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Freedom House

Freedom in the World 2021 - Kosovo

PARTLY FREE

54

/ 100

[Political Rights](#) 23 / 40[Civil Liberties](#) 31 / 60

LAST YEAR'S SCORE & STATUS

56 / 100 Partly Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

Overview

Kosovo holds credible and relatively well-administered elections, but its institutions remain weak, and rampant corruption has given rise to deep public distrust in the government. Journalists face serious pressure, and risk being attacked in connection with their reporting. The rule of law is inhibited by executive interference in the judiciary.

Key Developments in 2020

- In February, the nationalist party Vetëvendosje (Self-Determination) formed a coalition government and installed Albin Kurti as prime minister. However, the Kurti government was ousted after 51 days by a vote of no-confidence orchestrated by the political old guard, including former president Thaçi, and the junior coalition partner Democratic League of Kosovo (LDK). The LDK then formed a government with Avdullah Hoti as prime minister, winning parliamentary confirmation with the bare minimum 61 votes. In December, the Constitutional Court determined that the Hoti government had been illegitimately elected, as one lawmaker had been convicted of fraud before voting. The courts called for new elections in 2021.
- In November, Hashim Thaçi resigned from the presidency after being indicted by an international tribunal based out of The Hague for war crimes committed during the wars in former Yugoslavia in the 1990s. Vjosa Osmani became acting president, to be replaced after the 2021 parliamentary elections.
- In March and April, when the first people tested positive for COVID-19, residents in northern Kosovo were initially provided medical treatment by the Serbian government, not the Kosovar government. Throughout the year, residents were often unsure if they should follow lockdown restrictions imposed by the Serbian or Kosovar government. According to government statistics provided to the World Health Organization (WHO), over 51,000 people tested positive for COVID-19 and 1,300 died.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

Kosovo is a parliamentary republic, with the prime minister indirectly elected for a four-year term by at least a two-thirds majority (61 votes) of the unicameral Assembly. In February 2020, Albin Kurti, leader of the nationalist party Vetëvendosje, became prime minister after the Assembly approved the party's coalition government with 66 votes; talks had been ongoing since the October 2019 elections between Vetëvendosje and the LDK, which had emerged as the two largest parties in the election.

In March 2020, Kurti's government collapsed, and though Kurti favored holding snap elections, the Constitutional Court ruled in May that new elections were not necessary; Avdullah Hoti of the LDK came to power in June with the bare minimum 61 parliamentary votes. In December, the Constitutional Court ruled that the Hoti government had been illegitimately elected, as one lawmaker had already been convicted of fraud before voting. The courts called for new elections in 2021.

The president is elected by the Assembly for a five-year term by a two-thirds majority. If after two rounds no candidate has received a two-thirds majority, the president is elected by a simple majority. Former president Hashim Thaçi resigned in November 2020 after being indicted by an international tribunal based out of The Hague for war crimes committed during wars in former Yugoslavia in the 1990s. Vjosa Osmani became acting president, to be replaced after the 2021 parliamentary elections.

Score Change: The score declined from 3 to 2 after the parliament installed the government of Prime Minister Avdullah Hoti by a single-vote margin with the support of one lawmaker with an active prison sentence, which was later nullified by the Constitutional Court.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections? 3 / 4

The unicameral Assembly contains 120 seats and members are elected to four-year terms; 100 are directly elected by proportional representation, while 10 seats are reserved for ethnic Serbs and another 10 are reserved for other ethnic communities.

The October 2019 election was marked by a relatively high turnout of 44.6 percent. Vetëvendosje won 31 seats, the LDK won 30, and the Democratic Party of Kosovo (PDK) won 25. The Alliance for the Future of Kosovo (AAK) and the Social Democratic Party (PSD) won 14 seats in an electoral alliance. The Serb List won 10. Other parties won the remaining 10 seats. While the election was considered credible by local and European Union (EU) observers, vote-counting issues were noted, along with incidents of voter intimidation in Serb areas.

The Vetëvendosje-LDK coalition government, approved in February 2020, was ousted after 51 days by a no-confidence vote. The LDK then formed a coalition government in June with the minimum number of votes needed (61). In December, the Constitutional Court ruled that the Hoti government's ascension was invalid, as one lawmaker had already been convicted of fraud before voting. The courts called for new elections in 2021.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant 3 / election management bodies? 4

The Central Election Commission (CEC), which administers elections, is generally transparent and fair. The CEC was largely successful in organizing the October 2019 snap election, and was able to provide real-time electoral updates on its website. However, the body was unable to fully update voter rolls, which contained some deceased voters. Overall, the government has failed to implement effective electoral reforms, as recommended by the European Commission.

B Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these 3 / competing parties or groupings? 4

A proliferation of parties competes in Kosovo. However, political parties sometimes face intimidation and harassment that can negatively impact their ability to operate. The Serb List has been accused of harassing rival parties and creating an environment where voters fear supporting alternatives.

Formerly a political movement, Vetëvendosje transformed into a political party and won the 2019 parliamentary elections, a significant power shift away from mainstream political parties.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through 3 / elections? 4

Opposition parties have a somewhat reasonable chance of gaining power through elections. Vetëvendosje and the LDK defeated the governing PANA coalition, which included the AAK, PDK, and Social Democratic Initiative (NISMA), in the October 2019 snap election. However, the political old guard, including former president Thaçi, and the junior coalition partner LDK, helped oust the Vetëvendosje government by pushing forward a no-confidence vote. The collapse of the Vetëvendosje government raised questions in relation to the reasonable ability of the opposition to gain and maintain power.

Candidates competing in Serb areas from parties other than the Serb List encountered intimidation during the 2019 election campaign. Three ethnic Serb parties and alliances competed with the Serb List but were unable to pass the 5 percent vote threshold to enter the parliament.

Score change: The score declined from 3 to 2 after the political old guard engineered the downfall of the first government ever led by the Vetëvendosje party, which had only been in power for 51 days.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political 2 / sphere, or by political forces that employ extrapolitical means? 4

Corruption and clientelism often pressure voters’ choices during elections. Powerful businesspeople in Kosovo may influence their employees’ political choices.

Serbia continues to exert influence on the platform of the Serb List, as well as the political choices of ethnic Serbs generally. EU election monitors noted that the Serbian government and Serb List officials explicitly directed ethnic Serbs in Kosovo to vote for the party during the 2019 election campaign.

Major political figures in Kosovo, including former president Thaçi and former prime minister Haradinaj, have links to organized crime and high-level corruption, which play powerful roles in politics and influence the installation of key leaders.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other 2 / relevant groups) have full political rights and electoral opportunities? 4

While several political parties compete for the votes of ethnic Serbs, the population is not fully integrated into the electoral process or Kosovo’s institutions. Seven minority groups are officially recognized and politically represented through parliamentary quotas.

Women hold 38 out of 120 seats in the parliament and gender quotas are enshrined in the constitution. However, women have historically been underrepresented in politics. Though parties are legally required to achieve gender parity in their candidate lists, no party met the requirement in 2019. Media coverage during the 2019 election campaign provided more reporting on male candidates.

LGBT+ people are politically marginalized, and their interests are not represented in Kosovar politics.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies 2 / of the government? 4

Kosovo had three governments during 2020. Former prime minister Haradinaj’s caretaker government was replaced in February by the short-lived, reformist Kurti government. The Hoti government took office in June, but was unable to function effectively due to its narrow majority in the Assembly; decision-making was nearly impossible, and the opposition boycotted parliamentary sessions. In December, the Constitutional Court declared the Hoti government was illegitimate, and called for new elections in 2021.

Serbia still maintains influence in northern Kosovo, where Kosovar institutions do not have a strong presence. In recent years, the government has decentralized, granting self-rule to Serb enclaves in the southern part of Kosovo; this weakened parallel structures run by the Serbian government in those areas. A 2015 agreement between Kosovo and Serbia laid the groundwork for the Community of Serb Municipalities, a body intended to promote the interests of Serbs, which includes a proposed legislature for the Serb community. The establishment of the community remained at an impasse at the end of 2020.

Government communication with the Serbian community regarding the coronavirus was poor. People who contracted COVID-19 in northern Kosovo were initially provided medical treatment by the Serbian government. The local population was often confused as to whether to follow coronavirus restrictions imposed by the Serbian or Kosovar government.

The Chinese and Turkish governments have exerted influence over government processes in Kosovo in recent years.

State capture is a prominent issue and is often a result of clientelism—the illegal giving of favors to officials from wealthy individuals or groups, should officials pursue the interest of those who reward them.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 1 / 4

According to the European Commission’s October 2020 report on Kosovo, corruption and state capture are widespread and of serious concern, and the institutional framework to combat them is weak. The mandates of Kosovo’s four main anticorruption bodies overlap, and they have difficulty coordinating their efforts. Authorities have shown little commitment to prosecuting high-level corruption, and when top officials are prosecuted, convictions are rare. The short-lived Kurti government of early 2020 made some efforts to fight corruption and introduced a working group to study vetting in the judicial system. Multiple corruption scandals involving government officials were exposed during the Hoti government.

In October 2020, the Hoti government abolished the Special Anti-Corruption Taskforce that had operated under the Kosovo Police for more than 10 years and had investigated cases of high-level corruption among senior politicians. It had interviewed Hoti in 2019 as part of an ongoing corruption investigation.

C3 0-4 pts

Does the government operate with openness and transparency? 2 / 4

The COVID-19 pandemic exacerbated existing challenges with government transparency. Despite the adoption of the Law on Access to Public Documents in 2010, which was intended to make government documents available upon request, government institutions frequently deny those requests with little or no justification; the COVID-19 pandemic provided officials another excuse to avoid fulfilling requests. Courts have been very slow to respond to complaints from those denied government information due to persistent backlogs in the judicial system.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 2 / 4

The constitution guarantees press freedom, and a variety of media outlets operate in Kosovo, including the publicly operated Radio Television.

Political influence over the media sector remains at concerning levels, and a number of journalists were attacked in 2020. The increasing tensions around political events in Kosovo during the year also resulted in an increase in the number of journalists threatened or harassed on social media.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The constitution guarantees religious freedom. However, the Law on Freedom of Religion prevents some religious communities from registering as legal entities, a designation that would allow them to more easily buy and rent property, access burial sites, establish bank accounts, and carry out other administrative activities. In 2020, the government again failed to pass draft legislation that would incorporate the recommendations of the Venice Commission of the Council of Europe by allowing the legal registration of currently unrecognized religious communities.

Measures put in place by the government during 2020 to deal with the COVID-19 pandemic, such as a ban on public gatherings, prevented people from practicing their faith at houses of worship, though these measures followed public-health guidance.

Tensions between Muslims and Orthodox Christians occasionally flare up, though interreligious relations are generally peaceful.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

In recent years, the European Association for Quality Assurance in Higher Education has expressed concern that the independence of the Kosovo Accreditation Agency (KAA) has been compromised and is subject to political influence. In July 2019, three universities that were established between 2009 and 2015 lost their accreditation due to the poor quality of their curriculums and administrative failures. PDK officials were involved in establishing these schools, and members of the outgoing 2019 PDK coalition were installed in some leadership positions.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Individuals are largely free to express their political views without fear of retribution. In recent years, limited space has opened up for discussion on sensitive topics such as ethnic relations and LGBT+ matters.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 3 / 4

Freedom of assembly is generally respected, though demonstrations are occasionally restricted for security reasons. A number of protests were held without incident in 2020, with participants respecting COVID-19 safety measures: they stood masked, distanced themselves from each other, and gathered at their windows and on their balconies, banging pots and pans.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 3 / 4

Nongovernmental organizations (NGOs) function freely, though the courts can ban groups that infringe on the constitutional order or encourage ethnic hatred. NGOs occasionally experience pressure to curtail criticism of the government, though many continue to criticize the authorities and have largely been able to engage in advocacy work without interference. Funding for NGOs remained an issue in 2020, as international sources of support have declined in recent years. Despite the uncertainty of how the pandemic would affect their funding, civil society organizations continued to provide aid throughout the year.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The constitution protects the right to establish and join trade unions, but employers frequently do not respect collective bargaining rights. It is difficult to form a private sector union because employers often intimidate workers to prevent them from organizing. As a result, few private sector unions exist in Kosovo. Several public sector unions denounced a June 2020 Constitutional Court ruling that the law on salaries adopted in 2019, which would have increased their wages, was unconstitutional.

F Rule of Law

F1 0-4 pts

Is there an independent judiciary? 1 / 4

Political interference in the judiciary, particularly from the executive branch, remains a problem, despite the December 2020 ruling that the Hoti government was elected illegitimately. Widespread judicial corruption also negatively impacts the branch’s independence. Resource constraints and a lack of qualified judges hinder the performance of the judiciary. In early 2020, the Kurti government introduced a working group to study vetting in the judicial system; the Hoti government later appointed a new working group on the matter. Judges’ ability to work has been seriously impacted by the COVID-19 pandemic, which limited in-person court hearings.

F2 0-4 pts

Does due process prevail in civil and criminal matters? 1 / 4

Prosecutors and courts remain susceptible to political interference and corruption by powerful political and business elites, undermining due process.

Although the law states that defendants should not be detained before trial unless they are likely to flee or tamper with evidence, judges often order suspects detained without cause. Lengthy pretrial detentions are common due to judicial inefficiency and resource constraints.

In April 2019, Kosovo repatriated 110 people who previously lived in territory controlled by the Islamic State (IS) militant group. While they are provided public services and legal counsel, individuals within this group have also been subject to detention or house arrest upon their return.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Although the EU brokered an agreement in 2015 between Kosovo and Serbia to disband the Serb Civilna Zastita (Civil Protection) security force in northern Kosovo, there have been reports that the force is still operating illegally. Prison conditions have improved in recent years, but violence and poor medical care remain problems. The police sometimes abuse detainees in custody.

In October 2019, prosecutors reopened an investigation into the death of Vetëvendosje activist Astrit Dehari, who was accused of attacking the Assembly building in 2016. Dehari died in detention that year, and his death was ruled a suicide; prosecutors launched their probe after his family commissioned a report from a Swiss forensic institute that concluded Dehari did not die by suicide. No further information was reported by the end of 2020.

In November 2020, a number of former Kosovo Liberation Army (KLA) members—including former president Thaçi, leader of the PDK Kadri Veseli, former head of Parliament Jakup Krasniqi, and member of Parliament Rexhep Selimi—were charged with war crimes by the Kosovo Specialist Chambers (KSC), a tribunal in The Hague investigating war crimes committed during Kosovo’s 1998–99 war for independence. Thaçi resigned from his position and the four were being held in detention in The Hague at year’s end. The government previously attempted to stop the work of the KSC through efforts to repeal or renegotiate the 2015 law establishing its existence. Some former KLA members have been convicted by other courts.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Kosovo’s Roma, Ashkali, and Gorani populations continue to face discrimination in education, employment, and access to social services; they were particularly impacted by the COVID-19 pandemic.

LGBT+ people face social pressure to hide their sexual orientation or gender identity and face obstacles in making legal changes on the latter. The Civil Code of Kosovo continues to exclude same-sex partnerships from legal recognition.

Women experience discrimination in employment, particularly in regard to hiring for high-level positions in government and the private sector. The Law on Gender Equality seeks to ensure that the governing boards of private companies have gender parity, but this has not been widely implemented.

G Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, 3 / 4 employment, or education?

Freedom of movement and residence is somewhat impaired in Kosovo, especially for those living in Serb areas. The government refuses to accept travel documents issued by the Serbian government that show towns in Kosovo as the place of residence, hindering travel for many Serbs. Meanwhile, Serbs living in Kosovo do not benefit from Serbia's visa waiver agreement with the EU, making travel with a Serbian passport relatively difficult for those living in the enclaves. Kosovars have also been hindered from traveling to Bosnia and Herzegovina by the need for visas in recent years.

In 2020, the government restricted movement and enforced curfews at different times throughout the year to prevent the spread of the COVID-19 pandemic. These public health measures were time-bound and depended on the severity of the outbreak.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without 1 / undue interference from state or nonstate actors? 4

The legal framework on property rights is poorly outlined, and those rights are inadequately enforced in practice. While the law states that inheritance must be split equally between male and female heirs, strong patriarchal attitudes lead to pressure on women to relinquish their rights to male family members. A number of policies incentivize co-ownership, where couples who wish to register their properties jointly have their municipal taxes and fees waived. However, this has not significantly increased the percentage of properties owned by women. Property reclamation by displaced persons is hindered by threats of violence and resistance to accepting returnees from local communities.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, 2 / protection from domestic violence, and control over appearance? 4

Domestic violence remains a problem, despite the government's five-year strategy that was launched in 2017 to address the issue, and is considered a civil matter unless the victim is physically harmed. The number of cases of domestic violence rose dramatically in 2020 during the COVID-19 pandemic. When criminal cases are referred, prosecutions and convictions are rare. Rape is illegal, but spousal rape is not addressed by the law. Courts often give convicted rapists sentences that are lighter than the prescribed minimum.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Equal opportunity is inhibited by persistently high levels of unemployment. Kosovo is a source, transit point, and destination for human trafficking, and corruption within the government enables perpetrators. Children are at particular risk of exploitation by traffickers, who can force them to beg or engage in sex work.

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