

# KOSOVO 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Kosovo is a parliamentary democracy. The constitution and laws provide for an elected unicameral parliament (the Assembly), which in turn elects a president, whose choice of prime minister must be approved by the Assembly. Parliamentary elections were last held in October 2019 in a process generally considered free and fair, although European Union election observers noted that misuse of public resources and a lack of transparency of campaign finances resulted in an uneven playing field throughout the country. The Assembly was constituted in December 2019 with Albin Kurti confirmed as prime minister in February. After a no-confidence vote unseated Kurti's government in March, Avdullah Hoti became prime minister on June 3 in a reconstituted government.

Security forces include the Kosovo Police and the Kosovo Security Force, which respectively report to the Ministry of Interior and Ministry of Defense. The government continued the process of gradually transitioning the Kosovo Security Force into a territorial defense force in accordance with a 10-year plan which began in 2019. The Border Police, a subgroup of the Kosovo Police, are responsible for security at the border. Police maintain internal security, with the European Union rule-of-law mission in the country as a second responder for incidents of unrest. The NATO-led Kosovo Force, an international peacekeeping force, is a third responder. NATO's Kosovo Force is responsible for providing a safe and secure environment and ensuring freedom of movement for all citizens. As of August, NATO's Kosovo Force mission had approximately 3,400 troops from 27 countries. Civilian authorities maintained effective control of security forces. Members of the security forces committed some abuses, including alleged use of excessive force and mistreatment of prisoners by police.

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

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses, but at times lacked consistency. Many in the government, the opposition, civil society, and the media reported instances of senior officials engaging in corruption or acting with impunity. The government sometimes suspended or removed offenders from office, and the justice sector

sometimes took steps to prosecute and punish those officials who committed abuses, offenses, and crimes. Many corrupt officials, however, continued to occupy public sector positions.

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

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

There were no reports the government or its agents committed arbitrary or unlawful killings. The Police Inspectorate is responsible for investigating allegations of arbitrary or unlawful killings by the government or its agents, and State Prosecution is responsible for prosecuting such cases. Its current mandate renewal extends through June 2021.

The EU Rule of Law Mission (EULEX) monitors selected criminal and civil cases and trials in the judicial system, advises the Correctional Service, and provides logistics support to the Kosovo Specialist Chambers in The Hague. It had some executive responsibility for witness protection and served as a secondary security responder supporting police.

As of September the Special Prosecutor of the Republic of Kosovo (SPRK) had 101 war crime cases under formal investigation. During the year, the SPRK issued one ruling for initiation of an investigation.

Two of the cases under SPRK investigation, referred to as the “Drenica” war crimes cases, involved 15 former Kosovo Liberation Army (KLA) members suspected of war crimes against civilians. The charges include torture, mistreatment of prisoners, and murder, all allegedly committed in a KLA detention center in the village of Likoc/Likovac in the Drenica region in 1998. The cases initially resulted in 11 convictions in 2015. Six of those convicted avoided serving jail time until July 2019, when the court remanded them to prison. Another war crimes case known as the “Drenica I” case was sent for retrial in 2017, but the initial hearing in December 2019 did not take place because the government did not produce its protected witness. The hearing was rescheduled for December 2020, a full year after the initial hearing was cancelled, and as of the end of the year had not been held.

In June the Prizren basic court sentenced Darko Tasic, a displaced Serbian, to 22 years in prison for war crimes committed against ethnic Albanians in 1999 in the

village of Krushe e Vogel/Mala Krusa in Prizren municipality. He was also accused of participating in confiscation, robbery, desecration of human remains, and illegal and deliberate destruction of property. According to media reports, a group of Kosovo-Albanian youth attempted to enter the police station behind the court during his sentencing, subsequently clashing with police after a crowd attacked the vehicle transporting Tasic. The NGO Humanitarian Law Center reported that the verdict exceeded legal maximums. In December the appeals court lowered his sentence to 11 years, within the legal maximum.

In June media outlets reported the Supreme Court ruled that verdicts acquitting Milorad Zajic of involvement in killings and expulsions of ethnic Albanians during the war in 1998 were incorrect, but the Supreme Court was unable to order a retrial, as it cannot overturn a final decision to the detriment of the defendant. Zajic was acquitted by the basic court in Peje/Pec in March 2019 of killing two persons and expelling ethnic Albanians from a village during the Kosovo war in 1998 as a member of an armed group. In October 2019 the appeals court upheld the acquittal. An appeals court judge cited trial witnesses' "contradictory" testimonies as the reason for Zajic's acquittal.

The Hague-based Kosovo Specialist Chambers (KSC) and Kosovo Specialist Prosecutor's Office (SPO) are Kosovo institutions, created by Kosovo law and staffed with international judges, prosecutors, and officers. The SPO and the KSC continued to investigate crimes committed during and after the 1999 conflict. The SPO and its predecessor, the EU Special Investigative Task Force, were established following the 2011 release of the Council of Europe report, *Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo*, which alleged crimes by individual KLA leaders. The SPO interviewed several key figures from the period in question, including then president Hashim Thaci. In June the SPO announced it had filed indictments with the KSC against Thaci and Assembly Speaker Kadri Veseli. In November the KSC confirmed an indictment filed by the SPO charging Thaci, Veseli, and others with crimes against humanity and war crimes.

Leading politicians and civil society leaders, particularly veterans' organizations, publicly denounced the SPO and the KSC and worked to undermine public support for the work of the SPO and the KSC. These efforts included public protests, a petition drive to abrogate the court, and a legislative initiative proposed by former president Thaci that could have undermined the KSC's mandate.

## **b. Disappearance**

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

As of September the government's Missing Persons Commission listed as missing 1,640 persons who disappeared during the 1998-99 conflict and the political violence that followed. By law the government's missing-persons database does not include the ethnicity of missing persons unless voluntarily reported by their family. The commission suggested approximately 70 percent were ethnic Albanians and 30 percent were Serbs, Roma, Ashkali, Balkan-Egyptians, Bosniaks, Goranis, Montenegrins, and others.

During the year the commission resolved three missing-persons cases pertaining to the Albanian community and handed over the remains of the three persons to their families. In November satellite images available to the International Committee of the Red Cross revealed human remains at the Kizevak mine in Serbia. Forensic teams from Kosovo, Serbia, and the international community began exhumations.

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

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

As of October the Ombudsperson Institution reported receiving 21 registered complaints, seven of which met their admissibility criteria, of mistreatment of prisoners: six complaints against police and one against the correctional service. The police inspectorate investigated three of the cases, while the Ombudsperson Institution reviewed the remaining cases. The Ombudsperson Institution reported the COVID-19 pandemic constrained its ability to follow up on cases.

The National Preventive Mechanism against Torture (NPMT), which operates under the Ombudsperson's Institution, temporarily suspended its visits to prisons, detention centers, psychiatric facilities, and police stations in March due to COVID-19 mitigation measures. The pandemic also hindered detainees' contact with the NPMT via lawyers, family members, and international organizations. To ensure detainee protection, the NPMT established four hotline numbers providing round-the-clock access to NPMT officials and used secure drop-boxes for written complaints in detention centers. Only Ombudsperson Institution staff have access to these telephone calls and written complaints. Before suspending its site visits,

the NPMT carried out 40 visits to police stations, prison facilities, psychiatric facilities, social care homes and institutions used for quarantine. It received no allegations of torture or mistreatment from persons in police custody during NPMT visits. The NPMT filed reports on its findings, generated investigations, and published follow-up reports on government compliance.

The Kosovo Rehabilitation Center for Victims of Torture (KRCT), the country's leading NGO on torture-related issues, conducted eight visits to detention centers, and reported it received no credible reports of torture during the year, although it reported that mistreatment of prisoners continued to be a problem.

In June the police inspectorate investigated a complaint lodged by an arrestee stating he was punched in the head by police, causing him to bleed. According to the complaint the incident occurred after his arrest and transfer to the police station in Pristina. Following the investigation the officer was suspended by police, placed in detention, and the PIK filed a criminal report for misconduct.

In July the police inspectorate suspended two police officers from the Peja police station following complaints of mistreatment of a 16-year-old boy. The juvenile fled from police and once caught, per the complaint, police abused him by using pepper spray, kicking him in his ribs, punching him in his head and face, handcuffing him and insulting him in the police vehicle.

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

The police inspectorate is responsible for reviewing complaints about police behavior. As of August it had investigated 360 police officers in connection with 935 citizen complaints regarding police conduct. The inspectorate found disciplinary violations in 545 of these complaints and forwarded them to the police's Professional Standards Unit. During the year the inspectorate investigated 23 criminal cases from 2019 and filed 29 criminal charges for disciplinary violations.

## **Prison and Detention Center Conditions**

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

Physical Conditions: Physical conditions remained substandard in some parts of the Dubrava prison. The KRCT observed a significant decrease in prison population since the beginning of the COVID-19 pandemic and stated overcrowding was no longer a problem in correctional facilities. The population decrease was apparently due to a reduction in convictions due to a COVID-19-related slowdown in judicial proceedings and increased reluctance by judges to send prisoners into detention during the pandemic. Physical conditions in the Peje/Pec detention center do not meet international standards, according to the NPMT, due to a lack of natural light and inadequate ventilation in the cells. Some similar shortcomings continued at the Prizren detention center as well.

The KRCT reported that authorities provided adequate protection for both prisoners and corrections officials. The KRCT received complaints from prisoners alleging verbal harassment, prisoner-on-prisoner violence, and some cases of physical mistreatment by correctional officers, mainly at the juveniles' unit of the Dubrava prison and the Lipjan/Lipljan correctional center. The KRCT reported that Lipjan correctional center officials removed mattresses from several juvenile prisoners in solitary confinement during daytime hours as a disciplinary measure and noted this violates standards for the treatment of minors. The KRCT noted instances of inmates blackmailing and harassing other inmates at the Dubrava prison. It reported prisoners and detainees had difficulty accessing medical care. There were allegations of corruption and the use of transfers between detention facilities as disciplinary measures. The KRCT reported that convicts at times harmed themselves to draw attention to their needs including medical care, transfers, or privileges. The KRCT reported alleged instances of corruption and nepotism, including by correctional and health staff, especially at the correctional center in Dubrava.

As of September the NPMT had received 14 medical reports from prison health authorities of prisoner injuries due to interprisoner violence and four cases of prisoners claiming injuries sustained from correctional officers. The NPMT checked medical files sent by authorities but due to COVID-19 restrictions was unable to visit and interview prisoners involved in the alleged incidents.

Following the delivery of a Swiss forensic report to authorities in late 2019, the chief state prosecutor reopened an investigation into the 2016 prison death of Vetevendosje party activist, Astrit Dehari, and assigned the case to Kosovo's Special Prosecution. Dehari was arrested on suspicion of involvement in an attack on parliament. Authorities investigated whether Dehari committed suicide but members of his family and Vetevendosje party representatives claimed he was killed due to his political activism. The government requested Swiss assistance in 2018; the 2019 Swiss report noted forensic analysis could not exclude other possible causes of death and recommended further investigation. At the end of the year investigation of this case was ongoing.

Due to poor training and inadequate staffing, authorities did not always exercise control over facilities or inmates. There was a lack of trained staff to facilitate drug treatment programs. There was no drug addiction testing within the correctional service and the classification system of inmates with addiction-related issues was not fully functional. The KRCT reported that drugs, mostly marijuana, were regularly smuggled into these facilities, despite a ban on in-person visitations for prisoners due to the COVID-19 pandemic. One staff member was caught smuggling drugs to prisoners.

The KRCT documented delays and errors in medical care of prisoners as well as a lack of specialized treatment outside the correctional institutions, especially in the Dubrava prison. In many instances these conditions forced prisoners to procure needed medications from private sources. The KRCT observed gaps in the prison health-care system at the Dubrava facility and reported an insufficient number of mental-health professionals. The Ministry of Health is responsible for providing medical care and health personnel in correctional facilities.

Facilities and treatment for inmates with disabilities remained substandard. The Kosovo Forensic Psychiatric Institute provided limited treatment and shelter for detained persons with mental disabilities. While pretrial detainees were held separately from the convicted prisoner population, advocates for persons with disabilities faulted the government for regularly housing pretrial detainees with diagnosed mental disabilities together with other pretrial detainees. The law requires convicted criminals with documented mental health issues to be detained in facilities dedicated to mental health care, but these prisoners were often housed in standard prisons due to overcrowding at mental health institutions. The KRCT reported approximately 30 inmates above the age of 60 who were not properly placed, based on their specific mental disability. Apart from drug therapy and

regular consultations with a psychiatrist, inmates with mental health issues were not provided with any occupational or therapeutic activities.

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

Administration: Authorities did not always conduct proper investigations of mistreatment. The KRCT noted the internal complaint mechanism (as opposed to the NPMT mechanism) mandated by law did not function effectively, with officials responding too slowly to complaints. In addition, inmates often did not report abuses due to lack of confidentiality and fear of retribution. The KRCT noted, however, that authorities regularly provided inmates with written decisions justifying solitary confinement and information on deadlines for appeals. The KRCT noted a lack of response by the general director of the correctional service regarding inmate transfer requests.

Independent Monitoring: Although all visits were hampered by COVID-19 conditions, the government permitted visits by independent human rights observers, but only the national Ombudsperson Institution and EULEX had unfettered access to correctional facilities throughout the year. The KRCT and the Center for the Defense of Human Rights and Freedoms were required to provide 24-hour advance notice of planned visits.

Improvements: The KRCT reported improvements in housing conditions due to some renovations in the Dubrava prison and the Pristina high-security prison, as well as the opening of new facilities at the Pristina correctional center. The KRCT noted the Prison Health Department hired additional staff during the year.

Inmates received access to Skype and other video communication applications and permission to communicate with their families. The KRCT reported some convicts received permission for employment outside of correctional facilities, improving the physical, mental, and economic well-being of convicts and their families. The Women's Correctional Center manufactured anti-COVID facial masks for all correctional facilities.

Administrative improvements included a pilot program to improve the assessment and classification of criminal cases. The KRCT also noted that the correctional service issued disciplinary standards to describe specific disciplinary measures, their length and justification, and give legal advice for inmate appeals.



#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government, EULEX, and NATO-led Kosovo Force (KFOR) generally observed these prohibitions. EULEX and KFOR personnel were not subject to the country's legal system but rather to their missions' and their countries' disciplinary measures.

#### **Arrest Procedures and Treatment of Detainees**

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

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

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

Although in some instances police operated undercover, they generally carried out arrests using warrants. There were no confirmed reports that police abused the 48-hour rule, and prosecutors generally either provided arrested persons with documents describing the reasons for their detention or released them. While officials generally respected the requirement for prompt disposition of cases, the

KRCT reported detainees occasionally faced delays when attorneys were temporarily unavailable.

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

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

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

#### **e. Denial of Fair Public Trial**

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

Although backlogs once presented a substantial problem, judicial efficiency in resolving pending cases improved markedly. The backlog in basic courts has been reduced by 85 percent since 2016.

The Judiciary Council improved its website by adding a judicial accountability module that includes guidelines on filing a complaint against a judge or a court official. The council issued nonpublic written reprimands or wage reductions for three judges, although these sanctions were considered insufficient to significantly deter future misconduct. The Prosecutorial Council initiated five investigations and rendered five decisions, three of which were findings of guilt. Both councils published these decisions on their respective webpages.

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

### **Trial Procedures**

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

The constitution defines free legal aid as a basic human right, and the law guarantees free legal aid in civil cases, administrative cases, minor offenses, and criminal procedure to individuals who meet certain legal and financial criteria. The government's Free Legal Aid Agency provides free legal assistance to low-income individuals. During the year it undertook outreach campaigns targeting disadvantaged and marginalized communities and expanded the availability of legal aid information through online platforms.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

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

Individuals may turn to the Constitutional Court for review of alleged violations by public authorities of their individual rights and freedoms guaranteed by the constitution, but only after exhaustion of all other legal remedies.

The Ombudsperson Institution received 12 complaints of nonexecution of court decisions regarding civil, property, or employment disputes. The Ombudsperson Institution recommended that the Judicial Council give priority to readjudication over new cases.

## **Property Restitution**

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

By law the Kosovo Property Comparison and Verification Agency (KPCVA) has authority to adjudicate claims regarding the extent, value, and ownership of land parcels and to resolve discrepancies between cadastral documents. The absence of cadastral records, which Serbia removed from Kosovo in 1999, however, prevented the KPCVA from fully fulfilling its mandate. Claimants have the right to appeal decisions in the courts.

The KPCVA had difficulty enforcing the eviction of illegal occupants and, in general, failed to remove illegal structures built on land after claimants had their rights confirmed. The majority of the claimants were ethnic Serbs. In April the agency adopted an administrative instruction to expedite removal of illegal structures. As a result one demolition took place in October in Pristina. The agency reported it initiated compensation in 143 cases to those who lost property in

the 1990s, mostly ethnic Albanians. As of October the KPCVA had 61 evictions pending, 23 of which were in the Mitrovica/e region, primarily involving property owned by Kosovo Albanians. Reusurpation of property continued to be an issue, although the numbers have reportedly declined. Civil society organizations complained the country lacked an effective system to allow displaced Kosovo Serbs living outside the country to file property claims and receive notification of property claim decisions.

In 2019 the Assembly appointed Naser Shala as head of the KPCVA. Shala was unable to secure appointment from the parliament to this position in 2018 due to widespread views that he was corrupt, unqualified, and under criminal investigation. Shala remained in office despite numerous international calls for his resignation, diminishing the institution's credibility.

On September 4, Prime Minister Hoti and Serbian President Vucic signed agreements which included pledges to continue restitution of Holocaust-era heirless and unclaimed Jewish property.

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

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

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press. While the government generally respected this right, credible reports persisted that some public officials, politicians, businesses, and religious groups sought to intimidate media representatives. Funding problems also threatened media independence. Journalists encountered difficulties in obtaining information from the government and public institutions, notwithstanding laws providing access to public documents, due to delays in adopting implementing regulations. The Independent Media Commission regulates broadcast frequencies, issues licenses to public and private broadcasters, and establishes broadcasting policies.

Freedom of Speech: In December 2019 former minister of local government administration Ivan Teodosijevic was sentenced to two years' imprisonment for

denying a wartime massacre of ethnic Albanians in 1999. The court ruled Todosijevic's remarks incited hatred and intolerance, while his defense argued there was no legal basis for such decision. As of October his appeal was pending.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views, generally without restriction. Nevertheless, reports persisted that government officials, some political parties, businesses connected to the government, religious groups, and disgruntled individuals pressured media owners, individual editors, and reporters not to publish certain stories or materials. Some journalists refrained from critical investigative reporting due to fear for their physical safety or job security.

While some self-sufficient media outlets adopted editorial and broadcast policies independent of political and business interests, those with fewer resources sometimes accepted financial support in exchange for positive coverage or for refraining from publishing negative stories harmful to funders' interests. According to some editors, funding was limited in part because the government was reluctant to purchase advertising in media outlets that published material critical of government policies.

Violence and Harassment: As of September the Association of Journalists of Kosovo and media outlets reported 18 instances of government officials, business interests, community groups, or religious groups violating press freedom by physically assaulting or verbally threatening journalists.

In March a Kosovo-Albanian journalist was injured after unknown perpetrators attacked him and his crew while they were reporting on the COVID-19 situation in northern Kosovo. Media outlets reported police arrested one person in connection with the incident.

On April 11, Serbian-language online portal *KoSSev* editor in chief Tatjana Lazarevic was arrested by police while traveling to a health center to investigate complaints she received about its readiness for COVID-19. Despite presenting her press credentials, Lazarevic was detained for at least an hour and a half and held without charge. Law enforcement authorities maintained she was picked up for breaking curfew, although the government had exempted journalists from movement restrictions intended to slow the spread of COVID-19. Lazarevic said the true reason for her arrest was to intimidate her from continuing her reporting.

On October 18, the car of investigative journalist Shkumbin Kajtazi was hit with bullets shortly after he parked and left the car. This was the second attack on Kajtazi, whose car was the target of an apparent arson attack in June that was prevented when the journalist's neighbors notified police. Police have not publicly identified suspects or filed charges in either case.

Censorship or Content Restrictions: There were no reports of direct censorship of print or broadcast media, although journalists claimed pressure from politicians and organized criminal groups frequently resulted in self-censorship. Some journalists refrained from critical investigative reporting due to fear for their physical safety or job security. Journalists occasionally received offers of financial benefits in exchange for positive reporting or for abandoning an investigation.

According to the Association of Journalists, government officials as well as suspected criminals verbally threatened journalists for perceived negative reporting. According to some editors, government agencies and corporations withdrew advertising from newspapers that published material critical of them.

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

As of September the Ombudsperson Institution investigated 20 complaints of violations of the right of access to public documents, seven of which were filed by civil society organizations and 13 by individual citizens. The Ombudsperson Institution concluded that public institutions lacked capacity to answer requests for access to public documents and often failed to provide legal justification for denying or restricting access.

### **Internet Freedom**

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

### **Academic Freedom and Cultural Events**

There were no government restrictions on cultural events. The education system was subject to political appointments of school directors and teachers at all levels. Although the government introduced reforms, political appointments of school directors resulted in poor results, as the political appointees did not enjoy full support at either the central or local level.

### **b. Freedoms of Peaceful Assembly and Association**

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

### **c. Freedom of Religion**

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

### **d. Freedom of Movement**

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

The government did not consider Serbia-issued personal documents bearing Kosovo town names to be valid travel documents, making it difficult for many members of the Kosovo-Serb community to travel freely to and from the country, unless using the two border crossings with Serbia located in Kosovo-Serb majority municipalities in the north. Improvements at the civil registry in 2018 and 2019 greatly expanded Kosovo Serb access to identity documents, and the number of Kosovo Serbs with these documents increased significantly during the year. Kosovo-Serb representatives claimed some challenges remained, such as access to civil documents for Serbian nationals married to Kosovo-Serb citizens.

In-country Movement: The primary bridge connecting Mitrovica/e North and South remained closed for vehicular traffic, allegedly to prevent civil disturbances, but was fully open to pedestrians. KFOR and police maintained permanent security at the location. Other bridges connecting the two cities were fully open.

Exile: The return to the country by ethnic-minority refugees from the war remained a challenge. Parliamentary representatives of the Ashkali, Balkan-Egyptian, and Romani communities reported social prejudice prevented the return of nearly 400 Ashkali, Balkan-Egyptians, and Roma. These persons were formerly



resident in the country and informed the Office of the UN High Commissioner for Refugees (UNHCR) that they were ready to return from Serbia, North Macedonia, and Montenegro.

### **e. Status and Treatment of Internally Displaced Persons**

UNHCR estimated more than 90,000 individuals had displacement-related needs due to the 1999 Kosovo conflict, including 65,000 in Serbia, 16,406 in Kosovo, 7,500 in “third countries,” 729 in Montenegro, and 394 in North Macedonia. The Ministry for Communities and Return does not collect, process, or manage data on the displaced population and voluntary returnees. UNHCR continued to maintain its internal database of returnees and assistance applications. According to the Communities and Return Ministry, obstacles to return included security incidents, insufficient protection of property rights, failure of courts to resolve property disputes, disobedience to court decisions, lack of access to public services, issues with language rights implementation, limited economic prospects, and societal discrimination. According to UNHCR the lack of a detailed census and adequate profiling data left displaced persons excluded from human rights protections and development plans.

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

As of December the Ministry of Communities and Return reported that 273 individuals--including 133 Serbs, 42 Gorani, 36 Roma, 33 Balkan Egyptians, 23 Ashkali, and five Albanians--had returned to their place of origin in the country. As of June, 408 IDPs, mostly Kosovo Serbs, were living in collective shelters across the country. The construction of social housing apartments for 255 IDPs and refugees residing in five collective shelters was ongoing, and the project was expected to finish by the end of the year. The municipalities of Leposavic and Zvecan allocated land for construction of social housing for the remaining residents of 10 collective shelters, with funding expected from the EU and the Ministry for Communities and Return.

By September, under an EU-funded return and reintegration program and in partnership with the International Organization for Migration, the Communities and Return Ministry successfully constructed and conducted technical acceptance of 53 houses for displaced persons and returnees, with 38 additional houses under construction. In addition, 65 selected beneficiaries of newly constructed houses received furniture and household appliances. The Communities and Return Ministry expected to finalize construction of 101 houses for displaced and returnees by the end of the year. As part of the same EU program, 100 beneficiaries received financial assistance to start their own businesses to generate income. The ministry also provided care packages to 872 vulnerable families.

The return process in some areas of the country continued to be marked by security incidents and local communities' reluctance to accept the return of, or visits by, Kosovo Serbs. In January Kosovo Albanians in Gjakove/Djakovica, including persons whose family members remain missing, protested the planned pilgrimage of displaced Serbs to the town's Serbian Orthodox church. The pilgrims' association said it cancelled the visit due to security reasons. As of July UNHCR noted 45 incidents primarily affecting returnees and their property, mainly in the Peje/Pec region. For example, in April a vehicle and livestock were stolen from a returnee in the Istog/Istok area. UNHCR said the targets of the incidents were believed to be Kosovo Serbs, except for one case involving a Kosovo-Ashkali returnee.

Police maintained a presence in areas with ethnic minorities and returnees to prevent crime, build the confidence of returnees, and to protect returnees' property.

#### **f. Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status with subsidiary protection, a system for providing protection to refugees, and temporary admission of asylum seekers while their cases are adjudicated. The country has no central-level migration management system.

Reception facilities at the asylum center could host children but the facility lacked standard operating procedures for unaccompanied children seeking asylum or for determining their eligibility for asylum. Although asylum cases continued to increase, the country was largely a point of transit. Those seeking asylum typically left the country and did not attend their hearings. The increased number of asylum seekers did not challenge the country's capacity. Those seeking asylum were housed at the asylum center.

Despite a straightforward registration process, new arrivals were not granted immediate access to services and asylum procedures, which resulted in a considerable applications backlog. In response to the COVID-19 pandemic, from March to June UNHCR advocated for reasonable access for asylum seekers and IDPs during temporary entry bans or border closures applied by the government. UNHCR suspended the refugee status determination process from March until June due to the COVID-19 pandemic.

Refoulement: In August 2019 the police inspectorate filed a criminal report including criminal violations against 22 police officers who participated in an operation involving the rescission of residence permits and subsequent refoulement to Turkey of six Turkish citizens in March 2018. The Turkish government had accused the Turkish citizens of ties to the Gulen network. In September 2019 the appellate court affirmed a prior ruling that the rationale for rescinding the residence permits was baseless. As of year's end, the Ministry of Internal Affairs had not received a final judgment from the court.

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

The government partnered with UNHCR to designate a detention center for foreigners as a quarantine site for new arrivals and to secure personal protective equipment and hygienic items for asylum seekers. UNHCR provided access to internet services at asylum centers to provide asylum seekers with online legal and psychosocial assistance as well as education for children.

The government introduced regulations mandating support and integration for asylum seekers, refugees, persons granted temporary protection or subsidiary protection, and stateless persons, but is still finalizing its standard operating procedures.

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

### **g. Stateless Persons**

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

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

In August the Ombudsperson Institution published an ex officio legal opinion for the court of appeals, the basic court in Pristina, the basic court in Peje/Pec, and the basic court in Mitrovica, encouraging them to promptly process lawsuits on the legal identity of unregistered persons, particularly children.

During the year UNHCR provided assistance, including medical and educational aid, to 900 "legally invisible" persons (due to their inability to prove their birth location) from different ethnic groups, most of whom belonged to the Romani, Ashkali, and Balkan-Egyptian communities.

Unregistered residents did not receive social assistance benefits and pension rights and could not register property titles or retain rights to inherited or transferred property. Children born of parents displaced outside the country and who entered with their readmitted parents often lacked documentation, including birth certificates, from their place of birth. Authorities had not developed a systematic solution to this problem. UNHCR provided legal aid for civil registration of 133 unregistered Roma, Ashkali, and Balkan Egyptians.

### **Section 3. Freedom to Participate in the Political Process**

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

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

### **Elections and Political Participation**

Recent Elections: The country held early parliamentary elections in October 2019. International and independent observers evaluated the process as generally free and fair, although EU observers noted that misuse of public resources and a lack of transparency of campaign finances resulted in an uneven playing field throughout the country. The campaign was marked by a pattern of intimidation within Kosovo-Serb communities. Some Kosovo Serbs reported being pressured not to support parties other than Srpska List, a party closely aligned with the Serbian government.

Political Parties and Political Participation: Political parties operated freely in most of the country, and there were no significant barriers to registration. In Kosovo-Serb majority municipalities, opposition and independent candidates reported pressure on their candidates to withdraw from the elections and on voters to support Srpska List. Kosovo-Serb opposition representatives reported threats of violence during the May 2019 mayoral elections from supporters of Srpska List and the Serbian government. Party affiliation often played a role in access to government services and social and employment opportunities.

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

A woman, Vjosa Osmani, served simultaneously as parliamentary speaker and acting president, and one-third of all cabinet ministers were women. In the Assembly, 38 out of 120 members were women, two more than the constitutional quota. A 2020 Freedom House report noted many women in rural areas have been disenfranchised through the practice of family voting, in which the male head of a household casts ballots for the entire family. Political parties are legally required

to abide by a 50-percent gender quota for their candidate lists, but no party met the requirement in 2019.

Ethnic minorities' representation in the Assembly was more than proportionate to their share of the population, but political parties representing ethnic minorities criticized majority parties for not consulting them on important policy issues, such as a draft Law on Kosovo Liberation Army War Values and the 2018 decision to impose a 100 percent import tariff on goods from Serbia and Bosnia and Herzegovina. The tariff decision caused Srpska List parliamentarians to essentially boycott participation in Assembly proceedings in 2018 and 2019.

#### **Section 4. Corruption and Lack of Transparency in Government**

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

Corruption: The Anticorruption Agency and the National Audits Office shared responsibility for combating government corruption. The SPRK filed five corruption related indictments. A small proportion of corruption cases that were investigated and charged led to convictions.

NGOs and international organizations alleged numerous failures by the judicial system to prosecute corruption, noting that very few cases brought against senior officials resulted in indictments. Sentencing of high-level officials convicted of corruption was often lenient. The Kosovo Law Institute reported that two high-profile officials were convicted of corruption during the year by the basic courts but then acquitted by the appeals court. In four other cases, the appeals court overturned the conviction verdicts of lower courts against senior public officials accused of corruption and remitted the cases for retrial. NGOs reported indictments often failed because prosecutors filed incorrect charges or made procedural errors.

In at least four high-profile corruption cases, the Supreme Court found lower courts had violated the criminal code to the benefit of defendants. The Prosecution Office used extraordinary legal remedies to request the Supreme Court evaluate decisions rendered by lower courts in these cases. Under the law, the Supreme

Court is able only to confirm the violations; it can take no punitive actions against the defendants.

On October 9, police arrested Haki Rugova, the Democratic League of Kosovo (LDK) mayor of Istog/k and one of the party's deputy leaders, along with his deputy and a municipal civil servant as part of an ongoing corruption investigation. After Rugova was initially placed in detention, the court eventually ordered Rugova's house arrest for 30 days. The three persons were accused of abuse of office, conflict of interest, and falsifying documents related to a contract the municipality awarded to the mayor's brother. Rugova was already undergoing a trial in a separate case on charges of conflict of interest. In public comments, LDK leader Isa Mustafa alleged political motivations behind the arrest, stating it was intended to discredit Rugova and the party and tarnish the anticorruption record of Prime Minister Hoti's LDK-led government. Several legal commentators considered Mustafa's comments as interference in the judicial process.

On October 19, the government abruptly invalidated the 2010 decision creating an anticorruption task force within the police that supported the work of the SPRK. According to the Prime Minister, the original decision was unconstitutional, but neither the SPRK nor the Constitutional Court was apparently consulted on the issue. The decision was not coordinated within the governing coalition nor with the international community. The Minister of Justice and various international missions publicly criticized the decision. Media outlets commented that the decision came on the heels of the arrest of a prominent LDK mayor (Rugova). Media also noted that several of the task force's ongoing high-profile investigations involved prominent and politically exposed persons, including former governing coalition officials. The Kosovo Law Institute characterized the decision as political retaliation, given the task force's investigation of LDK officials. The institute further criticized Prime Minister Hoti's dismissal of the police general director, the tax administration director, and the customs director, claiming these dismissals were done without sufficient analysis or transparency, and created the perception they were done to undermine law enforcement institutions.

In September a trial continued of former minister of agriculture Nenad Rikalo and seven other officials from the Ministry of Agriculture charged in December 2019 with abuse of power. The group allegedly sidestepped legal safeguards and manipulated the ministry's grant process to award millions of dollars to companies owned by political associates. The court's decision was pending as of November.

Financial Disclosure: The law obliges all senior public officials and their family members to declare their property and the origins of their property annually. Senior officials must also report changes in their property holdings when assuming office or leaving public service. The Anticorruption Agency administers the data, verifies disclosures, and publishes them on its website. Authorities may fine officials charged with minor breaches of the requirement or prohibit them from exercising public functions for up to one year. The Anticorruption Agency sends complaints about noncompliant officials to prosecutors, who in turn consider criminal charges.

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

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

Government Human Rights Bodies: The constitution establishes the Ombudsperson Institution as the national human rights institution, mandated to monitor, protect, and promote rights and freedoms of individuals from unlawful or improper acts, or failures to act, by public authorities.

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

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape and domestic violence against all persons, including rape of a relative or spouse. By law, rape is punishable by two to 15 years in prison. EULEX noted courts often applied penalties lighter than the legal minimum in rape cases and that law enforcement rarely took steps to protect victims and witnesses. Furthermore, sentences were



often further decreased by the appellate court. The Prosecution Victim Assistance Office reported an increased number of domestic violence cases during the year, from 946 cases in 2019 to 1,145 as of October. Sexual violence and rape occurring either within or outside the family or domestic unit, were rarely reported by victims, frequently due to social stigma or lack of trust in authorities.

The law recognizes gender-based violence as a form of discrimination but lacks a definition of gender-based violence for use in criminal and civil proceedings. Women's rights organizations held a protest in June to draw attention to disparities between domestic violence suspects, who are generally incarcerated, and sexual assault suspects, who are often released. The groups demanded both types of crimes be treated equally by judicial officials.

The Prosecution Victim Assistance Office helped to provide access to justice for victims of all crimes, with a special focus on victims of domestic violence, trafficking in persons, child abuse, and rape. In addition, each prosecutor's office had a prosecutor who specialized in handling domestic violence cases. These prosecutors could apply risk-assessment tools to mitigate risk of future abuse and were empowered to recommend harsher sentences for repeat offenders and violators of protective orders.

Police investigated cases of domestic violence before transferring them to prosecutors who make the determination on filing charges. In the first half of the year, the prosecution expeditiously processed domestic violence cases and indictments. The rate of prosecution was low, however, and sentences were often lowered on appeal. Advocates and court observers asserted prosecutors and judges favored family unification over victim protection, with protective orders sometimes allowing the perpetrator to remain in the family home while a case was pending. Sentences ranged from judicial reprimands to up to five years' imprisonment. The criminalization of domestic violence in April 2019 was accompanied by an increase in arrests, prosecutions, and convictions for the crime. The Pristina basic court held online hearings on domestic violence cases consistent with government anti-COVID-19 pandemic measures.

In September a basic court reduced the life sentence of Pjeter Ndrecaj for murder to 24 years' imprisonment after the Supreme Court returned the case for retrial. Ndrecaj was found guilty of killing his former wife and nine-year-old daughter in 2018. The court's original sentence of 24 years had been extended in 2019 by the court of appeal, which found aggravating circumstances not considered by the basic court. Ndrecaj's former wife had sought help from the police station in

Gjakove/Djakovica several hours prior to the killing, but police failed to locate Ndrecaj before the murders took place. As a result, three police officers received five-month suspensions for “abuse of official duty.”

The government licensed and supported 10 NGOs to assist child and female survivors of domestic violence. The government established a budget line for financial support of shelters, resolving a long-standing funding problem. Both NGOs and shelters reported timely receipt of funding.

The Office of the Prime Minister maintained a commission to recognize and compensate survivors of wartime sexual violence. The commission has granted pensions to more than 800 women since 2018. The SPRK designated one prosecutor for cases of wartime sexual violence. Police maintained a unit for war crimes cases, including cases of wartime sexual violence.

Sexual Harassment: The law defines sexual harassment in civil and criminal proceedings. The criminal code stipulates prison sentences as an enhanced penalty for sexual harassment against vulnerable victims and in cases where the criminal procedure is initiated upon the victim’s request. In cases where a crime is committed with the use of a weapon, the sentence may vary from one to five years in prison. The NGO Kosovo Women’s Network reported that implementation of sexual harassment laws was hampered by poorly defined procedures for filing complaints of harassment, and lack of clarity regarding which government bodies should receive these complaints.

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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

Relatively few women occupied upper-level management positions in business, police, or government. The Kosovo Women's Network reported women were often subject to discriminatory hiring practices.

Gender-biased Sex Selection: The boy-to-girl ratio at birth was 108 boys to 100 girls. The government did not introduce policies to encourage a more equal gender balance.

## **Children**

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

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

The Law on Child Protection entered into force in July. The international NGO Terre des Homme Kosovo assisted the Ministry of Labor and Social Welfare in drafting additional legislation as part of comprehensive implementation measures. The law stipulates establishment of houses offering temporary shelter, protection, and emergency assistance to child victims of physical or sexual abuse, and sets standards for licensing and operation.

In July 2019 a nine-year-old boy from Fushe Kosove was raped and killed. The boy's mother had reported his rape by the suspect to police prior to the killing, but the suspect was released after questioning and never rearrested. Six months later, the child was found dead in Fushe Kosove/Kosovo Polje. The suspect was then arrested for rape and aggravated murder. Following the trial, police and prosecutors began jointly reviewing all procedures and actions in child abuse cases. Disciplinary investigations were initiated against two prosecutors involved in the case over suspicion they failed to address claims of abuse in a timely and efficient manner. One of the prosecutors was disciplined by the Prosecutorial

Council. A human rights lawyer took up the case and sought to hold officials accountable for inaction.

Child, Early, and Forced Marriage: The law allows persons to marry at age 16 with parental consent. Although there are no official data on early and forced child marriages, it was a common practice, including in Roma, Ashkali, Balkan-Egyptian, Bosniak, and Gorani communities. According to a government report that focused on these communities, approximately 12 percent of children, mostly girls, married before age 15. High poverty levels in these communities contributed to these rates.

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

The minimum legal age for consensual sex is 16. Statutory rape is a criminal offense punishable by five to 20 years in prison. Terre des Homme Kosovo reported that national mechanisms for identification and referral of children who are vulnerable to sexual exploitation are ineffective. The organization noted children transported from Albania for street work are inadequately identified as potential victims of trafficking or children at risk of trafficking. The municipality of Pristina established a special task force intended to address these issues and provide protection and necessary services for children engaged in street work.

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

## **Anti-Semitism**

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

## **Trafficking in Persons**

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

### **Persons with Disabilities**

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

In December the NGO Association of Paraplegic and Paralyzed Children of Kosovo (Handi-Kos) presented an assessment of the country's disability legislation, based on the UN Convention on the Rights of Persons with Disabilities. The report noted that elementary schools in Kosovo generally did not ensure adequate disability access, and internal facility design did not ensure the equal status of children with disabilities with their peers. The report stated this lack of access resulted in a higher dropout rate for children with disabilities.

The law on the employment of persons with disabilities states that the Ministry of Labor and Social Welfare and the Ministry of Health will introduce special legislation that determines the level of working capacity for persons with disabilities. The absence of this legislation directly affects the employment of persons with disabilities and reinforces existing social stigma around disability.

According to Handi-Kos, health and rehabilitative services, social assistance, and assistive devices for persons with disabilities was insufficient. Physical access to public institutions remained difficult, even after the implementation of bylaws on building access and administrative support. Handi-Kos reported municipal compliance with a 2007 mandate on access to government buildings is in the single digits.

The parliament building itself was not accessible, and one member of parliament in a wheelchair had to be carried into the assembly hall by colleagues. Likewise, in the municipality of Sukhareka, persons in wheelchairs had access only to the ground floor of the municipal building, but not floors containing the mayoral and directorate offices. Educational options for children with disabilities were limited. According to Handi-Kos, approximately 38,000 children with disabilities did not attend school.

In August the Ombudsperson Institution published a report criticizing unequal access to interurban transportation for blind persons, despite legal requirements for such access. It recommended decreasing transport fees for disabled persons, reserving two seats on public transport for travelers with disabilities, and mandating a minimum number of law-enforcement inspections per month for urban and interurban public transport vehicles. To date, no entity or organization responded to this report.

The law regulates the commitment of persons to psychiatric or social care facilities and protects their rights within such institutions but it has not been implemented. The country lacks an adequate system for classification of procedures, placement, and treatment of detainees with mental disabilities. The KRCT described mental health facilities as substandard and generally at full capacity. The KCRT also noted the need for additional capacity specifically for women and juveniles with mental disabilities. The Institute of Forensic Psychiatry had a capacity of 36 beds, of which 12 were for psychiatric examinations and 24 were for mandatory psychiatric treatment. The institute did not have a specific area for treatment of women and juveniles. There were instances when domestic violence offenders with mental disabilities did not complete mandatory psychiatric care but left institute facilities due to inadequate infrastructure and capacity.

The KRCT noted that the lack of capacity at the Institute of Forensic Psychiatry led to detainees with mental disabilities being sent to standard correctional centers rather than to mental health facilities, in contradiction of both domestic law and international standards.

### **Members of National/Racial/Ethnic Minority Groups**

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

The Kosovo-Serb community, its representatives, civil society, and the international community expressed concern over incidents involving thefts, break-ins, verbal harassment, and damage to the property of Kosovo-Serbs, particularly returnees in rural areas. The NGO AKTIV reported more than 20 incidents between March and June targeting Kosovo-Serbs, including arson, physical attacks, and robberies. Between January and October, the Communities and Return Ministry received complaints of 49 security incidents affecting Kosovo

Serbs and returnees. For example the ministry issued a press release on April 28 condemning the burning of a house in Cernice/a and on May 27 issued a press release condemning the stoning of a returnee house in Lubozhde/Ljubozda and a physical attack in Drenovc/Drenovac. The ministry publicly appealed to police to enhance patrols in critical locations and bring the perpetrators to justice.

Kosovo-Serb representatives claimed ethnic hatred was the key motive for some incidents, such as the stoning of returnee houses, cases of arson, and graffiti. The representatives claimed the government did not adequately respond to these incidents. In some cases police investigations resulted in the perpetrators' arrest.

In October unknown perpetrators reportedly shot at a group of Kosovo-Serb youth in the Bernice e Poshtme/Donja Brnjica village school in Pristina municipality. No one was injured in the incident. According to media reports and the youths, the perpetrators spoke Albanian. Police agreed to increase police presence in the area following an October 4 meeting between local Kosovo-Serbs, their representatives, police, and KFOR. Police arrested one person in connection with the incident.

Harassment of Kosovo-Serb members of the Kosovo Security Force (KSF) by other ethnic Serbs was commonplace, although usually the incidents were difficult to trace. Victims in most cases did not report the incidents to police for fear of escalation and retaliation. In June a local court ordered the 30-day detention of a Kosovo Serb for harassing a Kosovo-Serb KSF member on social media. According to the prosecution, the victim received threatening messages after the suspect posted a photo of the victim in uniform alongside Ramush Haradinaj, a former prime minister and KLA commander. The suspect removed the post, but the victim continued to receive threatening messages. Kosovo-Serb KSF members were also routinely detained by Serbian authorities at Kosovo-Serbia border crossings.

The Ministry of Defense and KSF leadership took some steps to protect Kosovo-Serb members. These steps included better documentation of incidents, routine welfare checks by commanders, and attempts at improving the response of police and the Kosovo Intelligence Agency. The government launched a KSF recruitment campaign where leaders amplified minority recruitment efforts.

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

translation in court proceedings, a backlog of cases in the north, nonexecution of court decisions, limited numbers of minority staff, and inconsistency between Albanian and Serbian translations of legislation continued to hinder the delivery of justice for Kosovo Serbs and other minority communities.

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

The Romani, Ashkali, and Balkan-Egyptian communities often lacked access to basic hygiene, medical care, and education and were heavily dependent on humanitarian aid for subsistence. The government provided food and hygiene assistance to these communities beginning in March due to the COVID-19-related limitations on movement. Community representatives and civil society stated the assistance was insufficient to protect members of these communities from exposure to the virus and spreading the virus through traditionally practiced street work.

The prime minister's Office of Community Affairs and the Ombudsperson Institution noted discrimination in public sector employment in almost all local and national institutions. Although the law mandates 10 percent of employees at the national level of government be ethnic minorities, their representation remained limited and generally confined to lower-level positions. Smaller communities, such as Gorani, Roma, Ashkali, and Balkan-Egyptians, were particularly underrepresented.

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

The Office of the Language Commissioner monitored and reported on the implementation of legislation that conferred equal status to the country's two official languages, Albanian and Serbian, as well as other official languages at the local level, including Bosnian and Turkish. The commissioner reported municipal



administrations and central government institutions were inconsistent in implementing provisions of national language laws, for example, in providing Serbian translations of government statements, including emergency notices, during the COVID-19 pandemic, a complaint echoed by Kosovo-Serb civil society groups. The Office of the Language Commissioner also reported that failure to consistently implement language laws meant that many citizens were denied equal access to public services, information, employment, justice, and other rights.

Lack of translation or poor translation was also reported as a problem with regards to numerous laws, signs within public institutions, and communication during court proceedings. To address the problem of inconsistently translated legislation, the government passed a concept note sponsored by the country's language commissioner in May 2019 requiring establishment of a governmental translation unit. As of November, the unit had not been established.

Courts regularly failed to provide adequate translation and interpretation services to minority defendants and witnesses and did not provide adequate translation of statute and court documents as required by law. The Kosovo-Serb NGO AKTIV reported that courts sent their decisions, including decisions on detention and verdicts, in the Albanian language to members of the Kosovo-Serb and other minority communities. AKTIV noted such practices inhibited access to legal remedies for members of minority communities.

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

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

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

According to human rights NGOs, the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community faced overt discrimination in employment, housing, determination of statelessness, and access to education and health care.

The NGO Center for Equality and Liberty reported that societal pressure persuaded most LGBTI persons to conceal their sexual orientation or gender identity. A representative noted police were insensitive to the needs of the LGBTI community. The center also noted increased homophobic public reactions in social media since the introduction of country-wide government measures against the COVID-19 pandemic.

Police were inclusive and accepting of LGBTI and other minority communities in their public messaging, and senior police officials participated in the annual pride parade. Pristina municipality established a drop-in center for at-risk LGBTI persons.

In August 2019 the appeals court upheld a basic court ruling permitting the change of the sex marker on identity documents from female to male for a citizen living abroad. In total, two citizens changed their identity documents following lengthy court procedures, while four citizens' requests for change of identity documents have not been resolved.

On September 4, Prime Minister Hoti and Serbian President Vucic signed agreements in which the two countries agreed to work with foreign governments to decriminalize homosexuality in the 69 countries where it is considered a crime.

### **HIV and AIDS Social Stigma**

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

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

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

The government did not effectively enforce labor laws, which include regulations and administrative instructions that govern employment relations, including rights to freedom of association and collective bargaining. According to the Association of Independent Labor Unions in Kosovo (BSPK), resources, inspections, and remediation were inadequate, and penalties were not commensurate with those for similar violations. Administrative and judicial procedures were circuitous and subject to lengthy delays or appeals.

Employers did not always respect the right of worker organizations to bargain collectively, particularly in the private sector. The BSPK reported many private-sector employers essentially ignored labor laws.

The BSPK reported continued difficulty in establishing unions due to employer interference in workers' associations and unions, particularly in the banking, construction, and hotel sectors. Representatives from these sectors anonymously told the BSPK some employers used intimidation to prevent the establishment of unions. The labor inspectorate reported receiving no formal complaints of discrimination against employees who tried to join unions during the year; however, the inspectorate was not fully functional due to budgetary and staffing shortfalls. In addition, employers did not always respect the rights of worker organizations and unions to bargain collectively or to network with unions outside their organization, particularly in the private sector.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law and forced labor, including forced child labor occurred (see section 7.c.), during the year. Government resources, including remediation, were insufficient to bring about compliance, identify and protect victims, and investigate claims of forced or compulsory labor. The labor inspectorate reported conducting only limited investigations for forced labor offenses. Penalties, although commensurate with those for other serious crimes, were seldom applied.

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

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all of the worst forms of child labor. The minimum age for contractual employment is 15, provided the employment is not harmful or prejudicial to school attendance. If the work is likely to jeopardize the health, safety, or morals of a young person, the legal minimum age for work is 18.

The 2020 Law on Child Protection institutes key child labor protection standards unifying all the other legal and sublegal documents on the topic. It provides additional penalties for formal and informal employers of children that are commensurate with those for similar crimes. The law does not fully address the problem of child labor, as the law has little impact on the informal economy.

The government did not effectively enforce the law. Penalties were seldom applied. Inspectors immediately notified employers when minors were exploited or found engaged in hazardous labor conditions. Child labor occurred primarily in the informal sector. As of May, NGO Terres Des Hommes reported 116 cases of minors (105 Kosovo citizens and 11 minors from Albania) working in hazardous conditions. Of these, 73 were children engaged in begging, 13 in street work, and 14 in coal extraction.

The Coalition of NGOs for the Protection of Children reported that children working in agriculture encountered hazards from operating farm equipment. The coalition reported that child labor in farming persisted as a traditional activity. Government-run social-work centers reported children engaged in farming were primarily in the informal sector and were not prevented from attending school. While children were rarely their families' main wage earners, child labor contributed substantially to some families' income.

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

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

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment on the basis of race, religion, national origin, sex, ethnicity, disability, age, sexual orientation, gender

identity, HIV or AIDS status, or political affiliation. The government did not effectively enforce the law, and penalties were not commensurate with those for similar crimes. Discrimination in employment and occupation occurred across sectors with respect to sex, gender identity, disability, religion, political affiliation, and minority status (see section 6). During the year the BSPK received reports from labor unions and individuals claiming discrimination based on union membership, age, and family status. The BSPK and union officials noted employment, particularly in the public sector, often depended on the employee's political status and affiliation. Union officials reported other mistreatment, including sexual harassment, based on political party affiliation. The BSPK reported instances of employers discriminating against female candidates in employment interviews and illegally firing women for being pregnant or requesting maternity leave.

University of Pristina officials noted a lack of space for conducting prayers on university premises. The Kosovo Center for Peace reported several cases of female students in Fushe Kosove/Kosovo Polje and Gjakove/Djakovica being denied elementary school access due to wearing religious garb.

#### **e. Acceptable Conditions of Work**

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

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

Ministry of Labor inspectors were responsible for enforcing all labor standards, including those pertaining to wages, hours, and occupational safety and health. The government did not effectively enforce the law, and fines were not commensurate with those for similar violations. The number of inspectors was insufficient to deter violations in both the formal and informal sectors and enforcement was further curtailed by the COVID-19 pandemic. Inspectors have the authority to make unannounced inspections and initiate sanctions.

The BSPK reported lack of enforcement by the judiciary, especially in the informal sector, citing resource and capacity limitations within the labor inspectorate.

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

The law does not provide workers the right to remove themselves from a dangerous work situation without jeopardy to their employment. According to the Labor Ministry, informal employer-employee arrangements may address when and whether employees may remove themselves from work due to dangerous work situations but the government did not track these arrangements. There were eight worker fatalities as a result of inadequate or unsafe work conditions during the year. According to experts, violations of wage, overtime, and occupational health and safety standards were common for both men and women, as well as foreign migrant workers, particularly those who faced hazardous or exploitative working conditions, such as in construction and agriculture.