belgrade. During the year, the MUP formalized temporary residence for victims; in the past, this had been handled unofficially. Authorities encouraged victims to participate in trials of traffickers and did not prosecute victims.

There were numerous public awareness efforts, including broadcast of a locally produced trafficking documentary, education for teens and orphans held at the 150 government social work centers, broadcast of a U.N.-provided antitrafficking public service announcement, introduction of antitrafficking education into the curriculum for high school students, and many local television and radio spots.

#### Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, in practice, facilities for persons with mental or physical disabilities were inadequate, and addressing this problem was not a priority for the Government. There were specialized schools for persons with disabilities, but no special facilities or assistance was available for higher education. A high unemployment rate and lack of accommodations for persons with disabilities made employment difficult. The law mandates access for persons with disabilities to new public buildings, and the Government generally enforced this provision in practice. As sidewalks were replaced, the Government installed wheelchair ramps at intersections. The Government provided mobile voting for voters unable to come to polling stations due to disability or illness.

There is a government agency for assistance to war veterans with disabilities; however, there was no general assistance office for those with disabilities.

#### 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.

The number of antiminority incidents in Serbia's northern province of Vojvodina increased markedly after the SRS won a plurality of votes in Serbian parliamentary elections in December 2003. While the incidents consisted mainly of vandalism targeting cemeteries, homes, churches, and cultural sites, there were also death threats and assaults (see Section 2.c.). For example, on April 9, Bela Csorba, Vice President of the Hungarian Democratic Party of Vojvodina, found a 12-inch kitchen knife wrapped in paper slipped under his door. Attached to the weapon was a note in Serbian, "we will slaughter you." On September 28, an ethnic Hungarian high school student was beaten by a Serb student at whom he smiled on the bus. According to an eyewitness and the victim, the Serb boy said, "no Hungarian has ever smiled at me and none will ever

do so!" Other boys joined in the beating, and when friends of the victim tried to help him, they were beaten as well. Police identified the aggressors and filed charges against them.

The pace and seriousness of incidents peaked before republicwide local and Vojvodina provincial elections in September, then declined to a relatively low level. The targets were mainly ethnic Hungarians and ethnic Croats—the two largest minorities in Vojvodina—but other groups have also been affected, including Slovaks, Ruthenians, Romanians, Roma, Ashkali, Jews, and Chinese. The affected minorities complained that police were not sufficiently active in pursuing perpetrators and sometimes blamed the victim; because of these problems, the Vojvodina Province Secretary for Minorities reportedly began meetings with police concerning the attacks and preventive measures to be taken. As a result of these reported meetings, police patrols were increased in some trouble spots, but police response remained inconsistent.

In September, Prime Minister Kostunica formed the Council for National Minorities, which is mandated to monitor minority rights and to consider draft laws and regulations important for exercising those rights. The Council, which the Prime Minister chairs, included the presidents of each of the individual national minority councils, as well as the Ministers of Culture, Education, Administration and Local Government, Religion, Justice, and Internal Affairs. In October, the SaM and Hungarian governments agreed to establish a permanent bilateral commission to address concerns of the Hungarian minority in Serbia (mostly in Vojvodina) and the Serbian minority in Hungary; the Commission held its first meeting on December 8.

There were a few reports of police inattention to the security of the ethnic Albanian population in southern Serbia, in particular failure to respond adequately to the several armed highway robberies between May and July by masked men who claimed to be members of the extremist Albanian National Army (AKSh). The perpetrators demanded money from cars with foreign license plates (presumed ethnic Albanian guest workers returning to Kosovo for the summer holidays). In one incident, robbers shot at a car that refused to stop, killing one passenger and injuring three others. After this incident, the police reportedly arrested some of the perpetrators, but the ethnic Albanian community complained that the police had ignored their complaints about the robberies before the fatal incident brought public attention to the problem. There continued to be sporadic reports of physical abuse or brutality by the police, but there was no noticeable increase over previous years.

Ethnic Albanian leaders of the southern Serbian municipalities of Presevo, Bujanovac, and Medvedja continued to complain about the underrepresentation of ethnic Albanians in government structures. Southern Serbia's ethnic Albanians have proportional representation in the multiethnic police force in southern Serbia and control of local governments in municipalities where they constituted a majority.

In December, the privatization agency approved the sale of a public company in southern Serbia to an ethnic Albanian amnestied member of the Liberation Army for Presevo, Medvedja, and Bujanovac (UCPMB)—reportedly the first sale of a public company to an ethnic Albanian. The following day, members of the local municipal assembly called on Prime Minister Kostunica to block the sale "to protect the national interest." The privatization agency quickly withdrew its approval on the grounds that there was only one qualified bidder, although a number of other single-bid privatizations had gone through. The bidder complained that the sale was overturned on ethnic grounds.

The MUP joined with OSCE, the Coordination Body for Southern Serbia, and municipal leaders to form a working group to deal with concerns between the ethnic Albanian community and police.

The SaM Minorities Law recognizes the Roma as a national minority and explicitly prohibits discrimination against them; however, Roma continued to be targets of numerous incidents of police violence, verbal and physical harassment from ordinary citizens, and societal discrimination. Police often did not investigate cases of societal violence against Roma. At year's end, two persons were on trial for a 2003 incident in which Roma were beaten; a separate juvenile proceeding was conducted for a minor who was also involved in the beating.

Many Roma lived illegally in squatter settlements that lacked basic services such as schools, medical care, water, and sewage facilities. Some of these 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. There were no reports of Romani settlements being closed during the year; one settlement on privatized land in Belgrade was scheduled to be demolished, but the action was suspended pending location of alternative housing for the IDPs and other Roma living there. On August 6, the European Roma Rights Center (ERRC), the HLC, and the Center for Minority Rights of Belgrade filed a criminal complaint in connection with the August 2003 attack by 6 villagers on an extended Romani family of Muslim faith in Luzane. The attack followed years of threats and slurs against the family's ethnicity and religion by non-Romani neighbors. The police report of the attack was incomplete and inaccurate, and there was no indication that police would provide protection in future, so the 36-member family moved away.

In 2003, the Belgrade City Assembly adopted a plan to construct 58 small settlements for socially vulnerable persons with the objective of resettling some of the Roma from illegal settlements; however, no

settlements have been built because of opposition by neighbors of the sites.

Romani IDPs from Kosovo were particularly subject to discrimination and abuse (see Section 2.d.). Some non-Romani refugees and IDPs also suffered from discrimination.

Romani education remained a problem. Many Romani children did not attend primary school, either for family reasons, because they were judged 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 Romani language, and cultural norms made it difficult for them to succeed on standardized tests in Serbian. The UNHCR, with government support, began health education programs for Roma and catch-up and head-start programs for Romani children. The SaM Government emphasized increasing enrollment of Romani children in school. During the year, there were 70 Romani children in middle schools and 69 Roma in vocational colleges and universities.

In reaction to widespread anti-Serb violence by ethnic Albanians (who are primarily Muslim) in Kosovo in mid-March, two mosques in Serbia—attended by Bosniaks, Roma, and others—were burned (see Section 2.c.). There were also more than 40 incidents in Vojvodina of attacks on property of ethnic Albanians and Bosniak Muslims following the Kosovo violence. In the most serious Vojvodina attack, two Molotov cocktails were thrown at a bakery.

The SaM Ministry for Human and Minority Rights ran an "SOS" hotline for minorities and others concerned about human rights problems. In July, the Ministry, in conjunction with OSCE and a local NGO, hosted a regional conference on "Tolerance above All" in Belgrade.

#### Other Societal Abuses and Discrimination

Serbia's homosexual community stayed hidden due to fears of violence and discrimination. The one occasion the community was visible—when it held a gay pride parade in 2002—the event was violently broken up, with police assisting the attackers. Slurs against homosexuals appeared in the media.

#### Incitement to Acts of Discrimination

The law prohibits dissemination of information that incites violence, hatred, or discrimination; however, propaganda against "sects" continued in the press, and religious leaders noted that instances of vandalism often occurred soon after such press reports. Some texts used in military and police academies contained propaganda against religious sects.

### Section 6 Worker Rights

#### a. The Right of Association

The law provides for the right of all 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 continued to dominate 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 criminal code does not prohibit antiunion discrimination, and it was not a significant problem during the year. While it did not provide any specific examples of problems, the Nezavisnost national trade union center made generalized allegations to the International Confederation of Free Trade Unions that its members in Serbia were exposed to "harassment and persecution" by company managers and the Government and that two-thirds of applications for the registration of local Nezavisnost branches were delayed by the authorities for longer than the time limit set by law. Nezavisnost asserted that company managers prohibited the operation of the unions and their entry to company premises on the grounds that they were not registered and claimed there were reports of workers having their pay docked, being transferred to lower-paid positions, or being threatened and even assaulted after joining Nezavisnost. Local independent labor experts could not corroborate these claims. According to an independent labor expert, about 20 Nezavisnost members were prevented from working at one tractor factory in 2003, resulting in one violent skirmish. According to the labor expert, there were no incidents of company managers harassing union members during the year. Granting of applications for labor registration was, on occasion,

delayed by 1 or 2 months, but often the delay was due to incomplete applications.

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 right to organize and bargain collectively was recognized and exercised freely in practice. A union must have 15 percent of employees as members in order to negotiate with an employer or 10 percent of all employees to negotiate with the Government.

The law provides for the right to strike, and unions held several strikes during the year; however, the law restricts strikes by employees in "essential service production enterprises," such as education, electric power, and postal services—approximately 50 percent of all employees. These employees must announce their strikes at least 15 days in advance and ensure that a "minimum level of work" is provided.

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, Trafficking and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

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 could be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers; however, in recent years, this type of labor has been less widespread because adults, lacking other options for employment, have taken many of these jobs. 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

The minimum wage of approximately \$95 (5,600 dinars) per month did not provide a decent standard of living for a worker and family.

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 within 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 the workweek, and at least 24 hours of break are required over the weekend. Payment of overtime—50 percent above regular pay—was regulated by collective agreements.

It is mandatory for each company 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. By some estimates, there were 20,000 workplace injuries annually in Serbia, with approximately 100 fatalities. Workers do not have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment.

## KOSOVO

Kosovo is administered by the U.N. Interim Administrative Mission in Kosovo (UNMIK) pursuant to U.N. Security Council (UNSC) Resolution 1244. UNMIK promulgates regulations to address the civil and legal responsibilities of governmental entities and private individuals, and ratifies laws passed by the Kosovo Assembly. UNMIK promulgated the Constitutional Framework for Provisional Self Government in Kosovo (the Constitutional Framework), which defined the Provisional Institutions of Self Government (PISG).

Kosovo has a multiparty political system with four dominant ethnic Albanian parties and several minority parties and coalitions. In October, Kosovo Assembly elections were held that were determined to be generally free and fair. The Constitutional Framework provides for an independent judiciary; however, the judiciary continued to be plagued by instances of favoritism and outside influence, particularly in many interethnic cases.

The U.N.-authorized, NATO-led peacekeeping force for Kosovo (KFOR) continued to carry out its mandate to maintain a safe and secure environment and defend against external threats. UNMIK Civilian Police continued to transfer basic police authority and functions to the local Kosovo Police Service (KPS). The Kosovo Protection Corps (KPC), comprised largely of demilitarized former Kosovo Liberation Army (KLA) members, continued to develop its capacity as a civilian civil emergency response agency. UNMIK international civilian authorities and KFOR leadership generally maintained effective control over security forces; however, there were reports that elements of the security forces acted independently of their respective authority. Some members of the international and local security forces committed human rights abuses.

The economy, in transition from a centrally directed to a market-based economy, was built primarily on agriculture, mining-related industries, and construction services, and was heavily dependent on foreign assistance. The estimated population was 2.3 million, although demographic figures were unreliable in the absence of a recent census. Economic growth was approximately 3.5 percent for the year. Unemployment estimates ranged from 30 to 50 percent among ethnic Albanians and higher among Kosovo Serbs and other ethnic communities. Wage increases generally kept pace with inflation.

UNMIK and the PISG generally respected the human rights of Kosovo's residents; however, there were serious problems in some areas, especially relating to Kosovo Serbs. KFOR and UNMIK police were responsible for killing several protesters during riots in March after the protestors failed to heed prior warnings and threatened the international security officials or those they were protecting. Several killings resulted from attacks that appeared to be ethnically motivated, and some perpetrators of the killings were arrested during the year. One death and several injuries resulted from landmines and, particularly, from unexploded ordnance (UXO). Lengthy pretrial detention was a problem, and the judiciary did not always provide due process. UNMIK occasionally limited freedom of assembly and forcibly dispersed some demonstrations. Religious tensions persisted. Freedom of movement for ethnic minorities, particularly Kosovo Serbs, continued to be a serious problem. Violence and discrimination against women remained significant problems. Trafficking in persons, particularly women for sexual exploitation, was a serious problem. Persons with mental and physical disabilities faced social discrimination. Severe societal violence, abuse, and discrimination against minority communities were serious problems, particularly during the March riots. Child labor was a growing problem.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person

#### a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by UNMIK, the PISG, KFOR, or their agents; however, in March, KFOR and UNMIK Police were responsible for killing several Albanian protesters during riots while defending themselves, Kosovo Serbs and other minorities from violent mobs (see Sections 2.b. and 5). On April 17, an UNMIK special police officer fired upon a group of 24 UNMIK corrections officers while they were leaving the Mitrovica Detention Center, killing 3 and injuring 11. A subsequent investigation determined that the perpetrator, who died of injuries sustained during the incident, acted alone.

Landmines and UXO from the 1999 conflict remained a problem, particularly in rural areas. During the year, UXO or landmines killed 1 person and seriously injured 13, compared with 3 fatalities and 16 serious injuries in 2003. UXO, particularly the remains of NATO cluster bombs, was the main threat.

A small, loosely organized group of "Bridgewatchers" remained intact but largely inactive in Mitrovica. They were present on the Austerlitz Bridge during the March riots, but were not linked to human rights abuses as in previous years.

KPS and UNMIK Police officers investigating sensitive or politically related crimes were frequently targeted. For example, on March 23, KPS officer Arsim Rustolli and Ghanaian UNMIK Police officer Kojo Essuman were killed during an attack on their patrol in Podujeve/Podujevo municipality and four Kosovo Albanians were awaiting trial on resulting charges at year's end.

Three Kosovar Albanian men suspected of involvement in the March killings of an international and Kosovar police officer were transferred into UNMIK custody on June 8 after being arrested in Albania. The suspects include Florim Ejupi, Kosovo's most wanted fugitive who escaped from the KFOR Camp Bondsteel detention facility after being arrested in connection with the Merdare February 2001 bus



bombing near Podujeve/Podujevo that left 11 Serbs dead and 40 wounded.

There were allegedly politically motivated killings of Kosovo Albanians. For example, on March 17, unknown persons killed the father of Avni Elezaj, a former Kosovo Liberation Army (KLA) fighter and former bodyguard of Alliance for the Future of Kosovo (AAK) President Ramush Haradinaj.

There were also allegedly ethnically motivated killings of Serbs during the year, especially during the March riots. The March riots resulted in the 20 deaths including of 8 ethnic Serbs and 12 ethnic Albanians. On February 19, the police and KFOR found two Serb corpses in Lipjan/Ljipljane with gunshot wounds inside a civilian vehicle parked on the road. On June 5, 17-year-old Serb Dimitrije Popovic was shot and killed, and another Serb teenager was seriously injured, in a drive-by shooting. KPS officers immediately arrested two young Albanians—Albert Krasniqi and Labinot Gashi—both of whom confessed to the crime and were awaiting trial at year's end.

There were no developments in the following 2003 killings: The killing of two witnesses in the Dukagjini group case, Tahir Zemaj in January and Ilir Selimaj in April; the August sniper killing of UNMIK police officer Satish Menon; the September killing of KPS officer Hajdar Ahmeti; and the September killing of KPS officer Agim Makolli. UNMIK police announced that Bedri Krasniqi was wanted in connection with the November 2003 killing of KPS members Sebahate Tolaj and Isuf Haklaj.

No arrests were made by year's end for the 2002 killings of Smajl Hajdaraj or of Ilir Selimaj and his pregnant sister-in-law.

#### b. Disappearance

There were no reports of politically motivated disappearances; however, criminal kidnappings for ransom took place and thousands of persons remained missing from the 1999 war.

During the year, the Prizren prosecutor's office announced arrest warrants for two former Serb policemen, Goran Janjusevic and Slavisa Milkovic, suspected of 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.

Approximately 3,200 persons remained missing from the Kosovo conflict at year's end, of whom 77 percent were Albanian, 17 percent were Serb, and 6 percent were from other ethnic groups. During the year, UNMIK's Office of Missing Persons and Forensics (OMPF) continued the identification of the remains of missing persons in Kosovo. From its establishment in 2002 through the end of the year, the OMPF performed 1,170 exhumations and conducted 858 autopsies. Many bodies of missing persons have been recovered and the focus was on establishing the identities of the exhumed remains so that they can be returned to their families for burial. By the end of the year, the OMPF submitted 2,160 bone samples to the International Commission on Missing Persons (ICMP) to identify remains through DNA testing, which had returned 797 results.

The OMPF continued to cooperate with the Government of Serbia to receive identified remains of Kosovo victims from the 1999 war found in mass graves in Serbia; however, progress was slow. The OMPF received 849 bodies transferred from the Republic of Serbia, most of which were returned to families for burial, including 641 ethnic Albanians and 98 from non-Albanian communities. Associations of families of the missing held a series of protests on August 30 and November 3 to 5 demanding that the Government of Serbia immediately return over 200 sets of identified remains to Kosovo and open Serbia's government files on missing persons. The missing persons technical dialogue between officials in Pristina and Belgrade was hindered for political reasons, but UNMIK was working to resume the dialogue 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, KFOR, or the PISG officials employed them.

On February 16, KFOR authorities arrested KPC Commander General Selim Krasniqi and three other KPC officers on suspicion of involvement in abusing innocent persons in the Prizren area in 1998.

During the year, some KPC members were suspected of involvement in misconduct; however, the extent of KPC leadership involvement was unclear. During the year, the 12 KPC members suspected in December 2003 were reinstated because the police investigation failed to find sufficient evidence of criminal activity.

There were reports of attacks and threats against Kosovo Albanian political and institutional figures as well as Kosovo Albanian individuals. For example, on February 21, an explosive device in a vehicle in the town of Peje/Pec injured Kosovo Minister of Environment and Spatial Planning Ethem Ceku, two AAK party

officials, and two KPC members. On June 30, unknown assailants attacked a member of the Democratic Party of Kosovo (DPK) presidency branch in Peja/Pec, Rexhe Krasniqi. No suspects were identified by year's end; however, credible observers often blamed such attacks on rival political party members. Nonpolitical motives, including clan rivalry and common criminality, were also suspected in some cases.

Serbs, Roma, Ashkali, and other minorities were subjected to societal abuses on a regular basis, including attacks by violent mobs during the March riots (see Section 5). For example, on March 5, three Kosovo Albanians beat a Kosovo Serb who was traveling on a train near south Mitrovica.

There were some credible reports of politically motivated attempts to intimidate UNMIK officials and KFOR officers. For example, on March 24, a hand grenade was thrown towards the Mitrovica main bridge from the majority-Serb northern side and two KFOR soldiers sustained minor injuries. In August, a Serb, Zivorad Cvetkovic, was sentenced to 5 years in prison for the crime.

Prisons generally met international standards, and UNMIK permitted visits by independent human rights observers. Prison and detention center conditions were generally good and did not pose a serious threat to life or health. Facilities were at times overcrowded; however, the construction of two new facilities began during the year. UNMIK operated eight facilities (Prizren, Mitrovica, Pristina, Gnjilane, Peja/Pec, Lipjan, and Dubrava—blocks one and two) with a total capacity of 1,356 inmates. UNMIK Police corrections officers managed the prison system and increasingly transferred responsibilities to the local Kosovo Correctional Service (KCS).

UNMIK has implemented the recommendations contained in the 2003 report of an independent commission to improve hygienic conditions in Dubrava Prison, rectify the lack of educational and recreational activities, provide additional training for local correctional staff, and improve institutional and management processes; however, funding constraints were a problem.

Women were held separately from men, and juveniles were held separately from adults. Pretrial detainees were held separately from convicted prisoners and those awaiting appeal of their convictions. High-risk prisoners were held in a special block of the Dubrava prison. Prisoners were permitted to vote in the October elections.

#### 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.

UNMIK Police continued to transfer police authority and functions to the KPS, while maintaining oversight. The KPC continued to train and develop its disaster response skills and undertook humanitarian projects. An international commissioner of police directed both the UNMIK police and the KPS. The combined force was generally effective. Minority membership in the KPS was approximately 15 percent at year's end. 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 (PSU), run by UNMIK Police, conducted 100 disciplinary investigations against KPS officers for participating in or failing to prevent violence in the March riots; most of these investigations were still ongoing at year's end. One officer was terminated for her participation in an assault against a minority family. While the local criminal justice system generally did a poor job of investigating, arresting, and convicting perpetrators of crimes against minorities, the UNMIK Department of Justice tracked over 300 criminal proceedings associated with the March riots during the year (see Section 1.e.). Some international NGOs also accused KFOR and UNMIK police of failing to prevent the March riots.

Police generally openly arrested a suspect 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. All 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 used this authority as a means of minor punishment with no intention of filing charges, particularly in the case of petty offenders. Based on the new criminal code that came into effect on April 6, a suspect has the right to be informed about the reasons for the arrest in a language that he or she understands; to remain silent and not to answer any questions, except about his or her identity; to free assistance of an interpreter; to defense counsel and to have defense counsel provided if he or she cannot afford to pay for legal assistance; to medical treatment including psychiatric treatment; and to notify a family member. These rights were generally respected in practice.

Although KFOR did not require arrest warrants, its arrest processes were generally transparent. However, KFOR detention practices were not always fully transparent. For example, the attorney for Shukri Buja, a former KLA commander arrested after the March riots, complained that he had difficulty locating his client. The KFOR Commander may intervene to extend the detention of persons not charged with a crime or

ordered released by the courts in increments of 30 days. On May 4, KFOR extended the detention of former KLA commander Sami Lushtaku at Camp Bondsteel under suspicion of involvement in the March riots and for numerous weapons-related charges. He was later released and all charges were dropped.

A detainee may be held in pretrial detention for a maximum period of 1 month from the day of arrest, which can be extended by the courts up to a total of 18 months. The new criminal code introduced on April 6 includes measures to decrease the need for pretrial detention, such as house arrest, an appeal for detention on remand, and expanded use of bail. However, a backlog of pretrial detainees remained; approximately 2,000 persons were detained on remand during the year. UNMIK established a commission to compensate persons held in detention who were later found not guilty.

#### e. Denial of Fair Public Trial

The Constitutional Framework provides for an independent judiciary; however, the local judiciary was at times subject to bias and outside influence, particularly in interethnic cases, and did not always provide due process. Legal authority is held by UNMIK under U.N. Security Council Resolution 1244. UNMIK police and justice worked with local judges and prosecutors, while maintaining executive responsibility for judicial system planning, policymaking, operations, management, administration, coordination, and monitoring. There were credible reports of corruption within the local judiciary, and allegations that courts, including the Supreme Court, deferred to the Government in some cases.

The court system includes a Supreme Court, 5 District Courts, 24 Municipal Courts, and a Commercial Court. There were 18 international judges and 8 international prosecutors who were appointed by UNMIK to handle interethnic and other sensitive cases. At year's end, there were 21,668 criminal cases unresolved in the municipal courts, and 2,371 criminal cases unresolved in the district courts.

The Government of Serbia continued to fund and manage a parallel judicial system in Serb enclaves in violation of U.N. Security Council Resolution 1244.

UNMIK, through the Organization for Security and Cooperation in Europe (OSCE), maintained several organizations to increase the professionalism of the judicial corps. The Kosovo Judicial Institute continued to train judges and prosecutors. The Judicial Inspection Unit continued to monitor judicial performance and make recommendations on discipline and training. The Kosovo Judicial and Prosecutorial Council (KJPC) was responsible for the review of cases of judicial misconduct. Since 2001, KJPC opened 458 investigations and found some evidence of misconduct in 41 cases, resulting in 7 reprimands and 10 recommendations for removal.

Although the law provides that serious cases are tried by a panel of five judges (two professional judges and three lay judges), an UNMIK regulation provides that cases of a sensitive ethnic or political nature may be tried by international prosecutors, possibly before a three-member panel of professional international judges. Of the 232 active cases handled by International Prosecutors during the year, approximately 79 were tried before international judges, which typically resulted in a conviction rate of over 90 percent.

The local bar association, the Kosovo Chamber of Advocates (KCA), remained weak, but was improving. The OSCE started a local NGO, the Criminal Defense Resource Center, to assist the KCA in capacity building. Some Kosovo Serb lawyers participated in the legal system, and the Serbian Bar Association continued to provide free legal assistance for Kosovo Serb defendants in Kosovo. In addition, the OSCE provided security and logistical support, such as secure transportation to Serb attorneys who represented Serb defendants in Kosovo courts.

UNMIK regulations and the Constitutional Framework provide for the right to a fair trial, and the international and local judiciary generally enforced this right; however, legal experts and human rights observers continued to express concern that the fairness of trials was a problem in criminal cases involving ethnic minorities prosecuted or tried by Kosovo Albanian judicial personnel, so such cases were routinely assigned to international judicial personnel. Trials were 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. Defendants are presumed innocent until proven guilty and have the right of appeal. There are no jury trials; cases are heard by panels consisting of professional and lay judges.

The Judicial Integration Section, created by the UNMIK Department of Justice in 2003 to promote the ethnic integration of judges and prosecutors into the Kosovo legal system, continued to address access to justice problems affecting minorities, to monitor the treatment of minorities in the justice system, to address instances of discrimination, and to facilitate the integration of court support staff. A special Court Liaison Office (CLO) continued to facilitate access to justice for minority communities in the Serbian enclave of Gracanica, Pristina Municipality. The CLO enhanced access to justice by accompanying minorities to courts, filing documents with courts on behalf of minorities, and providing information regarding court access. During 2004, the CLO in Gracanica dealt with 1,656 requests for assistance. In addition, UNMIK

opened a Department of the Pristina Municipal Court in Gracanica staffed by two judges to further increase minority access to the Kosovo justice system.

Kosovo's investigative, judicial, and penal systems, in addition to 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. Domestic war crimes trials continued in local Kosovo courts to adjudicate approximately 38 cases of alleged war crimes and genocide arising from the 1999 conflict. For example, Ejup Rujeva was tried by a panel of international judges in the Pristina district court for alleged war crimes, kidnapping, and murder of civilians in February and March of 1999; the trial was ongoing at year's end.

There were no reports of political prisoners.

The UNMIK Housing and Property Directorate (HPD) has responsibility for restitution or compensation for takings of private property associated with the 1999 war. HPD continued to adjudicate property claims, produce legally binding decisions, evict illegal occupants, restore property to 1999 occupants, and administer property on behalf of owners not in Kosovo. HPD shifted its focus to incorporate the return of displaced persons into its previously exclusive focus on property law implementation, and in the past year referred successful claimants to returns assistance NGOs. During the year, HPD resolved approximately 918 claims per month and carried out a total of approximately 440 evictions (illegal occupants often vacate a property prior to eviction). HPD established a call center to increase outreach to successful claimants, contacting approximately 9,565 claimants during the year. Of the approximate 29,000 claims received by the intake deadline of July 1, 2003, HPD had resolved 23,055 by year's end.

In Mitrovica, Kosovo Serbs in the northern part of the city continued to illegally occupy Kosovo Albanian properties, while Kosovo Albanians in the southern part of Mitrovica also denied Kosovo Serbs access to their property. By year's end, the HPD had made a decision on 730 of the 1,324 property claims in Mitrovica North, Leposavic, and Zvecan and started implementation of the decisions regarding evictions.

#### 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, some individuals and local NGOs accused KFOR of using excessive force in executing searches in private homes. On August 4, KFOR announced an investigation against seven members of KFOR for allegedly exceeding their authority during a search for suspects in the March riots. The soldiers were subsequently reprimanded and repatriated.

An UNMIK regulation on Covert and Technical Measures of Surveillance and Investigation permits police to conduct covert operations with the prior written approval of an investigative judge or public prosecutor. No abuses were reported during the year.

### 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, KFOR, and the PISG generally respected these rights in practice and did not restrict academic freedom; however, there were some allegations of interference with freedom of speech and press by both UNMIK and the PISG, particularly during the March riots.

The independent media were active and expressed a wide variety of views without restriction. Most print and broadcast media were independent but regulated by UNMIK. Print media did not have a large circulation; broadcast media appeared to be more influential.

UNMIK controlled broadcasting infrastructure through the Department of Post and Telecommunications, while the OSCE oversaw the Department of Media Affairs. UNMIK also regulated the conduct and organization of both broadcast and print media and established the office of the Temporary Media Commissioner (TMC) and the Media Appeals Board. The TMC was responsible for publishing a broadcast code of conduct, issuing licenses, and imposing sanctions up to and including closing down offending media organs in the event of violations of UNMIK regulations or published codes of conduct; however, the TMC believed the codes need to be updated. For example, the codes failed to adequately protect the privacy of children and crime victims. The Constitutional Framework provides for an Independent Media Commission (IMC) and a Board of the Public Broadcasters independent of the PISG. During the year, UNMIK worked with the PISG to transition the TMC to an IMC and the establishment of a Board of Public Broadcasters; however, the law establishing an IMC was not finalized by year's end. An Assembly-mandated Committee on the Media was established during the year, but its competencies passed to a wider-range Committee on Public Services, Local Administration, and Media following the October

elections.

While most print and broadcast media followed accepted journalistic principles, there were some exceptions. In October, the TMC published a report criticizing print media for failing to provide fair and equal representation for all political parties, including minority parties, during the electoral campaign. The TMC received one complaint of a threat against journalists. On August 24, an anonymous e-mail was sent "on behalf of all Muslim believers" to the Radio Television Kosovo (RTK) and TV 21 demanding that they cease the broadcast of two soap operas.

During the March riots, the Association of Professional Journalists in Kosovo claimed that the TMC's visit to three Kosovo-wide TV stations was interference with the press and also claimed that UNMIK police and KFOR blocked the antenna signal of TV Mitrovica. The local Gjila/Gnjilane TV station Men charged that, on April 15, UNMIK police surrounded the station and confiscated material recorded during the March riots. On July 13, the TMC, Robert Gillete, stated that the interference by police and prosecutors in the work of media, in particular the confiscation of TV tapes, was endangering journalistic freedom of speech. UNMIK regulations prohibit hate speech and speech that incites ethnic violence, as well as newspaper articles that might encourage criminal activity or violence. Following several credible reports by international observers harshly criticizing print and especially electronic media for biased coverage and incitement during March riots, the TMC settled cases with three Kosovo-wide TV stations (RTK, KTV, and TV21) on December 17 by obtaining agreement from the stations to spend more than \$ 675,000 (500,000 euros) on additional training for reporters and editors.

UNMIK regulations prohibit the publication in both the print and broadcast media of personal information that would pose a threat to the life, property, or security of persons through vigilante justice or otherwise. On June 22, the Pristina Municipal Court found the Bota Sot editor Bajrush Morina guilty of publishing false information on PDK member Xhavit Haliti, who was indirectly accused of the killing of Tahir Zemaj in January 2003; Morina was fined \$ 1,823 (1,350 euros).

The Government did not restrict access to the Internet.

#### b. Freedom of Peaceful Assembly and Association

UNMIK regulations and the Constitutional Framework provide for freedom of assembly and association, and UNMIK, KFOR, and the PISG generally respected these rights in practice; however, UNMIK police used deadly force to control the March riots and protect themselves and others. Demonstration organizers were required to notify UNMIK 48 hours in advance for police coordination. UNMIK police estimated that hundreds of thousands of persons took part in protests, demonstrations, and road blocks during the year, including 59 instances in March and 197 instances throughout the rest of the year, constituting a 150 percent increase in demonstrations over previous years. On August 30, the International Day of the Disappeared, UNMIK police forcibly removed approximately 50 family members of missing persons who were blocking the main road in downtown Pristina and protesting the slow progress on resolving the fate of the missing from the 1999 conflict (see Section 1.b.).

The March riots involved an estimated 50,000 to 75,000 demonstrators over 2 days in every major city in Kosovo. During the March riots, measures taken by KFOR and UNMIK police to protect themselves and others as well as to control the crowds resulted in several deaths of Albanian protesters and some allegations of police abuse. For example, an UNMIK police officer shot and killed a protester in Peja/Pec municipality while defending Serbian residents from Kosovar Albanian rioters. No legal charges were brought against KFOR soldiers or UNMIK police related to their actions during the March riots.

UNMIK granted registration for political parties and NGOs routinely.

#### 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 with regard to religious groups; however, in order to purchase property or receive funding from UNMIK or other international organizations, religious organizations must register as NGOs.

The majority of the population was Muslim with significant numbers of Serbian Orthodox and Roman Catholics, and a small Protestant minority.

Religious identity and ethnicity were closely intertwined. Kosovo Serbs identified themselves with the Serbian Orthodox Church, which influenced not only their religious but also their cultural, historical, and political outlook. The close connection between religion and ethnicity affected the religious liberty of the Serb community (see Section 5). Significant parts of the Kosovo Albanian community continued to view the Serbian Orthodox Church with hostility and suspicion due to its political alignment with the Government of Serbia's policy toward Kosovo. Differences between Muslim, Catholic, and Protestant communities tended to be overshadowed by a common ethnic Albanian heritage.

Numerous serious attacks on Serbian Orthodox churches and cemeteries occurred during the March riots, resulting in extensive property damage, including the destruction or damage of 30 Orthodox religious sites and over 900 houses and businesses of ethnic minorities. Several of the burned churches and monasteries dated from the 14th century and were considered part of the cultural and religious heritage of the region. A Council of Europe mission assessed that approximately \$13.1 million (9.7 million euros) would be required to repair and restore the damaged religious sites. Following the riots, KFOR deployed security contingents at religious sites throughout Kosovo to protect them from further destruction. In some areas KFOR resumed static checkpoints and increased protective measures and improved KFOR visibility. Nevertheless, sporadic attacks against ethnic minority property continued.

On April 2, Kosovo Albanian leaders issued a public letter condemning the riots and calling for rebuilding interethnic relations; however, with the exception of former Prime Minister Bajram Rexhepi, most Kosovo Albanian political leaders were criticized for their slow response to minority needs following the riots.

Monks and nuns at some monasteries were unable to use parts of monastery properties due to safety concerns. Serb families with relatives living in both Kosovo and Serbia were hindered by security concerns from traveling to join their relatives for religious holidays or ceremonies, including weddings and funerals. Bishop Artemije Radosavljevic, head of the Serbian Orthodox Church in Kosovo, remained in a monastery in the Kosovo Serb enclave of Gracanica; the Bishop's residence in Prizren was burned during the March riots. During the year, UNMIK police and KFOR provided security to improve mobility. For example, on February 14, police escorted 107 Serbs to visit the local monastery and cemetery in Ferizaj/Urosevac.

The Islamic Community of Kosovo alleged 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; however, municipal authorities claimed that 13 mosques have been built in Pristina since the war.

In 2003, a female student was banned from wearing an Islamic headscarf on school premises. The Ministry of Education's position was that the law prohibited activities promoting any specific religion in public education institutions. The student appealed to the Kosovo Ombudsperson who released a nonbinding opinion that the Ministry's interpretation should only apply to schoolteachers or officials, not to students.

Protestants reported discrimination in access to the media, particularly by RTK. The absence of attacks on Protestants and their religious buildings during the March riots was, according to their leadership, a sign of increasing acceptance by the Kosovo public.

The PISG allocated \$5.7 million (4.2 million euros) for the first phase of reconstruction for 30 churches damaged during the March riots, but the Serbian Orthodox Church declined to cooperate with UNMIK on a transparent tender process to disburse the funds.

For a more detailed discussion, see the 2004 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 security concerns restricted freedom of movement in practice, and UNMIK, KFOR, and the PISG generally failed to protect these rights for minority communities.

No special documents were required for internal movement; however, Kosovo Serbs, and to a lesser extent other minority communities, had considerable difficulty moving about safely without an international security escort. Following the March riots, KFOR and UNMIK police restricted movement in most of the affected areas and selectively imposed temporary curfews. Kosovo Serbs were frequently subjected to stonings and other low-level violence by Kosovo Albanians. Examples of stonings included: Busses en route to Skopje in September, October and December; a group of children on their way to elementary school in September; a commuter train used mainly by Kosovo Serbs as it passed through a Kosovo Albanian inhabited area in October; and a convoy escorted by KFOR when passing through Decan town in December.



In order to improve freedom of movement by rendering Serb and Albanian vehicles indistinguishable from each other, UNMIK continued to offer Kosovo license plates to Kosovo Serbs for no fee if they had already paid for vehicle registration in Serbia, but the Government of Serbia did not endorse the program. The deadline for registering vehicles with Kosovo plates was postponed to allow Kosovo Serbs to take advantage of the offer. UNMIK regulations provide that the Central Civil Registry may issue travel documents to any person registered as a resident of Kosovo. Since 2000, UNMIK has issued approximately 1.3 million identity documents, 500,000 travel documents, and 235,000 driver's licenses. Although there were more than 103,000 minorities, including 71,000 Serbs, in the civil registry, fewer than 1,000 applied for UNMIK travel documents. Kosovo Serbs often received Serbian identity and travel documents in addition to UNMIK issued Kosovo identity documents. Many Kosovo Albanians also obtained Serbian documents to enable travel beyond the countries that recognized the UNMIK travel documents. UNMIK and the PISG did not restrict emigration or repatriation.

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

Since 1999, just over 910,000 internally displaced persons (IDPs) and refugees have returned or been repatriated, mostly ethnic Albanians; however, few IDPs returned during the year. Some international agencies and NGOs continued to organize small-scale return projects, which experienced setbacks as a result of the March riots. UNHCR estimated that 230,000 members of ethnic minority communities were displaced during the 1999 conflict. A total of 12,218 returned to Kosovo by year's end, it was unclear how many of the 230,000 persons originally displaced had returned or had integrated locally in Serbia by year's end. According to UNHCR, 2,302 minorities returned to Kosovo during the year, a 39 percent decrease from the 3,801 minority returns in 2003. This marked the first decline since 1999, a difference largely attributable to the impact of the March riots. Although the overall number of minority returns decreased during the year, a higher number of Roma, Bosniaks, and Goranis returned during the year compared to 2003. Of the additional 4,000 Serbs and Ashkali displaced during the March riots, 1,864 had not yet returned to their homes by year's end. The PISG reconstructed over 90 percent of the over 900 houses damaged or destroyed during the March riots, but many remained unoccupied at year's end.

The prospect for returns varied considerably according to region and ethnic group. The ability to speak the language of the majority community as well as the level of contact between IDPs and their neighbors prior to the conflict greatly affected the returnees' chances for reintegration. During the March riots, the Ashkali neighborhood in Vushtrri/Vucitrm was burned and looted, and its inhabitants took shelter at a KFOR base. Many refused to return by year's end. Many of those displaced in March, including Ashkali residents and Serbs, were displaced and had their homes burned for the second time.

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 or 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 U.N. 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, free, and fair elections on the basis of universal suffrage. Kosovo continued to be administered under the civil authority of UNMIK. A UNSC Resolution declared that the people of Kosovo shall be afforded "substantial autonomy and self-government." UNMIK and its chief administrator, the Special Representative of the Secretary General (SRSG), established an international civil administration in 1999, following the conclusion of the NATO military campaign that forced the withdrawal of Serbian forces. In 2001, UNMIK promulgated the constitutional framework for the PISG (the Constitutional Framework). The PISG is made up of a 120-member Kosovo Assembly, which after the October elections again selected Ibrahim Rugova as President of Kosovo and Ramush Haradinaj as the new Prime Minister, as well as ministers and other government officials from several ethnic communities. Kosovo's leaders criticized UNMIK for the slow pace of transfer of powers to the PISG.

UNMIK and the OSCE registered approximately 1.4 million voters for the October Assembly elections. Only residents of Kosovo and those who were residents of Kosovo on January 1, 1998 were eligible to vote. All of Kosovo's ethnic communities participated in the election, although Serb participation was minimal. Some Serb leaders enforced the strategy of election boycott as a political tool in the Assembly elections through intimidation and implicit threats of violence and loss of social benefits against Serb voters, especially in the majority-Serb northern municipalities. The OSCE transferred considerable election administration authority for the first time to a locally staffed Central Election Commission, which conducted the October election while OSCE officials maintained oversight. International and domestic observers determined that the 2004 Assembly elections were generally free and fair.

Kosovo has a multiparty system dominated by four virtually monoethnic Albanian parties. There were also



several minority parties and coalitions. The Democratic League of Kosovo (LDK) continued to be the most popular political party in Kosovo, but fell short of the majority required to form the central government on its own. The LDK formed a governing coalition with the AAK, led by Ramush Haradinaj, and the Six Plus parliamentary group, a coalition of Turkish and Bosniak parties. The leading political parties in the opposition were the PDK, led by Hashim Thaci, and ORA, led by Veton Surroj. The nearly complete Serb boycott of the October elections left the two Kosovo Serb parties, the Serbian List for Kosovo and Metohija--successor to the Povratak Coalition--and the Citizens' Initiative of Serbia, with a combined 10 Assembly seats set aside for Serbs by the Constitutional Framework. Party affiliation played an important role in access to government services and social opportunities. Traditional social arrangements and clan loyalties also played an important, though unofficial role in Kosovo's social and political organization.

Under UNMIK regulations, individuals may nominate themselves as candidates to their parties, which must hold open and transparent internal elections to select their candidate lists. LDK and PDK all but ignored this requirement at their party conventions. UNMIK rejected calls by some political parties and civil society to implement an electoral system featuring an open candidate list (by which voters would cast ballots for individuals rather than political entities) and some variety of geographic districting.

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

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 bid for a mobile phone license. During the year, two international officials at the Pristina airport were arrested on money-laundering charges.

In November 2003, UNMIK promulgated the Law on the Access to Official Documents; however, the law exempts UNMIK documents and was rarely used.

Following the October elections, there were 36 women in the 120-seat Assembly. Women must occupy every third spot on each political party's candidate list. Following the election, there were no women on the eight-member Assembly Presidency and only one woman served in the Prime Minister's Cabinet. Women represented 28 percent of the elected municipal representatives.

The Constitutional Framework requires that the Assembly reserve 10 seats for Serbs and 10 for members of Kosovo's other ethnic communities, but ethnic minorities were underrepresented at the municipal level. Following the October elections, there were 21 ethnic minority members in the 120-seat Assembly, including 10 Serbs and 11 members of Kosovo's other ethnic communities, including Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians. There were three ethnic minority PISG ministers, two Serb and one Bosniak, and three deputy ministers. One Serb and one Turk held seats on the Assembly Presidency. At year's end, Serbs had not yet claimed their set-aside cabinet posts and continued to boycott the Kosovo Assembly.

#### 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 findings on human rights cases. UNMIK, KFOR, and the PISG were generally cooperative and responsive to their views.

UNMIK registered more than 2,871 NGOs, including approximately 2,469 domestic and 402 international NGOs; 794 have been granted Public Benefit Status (tax exemption).

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.

UNMIK, KFOR, and the PISG generally cooperated with the ICTY regarding crimes committed during the 1999 conflict. The ICTY trial of Fatmir Limaj, PDK caucus leader, and two other Albanians, began in November. The ICTY announced it may issue additional war crimes indictments of Kosovo Albanians; however, it had not done so by year's end. ICTY Chief Prosecutor Carla Del Ponte announced on several occasions that the Hague Tribunal was investigating additional Kosovo cases, but cited several difficulties, such as unwillingness of Albanians to testify, witness intimidation, lack of written documents, and lack of cooperation from local and international structures.

The Kosovo Ombudsman Institution (OI) investigated allegations of government abuses of international human rights laws. The OI had a multiethnic staff and was active in issuing reports and recommendations.

Its recommendations were rarely followed by UNMIK, particularly UNMIK police, but cooperation improved after the March riots. The OI reported that 2,967 persons contacted the OI resulting in 34 investigations and 22 reports during the year. The OI had no authority to intervene in cases against KFOR. Since 2001, the OI has maintained that Regulation 2000/47 on UNMIK and KFOR Status, Privileges, and Immunities was in violation of internationally recognized human rights. On May 4, the OI criticized KFOR for having resumed objectionable detention practices (see section 1.c.).

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

UNMIK regulations specifically prohibit discrimination on the basis of gender, race, or ethnic origin; however, violence and discrimination against women, persons with disabilities, and ethnic minorities persisted. On August 25, UNMIK promulgated the Law Against Discrimination approved by the Kosovo Assembly. Minority communities, particularly Kosovo Serbs, were subject to severe social, economic, and cultural discrimination, as well as intimidation and occasional violence. On March 17 and 18, violent mobs targeted Serbs and other minority communities, as well as Orthodox Churches, in the widespread destruction and violence that swept across Kosovo. In addition, Kosovo Albanians were forced from their homes in some places where they were the minority.

#### Women

Violence against women, including rape and a high level of domestic violence and spousal abuse, remained a serious and persistent problem. UNMIK regulations prohibit domestic violence and carry prison terms of 6 months to 5 years. Several court orders were issued during the year to protect victims of domestic violence.

Domestic abuse of women was common, and legal allegations and prosecutions involving domestic violence increased for the second year. The Center for Protection of Women and Children (CPWC), a local NGO, estimated that it received approximately 4,700 requests for assistance from victims of violence during the year. UNMIK DOJ Victim Advocacy and Assistance Unit (VAAU) victim advocates were involved in 765 domestic violence cases. The Kosovo judicial system processed 188 cases of domestic violence during the year; 52 of the 53 completed cases resulted in convictions, with sentences ranging from judicial reprimands to imprisonment. Traditional social attitudes towards women may contribute to the high level of domestic abuse and low number of reported cases. The OSCE, the Office of the Prime Minister, and the UNMIK Department of Justice launched a public information campaign on November 25 to help raise awareness. The KPS School included special training segments on domestic violence and rape in its curriculum.

UNMIK regulations criminalize rape. On April 6, a new criminal code was implemented, including a comprehensive chapter with increased punishments for rape and sexual assaults; however, spousal rape was not specifically addressed. Rape was underreported significantly due to the cultural stigma attached to victims and their families. According to UNMIK, victim advocates provided services to victims in 31 cases of rape. During the year, courts processed 42 cases of rape resulting in 52 convictions, some cases involving multiple defendants.

There were no governmental agencies dedicated to dealing with family violence; however, four shelters assisted victims of domestic violence and trafficking, two run by local NGOs and two by international NGOs. 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.

The law prohibits prostitution, but prostitution remained prevalent. The UNMIK Police Trafficking and Prostitution Investigation Unit (TPIU) actively investigated cases of prostitution and suspected trafficking in persons (See Section 5, Trafficking). 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. 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 or government. 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 equal rights to inherit property under Kosovo law, 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 June, UNMIK ratified the Law on Gender Equality, the first law initiated by an Assembly committee rather than by the Government. The UNMIK Office of Gender Affairs coordinated gender issues. During the year,

UNMIK transferred authority over 26 Albanian and 4 Serb municipal gender officers to the Office of Gender Issues in the Prime Minister's Office of Good Governance. Ministries completed the appointment of ministry-specific "gender focal points"; however, officials who also held unrelated responsibilities often ignored gender issues.

UNMIK police and the OSCE continued an outreach campaign to recruit women for the KPS, in which they made up 15 percent of KPS membership. However, only approximately 77 out of 3,000 active duty KPC members were women (3 percent). Women continued to be active in politics, and several women served as heads of domestic NGOs. While the number of women with jobs continued to increase, female unemployment remained high at around 70 percent, and very few rose to senior levels, including in the KPS or other government organizations.

#### Children

UNMIK and the PISG were generally committed to the welfare and rights of children. The Ministry of Education, Science, and Technology and the Ministry of Health shared responsibility for issues related to child education and health; however, no one in the government dealt specifically with the issue of children's rights. A new Juvenile Justice Code entered into effect on April 20.

UNMIK regulations made enrollment in public school mandatory for children between the ages of 6 and 15, with some exceptions; however, some children from minority communities did not attend school due to security concerns. Primary education was compulsory, free, and universal. According to the Ministry of Education, the vast majority of school-age children under 15 attended school. Forty-six percent of children attended the nonobligatory secondary school, 43 percent of whom were female. Some children were forced to leave school early to work (See Section 6.d.).

UNMIK regulations require equal conditions for school children of all communities and accommodated minority populations by providing the right to native-language public education through secondary level. Schools teaching Serbian, Bosnian, and Turkish languages operated during the year. Enrollment for both Serb and Albanian children at the primary level was almost universal; however, at the secondary level, there was a marked gender and ethnic disparity, with lower rates of attendance and completion for Kosovo Albanian girls than for Kosovo Albanian boys or Kosovo Serb girls. A lack of freedom of movement and reluctance to depart from a Belgrade based curriculum led Kosovo Serb children to attend neighborhood schools that were sometimes housed in inadequate facilities and lacked basic equipment. Few schools in Kosovo house both Serb and Albanian pupils, who study different curricula.

UNMIK regulations provided for the licensing and funding of the Serb-run North Mitrovica University; however, UNMIK revoked its license during the year because of the illegal appointment of a new rector. This situation had not been resolved by year's end.

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 at an early age to contribute to family income. Bosniak children were able to obtain some primary education in their own language, but faced a lack of trained Bosniak teachers. The Ministry also provided an expedited registration process for displaced minority children at the secondary and the higher education levels. On August 30, the OSCE and the Ministry of Education, Science, and Technology concluded a 4-week training course for 28 Romani teachers to establish a Romani minority curriculum. Albanian IDP children were not allowed access to the local school in the village of Biti in the majority-Serb Strpce municipality.

Humanitarian aid officials primarily blamed a high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, on poverty that led to malnutrition, poor hygiene, and poor public sanitation. Public health conditions were especially poor among displaced persons and parts of the Romani community.

There were reports of child abuse, although it was not believed to be widespread. The Ministry of Labor and Social Welfare (MLSW) operated 31 centers for social welfare that assisted 1,200 orphans, 1,100 delinquent children, 50 abused children, and 120 children with behavioral problems during the year. The MLSW also managed foster homes and coordinated with NGOs to place children in the temporary shelters. High unemployment and family dislocation resulted in a high rate of child abandonment. Since the domestic adoption rate and foster family programs did not keep pace with the rate of abandonment, infants and children were sometimes housed in group homes with few caretakers. Since the end of war in 1999, Kosovars reportedly have abandoned 450 children, largely due to poverty, low level of education, and unwanted or unplanned pregnancy. Children with disabilities were often hidden away without proper care, particularly in rural areas. Children and their families, mostly Serbs, remained displaced following the 1999 war, and additional families were displaced following the March riots.

Child labor was a serious problem (see Section 6.d.). Children were trafficked to and through Kosovo for

the purpose of sexual exploitation (see Section 5, Trafficking).

The Kosovo Child Rights Forum broadened its membership to include eight local and seven international NGOs during the year to address the gap in coordination among NGOs on children's issues. Save the Children initiated an advocacy project together with the local NGO, HANDIKOS, promoting rights of children with special needs. A Coordinator for Children's Rights was also appointed in the Prime Minister's Office of Good Governance and in the Ministry of Education.

#### 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 in persons is punishable by 2 to 20 years in prison. Engaging or attempting to engage in trafficking is punishable by 2 to 12 years in prison, 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 in prison; facilitating trafficking through negligence is punishable by 6 months to 5 years in prison. A client engaging in sex with a victim of trafficking may be sentenced for up to 5 years in prison, while sex with a trafficked minor carries penalties of up to 10 years in prison. The sentence for sexual intercourse through use of violence (rape) is 1 to 10 years in prison; for sexual intercourse with a girl under 14 is 1 to 5 years in prison. Penalties are slightly more severe under the trafficking regulation and can apply to perpetrators not directly involved in sexual relations.

Efforts were made by UNMIK, the PISG, international organizations, and NGOs to combat trafficking. Despite considerable improvements to UNMIK's antitrafficking efforts during the year, low prosecution rates and sentence lengths, as well as failure of police to adapt to new techniques increasingly employed by traffickers, were serious problems. UNMIK's Trafficking and Prostitution Investigation Unit (TPIU) arrested 56 persons for trafficking in human beings and made another 21 arrests for trafficking related offenses, resulting in 39 new trafficking cases filed by the office of the prosecutor. While precise data was not available at year's end, the majority of such cases resulted in convictions. In November, KPS officers, with assistance from the TPIU, arrested five Kosovo Albanians suspected of human trafficking; three of the defendants were convicted and sentenced to prison terms of 2 to 4 years. Victims often elected repatriation before testifying against traffickers, which undermined effective prosecutions. The low rate of convictions and short sentences further compounded this reluctance to testify. Other factors that contributed to the low number of prosecutions included the increasing sophistication of organized crime efforts to avoid direct links between the victims and senior crime figures, lack of a witness protection program, and inadequate training for judicial personnel.

Coordination of the antitrafficking effort is the responsibility of UNMIK police, including TPIU, KPS, and border police, UNMIK Department of Justice, including the UNMIK's VAAU, the OSCE, the Prime Minister's Office of Good Governance, and the Ministries of Health, Education, Public Services, and Labor and Social Welfare. UNMIK actively investigated trafficking. During the year, the TPIU conducted 60 raids, 477 regular operations, and 25 covert operations, and inspected 2,386 premises, resulting in a list of 206 off-limits premises and the closing of 76 premises suspected of involvement in trafficking.

Kosovo is 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 from Eastern Europe into Kosovo for the purpose of sexual exploitation, and through Kosovo to Macedonia, Albania, and Western Europe. There are no reliable statistics of the overall scale of the trafficking problem in Kosovo. CPWC assisted 59 victims of trafficking during the year, of whom 88 percent were female, 70 percent were minors, 84 percent were residents, and 78 percent were Albanians. The IOM, which primarily focused on cross-border trafficking, assisted 58 victims, including 17 locals. IOM figures indicated that about half of Kosovar victims were internally trafficked, followed by about 20 percent to Macedonia, 10 percent to Albania and Italy, and 6 percent to other destinations in Western Europe. The TPIU worked with both of these organizations and others to assist a combined total of 48 victims, of whom 11 were residents and 32 were repatriated to their countries of origin, mainly Moldova and Albania.

International victims were trafficked to Kosovo almost exclusively from Eastern Europe, the Balkans, and the former Soviet Union. According to IOM, over 50 percent of assisted international victims trafficked into Kosovo since 2000 were from Moldova, 22 percent from Romania, 13 percent from Ukraine, and the rest from Bulgaria, Albania, Russia, and Serbia, while just under 5 percent were originally from Kosovo. Serbia was the entry point into Kosovo for 55 percent of trafficking victims, Macedonia for 24 percent, and Albania for 5 percent. Women from Moldova have also been trafficked into Kosovo through Austria and Switzerland. Some women were trafficked through Kosovo to Macedonia, Albania, Italy, and other Western European destinations.

According to CPWC, Kosovar victims were overwhelmingly women under age 18 from poor, ethnic Albanian families. Based on the experiences of local victims assisted by IOM since 2002, a large number of victims were minors (62 percent), particularly young girls between the ages of 13 and 15; the youngest

reported victim was 12 years old. The overall number of cases involving minors increased during the year. Local children and young girls from rural areas were particularly at risk of being trafficked, as were those from urban areas plagued with a high level of poverty, unemployment, and illiteracy. According to a 2003 IOM report, prior abuse in the family and financial hardship were the strongest determining factors for potential victims of trafficking; 70 percent of victims were poor and over 80 percent lacked a high school education. Their families reportedly sold some victims.

Most trafficking in Kosovo was conducted for the purpose of sexual exploitation, but some victims were also subjected to forced labor through domestic servitude or in bars and restaurants. Trafficking victims worked primarily in the sex industry, mostly in brothels and nightclubs, and increasingly in private residences. Less than 5 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 psychological condition. Victims reported being beaten in 79 percent of cases examined by the IOM.

Methods of trafficking increased in sophistication. In reaction to an aggressive eradication campaign by the TPIU, traffickers increasingly 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 of trafficking to refuse assistance. The IOM reported that of the 409 (mostly international) victims it has assisted since 2000, 75 percent were recruited through false job promises, while 8 percent were forced or kidnapped. In 45 percent of the cases, the recruiter was an acquaintance of the victim, and in about 10 percent of the cases, the recruiter was a friend or family friend. Recruiters were more often female than male. The pattern for Kosovar victims differed somewhat; fewer Kosovar victims (33 percent) were recruited through false job promises, and more (25 percent) through force or false marriage proposals (20 percent).

Traffickers often worked as part of a coordinated effort between Kosovo Serb and Kosovo Albanian organized crime elements, with Serbia acting as a particularly active transit hub for trafficked victims from Eastern Europe into and through Kosovo. The Kosovo Organized Crime Bureau (KOCB) was responsible for investigating these cases but had not yet developed adequate cooperation mechanisms with specialized units such as the TPIU. Bar and brothel owners purchased victims from organized crime rings. The majority of clients of women trafficked for sexual exploitation were young men. Approximately 80 percent of the clients of women trafficked for sexual exploitation were local residents, while approximately 20 percent were international persons. Amnesty International (AI) released a report in May arguing that the presence of peacekeepers in Kosovo fueled the sexual exploitation of women and encouraged trafficking, and that some peacekeepers were directly involved in trafficking. The report claimed that international personnel made up about 20 percent of the persons using trafficked women and girls, even though its members comprise only 2 percent of Kosovo's population.

The PISG and UNMIK international administration acknowledged the problem of trafficking in persons, and made strong efforts to address the problem in practice. UNMIK and PISG authorities do not officially condone trafficking; however, there was anecdotal evidence that such practices occurred. Some local prosecutors reported instances in which the same lawyer represented an accused trafficker as well as the victim. Also, anecdotal evidence suggested the existence of a complex set of financial relationships and kinship ties between both political leaders and organized crime networks that have financial interests in trafficking. At year's end, there were 200 establishments on UNMIK's list of off-limits premises, with 70 percent of those in Prizren and Gnjilane, close to the Macedonia and Albania borders. There were no cases of international personnel caught in the act of soliciting or engaging in prostitution; however, 5 KFOR soldiers in Mitrovica and an UNMIK police commander were found in off-limits premises and sent home in 2003. The June 2003 case against an UNMIK police officer and three Kosovo Albanians arrested on suspicion of involvement in a child prostitution ring was dismissed due to insufficient evidence gathered from the victims' testimony. However, the investigation of a Pakistani officer involved in the case was ongoing at year's end.

Responsibility for victim assistance fell mostly to the PISG, but lacking adequate capacity and resources, it was led by international and local NGOs. While UNMIK, the OSCE, and the IOM did not directly provide shelter for domestic victims, they worked with international and local NGOs, such as UMCOR and CPWC, which operated shelters that provided medical care and psychological counseling services to victims of trafficking. An interim secure facility also provided temporary shelter to victims while they considered whether to be repatriated or to testify against traffickers. Police through OSCE regional officers referred suspected victims to the IOM for an initial interview.

Increased awareness of trafficking led to considerable progress on victim protection. UNMIK regulations provided a defense for victims of trafficking against criminal charges of prostitution and illegal border crossing; however, a few local judges sometimes incorrectly sentenced trafficking victims to jail. Some local judges wrongly issued deportation orders against women convicted of prostitution or lack of documents; however, UNMIK did not enforce such deportation orders. Victims who did not accept assistance from the IOM were released but were subject to rearrest, short jail sentences, and deportation if they continued to work as prostitutes. Victims were encouraged to provide information for criminal prosecutions. UNMIK's

VAAU provided legal counsel and assistance to trafficking victims. According to the TPIU, almost all victims were reluctant to testify in court in front of their traffickers and were permitted to provide evidence directly to prosecutors with IOM representatives or other advocates present. Lack of adequate witness protection remained a serious problem throughout the Kosovo criminal justice system. Cultural taboos and the threat of social discrimination caused most repatriated Kosovar victims to remain silent about their experience.

Prevention campaigns were led by international organizations and NGOs, particularly the IOM, which worked to increase local awareness and to prevent trafficking. The Prime Minister's Office of Good Governance in cooperation with the Ministry of Education, developed antitrafficking educational materials used in elementary and secondary school curricula. The IOM completed public awareness campaigns to prevent trafficking in 2003 and worked on another campaign targeting vulnerable populations, especially young women. The VAAU leads UNMIK's role on education efforts to prevent trafficking, including the establishment of a hotline for victims of trafficking.

#### 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 despite some improvements during the year. Other laws addressed aspects of disability issues, such as a law on pensions for persons with disabilities over the age of 18, and on education that provided separate classrooms for persons with disabilities; however, in practice, these laws were not yet fully implemented and faced practical obstacles, such as lack of transportation for children with special needs, lack of a centralized commission to evaluate children's needs, inadequate facilities, and crowded classrooms.

Relevant ministries were responsible for protecting the rights of persons with disabilities, including the Ministries of Education, Health, Social Welfare, and Public Services. There were no specific social welfare provisions for the estimated 14,000 persons with mental disabilities. The law did not meet international standards and there was no expertise on the issue of the rights of persons with disabilities. There continued to be no guardianship laws with appropriate due process protections. For instance, the law does not recognize the placement of individuals in institutions and treatment against their will (involuntary treatment) as two different legal issues. High unemployment rates placed particular burdens on job seekers with disabilities. The law mandates access to official buildings; however, it was not enforced in practice.

In the absence of UNMIK and PISG social services for persons with disabilities, the local NGO Handikos was the only provider of extensive services for persons with physical disabilities in Kosovo; however, Handikos had no presence in the Serb-dominated northern municipalities.

The NGO Mental Disability Rights International (MDRI) has promoted rights for persons with mental disabilities since publication of its 2002 report, which found extensive evidence of neglect, physical abuse, sexual assault, and arbitrary detention at mental health care facilities. Staff and patients at the Shtimje Institute, the Pristina Elderly Home, and the Pristina University Hospital reportedly committed these abuses, but no criminal charges were filed by year's end. The programs were a product of policies established by UNMIK; however, UNMIK had largely transferred responsibilities for persons with disabilities to local personnel. UNMIK also established "boards of visitors" to provide oversight of group homes; however, MDRI said the boards were not independent and lacked expertise in human rights monitoring. In July 2003, MDRI issued another report alleging that, despite improvements in facilities, UNMIK failed to protect patients' rights and create safe alternatives to institutional care in the community, which UNMIK denied. Facilities and training have since improved significantly. In response to MDRI's report, the PISG spent \$2.7 million (2 million euros) in 2003 to renovate Shtimje institution and fully utilize its original capacity of 300; it was occupied by 194 residents at year's end. MDRI alleged that patients were detained 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. Following MDRI's suggestions, the PISG decided to expand options for independent living in the integration homes endorsed by MDRI.

On occasion, individuals in need of mental health treatment were convicted of fabricated or petty crimes and ended up in the prison system, which lacked resources for adequate treatment; however, MDRI trained some KPS officers to help prevent this. Additionally, despite documented abuses, no one in Kosovo has been punished for mistreatment of persons with mental disabilities.

In October, the OI criticized the Pristina University Clinic Center for housing prisoners with mental disabilities in the same ward as other patients and reported that some cases of incarceration of mentally ill patients in the psychiatric ward constituted illegal detention. In response, Kosovo prison authorities took over management of the psychiatric ward at Pristina University Clinic. UNMIK also built separate detachments for these prisoners in hospitals in Peje and Prizren in 2003, but not in Pristina.

#### National/Racial/Ethnic Minorities



Although UNMIK regulations and the Constitutional Framework protect ethnic minorities, in practice, Kosovo's most serious human rights problem was pervasive social discrimination and harassment against members of minority communities, particularly Serbs but also Roma, Ashkali, and Egyptians, with respect to employment, social services, language use, freedom of movement, the right to return, and other basic rights. Violence and property crime directed at Kosovo's minorities remained serious problems.

The March riots, which targeted Serbs, Roma and Ashkali, were the most serious outburst of violence and destruction since the 1999 conflict. UNMIK police recorded approximately 1,100 ethnically motivated crimes during the year, the vast majority (859) committed during March. Excluding the March riots, the 172 incidents suspected of having an ethnic motivation constituted a moderate increase (18 percent) over the 138 incidents last year. Overall, property crimes increased and crimes against persons declined for the first time since 1999; 59 percent of the incidents were property related offenses. However, according to UNMIK's Office of Community Affairs, incidents targeting minorities were generally underreported due to distrust of the KPS and the Kosovo legal system. In the latter half of the year, NGOs recorded approximately 10 incidents per week, over twice the number recorded by UNMIK police. These crimes included low-level crimes such as incidents of stoning, assaults, and harassment of Serbs and other minorities, as well as property crimes such as arson and vandalism, which occurred on almost a daily basis throughout Kosovo.

Approximately 62 killings occurred during the year, including 20 deaths as a result of the March violence; 11 of the victims were Serbs, including 8 during the March riots. Outside of the March riots, Kosovo Serbs were victims of three killings, three attempted killings, and one serious attack, including the following: The double killing in Lipljan on February 19, the attempted killing of a teenager in Caglavica on March 15, the killing of teenager Dmitry Popovic in Gracanica on May 6, the attempted killing in Zubin Potok on May 27, the explosive attack on a Kosovo Serb family working in a Vitina/Viti field on June 10, and the attempted killing in Lipljan on October 1.

Increased violence, particularly during the March riots, may have been politically motivated and to some extent coordinated by ethnic Albanian extremists. Some Kosovo government leaders were slow to condemn the violence, exacerbating the problem and helping to legitimize the severe social abuse of minorities. Reports by international NGOs such as Human Rights Watch and AI, as well as the OSCE, asserted that UNMIK, KFOR, and KPS could have done more to protect minorities in the period following the March riots.

The March 16 drowning of three Kosovo Albanian children from Cabra village in Zubin Potok Municipality ignited the March riots; the surviving child claimed Kosovo Serbs had chased them into the Ibar River with a dog. The media, prior to police and judicial investigations, reported this story. In addition, the drive-by shooting on March 15 of a 19 year old Kosovo Serb male in the Serb village of Caglavica in the Pristina region caused local Serbs to block the main Pristina Skopje highway. On March 16, approximately 18,000 Albanians attended prescheduled demonstrations against the arrests of ex KLA members by UNMIK Police. On March 17, demonstrations by Albanians started in Mitrovica to protest the drownings and in Pristina against the Serb roadblocks in Caglavica and Gracanica. Unrest soon spread to other parts of Kosovo and became increasingly violent. It appeared that there was a pattern to destroy Serb property and to expel the Serb population from enclaves in southern Kosovo. As a result of the riots, 20 persons were killed, including 8 Kosovo Serbs and 12 Kosovo Albanians, more than 900 were injured, more than 900 Serb, Romani, and Ashkali houses and 30 orthodox churches or monasteries were burned or severely damaged, and over 4,000 Serbs, Ashkalis, and Roma were made homeless.

After public order was restored, police and KFOR commenced large-scale operations to apprehend those responsible for the riots. By June, over 270 persons had been arrested on a wide range of charges related to the riots, including murder, attempted murder, arson, and looting. UNMIK recruited 100 additional police investigators, 6 prosecutors, and 3 judges to boost its investigative capability. By mid-June, international prosecutors were managing 52 of the most serious cases. The KPS internal affairs unit, run by UNMIK police officers, started 100 disciplinary investigations against KPS officers for failure to act and involvement in the riots. Of the seven people originally detained on suspicion of organizing or leading the March riots, criminal investigations were ongoing in four cases: 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 over 90 percent of the damaged or destroyed houses, but church reconstruction remained frozen for political reasons (See Section 2.c.).

No progress was made during the year in investigating or prosecuting 2003 cases of violence against Serbs.

Civilians were responsible for the destruction, often through arson, of private property. The reported phenomenon of "strategic sales" of property persisted. There was evidence that Kosovo Albanians in several ethnically mixed areas used violence, intimidation, and offers to purchase property at inflated prices in order to break up and erode Kosovo Serb neighborhoods. For example, on May 26, a 35-year-old Kosovo Serb farmer was seriously wounded from gunfire from an unknown assailant in a neighboring, predominant Albanian village. Some cases of violence against Serbs may have been attempts to force



persons to sell their property. An UNMIK regulation prevents the wholesale buy out of Kosovo Serb communities and seeks to prevent the intimidation of minority property owners in certain geographic areas; however, it was rarely enforced. Some municipalities were excluded from this regulation at their request. The Kosovo OI and human rights groups criticized the regulation as limiting the ability of Kosovo Serbs to exercise their property rights.

Kosovo Serbs also faced difficult conditions in the Republic of Serbia proper. For example, on May 23, a 14-year-old Kosovo Serb boy was killed on a school fieldtrip to the Republic of Serbia. After being harassed by a group of older Serbs, the boy was struck, lost his balance, and fell from a fortress to his death. Criminal proceedings in Serbia against the youths were ongoing at year's end.

Kosovo Serbs experienced societal discrimination in education and health care, but these services continued to be supplemented by funding from the SaM Government through the Coordination Center for Kosovo and parallel institutions, such as the hospital in North Mitrovica. Minority employment in the PISG continued to be low and confined to generally subordinate levels of the Government. In the PISG ministries, minorities occupied only about 10 percent of the posts, despite a PISG target of over 16 percent, and the overall percentage of minorities employed by the PISG has shown a downward trend.

The Turkish community was more closely integrated with Kosovo Albanians and felt the impact of social discrimination less than other minorities. Roma lived in dire poverty. Viewed as Serb collaborators by many Kosovo Albanians, they also suffered pervasive social and economic discrimination. They often lacked access to basic hygiene and medical care, as well as education, and were heavily dependent on humanitarian aid. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in their prior homes, security concerns persisted. Bosniak leaders continued to complain that thousands of their community members had left Kosovo because of discrimination and a lack of economic opportunity.

#### Other Societal Abuses and Discrimination

Traditional societal attitudes about homosexuality in Kosovo intimidated most gays and lesbians into concealing their sexual orientation. Gays and lesbians generally felt insecure, with many reporting threats to their personal safety. Kosovo print media reinforced these attitudes by publishing negative articles about homosexuality that characterized gays and lesbians as being mentally ill and prone to sexually assaulting children. Individual homosexuals also reported job discrimination. Kosovo's newly passed Antidiscrimination Law included protections against discrimination based on sexual orientation; however, the law was not applied during the year. At least one political party, the Islamic-oriented Justice Party, included a condemnation of homosexuality in its political platform.

#### Incitement to Discrimination

International observers and the Temporary Media Commissioner accused Kosovo print and particularly broadcast media of inciting violence during the March riots (see Section 2.a.).

#### 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 Confederation of Independent Trade Unions of Kosovo (BSPK), claimed over 120,000 registered members, or about 6 percent of the total population; only 10 percent of its members were employed. UNMIK regulations prohibit antiunion discrimination; however, some union officials reported discrimination in practice. BSPK reported that the regulation preventing antiunion discrimination was respected by only a small number of firms and claimed that worker rights were abused in every sector, including international organizations, where staff did not have access to 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 provides for the right to organize and bargain collectively without interference, and the Government did not restrict this right in practice; however, collective bargaining rarely took place. UNMIK regulations do not recognize the right to strike; however, strikes were not prohibited and several 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 protect children from exploitation in the workplace, including a prohibition of forced or compulsory labor and policies regarding acceptable working conditions; however, the Government did not always enforce these policies in practice. 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 such work is not harmful to the child 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. Some also engaged in physical labor, such as transporting goods. The number of these children working on the streets rose sharply since 1999, as large numbers of rural families resettled in cities after the conflict. According to one study, almost half of the children who worked such street jobs lived in rural villages before the 1999 conflict, and 20 percent commuted from villages to work in the cities. Almost 90 percent of the children interviewed said they were forced into such work by poverty, and over 80 percent said they worked up to 9 hours a day to support unemployed parents, often preventing school attendance. Primarily male children between the ages of 8 and 14 worked on the streets, but they also recorded children as young as age 6. There were no real employment opportunities for children in the formal sector. Trafficking of children was also a serious problem, mostly for prostitution (see Section 5).

The MLSW, in cooperation with the UNMIK DOJ, coordinated child protection policies, and the MLSW Department of Social Welfare has the responsibility for implementing interventions for the care and protection of children. In June, the International Program on the Elimination of Child Labor under the International Labor Organisation organized Kosovo's first workshop to establish a child labor monitoring system and signed a memorandum of understanding with UNMIK on child labor prevention.

Local and international NGOs, such as Save the Children, began children's rights campaigns to raise awareness of these issues.

#### e. Acceptable Work Conditions

UNMIK regulations provide for a minimum wage, but did not set its level. While many international agencies and NGOs paid adequate wages, the average full-time monthly public sector wage of \$204 (151 euros) and the average private sector wage of \$281 (208 euros) were insufficient to provide a decent standard of living for a worker and family.

UNMIK regulations provided for a standard 40-hour work week, required rest periods, limited the number of overtime worked to 20 hours per week and 40 hours per month, required payment of a premium for overtime work, and prohibited excessive compulsory overtime. Employers often failed to implement these regulations under conditions of high underemployment and unemployment.

Labor inspectors enforced health and safety standards, and the Kosovo Assembly passed a Law on Labor Inspectorate in 2003; however, it had not been implemented by year's end. The law does not permit employees to remove themselves from dangerous workplaces without jeopardizing their continued employment.

## MONTENEGRO

Montenegro is a constituent republic of the state union of Serbia and Montenegro (SaM). Montenegro has a president and a parliamentary system of government. Filip Vujanovic was elected President in May 2003. A coalition led by Milo Djukanovic (currently prime minister) won a majority of seats in Parliament in 2002 elections. International monitors deemed both elections generally free and fair. The Montenegrin Government acted largely independently from the Republic of Serbia on most issues. Montenegro has a separate customs regime, a separate visa regime, its own central bank, and uses the euro rather than the Yugoslav dinar as its currency. The Constitution provides for an independent judiciary; however, courts often were subject to political influence and corruption and remained overworked and inefficient.

The Republic's police, under the authority of the Ministry of Internal Affairs (MUP), have responsibility for internal security. The Montenegrin State Security Service (SDB), also located within the MUP, has authority to conduct surveillance of citizens. 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. Some members of security forces committed human rights abuses.

The economy, more market-based than state-owned, was mixed agricultural, industrial, and tourist-oriented. The population was approximately 686,000, including refugees and displaced persons from Kosovo. Real gross domestic product growth for the year was approximately 4.1 percent, and annual inflation was approximately 4 percent. During the year, wages significantly outpaced inflation but remained low compared with the cost of living.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police at times beat and abused civilians. Impunity was a problem. Media independence was a problem. Pressure from politicians sometimes resulted in distorted coverage of events by state and some private media. Domestic violence and discrimination against women continued to be problems. Trafficking in women and children for sexual exploitation continued to be a problem. Some ethnic discrimination persisted, particularly with regard to Roma.

## 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 of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

#### 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. The reported cases of police beatings were less severe and fewer in number than in previous years.

There were no actions taken against the police officer responsible for the May 2003 beating of Igor Zindovic by year's end.

The local state prosecutor initiated an investigation of police inspector Dobrasin Vulic and three other unidentified police officers for the August 2003 beating of Nikola Popovic. The investigation was ongoing at year's end.

During the year, the local state prosecutor dropped disciplinary proceedings against two police officers for beating Izet Korac in October 2003, citing lack of evidence.

During the year, three police officers were tried for the 2002 beating of Darko Knezevic; one officer was given a suspended sentence of 7 months while the two other officers were acquitted.

During the year, six police officers in Berane were tried for beating five Muslim men in Petnjica in 2002. One officer, a probationary recruit, was disciplined and fined 50 percent of his salary, and his contract was not renewed. The other five officers were acquitted.

Prison conditions generally met international standards; however, some problems remained. Prison facilities were antiquated, overcrowded, and poorly maintained. Due to inadequate prison budgets, prisoners often had to obtain hygienic supplies from their families, although the prisons provided basic supplies to those who could not obtain them otherwise.

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

The Government permitted prison visits by human rights observers, including the International Committee of the Red Cross and local nongovernmental organizations (NGOs). The Ombudsman, elected by Parliament in 2003, had the right to visit detainees and prisoners at any time, without prior notice. The Ombudsman's office routinely made prison visits, meeting with detainees and inmates.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and, unlike in previous years, the Government generally observed these prohibitions.

The MUP controls both National and Border Police. These two services generally were effective in maintaining basic law and order; however, their effectiveness in fighting organized crime was limited. A sizable percentage of the police force was made up of Bosniaks (Bosnian Muslims), many of whom were deployed in a predominantly Muslim area in the north known as the Sandzak. Impunity was a problem. The Government investigated some police abuses. Criminal procedures and sentences against police were rare; when initiated, they were often prolonged with convictions resulting in minor penalties.

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

The international community provided substantial financial and technical assistance to upgrade the quality of training and facilities for the police, with a special focus on combating trafficking in persons. Assistance also was provided to train the police to better combat organized crime.

The new Criminal Procedure Act took effect in April, and replaced all previous criminal procedure laws. The act defines the authority of police in pretrial processes and permits police involvement in these processes only with the approval of a judge. Training of police lagged, hampering full implementation of the new act; however, reported beatings of prisoners in pretrial detention declined. The law also contains new measures for combating organized crime and for in-court witness protection. The Organization for Security and Cooperation in Europe (OSCE) noted that the act strengthens protection of human rights and freedoms of citizens while giving more power to police, prosecutors, and courts to combat the most serious criminal offenses.

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 taken before a judge; the law provides for access to an attorney in this initial period, which in at least some cases did occur. Most abuses occurred in this initial detention period (see Section 1.c.). There is no general requirement for a juvenile suspect to have an adult present during police interrogation; however, if a juvenile faces a sentence of 5 years or more, an attorney must be present. If a criminal case goes to trial for a crime with a possible sentence greater than 5 years, a lawyer must be appointed if the defendant cannot afford one. There is a system of bail; however, it was not widely used because citizens could rarely raise money for bail. Pretrial prisoners were permitted visits by family members and friends, and this was generally respected in practice. Long trial delays, combined with the difficulty in meeting conditions for bail, occasionally led to lengthy pretrial detention.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, a historical lack of cooperation between police and prosecutors, a backlog of cases, often primitive courtroom facilities, and corruption remained

problems. The Government at times influenced prosecutors for political reasons.

The court system consists of municipal, higher (or district), and supreme courts at the republic level. The 2002 Law on Courts mandates formation of an Appeals Court and an Administrative Court to reduce the burden on the Supreme Court; however, these new courts had not been formed by year's end.

During the year, a Judicial Council was established and began functioning in accordance with the law. The Supreme Court President chairs the Council, and other members include judges, lawyers, and academics; no executive branch members are included. The Judicial Council selects and disciplines judges and handles court administration, such as preparation of the judiciary's budget request. The law also requires that cases be assigned to judges by rotation.

The law provides for the right to a fair trial, the presumption of innocence, access to a lawyer, 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 in Montenegro during the year.

By the end of the year, the Supreme Court had not ruled on Nebojsa Ranisavljevic's appeal of the 2002 conviction by the Bijelo Polje District Court for a war crime committed in Bosnia. The HCM continued to pursue its request for an investigation of Dobrica Cosic.

There were no reports of political prisoners.

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

The Constitution prohibits such actions; however, the law allows the SDB to eavesdrop on citizens without court authorization. Some observers believed that police used wiretapping and surveillance against opposition parties and other groups on a selective basis. Many individuals and organizations operated on the assumption that they were, or could be, under surveillance.

Citizens could inspect secret files kept on them by the SDB from 1945 to 1989; however, they did not have access to post-1989 files.

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

Unlike in the previous year, there were no reports that membership in the appropriate political party was a prerequisite for obtaining positions or advancing within certain parts of the Government.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution and laws provide for freedom of speech and of the press; however, there were some restrictions of freedom of the press in practice. Despite some steps to move away from government control of the media, certain media retained close ties to the Government. Officials brought or threatened libel suits when accused of wrongdoing. The motive for the May 27 killing of Dusko Jovanovic, the director and editor-in-chief of the leading opposition daily Dan, remained unknown at year's end; however, Dan and other media outlets called the killing a major attack on freedom of the press and journalistic safety. The Government indicted one suspect in connection with the killing and was seeking other suspects at year's end.

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

The Media Law mandates regulatory structures designed to insulate former state-owned media from direct party control; these include a Radio and Television Council (RTVCG) which took over editorial oversight of the National Public Radio and Television from the Government. The Council was formed in 2003, with members selected by a variety of NGOs and professional groups; however, some observers noted that many Council members had close ties to the Government. Only one out of a dozen local, government owned newspapers was privatized; the other municipal-owned papers went out of publication due to lack of private capital.

The print media consisted of private news outlets and one national state-owned newspaper, which published a wide variety of domestic and foreign articles. Domestic radio and television stations regularly broadcast programs from Belgrade's BK Television, Croatian National Television, Italian National Television, the British Broadcasting Corporation, Deutsche Welle, the Voice of America, and Radio Free Europe.

During the year, radio and television stations could not get licenses to broadcast because of delays in transferring the regulatory authority from the Government to an independent regulatory body. The regulatory Broadcasting Agency was established in 2003; on December 29, it issued its first public tender for allocation of frequencies but had not begun allocating licenses by year's end.

In support of efforts to pass a law on direct elections for the State Union parliament, on October 20, part of the opposition ended a 16-month boycott of the Parliament. The opposition started the boycott when the RTVCG Council ordered that full coverage of Parliament cease in 2003, arguing that government domination of the media made it necessary for citizens to see unedited parliamentary coverage. On October 19, the editorial team of RTVCG declared that it would provide live coverage of all parliamentary sessions. Essentially all opposition parties returned to the Parliament by year's end; however, one party with one Member of Parliament remained out.

There were no publicized cases of direct government censorship of the media; however, officials continued to bring libel suits against some media outlets, the newspaper Dan in particular, when the media accused them of wrongdoing. On September 20, the Basic Court in Podgorica fined the deputy editor-in-chief of Dan \$18,900 (14,000 euros), in a libel suit filed by Prime Minister Djukanovic. Dan had reprinted a Belgrade newspaper's article alleging Djukanovic's involvement in a notorious human trafficking case. A second libel case by Djukanovic against Dan, for printing an opinion piece asserting that Djukanovic used the services of trafficked women, ended when Dan's editor was acquitted by the court. Dan was fined \$8,100 (6,000 euros) for defamation in a separate libel suit brought by the chief of the State Security Service. Despite the continued risk of libel suits, there continued to be a modest increase in the willingness of the media to criticize the Government.

The appeal of former editor-in-chief of Dan, Vladislav Asanin, in the 2001 Djukanovic case remained pending at year's end.

The Government did not restrict access to the Internet or academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution 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 Montenegrin Constitution mentions the Orthodox Church, Islamic Religious Community, and Roman Catholic Church as equal and separate from the State, and 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 Montenegrin MUP and the Republic Department of Statistics in order to gain status as a legal entity, which is necessary for real estate and other administrative transactions. There were no reported problems with registration in practice.

There was no progress noted during the year on restitution of previously seized church property.

Religion and ethnicity were intertwined closely and in many cases it was difficult to identify discriminatory acts as primarily religious or primarily ethnic in origin. Minority religious communities reported better cooperation with state 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. These tensions stemmed from disputes over claims to the large patrimony of the Montenegrin Orthodox Church from before its absorption into the Serbian Orthodox Church in 1920 and over political questions. Pro-Serbian political parties strongly supported moves to establish the Serbian Orthodox Church as the official state religion, while proindependence parties pushed for the recognition of the Montenegrin Orthodox Church. Contention between the two churches was not marked by the level of violence seen in previous years; however, the Serbian Orthodox Church reported harassment and the failure of local police to intervene to prevent threatened violence.



For a more detailed discussion, see the 2004 International Religious Freedom Report.

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

The Constitution provides for these rights, and the Government generally respected them in practice.

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

There were approximately 17,000 internally displaced persons (IDPs) from Kosovo. The majority of IDPs were ethnically Montenegrins or Serbs; however, there were also Roma (1,300) and others. Discrimination and harassment against Roma remained a serious problem (see Section 5).

The law provides for the granting of refugee status to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. There is no law that provides for asylum. 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. Such cases were referred to the office of the U.N. High Commissioner for Refugees (UNHCR) in Belgrade for determination. Refugees that the UNHCR determined had legitimate fears of persecution were then resettled elsewhere. Persons who entered Montenegro illegally claiming fear of persecution were sent to Belgrade, where they were detained for up to 3 weeks in a special jail. In these cases, the UNHCR also was requested to determine the legitimacy of persecution claims.

The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. According to the UNHCR, there were approximately 8,400 refugees in Montenegro, the majority of whom were from Bosnia and Herzegovina, with most of the remainder from Croatia. Conditions for refugees varied; those with relatives or property in the country were able to find housing and, in some cases, employment. Approximately 1,300 Romani IDPs lived in collective centers with limited access to health care and education; however, the Government took measures during the year to move these Roma out of camps into more permanent and private living arrangements.

The law treats refugees as economic migrants and deprives them of the right to register with the Montenegrin Employment Bureau, a right IDPs also lacked; unregistered persons were denied full and equal access to the local labor market. The 2003 Decree on Employment of Nonresident Physical Persons was designed to limit economic migration; however, a \$3.38 (2.5 euros) per-day surcharge it levied on employment of nonresidents also applied to refugees and IDPs, making their labor more expensive than comparable labor of Montenegrin citizens.

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

The Constitution provides citizens with 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.

Filip Vujanovic was elected President in May 2003 in generally free and fair elections. Djukanovic has been in power as President or Prime Minister almost all of the previous 13 years. Prime Minister Djukanovic's coalition, and a coalition led by Socialist People's Party president Predrag Bulatovic of pro-Serbia opposition parties dominated the political scene in Montenegro. The opposition coalition collapsed in 2003 following a series of interparty disagreements. The opposition has boycotted the Parliament since public television's 2003 decision to reduce live coverage of parliamentary sessions (see Section 2.a.).

There was a widespread perception of government corruption, particularly the executive and judicial branches.

There is no law providing public access to government information.

There were 8 women in the 75-seat Parliament, and 2 women in the cabinet (Ministers of Culture and Foreign Economic Relations). Vesna Medenica, a female judge, is the State Prosecutor. At year's end, there was one female mayor in Montenegro's 21 municipalities. In rural areas, husbands commonly directed their wives' voting.

There were 11 members of ethnic minorities in the 75-seat legislature, and 3 in the Cabinet. Ethnic Albanians and Bosniaks participated in the political process, and their parties, candidates, and voters participated in all elections. Four parliamentary seats are allocated by law to ethnic Albanians; two of these seats were held by members of Albanian parties and the other two were held by members of Prime Minister Djukanovic's coalition.

According to a 2003 survey by the Ministry for Protection of Rights of Minorities and Ethnic Groups, there were no Roma in the state administration, and only 0.15 percent of local administration employees were Roma. In late September, the Roma Republican Party was formed; it was the first political party representing Romani interests.

#### 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 somewhat cooperative and responsive to their views. There were a substantial number of NGOs investigating human rights cases, including HCM and the Center for Democracy and Human Rights. NGOs were credited with helping to reduce police brutality and other abuses.

The Government cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY) in allowing access to witnesses. In September, government representatives on the State Union Council for Cooperation with the ICTY withdrew from the council, claiming lack of cooperation from Serbia; the ICTY Prosecutor's office stated that the resignation was a local matter that should not impair cooperation with the Tribunal.

Parliament established an Ombudsman in 2003 to protect human rights and freedoms guaranteed by the Constitution, laws, ratified international human rights agreements, and generally accepted principles of international law, when these rights are violated by actions or omissions of state bodies, local governments, or public services. The Ombudsman 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. Anyone can appeal to the Ombudsman, and the procedure is free of charge. 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 punished by fines of 10 to 20 times the minimum monthly wage of \$675 to \$1,350 (500 to 1,000 euros). No fines were imposed during the year. Although independent in practice, the Ombudsman was more effective in responding to individual violations of human rights than in addressing systemic problems.

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 provides for equal rights for all citizens regardless of ethnicity, social status, or gender; however, in practice, the Government provided little protection against discrimination.

##### Women

High levels of domestic violence persisted, particularly in rural areas. During the year, official agencies, including the police, did a better job in responding 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 in prison. Victims of domestic violence rarely filed complaints with the authorities. According to a survey conducted during the year by the NGO SOS Hotline for Women and Child Victims of Violence-Podgorica, 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 even though prosecutors routinely asked that convicted abusers be imprisoned; most convictions resulted in probation.

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. A lack of female police officers contributed to long delays in investigating rapes, assaults, and offenses against women.

Prostitution is a crime, as are mediation and procurement of prostitution. The Government took active measures to suppress prostitution, mediation, and procurement.

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

Sexual harassment was a problem. Women did not enjoy equal status with men, and few women held upper-level management positions in government or commerce; however, increasing numbers of women served as judges, and there were many women in professional fields such as law, science, and medicine. Legally, women were entitled to equal pay for equal work; however, in practice, they did not always receive it.

Traditional patriarchal ideas of gender roles, which hold that women should be subservient to male members of their families, continued to subject women to discrimination in the home. In rural areas, particularly among minority communities, women did not always have the ability to exercise their right to control property, and husbands commonly directed wives' voting.

#### Children

The Government attempted to meet the health and educational needs of children; however, insufficient resources impeded achievement of this goal. The educational system provided 8 years of free, mandatory schooling. 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; UNHCR and the International Committee of the Red Cross (ICRC) began programs during the year to make education more accessible for Romani children.

There were reports that child abuse was a problem, although there was no societal pattern of such abuse. 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.

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

#### Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons remained a serious problem. There were reports that police and other officials were involved in trafficking.

The new Criminal Code, which took effect in April, sets the punishment for all trafficking in persons violations at up to 10 years' imprisonment. During the year, 18 persons were arrested on suspicion of trafficking in persons; 15 were charged, 1 case was dismissed, and charges were pending in the other cases at year's end. Nine cases from previous years were still in the courts; one person was sentenced to 5 months in prison after retrial on appeal from conviction. Convictions for trafficking remained infrequent and punishments were weak, largely due to judicial leniency.

The National Coordinator appointed by the MUP chairs the antitrafficking working group composed of relevant ministries, social services, the OSCE, the International Organization for Migration (IOM), and NGOs. A subgroup to combat trafficking in children was established in February. The Government coordinated its antitrafficking efforts with other countries in the region, particularly through the Southern European Cooperative Initiative Center in Bucharest.

A controversial case involving the rape and torture of a trafficked woman from Moldova, identified by the initials S.C., continued at year's end. Government officials allegedly were involved directly in the purchase, sale, rape, and torture of S.C. After a 4-month judicial investigation, Montenegrin Deputy State Prosecutor Zoran Piperovic and two other suspects were charged with mediation of prostitution, and a fourth person was charged with trafficking in persons and mediation of prostitution. In June 2003, after reviewing the judicial investigative report, Podgorica Prosecutor Zoran Radonjic dismissed charges against all the suspects, citing insufficient evidence. Foreign governments, the European Union, and the OSCE strongly criticized the decision not to try the case. The Government had not implemented several 2003 recommendations made by the international community concerning this case at year's end. Montenegro remained primarily a transit point for trafficked persons, particularly women and children, and, to a lesser extent, a destination. According to local NGOs, foreign victims likely came from Romania, Ukraine, Moldova, Bulgaria, and Russia, often passing through Belgrade and on to Kosovo or Albania, where they continued on to Italy and other West European countries. The police and NGOs reported larger number of cases of internal trafficking. Statistics on trafficking were difficult to obtain, as traffickers increasingly stopped holding their victims in public locales such as bars and nightclubs.

Traffickers were often Montenegrin nationals but sometimes worked with foreign partners. They usually used fraud to entice their victims and resorted to force and coercion to keep the victims from leaving. For example, in August, four citizens were charged with trafficking when Ukrainians, who were lured to Montenegro with false promises of high-paying jobs, instead were held in what the MUP called "slavery,"

forced to do manual construction labor in unhealthy conditions without pay, and were starved and sometimes beaten if they refused to work.

The highly publicized "S.C." case and police crackdowns on nightclubs and brothels may have forced the sex industry into a lower profile. Women's organizations reported a decline in requests for help by trafficked women, which they attributed to the removal of women from bars and nightclubs to brothels set up in private residences, where they had less opportunity to escape or be discovered.

A 2002 protocol 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. Local NGOs, with funding from international donors, ran a shelter in Podgorica and hotlines throughout Montenegro; the Government, in cooperation with the IOM and OSCE, opened a second shelter in March. Internationally sponsored public awareness campaigns continued to be conducted throughout the country.

#### Persons with Disabilities

There was no official 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 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.

#### 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 ill treatment 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 country, 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 some 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.

Some Bosniaks complained that the division of the Sandzak region between Montenegro and Serbia, which also divided some families and property, created some problems for residents.

#### Section 6 Worker Rights

##### a. The Right of Association

The law provides for the right of all workers to join and form unions of their choosing; however, military personnel may not form unions. Non-military workers exercised this right in practice. Most, but not all, of the workforce in the official 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 of development. The law provides for the right to strike, and workers generally exercised this right in practice; however, the law prohibits strikes by military and police personnel.

##### 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 Sections 5 and 6.d.).

#### d. Prohibition of Child Labor and Minimum Age for Employment

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

#### e. Acceptable Conditions of Work

The national minimum wage was \$67.50 (50 euros) per month, which did not provide a decent standard of living for a worker and family. 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.

The Government did not give high priority to the enforcement of established 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.

