

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	92
Land:	Kosovo
Kilde:	U.S. Department of State
Titel:	2012 Country Reports on Human Rights Practices - Kosovo
Udgivet:	19. april 2013
Optaget på baggrundsmaterialet:	6. maj 2013



2012 Country Reports on Human Rights Practices - Kosovo

Publisher [United States Department of State](#)

Publication Date 19 April 2013

Cite as United States Department of State, *2012 Country Reports on Human Rights Practices - Kosovo*, 19 April 2013, available at: <http://www.refworld.org/docid/517e6e1b6.html> [accessed 2 May 2013]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

EXECUTIVE SUMMARY

Kosovo is a parliamentary democracy. The constitution and laws provide for the authorities and responsibilities of the freely elected unicameral national Assembly, the Assembly-approved government, and the Assembly-elected president. The country declared its independence in 2008 after accepting the Comprehensive Settlement Plan (CSP), which provides for internationally sponsored mechanisms, including the EU Rule of Law Mission (EULEX), to support the government. On September 10, that period of supervised independence ended after the International Steering Group declared the country satisfied or had made significant progress on its CSP commitments. EULEX and the government agreed to extend the former's mandate until 2014. Security forces reported to civilian authorities, with the Kosovo Security Force (KSF) also monitored by the UN-authorized NATO Peacekeeping Force for Kosovo (KFOR) and EULEX monitoring the Kosovo Police (KP) in a limited capacity.

The most important human rights problems during the year included roadblocks established in the northern part of the country by Kosovo Serb hardliners, restricting basic rights, including freedom of movement and movement of goods. Hardliners also employed violence and intimidation against domestic opponents and international security forces during the year. A third area of serious concern was societal discrimination against minority communities; persons with disabilities; and members of the lesbian, gay, bisexual and transgender (LGBT) community, as well as domestic violence, particularly against women.

Additional human rights problems included corruption and favoritism in prisons, lengthy pretrial detention, judicial inefficiency, intimidation of media by public officials and criminal elements, limited progress in returning internally displaced persons (IDPs) to their homes, government corruption, trafficking in persons, and child labor in the informal sector.

The government took steps to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government, although many assumed senior officials engage in corruption and act with impunity.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

On November 29, the International Criminal Tribunal for the former Yugoslavia acquitted former prime minister Ramush Haradinaj and two others of war crimes committed at a Kosovo Liberation Army (KLA) detention center in 1998.

One of six persons suspected in the July 2011 killing of police officer Enver Zymberi surrendered to authorities on June 7 and was later released by the courts. Authorities detained no other suspects, and EULEX continued to investigate the case at year's end.

During the year the government cooperated with the EULEX Special Investigative Task Force (SITF), which was formed in 2011 to investigate allegations of serious abuse committed between July 1999 and mid-2000 by KLA members and their associates. The abuse, which a 2010 Council of Europe report covered, included inhumane detention conditions and killing of civilians to traffic their organs out of the country. The SITF investigation continued at year's end.

On November 21, the Supreme Court ordered a retrial for Assembly member Fatmir Limaj and three codefendants, all of whom authorities accused of committing war crimes against civilians and political prisoners in the Klecka detention facility in 1999. The court vacated the Pristina District Court's May 2 acquittal of all four defendants after determining that another court had excluded previously and improperly the diaries and testimony of Agim Zogaj, a deceased key witness. Authorities detained the four, who remained in custody at the end of the year. The Supreme Court on December 11 also reinstated charges against six other defendants for the same crimes on the same basis; those defendants remained under house detention.

b. Disappearance

There were no reports of politically motivated disappearances.

According to the International Committee of the Red Cross, at the end of the year, 1,766 persons who disappeared during the 1998-99 conflict continued to be listed as missing. Of these, 70 percent were Kosovo Albanians, and 30 percent were Kosovo Serbs and other minorities.

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

The constitution and law prohibit such practices. While international monitors visiting the country in 2010 found that the KP employed forms of abuse that could be considered torture to obtain confessions, local observers more recently concluded that torture did not exist in correctional institutions. There were no reports during the year that EULEX or KFOR (which has limited arrest and detention authority) employed forms of abuse.

During its 2010 visit to the country, the Council of Europe's Committee for the Prevention of Torture (CPT) received numerous and consistent allegations of physical mistreatment by KP officers from persons who were or had recently been taken into custody. The allegations primarily concerned punches, kicks, and blows with batons at the time of apprehension. The CPT also reported that some police officers attempted to obtain confessions during questioning with slaps, punches, kicks (including to the genitals), striking the person with hard objects, squeezing of the hand with a pencil being placed between two fingers, and beating on the soles of the feet. The CPT noted that in some cases the severity of the alleged mistreatment was such that it could "easily be described as torture." The CPT concluded it appeared "the situation as regards the treatment of persons deprived of their liberty by the Kosovo Police has stagnated if not deteriorated" since its 2007 visit.

In reports based on more recent visits, domestic observers, including the Office of the Ombudsperson and the Kosovo Rehabilitation Center for Torture Victims (KRCT), found that torture as defined by the UN Convention against Torture did not exist in the country's correctional institutions and that isolated complaints regarding mistreatment of prisoners and detainees had consistently decreased in recent years. The KRCT reported that during 2012 the number of isolated complaints increased slightly compared with recent years. The Office of the Ombudsperson received 13 reports of prison guards abusing detainees or prisoners.

On January 14, police engaged Kosovo Albanian protesters attempting to prevent Serbian commercial vehicles from entering Kosovo. Protestors hurled large stones and bricks, injuring numerous officers. Police employed tear gas, rubber batons, and water cannons on the crowd and arrested 162 protesters. While media reports initially reported police restraint, several civil society groups, international organizations, and the ombudsperson alleged police used excessive force. There were reports also that police selectively arrested in their homes citizens who did not participate in the unauthorized protest. Government officials opened an investigation into the protests and in March released their findings that police acted reasonably in all but a few instances. Officials referred those individual cases to the Police Inspectorate for further action.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards; however, there were significant problems in some police establishments. Problems included poor lighting or ventilation in some facilities, broken heating systems, insufficient water supplies, prisoner-on-prisoner violence, corruption, lack of adequate medical treatment, and dilapidated facilities. The government permitted visits by independent human rights observers.

Physical Conditions: The Kosovo Correctional Service (KCS) managed daily operations at all correctional and detention centers. EULEX retained a limited monitoring, mentoring, and advising role in the prisons and transported prisoners upon request. At the end of December, the corrections facility system held 1,036 convicted prisoners and 655 pretrial detainees comingled in prison and detention centers. Detention and prison facilities contained 48 women and 45 juveniles. The network of corrections facilities can manage a population of approximately 2,000 persons. Three correctional facilities, six detention centers, one center for the protection of witnesses, and one prison hospital operated during the year.

The KRCT concluded conditions remained substandard in some areas and in some facilities, including poor lighting or ventilation in some cells and dilapidated kitchens, toilets, and bedding facilities in some prison and detention facilities. In September the KRCT documented particular problems in the sanitation system at Dubrava Correctional Center, the country's primary correctional facility, where broken toilets, nonfunctioning heating systems, and an insufficient water supply remained ongoing problems. The group concluded that the corrections system provided few adequate medical resources, resulting in undelivered or delayed medical treatment for physical and mental health conditions, and noted some prisoners received no medications for five months. There were no reports of prisoners lacking access to potable water.

Reporting on its 2010 visit, the CPT noted that the physical conditions of the country's police stations had improved since its 2007 visit. In particular, the CPT noted that police stations in Peje/Pec, Leposavic/Leposaviq, Prishtine/Pristina No. 1, and Prizren detention cells were generally in a good state of repair, and at Peje/Pec, Prishtine/Pristina No. 1 and Prizren, access to natural light in the cells was adequate. The CPT reported, however, a number of deficiencies in other police stations, such as Mitrovica/Mitrovice North, where cells remained dilapidated, and at Leposavic/Leposaviq and Mitrovica/Mitrovice North, where cells only had limited natural light. At Leposavic/Leposaviq, Peje/Pec (some cells only), and Prizren, artificial lighting in the cells was either nonexistent or not functioning, and at Leposavic/Leposaviq and Peje/Pec, toilets inside double cells were not partitioned. Moreover, at Prishtine/Pristina No. 1, there was no hot running

water, and some of the showers did not work. The CPT cited allegations prisoners "hired" members of Dubrava's special intervention group to assault physically other prisoners who were causing them trouble. The CPT also concluded prisoner-on-prisoner violence, corruption, and favoritism were "endemic" problems at Dubrava and other penitentiary establishments.

Administration: Authorities allowed prisoners access to visitors and permitted religious observance, including the right to request visits of clerics. Prisons and detention facilities offered modified menus for observance of holidays, including for religious fasting.

Detainees could submit complaints and requests for investigations to judicial authorities and the Office of the Ombudsperson without censorship through anonymous boxes in most prison facilities. By year's end, prisoners had made 114 complaints through the ombudsperson, 36 of which related to judicial matters and 78 to miscellaneous concerns; five complaints remained under investigation.

Monitoring: Corrections officials permitted visits and monitoring of the country's prisons and detention centers but required some nongovernmental organizations (NGOs) to provide advance notification before monitoring visits. The Office of the Ombudsperson and the KRCT inspected correctional and detention centers during the year. Monitors reported good cooperation from the correctional service during visits, including the facilitation of private interviews with inmates.

Improvements: The government made some system-wide improvements. The KCS began employing a database for tracking detainees and prisoners, tracking 2,574 persons since the database went online. The KCS also worked to ensure nurses were available at all correction facilities 24 hours a day.

During the year the government continued construction on a new high-security prison in Podujeve/Podujevo with a 300-inmate capacity.

The government also made improvements to the Dubrava facility. EULEX assisted the government's installation of a closed-circuit television system throughout the facility to better track inter-prisoner violence and established a new security incident reporting system. On August 31, the Ministry of Justice dismissed the prison director after convening a commission to investigate ongoing accusations of corruption. The ministry reassigned the director's two deputies and the head of security to other prisons.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government, EULEX, and KFOR generally observed these prohibitions.

Role of the Police and Security Apparatus

Local security forces include the Kosovo Police and Kosovo Security Force (KSF). Under the law, police function under the authority of the Ministry of Internal Affairs. EULEX operated under a mandate to monitor, mentor, and advise local judicial and law enforcement institutions. EULEX police also have operational responsibilities and conduct policing operations under a defined mandate. EULEX possesses limited executive authority in areas including organized crime, corruption, war crimes, witness protection, money laundering, terrorist financing, and international police cooperation. The KSF is a lightly armed security and civil defense force mentored by KFOR that functions under the civilian authority of the Ministry for the Kosovo Security Force.

Specialized police units investigating war crimes, financial crimes, and organized crime, and the EULEX police witness protection program, remained staffed by international EULEX police officers and operated independently of the KP. EULEX and the KP independently operated units

on criminal intelligence and organized crime. International police officers, prosecutors, and judges deployed by EULEX throughout the country had broad discretion to intervene in any particular criminal matter. Local police, however, retained most policing duties and responsibilities.

The Police Inspectorate (PIK), an independent body under the Ministry of Internal Affairs, conducts investigations and inspections involving police personnel. Through the end of the year, the inspectorate reviewed 1,078 complaints. The PIK forwarded 776 complaints to the Police Standards Unit (PSU) as disciplinary violations and registered 292 complaints as criminal cases. Sixty-five of the criminal cases were under investigation, authorities referred 122 to the Prosecutor's Office, and sent others with special reports or dismissed them.

The PIK reviewed 10 complaints for high-profile disciplinary incidents and left five of those cases open. In September, the PIK referred one complaint for institutional disciplinary measures and closed four cases due to lack of evidence.

The PSU investigated minor police violations and imposed administrative penalties for infractions. During the year the unit opened 1,235 cases, including instances of minor insubordination and damage or loss of police property. At year's end 366 cases remained under investigation.

Arrest Procedures and Treatment While in Detention

Police generally made arrests openly using warrants issued by a judge or prosecutor and based on sufficient evidence. Masked or undercover officers conducted arrests in some cases. The law states arrests must be based on prosecutors' orders and arrestees must be brought before a judge within 48 hours. Police carried out the majority of the year's arrests. There were no reports police abused the 48-hour rule, and authorities generally charged those arrested within six to eight hours or released them. The law provides those arrested with the right to be informed of the reason for their arrest in a language they understand; to remain silent and not answer any questions except those concerning their identity; to obtain free assistance of an interpreter; obtain defense counsel and have defense counsel provided if they cannot afford one; and receive medical and psychiatric treatment. Police can lawfully take a person into temporary police custody for up to six hours to protect the person from harm or danger or if the person is uncooperative with lesser measures. The CPT found some investigators did not inform detainees of their rights.

NGOs reported authorities did not allow all detained persons to contact attorneys when first arrested, but only at the start of questioning by an investigating police officer. In several cases officials allegedly gave detainees access to an attorney only after questioning. Some detained persons complained their first contact with the lawyer took place only at their initial court appearance although they requested ex officio lawyers immediately after apprehension.

While detainees have the right to notify family members of their detention, the CPT's 2010 report noted authorities' respect for this right deteriorated since its 2007 visit. The CPT reported a number of detained persons claimed police failed to comply with their requests to notify family members shortly after their apprehension and notified family members only near the end of a detained person's time in custody. The CPT corroborated the allegations through an examination of custody registers and custody records in several of the police stations it visited.

Following an initial ruling, a court may hold individuals in pretrial detention for 30 days from the date of arrest and can extend detention up to one year with no indictment. After filing an indictment and until the conclusion of trial proceedings, only a trial panel can order or terminate detention on remand. There is a functioning bail system. The law allows for house arrest, confiscation of travel documents, and the expanded use of bail as alternatives to pretrial detention. Defendants can also appeal their detention on remand.

Under extraordinary circumstances, KFOR can arrest and detain individuals without a warrant. The KFOR commander can detain individuals for 72 hours, renewable for a second 72-hour

period. After 144 hours, KFOR must release the detainee. There were no reports that KFOR arrested persons without a warrant during the year.

Pretrial Detention: Lengthy detentions, both before and during judicial proceedings, remained a problem. The law allows judges to impose pretrial detention if a well-grounded suspicion exists that a person who has committed a criminal offense is likely to destroy, hide, or forge evidence, influence witnesses, flee, repeat the criminal offense or engage in another criminal offense, or when other measures provided by the law are insufficient to secure the defendant's presence during criminal proceedings. In practice, however, judges routinely used detention on remand without requiring any evidentiary justification. In particular, in the Mitrovice/Mitrovica District Court, which temporarily sits in Vushtri/Vucitrn, authorities regularly extended detention on remand for defendants throughout the period when the court operated with limited capacity. At year's end, 655 persons remained in pretrial detention.

Factors including judicial inefficiency and corruption caused trial delays. On September 13, the country's ombudsperson asserted the judicial system is "the biggest human rights violator" in the country.

While the government made improvements in avoiding imposition of lengthy detentions before and during proceedings, pretrial detention remained a problem. At the beginning of the year, the courts resolved all 741 detention related requests outstanding from 2011, as well as three appeals received during 2010. During the year judges reviewed new requests to impose detention and the appeals against imposing detention in a timely manner. Problems persisted at the Mitrovice/Mitrovica District Court, and authorities often extended detention on remand for defendants because prosecutors and the court had limited ability to access witnesses and victims in northern Kosovo. The *Annual Report on Regular Courts* excludes Mitrovice/Mitrovica statistics, and the exact number of current detainees was unknown.

Amnesty: On February 17, the president pardoned 15 individuals in honor of the country's fourth anniversary of independence, far fewer than in previous years. Four hundred fifty prisoners had submitted applications for consideration.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary. However, the judiciary exhibited bias at times, was subject to outside influence, and did not always provide due process. Reports of corruption in the judiciary persisted, and the court system was inefficient. An effective mechanism for disciplinary proceedings against judges and prosecutors was in place.

The court system included a constitutional court, a supreme court, five district courts, a commercial court, 25 municipal courts, 25 minor offense courts, and an appellate court for minor offenses. Through EULEX, 31 international judges and 15 international prosecutors supported local judges and prosecutors. There was one state public prosecutor's office, five district prosecutors' offices, and seven municipal prosecutors' offices. EULEX exercised its executive authority over a special prosecutor's office of eight international prosecutors focused on serious crimes including trafficking in persons, money laundering, war crimes, and terrorism.

In criminal cases in which EULEX international judges exercised jurisdiction, the EULEX judges sat on mixed panels with local judges. EULEX judges were the majority on these panels, with one EULEX judge serving as the presiding judge. The president of the Assembly of EULEX Judges has the authority to create a panel solely or the majority of which are local judges or to not assign particular stages of proceedings to EULEX judges. For civil cases in which EULEX international judges exercised jurisdiction, judicial panels were composed of three judges, including two EULEX judges.

Under the Judicial Council and Prosecutors' Council, the Office of the Disciplinary Commission investigates the activities of judges and prosecutors, and prosecutes where appropriate. Through the end of the year, the Disciplinary Commission lodged 45 complaints against prosecutors, 13 of which were deemed misconduct; the remaining 32 were at different stages of action at year's end. During the same period, the commission determined 21 of the 469 complaints lodged against judges involved misconduct, eight of which were referred for more serious action. Some of the complaints had not been investigated fully, so no conclusive findings had been made.

The EULEX Special Prosecutor's Office indicted 10 persons on corruption charges in connection with the transfer of property that belonged to Socially Owned Enterprises (SOEs). The defendants included five former Prishtine/Pristina Municipal Court judges, including a former president, three former district court judges, a lawyer, and an SOE representative. The specific charges included abuse of office and participation in the issuance of unlawful judicial decisions.

The Serbian government continued operating an illegal parallel judicial system in Kosovo Serb enclaves and in majority Serb municipalities.

Trial Procedures

Trials are public, and the law entitles defendants to the presumption of innocence, the right to be informed promptly and in detail of charges, the right to be present at their trials, confront witnesses, see evidence, and have legal representation. While authorities may provide legal representation at public expense if necessary, this rarely occurred in practice. Defendants have the right of appeal. Panels consisting of professional and lay judges hear trials; the country does not use jury trials.

The Legal Aid Commission, an independent government agency, provided free legal assistance to low-income individuals. Most of the assistance provided by the commission during the year was for civil or administrative matters. The Office of the Chief State Prosecutor operated a victims advocates' section, assisting in providing access to justice for victims of crime. The section provided free legal assistance for victims of all crimes with a special focus on victims of domestic violence, trafficking in persons, child abuse, and rape. The section operated 15 offices throughout the country and provided assistance 24 hours a day.

A judicial integration section operated by the Ministry of Justice continued to address problems affecting minorities. To that end, the ministry operated 11 court liaison offices to assist minority communities in Kosovo Serb majority areas by accompanying them to courts, filing documents with courts on their behalf, and providing information and legal assistance to refugees and IDPs.

EULEX oversees war crimes cases. EULEX can investigate and adjudicate cases either independently or, where appropriate, jointly with Kosovo counterparts. In December, a spokesperson reported EULEX was investigating 82 possible war crimes.

Political Prisoners and Detainees

There were no reports that the government held political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals may appeal to courts in order to seek damages for, or cessation of, human rights violations. There were many such lawsuits pending. Individuals turned to the Constitutional Court for review of their rights to due process. Of the 139 cases filed with the Constitutional Court during the year, 73 percent alleged violations of constitutional rights by courts.

Property Restitution

The government made gains toward resolving restitution of property cases. A confusing mix of laws, regulations, administrative instructions, and court practices, as well as the illegal re-occupation of properties and multiple claims for the same property, complicated the resolution of property rights cases.

The Kosovo Property Agency (KPA) resolves residential, commercial, and agricultural property claims arising from the Kosovo conflict. The Kosovo Property Claims Commission reported through December it rendered decisions in 35,109 of the total 42,360 registered claims and notified 30,408 claimants of the findings. The KPA's Executive Secretariat received 495 appeals of their decisions and referred 380 of those to the Supreme Court for further action.

The KPA experienced difficulties enforcing its decisions when evicting illegal occupants, particularly in northern Mitrovice/Mitrovica, where Kosovo Serbs and Kosovo Albanians frequently refused to relinquish properties legally owned by members of the other group. The agency more frequently referred cases of "serial re-occupation" (in which evicted tenants returned to live in properties not legally theirs) to prosecutors and police for further action.

The KPA lacked compensatory funds to resolve 143 cases decided by the Housing and Property Directorate in favor of claimants who lost their properties in the early 1990s due to the systemic discriminatory housing practices sometimes employed at that time.

The backlog of property-related claims in municipal courts remained high, with approximately 20,000 outstanding at year's end, representing almost exclusively monetary claims by Kosovo Serbs for uninhabitable war-damaged property. Kosovo lacked an effective and efficient system to allow the approximately 200,000 displaced Serbs in Serbia to file property and other claims from within Serbia.

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

The constitution and law prohibit such actions, and the government, EULEX, and KFOR generally respected these prohibitions in practice. KFOR forces retained the ability to assist local police and EULEX police in conducting searches for high-risk suspects, and independently to search private property for weapons without court orders, based on UN Security Council Resolution 1244's peacekeeping authority. KFOR did not conduct any such searches during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights in practice. However, there were reports that public officials, politicians, and businesses intimidated media representatives. The media also encountered difficulties in obtaining information from the government and public institutions, further compounded by the failure of the government to appoint a spokesperson.

Freedom of the Press: Independent media were active and expressed a wide variety of views, generally without restriction; however, there were reports of verbal pressure from government officials and businesses connected to the government not to publish certain stories or materials. The Association of Professional Journalists of Kosovo (APJK) media outlets' growing financial difficulties left the editorial independence and journalistic professionalism of both print and television media vulnerable to outside influence and pressure.

Some print media outlets were self-sufficient and able to support editorial and broadcast policies independent of political and business interests. Media outlets with fewer resources sometimes accepted financial support from a variety of sources in exchange for positive coverage or not publishing negative stories that could harm the funders' interests.

Broadcast media had access to a greater base of revenues than print media. The public perceived the former as more independent, but smaller stations reported they were increasingly at risk of closure and becoming more reliant on increasingly scarce outside funding sources for their continued existence.

The Assembly controls the budget of the public broadcasting station, Radio Television Kosovo (RTK). The law provides for regulation of RTK program content and requires that at least 15 percent of RTK program time, including prime time, be dedicated to minority communities in their respective languages on a proportional basis.

On March 29, the Assembly adopted a new law on the New Law on RTK requiring the establishment of a second Serbian -language television channel. The RTK2 board appointed a temporary director on September 5, but the station was not operational at year's end.

On December 14, two groups of protesters attacked a *Kosovo 2.0* magazine launch event promoting the release of its "Sex" issue, which supported open and frank public discussion of sex education, health, and LGBT rights. One group of 15 to 20 persons overwhelmed police officers stationed in the entrance, demolished property, and assaulted magazine staff. Police arrested one person for material damage and released him the same evening. Later that night, 100 to 300 persons appeared at the hall shouting religious slogans and hate speech. Organizers held a modified event after the first protest but later canceled the rest of the activities, fearing for the safety of their guests. Police formed a task force to investigate the events, which continued at year's end.

Violence and Harassment: During the year the APJK reported 24 instances of government officials or business interest groups abusing press freedom, including by physical assaults, verbal threats to journalists, pressuring outlets not to publish, and obstructing the work of journalists. Many journalists complained that editors prevented them from publishing or broadcasting stories critical of the government or particular officials due to editors' or media outlets' connections to, or preferences for, certain senior government officials, according to the APJK. In some cases, journalists reported editors threatened to fire them if they produced stories critical of the government. Some journalists complained that editors prevented them from producing stories on high-level government corruption.

On January 14, a police officer physically assaulted and beat photojournalist Vedat Xhymshiti while he documented events at a conflict at a Kosovo-Serbia border crossing. Xhymshiti filed a lawsuit against the government and the Ministry of Internal Affairs on May 14. Xhymshiti later left the country, reportedly after receiving threats. On June 10, Gjilan municipal authorities filed charges against police officer Faruk Ibrahim for abusing the journalist. At year's end the prosecutor's office had not moved forward with the case.

On September 27, the APJK issued a statement condemning frequent threats leveled at news correspondent Adem Meta and his family by Skenderaj/Srbica mayor Sami Lushtaku and the deputy mayor. The municipal officials reportedly objected to Meta's coverage and analysis of their policies and activities. Aides allegedly physically restrained the mayor on March 9 when he tried to attack Meta at a public debate, and unknown persons threatened that the journalist and his family would "suffer the consequences." Meta filed a formal complaint against Lushtaku, and authorities opened an investigation.

The Southeast Europe Media Organization issued a statement condemning pressure applied by the Prizren mayor Ramadan Muja against reporters from the corruption-focused "Justice in Kosovo" television program. The mayor allegedly threatened the journalists while his chief of protocol attempted to shove the crew out of a public venue when they attempted to interview him about apparent misuse of municipal funds.

Censorship or Content Restrictions: While there were no reports of direct censorship of print or broadcast media, journalists claimed pressure from politicians and organized crime frequently resulted in self-censorship. Some journalists refrained from critical investigative reporting fearing for their physical and employment security. Journalists occasionally were offered financial benefits in exchange for positive reporting or for abandoning an investigation, and government officials and suspected criminals verbally threatened some journalists for perceived negative reporting. According to some editors, government agencies and corporations withdrew advertising from newspapers that published material critical of them.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports the government monitored email or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by email.

Nearly all urban areas had full access to the Internet, with less coverage in rural areas. The Telecommunications Regulatory Authority reported in June that 45 percent of all households had Internet connection. A March survey published by the Kosovo Association of Information and Communication Technology indicated 46 percent of the population used the Internet occasionally and 80 percent daily.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government, EULEX, and KFOR generally respected this right in practice.

The law on public gatherings requires organizers to inform police of protests 72 hours prior to the event. Police must notify protest organizers within 48 hours if their application is accepted.

On October 22, an unannounced and unauthorized protest organized by Vetevendosje (VV) against the government's dialogue with Serbia turned violent after approximately 100 protesters who were trying to prevent government officials from entering the building began throwing objects at the police. Police responded with tear gas to dispel the crowd. The protest and clashes continued throughout the day in downtown Prishtine/Pristina. Police reported 12 protesters and 18 police suffered injuries; they arrested 63 persons and released them within 48 hours. VV called for an investigation, claiming the KP used excessive violence during the protests and later against detainees. On October 25, government officials approved Police Inspectorate and EULEX investigations into police actions, but believed the force acted professionally overall. The PIK investigation referred five officers' cases to the PSU for disciplinary violations.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

See the Department of State's [International Religious Freedom Report](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=printdoc&docid=517e6e1b6).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government and EULEX generally respected these rights; however, interethnic tensions, roadblocks placed by Kosovo Serb hardliners, and real and perceived security concerns restricted freedom of movement in practice. Security concerns have also limited the number of displaced Kosovo Serbs interested in returning to Kosovo.

The government cooperated with the Office of the UN High Commissioner on Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Police assessed the security situation as stable but fragile. Members of all ethnic communities continued to remain largely within or traveled between areas where their group comprised the majority.

In-country Movement: Serb hardliners and parallel structures continued constructing sporadic roadblocks throughout northern Kosovo in reaction to a joint 2011 EULEX-KFOR-Kosovo government effort to establish rule of law and to implement agreements reached in the EU-facilitated Kosovo-Serbia Dialogue. The roadblocks limited movement and in some cases cut off access to areas altogether. In addition, perceived risks and sporadic incidents of violence and intimidation continued to limit freedom of movement for Kosovo Albanians in the north and Kosovo Serbs throughout the country. Hardliners also constructed roadblocks in December when authorities began implementing the Integrated Border Management Agreement reached in Brussels by Kosovo and Serbian authorities. The roadblocks periodically delayed traffic for minor periods.

Foreign Travel: Kosovo Serb minority groups in the northern region claimed the government restricted their freedom of movement during the year when the government began enforcing a license plate requirement agreed to the previous year in the technical dialogue between the governments of Kosovo and Serbia. The government provided accommodation, outside its regular framework, for Kosovo Serbs to obtain drivers' licenses and license plates and extended the deadline several times before enforcing the rules.

Internally Displaced Persons (IDPs)

According to the UNHCR, in December the country had 17,738 registered displaced persons from the 1999-2000 conflict and subsequent violence, including 9,615 Kosovo Serbs, 7,236 Kosovo Albanians, 380 Kosovo Roma, 242 Kosovo Ashkali, 231 Kosovo Egyptian communities, eight Kosovo Bosniaks, 15 Kosovo Gorani, and 11 other ethnicities. There were 372 families, totaling 977 persons, who remained in the country's 38 shelters. Significant numbers of Roma, Ashkali, and Egyptians remained unregistered and uncounted by authorities, according to the Internal Displacement Monitoring Center. Many unregistered displaced Roma, Ashkali, and Egyptians lived in informal settlements lacking electricity and other basic services.

Approximately 200,000 persons displaced from Kosovo remained in Serbia. Approximately 1,100 persons returned to the country each year and required substantial support to meet their needs. Roma faced an especially high level of discrimination in Kosovo.

During the year the Ministry of Communities and Returns budgeted 6.5 million euros (\$8.6 million) for return of and assistance to families. International donors also provided funding directly to implementing partners for projects for returns in coordination with the Ministry of Communities and Returns. Authorities spent the funds on housing reconstruction, legal assistance, food and nonfood assistance, income generation grants, and basic support infrastructure, such as

roads and water systems. A lack of housing and poor economic conditions remained principal impediments to return. Many families also reportedly remained reluctant to return home because of security concerns, poor local services, and difficulties repossession and rebuilding their property. Still other needs included inadequate Serbian language schooling and health services.

Protection of Refugees

Access to Asylum: The law provides for granting of asylum or refugee status, and the government has established a system for providing protection to refugees. During the year the UNHCR assisted the Department of Citizenship, Asylum, and Migration in building its capacity to adjudicate claims, and provided training to the judiciary on international refugee protection.

The UNHCR recorded 4,327 persons readmitted to the country, mainly from West European countries, through December. This number included 799 minority community members who were forcibly returned to Kosovo; 65 Gorani persons, 44 Bosniaks, 41 Kosovo Serbs, 462 Roma, 163 Ashkalis, 10 Turks, three Egyptians, and 11 Albanians relocated to areas in the country where they numbered in the minority.

Durable Solutions: The Ministry of Internal Affairs inaugurated a new asylum center in Pristine/Pristina in March. Built with EU funds, the new center had a capacity to host 50 persons. According to the UNHCR, during the year 45 asylum seekers applied for international protection in the country. The Department of Citizenship, Asylum, and Migration and the asylum center accommodated all asylum seekers. At year's end nine asylum seekers remained in the country. No asylum seeker had been granted recognition as a refugee since the government assumed responsibility for refugee status determination in 2008.

Stateless Persons

Official figures on stateless persons were not available. However, during the year the UNHCR assisted 2,499 individuals obtain personal documentation and solve civil status issues to prevent and reduce possible statelessness. The majority of the persons assisted came from Romani, Ashkali, and Egyptian communities residing in Kosovo. Children acquire citizenship from their parents or by virtue of birth in the country.

During the year the government approved nine procedures for implementing sections of the Law on Civil Status. The Administrative Instruction for Late Registration includes criteria for late registration for persons unable to offer any evidence (fingerprints for persons above 16 years of age, photography, signature photographs, signatures, and statements of two witnesses). When the proposed late application proved a major barrier to disadvantaged applicants, Ministry of Internal Affairs officials waived payment of the administrative fees for vulnerable community members for one year.

During the year the government amended the national legal framework with regard to statelessness to provide additional paths for naturalization. In particular, the new law expands the *jus soli* principle, which previously restricted citizenship to foundlings, to allow for acquisition of citizenship by children born in the country to parents who are themselves stateless.

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

The constitution and law provide residents the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

The Serbian government continued to operate illegal parallel government structures in Kosovo Serb enclaves.

Elections and Political Participation

Recent Elections: In December 2010 and January 2011, the country held Assembly elections marred by irregularities, electoral manipulations, and technical failures. Domestic and international observers stated the elections met many international standards but noted serious irregularities and electoral manipulations in some areas, including breaches of election procedures, falsification of signatures on the voters' list, and irregularities in counting. They reported incidences of family voting (male heads of household voting on behalf of female family members) throughout the country. Observers also cited instances of pressure and intimidation of domestic observers.

In February 2011, following its constitutive session, the Assembly approved the new coalition government, led by Prime Minister Hashim Thaci's Democratic Party of Kosovo, and elected Behgjet Pacolli as president.

A court found that the Assembly's election of President Pacolli violated the constitution because no valid quorum had been present to vote and only one candidate contested the election. The court nullified the Assembly's vote and immediately ended Pacolli's mandate. Political leaders subsequently agreed on a consensus candidate, and in April 2011 the Assembly elected Atifete Jahjaga president. Parties based the 2011 political agreement on making constitutional reforms to provide for direct election of future presidents by the electorate and for significant electoral reforms.

On July 6, the Constitutional Court ruled that the April 2011 political agreement that led to Atifeta Jahjaga's presidency could not be used to force her resignation before completing a full term. The reforms working groups met on and off throughout the year, and the reform process continued at year's end.

Political Parties: Political parties operated without restriction or outside interference, but party affiliation played an important role in access to government services and social and employment opportunities. Clan loyalties also played an important, although unofficial, role in political organizations.

Participation of Women and Minorities: Electoral law requires a 30-percent quota for female parliamentarians. Forty women served in the 120-seat Assembly. No woman has been elected mayor of any municipality.

Twenty-five ethnic minority members held seats in the Assembly, including 13 Kosovo Serbs and 12 members of other groups, including ethnic Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians. The constitution guarantees 10 Assembly seats for Kosovo Serbs and 10 for members of other ethnic groups.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials reportedly engaged in corrupt practices. There were reports of government corruption during the year.

International organizations and NGOs continued to report that corruption was a serious problem. A lack of effective judicial oversight and general weakness in the rule of law contributed to corruption in the government. There was a widespread public perception of pervasive corruption in the government.

Numerous government and civil society groups and international organizations actively promoted and implemented anticorruption programs. The UN Development Program (UNDP) sponsored the locally- conceived and developed Web platform "www.kallxo.com," which allowed the reporting

and mapping of corruption complaints across the country through the Internet, social media, and SMS. In its first four months of operation, citizens used the platform to report more than 300 alleged cases of corruption. The Kosovo Democratic Institute launched an anticorruption hotline September 20.

On November 16, prosecutors filed an indictment against PDK Deputy Fatmir Limaj and six other suspects for manipulating tender procedures, giving and receiving bribes, and obstructing evidence for personal and/or material benefit in relation to three tenders in the Ministry of Transport and Post Telecommunication. Damages allegedly totaled approximately two million euros (\$2.6 million). On September 11, prosecutors questioned Limaj about an estimated 800,000 euros (\$1.06 million) paid to Limaj's defense attorney during the war crimes trial, suggesting the possibility Limaj obtained the funds from money-laundering operations.

In May authorities arrested 10 Israelis, including Moshe Harel, after EULEX prosecutor Jonathan Ratel said Moshe Harel "and several other suspects" had been previously arrested in Israel "in connection with an investigation [there]." The EULEX prosecutor said he was "in close cooperation with the authorities in Israel" regarding an international arrest alert issued by Interpol for Moshe Harel at the request of the Special Prosecution Office of Kosovo. EULEX press officer Bardha Azari reported suspicion of involvement in an international organ-trafficking ring with connections to the defunct local Medicus clinic run by Turkish national, Yusuf Sonmez, until 2008; Sonmez remained at large. Five local citizens charged in the same investigation remained under indictment for trafficking in human organs, organized crime, unlawful medical activities, and abuse of official authority in 2008. Their trial, which began in 2011 at the Prishtine/Pristina District Court, continued at year's end. All seven defendants in the case, including former Health Ministry official Illir Rrecaj, pleaded not guilty. The Medicus case was separate and unrelated to the allegations included in the 2010 Council of Europe report of Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo that the EULEX Special Investigative Task Force continued to investigate at year's end.

Corruption and government influence remained problems in the security forces.

On May 12, the Prishtine/Pristina District Court acquitted customs director Naim Huruglica and customs legal advisor Lulzim Rafuna of abusing their official positions in an alleged scheme to deprive the government of cigarette tax revenue.

On April 3, police arrested Nazmi Mustafi, head of the Anticorruption Task Force, Reshad Zherka, Xhelal Zherka, and Mirela Ndoci for corruption-related offenses. Prosecutors alleged Mustafi accepted bribes in exchange for dropping corruptions charges against other individuals. On September 20, a judge confirmed the special prosecutor's charges. Authorities charged Mustafi with abuse of office and unauthorized possession of weapons. Charges against the others included trading in influence, incitement or assisting to abuse official position or authority, taking of official documents, and defrauding buyers.

On September 12, authorities arrested senior LDK official Sami Hamiti and two businessmen, Agim Ademi and Muharrem Rama, on suspicion of corruption and extortion. Prosecutors suspected the three of colluding to illegally alter urban zoning regulations in Prishtine/Pristina.

The Anticorruption Agency and the Office of the Auditor General (OAG) are the two major agencies responsible for combating corruption in the government. By December, the Anticorruption Agency received 150 reports of corruption in addition to 80 cases remaining from 2011; 40 cases were referred for prosecution, 10 were passed to the KP, approximately 100 were closed for lack of evidence, and another 80 remained under investigation.

The OAG reviewed fiscal management and accountability in the central government, municipal authorities, and publicly owned enterprises. During the year the OAG audited most ministries, the President's Office, and the Assembly.

The law provides for public access to government information as well as penalties for institutions and officials that do not provide access to information as required by the law.

Section 5. 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 government restriction, investigating and publishing their findings on human rights cases. The government was occasionally cooperative and responsive to their views. The government from time to time met with domestic NGO monitors, responded to their inquiries, or took action in response to their reports or recommendations.

Government Human Rights Bodies: The Office of the Ombudsperson has the authority to investigate allegations of human rights violations and abuse of government authority. Human Rights observers considered the office ineffective, but more active than in previous years. The ombudsperson regularly conducted outreach in all of the country's municipalities and issued public statements following events of note. The European Commission *2012 Feasibility Study for Kosovo* recommended the government strengthen the institution's capacity and independence by ensuring that it had adequate resources and that its employees were covered under statutes governing civil service salaries. In December the government passed a budget that included the full amount of funding requested by the ombudsperson.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law specifically prohibits discrimination on the basis of race, gender, ethnic origin, disability, social status, or language. The government did not effectively enforce these prohibitions.

Women

Rape and Domestic Violence: The law criminalizes rape, but does not specifically address spousal rape. Under the criminal code, rape is punishable by two to 10 years in prison; statutory rape (sexual intercourse with a child under 16 years old) is punishable by five to 20 years in prison. Rape involving homicide is punishable by imprisonment for 10 to 40 years. Observers believed that rape was underreported significantly due to the cultural stigma attached to victims and their families.

Domestic violence against women, including spousal abuse, remained a serious and persistent problem. The law prohibits domestic violence; convictions carry prison terms of six months to five years. The law treats domestic violence as a civil matter unless the victim suffers bodily harm. Failure to comply with a civil court's judgment relating to a domestic violence case is a criminal and prosecutable offense. Police reportedly responded appropriately to rape and domestic abuse allegations.

When victims pressed charges, police domestic violence units conducted investigations and transferred cases to prosecutors. The Special Prosecutor's Office attributed the low rate of prosecution to family loyalties, poverty, and the backlog of cases in both civil and criminal courts. Sentences ranged from judicial reprimands to imprisonment. Traditional social attitudes towards women in the male-dominated society contributed to the high level of domestic abuse and low number of reported cases. The Kosovo Women's Network in September reported that many, if not most, women were financially dependent on their assailants.

The government took measures to improve its record on domestic violence and began enacting the Action Plan on Domestic Violence for 2011-14, which it adopted in 2011. The Agency for Gender Equality was responsible for implementing policy changes to combat domestic violence, nominating a national coordinator, and providing regular reports to the government. Government agencies participated in numerous campaigns to mitigate domestic and sexual violence, including a March 8 rally emphasizing that women sexually assaulted during the Kosovo War period continued to face discrimination when they acknowledged the attacks.

The Ministry of Labor and Social Welfare dedicated a unit solely to dealing with family violence. The ministry provided some financial support to NGOs running shelters for victims of domestic violence and trafficking. The ministry also provided social services through social welfare centers. Several domestic and international NGOs pursued activities to assist women, but the women were constrained by a tradition of silence concerning domestic violence, sexual abuse, and rape.

The police training school offered special courses on domestic violence and rape.

Sexual Harassment: No specific law addresses sexual harassment, which was a common problem. Women's rights organizations indicated sexual harassment commonly occurred on the job but went unreported due to fear of physical retaliation or of being fired. Public awareness of sexual harassment remained low, and police received few reported cases.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and have the information and means to do so free from discrimination, coercion, and violence. The law protects the reproductive rights of individuals and couples, including the right to information and access to reproductive services. In practice, the government generally respected reproductive rights. The UN Population Fund reported access to reproductive health information and treatment was generally widespread and equitable, but poor, marginalized, and illiterate communities often received limited access to information. Public health care provided limited treatment for sexually transmitted infections.

Discrimination: Women possess the same legal rights as men but traditionally have a lower status within the family, which affected their treatment within the legal system. The Agency for Gender Equality in the Prime Minister's Office has the mandate to implement and monitor the gender equality law.

Relatively few women obtained upper-level management positions in business, police, or government. Women represented less than 30 percent of the government workforce. According to the Business Registration Agency, women owned fewer than 5 percent of registered businesses.

While the law makes no gender distinction in the right to inherit property, family property customarily passed only to men. In rare cases Kosovo Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom requiring children and property to pass to the deceased father's family while the widow returned to her birth family.

Children

Birth Registration: Children acquire citizenship from their parents or by virtue of birth in the country. According to a 2008 UNICEF study, 14 percent of Romani, Ashkali, and Egyptian children in Kosovo Albanian-majority areas were not registered at birth. In Kosovo-Serb-majority areas, 5 percent of these children were not properly registered. Lack of registration generally did not affect a child's ability to receive elementary education or health care but could have an adverse effect on access to social assistance, according to UNICEF.

Child Abuse: The extent of child abuse in the country was unknown, but UNICEF believed it was underreported significantly due to lack of both public awareness and victim services as well as the authorities' limited capacity to identify, report, and refer cases of abuse.

Child Marriage: The law allows persons to marry legally at age 16. There was anecdotal evidence of child marriage, particularly in the Romani, Ashkali, Egyptian, and Kosovo Albanian communities. The government and NGOs did not compile statistics on child marriage.

Sexual Exploitation of Children: Statutory rape is a criminal offense punishable by five to 20 years in prison, depending on circumstances and the age of the victim. The law prohibits possession, production, and distribution of child pornography. Persons who produce, use, or involve a child in making or producing pornography are subject to one to five years' imprisonment. Distribution, promotion, transmission, offer, or display of child pornography is punishable by six months' to five years' imprisonment. Possession or procurement of child pornography is punishable by a fine or imprisonment of up to three years.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

Fewer than 100 Jewish persons resided in the country.

There were no arrests or further developments in the November 2011 desecration of approximately 80 headstones at a Jewish cemetery in Prishtine/Pristina.

Trafficking in Persons

See the Department of State's [Trafficking in Persons Report](#).

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, transportation, access to health care, and in the provision of other state services. The law requires the government to provide protection and services to all citizens equally, but persons with disabilities suffered considerable discrimination in practice. The government did not effectively implement laws and programs to provide persons with disabilities access to buildings, information, or communications. The Office of the Ombudsperson itself was not accessible for persons with physical disabilities. The Ministry of Labor and Social Welfare is the government agency responsible for protecting the rights of persons with disabilities.

Kosovo Mental Disability Rights International (K-MDRI) found the government was not implementing its national action plan for persons with disabilities and highlighted failures of the Ministry of Labor to provide opportunities for integrating persons with disabilities into society.

According to HandiKos, a local disability rights NGO, authorities did not adequately implement laws and governmental action plans relating to persons with disabilities. As a result children with disabilities often could not access educational opportunities, professional evaluations, or health and social services.

The law provides for protection for children with disabilities. According to the Ministry of Education, seven special residential schools served children with disabilities and 77 special needs classrooms were in regular schools. The ministry reported 1,179 pupils were receiving special education at the end of the year. According to UNDP, children with disabilities faced a number of barriers to access mainstream educational facilities, including lack of transportation to and from educational facilities, special training for teachers, and appropriate infrastructure. As a result, only 10 percent of children with disabilities were in mainstream schools. The Ministry of Labor lacked funding and personnel needed to implement laws and provide support to families of children with disabilities.

No national law regulates the process of committing persons to psychiatric or social care facilities or to protect their rights within institutions, and mental health facilities were severely substandard. The ministries of labor and health had separate mandates for treating persons dealing with mental health issues. K-MDRI and KRCT reported that police detained persons with mental disabilities without legal basis in isolated conditions. The World Health Organization estimated 14,000 persons with mental disabilities resided in the country. K-MDRI reported an estimated 50,000 persons with mental disabilities lived isolated and stigmatized lives outside of institutions.

The main facility for persons with mental disabilities was the Shtime/Stimlje Special Institute (SSI), a complex with two residential treatment buildings. One building focused on adults with developmental or intellectual disabilities and treated 56 individuals. The second building specialized in treating adults with psychiatric issues, was run by the Ministry of Health, and housed 58 persons, most of whom have lived there since the war in 1999. The government also supported several residential "community houses" for developmentally disabled persons. All but one was dedicated to adults with disabilities.

K-MDRI cited SSI for having insufficiently trained staff and a lack of rehabilitation programs for patients and residents. According to the KRCT, conditions at SSI did not improve during the year, and few protocols existed for intervening with patients who demonstrated aggression to others or who might harm themselves. SSI staff did not keep records detailing patients' potentially harmful behaviors or types or periods of treatment. Monitors observed overcrowding and filthy conditions, broken toilets, and some patients sleeping in small rooms without sheets or blankets.

The KRCT reported the Kosovo Correctional Service's Psychiatric Unit could not adequately treat or hold inmates with emotional or mental problems. The clinic had beds for seven patients but no space allocated for receiving or treating women. Authorities detained women experiencing psychiatric distress at the University Hospital in Prishtine/Pristina. Reports indicated that officials tied women to their beds during their stay.

The Ministry of Health operated eight integration and community homes across the country, providing inpatient care for 75 persons with mental disabilities. The Ministry of Labor operated another 10 community homes with approximately 10 to 15 residents in each facility. K-MDRI reported that, while these homes were intended to be transitional, most residents spent years there with little prospect of integration into the community.

National/Racial/Ethnic Minorities

The security environment in the north remained unpredictable and authorities reported incidents including explosions, vehicle arson, and exchanges of gunfire. EULEX and KFOR repeatedly intervened to prevent clashes between Kosovo Serbs and Kosovo Albanians. In June, Serb hardliners attacked KFOR personnel and shot and injured two German soldiers during an operation to remove a roadblock in Rudare.

On November 20, an estimated 100 Kosovo Serbs protested the reconstruction of houses for Kosovo Albanians in Kroi i Vitakut/Brdjani, where witnesses claimed protesters fired weapons, and an unidentified person tossed an explosive device at Kosovo Albanians gathered nearby. Four days earlier, unknown persons set fire to construction materials assembled for the houses. Police had no suspects and reported no injuries.

In July the government opened the Mitrovica/Mitrovica Northern Administration Office (MNAO) to deliver public services to the yet-to-be-established Mitrovica/Mitrovica North municipality. Serb hardliners rejected the office as another attempt by authorities unilaterally to impose rule in the north. The MNAO received hundreds of applications from northern Kosovo Serbs, indicating their willingness to cooperate with government institutions.

On December 7, a masked assailant shot at four MNAO employees, injuring one, as they left a local cafe. The perpetrator remained at large at year's end. On at least three occasions during the year, MNAO vehicles or vehicles belonging to office employees were set on fire and destroyed. In December two explosions occurred near MNAO-supported projects. Police identified no suspects in any of the incidents.

The government undertook a reform of its language commission, which had little authority to monitor the implementation of the country's language policy. Under the reform, the government appointed a full-time language commissioner to monitor and sanction government institutions. The government also took action on several other policy initiatives, including offering language courses for civil servants, to augment the number of bilingual civil servants. The government also appointed a new language commissioner in December 2012 as part of its efforts to strengthen implementation of the language policy.

Ethnic minorities, which included Serb, Romani, Ashkali, Egyptian, Turkish, Bosniak, Gorani, Croat, and Montenegrin communities, faced varied levels of institutional and societal discrimination in areas such as employment, education, social services, language use, freedom of movement, IDPs' right to return, and other basic rights. Members of the Romani, Ashkali, and Egyptian communities were subject to pervasive social and economic discrimination; often lacked access to basic hygiene, medical care, and education; and were heavily dependent on humanitarian aid for basic subsistence.

Reports of violence and other crimes directed at minorities and their property persisted.

Government officials and international organizations quickly condemned the July 6 killing of a Serb returnee couple, who were shot in their Talinovic home. In August police detained two suspects for questioning in the shootings but made no arrests. Police reassigned the investigation to the Major Crimes Unit whose efforts to resolve the case continued at year's end.

On June 13, in Mitrovica/Mitrovica, two men attacked Father Mitrofan, a Serbian Orthodox monk, wearing full religious attire. The monk was treated for head and arm injuries. Police were unable to identify any suspects.

Kline/Klina Serb returnees experienced multiple episodes of intimidation. On May 22, two Serb homes were set on fire, with one property destroyed. Before the fires, returnee families in eight villages received written threats from a radical unit calling themselves the "Albanian National Army" suggesting the families leave the country. Police opened an investigation but made no arrests by the end of the year. In August another returnee property to Kline/Klina experienced two fires in two days. Local police blamed the fires on nearby electrical wires.

Kosovo Albanians and Kosovo Serbs clashed during the year, with the most serious incidents taking place on the June 28 Serbian holiday of Vidovdan (St. Vitus). Kosovo police ordered a bus with Serbian passengers to return to Serbia after riders threw stones at and verbally abused border officials. At the departure gates, the visitors threw Molotov cocktails, batons, beer bottles, and rocks at police, injuring 35 officers, two seriously. The visitors also sustained wounds, but exact figures were unavailable. In a separate incident on the same day, Kosovo Albanians attacked three buses taking Kosovo Serb youths to Gracanica following Vidovdan activities near Pristine/Pristina. Approximately 16 children were injured in the incident, which included Kosovo Albanians throwing stones and Molotov cocktails at the buses. Police made no arrests in either incident. The PIK conducted an investigation and concluded no police officers committed criminal offenses; a reviewing prosecutor concurred.

In July the court sentenced Naif Visoqi to 16 years in prison after he pleaded guilty to the October 2011 killing of a Kosovo Serb man and injuring two others in the Istog/Istok municipality.

Minority employment in public institutions remained limited and generally confined to lower levels of the government. The government had no effective mechanism for monitoring levels of minority employment in public institutions.

The law requires equal conditions for school children regardless of their mother tongue and provides the right to native-language public education for minority students through secondary school. However, the Ministry of Education, Science, and Technology and international organizations reported school-enrollment rates were lowest among non-Serb minority communities (Ashkali, Bosniak, Egyptian, Gorani, Romani, Turkish, and others), and the European Commission's *Progress Report on Kosovo 2011* noted little improvement in access to education for minority communities. The UNDP's 2010 *Kosovo Human Development Report* concluded nearly all Kosovo Albanian and Kosovo Serb children attended primary school, while only 77 percent of children of other ethnic groups attended. Romani, Ashkali, and Egyptian children attended mixed schools with Kosovo Albanian and Kosovo Serb children and reportedly faced intimidation and bullying in some majority Albanian areas. Poverty disadvantaged many Romani children and caused many to leave school at an early age to contribute to family income.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The constitution and law prohibit discrimination based on sexual orientation.

There was no official discrimination in employment, housing, statelessness, access to education, or health care, but societal pressure persuaded the majority of all LGBT persons to conceal their sexual orientation or gender identity. However, NGOs reported that discrimination directed against LGBT individuals existed and often went unreported. NGOs also noted government literature promoting human rights and nondiscriminatory practices frequently omitted mention of LGBT rights, even when the materials explicitly named all other protected groups.

Libertas Kosovo, a local NGO that provides emergency shelter and counseling to LGBT individuals, claimed the majority of transgendered LGBT persons did not publicly acknowledge their sexual identity for fear of social ostracism, employment discrimination, or renunciation by their families. During the year Libertas recorded instances of LGBT persons being denied access to social venues because of owners' personal biases or because establishments assumed being identified as "gay-friendly" would harm their livelihoods.

On December 16, unknown assailants assaulted LGBT activists gathered to discuss recent physical violence at the *Kosovo 2.0* magazine launch. The assailants taunted the attendees with slurs against their perceived sexual orientation. Approximately seven individuals ambushed members of Libertas and the Center for Social Emancipation as they entered the NGO's offices, resulting in minor injuries to several persons. Other Libertas members obstructed attackers' attempts to enter the NGO, but not before the assailants damaged property and threw a cylinder filled with an unknown gas into the building. Police responded promptly and incorporated its investigation into the task force it formed after the December 14 violence. At year's end no attackers had been identified or arrested. Libertas was evicted from the premises following the incident, and LGBT activists remained without a meeting space or shelter at year's end.

The Center for Social Group Development (CSGD), a local NGO focused on health issues, reported LGBT individuals generally felt insecure, and that many reported threats to their personal safety. Threatened individuals rarely made complaints to authorities due to the stigma attached to homosexuality. The CSGD also noted victims generally refused to allow the CSGD to present their cases publicly or to authorities due to fear of discrimination. While the CSGD faced no overt impediments to its operation, social pressure and traditional attitudes effectively limited its activities.

Other Societal Violence or Discrimination

While there were no confirmed reports of official discrimination against persons with HIV/AIDS during the year, there were anecdotal reports that such discrimination occurred. Persons living with HIV/AIDS who were dependent on the Ministry of Health for their medications went without for five months after EULEX officials arrested numerous ministry officials for corruption.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements. The law recognizes the right to strike. The law permits unions to conduct their activities without interference. The law provides for the right to organize and bargain collectively without interference or restriction, and these laws generally were upheld in practice. Government regulations prohibit antiunion discrimination.

The government did not restrict the right to organize and bargain collectively and allowed unions to conduct activities, including strikes, without interference.

In general the government respected the right to form and join unions. Although anecdotal evidence alleged private companies threatened their employees when they joined or established unions, the Labor Inspectorate reported it received no complaints of discrimination against employees who tried to join unions during the year. Some union officials reported antiunion discrimination in practice. The Association of Independent Trade Unions of Kosovo (BSPK) and the Confederation of Free Unions reported few companies respected regulations prohibiting antiunion discrimination. Unions also claimed employers in every sector abused worker rights, including in international organizations, where staff reportedly did not receive pensions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law. The government sometimes included efforts to heighten awareness about forced or compulsory labor in its antitrafficking efforts. The government sponsored a two-month autumn campaign to increase public awareness of forced and compulsory labor with a special emphasis on the worst forms of child labor and child labor exploitation. Forced and compulsory labor occurred, often involving children forced to beg. In December the Ministry of Labor and Social Welfare coordinated with several test municipalities on a pilot program to register a study on begging and the living conditions of persons forced to beg.

Also see the Department of State's [Trafficking in Persons Report](#).

c. Prohibition of Child Labor and Minimum Age for Employment

The law permits children to work at the age of 15, provided the employment is not harmful or prejudicial to school attendance. The legal minimum age is 18 for any work likely to jeopardize the health, safety, or morals of a young person.

Regulations prohibit exploitation of children in the workplace, including a prohibition of forced or compulsory labor; the government maintained an

antitrafficking task force to intervene in cases of forced or hazardous labor and has begun intervening in these cases, but was often constrained by limited resources.

Child labor remained a problem. According to UNICEF, anecdotal evidence suggested that the number of children begging on the streets of towns and cities rose in recent years, although the

overall number of child beggars remained unknown. While most children were not their families' main wage earners, child labor served as a major contribution to some family incomes.

Young children in rural areas often assisted their families in agricultural labor, typically during school hours. Urban children often worked in a variety of unofficial retail jobs, such as selling newspapers, cigarettes, and telephone cards on the street and in construction. Some children were also engaged in physical labor, such as transportation of goods. International NGOs active in the country continued to report child labor violations during the year.

The Ministry of Labor coordinated child protection policies for the government, and the newly established Institute for Social Policy managed the enforcement of child labor laws. The ministry established a system for monitoring incidents of child labor in municipalities, and immediately notified employers in cases involving hazardous work of minors.

Also see the Department of Labor's [*Findings on the Worst Forms of Child Labor*](#).

d. Acceptable Conditions of Work

The national minimum wage is 170 euros (\$224) per month, with slight variability in some sectors.

The law provides for a standard 40-hour workweek, requires rest periods, limits the number of regular hours worked to 12 hours per day, limits overtime to 20 hours per week and 40 hours per month, requires payment of a premium for overtime work, and prohibits excessive compulsory overtime. The law provides for 20 days of paid leave per year for employees and up to 12 months of maternity leave.

During the year employers at times failed to abide by official labor standards due to a lack of government oversight and enforcement, particularly with regard to the standard workweek and compulsory and unpaid overtime. NGOs reported employees often did not report such violations due to fear of reprisals. According to the Confederation of Free Trade Unions of Kosovo BSPK, many individuals worked long hours in the private sector as at-will employees without employment contracts, regular pay, or pension contributions being paid on their behalf. Employees reported firings without cause in violation of existing laws and employers' refusal of their holidays. Women's rights organizations indicated sexual abuse and harassment occurred on the job but went unreported due to fear of expulsion or retaliation. According to union officials, workers in the public sector commonly faced similar mistreatment, including sexual harassment and the loss of employment due to political party affiliation.

The Labor Inspectorate within the Ministry of Labor is responsible for enforcing labor, health, and safety standards. The agency's 50 labor inspectors reportedly conducted 7,074 inspections during the year, advised employers, and issued 1,886 citations for various labor standard violations. Inspectors generally gave employers three to five days to correct violations before imposing fines. During the same period, the inspectorate levied 157 fines.

While the law provides for protection of employees' health and working conditions, private and public institutions failed at times to comply with it. Labor inspectorate officials reported difficulties obtaining accurate information because workers rarely disclosed the problems themselves in spite of legal protections. The Ministry of Labor reported 17 workplace fatalities and 45 serious workplace accidents for the year.

Search Refworld

by keyword

and / or country

All countries

Clear

Search

[Advanced Search](#) | [Search Tips](#)

Countries

- [Serbia](#)

Topics

- [Child labour](#)
- [Corruption](#)
- [Disabled persons](#)
- [Discrimination based on race, nationality, ethnicity](#)
- [Domestic violence](#)
- [Freedom of expression](#)
- [Freedom of movement](#)
- [Impunity](#)
- [Internally displaced persons \(IDPs\)](#)
- [Lesbian, gay, bisexual, transgender and intersex \(LGBTI\)](#)
- [Minorities](#)
- [Minority rights](#)
- [Peacekeeping](#)
- [Persecution on the basis of sexual orientation or gender identity](#)
- [Pre-trial detention](#)
- [Prison or detention conditions](#)
- [Returnees](#)
- [SGBV](#)
- [Serb](#)
- [Threats / Intimidation](#)
- [Trafficking in persons](#)