

KOSOVO

Kosovo is a parliamentary democracy with a population of approximately 2.2 million. Multiparty elections on December 12 for the Assembly and the national legislature generally met international standards, but serious irregularities in some areas resulted in a limited revote in some municipalities. The country declared its independence in 2008 when it accepted the Ahtisaari plan, which provided for internationally sponsored mechanisms, including an International Civilian Office and the EU Rule of Law Mission (EULEX), to support the new government. Security forces reported to civilian authorities while being monitored by the UN-authorized North Atlantic Treaty Organization (NATO) Peacekeeping Force for Kosovo (KFOR).

During the year reported problems and abuses included the following: government interference in security forces and the judiciary; lengthy pretrial detention and lack of judicial due process; intimidation of media by public officials and individuals; incidents of violence against members of religious communities and damage to religious properties; limited progress in returning internally displaced persons (IDPs) to their homes; government corruption, including in the police force and the judiciary; violence and discrimination against women; trafficking in persons, particularly girls and women for sexual exploitation; societal violence, abuse, and discrimination against minority communities; societal discrimination against persons with disabilities; abuse and discrimination against persons based on their sexual orientation; and child labor in the informal sector.

RESPECT FOR HUMAN RIGHTS

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 during the year. There were developments in 1999-2003 cases of suspected politically motivated killings.

Following the November 2009 release of a video confession of a self-proclaimed political assassin, Nazim Bllaca, EULEX made four arrests during the year on suspicion of more than 20 politically motivated killings during the period 1999-2003. Bllaca and the three others arrested in the case are suspected of murder and

attempted murder of political figures under orders from the Kosovo Information Service (SHIK), which served the Kosovo Liberation Army (KLA) until the end of the Kosovo conflict. SHIK reported its official disbandment in 2008. The investigation in the case continued at year's end. On July 13, EULEX police arrested Fahredin Gashi in connection to the investigation. Gashi was charged with war crime offenses committed in 1999 in the Lipjan/Lipljan municipality. On November 30, Nazim Bllaca was released from pretrial detention after spending one year in custody. The release was statutorily mandated, as pretrial detention cannot extend beyond one year.

EULEX's mandate included investigation, trial, and prosecution of war crimes from the 1998-99 conflict (see section 1.e., trial procedures).

On July 5, an unknown assailant shot and injured Petar Miletic, a member of the Assembly and the permanent secretary of the Kosovo Serb Independent Liberal Party, in front of his apartment as he departed for work. Interior Minister Bajram Rexhepi told the media that Miletic was hit by two bullets. Miletic was treated in the hospital and released after one week. Police said they had a description of the shooter, and an investigation was ongoing at year's end.

On December 12, the Parliamentary Assembly of the Council of Europe (COE) released a report by COE rapporteur Dick Marty on allegations concerning inhuman treatment of persons and illicit trafficking in human organs in the country. The report stated that, from July 1999 to mid-2000, elements of the KLA and affiliates held scores of "disappeared" persons in Albania at informally arranged locations at Bicaq, Burrel, Rripe, and Fushe-Kruje. The report further alleged that a small number of these persons became "victims of organized crime," their kidneys extracted for use by an international organ-trafficking ring. The report stated that all of those held, Albanians and Serbs, were presumed to have been killed. According to the report, first-hand sources implicated five members of the so-called "Drenica Group" within the KLA--Hashim Thaci, Xhavit Haliti, Kadri Veseli, Azem Syla, and Fatmir Limaj--in having ordered, and in some cases personally overseen, assassinations, detentions, beatings, and interrogations in the context of KLA-led operations on the territory of Albania between 1998 and 2000. The report also stated that the head of the alleged Drenica Group, current Prime Minister Hashim Thaci, reportedly operated with the "support and complicity" not only of Albania's formal governance structure, including the Albanian socialist government in power at the time, but also from Albania's Secret Service and the Albanian mafia.

The Interim Administration Mission in Kosovo (UNMIK) and the International Criminal Tribunal for the former Yugoslavia (ICTY), whose mandates did not extend into Albania, previously investigated the allegations of organ harvesting contained in the Marty report and concluded that there was insufficient evidence to pursue a criminal case. The EULEX War Crimes Unit maintains an open investigation into the organ trafficking allegations. The EULEX War Crimes Unit stated that it possessed no evidence related to the Marty report allegations and called on the COE and other parties to share whatever evidence they may have obtained. The report also calls on Serbia, Kosovo, and Albania to cooperate closely with EULEX in support of the investigation. Kosovo authorities denounced the content of the report but pledged their cooperation with any investigation.

On June 11, the district court in Pristina sentenced Arben Berisha to the maximum prison sentence of 40 years in the 2007 killing of police officer Triumf Riza. The court also sentenced Fitim Avdiu to 10 years as an accomplice, and fined Agron Emini 2,000 euros (\$2,680) for assisting the perpetrator of a criminal offense. Three other persons accused in the case--Enver Sekiraca, Ilir Abdullahu, and Rrahim Abdullahu--remained at large.

b. Disappearance

There were no reports of politically motivated disappearances; however, according to the International Committee of the Red Cross (ICRC), as of the end of August, there were 1,822 persons still listed as missing as a result of the 1998-99 conflict. Of the missing, 70 percent were Kosovo Albanians, and 30 percent were Kosovo Serbs and other minorities.

During the year the Ministry of Justice and the former Office on Missing Persons and Forensics, which became the Department of Forensic Medicine (DFM) this year pursuant to the law, continued to identify the remains of missing persons. From January to December the DFM and the International Commission for Missing Persons (ICMP) positively identified 56 missing persons, and transferred remains to families. Additionally the DFM and ICMP confirmed the identity of 47 persons previously identified and buried, but for whom there were concerns about the initial identification. In August the DFM began excavation of a large, complex site in Vushtrri/Vucitrn municipality with assistance from the Kosovo Security Force (KSF). As of mid-December, 364 unidentified sets of remains were in DFM custody (337 from Kosovo sites and 27 from Serbian sites).

During the year officials from Kosovo and Serbia met four times in a working group on missing persons chaired by the ICRC and under the auspices of the UN Special Representative of the Secretary-General. Two meetings of its sub-working group on forensic issues were held during the year.

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

The constitution and law prohibit such practices, and there were no reports during the year that the government, EULEX, or KFOR (which has limited arrest and detention authority) employed them.

The December 12 COE report on inhuman treatment of persons and illicit trafficking in human organs (see section 1.a.) alleged that, from 1998 to June 1999, the KLA, with the cooperation of the Albanian Secret Service, detained "prisoners of war" from Kosovo at locations in Durres, Cahan, and Kukes, where they were held in makeshift cellblocks, left in unsanitary conditions without food and water, and were visited periodically by KLA soldiers to be questioned under harsh treatment or indiscriminately beaten.

Some supporters of Vetevendosje ("Self-Determination" Movement) leader Albin Kurti reported they were injured during his June 12 arrest in Pristina. Kurti, who escaped from a house arrest sentence stemming from a violent 2007 protest and avoided several earlier attempts to return him to custody, was arrested after a protest at his group's headquarters. More than 100 supporters tried to impede the arrest, and the Kosovo Police (KP) used two canisters of tear gas to control the crowd. Several supporters sought medical treatment following the interaction with police, alleging they were beaten with batons and sustained burns from the tear gas. Vetevendosje activists overturned two EULEX vehicles that were present at the scene and slashed tires of several KP vehicles.

In 2009 the COE's Committee for the Prevention of Torture (CPT) released a report on the country based on its 2007 visit. The report stated that the CPT received a number of reports of mistreatment of detainees by KP officers, consisting mainly of punches, slaps, and kicks by officers attempting to obtain confessions. The report noted that, in a few cases, the alleged mistreatment (such as a mock execution and prolonged and severe beatings) could easily be described as torture and noted that a number of detained persons alleged that police officers had exerted psychological pressure on them not to file a complaint regarding the mistreatment.

Prison and Detention Center Conditions

Prisons and detention center conditions generally met international standards, and the government permitted monitoring visits by independent human rights observers.

During the year there were some allegations of abuse and mistreatment of prisoners. In October the Kosovo Rehabilitation Center for Torture Victims (KRCT), a local NGO that visited and monitored prisons and detention centers, published a report on its 2009-10 visits to all prisons and detention facilities in the country. The KRCT reported no allegations of excessive use of force; it received few allegations of ill-treatment by police, mainly during arrest or questioning and no cases of ill-treatment in police holding cells.

The KRCT reported an allegation of excessive use of force by a guard in the Peje/Pec Detention Center but noted that the inmate did not report any further abuses against him when interviewed again in April. Additionally the KRCT reported a case of physical abuse of a juvenile in the Lipjan/Lipljan Correctional Center in February 2009.

The KRCT noted that some cells, mainly in the Dubrava Prison, lacked proper ventilation and access to natural light. The quality and quantity of hygiene products provided to inmates was low. The KRCT also raised concerns of overcrowding in the Dubrava Prison. The KRCT commended new initiatives to screen inmates for HIV and hepatitis and cited the establishment of the Forensic Psychiatry Institute, established with funding and assistance of the EU, for the treatment of mentally ill inmates. However, the KRCT raised concerns that medical supplies to detention and correctional centers were sometimes interrupted and indicated that a decrease in investments in medical supplies, services, and specialized health treatment have affected the quality of health care in the correctional system.

The Kosovo Correctional Service (KCS) managed daily operations at all correctional and detention centers. EULEX retained a limited monitoring, mentoring, and advising role in the prisons. Additionally EULEX transported prisoners upon request. As of the end of December, there were approximately 1,320 convicted prisoners and 130 pretrial detainees mixed in prison and detention centers. There were 35 females (20 convicted prisoners and 15 pretrial detainees) and 45 juveniles (12 detainees and 33 in juvenile imprisonment). During the year the monthly prison population at the main correctional center, Dubrava Prison, varied from 650 to 1,000 inmates, below its total capacity of 1,200. Three

correctional facilities, six detention centers, one center for the protection of witnesses, and one prison hospital operated during the year.

The KRCT reported that there continued to be facilities in which pretrial detainees mixed with convicted prisoners, including the detention centers in Peja/Pec, Gjilan/Gnjilane, and North Mitrovica. The Kosovo Correctional Service reported that there were no facilities that co-located pretrial detainees and convicted prisoners. The KRCT also reported that it had observed multiple cases of pretrial detainees being held for more than 12 months. The correctional service confirmed that a number of pretrial detainees were held for periods of longer than one year, which is a violation of the law.

The KRCT reported that there are "no major problems regarding inmates contact with the outside world, access to information, or right to practice religion," that inmates are provided adequate information about their rights and their nutrition, and that "minority rights in the detention centers are still well respected." The KRCT raised a concern about the lack of teachers in the Lipjan/Lipljan Correctional Center for juveniles and noted that some subjects taught in the public school system are not available in the correctional center. Corruption and nepotism, especially in Dubrava Prison, remained a concern. As a consequence, privileges, disciplinary measures, and review of complaints were not always applied in a fair and transparent way.

Authorities permitted visits and monitoring of the country's prisons and detention centers. The ombudsman and KRCT inspected correctional and detention centers during the year. The ombudsman reported good cooperation from the correctional service, including the ability to conduct private interviews with inmates during visits. Detainees could submit complaints and requests for investigations to judicial authorities, without censorship, through anonymous boxes in prison. The director of the KCS received 65 official requests regarding prison conditions from prisoners as of the end of the year, but none of these requests were classified as complaints by the KCS. On June 8 to 15, the CPT visited a number of detention and correctional facilities; the CPT had not released its report on the visit as of year's end. The ICRC did not conduct any prison or detention facility inspections during the year.

The KRCT's report called material conditions "generally good" and noted a number of improvements since 2008 on the basis of observer recommendations. "Police holding cells keep being renovated and the situation continues to improve on the infrastructure level. The conditions in police custody are globally fine and

the law generally respected." During the year the government spent 3.39 million euros (\$4.5 million) to improve living conditions in prisons and detention centers and to open a new detention facility, with capacity for 200 persons, in Smrkovnica.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government, EULEX, and KFOR generally observed these prohibitions.

Role of the Police and Security Apparatus

Local security forces include the KP and KSF. Police function under the authority of the Ministry of Internal Affairs. In 2008 the EU rule of law mission in Kosovo, EULEX, became operational and established its mandate to monitor, mentor, and advise local judicial and law enforcement institutions. EULEX possesses limited executive authority in areas including organized crime, corruption, war crimes, witness protection, money laundering, terrorist financing, and international police cooperation. In July 2009 police assumed primary responsibility for terrorism investigations that did not have international impact. The KSF is a lightly armed security and civil defense force that functions under the civilian authority of the Ministry of Kosovo Security Force and is mentored by KFOR.

In April the prime minister appointed a new acting director general of the KP. The minister of internal affairs and the new general director then signed an order creating a unified chain of command within the police. The acting director general, with approval of the minister of internal affairs, then formalized an organizational structure for police.

As of December, members of ethnic minorities comprised an estimated 15 percent of 7,291 police officers; 9.5 percent of officers were Kosovo Serbs. An estimated 13 percent of officers were women.

The government and EULEX shared executive authority over police, although EULEX authority is limited to the Serb-majority areas north of the Ibar River. The KP were responsible for day-to-day police operations in all areas of the country, but EULEX exercised additional executive authority and oversight in Serb majority northern municipalities of Zubin Potok, Zvecan, Leposaviq/Leposavic, and the northern part of Mitrovica/Mitrovica.

Specialized police units investigating war crimes, financial crimes, and organized crime, and the EULEX police witness protection program, remained staffed by international EULEX police officers and operated independently of police. EULEX and the KP independently operated units on criminal intelligence and organized crime. EULEX's international police officers, prosecutors, and judges deployed in the country have broad discretion to intervene in any particular criminal matter. However, as a practical matter, most policing duties and responsibilities were in the hands of the local police.

The Police Inspectorate of Kosovo (PIK) operated as an independent body under the Ministry of Internal Affairs and has a mandate to conduct investigations and inspections involving police personnel. The PIK law was amended on October 14 and will enter into force on June 1, 2011, transferring the authority to conduct criminal investigations of police personnel from within the KP to the independent PIK.

During the year the PIK reviewed 1,185 complaints, of which 577 were citizen-initiated complaints, 13 were complaints from institutions, and 595 were initiated by police. Of those complaints, the PIK pursued further investigation into 408 and turned 541 cases over to the KP Professional Standards Unit (PSU). Court decisions for criminal cases were pending in 106 cases, and 100 cases were pending before the Senior Police Appointment and Discipline Committee. Of the 408 cases investigated by the PIK, 20 percent were allegations of serious discipline violations. Of the discipline violations, 20 percent were for serious cases of conduct unbecoming a police officer, 13 percent involved allegations of inappropriate use of force, 12 percent involved criminal offenses (and were referred to the Prosecutor's Office), 9 percent were for serious insubordination, 2 percent concerned complaints of corruption, and the remainder were various violations categorized as serious.

The PSU investigated minor police violations and imposed administrative penalties for infractions. During the year the unit opened 639 cases, including instances of minor insubordination and damage or loss of police property. As of the end of the year, 73 cases remained under investigation.

Arrest Procedures and Treatment While in Detention

Police generally made arrests openly using a warrant issued by a judge or prosecutor and based on sufficient evidence. In some cases, masked or undercover officers conducted arrests. By law arrests must be based on prosecutors' orders, and

arrestees must be brought before a judge within 72 hours. The majority of the year's arrests were carried out by police. There were no reports that police abused the 72-hour rule, and authorities generally charged arrestees within six to eight hours or released them. Arrestees have the right to be informed of the reason for their arrest in a language they understand; to remain silent and not answer any questions except those concerning their identity; to obtain free assistance of an interpreter; to obtain defense counsel and to have defense counsel provided if they cannot afford one; to receive medical and psychiatric treatment; and to notify a family member. Police and EULEX police generally respected most of these rights in practice.

In its 2009 report, the CPT noted that a number of detained persons claimed that they were not able to contact a lawyer at the outset of their detention, but only at the time of the initial period of questioning with a criminal police officer. In some cases, the right of access to a lawyer only became effective after the initial period of questioning.

Under extraordinary circumstances, KFOR can arrest and detain individuals without a warrant. The KFOR commander can detain individuals for 72 hours, renewable for a second 72-hour period. After 144 hours, KFOR must release the detainee. There were no reports that KFOR arrested persons without a warrant during the year.

The KP and EULEX police may hold individuals for up to 72 hours without a court order. Following an initial ruling, a court may hold individuals in pretrial detention for 30 days from the day of arrest and can extend detention up to a total of one year if no indictment has been filed. After an indictment has been filed and until the conclusion of trial proceedings, detention on remand may be ordered or terminated only by the ruling of the trial panel. There is a functioning bail system. The law allows for house arrest, confiscation of travel documents, and expanded use of bail as alternatives to pretrial detention. Defendants can also appeal their detention on remand.

Lengthy detentions, both before and during judicial proceedings, remained a problem. The law provides that a judge may impose pretrial detention when there is well-grounded suspicion that a person has committed a criminal offense and that person is likely to destroy, hide, or forge evidence; influence witnesses; flee; repeat the criminal offense or engage in another criminal offense; or when other measures provided by the law are insufficient to secure the defendant's presence during criminal proceedings. In practice, however, judges routinely used detention on

remand without showing any evidentiary justification. In particular, in the Mitrovica District Court, which sits in Vushtrri/Vucitrn, detention on remand for defendants has been continuously extended throughout the period that the court has operated with limited capacity.

Trial delays were caused by factors including judicial inefficiency and corruption.

Amnesty

On February 17, the president granted amnesty or commuted the sentences of 62 individuals (approximately 5 percent of the total population of prisoners and pretrial detainees) in honor of the country's second anniversary of independence.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the local judiciary was at times biased, subject to outside influence, and did not always provide due process. There were credible reports of corruption in the local judiciary, and the court system was inefficient. There was no effective mechanism for disciplinary proceedings against judges.

The court system included a constitutional court, a supreme court, five district courts, a commercial court, 25 municipal courts, 25 minor offense courts, and an appellate court for minor offenses. On July 22, the Assembly approved the law on courts, regulating the organization, functioning, and jurisdiction of the courts in the country. Through EULEX, 31 international judges and 15 international prosecutors supported local judges and prosecutors. There is one state public prosecutor's office, five district prosecutors' offices, and seven municipal prosecutors' offices. EULEX exercised its executive authority over a special prosecutor's office which included eight international prosecutors focused on serious crimes including human trafficking, money laundering, war crimes, and terrorism.

In criminal cases in which EULEX international judges exercised their jurisdiction, these judges sat on mixed panels with local judges. EULEX judges were the majority on these panels, with one EULEX judge serving as the presiding judge. The president of the Assembly of EULEX Judges has the authority to create a panel solely or majority of which are local judges, or to not assign particular stages of proceedings to EULEX judges. For civil cases in which EULEX international judges exercised their jurisdiction, judicial panels were composed of three judges, two of which were EULEX judges.

Under the Kosovo Judicial Council (KJC), the Office of the Disciplinary Commission (ODC) was responsible for investigating the activities of judges, prosecutors, and lay judges, and for prosecuting cases of misconduct before the KJC. During the year 89 new cases were referred to the ODC. The ODC convened hearings and ruled on 23 of the 219 cases before it. The ODC's total caseload included 130 cases carried over from previous years. The Judicial Audit Unit analyzed and evaluated the functioning of the courts and public prosecutors' offices and submitted reports and recommendations to the KJC.

The Mitrovice/Mitrovica District Court continued to function partially during the year. Since 2008 only EULEX judges were based at the court's premises in northern Mitrovica, while other operations of the Mitrovica district and municipal courts and the Mitrovica district and municipal prosecutors' offices continued to operate from the Vushtrri/Vucitrn Municipal Court.

District and municipal courts in Mitrovice/Mitrovica and municipal courts in Leposaviq/Leposavic and Zubin Potok remained closed following 2008 protests against the country's independence. Efforts to reopen the Mitrovice/Mitrovica District Court stalled in July when Kosovo Serb judges who were scheduled to take up positions on the court withdrew following intimidation from Serb parallel authorities and persons claiming to represent Serbian institutions. The two Kosovo Serb judges indicated they would they would not take their positions until "appropriate conditions," including security measures, were in place.

The Serbian government continued to operate an unsanctioned parallel judicial system in Kosovo Serb enclaves and in majority Serb municipalities.

Trial Procedures

Trials are public, and defendants enjoy the presumption of innocence, the right to be present at their trials, to confront witnesses, to see evidence, and to have legal representation. Representation may be provided at public expense if necessary; however, this procedure was used rarely in practice. Defendants have the right of appeal. Trials are heard by panels consisting of professional and lay judges; there are no jury trials.

The Legal Aid Commission, an independent government agency, provided free legal assistance to low-income individuals through five district legal aid bureaus. From January to June, the commission provided legal assistance to 1,479 persons.

The Ministry of Justice operated a judicial integration section that continued to address judicial system problems affecting minorities. To that end, 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 IDPs.

War crimes cases are overseen by EULEX, which in 2008 assumed responsibilities formerly held by UNMIK to ensure that war crimes cases are properly investigated and prosecuted. Under EULEX's mandate, cases can be investigated and adjudicated either independently by internationals or, where appropriate, jointly with Kosovo counterparts. By the end of 2009, EULEX prosecution had tried four war crimes cases. A May report by the Kosovo Mission of the Organization for Security and Cooperation in Europe (OSCE) found a systematic failure to adjudicate war crimes cases as well as a lack of resources for this effort.

On December 14, EULEX police, supported by the KP, arrested two Kosovo Albanians in the Prizren region in an ongoing investigation into war crimes. The charges are related to application of measures of intimidation, terror, dislocation, and displacement of the civilian population committed in 1998 in Rahovec/Orahovac and nearby villages. The investigation was under the supervision of a EULEX prosecutor from the Kosovo Special Prosecution office.

On November 9, a mixed panel of two EULEX judges and one Kosovo judge found Vukmir Cvetkovic guilty of committing war crimes and sentenced him to seven years in prison. Cvetkovic was found guilty of expelling one family from the town of Hline/Klina and burning the homes of two families in 1999, as a member of the Serbian Police.

On May 6, EULEX police arrested former KLA members Sabit Geci and Riza Aliaj on suspicion of having committed war crimes in 1999. The Kosovo Special Prosecutor filed indictments in the case on August 6. On November 25, the pretrial judge of the District Court in Mitrovica confirmed the indictments against Sabit Geci and Riza Aliaj. The defendants remain in detention on remand, and a trial has not yet been scheduled. A third defendant is at large.

There were no new developments stemming from the September 2009 arrest by EULEX police of Slobodan Martinovic, Srecko Martinovic, and Svetlana Stojanovic for war crimes committed in 1999. The three allegedly kidnapped and tortured eight persons at an informal detention center in the Novoberde/Novo Brdo and Gjilan/Gnjilane area. EULEX charged them with inhuman treatment, immense

suffering or violation of bodily integrity or health, application of measures of intimidation and terror, and illegal arrest and detention. At year's end no hearing or trial date had been set.

In October 2009 the Pristina District Court found Rrustem "Remi" Mustafa, Latif Gashi, and Nazif Mehmeti guilty of war crimes for the torture of civilian detainees at three KLA detention facilities. The court, composed of one local and two EULEX judges, sentenced Mustafa to four years in prison, Gashi to six years, and Mehmeti to three years. At year's end, Mustafa remained free pending a final judgment on his appeal. During the conflict, Mustafa had been the chief of the KLA operational zone of Llap, and he later became a PDK member of the Assembly and chairman of the Assembly's Security Committee. All three were arrested in 2002 on charges of war crimes for illegal detention, torture, and killing of suspected collaborators of the Milosevic regime in the 1990s. Of the 26 victims listed in the indictment, one was Serbian; five were killed.

There were no developments in the war crimes case against Momcilo Jovanovic. In February 2009 an international EULEX prosecutor at the Peje/Pec District Court issued an arrest warrant for Jovanovic after he failed to respond to official summons to appear in court. In 2008 an international prosecutor indicted Jovanovic for war crimes, murder, and other violations of the laws of war for incidents that took place in 1998-99 in the village of Katundi i Ri/Vitimirca.

Political Prisoners and Detainees

There were no reports that the government or KFOR held political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution provides for an independent judiciary in civil matters. The local judiciary was at times biased and subject to outside influence and did not always provide due process. The media and public perceived the judiciary to be corrupt, secretive, and inefficient. Complaints submitted to the Office of Disciplinary Counsel dropped between September 2009 and August 2010.

In November 2009 the European Commission reported that the country's judicial system remained weak at all levels. The commission cited the low public confidence in the justice system as well as the continuing existence of three parallel sources of legislation (former Yugoslav law, UNMIK regulations, and

Kosovo law) as particular problems. The commission also noted that the backlog of court cases remained a serious problem. The Kosovo Judicial Council established a working group to develop a national backlog reduction strategy.

According to monitoring reports released by the OSCE in 2009 and during the year, civil judicial procedures were plagued by delays, and judgments often lacked necessary reasoning. Judges often failed to manage their cases effectively and to discipline parties abusing procedural avenues to delay proceedings.

Individuals may appeal to courts in order to seek damages for, or cessation of, human rights violations. In practice there were many such lawsuits pending. Individuals turned to the Constitutional Court for review of their rights to due process. More than 60 percent of cases filed with the Constitutional Court during the year alleged violations of constitutional rights by courts, prosecutors, or police.

There were problems enforcing civil court orders. For example, shortly after a May 2009 settlement agreement regarding a land dispute, the Decan/Decani municipality publically stated that it would not amend the municipal property records regardless of the eventual decision of the Supreme Court.

Property Restitution

Systemic challenges to the restitution of property persist. A March 2009 OSCE report assessed that the legal system's review of property rights cases was hindered by a confusing mix of laws, regulations, administrative instructions, court practices, and directives in the field of property as well as the country's complex post-conflict environment.

The Kosovo Property Agency (KPA) is responsible for the resolution of residential, commercial, and agricultural property claims arising from the Kosovo conflict. As of the end of the year, the agency administered 3,131 abandoned properties. Of those, 2,576 were administered upon the request of a successful claimant, and 515 were administered based on official interventions by the Housing and Property Claims Commission (HPCC, the predecessor adjudicating agency to the KPA). The KPA rented 863 properties on behalf of the legitimate owners who received 2.5 million euros (\$3.35 million) in rent. At year's end, the agency had received 41,099 total claims: 36,637 for agricultural property, 974 for commercial property, and 3,488 for residential property. Kosovo Serbs in the northern part of Mitrovice/Mitrovica continued to occupy Kosovo Albanian-owned properties and denied their owners access; Kosovo Albanians in the southern part

of the municipality occupied and denied Kosovo Serbs access to their property. The KPA has orders for 481 evictions pending in Mitrovica/Mitrovica, 299 of which are in north Mitrovica and 182 of which are in south Mitrovica. These 481 eviction orders represent 83 percent of all pending evictions by KPA. During the year the KPA carried out 182 evictions Kosovo-wide.

The KPA remained unable to enforce seven HPCC decisions for properties located in the northern part of Mitrovica/Mitrovica, due to concern by authorities that attempts to serve eviction notices would lead to violence.

The KPA also examined requests for reconsideration in instances where the original claim had been denied. As of December one HPCC request for reconsideration remained pending. Additionally the Kosovo Property Claims Commission (KPCC), a quasi-judicial arm of the KPA acting under the KPA mandate, adjudicated 26,953 claims by the end of December. The KPCC overturned 18,637 claims based primarily on incorrect notification or other technical reasons. Of the overturned claims, the KPCC re-adjudicated 1,680. As such the number of valid adjudicated claims stands at 10,266. The total number of implemented KPCC decisions stands at 2,249.

The backlog of property-related claims in municipal courts remained high with approximately 20,000 outstanding at year's end, representing almost exclusively monetary claims by Kosovo Serbs for war-related damage.

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 in practice. KFOR forces retained the ability to assist local police and EULEX police in conducting searches for high-risk suspects and independently to search private property for weapons without court orders, based on UN Security Council Resolution 1244's peacekeeping authority. During the year KFOR did not conduct any such searches.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. However, there were

reports that media representatives were intimidated by public officials, politicians, and businesses. The media also encountered difficulties in obtaining information from the government and public institutions. The law on broadcast media prohibits hate speech and speech that incites ethnic violence.

Individuals generally could criticize authorities publicly or privately without reprisal.

According to the Association of Professional Journalists of Kosovo (APJK), media outlets' financial difficulties left the editorial independence and journalistic professionalism of both print and television media vulnerable to outside influence and pressure. A few newspapers were financially self-sufficient and thus able to develop editorial policies independent of business and political interests. However, other newspapers relied on funding from businesses and political interest groups, as well as the government, which provided financial support in exchange for positive coverage or absence of critical coverage.

There was no direct censorship of print or broadcast media; however, journalists reported pressure from politicians and organized crime, which frequently resulted in self-censorship. Some journalists refrained from critical investigative reporting out of fear for their personal security or their jobs. Journalists were occasionally offered financial benefits in exchange for positive reporting or for abandoning an investigation, and government officials and suspected criminals verbally threatened some journalists for perceived negative reporting. According to editors, government agencies and corporations withdrew regular advertising from newspapers that had published critical coverage of them.

Print media self-regulated through a code of conduct adopted by the Press Council, an organization composed of print editors and publishers and led by an international member elected by the council. The council's complaint board reviews and issues decisions on complaints against media outlets. The council requires media outlets found to have violated the group's code of conduct to publish the council's negative finding. Under the council's new statute, which entered into force on January 26, the council no longer imposes monetary fines for misconduct.

The Independent Media Commission implemented regulations and enforced codes of conduct governing broadcast media. The commission is a permanent body overseen by a seven-member governing council.

As of December the country had 104 licensed broadcasters on the terrestrial network (39 of which broadcast in minority languages); the broadcasters expressed a wide variety of views. Of the 65 broadcasters whose primary language was Albanian, the three entities of the publicly funded Radio Television Kosovo (RTK) group (RTK Television, Radio Kosova, and Radio Blue Sky) also broadcast daily in minority languages.

The RTK board of directors is responsible for overseeing RTK, and the Ministry of Finance controlled its budget. The law provides for regulation of RTK program content and requires that at least 15 percent of RTK program time, including prime time, be dedicated to minority communities in their respective languages on a proportional basis.

State broadcaster RTK operated on interim funding allocated by the Assembly pending amendment of the law on RTK. In October 2009 the Constitutional Court suspended RTK's principal funding mechanism, a 3.50 euro (\$4.70) monthly RTK fee that had been added to all electricity bills. The suspension of the fee caused the European Broadcast Union to issue a public letter noting that this decision endangered the broadcaster's independence.

There were no reports of censorship or harassment of the publication of books, and publishing houses expressed a wide variety of views without restriction.

There were no reports that the government used libel laws, national or public security grounds, or publishing restrictions as vehicles to limit the operations of print, broadcast media, or publishing houses.

During the year the APJK reported 33 instances of press freedom abuse by government officials, business interest groups, and media owners, including verbal threats to journalists and their agencies by individuals affected by negative media coverage, pressure not to publish certain materials and articles, and obstruction of their work. The APJK also reported that many journalists complained that editors often did not allow them to publish or broadcast stories critical of the government or particular officials due to editors' or media outlets' connections to, or preferences for, certain senior government officials. In some cases, journalists reported that editors threatened to fire them if they continued to produce stories critical of the government. Three journalists reported that editors prevented them from producing stories on high-level government corruption.

On August 27, the Vienna-based South East Europe Media Organization (SEEMO) issued a press release on the organization's concerns about restrictions on the ability of journalists to travel. SEEMO reported that several journalists had been denied passports because they were under police investigation or faced court proceedings. All passport applicants, including journalists, are required to submit a certificate from a competent court certifying that the applicant is not under investigation or court proceedings. Since journalists are often sued for critical reporting and are further subject to excessive court delays, SEEMO called the requirement "a clear restriction of the freedom of movement of journalists."

On November 14, Kosovapress online news agency reporter Sebahate Shala quit her job following a November 13 press conference in which she asked a EULEX official whether Minister of Transport and Communications Fatmir Limaj should have been included in political party PDK's candidate list for Assembly elections, considering that Limaj was the subject of an ongoing EULEX investigation. Shala reported receiving intimidating and insulting text messages after the press conference and publication of her report on the conference. Shala reported she was forced to quit because of disagreements with the agency's management over her question at, and coverage of, the press conference.

During the year there were several incidents of violence or harassment directed at the media.

On May 13, unknown persons placed signs on buildings on the street where the director of the media company Koha Group, Flaka Surroi, resided. The signs read "UBD Street--Veton and Flaka Surroi." UBD was the acronym for the former Yugoslav/Serbian state security and, among the country's majority population, is generally perceived as synonymous with "traitor." The placement of the signs followed publication of an interview in the Koha Group's top-circulation daily newspaper, *Koha Ditore*, with EULEX prosecutor, Johannes Van Vreeswijk, in which he revealed that Minister of Transportation Fatmir Limaj was suspected of involvement in organized crime and abuse of duty. Prime Minister Thaci publicly criticized the placement of the signs.

On June 3, the APJK received a complaint from daily newspaper *Zeri* alleging that the president of the Pristina District Court, Anton Nokaj, had pressured the newspaper by threatening to press criminal charges (as a private citizen) against a reporter for the daily *Besa Kalaja*. Nokaj claimed that Kalaja had falsely reported that charges had been pressed against him with EULEX related to the employment

of his son as an interpreter for the court. Nokaj was not reappointed to his post as a judge.

On June 28, a group of participants at the Serbian anniversary celebration of the Battle of Kosovo in Gazimestan damaged the vehicle of the Kosovo branch of Tirana-based Top Channel Television and threw rocks at a Top Channel cameraman. The cameraman recorded the incident and was not injured in the attack. Police were investigating the case.

On July 20, an explosive device was thrown in the yard of the home of the editor in chief of Radio Mitrovica, Caslav Milisavljevic. The blast damaged three parked vehicles, one of which belonged to Milisavljevic. Some media quoted him as calling the attack politically motivated due to his son's involvement with the North Mitrovica Municipal Preparation Team, which is working with the national government to establish a new Serb-majority municipality within Kosovo's administrative system. An investigation into the case was ongoing at year's end.

There were some developments in cases of violence or harassment directed against the media in previous years.

On May 5, EULEX prosecutors reported there was insufficient evidence to pursue the January 2009 case of a group of Kosovo Serbs who threw an explosive device at firefighters in the northern part of Mitrovica/Mitrovica and attacked a television crew from local station, TV Most, which was covering the fire, injuring a reporter and destroying a television camera.

There were no new developments in the March 2009 case in which the Kosovo Serb media reported that police harassed reporters of the Kosovo Serb television production *Glas Juga* and Radio KIM after they covered a Kosovo Serb protest in the village of Shillove/Silovo. Reportedly, police officers stopped the reporters, forced cameraman Bojan Kosanin out of his vehicle, and kicked him. Police claimed that they did not receive any complaints regarding police mistreatment.

The local newspaper *Infopress*, cited by the Press Council for publishing opinions that constituted hate speech (threats against television journalist Jeta Xharra), did not pay the 1,000 euros (\$13,400) fine imposed by the Press Council in June 2009. Under the Press Council's new statute, it no longer imposes fines on media outlets.

The KP assessed that there was no police wrongdoing in the July 2009 detention of a reporter and a technician from "TV Iliria" for allegedly provoking the crowd

while they were covering a police operation involving the arrest of dozens of municipal employees from the Viti/Vitina municipal government in July 2009. The reporter and technician left the police station, were not interviewed there, and did not file any charges against police for the detention. Viti/Vitina police later said they filed charges against the reporter and technician for obstructing officials in their duties, but the journalists have not received notification of any charges against them.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In December the Telecommunications Regulatory Authority reported that approximately 40 percent of households had Internet connectivity.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government, EULEX, and KFOR generally respected this right in practice.

The law on public gatherings requires that organizers inform police of protests 72 hours prior to the event. Police are required to notify the organizers within 48 hours if the protest will be allowed.

On a few occasions during the year, police used force to disperse demonstrations and beat demonstrators while making arrests.

There were allegations of excessive use of force by EULEX police in the September 11 clash between a group of Kosovo Serbs and EULEX and the KP, following an interethnic altercation after Serbia's loss in the World Basketball Championship semifinal. One EULEX officer received a bullet wound to the foot, and one KP officer and seven Kosovo Serbs were also injured in the incident. The KP was investigating the case at year's end.

The PIK investigated but did not issue a conclusion in a May 2009 case from the Kosovo Serb enclave of Ranillug/Ranilug in Kamenice/Kamenica, where local Kosovo Serbs protested power cuts by public electricity provider KEK. There were credible reports that multiple KP special operations officers beat and kicked one of the protesters while he was on the ground. No officers were charged in the case.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government and EULEX generally respected these rights; however, interethnic tensions and real and perceived security concerns restricted freedom of movement in practice.

The government cooperated with the Office of the UN High Commissioner on Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Police continued to assess the security situation as stable but fragile. No crimes related to freedom of movement were reported to police. Nevertheless, members of all ethnic communities continued to remain largely within or travel between areas where their group comprised the majority.

Perceived risks and sporadic incidents of violence and intimidation continued to limit freedom of movement for Kosovo Albanians in northern Kosovo and Serbs in other parts of the country. The government enhanced efforts to facilitate minority travel, but real and perceived risks deterred many minorities from traveling outside their neighborhoods.

There were several cases of explosive devices found along roadways and under one bridge in the Strpce/Shterpce area. None were detonated.

There were no new developments since the 2009 arrests of five men in the 2008 case of attempted armed robbery of bus passengers on route that carries Kosovo Serbs to Serbia near Podujeve/Podujevo.

There were no new developments in the 2008 incidents in which pedestrians discovered explosive devices along the railway in Old Kacanik village in Ferizaj/Urosevac and beneath a railway bridge in Mitrovice/Mitrovica.

The government regulated movement in and out of the country. The law provides that the central civil registry may issue travel documents to any person registered as a habitual resident of the country, and the registry routinely issued such documents in practice.

The law prohibits forced exile and authorities did not use it.

Internally Displaced Persons (IDPs)

According to the UNHCR, at the end of the year, there were 18,196 displaced persons within the country, 54 percent of whom were Kosovo Serbs and 40 percent Kosovo Albanians. Of the 4,100 persons displaced by riots in 2004, approximately 1,000 remained IDPs.

According to UNHCR estimates, the largest number of IDPs, approximately 80 percent, were concentrated in the Mitrovice/Mitrovica region. In Mitrovice/Mitrovica municipality, many Kosovo Serbs in the northern part and Kosovo Albanians in the southern part of the municipality remain in displacement.

International donors completed construction of 96 homes for 96 families in a Romani settlement in the southern part of Mitrovice/Mitrovica that was destroyed during riots in 1999. The homes accommodate families that had been living in the lead-polluted Cesmin Lug IDP camp and the Osterode camp. Before the new construction this year, 484 displaced Roma, Ashkali, and Egyptian inhabitants had returned to the neighborhood. On December 2, international donors funded a program for testing the blood lead levels of 78 children who were resettled from the lead-contaminated camps during the year. In a testing and treatment protocol recently approved by the Ministry of Health, nurses at the Romani Mahalla medical center have begun testing the children for lead poisoning. Testing revealed

a significant drop in blood lead levels after the resettlement. Depending on additional results, follow-up treatment will be conducted by health officials.

During the year the Ministry of Communities and Returns budgeted five million euros (\$6.7 million) for returns of, and assistance to, IDPs. International community donors also provided funding directly to implementing partners of projects for returns in coordination with the Ministry of Communities and Returns. The funds were spent on housing reconstruction, food and nonfood assistance, income generation grants, and basic support infrastructure such as roads and water systems.

The government did not attack, target, forcibly return, or resettle IDPs under dangerous conditions.

The KP reported that investigations into four cases of physical attacks and verbal harassment against Romani returnees living in Gjilan/Gnjilane in July 2009 resulted in three cases being sent to the municipal prosecutor's office and one case being sent to the municipal court for minor offenses.

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol. However, the law is based on and refers to the 1951 convention and 1967 protocol to provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

The asylum law entered into effect in 2008. Administrative instructions, such as procedures and standards for the reception and initial treatment of asylum seekers, and rights and obligations of asylum seekers, have been promulgated and are pending implementation. During the year the UNHCR continued to assist the Department of Borders, Asylum, and Migration in building its capacity to adjudicate claims; to provide training to border police in identifying and processing individuals who request asylum at ports of entry; and to prevent the return of persons to countries where their lives or freedom would be threatened. In addition the government has issued a decision on the establishment of the national commission for refugees, and with the European Commission, is funding a construction of a new reception center for asylum seekers in Lipjan/Lipljan municipality.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. At year's end, the country hosted 220 refugees, mostly from neighboring countries.

According to the UNHCR, from January 2009 until December 2010, 271 asylum seekers applied for international protection in the country. The Department of Borders, Asylum, and Migration and the asylum center accommodated all asylum seekers. In January a temporary asylum center in Pristina was opened. The facility was filled to capacity early in the year. At year's end only 62 of the 272 asylum seekers remained in the country. Figures on stateless persons were unavailable, but the UNHCR reported assisting nearly 10,000 from the Roma, Ashkali, and Egyptian community to obtain civil status registration in recent years.

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

The constitution and law provide residents with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Since the country's declaration of independence in 2008, local officials assumed authority and responsibilities in most areas of governance. Under the constitution, the 120-member Assembly has the authority to select a president, a prime minister, and other ministers and government officials.

Elections and Political Participation

On December 12, the country held snap Assembly elections, following the November 2 Assembly vote of no-confidence in the government. The no-confidence vote followed the September 27 resignation of President Fatmir Sejdiu following the Constitutional Court's decision that he had breached the constitution by maintaining his position as leader of his political party, Democratic League of Kosovo (LDK), while serving as president.

Domestic and international observers stated the elections generally met international standards but noted serious irregularities and electoral manipulations in some areas, including falsification of signatures on the voters' list and observed irregularities in counting. Observers also noted incidences of family voting (male

heads of household voting on behalf of female family members) throughout the country. The Electoral Complaints and Appeals Panel and the Central Election Commission annulled results for three municipalities--Skenderaj/Srbica, Gllgovac/Drenas, and Decan/Decani--as well as three polling stations in Malisheve/Malisevo and Lipjan/Lipljan as a result of electoral irregularities. Revoting in these three municipalities and the annulled polling stations in the other two municipalities was scheduled for January 9, 2011.

For the December 12 Assembly elections, 14 alternative polling stations--mini-buses staffed by internationals and advertised to the public--were provided to enhance polling opportunities in Serb areas north of the Ibar River. Electoral authorities did not have access to the schools that would normally serve as polling stations, as these institutions are under the control of unsanctioned parallel Serbia government authorities. Serious intimidation generally prevented local persons from serving as polling station workers and suppressed voter turnout in the region.

On October 29, the Assembly adopted changes to the national election law that clarified the election complaints and appeals process and provided for voters in Assembly elections to vote for one party and up to five candidates from that party.

On June 20, municipal elections were held in the newly established Serb-majority municipality of Partes/Partesh, and the mayoral run-off election was held on July 18. The Partes/Partesh elections were marked by the highest rate of Kosovo Serb participation since the county became independent, with first round voter turnout exceeding 56 percent and runoff elections reaching 36 percent turnout. International observers assessed the elections as generally free and fair. On April 11, due to the death of the mayor, extraordinary mayoral elections were held in the municipality of Istog/Istok.

Serb hardliners who object to Kosovo's independence continued to intimidate and retaliate against Kosovo Serbs who engage with Kosovo government structures. On September 27, explosive devices believed to be hand grenades were thrown at the home of Dragan Stojkovic and the car of Dusan Milisavljevic, officials of the only legally registered political party in northern Kosovo, the Democratic Alternative Party, following its inaugural congress. The September 27 attack was the third attack on Stojkovic's property and the second on Milisavljevic's vehicle.

The country had a multiparty system dominated by five Kosovo Albanian parties with several minority parties and coalitions. The law provides that individuals may nominate themselves as candidates to their parties, which must hold open and

transparent internal elections to select candidate lists. Political parties could operate without restriction or outside interference, but party affiliation played an important role in access to government services and social and employment opportunities. Traditional social arrangements and clan loyalties also played an important, although unofficial, role in political organizations.

Prior to its dissolution in November, there were 37 women in the 120-seat Assembly. The electoral law requires a 30 percent quota for female parliamentarians. There were no women on the eight-member Assembly presidency. In the government, there were two female ministers and four female deputy ministers. While no women were elected in the November mayoral elections, women represented 31 percent of elected municipal representatives.

Prior to its dissolution in November, there were 24 ethnic minority members in the 120-seat Assembly, including 10 Kosovo Serbs and 14 members of other groups, including ethnic Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians.

The constitution requires that the Assembly reserve 10 seats for Kosovo Serbs and 10 for members of other ethnic groups. Although there are no similar quotas for municipal elections, Kosovo Serb political participation and representation in the southern part of the country continued to grow, especially in the Serb-majority municipalities newly established or enlarged in accordance with the Ahtisaari plan and the country's constitution. Serbs remain without municipal representation in the three northern municipalities of Leposaviq/Leposavic, Zubin Potok, and Zvecan, as Kosovo Serb voters responded to calls from Serbian authorities not to participate in the November 2009 municipal elections there.

In 2008 the government implemented an election law to create a single, multimember electoral district throughout the country. Under the law, elections are to be held with open lists according to a proportional representation system. A quota system provides for representation for women and minorities in the Assembly. A political party must receive 5 percent of the vote in order to enter the Assembly.

The Serbian government continued to run parallel government structures in Kosovo Serb enclaves. In 2008 UNMIK stated that organizing elections for these parallel structures was a violation of UN Security Council Resolution 1244. In 2008 UNMIK declared that the parallel municipal structures arising from these elections were illegitimate.

On October 14, the unsanctioned parallel government of a Serbia court operating in North Mitrovica issued indictments to the mayor of the municipality of Strpce along with nine other members of the Strpce Municipal Assembly and municipal employees. The indictments, stemming from the January 14 takeover of some of the offices in the Strpce Municipal building used by parallel Serbian authorities, accuse the mayor and municipal officials of having committed offenses under the Serbian criminal code. The indictments put the mayor and municipal officials at risk of arrest if they travel outside of Kosovo to Serbia or any country that has an extradition treaty with Serbia.

On May 30, the Serbian government sponsored parallel municipal elections in Mitrovica/Mitrovica and Novo Brdo/Novoberde to replace parallel municipal governments dissolved by the Serbian government in December 2009. The Kosovo government and international community continued to emphasize that the parallel institutions were illegal and invalid.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials reportedly engaged in corrupt practices with impunity. According to Freedom House's 2010 report, *Nations in Transition*, corruption remained a serious problem.

There was widespread public perception of corruption in the government. International organizations and NGOs continued to report that corruption was a serious problem. A lack of effective judicial oversight and general weakness in the rule of law contributed to corruption in the government.

On October 15, the Kosovo Special Prosecutor's Office filed an indictment in the District Court of Pristina against five Kosovo defendants for trafficking in human organs, organized crime, unlawful medical activities, and abuse of official authority. Among the defendants are doctors and a person who previously worked at a senior-level in the Ministry of Health. Interpol also issued arrest warrants for a Turkish citizen and an Israeli citizen in the case. The charges are related to the Medicus Clinic in Pristina, which was closed in 2008 by KP after a months-long investigation for the international trafficking of organs.

On November 10, a mixed panel of two EULEX judges and one Kosovo judge of the District Court of Pristina found Democratic League of Dardania (LDD) president Nexhat Daci and his former aide Ahmet Alishani guilty on charges of

misusing their offices during Daci's tenure as speaker of the Assembly in 2003-05. The court convicted Daci on charges related to the misappropriation of Assembly funds to pay for his dental and optician bills in the total value of 1,540 euros (\$2,063); he was acquitted on charges related to the illegal procurement of power generators for his personal residence. The court gave Daci a suspended sentence of one year and six months in prison, and he is prohibited from serving in public office for two years following the completion of the sentence; Alishani received a six-month suspended sentence. According to the terms of the sentences, neither will face prison time as long as they commit no other offenses.

On July 13, members of the Anticorruption Task Force and EULEX police arrested Ilir Tolaj, political advisor to Minister of Health Bujar Bukoshi, on suspicion of tax evasion during the period 2004-08, when he was permanent secretary in the Ministry of Health. He was released the following day on a bail of 50,000 euros (\$67,000). The investigation continued at year's end.

On July 23, EULEX and KP units arrested Hashim Rexhepi, governor of the Central Bank, on suspicion of abuse of official position, corruption, bribery, tax evasion, and money laundering. The Anticorruption Task Force searched seven locations in the case, including the office of the Central Bank and the residence of the governor. On November 19, Rexhepi was released on 20,000 euros (\$26,800) bail.

Corruption and government influence remained problems in the security forces. On December 16, EULEX and KP executed search warrants at the Kosovo Customs and the Ministry of Economy and Finance in relation to the importation of large quantities of cigarettes in 2008-09. EULEX investigators have alleged that Customs Director Naim Huruglica was complicit in a scheme to deprive the government of the 2.5 million euros (\$3.35 million) in tax revenue had the cigarettes been imported after a planned excise tax increase which took effect in 2009. The case remains under investigation, and no charges had been filed at year's end.

The investigation continued in the August 2009 case of police lieutenant Sejdi Zeqiri, who was arrested for abuse of official authority, bribery, and sexual harassment. At year's end, Zeqiri remained under house arrest.

The Kosovo Customs Law Enforcement Unit made progress in investigating and prosecuting corruption in the Customs Service. During the year one customs officer was dismissed, one was suspended, two were demoted, nine were denied

promotion, and 15 were issued warnings in various internal investigations of wrongdoing within the Customs Service.

There were no developments in the June 2009 case of the arrest of Ardian Hasanaj, a senior official at the government-owned national telecommunications provider Post and Telecom of Kosovo (PTK). Hasanaj allegedly took bribes from two persons to help them find jobs. Hasanaj's employment with PTK was terminated after he was arrested.

On July 14, the municipal court in Prizren sentenced Elez Hoxha to four years in prison and fined him 10,000 euros (\$1,340) for accepting bribes during the period 2005-07, when he was a judge in the Pristina District Court.

On July 9, the district court in Pristina convicted Norwegian citizen Ove Johansen on corruption charges for arranging for a fraudulent transfer of 300,000 euros (\$402,000) from a government-owned telecommunications provider to a phantom company in Norway. The court sentenced him to two years in prison and ordered him to pay damages to PTK in the amount of 300,000 euros (\$402,000). Two other suspects in the case, Roger Reynolds and Ronnen Sorenson, remained at large.

The law provides that public officials are subject to financial disclosure laws.

The Kosovo Anticorruption Agency and the Office of the Auditor General are the two major agencies responsible for combating corruption in the government. During the year the anticorruption agency received 132 reports of corruption; 27 cases were referred for prosecution, four were passed to the KP, 57 were closed for lack of evidence, and 44 were under investigation.

The independent Office of the Auditor General (OAG) reviewed fiscal management and accountability in the central government, municipal authorities, and publicly owned enterprises. During the year the OAG audited most ministries, the president's office, and the Assembly. In a September report, the OAG noted that government institutions continued to fail to respect fiscal management laws and regulations due to a lack of understanding of their responsibilities and of basic accounting.

In a report released during the year, Freedom House noted that corruption was widespread and remained a major problem due to insufficient laws, a lack of political will, and the weakness of the judicial system. The report also noted that the anticorruption law and the provisional penal code define corruption differently.

In 2009 the European Commission reported that the public sector's outsized role resulted in an unfriendly business environment in which politically connected groups and individuals have advantages in establishing companies and seeking public contracts.

The law provides for public access to government information through a newly strengthened law on access to official documents, adopted on October 10, which abrogated the 2003 law. The new law provides for penalties for institutions and officials that do not provide access to information as required by the law. NGOs have commented favorably on the new law, indicating it clarifies procedures for accessing official documents.

A test conducted by the NGO Youth Initiative for Human Rights, covering the period from June 2008 to July 2009, indicated that only approximately 25 percent of requests for access to official documents (sent randomly to local and central authorities) received positive responses. The International Exchanges and Research Board's Media Sustainability Index noted that the administrative instruction implementing the 2003 Law on Access to Official Documents extended the time limit beyond 15 days and was overly specific about when a document can be accessed, thus limiting access to official documents.

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 generally operated without government restriction, investigating and publishing their findings on human rights cases. The government was occasionally cooperative and responsive to their views.

The government occasionally met with domestic NGO monitors, responded to their inquiries, or took action in response to their reports or recommendations. There were no reports that the government harassed, targeted, or prosecuted NGOs for their activities.

The government cooperated with international organizations, including UN representatives and other international organizations including the ICRC and the International Organization for Migration. The UN maintained a large presence in the country and covered a wide range of issues.

There were no developments in the 2008 case of unknown assailants in Mitrovica/Mitrovica throwing a Molotov cocktail at the headquarters of the humanitarian organization Norwegian Church Aid.

The ombudsperson investigates allegations of human rights violations and abuse of government authority. The ombudsperson was considered moderately effective but was restricted by funding problems. The ombudsperson continued to assert that the courts and ministries were the most frequent violators of human rights in the country. The ombudsperson also noted that recent reforms in the judiciary were insufficient, and the system suffered from grave defects. While the ombudsperson actively issued intervention letters, reports, and recommendations, his recommendations were not always followed by the government, local courts, or police. The ombudsperson investigated cases concerning property rights, abuse of official authority, administrative acts or omissions by public authorities, lack of proper investigations into criminal acts, issues involving the length of court proceedings and the execution of court decisions, employment-related disputes, and discrimination cases.

The Assembly maintains a committee on human rights, gender equality, missing persons, and petitions. The committee must review all laws that affect human rights. The committee was controlled by governing coalition parties and did not issue any public reports during the year.

The government and KFOR generally cooperated with the ICTY. On July 21, the Appeals Chamber of the ICTY ordered a partial retrial in the case of former prime minister Ramush Haradinaj and codefendant Idriz Balaj, acquitted by the ICTY in 2008, and ordered both men into custody. On October 28, the prosecutor for the ICTY revised its indictment against Haradinaj. The amended charges have replaced "crimes against humanity" with "violations of the customs of war." The appeal of Lahi Brahimaj, convicted of torture and mistreatment of prisoners and sentenced to six years in prison in 2008, was pending at year's end."

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law specifically prohibits discrimination on the basis of race, gender, ethnic origin, disability, social status, or language. The government did not effectively enforce these prohibitions.

Women

The law criminalizes rape; however, spousal rape is not specifically addressed. Under the criminal code, rape is punishable by two to 10 years in prison; statutory rape (sexual intercourse with a child under 16 years old) is punishable by five to 20 years in prison. Rape involving homicide is punishable by imprisonment of 10 to 40 years.

Observers believed that rape was significantly underreported due to the cultural stigma attached to victims and their families. Police rape units around the country received 18 reports of rape during the first half of the year. According to the Justice Ministry, victim advocates provided services to victims in 40 cases of rape from January through November.

Domestic violence against women, including spousal abuse, remained a serious and persistent problem. The law prohibits domestic violence, and convictions carry prison terms of six months to five years. The law treats domestic violence cases as civil cases unless the victim suffers bodily harm. Failure to comply with a civil court's judgment relating to a domestic violence case is a criminal offense and can be prosecuted. When victims did press charges, police domestic violence units conducted investigations and transferred cases to prosecutors. According to the special prosecutor's office, family loyalties, poverty, and the backlog of cases in both civil and criminal courts contributed to the low rate of prosecution.

In November 2009 the OSCE provided an update to its 2007 report on domestic violence. OSCE monitors reported continued problems in the adjudication of domestic violence cases, including unlawful delays in scheduling hearings or in deciding on protection orders, failure to involve representatives of the Center for Social Work in civil domestic violence proceedings, misapplication of relevant laws by courts, and failure to prosecute domestic violence crimes.

Between January and November, police reported 636 victims of domestic violence. Between January and December, the Centers for Protection of Women and Children in Pristina and Mitrovica provided assistance to 182 victims of domestic and sexual violence and six victims of trafficking. From January through June, the Justice Ministry's victim advocate and assistance unit was involved in 313 domestic violence cases.

Convictions for domestic violence were rare, and sentences ranged from judicial reprimands to imprisonment. Traditional social attitudes towards women in the

male-dominated society contributed to the high-level of domestic abuse and low number of reported cases.

The Ministry of Labor and Social Welfare's protection for families section had a unit dedicated solely to dealing with family violence. The ministry provided some financial support to NGOs running shelters for domestic violence victims, which also accommodated some trafficking victims. The ministry also provided social services through social welfare centers. Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence concerning domestic violence, sexual abuse, and rape.

The police training school offered special courses on domestic violence and rape. There were no reports that police responded inappropriately to rape or domestic abuse allegations.

There is no specific law against sexual harassment, which was a common problem. Women's rights organizations indicated that sexual harassment commonly occurred on the job but went unreported due to fear of expulsion or physical retaliation. Public awareness of sexual harassment remained low, and few cases were reported.

The reproductive health law protects the reproductive rights of individuals and couples, including the right to information and access to reproductive services. In practice the government generally respected reproductive rights. The UN Population Fund (UNFPA) reported that access to reproductive health information and treatment was generally widespread and equitable, however, poor, marginalized, and illiterate communities often received limited access to information. Public health care provided limited treatment for sexually transmitted infections and cancers of reproductive organs.

Women possess the same legal rights as men but traditionally have a lower social status, which affected their treatment within the legal system. The Agency for Gender Equality within the Prime Minister's Office has the mandate to implement and monitor the gender equality law.

Relatively few women obtained upper-level management positions in business, police, or government. Women represented less than 30 percent of the government workforce. According to the Business Registration Agency, women owned fewer than 5 percent of registered businesses. Female unemployment remained at around 80 percent, 25 to 30 percentage points higher than the rate for men. During the year

the Agency for Gender Equality supported a local NGO providing training for women in small businesses.

According to the OSCE, women belonging to nonmajority communities were at risk of suffering multiple forms of discrimination due to gender, ethnicity, or social origin. Traditional societal attitudes toward women resulted in discrimination. In rural areas, women frequently had little ability to make decisions involving their children or to exercise control over property. While the law makes no gender distinction in the right to inherit property, family property customarily passes only to men. In rare cases, Kosovo Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom calling for children and property to pass to the deceased father's family while the widow returns to her birth family.

Children

Children acquire citizenship from their parents or by virtue of birth in the country. According to a 2008 UN Children's Fund (UNICEF) study, 14 percent of Roma, Ashkali, and Egyptian children in Kosovo Albanian-majority areas were not registered at birth. In Kosovo Serb-majority areas, 5 percent of these children were not properly registered. UNICEF reported that, as a rule, a lack of registration did not affect a child's ability to receive elementary education or health care but could have an adverse effect on access to social assistance.

The extent of child abuse in the country was unknown, but UNICEF believed it was significantly underreported due to lack of awareness, victim services, and limited capacity to identify, report, and refer cases of abuse. The Justice Ministry's unit for victim advocacy and assistance reported six cases of child abuse between January and November. Children also suffered from domestic violence. During the same period, police reported 60 child victims of domestic violence. Of those, 23 were placed in shelters; 12 were from Kosovo and 11 were from other countries.

There was anecdotal evidence of child marriage, particularly in the Roma, Ashkali, Egyptian, and Kosovo Albanian communities. The government and NGOs did not compile statistics on child marriage, so the extent of the problem was unclear.

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. Anyone who produces, uses, or involves a child in making or producing

pornography is subject to one to five years' imprisonment. 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 fine or imprisonment of up to three years.

From January to June the Ministry of Labor and Social Welfare operated 35 centers that assisted 1,435 orphans and 1,626 delinquent children. The ministry also managed foster homes and coordinated with NGOs to place children in temporary shelters. During the year 61 children were living in foster homes and NGO-funded or government-funded community homes under 24-hour care, including 54 children who were placed into protective care during the year. Two children who were placed under protective care were hospitalized and remained so at the end of the second quarter of the year.

The Ministry of Labor and Social Welfare reported that there were 258 abandoned children with disabilities, ranging in age from three to 18 years, living in two government-funded community homes receiving 24-hour care.

The country is a not party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

There were no reports of anti-Semitic acts during the year.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and in the provision of other state services; however, the government did not effectively implement laws and programs to provide that persons with disabilities have access to buildings, information, and communications. The

situation for persons with disabilities remained difficult. Although the law mandates access to official buildings, it was not enforced and such access was rarely available in practice. Even the Office of the Ombudsperson is not accessible for persons with physical disabilities. During the year the country enacted new laws providing for access by deaf and blind persons to all public institutions, but implementation of these laws was poor.

The Ministry of Labor and Social Welfare is the government agency responsible for protecting the rights of persons with disabilities. By law protection and provision of services is offered to all citizens; however, there was considerable discrimination in practice, and ensuring the rights of persons with disabilities was not a government priority.

According to local disability rights NGO HandiKos, existing laws and governmental action plans relating to persons with disabilities were not adequately implemented. As a result, children with disabilities were often excluded from educational opportunities, were not professionally evaluated, and lacked sufficient health and social services.

According to the Ministry of Education, there were seven special residential schools for children with disabilities and 70 special needs classrooms attached to regular schools. The ministry reported that, at year's end, 1,100 pupils were receiving special education.

There were legal protections for children with disabilities. A Law on Material Support for Families of Children with Permanent Disability entered into force in 2008, and a new Law on Material Support for Families of Children with Temporary Incapacity entered into force on January 1. The laws provide definitions of children with disabilities and permit their legal guardians to apply to the Ministry of Labor and Social Welfare for material support. However, the ministry lacked both the funds and personnel to implement the laws.

According to the NGO Kosovo Mental Disability Rights International (K-MDRI), persons with mental disabilities continued to be detained without legal basis in isolated conditions. K-MDRI noted that there is no law to regulate the process of committing persons to psychiatric or social care facilities or to protect their rights within institutions. According to the World Health Organization (WHO), there were an estimated 14,000 persons with mental disabilities; K-MDRI reported an estimated 50,000 persons with mental disabilities living outside institutions. According to K-MDRI, such persons lived isolated and stigmatized lives.

The government-operated Shtime/Stimlje Institute maintained a facility for persons with developmental or intellectual disabilities with 58 residents, run by the Ministry of Labor and Social Welfare, and a separate psychiatric facility with 57 residents, run by the Ministry of Health. Citing insufficient training for staff and a lack of rehabilitative programming for patients and residents, K-MDRI advocated closing the facility, and placing its patients and residents into homes and apartments in urban areas, where they can be integrated with the community.

During the year the Ministry of Health hired a person with special needs to conduct outreach to disabled persons. The ministry operated eight integration and community homes across the country, providing inpatient care for 75 persons with mental disabilities. In addition the Ministry of Labor and Social Welfare operated another nine community homes with approximately 10 to 15 residents in each facility. K-MDRI reported that, while these homes were intended to be transitional, most residents spent years there with little prospect of integration into the community. According to the WHO, there were not enough facilities to provide care for persons with mental disabilities, and employment opportunities for persons with mental disabilities were limited.

The National Council on Disabled Persons, an advisory organization to government authorities and the Assembly, met twice during the year.

National/Racial/Ethnic Minorities

Institutional and societal discrimination persisted against Kosovo Serb, Roma, Ashkali, and Egyptian communities in employment, education, social services, language use, freedom of movement, the right to return, and other basic rights. Members of the Kosovo Bosniak and Gorani communities also complained of discrimination, while Kosovo Croat and Kosovo Montenegrin communities were nominally acknowledged through appointment of their representatives to the Kosovo president's Communities' Consultative Council. Kosovo Bosniak leaders continued to complain that many of their community members continued to depart the country as a result of discrimination and, increasingly, an absence of economic opportunities. Members of the Roma, Ashkali, and Egyptian communities were subject to pervasive social and economic discrimination; often lacked access to basic hygiene, medical care, and education; and were heavily dependent on humanitarian aid for survival. Reports of violence and other crimes directed at minorities and their property persisted.

There were clashes between groups of Kosovo Albanians and Kosovo Serbs during the year.

On September 11, groups of Kosovo Albanians and Serbs clashed in Mitrovica after exchanging taunts and insults following Serbia's loss to Turkey in the World Basketball Championship semifinals. Both sides threw rocks, and the clash ended when Kosovo Albanians withdrew. EULEX responded to the incident, and one of its units was attacked by Kosovo Serbs with stones, stun grenades, Molotov cocktails, and firearms. Several police and protestors were injured in the incident, which remained under investigation by the KP.

On July 2, a protest by Serbian government parallel structures of the opening of the government's citizen services center in north Mitrovica turned violent, resulting in the death of a Kosovo Bosniak, Dr. Mesud Djekovic, and injuries to 11 others. The death and injuries occurred when an unidentified individual threw a hand grenade into the crowd of Serb protestors, who were marching toward a home in the ethnically mixed neighborhood of Bosniak Mahala that was flying an Albanian flag. EULEX and KP investigations in the case continued at year's end.

During 2009 EULEX police reported 116 cases of alleged interethnic crime, 86 involved Kosovo Serbs as victims or suspects. Figures for 2010 were unavailable. Investigations into such crimes yielded arrests of suspects in many cases.

In June 2009 three Kosovo Serb teenagers were reportedly beaten by a group of Kosovo Albanians in Lipjan/Lipljan while passing a construction site. On June 16, police filed assault charges against Atdhe Qerkini, Kosove Kelmendi, Bunjamin Jashanica, Gezim Xhemajli, Gazmend Bleta, and Qendrim Veseli. On June 17, the Lipjan/Lipljan Municipal Court ordered the six suspects to be detained for 30 days, with the exception of Veseli, a minor.

There were no developments in police investigations of the six attacks against Roma returnees that were reported in the village of Abdullah Peseva in July and August 2009 or the harassment and intimidation of 20 Romani, Ashkali, and Egyptian families from the Halit Ibish neighborhood in the Ferizaj/Urosevac municipality.

There were no developments in the 2008 case in which police charged Blasko Lazar Simic, Tihomir Radivoje Milosevic, Miodrag Vladimir Nikolic, and Bozo Zivojin Stanojevic with assaulting a public official and inflicting minor bodily injuries during a clash between Kosovo Serbs, protesting the construction of a

mosque, and Kosovo Albanians in the ethnically mixed village of Berivojce in the Kamenice/Kamenica municipality. Two police officers and a number of protesters were injured. A trial date was pending at year's end.

According to a draft report prepared by the prime minister's Office of Community Affairs, minority employment in public institutions fell during the year and was generally confined to lower levels of the government. The report recommended that the government more actively reach out to minorities and implement reporting, recruiting, training, equal opportunity, and language procedures.

A 2009 OSCE study showed that minority representation in the civil service decreased from 12 percent in 2006 to 9 percent in 2009 and remained particularly low at senior levels. The highest rates of employment of minorities in the public sector are in the judiciary and police.

In education the law requires equal conditions for schoolchildren regardless of mother tongue and provides the right to native-language public education for minority students through secondary school. However, the Ministry of Education, Science, and Technology and international organizations reported that school enrollment rates were lowest among non-Serb minority communities (Ashkali, Bosniak, Egyptian, Gorani, Roma, Turkish, and others). A 2009 OSCE study showed that school enrollment rates for Kosovo Serb and Kosovo Albanian children were 99 percent and 96.5 percent respectively, while school enrollment rates for non-Serb communities averaged 76 percent.

Roma, Ashkali, and Egyptian children attended mixed schools with Kosovo Albanian and Kosovo Serb children and reportedly faced intimidation and bullying in some majority Albanian areas. Romani children tended to be disadvantaged by poverty, leading many to start work both at home and in the streets at an early age to contribute to family income.

During the year there were occasional reports of Kosovo Albanians destroying private property belonging to Kosovo Serbs. Some of these attacks may have been attempts to force Kosovo Serbs to sell their property. Regulations prevent the wholesale buyout of Kosovo Serb communities in an effort to prevent the intimidation of minority property owners in certain areas; however, these were rarely enforced. There were numerous reports that Kosovo Serbs had difficulty accessing their property, which was sometimes occupied or used by Kosovo Albanians. The Kosovo Property Agency (KPA) reported that it faced frequent cases of illegal occupation and reoccupation of properties in its eviction activities,

with many properties vandalized or destroyed. For example, there were such property conflicts in the village of Zallq/Zac in Istog/Istok, where the government is building houses for Kosovo Serb and Montenegrin families who returned to Kosovo spontaneously from Serbia and Montenegro in May. These properties, in various stages of construction, were vandalized on several occasions, and forested land surrounding the properties set on fire. The KP made several arrests related to these cases. So far, all suspects were juveniles, between seven and 14 years old.

There were no developments in the 2008 case in which the OSCE reported that a Kosovo Serb man attempted to visit his property in Decan/Decani with members of a United Nations Development Programme team planning to help reconstruct his home. The Serb owner could not exercise his rights to the property as adjudicated by KPA, as his home was destroyed, and an illegally built new house on the location continued to be occupied by a Kosovo Albanian family.

There were no developments in the 2008 case in Kline/Klina in which a Kosovo Serb reported that his property had been taken by a Kosovo Albanian man.

In September Kosovo Serbs in the village of Malisheve/Malisevo complained that plans for construction of a mosque immediately adjacent to their homes created an unwelcome environment for Serbs, noting that other land closer to Kosovo Albanian houses was available.

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

The constitution and law prohibit discrimination based on sexual orientation; however, there were reports of violence and discrimination directed against lesbian, gay, bisexual, and transgender (LGBT) individuals.

The Center for Social Group Development (CSGD), a local NGO focused on LGBT health issues, reported that traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. LGBT individuals generally felt insecure, with many reporting threats to their personal safety. A 2008 study by the Youth Initiative for Human Rights, funded by the Swedish Helsinki Committee for Human Rights, found that 57 percent of LGBT persons surveyed were afraid for their safety.

The print media at times reinforced negative attitudes by publishing articles about homosexuality that characterized LGBT persons as mentally ill. At least one

political party, the Islamic-oriented Justice Party, included a condemnation of homosexuality in its political platform.

The CSGD reported that, while there was little official discrimination against LGBT persons, there were a number of cases of societal discrimination against LGBT individuals during the year. Victims generally refused to allow the center to present their cases publicly out of fear of discrimination. There were no overt impediments to the center's operation; however, social pressure and traditional attitudes had the effect of limiting its activities. The CSGD reported that the Ministry of Internal Affairs delayed without explanation the renewal of a memorandum of understanding with the KP for awareness-raising on LGBT issues.

There was no official discrimination in employment, housing, statelessness, access to education or health care; however, societal pressure persuaded virtually all LGBT persons to conceal their sexual orientation.

Other Societal Violence or Discrimination

There were no reports of official discrimination against persons with HIV/AIDS during the year; however, anecdotal reports indicated such discrimination did occur.

Section 7 Worker Rights

a. The Right of Association

Regulations allow workers to form and join independent unions of their choice without previous authorization or excessive requirements, but this right was sometimes impeded by companies that threatened their employees when they joined or established unions. Regulations do not recognize the right to strike; however, strikes were generally permitted in practice, and few strikes occurred during the year. The government passed a new labor law on November 2. The law codifies a 40-hour work week, provides for 20 days of paid leave per year for employees, and also provides for 12 months of maternity leave.

The largest unions were the Association of Independent Trade Unions of Kosovo (BSPK) and the Confederation of Free Unions (CFU). However, the Ministry of Labor and Social Welfare reported that the influence of both groups was declining as former members split off to form smaller unions.

b. The Right to Organize and Bargain Collectively

Government regulations provide for the right to organize and bargain collectively without interference or restriction, and the government did not restrict this right in practice; however, no collective bargaining took place during the year. The law allows unions to conduct their activities without interference, and the government protected this right in practice.

Regulations prohibit antiunion discrimination; however, some union officials reported discrimination in practice. The BSPK and CFU reported that only a small number of companies respected regulations preventing antiunion discrimination and claimed that worker rights were abused in every sector, including in international organizations, where staff did not receive pensions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The criminal code prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

Regulations prohibit exploitation of children in the workplace, including a prohibition of forced or compulsory labor; however, with the exception of trafficking, the government rarely challenged these practices. Trafficking of children, primarily for labor exploitation, was a problem, although a lack of statistical data made it difficult to estimate its magnitude. Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Regulations set the age of 16 as the minimum for employment and the age of 18 as the minimum for any work likely to jeopardize the health, safety, or morals of a young person. Regulations permit children to work at the age of 15, provided the employment is not harmful or prejudicial to school attendance. The law requires children between ages six and 15 to attend school.

Child labor remained a problem. According to UNICEF, in recent years, the number of children begging on the streets of towns and cities rose, although the overall number of child beggars remained unknown. While most children were not

their families' main wage earners, child labor served as a major contribution to many families' income.

In rural areas, young children typically assisted their families in agricultural labor. Urban children often worked in a variety of unofficial retail jobs, such as selling newspapers, cigarettes, and phone cards on the street. Some children were also engaged in physical labor, such as transportation of goods. International NGOs active in the country continued to report labor violations during the year, including child labor.

The Ministry of Labor and Social Welfare coordinated child protection policies for the government, however, police had the lead on enforcing child labor laws. The ministry reported that limited progress had been made in reducing the number of children working on the streets. The ministry and local NGOs, with assistance from the International Labor Organization, worked to identify and remove working children from the streets. Since 2007 691 children were identified, of whom 440 returned to school.

e. Acceptable Conditions of Work

There is no law establishing a minimum wage. Although not enforceable as law, the government, chamber of commerce, and association of trade unions signed a memorandum of understanding in 2004 setting the minimum wage at 120 euros (\$161) per month, which was generally respected, but did not provide a decent standard of living for a worker and family. The average monthly salary in the country was 230 euros (\$308) in the public sector and 280 euros (\$375) in the private sector. The World Bank reported, based on 2007 statistics, that 45 percent of the population was living below the national poverty line, and an estimated 17 percent was extremely poor, unable to meet basic nutritional needs. Regulations provide for a standard 40-hour workweek; require rest periods; limit the number of regular hours worked to 12 hours per day; limit overtime to 20 hours per week and 40 hours per month; require payment of a premium for overtime work; and prohibit excessive compulsory overtime.

During the year employers often failed to abide by official labor standards due to a lack of government enforcement, particularly with regard to the standard workweek and compulsory and unpaid overtime. Employees often did not report such violations due to fear of reprisals. According to the BSPK, many individuals worked long hours in the private sector as at-will employees without employment contracts, regular pay, or pension contributions paid on their behalf. Employees

reported being fired without cause in violation of existing laws and being denied holidays. Women's rights organizations indicated that sexual abuse occurred on the job but went unreported due to fear of expulsion or physical retaliation. According to union officials, workers in the public sector commonly faced similar mistreatment, including sexual abuse and the loss of employment due to political party affiliation.

The Labor Inspectorate within the Ministry of Labor and Social Welfare is responsible for enforcing labor, health, and safety standards. However, the inspectorate primarily advised employers and, although it issued 3,329 site inspection citations and 360 citations for various labor standard violations during the first half of the year, many fines remained unpaid pending litigation.

Although there is a law to protect employees' health and working conditions, many private and public institutions continued to violate it. Labor inspectorate officials reported difficulties in obtaining accurate information because workers rarely disclosed the problems themselves in spite of legal protections.