

KOSOVO 2014 HUMAN RIGHTS REPORT

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. On June 8, the country held parliamentary elections, which international observers considered free and fair. A political impasse delayed government formation until December 9. These were the second parliamentary elections since the country declared its independence from Serbia in 2008, and the first administered by the government. With the assistance of the Organization for Security and Cooperation in Europe (OSCE), they were also the first to take place throughout the country, including in four northern municipalities. Civilian authorities maintained control over the security forces. The EU extended the mandate of the Rule-of-Law Mission (EULEX) to June 2016 in a limited role. EULEX monitors the Kosovo Police (KP) and the justice sector in a limited capacity.

The Brussels Dialogue on the normalization of relations between Belgrade and Pristina, which the EU facilitated, continued. It dealt with the following: integrated border management, customs collections and stamps, freedom of movement, mutual acceptance of diplomas, regional representation and cooperation, incorporation of former government of Serbia Ministry of Interior police into the KP, elections, energy transmission, civil registries, and cadastral records. Northern Kosovo administrative structures were partially integrated into the national administration. Agreements on an Association of Serb Municipalities, on telecommunications, and on the integration of the justice sector were pending.

Actions to block normalization, including the establishment of roadblocks in Mitrovice/Mitrovica North by local Kosovo Serb officials, and restrictions on such rights as freedom of movement and freedom of worship by Serbian Orthodox pilgrims, constituted the most important human rights problem. Societal violence and discrimination against members of ethnic minorities, persons with disabilities, and members of the lesbian, gay, bisexual, and transgender (LGBT) community constituted a second significant area of concern. Domestic violence against women was a third major problem.

Other human rights problems included: reported police mistreatment of detainees, substandard physical conditions in prisons; corruption and favoritism in prisons, lengthy pretrial detention and judicial inefficiency, intimidation of the media by

public officials and criminal elements, restrictions on religious freedom and vandalism of religious property, limited progress in returning displaced persons to their homes, government corruption, trafficking in persons, poor conditions in mental health facilities, sporadic ethnic tensions, and child labor in the informal sector.

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

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

a. Arbitrary or Unlawful Deprivation of Life

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

Unidentified assailants killed two political figures with unknown motives. On January 14, assailant(s) killed Dimitrije Janicijevic, the Independent Liberal Party's only municipal assembly member in Mitrovica/Mitrovica North. On June 14, an assailant killed Elvis Pista, a candidate for parliament of the ruling Democratic Party of Kosovo (PDK) in Rahovec/Orahovac.

Raids led to several arrests in connection with the 2011 slaying of police officer Enver Zymberi, which was related to ethnic tension. Zymberi's shooting death occurred during an operation to extend the authority of the Kosovo government in the northern part of the country. EULEX officers arrested Slobodan Sovrlic and Radovan Radic, on March 12 and April 11, respectively. Mob violence subsequently led to Sovrlic's escape, but authorities rearrested him on May 15. On June 13, a judge at the Mitrovica/Mitrovica North Basic Court placed Sovrlic in pretrial detention. His trial began December 18.

On May 8, EULEX indicted Radic and Radisa Vucinic for their alleged involvement in Zymberi's killing. On August 30, EULEX issued warrants for the arrest of Zubin Potok's mayor, Stevan Vulovic, and former "parallel mayor" Slavisa Ristic for failing to appear for questioning about the escape and other problems. On October 7, approximately 50 Kosovo Serb KP officers from Zubin Potok protested the EULEX warrants for Vulovic and Ristic in front of the basic court in Mitrovica/Mitrovica North. On October 7, another suspect, Radomir Kasalovic, voluntarily surrendered to EULEX near Zubin Potok. Authorities

released him on bail, but he faced aggravated murder and other charges. EULEX prosecutors questioned Ristic on December 2 but released him subject to a requirement that he report to the KP. Vulovic appeared voluntarily for questioning by EULEX prosecutors on December 8. He was under house arrest until December 19.

On May 22, EULEX arrested Florim Ejupi and Bajram Kicmari on terrorism charges in relation to the 2004 double killing of an officer of the UN Interim Administration Mission in Kosovo and a police officer during riots by Kosovo Albanians against Kosovo Serbs.

On July 29, the lead prosecutor of the Special Investigative Task Force announced there was compelling evidence to file a small number of indictments against former senior officials of the Kosovo Liberation Army (KLA) for war crimes and crimes against humanity committed after 1999. Indictments awaited the creation of a special court as foreseen by the exchange of letters extending the EULEX mandate.

EULEX and domestic prosecutors continued to pursue war crimes cases that arose during the 1999-2000 conflict that led to the country's independence. In October the special prosecutor's office was investigating 164 cases of war crimes. EULEX prosecutors led 130 cases, and the country's prosecutors led 34.

On January 27, EULEX arrested Oliver Ivanovic and sought four others on suspicion of war crimes, aggravated murder, attempted aggravated murder, and incitement to commit these crimes in 1999 and 2000. In March, after he engaged in a hunger strike, authorities transferred Ivanovic from Pristina to the detention facility in Mitrovica/Mitrovica North and denied him parole. His trial began August 26, and he pleaded not guilty. On November 12, a EULEX judge confirmed the indictment against all five defendants. On December 18, Ivanovic and the four other defendants pleaded not guilty to war crimes charges. The court extended their detention until February 26, 2015.

In May and June, authorities arrested 17 members of the so-called Drenica group, former members of the KLA, on a variety of murder and terrorism charges. The arrestees included government officials with strong connections to the ruling PDK, including the country's ambassador to Albania, Sylejman Selimi, and Skenderaj/Srbica's mayor Sami Lushtaku. Officials charged Selimi with seven offenses, including mistreating civilians and using violence against at least one protected witness. In light of the large number of defendants, the EULEX-led trial

panel agreed to the prosecutor's request to split the Drenica case into two separate trials, with seven defendants in Drenica I and 10 defendants in Drenica II. On December 16, a EULEX judge released Lushtaku, Selimi, and four other Drenica I defendants on bail. Defendant Sabit Geci remained in prison serving a sentence for a separate war crimes conviction. The judge forbade the defendants from contacting witnesses, making public statements, or visiting places where more than 10 persons were present. Lushtaku returned to his mayoral office upon release.

On April 23, a EULEX prosecutor indicted Radio Television Kosovo (RTK) journalist Milaim Zeka for intimidating witnesses, violating the secrecy of proceedings, and obstructing evidence of official proceedings. In 2013 the journalist interviewed "protected" Drenica group witnesses who alleged EULEX prosecutors pressured them to provide false testimony against certain KLA members. Rustem Rukolli, a coordinator of Mayor Lushtaku's defense, also faced charges of violating the secrecy of proceedings. The media reported prosecutors accused both Zeka and Rukolli of attempting to influence a protected witness to recant his testimony.

On September 17, Assembly member Fatmir Limaj and nine others appeared before the Appeals Court after EULEX prosecutors appealed their September 2013 acquittal on war crime charges related to alleged abuses at the Klecka detention center in 1999. In 2005 the International Criminal Tribunal for Former Yugoslavia acquitted Limaj of war crimes charges related to abuses at the Llapushnik/Lapusnik prison camp.

On October 2, the Supreme Court cleared Kosovo Serbs Jovica Dejanovic and Djordje Bojkovic of the 1999 wartime rape of a 16-year-old Kosovo Albanian civilian. An international judge serving on the court stated the victim gave contradictory testimony, but the Humanitarian Law Center in Kosovo expressed "great concern" about the verdict's fairness.

On November 6, a mixed panel of EULEX and local judges at the Pristina District Court acquitted three Kosovo Serbs whom they retried for war crimes against two Kosovo Albanians in 1999. Media cited EULEX Judge Vladimir Mikula as stating that the acquittal resulted from a failure to investigate the offenses properly. Victims' representatives announced their intent to file an appeal with the basic court.

b. Disappearance

There were no reports of politically motivated disappearances, abductions, or kidnappings during the year.

As of November 13, the International Committee of the Red Cross (ICRC) listed as missing 1,655 persons who disappeared during the 1998-99 conflict. Although the ICRC does not distinguish missing persons by ethnic background due to confidentiality restrictions, observers suggested approximately 70 percent were Kosovo Albanians, and 30 percent were Kosovo Serbs and other minorities. Relatives of missing persons regularly expressed frustration at the slow pace of investigation of the disappearances and called upon Kosovo and Serbian authorities to redouble their commitment to locating additional persons.

Efforts to recover remains continued. In August and September, EULEX received 52 sets of human remains from a mass grave in Raska, Serbia. According to the International Commission on Missing Persons, most, if not all, of the victims were abducted and killed in Kosovo in 1999 during the war. On September 29, Serbian War Crimes Prosecutor Vladimir Vukcevic ordered a new exhumation at a special police compound in the Batajnica neighborhood of Belgrade, Serbia. In 2001-02 the site had yielded the remains of approximately 900 Kosovo Albanians. On October 6, the government's Commission for Missing Persons made a ground verification of terrain in the village of Piskote in the Gjakova/Djakovica municipality. EULEX's Department of Forensic Medicine and the Serbian Government Commission for Missing Persons were present during the verification that Commission President, Prenk Gjetaj, described as negative.

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

The law prohibits such practices, but there were some reports that government officials employed them.

Domestic observers, including representatives of the Ombudsperson Institution (OI) and the Kosovo Rehabilitation Center for Torture Victims (KRCT), who made periodic prison visits, found numerous complaints and indicated that prisoner and detainee mistreatment increased. The OI report on its 2013 activities, released in March, indicated that during 2013 it investigated 23 cases under the rubric of preventing torture and cruel, inhuman, or humiliating treatment. Based on interviews with prisoners and staff, the KRCT concluded there was a significant increase in physical and verbal mistreatment of prisoners by guards in Dubrava Prison.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, but significant problems persisted in some establishments. They included deficient physical facilities, prisoner-on-prisoner violence, corruption, and substandard medical care. The government did not always permit visits by independent human rights observers; the OI was the only institution that had continuous access to correctional facilities.

Physical Conditions: The Kosovo Correctional Service managed daily operations at all correctional and detention centers. EULEX retained a limited monitoring, mentoring, and advising role in the prisons. As of October 1, 1,220 convicted prisoners and 596 pretrial detainees were comingled in prison and detention centers. These facilities contained 49 women, 45 minors, and 133 foreign citizens. The corrective service reported three inmate deaths from natural causes and four suicides. Corrections facilities in the country could manage a population of approximately 2,447 inmates. There were four correctional facilities, six detention centers, one center for protective custody, and one prison hospital.

The OI, the KRCT, and the Council for the Defense of Human Rights and Freedoms, acting as a task force, established a National Preventive Mechanism (NPM) to evaluate prison conditions. The NPM concluded that physical and living conditions remained substandard in some facilities in the Dubrava Prison, which held the largest number of prisoners. On June 26, the NPM called upon the corrective service to make repairs to Dubrava's solitary confinement facilities or to close them. Deficiencies included poor lighting and ventilation in some cells, dilapidated kitchens and toilets, lack of hot water, and inadequate or no bedding in some prison and detention facilities. According to the KRCT, there was potable water and the food was adequate but of poor quality, but interviews with prisoners, shown on the Balkan Investigative Reporting Network's "Justice in Kosovo" program on November 12, indicated food at the Dubrava Prison was inadequate. According to the KRCT, the number of prisoners and detainees in the majority of detention centers increased. Detention facilities in Gjilan/Gnjilane and Pristina did not meet minimum standards. In July the KRCT observed overcrowding as well as living spaces smaller than international norms at the women and juvenile facility in Lipjan/Lipljan, with typically six women sharing one cell. Similar conditions prevailed at the detention facility in Mitrovica/Mitrovica North. Lipjan/Lipljan was the only designated correctional facilities for women and juveniles and,

according to the KRCT, the facility could not accommodate the increasing number of inmates. Juveniles resided and mixed socially with adults.

Authorities held convicted cooperating witnesses in the same facility with pretrial detainees in the Dubrava Prison, in violation of domestic law that requires separate accommodations.

According to KRCT reports, most prison health-care supplies were adequate, but some problems remained in supplying essential medications. The KRCT documented delays and errors in the delivery of medical treatment to prisoners, and a lack of specialized treatment, such as for drug addicts. In many cases 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.

The NPM visited the Dubrava Prison in June and reported that authorities placed a pretrial detainee with a mental disability in solitary confinement after the prison staff at the Pristina psychiatric unit physically abused the detainee. The KRCT observed that the Kosovo Corrective Service had not improved the facilities and treatment for inmates with special needs, although it held such prisoners separately from the general prison population. There were no legal provisions or administrative instructions for the treatment of prisoners with special needs.

On September 19, four cellmates allegedly raped and threatened an inmate who was serving a 22-day sentence at the Dubrava Prison for causing a traffic accident. On December 9, Kosovo Correctional Services Director Shemsi Hairizi told media the case was under investigation and indicated the alleged victim was the fifth person placed in the cell--when the maximum is four--due to overpopulation at Dubrava.

Administration: Officials kept records on prisoners, but Corrective Service administrators claimed that the division of responsibility for detainees and convicts caused problems. For example, prison authorities could not intervene when well-connected pretrial detainees used Ministry of Justice connections to obtain transfers to more comfortable facilities, such as in the Pristina hospital, even when the prison could adequately provide needed medical services. On December 10, EULEX dispatched special police to the Dubrava prison to conduct training, update operating procedures, and assist in performing security functions.

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

Detainees could submit complaints and requests for investigations to judicial authorities and the OI without censorship through anonymous boxes in nine out of 10 prison facilities. During the first nine months of the year, prisoners filed 112 complaints with the OI. Inmates told KRCT representatives that they distrusted the internal complaint system. According to prison officials, parts of Dubrava Prison lacked complaint forms for four months. Prison monitors reported that the Corrective Service had a systemic problem of transferring prisoners from one institution to another without giving the prisoner notice or the opportunity to appeal its decisions.

Both inmates and social workers characterized the Conditional Release Panel as “weak” for failing to deal with requests for early release and for a lack of clarity in the justification of its denials.

Independent Monitoring: The government did not permit visits by independent, nongovernmental human rights observers until May 14, when the Kosovo Correctional Service signed a cooperation agreement with the two primary local nongovernmental organizations (NGOs) that monitored prisons, the KRCT and the Council for the Defense of Human Rights and Freedoms. The Ministry of Justice had initially restricted access to correctional facilities in November 2013 due, according to the NGOs, to their critical reports. The Ministry of Justice, on the other hand, claimed the restriction was due to the expiration of the NGOs’ access permits.

Improvements: In May a new high-security detention facility opened near Podujeve/Podujevo that can hold up to 390 inmates. Monitors gave it high marks for safety, recreational facilities, and infrastructure but criticized administrators for prohibiting inmates from leaving their cells after 4 p.m. As of December there were 82 prisoners in the facility, which had a staff of 140. According to the KRCT, this situation demonstrated the poor distribution of resources in the prison system that created hardships elsewhere. According to EULEX the Kosovo Correction Service invested 600,000 euros (\$750,000) in the detention facility in Mitrovice/Mitrovica North.

The government partially renovated the Dubrava Prison kitchen, but the facility still lacked some basic equipment. In September authorities transferred the first

eight prisoners to the Pristina hospital's new prison psychiatric facility. The KRCT reported that the facility was capable of providing adequate treatment to patients with mental disorders.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, 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 include the KP and the Kosovo Security Force (KSF). The law provides that police operate under the authority of the Ministry of Internal Affairs. During the year most local security forces in northern Kosovo transitioned to government control as part of the EU-mediated dialogue between Kosovo and Serbia. EULEX had a mandate to monitor, mentor, and advise local judicial and law enforcement institutions; it also had some operational responsibilities. EULEX had a limited and defined mandate for policing operations, with limited executive authority in cases of organized crime, high-level corruption, war crimes, money laundering, terrorist financing, and international police cooperation. It also engaged in witness protection operations in coordination with police. As the government's institutions took on a larger number of cases, EULEX's executive role gradually decreased as provided for in the exchange of letters between the government and the EU.

The police maintain internal security, backstopped by EULEX as a second responder and KFOR as a third responder. Civilian authorities maintained effective control over the KP and the KSF. There were some reports that police personnel committed human rights abuses.

EULEX and KFOR personnel generally operated with impunity from the country's legal system but remained subject to their missions' disciplinary measures and those of their respective countries. There were no reports of abuse by EULEX or KFOR.

The government investigated abuse and corruption, although mechanisms for doing so were not equally effective throughout the country. The law provides that police operate under the authority of the Ministry of Internal Affairs. Most local

security forces in northern Kosovo transitioned to government control as part of the EU-mediated Brussels Dialogue between Kosovo and Serbia.

The KSF is a lightly armed civil response force, mentored by KFOR, that functions under the civilian authority of the Ministry for the Kosovo Security Forces. In March the government approved the transition of the KSF to the Kosovo Armed Forces, but constitutional changes were required before the transition could take place.

In the first 10 months of the year, the Police Inspectorate of Kosovo (PIK), an independent body within the Ministry of Internal Affairs, reviewed 1,095 citizen complaints about police behavior and took measures to forward them to the appropriate institutions for further investigation. The PIK forwarded 552 of these cases, which it characterized as disciplinary violations, to the Kosovo Police Professional Standards Unit. It characterized another 198 complaints as criminal cases. As of November, 250 police personnel were under investigation.

The PIK investigated serious disciplinary violations and imposed administrative penalties for infractions. As of November the inspectorate opened 840 cases, including instances of insubordination and damage or loss of police property, while 353 earlier cases remained under investigation.

Arrest Procedures and Treatment of Detainees

The law provides that, except when encountering a crime in progress, police may apprehend persons only using warrants based on evidence and issued by a judge or prosecutor. By law prosecutors must charge persons they arrest within six hours using a language they understand. Authorities must bring arrestees before a judge within 48 hours or release them. Authorities must provide detainees prompt access to a lawyer of their choice or one provided by the state. Suspects have the right to refuse to answer any questions except those concerning their identity, to obtain the free assistance of an interpreter, and to receive 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 their detention for up to one year with no indictment. 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. Defendants can also

appeal their detention, and detainees may file petitions challenging the legality or conditions of their detention. Unlawfully detained defendants may also file claims for compensation.

Police, in some cases while masked or undercover, generally carried out most arrests using warrants. There were no confirmed reports police abused the 48-hour rule, and prosecutors generally either provided arrested persons with documents describing the reasons for their detention or released them. Officials generally respected the requirement for prompt disposition of cases, but the KRCT reported that detainees faced delays on occasions when attorneys were unavailable until the morning after a person's detention. The courts seldom used bail.

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

On April 8, 11 members of the Regional Operational Support Unit (ROSU), which is similar to a SWAT team, went to trial on charges of mistreating civilians while on official duty. The case arose after police arrested 10 Kosovo Serbs from Leposaviq/Leposavic who were in the Graqanica/Gracanica municipality in January 2013, where they were visiting to attend Serbian Orthodox Christmas. Police and the ROSU officers transferred the detainees to the Pristina detention facility, where they allegedly beat and taunted them. In December 2013, following an investigation by the police inspectorate in consultation with EULEX, the Pristina Prosecutor's Office indicted the ROSU personnel. The trial continued as of November 17. In accordance with the law, all of the officers involved were reassigned pending outcome of the trial.

Pretrial Detention: Lengthy detention, both before and during judicial proceedings, remained a problem. The law allows judges to impose pretrial detention if there is a well-grounded suspicion that a criminal 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 any evidentiary justification.

In the Mitrovica/Mitrovica South District Court, which occupied temporary quarters in Vushtrri/Vucitrn, lengthy detention--of eight months or more--remained a problem. Authorities regularly extended the detention of defendants awaiting trial throughout a period when the court operated with limited capacity. In August, 62 persons, including three minors, remained in pretrial detention, awaiting hearings in their cases.

Judicial inefficiency and corruption were among factors that caused trial delays.

Amnesty: On February 17, the president pardoned two individuals on the sixth anniversary of country's independence. Under the amnesty law, which is related to the Brussels Dialogue, prosecutors granted amnesty from criminal prosecution to 1,957 persons, more than two-thirds of them facing charges of possessing illegal firearms. Civil society organizations criticized the country's officials for never having pardoned a woman.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the judiciary did not always provide due process and the European Commission's Kosovo 2014 Progress Report described attempts to influence investigations and court cases as a serious concern that required punishment. Reports of corruption in the judiciary persisted, and the court system remained inefficient. According to the Kosovo Judicial Council, more than 100,000 civil and criminal cases awaited trial, more than 100,000 actions required by judicial decisions awaited execution, and 200,000 charges of minor offenses awaited adjudication.

An effective mechanism for disciplinary proceedings against judges and prosecutors was in place. Authorities generally respected court orders.

EULEX continued to participate in the judicial system. The head of the Special Prosecutor's Office, with jurisdiction over serious crimes, including trafficking in persons, crimes against humanity, money laundering, war crimes, and terrorism, had a EULEX prosecutor as her deputy. In accordance with the exchange of letters between the government and the EU that prolonged EULEX's mandate, EULEX prosecutors may continue to act independently or together with domestic prosecutors in compliance with applicable law. The 38 international judges employed through EULEX who supported domestic judges included three judges on the Constitutional Court, eight judges on the Special Chamber of the Supreme Court, 10 judges on the Special Court of Appeals, 10 judges in the mobile unit for

basic courts, and seven judges of the Mitrovice/Mitrovica Basic Court based in Vushtrri/Vucitrn. As provided in the exchange of letters, domestic judges continued to assume responsibilities from EULEX.

On November 10, EU High Representative Federica Mogherini appointed Jean Paul Jacque as an independent legal expert to review the EULEX mission's handling of public allegations of corruption within EULEX that a former employee made on October 27. On November 6, EULEX Head of Mission Gabriele Meucci stated that the review reflected the mission's zero tolerance of corruption.

As part of the continuing implementation of the dialogue with Serbia, parallel courts that Serbia supported in Serb-majority northern municipalities suspended their functions. Nevertheless, normalization of the situation awaited an agreement on justice issues between the two sides.

Trial Procedures

The law provides for a fair and impartial trial, and the judiciary generally upheld the law. Trials are public, and the law entitles defendants to the presumption of innocence, the right 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. The country does not use jury trials. These rights extend to all citizens without exception.

The Legal Aid Commission, an independent government agency, provided free legal assistance to low-income individuals. Most of the assistance provided by the commission was for civil or administrative matters. The Office of the Chief State Prosecutor operated a section of advocates for victims, which helped to provide access to justice for victims of crime. The section provided free legal assistance for victims of all crimes but had a special focus on victims of domestic violence, trafficking in persons, child abuse, and rape. The section operated 15 offices throughout the country and provided 24-hour assistance. The Office of the Chief State Prosecutor continued to implement a new standard operating procedure to support victims of domestic violence and their advocates.

The Ministry of Justice operated a judicial integration section, which addressed problems affecting minorities. The ministry operated 11 court liaison offices to assist minority communities in Kosovo Serb-majority areas by accompanying them

to courts, filing documents with courts on their behalf, and providing information and legal assistance to refugees and displaced persons.

The Office of the Special Prosecutor oversees war crimes cases. EULEX may investigate and adjudicate such cases either independently or, where appropriate, jointly with government counterparts.

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 judicial case backlog. Individuals may appeal to courts in order to seek damages for, or cessation of, human rights violations. Individuals turned to the Constitutional Court for review of their rights to due process. Although the country is not a signatory to the European Convention on Human Rights, and thus is not subject to the jurisdiction of the European Court of Human Rights, the constitution explicitly incorporates the convention's standards, and individuals may bring a violation of the convention before the Constitutional Court.

Property Restitution

The government continued to make gains toward resolving restitution of property cases. 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, complicated the resolution of property rights cases.

The Kosovo Property Claims Commission, which operates within the Kosovo Property Agency (KPA), evaluates claims arising from the Kosovo conflict. As of November the commission had rendered decisions in 42,687 of the 42,753 registered claims before it. The number included 648 claims that claimants withdrew and 307 that the commission dismissed as outside of its mandate. Authorities notified claimants of the findings in 40,347 of the decided cases. At the same time, the commission reported that the KPA had not implemented 13,466 of its decisions. As of November 13, the KPA's Executive Secretariat received 1,039 appeals and referred 809 of those to the Supreme Court for further action.

The KPA had difficulty enforcing its decisions when evicting illegal occupants, which often involved refusal of Kosovo Serbs or Kosovo Albanians to relinquish properties legally owned by members of the other group. The agency frequently referred cases of “serial reoccupation,” in which unlawful occupants were evicted but returned to occupy property, to police and prosecutors for further action.

The KPA lacked funds to provide compensation in 143 cases decided by the Housing and Property Directorate in favor of claimants who lost their properties in the early 1990s due to discriminatory housing practices erratically employed at that time. The agency also lacked funds to remove illegal structures constructed on land after claimants had their land rights confirmed.

The backlog of property-related claims in municipal courts remained high. Approximately 7,000 claims remained outstanding at year’s end, representing almost exclusively monetary claims by Kosovo Serbs for uninhabitable war-damaged property. Further, the country lacked an effective system to allow Kosovo Serbs displaced from the country to file property and other claims from outside the country.

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

The constitution and law prohibit such actions, and the government, EULEX, and KFOR generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press. While the government generally respected these rights, reports persisted that individual public officials, politicians, and businesses sought to intimidate media representatives. Media also encountered difficulties in obtaining information from the government and public institutions, further compounded by the government’s failure to appoint a spokesperson since 2010.

The constitution provides for an Independent Media Commission, a body whose primary responsibilities are to regulate broadcast frequencies, issue licenses to public and private broadcasters, and establish and implement broadcasting policies. During March and April, the Assembly appointed three new commissioners, bringing the total number of commissioners to five, but two commissioner

positions remained unfilled. As a result the commission improved its functionality but remained limited in its capabilities.

Press Freedoms: Independent media were active and expressed a wide variety of views generally without restriction, although reports persisted of verbal pressure on media owners from government officials, some political parties, businesses connected to the government, and some individuals not to publish certain stories or materials. Growing financial difficulties made the editorial independence and journalistic professionalism of both print and television media vulnerable to outside influence and pressure.

Some self-sufficient media outlets adopted editorial and broadcast policies independent of political and business interests. Media outlets with fewer resources sometimes accepted financial support from a variety of sources in exchange for positive coverage or for refraining from publishing negative stories that could harm funders' interests.

Broadcast media had more access to substantial sources of revenue than print media. The public perceived private broadcasters as more independent, but smaller stations reported they increasingly faced a risk of closure and became more reliant on increasingly scarce outside funding sources. Internet media, operating without regulation, exerted further pressure on the broadcast outlets by republishing articles from print or other internet sources without attribution.

The Assembly controlled the budget of public broadcasting station RTK. The law provides for regulation of RTK program content and requires the station to dedicate at least 15 percent of its program time, including prime time, to minority communities in their respective languages on a proportional basis. The law requires the second public station, RTK2, to broadcast at least 15 percent of its content in minority languages other than Serbian. RTK2 broadcast exclusively through cable companies because it lacked terrestrial frequency broadcasting permission.

On March 4, Albert Kastrati, Gani Latifi, and Driton Dili pled guilty to charges of damaging property and violating the equal status of residents after they attacked the personnel and property of the magazine *Kosovo 2.0* during a promotional event in 2012. A Pristina basic court trial judge gave the defendants one-year suspended sentences.

Violence and Harassment: The Association of Journalists of Kosovo (AJK) and media outlets reported several instances in which government officials or business interests abused press freedom, including by physical assaults and verbal threats directed at journalists, pressure on outlets not to publish certain materials, and obstruction of the work of journalists.

On October 27, Sovran Sylja allegedly stabbed Klan Kosova TV journalist Milot Hasimja in the neck in retaliation for a report the journalist wrote about him. Authorities arrested Sylja at the scene. Prime Minister, Hashim Thaci called the attack “intolerable because it jeopardized freedom of expression and opinion.” The secretary general of the South East Europe Media Organization, Oliver Vujovic, called the attack a serious violation of press freedom.

On June 22, three journalists from Agence France Presse (AFP), *Express* news portal, and the *Koha Ditore* newspaper suffered injuries in Mitrovica/Mitrovica South as result of a violent protest at the Austerlitz Bridge. Authorities filed charges against the alleged perpetrators of the assault on the AFP photographer, while they continued to investigate the allegations of assault on the *Koha Ditore* reporter.

On September 3, the NGO Reporters Without Borders issued a statement requesting that the Ministry of Internal Affairs protect an *Express* news portal journalist who covered political Islam. According to Reporters Without Borders and the AJK, the journalist received several death threats from radicals. On September 17, an *Indeksonline* journalist received death threats following a September 16 interview during which he spoke critically of radical Islam within the country. Police were investigating the case. On September 23, the OI stated that threats against journalists violated media freedom.

On September 12, for the third time, persons removed and damaged a memorial plaque near the town of Rahovec/Orahovac that commemorates two missing Radio Pristina journalists kidnapped there in 1998. As of December 1, police had not located either the kidnappers or those who desecrated the monument.

According to the AJK, many journalists complained media owners and managers prevented them from publishing or broadcasting stories critical of the government, political parties, or particular officials due to the owners’ preferences for, or connections with, the individuals concerned. In some cases owners reportedly threatened to dismiss journalists if they produced stories critical of the government.

Some journalists complained that owners prevented them from producing stories on high-level government corruption.

Censorship or Content Restrictions: While there were no reports of direct censorship of print or broadcast media, journalists claimed 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, and government officials suspected that criminals verbally threatened some journalists for perceived negative reporting. According to some editors, government agencies and corporations withdrew advertising from newspapers that published material critical of them.

Internet Freedom

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.

Nearly all urban areas had full access to the internet, with less coverage in rural areas. The Regulatory Authority of Electronic and Postal Communications reported in November that 58 percent of all households had internet connections, while Internet World Stat reported that 76.6 per cent of the country used the internet in 2013.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association, and the government, EULEX, and KFOR generally respected these rights. The law on public gatherings requires organizers to inform police of protests 72 hours prior to the event. Police must notify protest organizers within 48 hours whether their application is accepted.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

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

The government cooperated with the Office of the UN High Commissioner for Refugees (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.

The KP assessed the security situation for travelers as stable but sometimes difficult. Members of all ethnic communities traveled largely within or between areas where their group comprised the majority.

In-country Movement: Some roadblocks constructed by northern Kosovo Serbs in 2013 and previous years were removed, but local Kosovo Serb officials continued to prevent freedom of movement. On June 18, a Serbia-based construction company removed a barricade in place since 2011 that was adjacent to the Austerlitz Bridge between Mitrovica/Mitrovica North and Mitrovica/Mitrovica South, but traffic flowed only for a matter of hours. The following day workers supervised by Mitrovica/Mitrovica North and Serbian government officials erected a new barricade. On July 9, officials from Serbia oversaw the beginning of the construction of a pedestrian zone that would effectively cut off vehicular traffic to the bridge. On July 10-11, Kosovo Albanian residents in the Kosovo Bosniak neighborhood of Mitrovica/Mitrovica North placed two concrete planters and nationalist symbols in separate locations, obstructing but not preventing movement. As of the end of November, the EU was attempting to mediate a solution that would restore freedom of movement and maintain security.

Elsewhere throughout the country, occasional incidents of violence and intimidation continued to limit freedom of movement. Kosovo Albanian protesters prevented Serbian Orthodox pilgrims from attending Christmas and Assumption

services in Gjakova/Djakovica. On August 28, Kosovo Albanian protesters blocked busses from Serbia carrying pilgrims and internally displaced persons (IDPs), preventing them from reaching the Serbian Orthodox Church in the village of Mushutishte/Musutiste, and police arrested a small number of protesters for attempting to disrupt church services.

Internally Displaced Persons (IDPs)

According to the UNHCR, the number of IDPs remained high. As of October, 17,227 persons were registered as displaced due to the 1998-99 war and subsequent violence. This total included 9,369 Kosovo Serbs, 7,115 Kosovo Albanians, 280 Kosovo Roma, 242 Kosovo Ashkali, 188 Kosovo Egyptians, 15 Kosovo Gorani, seven Kosovo Bosniaks, and 11 persons of other ethnicities. Thirty-six collective shelters housed 276 IDP families, totaling 643 persons. Significant numbers of Kosovo Roma, Ashkali, and Egyptians remained unregistered and uncounted by authorities, according to the Internal Displacement Monitoring Center. Many of these persons resided in informal settlements lacking electricity and other basic services.

A large number of displaced persons continued to seek durable solutions in neighboring countries. As of October, according to statistics the host countries provided to the UNHCR, they included 90,000 persons in Serbia, 936 in Macedonia, and 6,164 in Montenegro. Approximately 8,000 IDPs, primarily Kosovo Serbs, registered with UNHCR their interest in returning voluntarily to the country.

According to the UNHCR, 25,636 persons voluntarily returned to the country since 2000. In the first 11 months of the year, 440 persons returned.

The return process remained chronically plagued by security incidents and by reluctance of the receiving communities to accept minority returnees, particularly in Obiliq/Obilic, Mamushe/Mamusa, Decan/Decani, Gjakova/Djakovica, and Mitrovica/Mitrovica North. The UN special rapporteur on the human rights of internally displaced persons identified lack of security, inadequate protection of returnee rights, unresolved property and reconstruction claims, restricted access to public services, and a lack of economic opportunities as barriers to return. The lack of security and marginalization of returnees often led to secondary displacement. Observers reported that the primary factors encouraging return were difficult living conditions in the countries of displacement and the inability of the IDPs/refugees to integrate in those countries.

As of November the Ministry for Communities and Returns had assisted 440 displaced persons to return to the country and built 37 houses. The ministry also assisted returnees to purchase livestock, farm equipment, and furniture and provided assistance with obtaining legal documents and loans to start small enterprises. The ministry's budget for assisting returnees was 7.2 million euros (\$9.0 million) for the year, an amount international donors did not consider sufficient to meet all needs. Inadequate reintegration support and assistance for voluntary minority returnees continued to be a contributing factor in secondary displacement and illegal migration, particularly for the Kosovo Roma, Ashkali, and Egyptian communities.

In July the government adopted a 2014-18 Strategy for Communities and Return that calls for development of a legal framework for IDPs. The Ministry for Communities and Returns established a working group to propose new laws and procedures. In September the Joint IDP Profiling Service from Geneva, Switzerland began gathering information to support this process.

On October 27, Gjakova/Djakovica municipal authorities demolished five houses belonging to a displaced Kosovo Serb family. The authorities claimed that they followed proper legal procedures and that the properties were dilapidated and security risks. The Association of Kosovo Serb Internally Displaced Persons from Gjakova/Djakovica contested this claim.

Protection of Refugees

Access to Asylum: The law provides for granting asylum or refugee status, and the government has a system for providing protection to refugees. The government passed a number of regulations to implement the 2013 Law on Asylum, which contained improvements consistent with international standards. The country was not a primary destination for asylum seekers, but was rather a transit point for migratory flows.

As of August the Ministry of Internal Affairs readmitted 2,147 former asylum seekers who returned involuntarily to the country from Western Europe.

As of September the country had not granted any of the 682 asylum claims processed since 2008. In 2013 and the first nine months of the year, five persons received subsidiary protection, permitting them to remain in the country. Only one

remained, while the other four left the country. The UNHCR received no documented instances of refoulement, or forced returns.

Authorities at border entry points lacked interpretation services. According to the UNHCR, border police needed additional capacity to prescreen foreigners intercepted at the border. The country has not adopted procedures for the treatment of unaccompanied children.

There were no reports that authorities detained asylum seekers. Nevertheless, authorities often referred foreigners intercepted at borders to the asylum center, although they had not formally expressed their intention to seek asylum or indicated any particular need for protection. The law on asylum provides for fundamental rights to asylum seekers and refugees. These rights also apply to the beneficiaries of subsidiary and temporary protection, who may remain in the county and receive some social welfare assistance.

Durable Solutions: According to the UNHCR, 56 asylum seekers applied for international protection in the country during the first eight months of the year. The Department of Citizenship, Asylum, and Migration and the asylum center accommodated all asylum seekers.

Stateless Persons

Official figures on stateless persons were not available. In the first eight months of the year, the UNHCR assisted 495 unregistered Kosovo Roma, Ashkali, and Egyptians.

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.

The law provides for issuance of travel documents to stateless persons, and laws relating to civil status enable them to register life events such as birth, marriage, and death. Implementation of civil status laws varied from one municipality to another, depending on differences in capacity or different interpretations of the law. The capacity to identify stateless persons and those with undetermined nationality remained inadequate.

The lack of personal identity documents hindered the social inclusion of parts of the Kosovo Romani, Ashkali, and Egyptian communities by preventing them from

accessing public services and depriving them of the ability to defend their political, social, and economic rights. 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.

In March the Civil Registration Agency under the Ministry of Internal Affairs extended a waiver of fees and penalties for many registration services to Kosovo Roma, Ashkali, and Egyptians.

In May the country agreed to cooperate with Montenegrin authorities to allow approximately 500 Kosovo Roma, Ashkali, and Egyptians who were displaced to Montenegro to apply for identity documents and to register children. A Ministry of Internal Affairs biometric team visited Montenegro several times to register these displaced persons.

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

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

The Serbian government continued dismantling illegal parallel government structures in the northern municipalities as part of the implementation process of the Brussels Dialogue between Serbia and Kosovo. Some illegal parallel institutions also continued to operate in Kosovo Serb enclaves throughout southern Kosovo.

Elections and Political Participation

Recent Elections: The country's second national parliamentary elections since independence, and the first that included northern Kosovo, took place on June 8. International and independent observers evaluated the vote as generally free and fair. Thirty political parties or groups competed in the election. The law reserves 10 seats for Kosovo Serbs and 10 for non-Serb minorities. Police, prosecutors, election officials, and judges established a joint election task force to prevent the reoccurrence of election fraud that marred the 2010 elections. In the view of many observers, the efforts of the task force, supported by international and local observers and NGOs, resulted in the lowest level of fraud since independence. There were no reported cases of election-day violence. The OSCE Mission supported elections in northern Kosovo.

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

Participation of Women and Minorities: The law establishes a 30 percent quota for female parliamentarians, and 40 women served in the 120-seat Assembly. A woman served the country as president, and women served as deputy prime minister and head of the government's delegation on the dialogue with Serbia.

Quotas designed to promote gender equality increased the number of women serving as municipal councilors to 338 (665 men held the same office). Among the country's 38 municipalities, there was only one female mayor and one female speaker of a municipal assembly. Only nine of the 224 mayoral candidates were women. Women were also underrepresented in decision-making positions within municipalities. Of the 315 governmental departments in the country, men managed 301.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials reportedly engaged in corrupt practices. Corruption remained a serious problem, according to international organizations and NGOs. A lack of effective judicial oversight and general weakness in the rule of law contributed to the problem. There was a widespread public perception of pervasive governmental corruption.

Corruption: Inside the government the Kosovo Anticorruption Agency and the Office of the Auditor General shared responsibility for combating government corruption. As of August the agency received 130 reports of corruption. Of those it reviewed, it referred 60 cases for prosecution, forwarded 12 to police, and closed 51 for lack of evidence.

The Kosovo Prosecutorial Council reported that prosecutors handled 753 corruption cases involving 2,044 persons in the first six months of the year. This figure included 458 cases pending from previous years and 295 new cases received as of June 30. Prosecutors indicted 241 suspects. During this period the courts

resolved 48 cases, convicting 34 individuals, acquitting five, and rejecting nine indictments.

During the year the Office of the Auditor General audited most ministries, the President's Office, and the Assembly. It reviewed fiscal management and accountability in the central government and municipal administrations. Investigations by the auditor general's office revealed several violations of the law governing public procurement and rules governing public finance. The auditors criticized the Procurement Review Body, which oversees procurement practices, for operating without a board of directors during the second half of 2013, overspending its annual budget, and conducting illegitimate hiring practices. The auditors found the Procurement Review Body negligent in its collection of fines levied against contracting authorities. The Office of the Auditor General found that the Ministry of Trade and Industry had underspent its 2013 budget, violated staff salary procedures, and applied double standards in the extension of business licenses. The auditors discovered that the Constitutional Court paid its staff bonuses for work performed during regular working hours.

On March 13, a panel of local and international judges at the Prizren Basic Court convicted the municipality's mayor, Ramadan Muja (PDK), and five other defendants of abusing their official position or authority on four different occasions. The defendants received three-year suspended sentences in connection with the Prizren municipal administration's illegal expropriation of land. Muja remained mayor while he appealed the basic court's verdict.

On September 9, the Prizren Basic Court found former Pristina municipal court president Nuhi Uka, four Pristina Municipal Court judges, three Pristina District Court judges, and two legal representatives guilty of issuing unlawful judicial decisions in 2006-07 in 15 land cases. Uka received the maximum suspended sentence. Media and civil society representatives protested this decision, claiming Uka received more than 60 million euros (\$75 million) through unlawful judicial decisions and received no real punishment. Both Uka and the prosecutors appealed the verdict.

While corruption remained a problem in the police services, the KP dealt with the investigation and punishment of corrupt practices and fully cooperated with agencies assigned to investigate these charges such as the PIK.

Financial Disclosure: The law obliges all senior public officials and their family members to declare their property and the origins of their property annually.

Additionally, senior officials must report changes in their property holdings when assuming or terminating their service in a public function. The Kosovo Anticorruption Agency administers the registry, verifies disclosures, and publishes disclosures on its website. During the year the agency reported that 99.7 percent of officials declared their property and finances. This percentage included officials in the northern municipalities where disclosure occurred for the first time. Authorities may fine officials charged with minor breaches of the requirement or prohibit them from exercising public functions for up to one year. The agency filed criminal reports in more serious cases.

Public Access to Information: The law provides for public access to government information as well as penalties for institutions and officials that do not provide the required access. Access to public documents is a right of all citizens, and authorities may legally deny access only when disclosure infringes upon or threatens national interests.

Civil society organizations filed the majority of information requests. Individual citizens rarely exercised this right. Civil society organizations reported that government institutions rarely provided information or acknowledged requested documents. The civil society groups also noted that courts did not process lawsuits filed against institutions that ignored document requests. Concerned groups regarded this lack of penalties as an impediment to the law's effectiveness. Civil society organizations reported that officials sometimes based their denials on grounds that the documents contained classified or secret information without giving the requester the name of the institution that classified the documents or the case number.

In July the GAP Institute, a think tank, publicly criticized the Ministry of Infrastructure for providing only limited access to the contract for construction of the Pristina-Hani I Elezit/Elez Han highway, including a failure to provide translations into the country's official languages.

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

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

monitors, responded to their inquiries, and took action in response to their reports or recommendations.

Government Human Rights Bodies: The OI has the authority to investigate allegations of human rights violations and abuse of government authority. Most human rights observers considered that the office was not fully effective. The OI regularly conducted outreach to all of the country's municipalities and issued public statements following events of note. The OI reported that the number of complaints it received increased in 2013 by 23 percent compared with 2012.

On March 19, the Assembly failed to appoint a new ombudsperson among the three proposed candidates. The incumbent ombudsperson Sami Kurteshi remained at the head of the OI pending choice of a successor.

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

The law specifically prohibits discrimination based on sex, gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, property, birth, or any other characteristic. The government did not always effectively enforce these prohibitions.

Women

Rape and Domestic Violence: The law criminalizes rape but does not specifically address spousal rape. By law rape is punishable by two to 15 years in prison and statutory rape (sexual intercourse with a child younger than 16) by five to 20 years. Rape involving homicide is punishable by imprisonment from 10 years to life. Observers believed survivors significantly underreported rape because of the cultural stigma attached to victims and their families.

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

Domestic violence remained the most prevalent form of gender-based violence, with almost all victims being female. In the first six months of the year, 389 persons filed charges of domestic violence. Experts believed the actual figure to be exponentially larger. Traditional social attitudes towards women in the male-dominated society contributed to both the high level of domestic abuse and the low number of reported cases. Advocates claimed that victims avoided reporting cases due to lack of trust in judicial institutions and the social stigma against reporting domestic violence outside of the family.

When victims pressed charges, police domestic violence units conducted investigations and transferred cases to prosecutors. The rate of prosecution was low, which the offices of the chief prosecutor and basic prosecutors attributed to family loyalties and poverty that limited testimony, as well as a backlog of cases in both civil and criminal courts. According to victim's advocates, the failure to report domestic violence was also due to a lack of viable options for victims, including a paucity of shelters, rejection by family members, and scarce employment opportunities. Sentences ranged from judicial reprimands to imprisonment.

The government took measures to improve its record on domestic violence and implement its Action Plan on Domestic Violence for 2011-14. The Agency for Gender Equality was responsible for implementing policy changes to combat domestic violence, nominating a national coordinator, and providing regular reports to the government. Numerous officials participated in events dedicated to acknowledging the individuals who suffered sexual assault related to the conflict in the late 1990s.

The Ministry of Labor and Social Welfare included a unit dedicated to family violence. The ministry provided some financial support to NGOs that ran 10 shelters for victims of domestic violence and trafficking and also provided social services through social welfare centers. Several domestic and international NGOs pursued activities to assist women, but efforts to identify and assist women generally remained constrained by a tradition of silence concerning domestic violence, sexual abuse, and rape. No shelters operated in the northern municipalities.

The Kosovo Academy for Public Safety included courses on human rights and work with victims of domestic violence, rape, and human trafficking in all of its basic training curricula for police cadets. Authorities conducted training programs for 300 new police cadets during the year.

Female Genital Mutilation/Cutting (FGM/C): The country has no specific laws against this practice, and there were no reports that it occurred.

Sexual Harassment: No specific law addressed sexual harassment. According to women's rights organizations, sexual harassment on the job was common, and victims did not report it due to fear of physical retaliation or dismissal. Public awareness of sexual harassment remained low.

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

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

Relatively few women occupied upper-level management positions in business, police, or government. Women constituted 42.7 percent of the government workforce in 2013. According to the Business Registration Agency, in 2013 women owned some 10.5 percent of all registered businesses (see section 7.d.).

Although the law makes no gender distinction in property inheritance rights, men commonly inherited family property. The law stipulates that both partners in marriage and civil unions have equal rights to own and inherit property. Nevertheless, only 8 percent of women owned land. In rare cases Kosovo Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom requiring children and property to pass to the deceased father's family while the widow returned to her birth family. Anecdotal evidence suggested that some relatives had widows falsely declared incompetent or mentally disabled in order to claim their property.

Gender-biased Sex Selection: According to the Kosovo Agency of Statistics, in 2012 the male to female gender ratio at birth in the country was 110.7 to 100. Other data indicated that the ratio in the total population was 106 to 100.

Children

Birth Registration: Children acquire citizenship from their parents or by virtue of birth in the country. According to a 2009 study by the UN Children's Fund (UNICEF), 8.3 percent of households failed to register at least one of their children at birth. According to the same study, 14 percent of Kosovo Roma, Ashkali, and Egyptian children born in Kosovo Albanian-majority areas were not registered at birth. In the case of infants belonging to these groups, but born in areas where Kosovo Serb constituted the majority, 5 percent were not properly registered. Observers blamed both officials and families for these shortfalls in registration. Lack of registration generally did not affect a child's ability to receive elementary education or health care but, according to UNICEF, could have an adverse effect on access to social assistance.

Child Abuse: The extent of child abuse was unknown. UNICEF believed that low levels of public awareness of child abuse, lack of services for victims, and authorities' limited capacity to identify, report, and refer cases of abuse, resulted in significant underreporting of abuse.

Early and Forced Marriage: The law allows persons to marry legally at age 16. Child marriage was rare but continued to be practiced among certain communities, including Kosovo Roma, Ashkali, Egyptians, and Gorani. The government and NGOs did not compile statistics on child marriage, but the Ministry of Local Government Administration and the Agency for Gender Equality, in the Office of the Prime Minister, conducted information campaigns to discourage it.

Female Genital Mutilation/Cutting (FGM/C): The country has no specific laws against this practice, and there were no reports that it occurred.

Other Harmful Traditional Practices: On January 8, a 14-year-old boy from Sweden visiting relatives was shot and killed as the result of a blood feud. Police arrested a suspect in the case. On August 1, participants in a blood feud in the village of Marmulle in the Gjakova/Djakovica municipality killed a 14-year-old boy and his uncle.

Sexual Exploitation of Children: The minimum age of consensual sex is 16. Statutory rape is a criminal offense punishable by five to 20 years in prison, depending on circumstances and the age of the victim. The law prohibits possession, production, and distribution of child pornography. Persons who produce, use, or involve a child in making or producing pornography are subjected to one- to five-year sentences. Distribution, promotion, transmission, offer, or display of child pornography is punishable by six months' to five years' imprisonment. Possession or procurement of child pornography is punishable by a fine or imprisonment of up to three years.

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

Anti-Semitism

Fewer than 100 Jewish persons resided in the country. There were no reports of anti-Semitic acts during the year.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at 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 in employment, education, transportation, health care, or other state services. Disability rights groups reported there were approximately 200,000 persons with disabilities. Despite the legal requirement that the government provide protection and services to all citizens equally, persons with disabilities suffered considerable discrimination (see section 7.d.). The government adopted a 2013-23 strategy to improve the rights of persons with disabilities, accompanied by an action plan to implement changes from 2013-15. The EU's Progress Report for the year noted the failure of the Ministry of Education, Science, and Technology to implement commitments made in the ministry's strategy to make personal assistants available to children with disabilities. Laws and programs to provide access to buildings, information, or communications were not in place. As a result persons with physical disabilities could not access municipal buildings, the parliament, or many hospitals and schools. Persons with disabilities also lacked access to public transport due to

inaccessible buses. The Ministry of Labor and Social Welfare had responsibility for protecting the rights of persons with disabilities. Persons with disabilities were eligible for small social payments from the government. The disability rights organization HandiKos reported that persons with spinal cord injuries, muscular dystrophy, Down syndrome, and multiple sclerosis lacked access to essential services and social assistance.

The law provides for protection for children with disabilities. According to the Ministry of Education, Science, and Technology, seven special residential schools served children with disabilities, and on October 2, there were 1,239 special-needs children in 76 special-needs classrooms in regular schools.

There was no national law regulating the commitment of persons to psychiatric or social care facilities or protecting their rights within such institutions. Mental health facilities were substandard. The labor and health ministries had separate mandates for treating persons dealing with mental health problems. The KRCT reported that in isolated instances, police detained persons with mental disabilities with no legal basis. According to World Health Organization estimates, there were 14,000 persons with mental disabilities. Other observers estimated that 50,000 persons with mental disabilities lived isolated and stigmatized lives outside of institutions.

The main facility for persons with mental disabilities was the Shtime/Stimlje Special Institute, a complex with two residential treatment buildings. During the year one building served adults with developmental or intellectual disabilities and treated 63 individuals. The second building specialized in treating adults with psychiatric disabilities and housed 65 persons, most of whom had lived there since the 1999 war. The government also supported several residential community houses for persons with developmental disabilities. All but one was dedicated to adults with disabilities.

As of 2013 the Ministry of Health operated eight integration and community homes across the country, providing inpatient care for 75 persons with mental disabilities. The Ministry of Labor and Social Welfare operated another 10 community homes with 10 to 15 residents in each facility. Most residents reportedly spent years in these homes with little prospect of reintegration in the community.

National/Racial/Ethnic Minorities

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

Incidents involving violence against Kosovo Serb returnees persisted, particularly in the Peje/Pec region and the Istog/Istok and Klina/Klina municipalities. In the first 11 months of the year, there were more than 269 incidents involving theft, break-ins, threats, verbal harassment, and damage to the property of Kosovo Serbs and the Serbian Orthodox Church, although not all were necessarily reported to the police. Crimes against the Kosovo Bosniak community took place in Peje/Pec and Prizren regions, including targeted thefts, threats, harassment, damage to property, and gunfire directed at the homes of returnees.

The security environment in the north improved but remained unpredictable. As of August authorities recorded 128 incidents in the northern municipalities, including explosions, vehicle arson, thefts, threats, and damage to property. More than half of these incidents occurred within the Kosovo Serb community and were not ethnically motivated. Police arrested suspects in fewer than 10 percent of the cases.

Disputes over proper permitting impeded construction of houses in the Kroi i Vitakut/Brdjani neighborhood, although some construction occurred.

On June 22, approximately 1,000 Kosovo Albanians protested violently against obstructions on the Austerlitz Bridge that connects Mitrovice/Mitrovica North and Mitrovice/Mitrovica South. Police responded with tear gas and rubber bullets, causing some injuries. On December 23, the KP briefly arrested Kosovo Albanian resident Nazmi Ismajli for reconstructing his home without a permit. On the same date, Minister without Portfolio Edita Tahiri and the Ministry of Environment and Spatial Planning approved a memorandum of understanding between the mayors of Mitrovice/Mitrovica South and Mitrovice/Mitrovica North to halt construction and develop spatial plans for the two municipalities.

The language commissioner appointed in 2013 continued to monitor and report on implementation of legislation conferring equal status to the country's two official

languages, Albanian and Serbian. The commissioner received a wide range of complaints, including that pharmaceutical packaging was not available in Albanian and tax forms were not available in Serbian. Although government institutions may incur fines for not respecting the language requirements, there were no reports of fines. The commissioner lacked direct enforcement powers. Some of the institutions to which he forwarded his recommendations often failed to address them. Most government institutions, including ministries, failed to provide equal amounts of information online in languages other than Albanian. Kosovo Serbs complained that translations into Serbian of laws, other official documents, and government websites were inadequate, even though Serbian is an official language of the country and the Albanian and Serbian language versions of laws have equal standing.

Representatives of the Kosovo Turkish community also expressed dissatisfaction with implementation of the language law, especially in Prizren municipality where Turkish is an official language. Officials maintained that translations of street names and personal documentation were missing or poorly done. Similar shortcomings occurred in municipalities where the Bosnian and Romani languages have official status.

Minority employment in public institutions remained limited and generally confined to lower levels of the government. The government lacked an effective mechanism for monitoring levels of minority employment in public institutions. The government's nonrecognition of diplomas issued by the University of Mitrovice/Mitrovica North, which operated under the government of Serbia's system, was a key impediment to employment of Kosovo Serbs and other minorities within governmental institutions (see section 7.d.).

The law requires equal conditions for schoolchildren regardless of their mother tongue and provides the right to native-language public education for minority students through secondary school. The Ministry of Education, Science, and Technology and several international organizations reported school enrollment was lowest among minority communities, other than Kosovo Serbs, such as Kosovo Ashkali, Bosniaks, Egyptians, Gorani, Roma, and Turks. The European Commission's *Progress Report on Kosovo 2013* noted that children of Kosovo Roma, Ashkali, and Egyptians attended mixed schools with Kosovo Albanian and Kosovo Serb children but still suffered from lower registration rates, higher dropout rates, and poor levels of performance. Poverty disadvantaged many Kosovo Romani children and caused many to leave school at an early age to contribute to family income.

According to the Ministry of Education, Science, and Technology, schools teaching in the Serbian language imported textbooks from Serbia that did not conform to provisions of the domestic curriculum. Instruction in the Bosnian language was available at the primary, secondary, and university levels, but the country has not developed textbooks in the Bosnian language. Schools were obliged to import books from Bosnia and Herzegovina, only some of which were approved by the ministry. Similar problems occurred for Turkish-speaking students.

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

The constitution and law prohibit discrimination based on sexual orientation; but neither specifically includes gender identity. When the motivation for a crime is hostility based on gender, sexual orientation, or perceived affinity of the victim with persons who are targets of such hostility, the law considers that motivation to be an aggravating circumstance.

The Center for Equality and Liberty reported several online death threats to its members in October and November based on their sexual orientation. The KP had not located the perpetrators as of December.

In December 2013 the government established an Advisory and Coordinating Group to increase cooperation between domestic and international institutions and NGOs working to protect and promote the rights of the LGBT community. The working group met four times during the year. The government took steps to signal its support for LGBT rights by sponsoring numerous public events such as a program on the International Day Against Homophobia and Transphobia and illuminating the main government building with rainbow colors. The Center for Equality and Liberty described these initiatives as clear indicators that the government opposed hate speech. On the other hand, these events prompted several Kosovo Albanian intellectuals to sign a letter denouncing homosexuality. On May 17, LGBT NGOs publicly endorsed a program entitled Doctors Against Homophobia by holding an LGBT support walk and publicly supporting LGBT rights for the first time in Pristina. Several government officials attended the event. Police provided security, and no incidents occurred.

There was no official discrimination in employment, housing, determination of statelessness, or access to education or health care, but societal pressure persuaded

the majority of LGBT persons to conceal their sexual orientation or gender identity. NGOs reported that discrimination against LGBT individuals often went unreported. LGBT persons who reported crimes said KP officers were not sensitive to the needs of their community.

According to a May study, *Mapping and Needs Assessment of the LGBT Community in Kosovo and Bosnia* by Mindy Michaels, society strongly condemned homosexuality.

HIV and AIDS Social Stigma

While there were no confirmed reports of official discrimination against persons with HIV/AIDS during the year, anecdotal reports of such discrimination persisted.

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 for 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. According to the Association of Independent Labor Unions in Kosovo (BSPK), resources, inspections, and remediation were inadequate, and penalties were insufficient. As of November 13, the Ministry of Labor and Social Welfare's Labor Inspectorate (LI) issued 120 fines ranging from no monetary penalty to 35,000 euros (\$43,750). The BSPK said these fines were insufficient to deter violations. Administrative and judicial procedures were circuitous and subject to lengthy delays or appeals.

According to the BSPK, the government generally respected the right to form and join unions in both the public and private sectors. Political party interference in trade organizations and individual worker rights remained an issue. According to union officials, workers in the public sector commonly faced mistreatment, including sexual harassment and the loss of employment, due to their political party affiliation. Employers did not always respect the rights of worker

organizations to bargain collectively. The BSPK reported that many private sector employers essentially ignored the country's 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 LI reported receiving no formal complaints of discrimination against employees who tried to join unions during the year. The BSPK claimed the LI was not fully functional due to budgetary and staffing shortfalls. NGOs monitored child labor and the inclusion of socially vulnerable groups, including the disabled, in the workplace.

b. Prohibition of Forced or Compulsory Labor

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

Government resources, including remediation, were insufficient to ensure compliance, identify and protect victims, and investigate claims of forced or compulsory labor. During the year there were no investigations, prosecutions, or convictions of forced labor due, according to LI, to inadequate resources to investigate this matter. Penalties ranged from five to 12 years' imprisonment and were sufficiently stringent compared with those for other serious crimes. Authorities did not remove any victims from forced labor during the year.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for 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 work place, including forced or compulsory labor. The government maintained an antitrafficking taskforce to intervene in cases of forced or hazardous labor. The task force was constrained by limited resources.

Inspectors immediately notified employers when they found minors working in hazardous conditions. During the year the Ministry of Labor and Social Welfare recorded 206 cases of minors working in hazardous conditions. The International Labor Organization (ILO) and the LI noted that due to poor coordination among the country's institutions and the lack of a centralized repository, the number of actual cases was much higher. Under the labor code, inspectors may fine employers from 100 euros (\$125) to 10,000 euros (\$12,500) for subjecting a worker to hazardous working conditions. Fines were double for offenses committed against a minor. Enforcement was poor due to inadequate training and resources. The law provides additional penalties for employers and families that engage children in labor practices or fail to meet their parental obligations resulting in the illegal employment of a minor. If determined to be in the best interest of a child, the law permits authorities to remove a child from the home.

The ILO reported that children working in the farming and mining sectors encountered hazards associated with operating farming equipment and extracting ore from hard-to-reach areas underground. The ILO also reported that the number of children begging on the streets of towns and cities continued to decrease, but the overall number of child beggars remained unknown. While most children were rarely their families' main wage earners, child labor served as a major contribution to some family incomes.

Young children in rural areas often assisted their families in agricultural labor, typically including work during school hours. Urban children often worked in a variety of unofficial construction and retail jobs, such as selling newspapers, cigarettes, 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/.

d. Discrimination with Respect to Employment or Occupation

The law prohibits any discrimination, including exclusion or preference based on race, color, sex, religion, age, family status, political opinion, national extraction or social origin, language or trade union membership, that has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation capacity building. The law specifically prohibits discrimination based on gender and applies to access to employment, self-employment, and choice of occupation. The prohibitions include discrimination in promotion and recruitment conditions in

any branch of activity and at all levels of the professional hierarchy. Fines are tripled in cases of discrimination that is prohibited by the law regulating labor. The law does not protect against discrimination based on gender identity, HIV status, or other communicable diseases, or physical limitations.

Discrimination in employment and occupation occurred with respect to sex, gender, disability, and minority status (see section 6). During the year the BSPK received reports from labor unions and individuals also claiming discrimination based on age and family status. The BSPK noted that employment almost exclusively depended on the employee's political status and affiliation. The BSPK also stated that due to high unemployment, employees were reluctant to report discrimination, fearing retaliation by their employer. Most often employees addressed their work-related matters internally and informally with their employers. The BSPK also reported employers sometimes illegally fired female employees for being pregnant or requesting maternity leave.

By law foreigners must obtain a work permits prior to seeking to work in the country. According to the LI, there were no reports of foreign workers denied work permits, and there were no reports that foreign workers' rights were violated during the year.

e. Acceptable Conditions of Work

The government-set minimum wage was 130 euros (\$163) per month for employees below 35 years of age, and 170 euros (\$213) per month for those 35 years and older. Social assistance programs could provide eligible families without sufficient resources up to 80 euros (\$100) each month, and an individual could receive up to 40 euros (\$50). Families and individuals could receive additional funds for children, discounts in electricity, and other benefits.

The law provides for a standard 40-hour workweek, requires rest periods, limits the number of regular hours worked to 12 hours per day, limits overtime to 20 hours per week and 40 hours per month, requires payment of a premium for overtime work, and prohibits excessive compulsory overtime. The law provides for 20 days' paid leave per year for employees and three months of maternity leave. The labor law sets health and safety standards for workplaces and governs all industries in the country.

LI inspectors were responsible for enforcing labor, health, and safety standards, although the 51 inspectors employed during the year were insufficient to monitor

the formal and informal sectors effectively. As of December these inspectors conducted 9,377 random and planned inspections. The LI advised employers on improvements to comply with workplace regulations and of breaches that could bring about official sanctions. As of December it issued 1,502 warnings for various violations of labor standards and levied 171 additional fines of up to 35,000 euros (\$43,800) for failure to correct cited violations. As of December 15, LI received 467 complaints against fines and warnings issued by the labor inspectors. The LI resolved these complaints in 15 to 60 days. During the year the LI estimated it would need 150 inspectors to monitor employers adequately or have a measurable impact on labor problems. The inspectorate considered the financial penalties insufficient to discourage violations. Inspectors generally gave employers various amounts of time to correct violations before imposing fines.

According to the LI and the BSPK, the labor code is comprehensive and its provisions provide adequate mechanisms for the equal protection of public and private sector workers. According to the BSPK, the government's lack of enforcement stemmed from a paucity of unionized workers as well as the LI being insufficiently staffed and empowered.

The government adopted a collective contract, to take effect on January 1, 2015, which establishes the rights and obligations of the employer and the employee, including provisions on work hours, night work, annual leave, maternity leave, job safety, and employee health benefits. The contract also includes all of the protections in the labor laws and applies to all workers in the formal as well as informal economies. Observers noted that the agreement was intended to reduce the informal economy by penalizing employers who do not register employees.

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 with regard to 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 ignored legal provisions and fired workers without cause in violation of the law and refused to respect workers holidays. As of October the LI received 374 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 expulsion or retaliation.

While the law provides for the protection of employees' health and working conditions, private and public institutions failed at times to comply. LI officials reported difficulties in obtaining accurate information about compliance, because workers rarely disclosed the problems due to fear of losing their jobs. The LI reported nine workplace fatalities and 63 serious workplace accidents as of December 15.

No law specifically permits an employee to leave work due to 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 Ministry of Labor and Social Welfare, informal employer-employee arrangements may address when and whether an employee may leave work due to dangerous work situations. The country's institutions did not track these arrangements.