

KOSOVO 2019 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 must be approved by the Assembly. The prime minister resigned on July 19, and on August 22, the Assembly voted to dissolve itself. As decreed by President Hashim Thaci, who was elected by the Assembly to a five-year term as president in 2016, parliamentary elections were held on October 6. The outgoing government continues to serve in a caretaker role until a new government is formed, which was not complete at year's end. The parliamentary elections were considered free and fair.

Security forces included the Kosovo Police (KP) and the Kosovo Security Force (KSF), which report, respectively, to the Kosovo Ministry of Interior and Ministry of Defense. During the year the government began the process of gradually transitioning the KSF into a territorial defense force, in accordance with a 10-year plan. Border Police, a subgroup of the KP, are responsible for security at the border. Police maintain internal security with assistance from EULEX, the European Union rule-of-law mission in the country, as a second responder for incidents of unrest, and the NATO-led Kosovo Force (KFOR), an international peacekeeping force, as a third responder. KFOR is responsible for providing a safe and secure environment and ensuring freedom of movement in the country. As of August the mission had 3,526 troops from 28 countries. Civilian authorities maintained effective control of Kosovo security forces.

Significant human rights issues included: undue restrictions on the press, including violence or threats of violence against journalists; government corruption and impunity; and attacks against members of ethnic minorities or other marginalized communities, including by the KP.

Many in the government, the opposition, civil society, and the media reported instances of senior officials engaging in corruption and acting with impunity. The government and justice sector sometimes took steps to prosecute and punish those officials who committed past abuses, offenses, and crimes, but many continued to occupy public sector positions. The Police Inspectorate of Kosovo (PIK) took steps to investigate abuses and prosecute those responsible. Security forces have also participated in training to increase respect for human rights.

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

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

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

The EU Rule of Law Mission (EULEX), mandated through 2020 to monitor select criminal and civil cases and trials in the judicial system, advises the Kosovo Correctional Service, provides logistics support to the Specialist Chambers in The Hague, retains limited executive responsibility in witness protection, and continues to serve as a secondary security responder to the KP.

As of September, 71 war crime cases were under formal investigation by the Special Prosecutor of the Republic of Kosovo (SPRK).

In November the Constitutional Court unanimously dismissed a final appeal in the “Drenica II” war crimes case, upholding five convictions. The two “Drenica” cases involved 15 former Kosovo Liberation Army (KLA) members suspected of war crimes against civilians, including torture, mistreatment of prisoners, and murder, all allegedly committed in a KLA detention center in the village of Likoc/Likovac in the Drenica region in 1998. The cases initially resulted in 11 convictions in 2015. Six of those convicted avoided serving jail time until July 2019, when the court remanded them to prison. As of November the “Drenica I” case, which was sent for retrial in 2017, was scheduled for an initial hearing in the Mitrovica/e Basic Court December 26.

The Hague-based Kosovo Specialist Prosecutor’s Office (SPO) continued to investigate crimes committed during and after the 1999 conflict. During the year there was an increase in the number of individuals summoned to the SPO for interviews, including Prime Minister Ramush Haradinaj, who resigned his position (but continued to serve in a caretaker role until a new government is formed after the October 6 parliamentary elections). The SPO and its predecessor, the EU Special Investigative Task Force, were established following the 2011 release of the Council of Europe report *Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo*, which alleged crimes by individual KLA leaders. A 2016 agreement providing the legal basis for the Kosovo Specialist Chambers to conduct proceedings in the Netherlands entered into force in 2017. As of December the SPO had not issued any indictments.

b. Disappearance

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

As of November the Kosovo Government Commission of Missing Persons (GCMP) listed as missing 1,643 persons who disappeared during the 1998-99 conflict and the political violence that followed. By law the government missing persons database does not include the ethnic background of the missing, unless voluntarily reported by the family of the missing. GCMP suggested approximately 70 percent were ethnic Albanians and 30 percent were Serbs, Roma, Ashkali, Balkan-Egyptians, Bosniaks, Goranis or Montenegrins, and others.

In September the Kosovo Missing Persons Commission resolved seven missing persons cases pertaining to minority communities with the positive identification and repatriation of remains of seven individuals, in cooperation with Serbia's Missing Persons Commission and the International Committee of the Red Cross (ICRC).

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

The constitution and laws prohibit such practices, but the laws are inconsistently implemented, and there were continuing allegations that detainees were tortured and mistreated by police and, to a lesser degree, correctional service personnel.

As of November the Kosovo Ombudsperson Institution (KOI) reported it had received 136 complaints registered under the legal basis of "prohibition of torture and the rights of the abused" against police and the correctional service, of which 63 remained open for investigation. This category of complaint encompasses all allegations of physical mistreatment of prisoners, and KOI reported that none pertained to acts of torture.

In January the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment (UNSRT) published a report, based on a 2017 visit by him and his team, which noted "with grave concern" that he had received "numerous and consistent allegations of torture and ill-treatment (of detainees) at the hands of the police, most notably as a means of coercing confessions out of individuals during interrogation in police custody. Detainees reported that such abuse consisted mostly of severe beatings, punches and kicking, blows with

objects, and verbal and psychological threats.” The UNSRT report also drew attention to a lack of oversight at the investigation and interrogation phases of detention, resulting in alleged incidents of mistreatment, abuse, and torture during interrogation as a means of coercing confessions.

The KOI strongly disputed the UNSRT’s findings of credible allegations of torture, reporting it had received no complaints of torture that year and adding that detainees had multiple, safe channels by which to register complaints. The KOI has a National Preventive Mechanism against Torture (NPMT) unit consisting of seven staffers, including a physician, psychiatrist, social worker, and two lawyers who focus full-time on torture prevention. In 2018 the NPMT underwent an intensive, year-long training program funded by the Council of Europe to improve its capacity; likewise, during 2018 it reportedly made 60 site inspections of prisons, detention centers, psychiatric facilities, and police stations, a nearly 400 percent increase from the previous year. They reported receiving unhindered access to all places of deprivation of liberty. The NPMT filed reports on its findings, generated investigations, and published follow-up reports on government compliance. Prisoners and detainees are able to contact the NPMT via lawyers, family members, international organizations, direct phone calls, or via postboxes in detention centers which are only accessible by KOI staff. NPMT reported receiving no credible reports of torture during the year.

The Kosovo Rehabilitation Center for Victims of Torture (KRCT), the country’s lead NGO on torture-related issues, likewise said it received no credible reports of torture during the year; although it asserts mistreatment of prisoners continues to be a problem.

In January the KRCT reported the alleged physical abuse of a prisoner during arrest by two police officials at the high-security prison in Dyz near the town of Podujeva/Podujevo. The police inspectorate, however, found no criminality in the police officers’ conduct during the arrest, and the case was referred to the Kosovo Police Directorate of Internal Investigation for further procedural investigation.

In its 2018 monitoring report, *Human Rights in Places of Detention in Kosovo*, released in March, the KRCT reported some instances during the year of mistreatment of detained persons in the custody of the Kosovo Correction Services. In one example, a pretrial detainee awaiting a court hearing in June 2018 in Ferizaj was locked in a waiting room and beaten by two correctional officers. The KRCT noted that, “Even though he was bloody and had not felt good, the psychiatrist estimated that the detainee could continue the court hearing and the

same was ordered by the judge of the case.” The Ombudsperson Institution was reportedly notified of the incident.

The police inspectorate, an independent body within the Ministry of Internal Affairs, announced the suspension and filing of criminal charges against six Gjakova/Djakovica KP officers, three from senior ranks, following an ombudsperson’s report detailing excessive use of force against a detainee. The ombudsperson received a total of nine complaints of physical mistreatment of detainees by KP officers.

Prison and Detention Center Conditions

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

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

During the year the KRCT received complaints from prisoners alleging verbal harassment, prisoner-on-prisoner violence, and some cases of physical mistreatment by correctional officers, mainly at the Dubrava Prison and the detention center in Lipjan/Lipljan.

In September the KRCT reported prisoners and detainees had difficulty accessing medical care, allegations of corruption and of the use of transfers between different detention facilities as a disciplinary measure. In addition several inmates inflicted injuries on themselves in order to draw attention to their needs.

Kosovo’s Chief State Prosecutor opened a reinvestigation of the 2016 death of Vetevendosje (VV) party activist Astrit Dehari, assigning the case to Kosovo’s Special Prosecution, following the delivery of a Swiss forensic report to Kosovo authorities in October. Kosovo authorities deemed his death a suicide at the time, although the VV political party contended police and correctional service mistreatment of Dehari were contributing factors. The Kosovo government requested Swiss assistance in October 2018; the Swiss report noted forensic analysis could not exclude other possible causes of death and recommended further investigation.

Due to poor training and inadequate staffing, authorities did not always exercise control over facilities or inmates. Approximately 30 percent of inmates enter prison with a drug addiction. There were no drug treatment programs within the correction system, and the KRCT reported illicit drugs were regularly smuggled into these facilities.

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

Facilities and treatment for inmates with disabilities remained substandard. The Kosovo Forensic Psychiatric Institute provided limited treatment and shelter for detained persons with mental disabilities. Advocates for persons with disabilities faulted the government for regularly housing pretrial detainees with diagnosed mental disabilities together with other pretrial detainees. Pretrial detainees were held separately from the convicted prisoner population. The law requires convicted criminals with documented mental health issues to be detained in facilities dedicated to mental health care, but these prisoners were often housed in standard prisons due to overcrowding at mental health institutions. Apart from pharmacotherapy and regular consultations with a psychiatrist, inmates with mental health issues are not provided with any occupational or therapeutic activities.

Prison conditions for foreign terrorist fighters and those convicted of terrorist offenses were not significantly different from those of the general prison population.

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

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

Correctional Service has issued and harmonized forms of disciplinary measures to describe the specific measures, length, justification, and legal advice for inmate appeals.

Improvements: Improvements made during the year included the hiring of 120 new corrections officers, partial opening of the new Pristina Detention Center, operation of an assessment and classification unit pilot program, and a procedure to allow some inmates to communicate with family via Skype.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government, EULEX, and KFOR generally observed these prohibitions.

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

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

The PIK was responsible for reviewing complaints about police behavior. As of August it had reviewed 834 citizen complaints regarding police conduct this year, and 240 police officers were under investigation. It characterized 544 of the complaints as involving disciplinary violations and forwarded them to the KP Professional Standards Unit; it judged another 290 complaints to be criminal cases. Many investigations initiated by the PIK in 2018, remained pending at year's end. PIK continued its investigation of the alleged mistreatment of senior Serbian government official Marko Djuric by the KP during his arrest and deportation for illegal entry in March 2018. As of August, PIK had not reached a conclusion on the case.

During the year 25 police officers were convicted of abuse of office and bribery; each received 60-day sentences. Four of the officers were under house arrest and three remained at large. During the same period, the PIK filed 13 criminal charges and seven special reports to responsible Kosovo Prosecution offices. Sentences for

bribery ranged from six to 31 months' imprisonment; fines levied ranged from 1,000 to 3,000 euros (\$1,100 to \$3,300) per person.

Arrest Procedures and Treatment of Detainees

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

Suspects have the right to refuse to answer questions, except those concerning their identity, at all stages of an investigation. Suspects have the right to the free assistance of an attorney and interpreter services, as well as medical and psychological treatment. At all stages of the process, suspects may communicate with their legal representation and have a family member notified of their arrest.

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

Although in some instances police operated undercover, they generally carried out 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. While officials generally respected the requirement for prompt disposition of cases, the KRCT reported detainees occasionally faced delays when attorneys were temporarily unavailable.

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

The law limits police use of force only in order “to protect a person’s life, to prevent an attack, to prevent a criminal act, to prevent the flight of a perpetrator, or, when other measures are not successful, to achieve another legitimate police objective.” The law also provides that when using force, police “shall attempt to minimize the intrusion into a person’s rights and freedoms and to minimize any detrimental consequences.”

A May KP countersmuggling operation in Northern Kosovo resulted in 11 complaints of excessive force, all of which centered on property damage. The complaints came mainly from the KP’s disruption of obstructions placed in the thoroughfare (i.e., vehicles pushing large trucks out of the roadway). A PIK investigation was ongoing at year’s end.

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

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the judiciary did not always provide due process. According to the European Commission, NGOs, and the Ombudsperson Institution, the administration of justice was slow and lacked the means to ensure judicial officials’ accountability. Judicial structures were subject to political interference, with disputed appointments and unclear mandates.

Although backlogs once presented a substantial obstacle, the courts have become increasingly more efficient in resolving the backlog due to international assistance, which introduced active case management practices, as well as policy-level support for improved case management. As of August the courts have reduced the static backlog of the Basic Courts by 78 percent, disposing of a total of 30,897 cases since 2016. The clearance rate for criminal cases during April-June increased significantly, jumping to 186 percent compared to 122 percent over the same period last year. According to the Kosovo Judicial Council (KJC), as of July

nearly 100,000 civil and criminal administrative and commercial cases still awaited trial, a reduction of nearly 65 percent compared with 2018.

During the year the Ministry of Justice sponsored amendments to a 2010 law on disciplinary liability of judges and prosecutors, aimed at achieving impartiality in the Kosovo Judiciary. In addition, registers for recording complaints against judges at the court- and KJC-level were completed and delivered to all courts in August and are under review. In accordance with the disciplinary regulation, the KJC selected 70 judges, who were recommended by court presidents, to serve on panels responsible for investigating disciplinary complaints. Their mandate is staggered to ensure continuity: 25 judges were randomly selected to serve one-year terms, 23 to serve two-year terms, and 22 to serve three-year terms. New members are to be selected annually to ensure a full complement of 70. Since the new disciplinary process came into effect, court presidents, as the competent authorities, have received 75 complaints against judges. Of these, the competent authority refused 24 complaints, continued to review another 49, while two requests for investigation were submitted to the KJC. The KJC established one investigation panel and was in the process of establishing a second panel at year's end.

Authorities sometimes failed to carry out court orders, including from the Constitutional Court, particularly when rulings favored minorities, as in numerous Kosovo Serb property restitution cases. Local authorities in Decan/Decani continued to refuse to implement the 2016 decision of the Constitutional Court confirming the Serbian Orthodox Church's ownership of more than 24 hectares of land adjacent to the Visoki Decani Monastery. None of the officials involved in failing to carry out the court order have been sanctioned.

Trial Procedures

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

The Free Legal Aid Agency (FLAA) is mandated by the government to provide free legal assistance to low-income individuals. During the year the FLAA undertook outreach campaigns targeting disadvantaged and marginalized communities and expanded the availability of legal aid information through online platforms. In May the United Nations funded the NGO Center for Legal Aid to guarantee free legal aid to women in cases such as verification of property ownership, claims of sexual violence, and claims of rights to pensions from Serbia.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

Property Restitution

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

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

The KPCVA had difficulty enforcing the eviction of illegal occupants and failed to remove illegal structures built on land after claimants had their rights confirmed. The majority of these claimants were ethnic Serbs. The agency also struggled to compensate persons who lost their property in the 1990s, the majority of them ethnic Albanians. As of August, KPCVA had 74 pending evictions, of which 38 were to be executed in the Mitrovica/e region, primarily involving property owned by persons of Kosovo-Albanian ethnicity. Re-usurpation of property continued to be an issue. Civil society organizations complained the country lacked an effective system to allow displaced Kosovo Serbs living outside the country to file property claims and receive notification of property claims decisions.

Kosovo's Assembly appointed an individual as head of the KPCVA who did not meet the qualifications for hiring and whose past included rumored involvement in war crimes and corruption. Despite numerous international calls for the individual's resignation, the individual remained in office, reducing the institution's credibility.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Press and Media Including Online Media: Independent media were active and expressed a wide variety of views, generally without restriction. Nevertheless, reports persisted government officials, some political parties, businesses connected

to the government, religious groups, and disgruntled individuals exerted pressure on media owners, individual editors, and reporters not to publish certain stories or materials. Some journalists refrained from critical investigative reporting due to fear for their physical or job security.

Financial difficulties of media outlets put the editorial independence of all media at risk. While some self-sufficient media outlets adopted editorial and broadcast policies independent of political and business interests, those with fewer resources sometimes accepted financial support in exchange for positive coverage or for refraining from publishing negative stories harmful to funders' interests. According to some editors, funding was limited in part because of government reluctance to advertise its programs in media outlets that published material critical of it.

Violence and Harassment: As of September the Association of Journalists of Kosovo (AGK) and media outlets reported 17 instances of government officials, business interests, community groups, or radical religious groups violating press freedom by physically assaulting or verbally threatening journalists. In one example a journalist reporting on the demolition of an unlicensed shopping center faced violence from mall security and civilians who snatched his equipment, slapped him in the face, and prevented his reporting on the story.

Censorship or Content Restrictions: There were no reports of direct censorship of print or broadcast media, although 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.

According to the AGK, government officials as well as suspected criminals verbally threatened journalists for perceived negative reporting. According to some editors, government agencies and corporations withdrew advertising from newspapers that published material critical of them. In August the AGK denounced a Kosovo Democratic Party (PDK) statement denigrating the daily newspaper *Gazeta Express* as "fake." AGK stated this PDK claim is consistent with previous statements targeting media and represents interference with the media. The AGK reported that in May, PDK chief and former Kosovo Assembly speaker Kadri Veseli called the editor in chief of *Gazeta Express*, Leonard Kerquki, in an attempt to influence the daily's policies.

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

Internet Freedom

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

Academic Freedom and Cultural Events

There were no government restrictions on cultural events. The education system was subject to political appointments of school directors and teachers at all levels. Although the government introduced reforms, the political appointment of teachers resulted in poor execution, as they did not enjoy full support at either the central or local level. In September the Ministry of Education introduced an administrative instruction for election of elementary schools' directors to depoliticize the employment process at that level.

b. Freedoms of Peaceful Assembly and Association

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

c. Freedom of Religion

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

d. Freedom of Movement

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government did not consider Serbian-issued personal documents bearing Kosovo town names to be valid travel documents, making it difficult for many members of the Kosovo-Serb community to travel freely to and from the country,

unless using the two border crossings with Serbia located in the Kosovo-Serb majority municipalities in the north. Improvements at the civil registry in 2018 greatly expanded Kosovo-Serb access to identity documents, and the number of Kosovo Serbs with these documents increased tremendously during the year.

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

Exile: The return to the country by Ashkali, Balkan-Egyptian, and Romani refugees from the war remained a problem. Parliamentary representatives of these three communities reported social prejudice prevented the return of nearly 400 Ashkali, Balkan-Egyptians, and Roma who were formerly resident in the country and have informed the Office of the UN High Commissioner for Refugees (UNHCR) that they were ready to return from Serbia, North Macedonia, and Montenegro.

e. Internally Displaced Persons (IDPs)

UNHCR estimated 90,000 persons displaced by the 1999 conflict in the country still had displacement-related needs in the region. Of these, 65,000 were estimated to be in Serbia, 16,406 in Kosovo, 729 in Montenegro, and 394 in North Macedonia. In all, 2,104 families with 8,367 displaced persons, primarily Kosovo Serbs, expressed interest in UNHCR-assisted return to the country. The government has not released information on how many individuals returned to the country during the year.

As of June the Ministry for Communities and Returns reported that 57 individuals, mostly Kosovo Serbs, had returned to their place of origin in the country. Obstacles to return included lack of land allocations for housing reconstruction, lack of economic prospects, and societal discrimination. According to UNHCR, the lack of a detailed census and adequate profiling data left displaced persons excluded from human rights protections and development plans.

During the year the Communities and Returns Ministry approved construction of 108 houses for returnees of Serb, Ashkali, Romani, and Balkan-Egyptian ethnicity. In 2018 and during the year, the government allocated more than \$3.5 million for housing construction for all non-Serb ethnic communities, except Goranis, who caucus by agreement with ethnic Serb members of the Assembly.

The return process in some areas of the country continued to be marked by security incidents or local communities' reluctance to accept return or visits of Serb community returnees. In January, Kosovo Albanians in Gjakove/Djakovica, including persons whose family members remain missing, protested the pilgrimage of displaced Serbs to the town's Serbian Orthodox church.

The government promoted the safe and voluntary return of IDPs. Through the Communities and Returns Ministry, it promoted policies and protections for IDPs in line with EU policies and cooperated with domestic and international organizations to ensure IDPs access to their property and tools for their sustainable return. These include assistance repossessing property, land allocations for the housing, and improved socioeconomic prospects.

KP maintained its presence in areas with ethnic minorities and returnees as a confidence-building measure for returnees.

f. Protection of Refugees

Refoulement: On June 24, the Assembly adopted the final report of its investigative committee into the March 2018 refoulement of six Turkish citizens legally residing in Kosovo. The committee's report highlighted serious rule of law violations including the refoulement of one man who was not identified in the extradition request. The Assembly published its report despite months of political intimidation and interference.

While the Special Prosecution (SPRK) has not concluded its investigation, the Police Inspectorate of Kosovo (PIK) in August filed a criminal report against 22 police officers involved in the operation for criminal violations. The Turkish government had accused the Turkish citizens of alleged ties to the so-called Fethullah Terror Organization.

In September the Appellate Court affirmed a Basic Court of Pristina ruling the Ministry of Internal Affairs' rationale for rescinding residence permits for the expelled Turkish nationals was baseless.

Access to Asylum: The law provides for granting of asylum or refugee status with subsidiary protection, a system for providing protection to refugees, and temporary admission of asylum seekers while their cases are adjudicated.

Reception facilities at the asylum center can host children, but the facility lacked standard operating procedures for the treatment of unaccompanied children seeking asylum and for determination of their eligibility for asylum. Although asylum cases have continued to increase, Kosovo is largely a transit country and those seeking asylum typically left the country and did not attend their hearings. The increasing number of asylum seekers has not yet overwhelmed the country's capacity. Those seeking asylum in the country are housed at the asylum center throughout the year.

Access to Basic Services: UNHCR reported asylum seekers received accommodations, regular meals, and clothing, while UNHCR partner organizations provided psychological assessments, counseling services, and legal aid. The lack of interpretation services for several official languages at both central and local levels remained a problem. UNHCR claimed health care and psychological treatment were still inadequate.

Temporary Protection: The government provided temporary protection, called subsidiary protection, to individuals who may not qualify as refugees. Through June the government provided subsidiary protection to one person.

g. Stateless Persons

Official figures on stateless persons were not available. The law contains no discriminatory provisions that might cause groups or individuals to be deprived of or denied citizenship. Kosovo citizens convey citizenship to their children. Children born to noncitizen parents acquire citizenship by virtue of birth within the country; this situation most often occurs within minority communities with large numbers of undocumented residents. Government procedures provide for access to naturalization for those granted stateless or refugee status five years after the determination.

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

During the year UNHCR assisted 900 "legally invisible" persons (due to inability to prove their birth location) from different ethnic groups, most of whom belong to the Romani, Ashkali, and Balkan-Egyptian communities, and approximately 100 to the Albanian community.

Unregistered residents do not receive social assistance benefits and pension rights and could not register property titles or retain rights to inherited or transferred property. Children born of parents displaced outside the country and who entered with their readmitted parents often lacked documentation, including birth certificates, from their place of birth. Authorities have not developed a systematic solution to this problem. UNHCR funded a campaign for civil registration of the country's Roma, Ashkali, and Balkan-Egyptians throughout the year.

Section 3. Freedom to Participate in the Political Process

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

The Serbian government continued to operate some illegal parallel government structures in Kosovo-Serb majority municipalities and in areas primarily inhabited by the Kosovo-Gorani community. These structures are often believed to be used by the Serbian government to influence Kosovo-Serb and Kosovo-Gorani communities and political representatives.

Some Kosovo-Serb community members claimed retaliation from political opponents, alleging Serbian government influence and intimidation of potential political opponents to the primary Kosovo-Serb political party (Srpska List) ahead of the country's October 6 elections.

Elections and Political Participation

Recent Elections: The country held early parliamentary elections on October 6, and government-formation discussions were ongoing at the end of the year. International and independent observers evaluated the process as generally free and fair. The campaign was marked, however, by a pattern of intimidation within Kosovo-Serb communities. Some Kosovo Serbs reported being pressured not to support parties other than Srpska List, a party closely aligned with the Serbian government.

The country's last general municipal elections took place in 2017. Following the resignation of mayors in four northern Kosovo Serb-majority municipalities in November 2018, extraordinary mayoral by-elections took place in these municipalities on May 19. All Kosovo Serb candidates belonged to Srpska List; previously elected mayors ran unopposed and were reelected in the elections.

Political Parties and Political Participation: In most of the country, political parties operated freely, and there were no significant barriers to registration. In Kosovo-Serb majority municipalities, opposition and independent candidates reported pressure on their candidates to withdraw from the elections and on voters to support Srpska List. Kosovo Serb opposition representatives reported threats of violence during the May 19 mayoral elections from supporters of Srpska List and the Serbian government. Party affiliation often played a role in access to government services and social and employment opportunities.

Participation of Women and Minorities: No laws limit participation in the political process, and members of minority groups and women did participate. NGOs reported, however, the voter turnout among women tended to be much lower than among male voters. Parties representing the Romani, Ashkali, Balkan-Egyptian, Bosniak, Gorani, and Turkish communities campaigned freely in their native languages.

Ethnic minorities' representation in the Assembly was more than proportionate to their share of the population, but political parties representing ethnic minorities criticized majority parties for not consulting them on important issues. Srpska List parliamentarians have essentially boycotted participation in Assembly proceedings since November 2018, when the country imposed tariffs on products from Serbia and Bosnia and Herzegovina.

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. Officials sometimes engaged in corrupt practices with impunity. A lack of effective judicial oversight and general weakness in the rule of law contributed to the problem. Corruption cases were routinely subject to repeated appeal, and the judicial system often allowed statutes of limitation to expire without trying cases.

Corruption: The Anticorruption Agency (ACA) and the National Audits Office shared responsibility for combating government corruption. As of September the SPRK filed 10 corruption-related indictments in cases referred by the ACA. Convictions on corruption charges continued to represent a small proportion of those investigated and charged.

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

As of September the state prosecutor had received 174 criminal reports involving 366 persons, leading to 81 indictments involving 126 persons. These resulted in 52 convictions for corruption, with 21 persons receiving prison sentences, 21 receiving fines, and 10 receiving suspended or other types of sentences.

In December the former minister of agriculture, Nenad Rikalo, and six other officials from the Ministry of Agriculture were charged with abuse of power for reportedly sidestepping legal safeguards and manipulating the ministry's grant process to award millions of dollars to companies owned by political associates.

During the year, in at least four high-profile corruption cases, the Supreme Court found that lower courts had violated the criminal code to the benefit of defendants. The Prosecution Office used extraordinary legal remedies to request the Supreme Court evaluate the decisions rendered by lower courts in these cases. Under the criminal procedure code, the Supreme Court is able only to confirm the violations; it can take no punitive actions against the defendants.

A report from the nongovernmental Kosovo Law Institute (KLI) criticized the SPRK's handling of a 2018 case in which the prosecutor allegedly used administrative machinations to avoid filing corruption indictments against high-level officials who enabled 19,060 individuals to illegitimately claim war veteran status and obtain state financial benefits. A March report on impunity, corruption, and monitoring of corruption cases from 2016-18 to 2020 found that courts handed down 59 indictments against 68 high-ranking officials, of which courts dismissed indictments against nine officials, acquitted 16, and rejected five. Courts imposed sentences against 11 of the 68 high-ranking officials, of whom eight received suspended imprisonment and one a fine. Proceedings against 27 high-ranking officials were ongoing.

The government assembled a parliamentary investigative committee to look into the procedural details of the March 2018 forcible repatriation, at the request of the Turkish government, of six Turkish citizens legally residing in Kosovo. The investigation experienced many difficulties completing its work. Initially, some MPs did not participate at the committee meetings in order to prevent quorum.

The Assembly subsequently delayed extension of the committee's term and acted only after the international community criticized the delay. On April 26, President Thaci presented himself to testify at a committee meeting after having declined three prior invitations. Instead of testifying, however, Thaci questioned the legality of the body's decision to hire a foreigner as the legal expert who compiled the draft report. Thaci also claimed the expert had shared information with others, including countries that did not recognize Kosovo's independence. In May, 52 international human rights professors and advocates, from institutions such as Harvard University, the American Bar Association, and Human Rights Watch, addressed a letter to Xhelal Svecla, head of the parliamentary Inquiry Committee, expressing their concerns over "irresponsible and reckless accusations" made by Kosovo officials.

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

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

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

Government Human Rights Bodies: The Ombudsperson Institution has authority to investigate allegations of human rights violations and abuse of government authority and acts as the national preventive mechanism against torture. The institution is the primary agency responsible for monitoring detention facilities. Based on powers granted by the Assembly, the Ombudsperson Institution can file *amicus curiae* briefs with basic courts on human rights-related cases. It can also make recommendations on the compatibility of laws and other sublegal or administrative acts, guidelines, and practices.

In 2018 the government established a preparatory team to draft terms of reference for a future truth and reconciliation commission (TRC). During the year a preparatory team met and drafted the rules and procedures for a TRC and submitted the document for parliamentary approval. The government established a Missing Persons Commission, which signed procedures on handing over remains of wartime victims with Serbia in November 2018.

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

Women

Rape and Domestic Violence: The law criminalizes rape and domestic violence against all persons, including rape of a relative or spouse. By law, rape is punishable by two to 15 years in prison. EULEX noted courts often applied penalties lighter than the legal minimum in rape cases and that law enforcement rarely took steps to protect victims and witnesses. Furthermore, these sentences were often further decreased by the appellate court. The Prosecution Victim Assistance Office reported an increased number of homicides in domestic violence cases. Sexual violence, including rape, occurring either within or outside the family or domestic unit, is rarely reported by victims, frequently due to social stigma or lack of trust in authorities.

The law recognizes gender-based violence as a form of discrimination. In 2018 the Kosovo Institute for Policy Research and Development (KIPRD) stated the country still lacks a definition of gender-based violence within its criminal and civil proceedings.

A section of the Office of the Chief State Prosecutor helped to provide access to justice for victims of all crimes, with a special focus on victims of domestic violence, trafficking in persons, child abuse, and rape. In addition each prosecutor's office has a prosecutor who specializes in handling domestic violence cases. These prosecutors can apply risk-assessment tools to avoid future risk of abuse to the victim and are enabled to recommend harsher sentences for repeat offenders and violators of protective orders.

The Victim Assistance Office reported 946 cases of domestic violence in the country during the year. Per legally stipulated procedures, the KP investigates and then transfers cases of domestic violence charges to prosecutors. The rate of prosecution was low, however, and sentences were usually lowered by the country's second-level court. Advocates and court observers asserted prosecutors

and judges favored family unification over victim protection, with protective orders sometimes allowing the perpetrator to remain in the family home while a case was pending. Sentences ranged from judicial reprimands to six months' to five years' imprisonment. The criminalization of domestic violence in April was accompanied by increases in arrests, prosecutions, and convictions for the crime.

In November 2018 the Gjakova Basic Court found Pjeter Ndrecaj guilty of murder and sentenced him to 24 years in prison for shooting and killing his former wife and nine-year-old daughter in August 2018. The former wife had sought help by coming to the police station in Gjakova five hours prior to the killing, but police failed to locate Ndrecaj before the murders took place. In March the Court of Appeal extended the sentence to life imprisonment, deciding there were additional aggravating circumstances not considered by the Basic Court that would fulfill the requirements for imposing a life sentence. In June, however, the Supreme Court returned the case for retrial, stating the first verdict contained essential violations of the provisions of the criminal procedure code related to the guilty plea procedure that were not reviewed by the second instance court. In his statement Ndrecaj had pled guilty to murdering his wife deliberately but claimed he shot his daughter by accident.

In September the Basic Court in Prizren ruled in favor of monetary compensation for the family of a victim of domestic violence who was killed. In 2011 the Kosovo Prosecution ignored the victim's request for an emergency restraining order against her husband three weeks before he killed her. The decision to compensate her family for prosecutorial inaction marked the first time a court in the country has ordered compensation in such a case.

The government licensed and supported seven NGOs to assist children and female victims of domestic violence. Ten shelters for victims of domestic violence housed victims of trafficking and other crimes. Both NGOs and shelters reported concerns the government consistently underfunds and delays payment to ensure their functioning. NGOs reported government funding is inadequate, and the Ministry of Labor and Social Welfare (MLSW) confirmed it sometimes faces difficulties in funding shelters.

In 2018 the government created an independent commission to verify the status of wartime sexual assault survivors and compensate them. As of June the commission had granted this status and its accompanying pension to 395 of 1,058 applicants. It rejected 152 applications due to incomplete documentation; 52 of these rejected applicants filed a request for a second review. The remaining

applications were pending review. The SPRK designated one prosecutor for cases of wartime sexual violence. The KP established a unit for war crime cases, including cases of wartime sexual violence.

Sexual Harassment: The law defines sexual harassment in civil proceedings. While the criminal code includes the offense of sexual harassment, it does not contain a specific standard or definition. April amendments to the criminal code stipulate prison sentences as an enhanced penalty for sexual harassment against vulnerable victims and in cases where the criminal procedure is initiated upon the victim's request. In cases where a crime is committed with the use of a weapon, the sentence may vary from one to five years of prison. NGOs reported internal procedures and regulations for reporting sexual harassment hampered implementation of these laws.

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

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

Discrimination: The law provides the same legal status and rights for women and men. The law requires equal pay for equivalent work. The law stipulates the partners in marriage and civil unions have equal rights to own and inherit property, but men usually inherited family property and other assets. In rare instances Kosovo-Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom requiring children and property to pass to the deceased father's family while the widow returned to her birth family.

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

Gender-biased Sex Selection: The boy-to-girl ratio at birth was 109 boys to 100 girls. According to UNICEF the government did not take steps to address the imbalance.

Children

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

Child Abuse: The criminal code does not specifically criminalize child abuse but addresses various elements of child abuse, including in sections on sexual assault, rape, trafficking in persons, and child pornography, among others. Penalties range from five to 20 years' imprisonment. The incidence of child abuse in the majority population was unknown due to social stigma, but reporting suggests that it was prevalent.

In July a nine-year-old boy from Fushe Kosove was raped and killed. The boy's mother had reported his rape by the suspect prior to the killing, but the suspect was released after questioning and never rearrested. Six months later, the child was found dead near the stairs of a building in Fushe Kosove. The suspect was then arrested for rape and aggravated murder. Following the case the KP and the Prosecutor's Office began jointly reviewing all procedures and actions in child abuse cases. In November, two prosecutors involved in the case were questioned over suspicion they failed to address claims of abuse in a timely and efficient manner.

In August the KP in Prizren, with the help of a Swiss Caritas staff member, prevented the rape of an 11-year-old Romani boy, who was sexually abused by a 36-year-old man from Drenas. The case was reported to the police by several citizens, and the investigators responded immediately by contacting the victim and his family. Police worked closely with the Prosecutor's Office, the Center for Social Work, and the Victim Advocate's Office to provide services for the victim. A large team of investigators worked to identify and arrest the suspect in the case.

Early and Forced Marriage: The law allows persons to marry at the age of 16. Although there is no official data on early and forced child marriage occurrences in the country, it remained a common practice in certain ethnic communities, including among Roma, Ashkali, Balkan-Egyptians, Bosniaks, and Gorani. According to a government report that focused on these communities, approximately 12 percent of children, mostly girls, married before the age of 15.

High levels of unemployment in these communities were factors that contributed to these rates.

Sexual Exploitation of Children: The law prohibits possession, production, and distribution of child pornography. Persons who produce, use, or involve a child in making or producing pornography may receive a prison sentence of one to five years. The distribution, promotion, transmission, offer, or display of child pornography is punishable by six months' to five years' imprisonment. Possession or procurement of child pornography is punishable by a fine or imprisonment of up to three years.

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

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

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

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

According to Handi-Kos, a disability rights organization, health and rehabilitative services, social assistance, and assistive devices for persons with disabilities

remained insufficient, and physical access to public institutions remained difficult, even after the implementation of bylaws on building access and administrative support.

The law regulates the commitment of persons to psychiatric or social care facilities and protects their rights within such institutions but has not been implemented. Kosovo lacks an adequate system for classification of procedures, placement, and treatment of detainees with mental disabilities. The KRCT described mental health facilities as substandard and generally overcrowded. The Institute of Forensic Psychiatry of Kosovo (IFPK) has a capacity of 36 beds, of which 12 are for psychiatric examinations and 24 for mandatory psychiatric treatment. IFPK does not have a specific area for treatment of women or juveniles.

National/Racial/Ethnic Minorities

Governmental and societal violence persisted against Kosovo-Serb and other ethnic minority communities, all of which were also affected by social and employment discrimination.

In the first seven months of the year, approximately 100 incidents were reported involving thefts, break-ins, verbal harassment, and damage to the property of Kosovo Serbs and the Serbian Orthodox Church. International organizations stated at least four incidents showed explicit ethnic motivations, while ethnic motivations for other incidents were likely but difficult to prove. The government condemned the incidents, and the KP initiated investigations, which in some instances resulted in the arrest of perpetrators.

Some Kosovo Serbs reported discrimination from other ethnic Serbs for their participation with the Kosovo Security Force (KSF). The Ministry of Defense reported more than 80 Kosovo Serbs resigned from the KSF between 2018 and 2019, citing alleged pressure from Serbian authorities and local Kosovo Serb community representatives. They were also routinely subjected to detainment by Serbian authorities at Kosovo-Serbia border crossings. During the year the KSF continued actively to recruit Kosovo Serbs in order to build a multiethnic, inclusive force.

While access to justice for Kosovo Serbs improved due to the 2017 integration of the judiciary system in the four northern Serb majority municipalities and integration of Kosovo-Serb judges and staff in other basic courts in the country, the institutions suffered from a lack of appropriate funding and support. Poor or

delayed translation in proceedings before the courts, a backlog of cases in the north, nonexecution of court decisions, limited numbers of non-Albanian staff, and inconsistency between Albanian and Serbian translations of legislation continued to hinder the proper delivery of justice for Kosovo Serbs and other minority communities. To address the problem, the government passed a concept note sponsored by the country's language commissioner in May that stipulates establishment of a governmental translation unit.

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

The Romani, Ashkali, and Balkan-Egyptian communities often lacked access to basic hygiene, medical care, and education and were heavily dependent on humanitarian aid for subsistence.

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

The law requires equal conditions for all schoolchildren and recognizes minority students' right to public education in their native languages through secondary school. This law was not enforced. Bosniak, Croat, Gorani, Montenegrin, Romani, and Turkish community leaders cited the unavailability of textbooks and other materials in Serbian, Bosnian, and Turkish languages, occasionally turning to Albanian-language curriculum or curriculum sponsored by Serbia or Turkey to educate students.

The Office of the Language Commissioner monitored and reported on the implementation of legislation that conferred equal status to the country's two official languages, Albanian and Serbian, as well as official languages at the local level, including Bosnian and Turkish. The commissioner reported local municipal administrations were not consistent in implementing provisions of the Law on the Use of Languages. As examples, he cited the lack of translation or poor translation

into Serbian of more than 90 laws, public signs within most public institutions, and communications with parties during court proceedings. Courts regularly failed to provide adequate translation and interpretation services to minority defendants and witnesses and did not provide adequate translation of statute and court documents as required by law.

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

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

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

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

In August the Court of Appeals upheld a ruling of the Basic Court that allowed the change of the sex marker from female to male for a citizen living abroad. This decision, the first of its kind in the country, repealed the 2011 Law on Civil Status Respecting the Law on Gender Equality, which entered into force in 2015. Four citizens were waiting to change their identity documents similarly.

According to NGOs, a Romani woman who may be transgender was repeatedly assaulted by Kosovo residents based on a false rumor that she was kidnapping children. The KP released a press statement calling for the assaults to cease and stating that the individual was not a kidnapping suspect.

HIV and AIDS Social Stigma

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and the violation of any individual's labor rights due to his or her union activities. The law requires reinstatement of workers fired for union activity, including in essential services. The law applies equally to all individuals working in the public and private sectors, including documented migrants and domestic servants.

Authorities did not effectively enforce the labor law, which includes regulations and administrative instructions that govern employment relations, including rights to freedom of association and collective bargaining. According to the Association of Independent Labor Unions in Kosovo (BSPK), resources, inspections, and remediation were inadequate, and penalties insufficient. As of May the Ministry of Labor and Social Work's Labor Inspectorate had issued 99 fines during the year. 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 and private employers generally respected the right to form and join unions in both the public and private sectors. Political party interference in trade union organizations and individual worker rights remained a problem. According to union officials, workers in the public sector commonly faced mistreatment, including sexual harassment and the loss of employment, based on their political party affiliation. Employers did not always respect the rights of worker organizations to bargain collectively, particularly in the private sector. The BSPK reported many private-sector employers essentially ignored labor laws. The BSPK reported continued difficulty in establishing unions due to employer interference in workers' associations and unions, particularly in the banking, construction, and hotel sectors.

Representatives from these sectors told the BSPK anonymously employers used intimidation to prevent the establishment of unions. The Labor Inspectorate reported receiving no formal complaints of discrimination against employees who

tried to join unions during the year. The inspectorate was not fully functional due to budgetary and staffing shortfalls.

b. Prohibition of Forced or Compulsory Labor

The Law on Child Protection adopted in June prohibits all forms of forced or compulsory labor, but forced child labor occurred during the year (see section 7.c.).

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

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

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

On June 27, the Assembly adopted its first Law on Child Protection, key child labor protection legislation that unifies all the other legal and sublegal documents on the topic. The law provides additional measures and penalties for employers of children that are sufficient to deter violations, but citations do not address the problem adequately as it does not affect occurrences in the informal economy. The law permits authorities to remove a child from the home if that is determined to be in the best interests of the child.

The law enforcement agency effectively enforced the law. Inspectors immediately notified employers when minors were exploited or found engaged in hazardous

labor conditions. As of May the NGO Terres Des Hommes reported the cases of 116 minors (105 Kosovo citizens and 11 minors from Albania) working in hazardous conditions. Of these, 73 were children engaged in begging, 13 in street work, and 14 in mining. According to the Ministry of Labor, 73 individuals received Social Work Center counseling on issues related to child labor.

The Coalition of NGOs for Protection of Children (KOMF) reported children working in agriculture encountered hazards associated with operating farm equipment. KOMF reported child labor in farming persisted as a traditional activity. Government-run social work centers reported children engaged in farming were not prevented from attending school. While children were rarely their families' main wage earners, child labor contributed substantially to some family incomes.

Urban children often worked in a variety of unofficial construction and retail jobs, such as selling newspapers, cigarettes, food, and telephone cards on the street. Some children, especially those from families receiving social assistance and ethnic minorities, also engaged in physical labor, such as transportation of goods and in picking through trash piles for items to sell.

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

d. Discrimination with Respect to Employment and Occupation

Discrimination in employment and occupation occurred across sectors with respect to sex, gender identity, disability, religion, political affiliation, and minority status (see section 6). During the year the BSPK received reports from labor unions and individuals also claiming discrimination based on union membership, age, and family status. The BSPK and union officials noted employment, particularly in the public sector, often depended on the employee's political status and affiliation. Union officials reported other mistreatment, including sexual harassment, based on political party affiliation. The BSPK also reported instances of employers discriminating against female candidates in employment interviews and illegally firing women for being pregnant or requesting maternity leave.

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

e. Acceptable Conditions of Work

The government-set minimum wage was higher than the official poverty income line.

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

Ministry of Labor inspectors were responsible for enforcing all labor standards, including those pertaining to wages, hours, and occupational safety and health. The fines were not sufficient to deter violations. The number of inspectors was insufficient to deter violations in both the formal and informal sectors.

According to the Labor Inspectorate and the BSPK, the labor code is comprehensive and its provisions on work hours are adequate for the equal protection of public and private sector workers. The government did not effectively enforce the law. The BSPK reported lack of enforcement by the government and citing resource and capacity limitations within the Labor Inspectorate.

According to the BSPK, employers failed to abide by official labor standards that provided equal standards of protection to public and private sector workers. The BSPK reported a lack of government oversight and enforcement, particularly of the standard workweek and compulsory and unpaid overtime. Many individuals worked long hours in the private sector as "at-will" employees, without employment contracts, regular pay, or contributions to their pensions. The BSPK reported employers fired workers without cause in violation of the law and refused to respect worker holidays. As of June the Labor Inspectorate received 1,519 formal complaints of violations of workers' rights in the public and private sectors and issued 99 formal complaints against violators. Women's rights organizations reported sexual abuse and harassment occurred on the job but went unreported due to fear of dismissal or retaliation.

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

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