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Country Report on Human Rights Practices 2018 - Kosovo

EXECUTIVE SUMMARY

Kosovo is a parliamentary democracy. The constitution and laws provide for an elected unicameral parliament, the Assembly, which in turn elects a president, whose choice of prime minister the Assembly must approve. The country held parliamentary elections in June 2017 that international observers considered free and fair. The Assembly elected Hashim Thaci as president in 2016.

Civilian authorities maintained effective control of the security forces.

Human rights issues included refoulement; endemic government corruption; crimes involving violence or threats of violence against journalists; and attacks against members of ethnic minorities or other marginalized communities, including by security forces.

The government sometimes took steps to prosecute and punish officials who committed abuses in the security services or elsewhere in the government. Many in the government, the opposition, civil society, and the media believed that senior officials engaged in corruption with impunity.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

Until June 15, the EU’s Rule of Law Mission (EULEX) and domestic prosecutors continued prosecuting war crimes cases arising from the 1998-99 conflict. As of that date, most of EULEX’s executive mandates ended, including its investigative and prosecutorial responsibilities and its provision of judges to the Kosovo justice system. EULEX’s new mandate, extended through 2020, included monitoring selected criminal and civil cases and trials, mentoring and advising the Kosovo Correctional Service, and supporting the

Specialist Chambers in The Hague. EULEX also retained limited executive responsibility in witness protection, and continues to serve as a secondary security responder to the Kosovo Police (KP).

As of August, the Special Prosecution of the Republic of Kosovo (SPRK) office was investigating approximately 100 war crimes case, approximately half of which were suspended because the alleged perpetrators’ whereabouts were unknown.

On June 11, the Supreme Court granted Sylejman Selimi’s request for a retrial in the so-called Drenica I case, in which he was convicted of war crimes, sending the case back to Mitrovica’s Basic Court. Observers saw the decision as in keeping with a multi-year trend of dismissing high profile cases against politically powerful defendants or returning them to lower courts.

On October 25, the Kosovo Supreme Court rejected an appeal from defendants in the so-called Drenica II war crimes case, overturning a June Constitutional Court decision that dismissed an earlier conviction. Six convicted defendants in the Drenica cases have never served time in prison.

The Hague-based Kosovo Specialist Prosecutor’s Office (SPO) continued to investigate crimes committed during and after the 1999 conflict. A 2016 agreement providing the legal basis for the Kosovo Specialist Chambers to conduct proceedings in the Netherlands entered into force in January 2017. As of September, the SPO had not issued any indictments.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

As of May, the International Committee of the Red Cross (ICRC) listed as missing 1,608 persons who disappeared during the 1998-99 conflict and the political violence that followed. Although the ICRC did not distinguish missing persons by ethnic background due to confidentiality restrictions, observers suggested that approximately 70 percent were ethnic Albanians and 30 percent were Serbs, Roma, Ashkalis, Balkan Egyptians, Bosniaks, or Montenegrins.

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

The constitution and laws prohibit such practices, but there were some reports that government officials employed them.

Nongovernmental organizations (NGOs) reported several incidents of KP abuse of detainees during the year. In April the Kosovo Rehabilitation Center for Torture Victims (KRCT) reported that KP officers beat six detainees at police stations in Pristina and Lipjan/Lipljan following their arrest at a student protest. Authorities were reportedly investigating the incidents as of July.

Prison and Detention Center Conditions

Prison and detention center conditions met some international standards, but significant problems persisted in penitentiaries, specifically, prisoner-on-prisoner violence, corruption, exposure to radical religious or political views, and substandard medical care.

Physical Conditions: Physical conditions remained substandard in some parts of the Dubrava Prison, which was overcrowded in the first half of the year.

During the year the KRCT received complaints from prisoners alleging verbal harassment, prisoner-on-prisoner violence, and some cases of physical mistreatment by correctional officers, mainly at the Dubrava Prison and the detention center in Lipjan. As of May, the KRCT had received eight complaints from prisoners that correctional staff verbally or physically abused them in the Dubrava Prison and the High Security Prison.

Due to poor training and inadequate staffing, authorities did not always exercise control over the facilities or inmates. The KRCT reported illicit drugs were regularly smuggled into correctional facilities, with approximately 30 percent of inmates estimated to be addicted to drugs. There were no drug treatment programs.

The KRCT documented delays and errors in the delivery of medical care to prisoners as well as a lack of specialized treatment. In many instances, these conditions forced prisoners to procure needed medications through private sources. The KRCT observed gaps in the prison health-care system at the Dubrava facility and reported an insufficient number of mental health professionals.

Facilities and treatment for inmates with disabilities remained substandard. The Kosovo Forensic Psychiatric Institute provided limited treatment and shelter for detained persons with mental disabilities. Advocates for persons with disabilities faulted the government for regularly housing pretrial detainees with diagnosed mental disabilities together with other pretrial detainees. Pretrial detainees were held separately from the convicted prisoner population. The law requires convicted criminals with documented mental health issues to be detained in facilities dedicated to mental health care, but these prisoners were often housed in standard prisons due to overcrowding at mental health institutions.

The State Prosecutor’s Office continued to review evidence surrounding the death of Vetevendosje party activist Astrit Dehari, who allegedly committed suicide in prison in 2016.

Administration: Authorities did not always conduct proper investigations of mistreatment. The KRCT noted the internal complaint mechanism mandated by law did not function, as inmates often did not report abuses due to lack of confidentiality and fear of retribution. The KRCT also noted that authorities did not provide written decisions justifying solitary confinement.

Independent Monitoring: The government permitted visits by independent human rights observers, but the national Ombudsperson Institution alone had continuous and unfettered access to correctional facilities. The KRCT and the Center for Defense of Human Rights and Freedoms were required to provide 24-hour advance notice of planned visits.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government, EULEX, and Kosovo Force (KFOR), a NATO-led international peacekeeping force, generally observed these prohibitions.

Role of the Police and Security Apparatus

Local security forces included the KP and the Kosovo Security Force (KSF), a lightly armed civil response force that provides disaster response and humanitarian relief, demining, search and rescue, and hazardous material containment. The law provides that police operate under the authority of the Ministry of Internal Affairs. Police maintained internal security with assistance from EULEX as a second responder for incidents of unrest and KFOR as a third responder. Circumstances did not require EULEX or KFOR to exercise this function during the year. Border police, part of the KP, were responsible for law enforcement related to border management. The Ministry for the Kosovo Security Force managed the KSF.

KFOR was responsible for providing a safe and secure environment and ensuring freedom of movement in the country. As of February, the mission had 4,031 troops from 28 countries.

EULEX and KFOR personnel were not subject to the country's legal system but rather to their missions' and their countries' disciplinary measures.

The government sometimes investigated abuse and corruption, although mechanisms for doing so were not always effective or were subject to political interference. Security forces did not ensure compliance with court orders when local officials failed to carry them out. Numerous police officers were arrested on corruption charges during the year, but impunity was a problem.

The Police Inspectorate of Kosovo (PIK), an independent body within the Ministry of Internal Affairs, was responsible for reviewing complaints about police behavior. As of July, the PIK had reviewed 761 citizen complaints regarding police conduct. The PIK

characterized 407 of the complaints as involving disciplinary violations and forwarded them to the Kosovo Police Professional Standards Unit; it judged another 68 complaints to be criminal cases. As of July, 88 police personnel were under investigation, and nine cases from 2017 remained under investigation.

Twenty KP officers previously accused of abuse of office and bribery were sentenced during the year to 241 months’ imprisonment. Punishments for bribery ranged from six to 31 months’ imprisonment and fines of 1,000 to 3,000 euros (\$1,150 to \$3,450). Thirty-nine additional officers entered plea agreements and were undergoing trial as of July.

Arrest Procedures and Treatment of Detainees

By law, except when a crime is in progress, police may apprehend suspects only with warrants based on evidence and issued by a judge or prosecutor. Within six hours, prosecutors must issue the arrested person a written statement describing the alleged offense and the legal basis for the charges. Authorities must bring arrested persons before a judge within 48 hours and must provide detainees prompt access to a lawyer of their choice or one provided by the state. There is a bail system, but courts seldom used it. They often released detainees without bail pending trial.

Suspects have the right to refuse to answer questions at all stages of an investigation, except those concerning their identity. Suspects have the right to free assistance of an interpreter and medical and psychiatric treatment. Police may not hold suspects incommunicado.

Following an initial ruling, a court may hold individuals in pretrial detention for 30 days from the date of their arrest and may extend pretrial detention for up to one year. After an indictment and until the conclusion of trial proceedings, only a trial judge or a trial panel can order or terminate detention. The law allows a judge to order house arrest, confiscation of travel documents, and the expanded use of bail as alternatives to pretrial detention.

Although in some instances police were masked or undercover, they generally carried out arrests using warrants. There were no confirmed reports that police abused the 48-hour rule, and prosecutors generally either provided arrested persons with documents describing the reasons for their detention or released them. While officials generally respected the requirement for prompt disposition of cases, the KRCT reported that detainees occasionally faced delays when attorneys were temporarily not available.

NGOs reported that authorities did not always allow detained persons to contact attorneys when initially arrested and in some cases permitted consultation with an attorney only when police investigators began formal questioning. In several cases detainees were allowed access to an attorney only after their formal questioning. Some detained persons complained that, despite requests for lawyers, their first contact with an attorney took place at their initial court appearance.

The law limits police use of force only in order to “protect a person’s life, to prevent an attack, to prevent a criminal act, to prevent the flight of a perpetrator, or, when other measures are not successful, to achieve another legitimate police objective.” The law also provides that when using force, police “shall attempt to minimize the intrusion into a person’s rights and freedoms and to minimize any detrimental consequences.” On March 26, a KP Special Intervention Unit injured 32 people while storming a public gathering of ethnic Serbs in Mitrovica/e North attended by a Serbian government official who allegedly had entered the country illegally. Ethnic Serb representatives in parliament called for an investigation. As of November, the status of the investigation was unknown.

In May media outlets reported KP officers used pepper spray indiscriminately against a group of ethnic Serbs in Lipjan/Lipljan following an incident of interethnic violence. The PIK was investigating the incident as of July.

Pretrial Detention: Lengthy detention, both before and during judicial proceedings, remained a problem. The law allows judges to detain a defendant pending trial if there is a well-grounded suspicion that the defendant is likely to destroy, hide, or forge evidence; influence witnesses; flee; repeat the offense; engage in another criminal offense; or fail to appear at subsequent court proceedings. Judges routinely granted pretrial detention without requiring evidentiary justification. Lengthy detention was also partly due to judicial inefficiency and corruption.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the judiciary did not always provide due process. According to the European Commission, NGOs, and the Ombudsperson Institution, the administration of justice was slow and lacked the means to ensure judicial officials’ accountability. Judicial structures were subject to political interference, with disputed appointments and unclear mandates. Efficiency in case resolution improved during the year, but the courts were burdened by a case backlog. During the first three months of the year, the courts resolved approximately 60,000 cases and received approximately 35,000 new ones. According to the Kosovo Judicial Council, over 280,000 civil and criminal administrative and commercial cases awaited trial as of July. In addition, over 150,000 minor offenses awaited adjudication.

A mechanism for disciplinary proceedings against judges and prosecutors was in place, but it was ineffective. Authorities sometimes failed to carry out court orders, including from the Constitutional Court, particularly when rulings favored minorities.

Local authorities in Decan/Decani continued to refuse to implement the decision of the Constitutional Court confirming the Serbian Orthodox Church’s ownership of more than 24 hectares of land adjacent the Visoki Decani Monastery. None of the officials involved in failing to carry out the court order have been sanctioned.

Trial Procedures

The law provides for a fair and impartial trial, and while there were severe shortfalls in the judicial system including instances of political interference, it generally upheld the law. Trials are public, and the law entitles defendants to the presumption of innocence and the rights to be informed promptly and in detail of charges against them, to be present at their trials, to remain silent and not to be compelled to testify or confess guilt, to confront adverse witnesses, to see evidence, and to have legal representation. Defendants have the right to appeal. These rights extend to all citizens without exception. The country does not use jury trials.

The constitution guarantees the right to free legal aid, but international observers reported that the Agency for Free Legal Aid, mandated to provide free legal assistance to low-income individuals, was not adequately funded and not functioning as envisioned. The agency offers legal advice but does not represent cases before the court.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There are civil remedies for human rights violations, but victims were unable to avail themselves of this recourse due to complicated bureaucratic procedures and a large backlog of cases. Individuals may appeal to courts to seek damages for, or cessation of, human rights violations.

Individuals may turn to the Constitutional Court for review of their rights to due process. The constitution incorporates obligations agreed to in numerous international conventions as binding. Individuals may bring alleged violations of these conventions as well as violations of due process under domestic law before the Constitutional Court.

Property Restitution

A confusing mix of laws, regulations, administrative instructions, and court practices, as well as the illegal reoccupation of properties and multiple claims for the same property, continued to hamper resolution of property restitution cases arising from the war and its aftermath, over 96 percent of which were filed by ethnic Serbs. Private citizens and religious communities were largely unsuccessful in petitioning for the return of properties seized or confiscated during the Yugoslav era.

The Kosovo Property Comparison and Verification Agency (KPCVA) has authority to adjudicate claims and resolve discrepancies between cadastral documents taken to Serbia in 1999 and Kosovo’s current cadastral records. Claimants have the right to appeal decisions in the courts.

As of October, the Kosovo Property Claims Commission, which falls under the KPCVA, had adjudicated 41,849 of 42,749 registered claims, and authorities notified almost all claimants of results. The commission reported that the Kosovo Property Agency authorities implemented 40,287 of its decisions. A total of 1,315 of the commission’s decisions were appealed, with 191 still pending with the Supreme Court.

The KPCVA had difficulty enforcing the eviction of illegal occupants. It also lacked funds to pay the 3.2 million euros (\$3.7 million) compensation called for in the 143 claims decided in favor of persons who lost their properties in the early 1990s due to discriminatory housing practices erratically employed at that time. The agency similarly lacked funds to remove illegal structures constructed on land after claimants had their rights confirmed. As of June, the agency submitted 446 criminal charges to the Prosecutor’s Office against illegal occupants who reoccupied properties after Kosovo Property Agency evictions; 458 eviction warrants remained pending during this period. The area of the country with the highest proportion of pending evictions was Mitrovice/a, with 292, primarily affecting Kosovo Albanians. Re-usurpation of property continued to be an issue. Civil society organizations complained the country lacked an effective system to allow displaced Kosovo Serbs living outside the country to file property claims and receive notification of property claims decisions.

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

The constitution and law prohibit such actions, and there were no reports that the government, EULEX, or KFOR failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press. While the government generally respected this right, credible reports persisted that some public officials, politicians, businesses, and radical religious groups sought to intimidate media representatives. The media also encountered difficulties in obtaining information from the government and public institutions as provided by law. An Independent Media Commission regulates broadcast frequencies, issues licenses to public and private broadcasters, and establishes broadcasting policies.

Press and Media Freedom: Independent media were active and expressed a wide variety of views, generally without restriction, although reports persisted that government officials, some political parties, businesses connected to the government, religious groups, and disgruntled individuals exerted pressure on media owners, individual editors, and reporters not to publish certain stories or materials.

Financial difficulties of media outlets put the editorial independence of all media at risk. While some self-sufficient media outlets adopted editorial and broadcast policies independent of political and business interests, those with fewer resources sometimes accepted financial support in exchange for positive coverage or for refraining from publishing negative stories harmful to funders’ interests.

Violence and Harassment: The Association of Journalists of Kosovo and media outlets reported 16 instances during the year in which government officials, business interests, community groups, or radical religious groups abused press freedom, including by physical assaults and verbal threats directed at journalists and pressure on outlets not to publish certain materials.

In March, ethnic Serbs in Mitrovica/e North attacked ethnic Albanian photojournalist Blerim Uka with sticks during his coverage of a controversial police raid following an allegedly illegal visit by a Serbian official, inflicting minor injuries. Ethnic Serb journalists covering the same gathering claimed KP teargassed them, pushed them to the ground, and destroyed their equipment. An investigation into the police raid was underway, but it was not clear whether investigators were examining attacks on journalists.

In October, journalists who exposed a high-profile pension fraud case reported receiving threats from high-level politicians and anonymous callers. Also in October, Member of parliament Milaim Zeka advocated publicly criminalizing any speech impugning Kosovo Liberation Army veterans.

Censorship or Content Restrictions: There were no reports of direct censorship of print or broadcast media, although journalists claimed that pressure from politicians and organized criminal groups frequently resulted in self-censorship. Some journalists refrained from critical investigative reporting due to fear for their physical or job security. Journalists occasionally received offers of financial benefits in exchange for positive reporting or for abandoning an investigation. According to the Association of Journalists of Kosovo, government officials, as well as suspected criminals, verbally threatened journalists for perceived negative reporting. According to some editors, government agencies and corporations withdrew advertising from newspapers that published material critical of them.

Journalists complained that media owners and managers prevented them from publishing or broadcasting stories critical of the government, political parties, or particular officials. In some cases owners reportedly threatened to dismiss journalists if they produced critical reports. Journalists also complained that owners prevented them from reporting on high-level government corruption.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

As of August, the Regulatory Authority of Electronic and Postal Communications reported that approximately 85.4 percent of households had broadband internet connections.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government, EULEX, and KFOR generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/ (<http://www.state.gov/religiousfreedomreport/>).

d. Freedom of Movement

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights. Nevertheless, roadblocks placed as a result of interethnic tensions and real and perceived security concerns sometimes restricted freedom of movement. Security concerns also limited the number of displaced Kosovo Serbs seeking to return.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, persons at risk of statelessness, and vulnerable minority communities.

In-country Movement: The Austerlitz Bridge connecting Mitrovica/e North and South remained closed for vehicular traffic but was fully open to pedestrians. Other bridges connecting the two cities were fully open.

The government did not consider Serbian-issued personal documents bearing Kosovo town names to be valid travel documents, making it difficult for many members of the Kosovo Serb community to travel freely to and from Kosovo, unless using the two border crossings with Serbia located in the Kosovo-Serb majority municipalities in the north. The Turkish government refused to renew the passports of some Turkish legal residents of Kosovo; these individuals were unable to travel outside of Kosovo.

Exile: The return to the country by Ashkali, Balkan Egyptian, and Roma refugees from the war remained a problem. Their institutional representatives believed that social prejudice prevented the return of nearly 400 Ashkalis, Balkan Egyptians, and Roma who were formerly resident in the country and have informed UNHCR that they were ready to return from Serbia, Macedonia, and Montenegro.

Internally Displaced Persons (IDPs)

According to UNHCR, approximately 90,000 persons formerly resident in the country remained displaced by the war and its aftermath in neighboring states. In all, 8,367 displaced persons (2,104 families), primarily Kosovo Serbs, registered their interest in returning to the country with UNHCR. The Communities and Returns Ministry reported 370 individuals returned to their places of origin as of August.

The government allocated 1.8 million euros (\$2.1 million) for housing construction of non-Serb minority communities in May and committed to funding 23 temporary care shelters for 432 displaced persons through 2020. Obstacles persisted in terms of the allocation of land for housing reconstruction, lack of economic prospects, and societal discrimination. According to UNHCR, the lack of a detailed census and adequate profiling data left displaced persons excluded from human rights protections and development plans.

In January the government adopted a regulation on return of displaced persons and durable solutions, establishing minimum living conditions for displaced persons. The regulation also defined institutional responsibilities, procedures, and criteria for assistance to the displaced. As of August, returnee representatives claimed the government had not implemented the regulation.

The return process in some areas of the country continued to be marked by security incidents or local communities’ reluctance to accept minority returnees. UNHCR observed limited interaction between returnees and receiving communities as well as the returnees’ lack of trust in law enforcement. In addition, minority returnees were beset with security difficulties, and officials in multiple locations often discouraged their return.

On August 7, the SPRK indicted ethnic-Serb returnee Milorad Zajic for allegedly burning the homes of ethnic Albanians in 1999. Ethnic Serb leaders and other observers saw this and other similar indictments as attempts to discourage potential ethnic-Serb returnees to majority Albanian areas.

Despite official calls for the return of displaced persons, the government did not take steps to eliminate obstacles to housing repossession or assistance. Such obstacles included land allocation for housing construction, security problems in some areas, and overall lack of socioeconomic prospects for returnees. UNHCR claimed that government reintegration programs for displaced persons remained largely unsuccessful due to a lack of proper needs assessment and failure to select and prioritize beneficiaries based on vulnerabilities.

UNHCR reported that the KP maintained an increased presence in areas with returnees to prevent interethnic violence. As of May, UNHCR had recorded 23 incidents of violence against ethnic Serbs and one incident involving Roma returnees. In May protestors threw stones at ethnic Serb IDPs visiting a church in Kline/Klina to mark a religious holiday; the KP arrested an individual accused of orchestrating the attack.

Protection of Refugees

Refoulement: On March 29, under an order from the Kosovo Intelligence Agency, a KP Special Intervention Unit arrested six Turkish citizens legally resident in Kosovo alleged by Turkish authorities to be followers of Turkish cleric Fethullah Gulen. The agency has legal authority to recommend deportation when “national security circumstances” warrant it. Later the same morning, the Ministry of Interior’s Department for Citizenship, Asylum, and Migration deported the six detainees to Turkey, where they were held on vague charges by Turkish authorities. NGOs and the Ombudsperson Institution asserted the government denied the detainees their right to claim asylum or appeal the deportation decision before a court. NGOs and opposition politicians claimed the expedited deportation was politically motivated. The prime minister dismissed the interior minister and Kosovo Intelligence Agency director as a result of the incident. A parliamentary investigation and a case in Pristina’s Basic Court brought by families of the deportees were underway at year’s end.

Access to Asylum: The Assembly passed a new Law on Asylum in May. In addition to existing provisions granting asylum or refugee status, the new law provides for temporary admission of asylum seekers while their cases are adjudicated, and grants refugee status that includes subsidiary protection for those granted asylum protection in Kosovo.

According to the Ministry of Interior, there were 116 asylum applications through July, 15 of which were approved. Six individuals were granted refugee status during the year. As of July, there were 21 pending asylum applications.

Reception facilities at the asylum center can host children, but the facility lacked standard operating procedures for the treatment of unaccompanied children seeking asylum and for determination of their eligibility for asylum.

Safe Country of Origin/Transit: The law recognizes the safe country of origin concept under international law but had yet to apply it. According to UNHCR, the country’s definition of safe country of origin complies with EU standards.

Access to Basic Services: UNHCR reported that asylum seekers received accommodation, regular meals, and clothing, while UNHCR partner organizations provided psychological assessments, counseling services, and legal aid. The lack of interpretation services for a number of languages remained a problem. UNHCR claimed healthcare and psychological treatment were still inadequate.

Temporary Protection: The government also provided temporary protection, called subsidiary protection, to individuals who may not qualify as refugees. From independence in 2008 through June, the government provided subsidiary protection to 14 persons.

Stateless Persons

Official figures on stateless persons were not available. The law contains no discriminatory provisions that might cause groups or individuals to be deprived of or denied citizenship. Children acquire citizenship from their parents or by virtue of birth in the country in cases of children born to parents of certain minority communities whose citizenship was not documented. Government procedures provide for access to naturalization for those granted stateless or refugee status five years after the determination.

Laws relating to civil status permit stateless persons to register life events such as birth, marriage, and death; implementation varied among municipalities. The government’s capacity to identify stateless persons and those with undetermined nationality remained inadequate.

During the year, UNHCR assisted 217 stateless ethnic Ashkalis, Balkan Egyptians, and Roma. Unregistered family members did not receive social assistance benefits and pension rights and could not register property titles or retain rights to inherited or transferred property. Children who were born of parents displaced outside the country and who entered with their readmitted parents often lacked documentation, including birth certificates, from their place of birth. Authorities acknowledged the problem but did not develop a systematic solution. In 2015 the Civil Registration Agency of the Ministry of Internal Affairs promoted free birth registration and late registration by removing the expiration date that would have triggered fees or penalties for many registration services for ethnic Roma, Ashkalis, and Balkan Egyptians.

UNHCR reported that around 600 Ashkalis, Balkan Egyptians, and Roma were “legally invisible” due to their inability to provide evidence of their birth in the country. During the year the ministry’s Civil Registration Agency provided birth certificates, identification, and/or passports to 50 displaced persons from the country who were living in Montenegro.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot based on universal and equal suffrage.

The Serbian government continued to operate some illegal parallel government structures in Serb majority municipalities and majority Serb and majority Gorani areas in the southern part of the country.

Elections and Political Participation

Recent Elections: Parliamentary elections—including in northern Kosovo—took place in June 2017. International and independent observers evaluated the vote as generally free and fair. The campaign was marked, however, by a pattern of intimidation within Kosovo-Serb communities. Some Kosovo Serbs reportedly pressured fellow Kosovo Serbs not to support parties other than the pro-Serbian Srpska List, and candidates not affiliated with Srpska List were pressured to withdraw from the race.

Political Parties and Political Participation: In most of the country, political parties operated freely, and there were no significant barriers to registration. In the four northern Serb majority municipalities, opposition representatives reported threats of violence by the Serbia-affiliated Srpska List party during 2017 elections. Party affiliation sometimes played a role in access to government services and social and employment opportunities. In March, members of the Vetevendosje party released tear gas during debate at the Assembly building in an attempt to block the ratification of a border demarcation agreement with Montenegro. The members were arrested and subsequently released. No indictments had been issued by the end of the year.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. NGOs reported, however, that the voter turnout among women tended to be much lower than for male voters, a pattern observed in the 2017 elections.

Ethnic minorities’ representation in the Assembly was more than proportionate to their share in the population, but political parties representing ethnic minorities criticized majority parties for not consulting them on important issues. NGOs reported participation of Kosovo Serbs nearly matched the national rate in the 2017 elections, and parties representing Roma, Ashkali, Balkan Egyptian, Bosniak, Gorani, and Turkish communities campaigned freely in their native languages.

Section 4. Corruption and Lack of Transparency in Government

The law provides for criminal penalties for corruption by officials, but the government did not implement the law effectively. Officials sometimes engaged in corrupt practices with impunity. A lack of effective judicial oversight and general weakness in the rule of law contributed to the problem. Corruption cases were routinely subject to repeated appeal, and the judicial system often allowed statutes of limitation to expire without trying cases.

Corruption: The Kosovo Anticorruption Agency (ACA) and the National Audits Office shared responsibility for combating government corruption. As of June, the SPRK had received 44 cases from the ACA. Convictions on corruption charges continued to represent a small proportion of those investigated and charged.

NGOs and international organizations identified numerous alleged failures by the judiciary system to prosecute corruption, noting that very few cases brought against senior officials resulted in indictments. Sentencing of high-level officials convicted of corruption was often lenient. NGOs reported that indictments often failed because prosecutors filed incorrect charges or made procedural errors.

On April 6, the SPRK filed an indictment in the so-called Pronto II Affair against former Democratic Party of Kosovo (PDK) caucus chief Adem Grabovci, PDK innovation minister Besim Beqaj, and nine other politicians on charges related to nepotistic hiring in public institutions. A trial began in November.

On August 13, Special Prosecutor Elez Blakaj, who was working on the “Pronto” case and a veteran’s pension fraud case, resigned citing political intimidation and anonymous death threats. Prior to the threats, Blakaj brought charges against high-level officials for their alleged role in fraudulently granting veteran status to approximately 20,000 unqualified beneficiaries. SPRK officials, President Thaci, and the mayor of Pristina condemned the threats. In September, police arrested Assembly member Shkumbin Demaliaj on suspicion of inciting violence against Blakaj, though no indictment was issued as of November. On September 14, the SPRK filed indictments against nearly a dozen officials in the veterans’ pension case.

On November 5, the Pristina Basic Court convicted Shukri Buja, the former mayor of Lipjan/Lipljane, and five other individuals of accepting kickbacks from contractors working for the municipality.

Financial Disclosure: The law obliges all senior public officials and their family members to declare their property and the origins of their property annually. Senior officials must also report changes in their property holdings when assuming or terminating their public service. The ACA administers the data, verifies disclosures, and publishes them on its website. Authorities may fine officials charged with minor breaches of the requirement or prohibit them from exercising public functions for up to one year. The ACA referred all charges against those who had not filed to prosecutors.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A wide variety of domestic and international human rights groups operated, generally without government restriction, investigating and publishing their findings on human rights cases. The government was cooperative and sometimes responsive to their views.

Government Human Rights Bodies: The Ombudsperson Institution has authority to investigate allegations of human rights violations and abuse of government authority and acts as the national preventive mechanism against torture. The institution is the primary agency responsible for monitoring detention facilities; its seven field offices enabled it to maintain contact with all of the country’s municipalities. Whenever its recommendations were not followed, the Ombudsperson Institution could bring cases

to court against governmental bodies. Based on powers granted by the Assembly, the Ombudsperson Institution can file amicus curiae briefs with basic courts on human rights-related cases. It can also make recommendations on the compatibility of laws and other sublegal or administrative acts, guidelines, and practices.

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

Women

Rape and Domestic Violence: The law criminalizes rape against all persons but does not specifically address spousal rape. By law, rape is punishable by two to 15 years in prison. EULEX noted that courts often applied penalties lighter than the legal minimum in rape cases. EULEX found that courts rarely took steps to protect victims and witnesses, nor did they close hearings to the public as required by law.

A section of the Office of the Chief State Prosecutor helped to provide access to justice for victims of all crimes, with a special focus on victims of domestic violence, trafficking in persons, child abuse, and rape.

According to the Kosovo Women’s Network, more than two-thirds of women had been victims of domestic violence. 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, although prosecutions for this offense were rare. When victims pressed charges, police domestic violence units conducted investigations and transferred cases to prosecutors, though the rate of prosecution was low. Advocates and court observers asserted that prosecutors and judges favored family unification over victim protection, with protective orders sometimes allowing the perpetrator to remain in the family home while a case was pending. Sentences ranged from judicial reprimands to six months’ to five years’ imprisonment.

In 2017 the judicial system adopted stricter procedures to prioritize the assignment of prosecutors for domestic violence cases. NGOs reported it was too early to assess the impact of the changes.

On August 8, Pjeter Ndrecaj, who was indicted and awaiting trial on domestic violence charges, allegedly murdered his wife and nine-year-old daughter in Gjakova/Djakovica. The victim’s relatives claimed she had contacted KP multiple times in the months preceding the killing to request assistance. The KP claimed the victim never requested police protection and said they made every attempt to locate the husband following the victim’s report of death threats four hours before the murder. The incident sparked protests in Pristina and Gjakova/Djakovica. NGOs demanded the dismissal of the local police chief and other KP officials. In November, the Gjakova Basic Court found Ndrecaj guilty of murder and sentenced him to 24 years in prison.

The Ministry of Labor and Social Welfare included a family violence unit. The government and international donors provided support to seven NGOs to assist children and female victims of domestic violence. There were 10 shelters for victims of domestic violence, which also housed victims of trafficking and other crimes.

In 2017 the government created an independent commission to verify the status of and compensate wartime sexual assault survivors. As of July, the commission had granted this status--and its accompanying pension--to 130 of 645 applicants. It rejected 106 applications due to incomplete documentation; 84 rejected applicants filed a request for a second review. The remaining applications were pending review. The SPRK designated one prosecutor for cases of wartime sexual violence. The KP established a unit for war crime cases, including cases of wartime sexual violence.

Sexual Harassment: The law defines sexual harassment in civil proceedings. While the criminal code includes the offense of sexual harassment, it does not contain a specific standard or definition. The code stipulates enhanced penalties for sexual harassment against vulnerable victims, including victims of sexual abuse. NGOs believed internal procedures and regulations for reporting sexual harassment hampered implementation of these laws.

According to women’s rights organizations, harassment was common at workplaces in both the public and private sectors and in public institutions of higher education.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides the same legal status and rights for women and men. The law requires equal pay for equivalent work. The law stipulates that the partners in marriage and civil unions have equal rights to own and inherit property, but men usually inherited family property and other assets. In rare instances, 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.

Relatively few women occupied upper-level management positions in business, police, or government. NGOs claimed women were often subject to discriminatory hiring practices.

Gender-biased Sex Selection: According to the Kosovo Agency for Statistics, in 2017, the male-to-female gender ratio at birth was 111.2 to 100. According to the UN International Children’s Emergency Fund (UNICEF), the government did not take steps to address the imbalance.

Children

Birth Registration: Children acquire citizenship from citizen parents or by birth in the country to parents from certain minority communities whose citizenship was not documented. Those not registered at birth were primarily from the Roma, Ashkali, and Balkan Egyptian communities. UNICEF indicated that lack of registration could adversely affect a child’s access to social assistance, particularly for repatriated children. Children who were not registered were considered stateless.

Child Abuse: The Criminal Code does not specifically criminalize child abuse, but addresses various elements of child abuse, including in sections on sexual assault, rape, trafficking in persons, and child pornography, among others. Penalties range from five to 20 years’ imprisonment. NGOs urged the Assembly to pass the Law on Child Protection, which would explicitly define child abuse as a crime. The incidence of child abuse in the majority population is unknown, but in 2015 UNICEF found that 30 percent of children in the country and 40 percent of ethnic Romani, Ashkali, and Balkan Egyptian children were victims of abuse.

Early and Forced Marriage: The law allows persons to marry at age 16. Child marriage was rare but continued in certain ethnic communities, including among Roma, Ashkalis, Balkan Egyptians, and Gorani. According to a government report that focused on these communities, approximately 12 percent of children, mostly girls, married before the age of 15.

Sexual Exploitation of Children: The law prohibits possession, production, and distribution of child pornography. Persons who produce, use, or involve a child in making or producing pornography may receive a prison sentence of one to five years. 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.

The minimum legal age for consensual sex is 16. Statutory rape is a criminal offense punishable by five to 20 years in prison.

International Child Abductions: Kosovo is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html> (https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html).

Anti-Semitism

Approximately 50 Jewish persons resided in the country, according to the Jewish Community of Kosovo. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, and guarantees equal access to education, employment, and other state services. The government did not effectively enforce these provisions, and persons with disabilities faced discrimination.

According to Handi-Kos, a disability rights organization, health and rehabilitative services, social assistance, and assistive devices for persons with disabilities remained insufficient, and physical access to public institutions remained difficult even after the implementation of bylaws on building access and administrative support.

The law regulates the commitment of persons to psychiatric or social care facilities and protects their rights within such institutions but has not been implemented. The KRCT described mental health facilities as substandard. The KRCT also reported overcrowding of mental health facilities.

National/Racial/Ethnic Minorities

Security incidents against Kosovo Serbs persisted. On January 16, unknown assailants killed prominent Kosovo Serb opposition politician Oliver Ivanovic in front of the office of his political party, Serbia, Democracy, and Justice, in Mitrovica/e North. Ivanovic was facing a retrial for a war crimes indictment. An investigation was ongoing, but police had not identified any suspect as of September.

In the first seven months of the year, there were more than 100 incidents involving thefts, break-ins, verbal harassment, and damage to the property of Kosovo Serbs and the Serbian Orthodox Church. International organizations stated at least six incidents showed explicit ethnic motivations, while ethnic motivations for other incidents were likely but difficult to prove. The government condemned the incidents, and the KP initiated investigations, which in some cases resulted in the arrest of perpetrators. In May the KP arrested an ethnic Albanian suspected of vandalizing of two Serbian Orthodox churches in Ferizaj/Urosevac municipality. The mayor pledged the municipality would cover the cost of repairs.

The Kosovo Security Force (KSF) Ministry reported 51 Kosovo Serbs from the south resigned from the KSF between May and July, citing alleged pressure from Serbian authorities and local Kosovo Serb community representatives. There were no resignations reported from KSF Serb members living in the four northern municipalities. Despite the resignations, the number of Kosovo Serbs in the KSF remains three times higher than in 2015. The KSF indicated it would conduct additional recruitment of Serbs and other minorities.

Access to justice for Kosovo Serbs improved somewhat during the year due to the 2017 integration of the judiciary system in the four northern Serb majority municipalities and integration of Kosovo Serb judges and staff in other Basic Courts in Kosovo. Poor or delayed translation in proceedings before the courts, a backlog of cases in the north, the nonexecution of court decisions, limited numbers of non-Albanian staff, and inconsistency between Albanian and Serbian translations of legislation, continued to hinder the proper delivery of justice for Kosovo Serbs and other minority communities.

Ethnic minorities, including the Serb, Roma, Ashkali, Balkan Egyptian, Turkish, Bosniak, Gorani, Croat, and Montenegrin communities, faced varying levels of institutional and societal discrimination in employment, education, social services, language use, freedom of movement, the right to return to their homes (for displaced persons), and other basic rights.

Roma, Ashkali, and Balkan Egyptian communities experienced pervasive social and economic discrimination. They often lacked access to basic hygiene, medical care, and education and were heavily dependent on humanitarian aid for subsistence.

The prime minister’s Office of Community Affairs and the Ombudsperson Institution noted discrimination in public sector employment in almost all local and national institutions. Although the law mandates that 10 percent of employees at the local and national levels of government be members of minorities, their representation remained limited and generally confined to lower-level positions. Smaller communities, such as Gorani, Roma, Ashkali, and Balkan Egyptians were particularly underrepresented. There were no legal remedies to address these concerns.

The EU, the OSCE, and NGOs reported attempts by universities to discriminate in admissions and hiring against persons wearing Muslim religious garb, including hijabs. The law prohibits the wearing of religious symbols in elementary and secondary schools, but antidiscrimination statutes protect religious dress at the university level. Islamic community leaders believed the prohibition against religious symbols in elementary and secondary schools led some Muslim families to keep their female children out of school, and saw the law as discriminatory.

The law requires equal conditions for all schoolchildren and recognizes minority students’ right to public education in their native languages through secondary school. This law was not enforced. Bosniak, Croat, Gorani, Montenegrin, Romani, and Turkish community leaders cited unavailability of textbooks and other materials.

The Office of the Language Commissioner monitored and reported on the implementation of legislation that conferred equal status to the country’s two official languages, Albanian and Serbian, as well as official languages used at the local level, including Bosnian, Romani, and Turkish. The commissioner reported that local municipal administrations did not fully respect the Law on Use of Languages. He also noted the lack of translation into Serbian language within most public institutions, including during court proceedings. Courts regularly failed to provide adequate translation services to minority defendants and witnesses, and did not provide adequate translation of statute and court documents as required by law.

Amendments to administrative rulings permit Bosniaks, Roma, and Turks to have identity documents issued in their own languages, but minority representatives often complained of poor implementation.

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

The constitution and law prohibit direct or indirect discrimination based on sexual orientation and gender identity in employment, health care, and education. When the motivation for a crime is based on gender, sexual orientation, or perceived affinity of the victim with persons who are targets of such hostility, the law considers motivation to be an aggravating circumstance.

According to human rights NGOs, the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community faced overt discrimination in employment, housing, determination of statelessness, and access to education and health care. NGOs reported that societal pressure persuaded most LGBTI persons to conceal their sexual orientation or gender identity and noted that police were insensitive to the needs of the LGBTI community.

According to NGOs, as of November, LGBTI persons had not reported any hate crimes during the year, although they emphasized that fears of retribution discouraged reporting.

An Advisory and Coordinating Group consisting of representatives of eight ministries, the Office of Good Governance, and two NGOs cooperated to protect and promote the human rights of the LGBTI community, including through passage of the *2016-2018 National Action Plan for LGBTI Rights in Kosovo*. Implementation of the plan began in April and includes revision of school textbooks to provide descriptions of human rights and training for KP officers and social workers on human rights, including LGBTI issues. Government officials signaled support for the human rights of the LGBTI community by sponsoring and attending numerous public events on the issue.

HIV and AIDS Social Stigma

There were no confirmed reports of official discrimination against persons with HIV/AIDS during the year.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and the violation of any individual's labor rights due to his or her union activities. The law

requires reinstatement of workers fired for union activity, including in essential services. The law applies equally to all individuals working in the public and private sectors, including documented migrants and domestic servants.

Authorities did not effectively enforce the labor law, which includes regulations and administrative instructions that govern employment relations, including rights to freedom of association and collective bargaining. According to the Association of Independent Labor Unions in Kosovo (BSPK), resources, inspections, and remediation were inadequate, and penalties insufficient. As of May, the Ministry of Labor and Social Work’s Labor Inspectorate had issued 111 fines during the year. The BSPK described the fines as insufficient to deter violations. Administrative and judicial procedures were circuitous and subject to lengthy delays or appeals.

According to the BSPK, the government and private employers generally respected the right to form and join unions in both the public and private sectors. Political party interference in trade union organizations and individual worker rights remained a problem. According to union officials, workers in the public sector commonly faced mistreatment, including sexual harassment and the loss of employment, based on their political party affiliation. Employers did not always respect the rights of worker organizations to bargain collectively, particularly in the private sector. The BSPK reported that many private sector employers essentially ignored labor laws. The BSPK reported continued difficulty in establishing unions due to employer interference in workers’ associations and unions, particularly in the banking, construction, and hotel sectors. Representatives from these sectors told the BSPK anonymously that employers used intimidation to prevent the establishment of unions. The Labor Inspectorate reported receiving no formal complaints of discrimination against employees who tried to join unions during the year. The inspectorate was not fully functional due to budgetary and staffing shortfalls.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but forced child labor occurred during the year (see section 7.c.).

Government resources, including remediation, were insufficient to bring about compliance, identify and protect victims, and investigate claims of forced or compulsory labor. There were limited investigations, prosecutions, and convictions of forced labor due, according to the Labor Inspectorate, to inadequate resources. Penalties, although stringent compared with those for other serious crimes, were not sufficient to prevent forced labor. As of July, authorities had not removed any victims from forced labor.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for contractual employment is 15, provided the employment is not harmful or prejudicial to school attendance. If the work is likely to jeopardize the health, safety, or morals of a young person, the legal minimum age is 18. Regulations forbid exploitation of children in the workplace, including forced or compulsory labor. The government maintained a National Authority Against Trafficking in Persons that investigated cases of children trafficked for labor.

Inspectors immediately notified employers when minors were found working in hazardous conditions. As of May, the municipal Centers for Social Work (CWS) reported 52 cases of minors working in hazardous conditions to the Ministry of Labor and Social Welfare (MLSW). Of these, 38 were children engaged in begging, 11 in street work, and three in mining. Of these 38, all were removed from child labor activities. The MLSW noted that the CSW often misreported cases of minors working in hazardous conditions to the ministry due to poor understanding of a reporting tool allowing for simultaneous reporting to the MLSW and the CSW.

The law provides additional penalties for employers of children in illegal labor practices and families whose failure to meet their parental obligations results in the illegal employment of a minor. The law permits authorities to remove a child from the home if that is determined to be in the best interests of a child.

The Coalition of NGOs for Protection of Children (KOMF) reported that children working in the farming and mining sectors encountered hazards associated with operating farm equipment and extracting ore from hard-to-reach areas underground. KOMF reported that child labor in farming persisted as a traditional activity. Government-run social work centers reported that children engaged in farming were not prevented from attending school. KOMF also reported that the total number of child beggars remained unknown. While children were rarely their families' main wage earners, child labor contributed substantially to some family incomes.

Young children in rural areas often assisted their families in agricultural labor, typically including work during school hours. Urban children often worked in a variety of unofficial construction and retail jobs, such as selling newspapers, cigarettes, food, and telephone cards on the street. Some children also engaged in physical labor, such as transportation of goods.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/ (<http://www.dol.gov/ilab/reports/child-labor/findings/>).

d. Discrimination with Respect to Employment and Occupation

Discrimination in employment and occupation occurred across sectors with respect to sex, gender identity, disability, religion, political affiliation and minority status (see section 6). During the year the BSPK received reports from labor unions and individuals also claiming discrimination based on union membership, age, and family status. The BSPK and union officials noted that employment, particularly in the public sector, often

depended on the employee’s political status and affiliation. Union officials reported other mistreatment, including sexual harassment, based on political party affiliation. The BSPK also reported instances of employers discriminating against female candidates in employment interviews and illegally firing women for being pregnant or requesting maternity leave.

International observers reported discrimination in university employment against individuals wearing hijabs or other symbols of Islam. Universities sometimes rejected candidates on this basis, justifying the practice as a counter-radicalization effort.

e. Acceptable Conditions of Work

The government-set minimum wage was higher than the official poverty income line. The law provides monthly benefits of up to 120 euros (\$138) for families eligible for social assistance and up to 40 euros (\$46) monthly for individuals. Families and individuals could also receive discounts on up to 400 kilowatt-hours of electricity and free health care.

The law provides for a standard 40-hour workweek, requires rest periods, limits the number of regular hours worked to 12 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’ paid leave per year for employees and 12 months of partially paid maternity leave. The labor law sets appropriate health and safety standards for workplaces and governs all industries in the country.

Ministry of Labor inspectors were responsible for enforcing all labor standards, including those pertaining to wages, hours, and occupational safety and health. Unions and the labor inspectorate considered the fines sufficient, but said the number of inspectors was insufficient to monitor the formal and informal sectors effectively.

According to the Labor Inspectorate and the BSPK, the labor code is comprehensive and its provisions on work hours are adequate for the equal protection of public and private sector workers. According to the BSPK, the government’s lack of enforcement stemmed from a lack of unionized workers as well as resource and capacity limitations of the Labor Inspectorate.

According to the BSPK, employers failed to abide by official labor standards that provided equal standards of protection to public and private sector workers. The BSPK reported a lack of government oversight and enforcement, particularly of the standard workweek and compulsory and unpaid overtime. Many individuals worked long hours in the private sector as “at-will” employees, without employment contracts, regular pay, or contributions to their pensions. The BSPK reported that employers fired workers without cause in violation of the law and refused to respect worker holidays. As of May, the Labor Inspectorate received 515 formal complaints of violations of workers’ rights in

the public and private sectors. Women’s rights organizations reported that sexual abuse and harassment occurred on the job but went unreported due to fear of dismissal or retaliation.

While the law provides for the protection of employees’ health and working conditions, private and public institutions failed at times to comply. The Labor Inspectorate and BSPK officials reported difficulties in obtaining accurate information about compliance, because workers rarely disclosed the problems due to fear of losing their jobs. The Labor Inspectorate reported eight private and public sector workplace fatalities as of May.

No law specifically permits employees to remove themselves from a dangerous work situation, but the law requires every employer to provide adequate work conditions for all employees based upon job requirements. According to the Labor Ministry, informal employer-employee arrangements may address when and whether employees may remove themselves from work due to dangerous work situations. The country’s institutions did not track these arrangements. According to experts, violations of wage, overtime, and occupational health and safety standards were common for men and women, as well as foreign migrant workers, particularly those who faced hazardous or exploitative working conditions.

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