

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	17
Land:	Kosovo
Kilde:	Freedom House.
Titel:	Freedom in the World 2009 – Kosovo.
Udgivet:	16. juli 2009.
Optaget på baggrundsmaterialet:	8. oktober 2009.

Title	Freedom in the World 2009 - Kosovo [Serbia]
Publisher	Freedom House
Country	Serbia
Publication Date	16 July 2009
Cite as	Freedom House, <i>Freedom in the World 2009 - Kosovo [Serbia]</i> , 16 July 2009, available at: http://www.unhcr.org/refworld/docid/4a6452a8c.html [accessed 7 October 2009]

Freedom in the World 2009 - Kosovo [Serbia]

Capital: N/A

Population: 2,200,000

Political Rights Score: 6

Civil Liberties Score: 5

Status: Not Free

Overview

In February 2008, Kosovo formally declared independence from Serbia, eventually winning recognition from the United States and most European countries, but not from Serbia or the majority of United Nations member states. Within Kosovo, ethnic Serb enclaves refused to accept the Albanian majority's independence declaration, and the move did little to change Kosovo's internal problems.

Control of Kosovo was contested by ethnic Albanians and Serbs throughout the 20th century. After the death of Yugoslav dictator Josip Broz Tito in 1980, ethnic Albanians began demanding that Kosovo be given republic status within federal Yugoslavia, or even outright independence. Tensions increased after Serbian strongman Slobodan Milosevic came to power and revoked much of Kosovo's autonomy as a province within Serbia in the late 1980s and early 1990s. Even as Yugoslavia collapsed in the ethnic wars of the 1990s, an uneasy status quo held between the Serbian government and the Kosovo Albanians, who, under longtime leader Ibrahim Rugova, developed their own quasi-governmental institutions, hospitals, and school systems.

In late 1997, an ethnic Albanian guerrilla movement called the Kosovo Liberation Army (KLA) began attacking Serbs and suspected ethnic Albanian collaborators, provoking harsh government responses. After internationally sponsored negotiations failed to halt the violence, NATO in March 1999 launched a 78-day bombing campaign that compelled the rump Federal Republic of Yugoslavia (FRY) – which consisted only of Serbia and Montenegro – to relinquish control over the province. During the war, government forces expelled hundreds of thousands of ethnic Albanians from Kosovo. A UN Security Council resolution (UNSCR 1244) in June 1999 gave a NATO-led peacekeeping force (KFOR) security responsibilities in Kosovo. The province effectively became a UN-administered protectorate, but FRY sovereignty was left legally intact.

After the international takeover, tens of thousands of non-Albanians were forced to flee the province; ethnic Albanians currently comprise about 90 percent of the population. The largest Serb enclave lay north of the Ibar River, while smaller Serb areas scattered

throughout the province essentially became ethnic ghettos protected by international forces. In March 2004, two days of rioting against non-Albanian ethnic groups left 20 people dead, 800 homes and 30 churches destroyed, and more than 4,000 Serbs and other non-Albanians homeless.

After the riots, the international community began pressing for a resolution of the province's final status. The UN administration had previously called for both Kosovo's Albanian political leadership and society at large to meet certain human rights and security standards before status issues were addressed. However, Kosovo's predicament made it difficult to obtain development funds from institutions including the World Bank and the International Monetary Fund, and there were growing fears that extremists could begin attacking international forces.

Elections for the Kosovo Assembly in October 2004, though marred by a near-total Serb boycott, confirmed Rugova's Democratic League of Kosovo (LDK) as the leading political party, followed by former KLA political leader Hashim Thaci's Democratic Party of Kosovo (PDK) and former KLA commander Ramush Haradinaj's Alliance for the Future of Kosovo (AAK). The government was led by an LDK-AAK coalition, with Haradinaj as prime minister.

Haradinaj, however, was indicted for alleged war crimes by the International Criminal Tribunal for the former Yugoslavia (ICTY) in March 2005, and he resigned as prime minister to contest the charges. Rugova, who had served as Kosovo's president since 2002, died in January 2006, and one of his deputies in the LDK, Fatmir Sejdiu, was elected by the Kosovo Assembly to replace him. In March of that year, former KLA commander Agim Ceku was elected prime minister after Haradinaj's successor, Bajram Kosumi, resigned.

Status negotiations between Belgrade and Kosovo authorities, mediated by former Finnish president Martti Ahtisaari, began in February 2006 and lasted 14 months without a breakthrough. Pristina refused anything short of full independence, which was unacceptable to Belgrade. In March 2007, Ahtisaari recommended to the UN Security Council (in what is now known as the Ahtisaari Plan) that Kosovo be granted "supervised independence." However, Russia supported Belgrade's position, and the UN Security Council was unable to reach consensus.

In November 2007, the PDK won 36 of 120 seats in Kosovo Assembly elections, followed by the LDK with 25, the New Kosovo Alliance (AKR) with 13, an alliance of the Albanian Christian Democratic Party of Kosovo (PShDK) and the Democratic League of Dardania (LDD) with 11, and the AAK with 10. Smaller factions took the remainder. The PDK and LDK formed a coalition government in late December, with Thaci as prime minister.

The Assembly formally declared Kosovo's independence from Serbia on February 17, 2008. It was quickly recognized by the United States and most European Union (EU) countries. However, important countries including Russia, China, Brazil, India, and Indonesia refused to follow suit. By year's end, Kosovo had been recognized by less than 30 percent of the international community. Moreover, the resistance by Russia and China ensured that Kosovo would not gain membership in the UN or other international organizations, and UNSCR 1244, which recognized Serbia's sovereignty in Kosovo, had not been superseded.

Complicating the picture further, Kosovo's Serb municipalities in June formed an "Assembly of the Union of Municipalities of the Autonomous Province of Kosovo and Metohija" that refused to recognize Pristina's declaration of independence and affirmed its continuing allegiance to Belgrade. In December, a deal was reached between Serbia and the UN Security Council to deploy EULEX – an EU mission tasked with helping to develop Kosovo's law enforcement and judicial institutions – under the mandate of UNSCR 1244, but it was unclear whether this arrangement would work in practice. The ongoing legal uncertainty, which the independence declaration had been designed in part to resolve, threatened to undermine Kosovo's future economic and political development.

Political Rights and Civil Liberties

According to a new constitution that took effect in June 2008, indigenous political institutions such as the state presidency and the Kosovo Assembly have governmental authority in Kosovo. However, an International Civilian Representative (ICR) will retain the authority to override legislation and decisions deemed to be at odds with the Ahtisaari Plan, which calls for human rights and minority protections. The ICR is selected by a steering group of countries that have recognized Kosovo's independence, and doubles as the EU representative in Kosovo. Members of the unicameral, 120-seat Kosovo Assembly are elected to three-year terms, and 20 seats are reserved for ethnic minorities. The Assembly elects the president, who also serves a three-year term. The president nominates the prime minister, who must then be approved by the Assembly.

Kosovo's 2007 parliamentary elections were generally considered to be free and fair. However, given the large role played by international officials, the lack of freedom of movement for ethnic minorities, and the limited ability of women to participate in the political process, the actual level of democratization remains low. Nearly all Serb voters boycotted both the 2004 and 2007 parliamentary elections. The UN Mission in Kosovo (UNMIK) declared the 2007 municipal elections in five Serb-populated areas invalid due to similar boycotts.

The main ethnic Albanian political parties in Kosovo since 1999 have been the LDK, the PDK, and the AAK. Other parties cater to various ethnic minorities, including Serbs. The political system remains largely based on clan and regional ties.

Corruption in Kosovo is a serious problem, even by regional standards. While Kosovo was not rated in Transparency International's (TI) 2008 Corruption Perceptions Index, TI has reported that it ranks as one of the four most corrupt economies in the world (along with Albania, Cameroon, and Cambodia).

The 2008 constitution protects freedoms of expression and the press, with exceptions for speech that provokes ethnic hostility. Freedom of expression is limited in practice because of the overall lack of security, especially for ethnic minorities. Although a wide variety of print and electronic media operate in Kosovo, journalists report frequent harassment and intimidation. Investigative journalism is rare due to fear of retribution. Defamation remains a criminal offense. In August 2006, as part of the effort to transfer responsibility to locals, UNMIK's temporary media commissioner was replaced by an Independent Media Commission, composed of five Kosovars and two internationals. However, despite such bodies and rules against incitement of ethnic violence, many media outlets continue to deviate from established journalistic ethics. There were no reports of government attempts to restrict access to the internet.

The new constitution guarantees religious freedom, and ethnic Albanians, who are predominantly Muslim, generally enjoy this right in practice. However, since 1999 there have been systematic attacks on scores of Orthodox Christian churches and other holy sites associated with the Serb population. During the March 2004 violence alone, 30 churches and monasteries were destroyed or damaged. There have also been attacks on Protestant places of worship in recent years.

Academic freedom has not been formally restricted, but appointments at the University of Pristina are considered to be politicized, and academic standards are generally low. Kosovo's educational system is ethnically segregated. The University of Pristina enrolls mainly Albanian students, while Mitrovica University operates under the authority of Belgrade and enrolls mainly Serbs.

Freedom of assembly, especially in ethnic flashpoints such as the divided city of Mitrovica, has occasionally been restricted by UNMIK and KFOR for security reasons, and the 2008 constitution includes safeguards for public order and national security. Nongovernmental organizations generally function freely, although decreasing donor funding in recent years has led many to cease operations. Groups that infringe on the constitutional order or encourage ethnic hatred can be banned by the courts. The

constitution protects the right to form and join trade unions. UNMIK regulations on labor rights, which remained in force in the absence of new legislation, do not recognize the right to strike, but workers have not been prevented from striking. The largest labor group in Kosovo, the Association of Independent Trade Unions (BSPK), claims to represent some 100,000 workers.

Kosovo's newly-adopted constitution calls for an independent judiciary, though courts at all levels are subject to political influence and intimidation. In January 2008, Amnesty International reported that UNMIK had failed to create a criminal justice system willing and able to prosecute war criminals. The trial of former prime minister Ramush Haradinaj began in March 2007, but ICTY officials complained that he and his supporters were intimidating potential prosecution witnesses. Several witnesses in the Haradinaj case died under unclear circumstances. He was acquitted by the tribunal in April 2008. Ethnic Albanian judges rarely prosecute cases involving Albanian attacks on non-Albanians. The backlog in the civil court system stands at tens of thousands of cases. The backlog in property claims, mainly those of Serbs, stood at approximately 21,000 by the end of 2008. Prison conditions in Kosovo are generally in line with international standards, though overcrowding remains a problem, and abuse of prisoners has been reported. The breakdown in the judicial system has resulted in the reemergence of familial blood feuds in some areas.

Freedom of movement for ethnic minorities is a significant problem. Amnesty International has reported that non-Albanians are "subjected to both direct and indirect discrimination when seeking access to basic civil, political, social, economic and cultural rights." UNMIK has done little to promote the return of some 220,000 people (mostly Serbs) the UN High Commissioner for Refugees lists as displaced from Kosovo.

Kosovo reportedly is a principal point along the heroin-trafficking route between Central Asia and Western Europe. Organized crime remains a serious problem, with criminal networks extending into various socioeconomic sectors and politics.

Gender inequality is a major concern. Patriarchal attitudes often limit a woman's ability to gain an education or choose a marriage partner, and women represent a disproportionately high percentage of the unemployed. Women are also underrepresented in politics, although election rules stipulate that women must occupy every third spot on each party's candidate list. In Kosovo's November 2007 parliamentary elections, women won 38 seats in the 120-seat Assembly. In many rural areas, women are effectively disenfranchised by "family voting," in which the male head of a household casts ballots for the entire family. A 2004 study found that only half of Kosovo women between ages 25 and 64 have received elementary education. This figure reaches only 10 percent in some districts. Domestic violence is a serious problem, as is discrimination against sexual minorities.

Kosovo serves as a source, transit point, and destination for women and children trafficked for prostitution. The large international military force and numerous international civilian agencies provide a relatively affluent clientele for the trade.

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