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Freedom in the World 2011 - Kosovo

Capital: Pristina

Population: 2,222,000

Political Rights Score: 5 *

Civil Liberties Score: 4 *

Status: Partly Free

Overview

The International Court of Justice ruled in July 2010 that Kosovo's 2008 declaration of independence did not violate international law, though the number of countries recognizing Kosovo did not increase significantly during the year. President Fatmir Sejdiu resigned in September after the Constitutional Court ruled that he could not head his party while serving as president, and the ensuing political turmoil caused Prime Minister Hashim Thaçi's government to fall in November, leading to early elections the following month. Also in December, a report by a Council of Europe rapporteur accused Thaçi of having been involved in organized crime during and after the 1999 conflict.

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

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

After the international takeover, tens of thousands of non-Albanians were forced to flee the province. Currently, ethnic Albanians comprise about 90 percent of the population, with Serbs making up most of the remainder. The largest Serb enclave is north of the Ibar River, anchored by the divided city of Mitrovica, while smaller Serb areas are scattered throughout the province, existing as 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.

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

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

Kosovo's Assembly formally declared independence from Serbia on February 17, 2008, and it was quickly recognized by the United States and most European Union (EU) countries. In June 2008, Kosovo's Serb municipalities formed a separate assembly that refused to recognize Pristina's independence and affirmed its allegiance to Belgrade. The legal situation was further complicated by the ongoing supervision of international entities in Pristina, including the UN Interim Mission in Kosovo (UNMIK); an EU mission, known as EULEX; and the NATO peacekeeping force.

In August 2008, Serbia submitted a resolution to the United Nations requesting an advisory opinion from the International Court of Justice (ICJ) on whether Kosovo's declaration of independence violated international law. In July 2010, the ICJ found that it did not, though only a handful of minor states subsequently decided to recognize Kosovo's independence, for a new total of 72 at year's end. While the country became a member of the International Monetary Fund (IMF) and the World Bank in 2009, continued resistance from Russia and China barred it from membership in the United Nations and other international organizations.

In September 2010, Kosovo's Constitutional Court ruled that President Fatmir Sejdiu had violated the constitution by simultaneously serving as Kosovo's president and leader of the LDK. Sejdiu resigned as president, and the LDK withdrew from Thaçi's governing coalition. The weakened government lost a confidence vote in November, triggering early elections on December 12. Significant fraud in parts of Kosovo – especially in Thaçi's stronghold in the Drenica region – necessitated that reruns be held in several municipalities in January 2011. While final results were unavailable at year's end, preliminary tabulations showed that the PDK placed first, with 33.5 percent of the vote, while the LDK finished second, with 23.6 percent. The Vetëvendosje (Self-Determination) movement made a notably strong showing, placing third with 12.2 percent. Vetëvendosje's platform called for the unification of Kosovo and Albania; according to a February 2010 poll, 70 percent of those questioned in Albania and Kosovo believed the two states would merge.

On December 13, the European Network of Election Monitoring Organizations (ENEMO) released a preliminary statement on the conduct of the elections. While voting was generally peaceful and relatively well organized, the report noted widespread fraud and irregularities. Serb nongovernmental organizations (NGOs) in Kosovo reported similar problems, including vote buying in Serb-populated municipalities.

A December 2010 report issued by Council of Europe rapporteur Dick Marty accused high-level Kosovo officials, including Thaçi, of involvement in an organized crime network

that was active during and after the 1999 conflict. The most controversial charge centered on the crime group's alleged harvesting of organs, initially from prisoners of the KLA. The report linked those claims to an ongoing EULEX investigation into more recent black-market organ transplants at a clinic in Pristina, arguing that the same perpetrators and networks were involved in both cases.

Political Rights and Civil Liberties

Kosovo is not an electoral democracy. According to the constitution, the president and the Assembly have governing authority over Kosovo, though the International Civilian Representative (ICR) retains the right to override legislation and decisions deemed to be at odds with the human rights and minority protection provisions of the Ahtisaari Plan. The ICR doubles as the EU representative in Kosovo. Members of the unicameral, 120-seat Assembly are elected to four-year terms, and 20 seats are reserved for ethnic minorities. The Assembly elects the president, who serves a five-year term. The president nominates the prime minister, who must then be approved by the Assembly.

Kosovo's December 2010 parliamentary elections were the most problematic of any held in the post-1999 period. Reported irregularities included family voting (in which the male head of a household casts ballots for the entire family); vote buying; a lack of freedom of movement for ethnic minorities; and limitations imposed on women in rural, patriarchal social environments. While the elections were largely boycotted by Serbs north of the Ibar River, between 35 and 40 percent of the roughly 55,000 Serbs living in the enclaves south of the Ibar reportedly participated.

Corruption is a serious problem, even by regional standards. Kosovo was ranked 110 of 178 countries rated by Transparency International's 2010 Corruption Perceptions Index. A May 2010 report by the International Crisis Group (ICG) noted that "organised crime and corruption are widespread and growing." A report by Kosovo's auditor general in June revealed significant fraud in the accounts of a number of municipalities. In July, the governor of the central bank was arrested for accepting bribes and tax evasion.

The 2008 constitution protects freedoms of expression and the press, with exceptions for speech that provokes ethnic hostility. While a wide variety of print and electronic media operate, journalists report frequent harassment and intimidation. Freedom of expression is also limited in practice by a lack of security, especially for ethnic minorities. International officials in Kosovo have been accused of occasionally restricting media independence. In October 2010, representatives of a local media organization complained that leading international officials were unduly intimidating local journalists by threatening legal action if unfavorable media reports were printed. Access to the internet is not restricted.

The constitution guarantees religious freedom, and ethnic Albanians, who are predominantly Muslim, enjoy this right in practice. There have been outbreaks of systematic attacks on Orthodox Christian churches and other sites associated with the Serb population. A number of cases of vandalism at Serbian Orthodox cemeteries were reported in 2010. The Protestant community has also reported discrimination by central and municipal authorities. Overall, however, attacks on minority religious sites have declined since 2004. The Education Ministry has repeatedly instructed school administrators to prohibit the wearing of headscarves by teachers and students, despite findings by the country's human rights ombudsman that such directives have no basis in law. While the ban is not evenly enforced, some students and teachers have reportedly been expelled or fired for wearing headscarves, and a number of protests were mounted in 2010 to oppose the restrictions.

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

Freedom of assembly has occasionally been restricted for security reasons, and the constitution includes safeguards for public order and national security. NGOs generally

function freely, though groups that infringe on the constitutional order or encourage ethnic hatred can be banned by the courts. The constitution protects the right to establish and join trade unions. UNMIK regulations recognize the right to collective bargaining, though the International Trade Union Confederation (ITUC) claims that workers' rights in Kosovo are violated in every sector of the economy.

Kosovo's constitution calls for an independent judiciary, but courts at all levels are subject to political influence and intimidation. A EULEX memo leaked in June 2010 accused the government of interfering with a war crimes investigation, and alleged that Kosovo's judicial and law enforcement institutions were "culturally and/or mentally not acquainted to the concept of independence of their services." Since 1999, numerous domestic and international watchdog groups have criticized the judicial system's large backlog of cases, insufficient number of qualified judges and prosecutors, failure to implement decisions, and small budget.

Ethnic Albanian officials rarely prosecute cases involving Albanian attacks on non-Albanians. The ICG report released in May 2010 found that problems pertaining to the rule of law were particularly acute in the Serb enclave north of the Ibar River, where the Pristina authorities have no influence. Impunity for war crimes is also a problem. In July 2010, former prime minister Ramush Haradinaj was arrested and transferred to the International Criminal Tribunal for the former Yugoslavia (ICTY) for retrial on war crimes charges. His first trial had ended in an acquittal in 2008, but ICTY officials complained that he and his supporters had intimidated potential prosecution witnesses. Several witnesses in the case died under suspicious circumstances. Prison conditions in Kosovo are generally in line with international standards, though overcrowding and the abuse of prisoners remain problems. A Deutsche Welle report in 2010 suggested that chronic weaknesses in the judicial system were resulting in a return to traditional blood feuds in Kosovo.

Freedom of movement for ethnic minorities is a significant problem, and returnees to Kosovo still face hostility. For example, in April 2010, tent camps occupied by a group of Serb returnees in Istog municipality were pelted with stones. EULEX and the Kosovo government denounced the attack and restated their commitment to the return of displaced residents. Kosovo's smaller minorities – the Roma, Ashkali, Gorani, and others – also face difficult conditions. The reclamation of property by displaced persons has been complicated by counterfeit deeds and illegal transfers, which remain common.

Kosovo is a principal transit 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, especially in rural areas. Patriarchal attitudes often limit a woman's ability to gain an education, choose a marriage partner, or secure employment. Women are also underrepresented in politics, although election rules stipulate that women must occupy every third spot on each party's candidate list. Women in rural areas remain effectively disenfranchised though family voting, though attitudes toward women's rights and their role in society are becoming more open in more urban areas such as Pristina. Domestic violence is a serious problem, as is discrimination against sexual minorities.

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

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