



EASO Country of Origin Information Report

Kosovo*

Country Focus





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* This designation is without prejudice to positions on status and is in line with United Nations Security Council Resolution 1244/99 and the Advisory Opinion of the International Court of Justice on the Kosovo declaration of independence.

November 2016

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Disclaimer

This report was written according to the EASO COI Report Methodology (2012)(1). It is based on carefully selected sources of information. All sources used are referenced. To the extent possible and unless otherwise stated, all information presented, except for undisputed or obvious facts, has been cross-checked.

The information contained in this report has been researched, evaluated and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

‘Refugee’, ‘risk’ and similar terminology are used as a generic terminology and not as legally defined in the EU Asylum Acquis and the Geneva Convention.

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The target users are asylum caseworkers, COI researchers, policymakers, and decision-making authorities.

The drafting of this report was finalised on 8 September 2016. Any event taking place after this date is not included in this report. An exception to this cut-off date was made for the European Commission’s Communication on EU Enlargement Policy issued 9 November 2016, the main findings of which were incorporated in this report.

(1) The EASO methodology is largely based on the Common EU Guidelines for processing Country of Origin Information (COI), 2008, and can be downloaded from the EASO COI Portal: <https://coi.easo.europa.eu/administration/easo/PLib/EASO%20COI%20Report%20Methodology.pdf>.

Glossary and Abbreviations

AAK	<i>Aleanca Për Ardhmërinë E Kosovës</i> / Alliance for the Future of Kosovo
ACA	Anti-Corruption Agency
ASM	Association of Serbian Municipalities
BAMF	Bundesamt für Migration und Flüchtlinge
BTI	Bertelsmann Stiftung's Transformation Index
CNDA	Cour Nationale du Droit d'Asile
CRD	Civil Rights Defenders
CSO	Civil society organisation
EC	European Commission
ECMI	European Centre for Minority Issues
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
FYROM	Former Yugoslav Republic of Macedonia
IMC	Independent Media Commission
IOM	International Organisation for Migrations
IPK	<i>Inspektoratin Policor të Kosovës</i> / Police Inspectorate of Kosovo
IREX	International Research and Exchanges Board
KDTP	<i>Kosova Demokratik Türk Partisi</i> / Turkish Democratic Party of Kosovo
KFOR	Kosovo Force
KIA	Kosovo Intelligence Agency
KJC	Kosovo Judicial Council
KLA	Kosovo Liberation Army
KNRP	Kosovar New Romani Party
KP	Kosovo Police
KPC	Kosovo Prosecutorial Council
KSF	Kosovo Security Force
KV	<i>Koalicija Vakrat</i> / Coalition Vakrat
LB	<i>Lëvizja Për Bashkim</i> / Movement for Unity
LDK	<i>Lidhja Demokratike E Kosovës</i> / Democratic League of Kosovo
LGBT	Lesbian, gay, bisexual and transexual persons
LPPRC	Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo

LPSC	Local Public Safety Committees
MCSC	Municipal Community Safety Council
NATO	North Atlantic Treaty Organisation
NDS	<i>Nova Demokratska Stranka / New Democratic Party</i>
NGO	Non-governmental organisation
NPK	<i>Nisma Për Kosovën / Civic Initiative for Kosovo</i>
NPMT	National Prevention Mechanism against Torture and Cruel, Inhuman or Degrading Treatment or Punishment
OFPRA	Office français de protection des réfugiés et apatrides
OSCE	Organisation for Security and Co-operation in Europe
PAI	<i>Partia e Ashkalive për Integrim / Ashkali Party for integration</i>
PD	<i>Partia e Drejtësisë / Justice Party</i>
PDAK	<i>Partia Demokratike E Ashkanlive Të Kosovës / The Democratic Party of Kosovo Ashkali</i>
PDK	<i>Partia Demokratike E Kosovës Partia / Democratic Party of Kosovo</i>
PDS	Progresivna Demokratska Stranka / Progressive Democratic Party
PLE	Partia Liberale Egjiptiane / Egyptian Liberal Party
PK	<i>Partia Konservatore E Kosovës / Kosovo Conservative Part</i>
PSDHK	<i>Partia Shqiptare Demokristiane e Kosovës / Albanian Christian Democratic Party of Kosovo</i>
PVPT	Protecting Victims, Preventing Trafficking
RAE	Roma, Ashkeli and Egyptians
RSF	Reporters sans frontières / Reporters Without Borders
RTK	<i>Radiotelevizioni i Kosovës / Radio Television of Kosovo</i>
SAA	Stabilisation and Association Agreement
SL	<i>Srpska Lista / Serbian List</i>
SPRK	Kosovo's Special Prosecution Office
UÇK	<i>Ushtria Çlirimtare e Kosovës / Kosovo Liberation Army</i>
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIK	United Nations Interim Administrative Mission in Kosovo
US DoS	United States Department of State

Introduction

This Country Focus report on Kosovo* ⁽²⁾ was written at the request of the European Council for general background information and more detailed information relevant for international protection status determination and for the assessment of the applicability of the safe country of origin concept to Kosovo. For the designation of safe countries of origin, Annex I of the Asylum Procedures Directive foresees that:

‘A country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.’ ⁽³⁾

In addition, ‘account shall be taken, *inter alia*, of the extent to which protection is provided against persecution or mistreatment’ ⁽⁴⁾. The Kosovo Country Focus at hand covers the most important information needs related to the above-mentioned criteria for safe country of origin designation, namely state structure, socio-political landscape, rule of law and state protection, security situation and human rights situation. The [Terms of Reference](#) can be found at the end of the report.

The report aims at providing an objective and neutral information base (without assessment or policy recommendations) that will allow for more informed policy discussions. It should be noted that the situation of third country nationals in Kosovo (including persons transiting through the country or seeking international protection in Kosovo) does not fall within the scope of this report.

Methodology

- Defining the Terms of Reference

The [Terms of Reference](#) have been defined on 8 April 2016 taking into account feedback from the EASO COI Strategic Network.

- Drafting process

The report was co-drafted by Country of Origin Information (COI) specialists from France and EASO, as listed under the [Acknowledgments](#) section. The drafting of this report was finalised on 14 September 2016. An exception to this cut-off date was made for the European Commission’s Communication on EU Enlargement Policy ⁽⁵⁾ issued 9 November 2016, the main findings of which were incorporated in this report.

- Quality control

In order to ensure that the authors respected the EASO COI Report Methodology, a review was carried out by COI specialists from the countries listed as reviewers in the [Acknowledgments](#) section.

All comments made by the reviewers were taken into consideration and most of them were implemented in the final draft of this report.

⁽²⁾ This designation is without prejudice to positions on status and is in line with United Nations Security Council Resolution 1244/99 and the Advisory Opinion of the International Court of Justice on the Kosovo declaration of independence.

⁽³⁾ Council of Europe, Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), 29 June 2013.

⁽⁴⁾ Council of Europe, Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), 29 June 2013.

⁽⁵⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016.

Map Kosovo ⁽⁶⁾



⁽⁶⁾ UN, Map No. 4069 Rev. 6, September 2011.

1. State structure

1.1. Introduction

The history of Kosovo is intertwined with its neighbouring regions. Kosovo was part of former Yugoslavia between 1918 and 1990, incorporated into Serbia. During the second half of the 20th century, the population became predominantly Muslim-Albanian (about 80 %), outnumbering the originally Eastern-Orthodox Serbs in Kosovo ⁽⁷⁾. Inter-ethnic tensions led to an ethnic Albanian secessionist rebellion in 1998, strongly suppressed by Serbia. The international crisis that evolved as a result was ended by NATO intervention in 1999 ⁽⁸⁾.

After peace was established, Kosovo was ruled by the UN Interim Administrative Mission in Kosovo (UNMIK). Throughout this period Serbia continued to consider Kosovo as part of its territory ⁽⁹⁾.

On 17 March 2004, the largest violent incident since 1999 occurred between ethnic Serbs and ethnic Albanian Kosovars ⁽¹⁰⁾. Three Albanian children drowned in a river which was blamed on the Serb community, in revenge of the shooting of a Serb boy the day before. Mobs of angry Albanian militants attacked Serb communities and set their houses and churches alight. The violence started near the northern town of Mitrovica and quickly spread to other parts of Kosovo. About 30 people were killed and hundreds wounded while hundreds of Serb houses and churches were destroyed ⁽¹¹⁾.

On 17 February 2008 Kosovo unilaterally declared independence from Serbia. Kosovo has been recognised by the United States and most European countries but not by Serbia, nor by Russia, China and several EU member states ⁽¹²⁾. The UNMIK mission was replaced by an EU mission charged with overseeing rule-of-law activities (EULEX). The mandate of this EU mission has been extended until 14 June 2018 ⁽¹³⁾.

A deal between Serbia and Kosovo was brokered by the EU on 19 April 2013, which grants the Serb area in Kosovo a high degree of autonomy, including the use of ethnic Serb police chiefs and an appeal court, and in which both sides pledge not to block each other's accession to the EU ⁽¹⁴⁾.

On 25 July 2014 Kosovo and the EU signed the Stabilisation and Association Agreement (SAA), a first step towards becoming a candidate member of the European Union ⁽¹⁵⁾. The SAA entered into force on 1 April 2016. This step, 'which provides a comprehensive framework for closer political and economic relations between the EU and Kosovo', was welcomed by the European Commission, in its 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Enlargement Strategy', henceforth called 'the EC Communication' ⁽¹⁶⁾.

1.2. Constitution

The constitution was adopted on 9 April 2008 and entered into force on 15 June 2008. It was amended (amendments I-XXII) on 7 September 2012, on 26 March 2013 (XXIII) and on 3 August 2015 (Amendment No. 05-D-139, establishing the Specialist Chambers and installing the Specialist Prosecutor's Office) ⁽¹⁷⁾.

⁽⁷⁾ Encyclopaedia Britannica, Kosovo, n.d.

⁽⁸⁾ BBC, Kosovo profile, 7 April 2016.

⁽⁹⁾ Encyclopaedia Britannica, Kosovo, n.d.

⁽¹⁰⁾ BBC, Timeline: Kosovo, 24 January 2012;

⁽¹¹⁾ BBC News, Kosovo clashes 'ethnic cleansing', 20 March 2004.

⁽¹²⁾ Encyclopaedia Britannica, Kosovo, n.d.

⁽¹³⁾ EULEX (European Union External Action), EULEX New Mandate, 21 June 2016.

⁽¹⁴⁾ BBC, EU enlargement: The next seven, 2 September 2014.

⁽¹⁵⁾ European Commission, European Neighbourhood Policy and Enlargement Negotiations, Kosovo, n.d.

⁽¹⁶⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 12.

⁽¹⁷⁾ Republic of Kosovo, Amendment no. 24 of the Constitution of the Republic of Kosovo (No.05-D-139), 3 August 2015; Muharremi, Robert, The Kosovo Specialist Chambers and Specialist Prosecutor's Office, American Society of International Law, Volume 20, Issue 11, 26 May 2016.

The constitution defines the Republic of Kosovo as a sovereign, multi-party parliamentary democracy based on a separation of executive, legislative and judicial powers. The constitution provides for political participation of recognised ethnic minorities (Serbs, Turks, Bosnian Muslims or Bosniaks, Roma, Ashkali, Egyptians, and Gorani (art. 64) ⁽¹⁸⁾).

1.3. Executive branch

1.3.1. President

The president is the head of state and the prime minister is the head of government, in line with the Constitution. The assembly elects the president and the five deputy presidents from among its deputies. The president is proposed by the largest parliamentary group and is elected by a majority vote of all deputies of the Assembly. Apart from the president, three deputy presidents are proposed by the three largest parliamentary groups and elected by majority vote by the assembly as well. Two other deputy presidents representing non-majority communities (one for Serbs and the other for other minorities) are elected in a similar way ⁽¹⁹⁾.

The President of the Republic of Kosovo is Hashim Thaçi, who was elected on 26 February 2016 in the Assembly. Thaçi was prime minister from 2007-2014 and led Kosovo towards independence ⁽²⁰⁾.

1.3.2. Government

The prime minister nominates the ministers who are confirmed by the assembly ⁽²¹⁾. The prime minister and head of government is Isa Mustafa. He was elected after the 8 June 2014 elections. ⁽²²⁾

After a long formation process, during which political developments halted for half a year, the government was formed as of December 2014 ⁽²³⁾ by a coalition of LDK/PDK/PD/LB/PSHDK/PK - Democratic Party of Kosovo (PDK), Democratic League of Kosovo (LDK) and several minority parties ⁽²⁴⁾.

The government has 23 members including the prime minister and three deputy prime ministers and includes two women. In accordance with the constitution, minorities are represented in the cabinet ⁽²⁵⁾.

1.4. Legislative branch: The Assembly

The assembly of the Republic of Kosovo has 120 deputies elected by secret ballot on the basis of open lists. According to the constitution, 20 out of 120 are reserved seats for minority communities, of which 10 are reserved for the Kosovo Serb community and 10 for other minorities: Roma (1), Ashkali (1), Egyptian (1); one additional seat is awarded to either the Roma, the Ashkali or the Egyptian community with the highest overall votes; Bosniak (3), Turkish (2), and Gorani community (1) ⁽²⁶⁾.

The assembly is elected for four years and has the competence, under the constitution, to adopt laws, resolutions and other general acts, amend the constitution by two-thirds of all deputies (including two-thirds of all deputies from minority communities), announce referenda, ratify international treaties, approve the national budget, elect a president and deputy presidents, and elect the government and judges to the constitutional court⁽²⁷⁾.

⁽¹⁸⁾ Republic of Kosovo, Constitution of the Republic of Kosovo (with amendments I-XXIII), October 2013.

⁽¹⁹⁾ Republic of Kosovo, Constitution of the Republic of Kosovo (with amendments I-XXIII), October 2013.

⁽²⁰⁾ President of the Republic of Kosovo, Biography, n.d..

⁽²¹⁾ Republic of Kosovo, Constitution of the Republic of Kosovo (with amendments I-XXIII), October 2013.

⁽²²⁾ Republic of Kosovo, Office of the Prime Minister, Welcome to the site of the Prime Minister's Office, n.d..

⁽²³⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Enlargement Strategy, COM(2015) 611 final, 10 November 2015, p.26.

⁽²⁴⁾ CIA, World Factbook – Kosovo, last updated 1 November 2016.

⁽²⁵⁾ The Office of the Prime Minister, Ministers, n.d.

⁽²⁶⁾ Republic of Kosovo, Constitution of the Republic of Kosovo (with amendments I-XXIII), October 2013.

⁽²⁷⁾ Republic of Kosovo, Constitution of the Republic of Kosovo (with amendments I-XXIII), October 2013.

1.5. Administration

The EC Communication 2016 reported on public administration:

‘There is some level of preparation in the area of public administration reform. Good progress included the adoption of a comprehensive public financial management strategy and of the law on general administrative procedures. The continued politicisation of the public administration, however, remains a serious concern. The organisation of the state administration is fragmented and does not ensure effective lines of accountability, and the overlap of responsibilities of government agencies needs to be addressed. Parliamentary oversight of government activities should increase. The recommendations of oversight institutions should be followed, to ensure improved governance and accountability’⁽²⁸⁾.

The EC Communication added:

‘The assembly completed most of the outstanding appointments to independent institutions and agencies. However, appointments were often subject to political influence. This undermines the independent functioning and effective management of these bodies. Greater efforts are needed to ensure that appointments are based on merit’⁽²⁹⁾.

The Serb communities in Kosovo comprise about 7 % of the population but locally form a majority in the north and in several enclaves elsewhere⁽³⁰⁾. The Bertelsmann Stiftung’s Transformation Index (BTI) remarks in its 2016 report on Kosovo:

‘In 2011 and 2012, the state’s monopoly on the use of force was called into question by Kosovan Serbs who, with financial support from Belgrade, sustained parallel administrative structures [concerning border police and customs officers] in municipalities with dominant Kosovo-Serb population in northern Kosovo. (...) In 2012, resistance by the local Serbian population to border controls conducted by the Kosovo government led to clashes with KFOR and demands from Prishtina that Mitrovica, northern Kosovo’s main city, should acknowledge Kosovo’s independence and the legitimacy of the state’s institutions.’⁽³¹⁾

To normalise relations between Serbia and Kosovo (a prerequisite for their EU accession) and to guarantee Kosovo’s territorial integrity, these neighbouring countries signed the Brussels Agreement on 19 April 2013. Serbia ceded administrative control over the north of Kosovo to a supra-municipal structure for the Serbs minority in Kosovo – the Association of Serbian Municipalities (ASM). This new structure was initially rejected by Serbs in Kosovo but gradually the northern municipalities have embraced Kosovan institutions. The parallel police structures have been integrated into the Kosovan system⁽³²⁾.

⁽²⁸⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 28.

⁽²⁹⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 28.

⁽³⁰⁾ Bertelsmann Stiftung, BTI 2016 - Kosovo Country Report, 2016, p. 6.

⁽³¹⁾ Bertelsmann Stiftung, BTI 2016 - Kosovo Country Report, 2016, p. 5.

⁽³²⁾ Bertelsmann Stiftung, BTI 2016 - Kosovo Country Report, 2016, p. 6.

2. Socio-political landscape

The EC Communication 2015 reported that ‘members of the opposition have been involved in incidents of violence against the government, criticising it for its recent decision on the Specialist Chambers, the dialogue agreement with Belgrade, and the border demarcation agreement with Montenegro’⁽³³⁾.

The EC Communication 2016 is still concerned about the ‘fundamental obstruction by different political parties’ which affected parliamentary work adversely:

‘Political actors need to find a way to overcome the protracted political stalemate and to pave the way for addressing the numerous reform challenges ahead, in particular as regards the rule of law and the need for structural economic reforms addressing the high level of unemployment. (...)All political parties should show responsibility and re-engage in a constructive dialogue, with parliament as the key forum for political debate. The recent return of opposition members to parliamentary activities is a welcome step.’⁽³⁴⁾.

2.1. Political parties

The following political parties participated in the 2014 elections:

- PDK (Partia Demokratike E Kosovës Partia/Democratic Party of Kosovo) – *in coalition with:*
 - PD (Partia e Drejtësisë)
 - LB (Lëvizja Për Bashkim)
 - PSDHK (Partia Shqiptare Demokristiane e Kosovës)
 - PK (Kosovës Partia Konservatore E Kosovës)
- LDK (Lidhja Demokratike E Kosovës/Democratic League of Kosovo)
- Vetëvendosje (Self-Determination!)
- AAK (Aleanca Për Ardhmërinë E Kosovës/Alliance for the future of Kosovo)
- SL (Srpska Lista/Serbian List)
- NPK or Nisma (Nisma Për Kosovën/Civic Initiative for Kosovo)
- KDTP (Kosova Demokratik Türk Partisi/Turkish Democratic Party of Kosovo)
- Vakrat or KV (Koalicija Vakrat)
- PDS (Progresivna Demokratska Stranka/Progressive Democratic Party)
- KNRP (Kosovar New Romani Party)
- PDAK (Partia Demokratike E Ashkanlive Të Kosovës)
- PAI (Ashkali Party for integration)
- NDS (Nova Demokratska Stranka)
- PLE (Partia Liberale Egjiptiane)
- Coalition for Gora
- Several other smaller parties participated in the elections.

The full list can be found at the official website of the Central Election Commission ⁽³⁵⁾.

⁽³³⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Enlargement Strategy, COM(2015) 611 final, 10 November 2015, p.26.

⁽³⁴⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 12.

⁽³⁵⁾ Republic of Kosovo, Central Election Commission, Rezultatet Përfundimtare Nga Qnrkonaçni Rezultatit Iz Cpr-Arezultatet Për Kosovërezultatit Za Kosovo, 2014.

2.2. Elections

The latest parliamentary election were held on the 8 June 2014 and had the following results ⁽³⁶⁾:

	nr votes	% votes	seats
PDK (coalition with PD-LB-PSHDK+PK)	222,181	30,38%	37
LDK	184,596	25.24%	30
Vetëvendosje	99,397	13.59%	16
AAK	69,793	9.54%	11
SL	38,199	5.22%	9
NPK	37,681	5.15%	6
KDTP	7,424	1.02%	2
Vakat	6,476	0.89%	2
PDS	5,973	0.82%	1
PDAK	3,335	0.46%	1
NDS	2,837	0.39%	1
PLE	1,960	0.27%	1
PAI	1,583	0.22%	1
Coalition for Gora	1,193	0.16	1
KNRP	645	0.09%	1

‘The June general elections were transparent and well-organised. Election day passed without major incidents and voters cast their votes freely throughout Kosovo, including in the four northern municipalities’, according to the EC 2014 Progress Report on Kosovo ⁽³⁷⁾.

2.3. Opposition

In the beginning of October 2015, the three opposition parties (Vetëvendosje, AAK/Alliance for the future of Kosovo and Nisma/ Civic Initiative for Kosovo) blocked the work of the Kosovo parliament and demanded the annulment of the agreement with Serbia that grants far-reaching powers to the Association of Serbian Municipalities ⁽³⁸⁾.

The three main political opposition parties used to operate as a united block. However, due to internal arguments the union split in April 2016. In preparation for the next elections (2018), Vetëvendosje (the biggest opposition party with 16 seats) initiated a joint document to unite the three main opposition parties and civil society groups. However, the two other parties did not accept this and accused Vetëvendosje of taking over the opposition. AAK and Nisma, together good for 15 seats in parliament, signed their own joint pre-election agreement. One AAK member joined Vetëvendosje which has now 17 seats while AAK/Nisma coalition has 14 seats ⁽³⁹⁾.

The EC Communication 2016 reported about the polarisation between government and opposition. ‘Normal parliamentary functioning was prevented for parts of the reporting period, including through the use of violent means by opposition members’ ⁽⁴⁰⁾.

⁽³⁶⁾ Republic of Kosovo, Central Election Commission, Rezultatet Përfundimtare Nga Qnrkonaçni Rezultati Iz Cpr-Arezultatet Për Kosovërezultati Za Kosovo, 2014..

⁽³⁷⁾ EC, Kosovo* Progress Report 2014, October 2014, p. 3.

⁽³⁸⁾ Balkan Insights, Opposition Campaign Risks Destabilizing Kosovo, 2 October 2015.

⁽³⁹⁾ Balkan Insights, Power Struggle Splits Kosovo Opposition Parties, 22 April 2016.

⁽⁴⁰⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 28.

2.4. Civil society

2.4.1. Civil society organisations (CSOs)

According to Civil Rights Defenders (CRD), a Swedish international human rights organisation with an office in Pristina, civil society organisations have improved and developed recently. According to CRD and Freedom House, despite many positive results achieved, CSOs' sustainability is at stake, as they often lack long-term support for their programmes and initiatives, including institutional support ⁽⁴¹⁾.

For citizens, the most important topics for CSOs in Kosovo are education (40 %), employment (37 %), safety (36 %) and the youth (35 %). The least important are animal protection (21 %) and ecology (25 %) ⁽⁴²⁾.

According to Freedom House's Nations in Transit 2016 report:

'Kosovo's civil sector is diverse and vibrant, with thousands of active NGOs. Constitutional and legal provisions that guarantee freedom of association are well implemented. NGOs are independent, and the government neither has nor exercises control over civil society groups and activities. Administrative procedures for registering and running NGOs are minimal' ⁽⁴³⁾.

Regarding the role of CSOs, Freedom House adds:

'Kosovo think tanks and advocacy centers continued to serve as public policy watchdogs; civil society organizations were consulted on most controversial laws [...]. Consultation with civil society organizations is more systematic in the Assembly than in the government [...], which has yet to implement its strategy on cooperation with civil society. The government has not addressed the EU's recommendation to contract NGOs to provide services' ⁽⁴⁴⁾.

The website of the Assembly of Kosovo shares the list of all self-registered CSOs interested in monitoring and contributing to the Assembly's works ⁽⁴⁵⁾.

According to UNMIK, the Government of Kosovo:

'announced its intention to establish an inter-ministerial coordination group on human rights, to strengthen human rights coordination between ministries and relevant institutions and to create a common platform to discuss human rights concerns. The Group would be chaired by the Prime Minister, and include line ministers, the Ombudsperson and civil society representatives' ⁽⁴⁶⁾.

2.5. Media

Kosovo ranks 90th out of 180 countries in the Reports Without Borders (RSF) 2016 World Press Freedom Freedom Index ⁽⁴⁷⁾.

The same source indicates that Kosovo's 'media suffer from direct and indirect political interference, financial pressures and concentrated ownership. Journalists who criticize the Kosovar authorities are often accused of being "traitors" or "Serbian sympathizers." Media that do not toe the government line may be subjected to intimidation in the form of financial or tax inspection' ⁽⁴⁸⁾.

There is a relatively high number of media groups compared to the size of the country. In 2014, Kosovo had seven daily newspapers and 167 radio and television operators. 84 % of the population had Internet access ⁽⁴⁹⁾.

The Freedom House refers to the Kosovar press as 'partially free' in its 2016 report. While recognising the real guarantees for freedom of expression and press freedom in the constitutional and judicial framework of the country,

⁽⁴¹⁾ Civil Rights Defenders, Human Rights in Kosovo, updated 27 May 2016; Freedom House, Nations in Transit 2016, Kosovo, 12 April 2016.

⁽⁴²⁾ TACSO, Civil society organizations in Kosovo, 2014.

⁽⁴³⁾ Freedom House, Nations in Transit 2016, Kosovo, 12 April 2016.

⁽⁴⁴⁾ Freedom House, Nations in Transit 2016, Kosovo, 12 April 2016.

⁽⁴⁵⁾ Republic of Kosovo, Assembly, Participation of Civic Society in the work of the Assembly of Kosovo, n.d.

⁽⁴⁶⁾ UN Security Council, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 29 July 2016.

⁽⁴⁷⁾ RSF, World Press Freedom Index 2016, Kosovo, 2016.

⁽⁴⁸⁾ RSF, Kosovo, Balkan archetype, 2016.

⁽⁴⁹⁾ OSCE, Freedom of Media and Safety of Journalists in Kosovo, June 2014. Freedom House, Nations in Transit 2016:Kosovo, 2016.

the source nevertheless assesses the practical implementation as problematic, especially because of interference from political and business interests ⁽⁵⁰⁾. The Independent Media Commission (IMC), regulated by the 2012 Act, supervises the allocation of TV frequencies. Its members are selected by the National Council. The procedure for this does not exclude political interference, according to the Freedom House ⁽⁵¹⁾. Different sources confirm that the press lacks its own resources and depends on state subsidies and business sponsorship, which induces self-censorship ⁽⁵²⁾. According to the Freedom House, the ethnic Albanian media in Kosovo report little on the ethnic Serb community ⁽⁵³⁾.

2.5.1. Television and newspapers

According to Freedom House, the media scene remains oversaturated, with 7 daily newspapers, 21 TV stations (3 national), and 83 radio stations, and several outlets closed as they were not sustainable. The source adds that online media is flourishing but concerns are raised about unknown ownership, absence of regulation and low professional standards ⁽⁵⁴⁾. The source adds that both Radio Television of Kosovo (RTK), the public broadcaster, and private media outlets are subject to direct and indirect political interference ⁽⁵⁵⁾.

According to the EC's 2014 Progress Report, RTK is directly publicly financed, which undermines its editorial independence ⁽⁵⁶⁾. EC's 2016 Communication is still critical on the lack of solution for this situation which leaves the broadcaster vulnerable for political pressure ⁽⁵⁷⁾.

More detailed lists of the main press, TV radio and Internet providers in Kosovo can be found in the BBC News profile on Kosovo ⁽⁵⁸⁾.

2.5.2. Internet

According to the Bertelsmann report, there are no restrictions to access information via the Internet in Kosovo ⁽⁵⁹⁾.

IREX, quoting Index Kosova, a market research company, indicates that in December 2015, 88 % of the households in Kosovo had Internet access ⁽⁶⁰⁾.

⁽⁵⁰⁾ Freedom House, Nations in Transit 2016:Kosovo, 2016.

⁽⁵¹⁾ Freedom House, Freedom of the Press 2015, Kosovo, 2015. OSCE, Freedom of Media and Safety of Journalists in Kosovo, June 2014.

⁽⁵²⁾ Osservatorio Balcani e Caucaso, The Kosovo media under pressure, 6 May 2016; Freedom House, Freedom of the Press 2015, Kosovo, 2015; OSCE, Freedom of Media and Safety of Journalists in Kosovo, June 2014.

⁽⁵³⁾ Freedom House, Freedom of the Press 2015, Kosovo, 2015.

⁽⁵⁴⁾ Freedom House, Nations in Transit 2016, Kosovo, 2016.

⁽⁵⁵⁾ Freedom House, Freedom of the press, Kosovo, 2015.

⁽⁵⁶⁾ EC, Kosovo* Progress Report 2014, October 2014, p. 17.

⁽⁵⁷⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 29.

⁽⁵⁸⁾ BBC News, Kosovo profile – Media, 10 July 2015.

⁽⁵⁹⁾ Bertelsmann Stiftung, BTI 2016 – Kosovo report, 2016.

⁽⁶⁰⁾ International Research and Exchanges Board (IREX), Media Sustainability Index, Kosovo, 2016.

3. Rule of Law and State Protection

3.1. Law enforcement

3.1.1. Police

Kosovo cooperates with Europol via the interlocutory EULEX, the EU mission on the rule of law in Kosovo (see [3.2.2. Courts system](#)) ⁽⁶¹⁾. Cooperation agreements were signed with Albania and the FYROM (Former Yugoslavic Republic of Macedonia) in the fields of police, customs and judiciary. In 2013, an agreement was signed with Serbia for judicial cooperation (Mutual Legal Assistance) ⁽⁶²⁾.

In 2015, the Kosovo Police (KP) had 8,981 staff including 7,885 police officers and 1,096 civilian staff. The personnel consisted of 86 % men and 14 % women; 83 % ethnic Albanian, 13 % Serbians and 4 % other minorities. According to public KP data for 2015, they intervened in 50,230 cases including 34,209 crimes. They arrested 13,916 people, broke up 43 criminal groups and seized 1,301 firearms. The number of murders decreased by more than 25 % (from 35 in 2014 to 25 in 2015) and robberies decreased by more than 21 % (from 6,977 in 2014 to 5,469 in 2015) ⁽⁶³⁾.

According to various sources, the KP is perceived in public and by international partners as the most trustworthy institution ⁽⁶⁴⁾. There is frequent contact with the population via Municipal Community Safety Councils (MCSC) which operate in all 34 municipalities, and at village or district level via Local Public Safety Committees (LPSC), in which the police officers meet the representatives of local associations, communities or groups ⁽⁶⁵⁾.

In 2014, the independent police inspection (PIK), the KP regulatory body, received 217 complaints and reports resulting in 19 arrests, 57 suspensions and 9 transfers ⁽⁶⁶⁾.

3.1.2. Army

Created in 2008, the Kosovo Security Force (KSF) is a protection force equipped with light arms. It conducts rescue and demining operations ⁽⁶⁷⁾. The KSF is under the command of the President and subordinate to the Ministry for the Kosovo Security Forces ⁽⁶⁸⁾. KSF members are obliged by law to respect fundamental rights ⁽⁶⁹⁾, and therefore each act of harassment based on origin, religion, sex, etc. is prohibited regardless of whether it is targeting a KSF member or anyone else ⁽⁷⁰⁾. On 27 May 2015, the parliament voted on a project to transform KSF into the Kosovo Armed Forces ⁽⁷¹⁾ but the text has not been implemented yet because of opposition from the Serbian List (SL), the principal Serbian party in Kosovo, and a lack of agreement among Albanian parties ⁽⁷²⁾.

3.1.3. Intelligence/Security forces

The Kosovo Intelligence Agency (KIA) is tasked with advising and informing the President and the Prime Minister, who appoint the KIA's director, his deputy and the inspector-general, about Kosovo's security in the fields of investigations, counter-intelligence, internal and external threats, international or internal terrorism, organised crime, economic

⁽⁶¹⁾ EULEX, What is EULEX?, n.d.; EC, Kosovo* Progress Report 2014, October 2014, p. 51.

⁽⁶²⁾ EC, Kosovo* Progress Report 2014, October 2014, p. 51.

⁽⁶³⁾ Kosovo Police (KP), Annual Report 2015, 2016, p. 7.

⁽⁶⁴⁾ EC, Kosovo* Progress Report 2014, October 2014, p. 49; Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 23.

⁽⁶⁵⁾ Kosovo Police (KP), Annual Report 2015, 2016, p. 8. Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 52-53-57.

⁽⁶⁶⁾ EC, Kosovo* Progress Report 2014, October 2014, p. 51.

⁽⁶⁷⁾ US DoS, 2015 Country Reports on Human Rights Practices - Kosovo, 13 April 2016.

⁽⁶⁸⁾ Constitution of the Republic of Kosovo, Art. 84.12.

⁽⁶⁹⁾ Republic of Kosovo, Law on Service in the Kosovo Security Force, 13 June 2008, promulgated 15 June 2008, Art. 3.

⁽⁷⁰⁾ Republic of Kosovo, Law on Service in the Kosovo Security Force, 13 June 2008, promulgated 15 June 2008, Art. 4.h.

⁽⁷¹⁾ UNSC, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 30 July 2015, section 10.

⁽⁷²⁾ B92, Mustafa: Kosovo to have army soon; Serbs uninformed, 10 May 2016.

criminality, sabotage etc⁽⁷³⁾. The KIA cannot use force or make arrests and cannot force individuals or companies to cooperate⁽⁷⁴⁾. In 2014 and 2015, according to media sources presented by the Immigration and Refugee Board of Canada, some of the KIA's members were involved in the repatriation of a Kosovar child held in Syria without legal grounds, in an illicit arrest of a Serbian national in Kosovo and in minor offences. Those cases reportedly led to the resignation of the KIA's director early 2015⁽⁷⁵⁾.

3.1.4. Corruption / fight against organised crime and terrorism

Corruption is a recurrent problem in Kosovar society. The country had a score of 33 in the Transparency International Corruption Perceptions Index for 2015, ranked 105 out of 168 countries, and had the worst score among the western Balkan countries (Albania 36, Serbia 40, former Yugoslav Republic of Macedonia 42, Montenegro 44)⁽⁷⁶⁾. According to the NGO Freedom House, the corruption level slightly improved between 2008 and 2012, but worsened again after 2012⁽⁷⁷⁾.

Between 2010 and 2016, Kosovo established an important legislative framework with four specialised institutions: an independent national Anti-Corruption Agency (ACA), a national anti-corruption council (a consultative body chaired by the President), a national anti-corruption coordinator selected by the Attorney General, and a Directorate for the investigation of economic criminality and corruption (resorting under the police). The European Institutions assessed these developments as positive⁽⁷⁸⁾. The most recent law, enacted on 24 March 2016, established an administrative agency for sequestrated and confiscated assets⁽⁷⁹⁾.

In 2014, the ACA had investigated 304 cases. Only 30 cases were sent to the prosecutor, which was the lowest rate since the agency was created⁽⁸⁰⁾. Its results appeared better in 2015 with 354 investigated cases of which 126 were transferred to the prosecutor and the police⁽⁸¹⁾.

The KP is considered the most efficient institution in the fight against corruption. According to the EULEX mission, in 2013, 77 % of corruption procedures were initiated by the police⁽⁸²⁾.

Several sources reported that responsible officials had been charged in significant corruption cases. However, due to political interference and obstruction of the courts such cases rarely led to prosecutions, which resulted only in minimal sentences⁽⁸³⁾.

According to the European Council: 'Endemic and widespread corruption in all aspects of government, justice and the economy negatively impacts the lives of people in Kosovo, irrespective of their community'⁽⁸⁴⁾.

The EC Communication 2016 reported:

'Kosovo has strengthened its institutional capacities to fight corruption and organised crime, with the establishment of multi-disciplinary investigative teams, the set-up of a tracking mechanism for high level corruption and organised crime cases, as well as the fostering of serious crime department of basic courts. This has led to an increased number of high-level cases being investigated and prosecuted. However, corruption remains prevalent in many areas and continues to be a very serious problem. A stronger political will to tackle this in a comprehensive manner is necessary'⁽⁸⁵⁾.

⁽⁷³⁾ Kosovo Intelligence Agency, About us, n.d.; Kosovo Intelligence Agency, Legislation, n.d.; Constitution of the Republic of Kosovo, Art. 84, 21.

⁽⁷⁴⁾ IRB, Kosovo: Information on the scandals involving the government intelligence agency and its Director Burim Smakaj, 2 June 2015.

⁽⁷⁵⁾ IRB, Kosovo: Information on the scandals involving the government intelligence agency and its Director Burim Smakaj, 2 June 2015.

⁽⁷⁶⁾ Transparency International, Corruption Perceptions Index 2015, 27 January 2016.

⁽⁷⁷⁾ Freedom House, Nations in Transit 2016:Kosovo, 2016.

⁽⁷⁸⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, pp. 34-37 ; Council of Europe, Committee on Political Affairs and Democracy, The situation in Kosovo and the role of the Council of Europe, 8 January 2016, sections 47-53. Most important laws available in English on the website of the Ministry of Justice of Kosovo: <http://www.md-ks.net/?page=2,95>.

⁽⁷⁹⁾ Republic of Kosovo, Law on the management of sequestrated and confiscated assets, (Law No. 05/L-049), 24 March 2016; Republic of Kosovo, Ministry of Justice, Agency for Administration of Sequestrated or Confiscated Assets, n.d.

⁽⁸⁰⁾ Council of Europe, Committee on Political Affairs and Democracy, The situation in Kosovo and the role of the Council of Europe, 8 January 2016, section 49. Eulex, Compact Progress Report 2015, 1 September 2015, p. 24.

⁽⁸¹⁾ Anti-Corruption Agency of Kosovo, Annual Report: January - December 2015, March 2016.

⁽⁸²⁾ Ofpra, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 36-37.

⁽⁸³⁾ Balkan Insight, Corruption Cases Left to Expire Kosovo, Report, 13 May 2016; Ofpra, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, pp. 33-37.

⁽⁸⁴⁾ Council of Europe, Committee on Political Affairs and Democracy, The situation in Kosovo and the role of the Council of Europe, 8 January 2016, section 5.

⁽⁸⁵⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 28.

The fight against organised crime has had some progress. Several smuggling networks were dismantled in recent years. An important alleged mafia boss was arrested in 2013 at the request of Bosnia-Herzegovina and is on trial in Kosovo⁽⁸⁶⁾. Although Kosovo is not a production country or consumption market for narcotics, it remained a transit country. Seizures were relatively low in 2015⁽⁸⁷⁾. The EC Communications 2015 commented: ‘The focus on strategies and action plans should not obscure the need for real results in fighting endemic organised crime in Kosovo’⁽⁸⁸⁾.

The EC Communication 2016 reported on organised crime:

‘The number of investigations and final convictions remains low. Gaps in the legislation remain and enforcement needs to be improved in particular for money laundering, confiscation and seizure of assets, and financial investigation. Undue influence over investigations and the lack of strategic political commitment hamper the fight against organised crime’⁽⁸⁹⁾.

Kosovo is also active in the fight against terrorism, on which the EC Communication 2015 reported: ‘Kosovo has stepped up its efforts to fight terrorism, but continues to face challenges related to radicalisation’⁽⁹⁰⁾. The EC added over 2016: ‘(...) but still faces challenges in this area’⁽⁹¹⁾.

Since the summer of 2014, more than 100 suspects were arrested and more than 15 NGOs suspected of jihadist recruitment were dissolved⁽⁹²⁾. In 2016, several people were sentenced to long prison terms for participation in jihadist networks⁽⁹³⁾. In July 2016, 60 defendants were still awaiting trial; the authorities estimate that 300 Kosovars have joined jihadist groups in the Middle East, mainly the Islamic State and Jabhat al-Nusra⁽⁹⁴⁾.

3.2. Judiciary

3.2.1. Justice

Independence and impartiality of the judiciary is guaranteed in the Constitution⁽⁹⁵⁾. Between 2010 and 2016, Kosovo established a relatively well developed judicial system but important gaps in the system remain⁽⁹⁶⁾.

The Justice System consists of two elements, according to its website: Courts and Kosovo Judicial Council (KJC). The Supreme Court of Kosovo is the highest authority (see 3.2.2. [Courts system](#)). The Kosovo Judicial Council ensures independence and impartiality of the judicial system⁽⁹⁷⁾. In addition, the Kosovo Prosecutorial Council (KPC), is, according to the Law on KPC, a ‘fully independent institution in exercising its functions, in order to have an independent, professional, and impartial prosecutorial council, which reflects the multi-ethnic nature of the Republic of Kosovo and internationally recognized principles on gender equality’, according to a report by the Kosovo Law Institute⁽⁹⁸⁾.

In May 2015 Kosovo Assembly approved the amendment of the package of justice laws, in order to ‘harmonise the legal provisions related to the appointment process, re-appointment, transfer, disciplinary proceedings and dismissal of judges and prosecutor’. On 24 February 2016, the Assembly voted for constitutional changes, in line with the

⁽⁸⁶⁾ DIDR, Note, Kosovo: la criminalité dans l’ouest du Kosovo (districts de Gjakovë/Dakovica-Pejë/Pec), 6 October 2015, pp. 7-8.

⁽⁸⁷⁾ US DoS, 2016 International Narcotics Control Strategy Report – Kosovo, 2 March 2016.

⁽⁸⁸⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Enlargement Strategy, COM(2015) 611 final, 10 November 2015, p. 27.

⁽⁸⁹⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 28.

⁽⁹⁰⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Enlargement Strategy, COM(2015) 611 final, 10 November 2015, p. 27.

⁽⁹¹⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 28.

⁽⁹²⁾ Jamestown Foundation, Jihadist Threat Persists in Kosovo and Albania Despite Government Efforts, 24 June 2016.

⁽⁹³⁾ Balkan Insight, Kosovo Terror Suspects Given Stiff Sentences, 18 July 2016; Balkan Insight, Kosovo Jails Hard-line Imam for 10 Years, 20 May 2016.

⁽⁹⁴⁾ Balkan Insight, Kosovo Terror Suspects Given Stiff Sentences, 18 July 2016

⁽⁹⁵⁾ Constitution of Kosovo, Chapters II (“Fundamental rights and freedoms”) and VII (“Justice system”).

⁽⁹⁶⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 29. Council of Europe, The situation in Kosovo and the role of the Council of Europe, 8 January 2016, sections 35-36; Kosovo Law Institute, Justice system reform in Kosovo, December 2013. The most important laws in English are available at the website of the Ministry of Justice of Kosovo: <http://www.md-ks.net/?page=2,95>.

⁽⁹⁷⁾ () Republic of Kosovo, *Justice system*, n.d.

⁽⁹⁸⁾ KLI, Legality of the Judicial and Prosecutorial Council – Monitoring of Kosovo Judicial and Prosecutorial Councils: Analysis and recommendations regarding the judicial package of judiciary, April 2016, p. 9.

recommendations of the Venice Commission, regarding the majority of the KJC to be elected by the judiciary itself (apart from 8 members still elected by the Assembly) The EC in its Progress report 2015 had requested the same changes in order to strengthen the independent judicial system ⁽⁹⁹⁾.

The EC Communications 2016 reported:

‘Kosovo’s judicial system is at an early stage. Important positive steps have been taken during the reporting period with the adoption of amendments to the constitution and most secondary legislation necessary to implement the 2015 justice package laws. Kosovo has also appointed most members of key institutions and continued to increase its clearance rate of cases. However, administration of justice is slow and inefficient, and there is insufficient accountability of judicial officials. The judiciary is still vulnerable to undue political influence and rule of law institutions suffer from lack of funding and human resources’ ⁽¹⁰⁰⁾.

According to the UNMIK report published on 29 April 2016, ‘Kosovo continues to face numerous significant challenges with regard to the rule of law, not least the independence and impartiality of the justice sector’ ⁽¹⁰¹⁾.

An OFPRA fact finding mission report stated:

‘The contacts pointed specifically at persistent political interference in sensitive cases. (...) Otherwise, different elements such as the size of the country and the clan structures contribute to additional problems. The easy access of prosecutors and judges and sometimes insufficient security measures facilitate certain drifts. However, a regulation exists under the KPC [Kosovo Prosecutorial Council] to protect prosecutors in case of a threat and a protocol of agreement was signed with the police in order to have close protection as quickly as possible. These measures however require that threats against prosecutors are reported to the KPC, which so far only happened for staff members of the SPRK, a special office in charge of organised crime prosecutions. In general, the respect of the population for the state institutions, justice and magistrates would still be limited’ ⁽¹⁰²⁾.

The agreements between Kosovo and Serbia in April 2014 and February 2015, under the auspices of the European Union, facilitated the integration of parallel Serbian judicial institutions controlled by Belgrade, which were functioning in the northern municipalities of Kosovo since 2008, into the Kosovar judiciary system ⁽¹⁰³⁾. The nomination of magistrates in the appeal court (Basic Court) of Mitrovica/Mitrovicë-North started on 25 March 2015 ⁽¹⁰⁴⁾. In September 2015, however, Kosovo had only 7 Kosovar-Serbian judges out of a total of 351 ⁽¹⁰⁵⁾.

A person can only be arrested in case of a flagrante offence or through a warrant issued by a judge or prosecutor. The person should be informed about his or her rights within six hours and brought before a judge within 48 hours. Secret detention is prohibited. In practice, according to the US Department of State (US DoS), these rights are generally respected, except the right to consult a lawyer, which is often delayed ⁽¹⁰⁶⁾. A person can be held in pre-trial detention for 30 days, renewable up to a maximum total period of one year. In practice, according to the same source, excessive use of pre-trial detention is commonplace due to inefficiency of the judiciary ⁽¹⁰⁷⁾.

Free legal aid exists, in particular for cases of domestic violence, human trafficking, violence against children and rape. However, this service lacks financial and human resources and its efficiency seems limited ⁽¹⁰⁸⁾.

⁽⁹⁹⁾ KLI, Legality of the Judicial and Prosecutorial Council – Monitoring of Kosovo Judicial and Prosecutorial Councils: Analysis and recommendations regarding the judicial package of judiciary, April 2016, p. 5.

⁽¹⁰⁰⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 28.

⁽¹⁰¹⁾ UNSC, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 29 April 2016, section 53.

⁽¹⁰²⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 29-30.

⁽¹⁰³⁾ OiK, Annual report 2015, 31 March 2016, p. 19.

⁽¹⁰⁴⁾ OiK, Annual report 2015, 31 March 2016, p. 19.

⁽¹⁰⁵⁾ Council of Europe, Committee on Political Affairs and Democracy, The situation in Kosovo and the role of the Council of Europe, 8 January 2016, section 39.

⁽¹⁰⁶⁾ US DoS, 2015 Country Reports on Human Rights Practices - Kosovo, 13 April 2016.

⁽¹⁰⁷⁾ US DoS, 2015 Country Reports on Human Rights Practices - Kosovo, 13 April 2016.

⁽¹⁰⁸⁾ US DoS, 2015 Country Reports on Human Rights Practices - Kosovo, 13 April 2016. Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 32.

3.2.2. Courts system

There are three levels of courts ⁽¹⁰⁹⁾:

- First instance tribunals: Municipal court or District Court, depending on the seriousness of cases ;
- 7 appeal courts (Basic Courts): one per district (Pristina, Ferizaj/Uroševac, Gjakovë/Dakovica, Gjiilan/Gnjilane, Mitrovicë/Mitrovica-South, Pejë/Peć, Prizren) with specialised departments (General Department, Department for Serious Crimes, Department of Juvenile Justice; and, additionally, two specialised departments in Pristina: the Department on Economic Affairs and the Department of Administrative Affairs),
- The Supreme Court ⁽¹¹⁰⁾. ‘The Supreme Court of Kosovo is the highest judicial authority. Organization, functioning and jurisdiction of the Supreme Court and other courts are regulated by law’ according to its website ⁽¹¹¹⁾.

On 12 February 2015 Kosovo and Serbia agreed to add an appeals division to the Basic court in Mitrovica/Mitrovicë-North, staffed by 5 Kosovo Serbs and 2 Kosovo Albanian judges, with jurisdiction over the northern municipalities with a Serb majority. The premises will also house the serious crimes division for the entire Mitrovica/Mitrovicë region ⁽¹¹²⁾. This agreement would end the presence of Serbian courts and prosecutors in Kosovo ⁽¹¹³⁾. No reports could be found on the implementation of this agreement ⁽¹¹⁴⁾.

Kosovo is not a member of the UN or the Council of Europe, but the principal international and European conventions on Human Rights are directly applicable in Kosovar law ⁽¹¹⁵⁾.

3.2.3. The Specialist Chambers

The EC Communications 2015 reported: ‘In August [2015], the Kosovo Assembly voted in favour of constitutional amendments to establish the Specialist Chambers and a Specialist Prosecution Office, which are to prosecute cases of grave trans-boundary and international crimes committed during and in the aftermath of the conflict in Kosovo’ ⁽¹¹⁶⁾. The Specialist Chambers will be established outside the country with competency over war crimes conducted between 1998-1999, in accordance with Kosovar law. The same day, on 3 August, two laws on the functioning and financing of the tribunal were voted on, despite strong protests from the opposition ⁽¹¹⁷⁾.

Several vulnerable witnesses who are expected to testify before the court were already transferred to EU countries ⁽¹¹⁸⁾. Early 2016, the staff of the tribunal was established in The Hague (the Netherlands) but by the summer of 2016 no hearings had begun ⁽¹¹⁹⁾. According to the EC Communication 2016,

‘Kosovo met the remaining international obligations in relation to the establishment of the Specialist Chambers and Specialist Prosecution Office to investigate allegations of international crimes committed in the context of the Kosovo conflict. (...) The procedures on the bilateral agreement with the host country of the Specialist Chambers (the Netherlands) were finalised’ ⁽¹²⁰⁾.

⁽¹⁰⁹⁾ Ofpra, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 29; Kosovo Law Institute, Justice system reform in Kosovo, December 2013.

⁽¹¹⁰⁾ Ofpra, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 29; Kosovo Law Institute, Justice system reform in Kosovo, December 2013.

⁽¹¹¹⁾ Republic of Kosovo, *Justice system*, n.d.

⁽¹¹²⁾ Prishtina Insight, New agreement on courts for North Kosovo, 12 February 2015.

⁽¹¹³⁾ Republic of Kosovo, The Office of the Prime Minister, Speech of the Prime Minister of Kosovo, Isa Mustafa addressed to the Assembly of Kosovo, 12 February 2015.

⁽¹¹⁴⁾ Kosovo Judiciary, Welcome to Mitrovicë/Mitrovica Basic Court!, n.d.

⁽¹¹⁵⁾ ()Constitution of Kosovo, Art. 22.

⁽¹¹⁶⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Enlargement Strategy, COM(2015) 611 final, 10 November 2015, p.26.

⁽¹¹⁷⁾ Council of Europe, The situation in Kosovo and the role of the Council of Europe, 8 January 2016, sections 2, 7.11, 67; UNSC, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 3 November 2015, p. 2.

⁽¹¹⁸⁾ Courrier des Balkans, Crimes de l’UÇK:le Kosovo fait tout pour ralentir l’ouverture du Tribunal spécial, 17 December 2015.

⁽¹¹⁹⁾ Balkan Insight, In Kosovo, Rumour As Dangerous As Fact, 13 July 2016; Courrier des Balkans (Le), Kosovo:tout est prêt pour l’entrée en fonction du Tribunal spécial, 12 June 2016; UNSC, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 29 April 2016, p. 15.

⁽¹²⁰⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 28.

3.2.4. The EU Rule of Law mission in Kosovo (EULEX)

The EU Rule of Law mission EULEX, active in Kosovo since 2009, substituted the UN Mission in Kosovo (UNMIK) which operated from the international mandate in 1999 ⁽¹²¹⁾. At the beginning of 2016, EULEX had a strength of 1,600 in the sectors of police, customs and justice. The mission supervises the Kosovar justice (on the basis of the Law on Ratification of International Agreement between Kosovo and European Union), specifically in cases of war crimes, genocide, terrorism, organised crime, grand corruption, inter-ethnic violence and serious crime ⁽¹²²⁾. A coordination commission is composed of the head of the EULEX mission, the Special Representative of the EU in Kosovo and the Kosovar Minister of Justice. EULEX judges and prosecutors participate in mixed judicial panels in which, generally, the majority are Kosovar judges under the presidency of a Kosovar judge. Only in exceptional cases will an international prosecutor chair the panel or will cases be ruled by a majority of international judges ⁽¹²³⁾.

The EULEX mandate was due to expire on 14 June 2016 but, after difficult negotiations between the EU, the Kosovar government and political parties, it was renewed for two years by the Kosovar Parliament on 17 June 2016 ⁽¹²⁴⁾. The European mission will not be entitled anymore to open new procedures without the consent of the Kosovar authorities ⁽¹²⁵⁾.

3.2.5. Witness Protection

The 2011 law on the protection of witnesses in cases of war crimes, grand corruption and organised crime, including an administrative system of surveillance, relocation and anonymity, provides certain guarantees ⁽¹²⁶⁾, but this protection system appeared to be difficult to implement due to a lack of resources and the small size of the country ⁽¹²⁷⁾.

According to different sources, the impeachment of former combatants of the UCK who are accused of war crimes still causes problems because of the protection they enjoy from politicians and pressure that is imposed on magistrates and witnesses ⁽¹²⁸⁾. The creation of the Specialist Chambers in The Hague (the Netherlands) to try cases of war crimes (see section 3.2.3 [The Specialist Chambers](#)), does not appear to have completely addressed the fears of the witnesses and their families ⁽¹²⁹⁾.

⁽¹²¹⁾ UNMIK (United Nations Interim Administration Mission in Kosovo), UNMIK Background, n.d.; EULEX, Compact Progress Report 2015, 1 September 2015.

⁽¹²²⁾ OjK, Annual report 2015, 31 March 2016, p. 19.

⁽¹²³⁾ Council of Europe, The situation in Kosovo and the role of the Council of Europe, 8 January 2016, sections 35–36; EULEX, What is EULEX ? n.d.;

⁽¹²⁴⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 12.

⁽¹²⁵⁾ *Courrier des Balkans* (Le), Le Kosovo vote la prolongation du mandat d'Eulex, 21 June 2016 ; RFE/RL, Kosovo Lawmakers Extend EU Justice Mission For Two Years, 18 June 2016

⁽¹²⁶⁾ US DoS, 2015 Country Reports on Human Rights Practices - Kosovo, 13 April 2016; Republic of Kosovo, Law on witness protection, 29 July 2011, promulgated 12 August 2011.

⁽¹²⁷⁾ US DoS, 2015 Country Reports on Human Rights Practices - Kosovo, 13 April 2016; Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 43; Council of Europe, The situation in Kosovo and the role of the Council of Europe, 8 January 2016, section 62; Balkan Insight, 'No Trust' in Kosovo Witness Protection Scheme, 15 September 2015.

⁽¹²⁸⁾ Council of Europe, The situation in Kosovo and the role of the Council of Europe, 8 January 2016, sections 62–64.

⁽¹²⁹⁾ Balkan Insight, In Kosovo, Rumour As Dangerous As Fact, 13 July 2016. Balkan Insight, Can the New Kosovo Court Keep Witnesses Safe? 20 January 2016.

4. Security situation

Since the 1998-1999 independence war against Serbia and the 2004 riots in Mitrovica between ethnic Serbs and ethnic Albanians (see [1.1. Introduction](#)) ⁽¹³⁰⁾, and despite persistent ethnic tensions, Kosovo has not experienced a serious security crisis ⁽¹³¹⁾.

The independence of Kosovo, unilaterally proclaimed in 2008, is still not recognised by Serbia. However, normalisation agreements were signed on 19 April 2013 and 25 August 2015 between the two countries under the auspices of the European Union, leading to the dissolution of the Serbian ‘parallel municipalities’ and ‘parallel institutions’ and integration of Serbian officials, including police officers and judges in Kosovo’s institutional framework, restoring the full sovereignty of Kosovo on its entire territory ⁽¹³²⁾. In return, Serbia promotes the autonomy of the Serb population of Kosovo as a Community/ Association of Serb majority municipalities (see [5.3.2. The Serbs](#)). The EU Commission and the Council of Europe regard this as a positive development ⁽¹³³⁾.

In recent years, there has been only one serious security incident indirectly involving Kosovo.

On 9 May 2015, an alleged armed group clashed with the Macedonian police in Kumanovo, a multi-ethnic city in the north of the former Yugoslav Republic of Macedonia leaving eight police officers ⁽¹³⁴⁾ and 14 or 15 members of the group dead. Reports indicate that some of the killed individuals were wearing uniforms of the disbanded Kosovo Liberation Army (UÇK), an ethnic Albanian rebel group that fought the Serbian government forces for Kosovo’s independence between 1998-1999 ⁽¹³⁵⁾. Kosovar and Macedonian authorities tried to diffuse the tension ⁽¹³⁶⁾.

According to fYROM authorities, among the 30 individuals jailed after the end of the clashes, 18 were Kosovo Albanians, 11 Albanian Macedonians (two living in Kosovo), and one Albanian from Albania ⁽¹³⁷⁾. Kosovo’s authorities distanced themselves from the events and reassured their respect for the sovereignty of the former Yugoslav Republic of Macedonia ⁽¹³⁸⁾.

In 2015, several incidents of lesser intensity concerned, mainly in the Serb community (see [5.3.1. Ethnic minorities](#), general framework and [5.3.2. The Serbs](#)).

⁽¹³⁰⁾ BBC, Timeline: Kosovo, 24 January 2012.

⁽¹³¹⁾ UNSC, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, quarterly reports, 2015 to 2016; US DoS, Country Reports on Human Rights Practices - Kosovo, 2011 to 2015; Sénat (France), Rapport d’information fait au nom de la commission des affaires étrangères, de la défense-des forces armées-la suite d’une mission effectuée du 2 au 8 juin au Kosovo, 30 June 2011.

⁽¹³²⁾ UNSC, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 29 April 2016; US DoS, 2015 Country Reports on Human Rights Practices - Kosovo, 13 April 2016; Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, pp. 13-17.

⁽¹³³⁾ Council of Europe, The situation in Kosovo and the role of the Council of Europe, 8 January 2016, section 6.

⁽¹³⁴⁾ US DoS, Country Reports on Terrorism 2015 - Kosovo, 2 June 2016.

⁽¹³⁵⁾ Guardian (The), Macedonia: police officers and ‘armed group’ members killed during clashes, 10 May 2015.

⁽¹³⁶⁾ US DoS, Country Reports on Terrorism 2015 - Kosovo, 2 June 2016.

⁽¹³⁷⁾ Guardian (The), Macedonia: police officers and ‘armed group’ members killed during clashes, 10 May 2015.

⁽¹³⁸⁾ Osservatorio Balcani e Caucaso Transeuropa, The Pristina reactions after Kumanovo, 15 May 2015; Osservatorio Balcani e Caucaso Transeuropa, Macedonia, after Kumanovo, 19 May 2015.

5. Human rights situation

5.1. Legal context

Kosovo is a parliamentary democracy whose constitution and laws guarantee fundamental freedom. According to article 22 of the constitution, Kosovo recognises key international treaties on human rights:

- (1) Universal Declaration of Human Rights;
- (2) European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols;
- (3) International Covenant on Civil and Political Rights and its Protocols;
- (4) Council of Europe Framework Convention for the Protection of National Minorities;
- (5) Convention on the Elimination of All Forms of Racial Discrimination;
- (6) Convention on the Elimination of All Forms of Discrimination against Women
- (7) Convention on the Rights of the Child;
- (8) Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment ⁽¹³⁹⁾.

5.2. General situation

Reports from international, European, and national organisations, and major NGOs defending human rights, do not allude to recent use of torture in the Kosovo institutions ⁽¹⁴⁰⁾. In 2015, several cases were reported on the excessive use of force by police during demonstrations; these cases are subject to prosecution ⁽¹⁴¹⁾.

The National Prevention Mechanism against Torture and Cruel, Inhuman or Degrading Treatment or Punishment (NPMT), established by the Law on the Ombudsperson in July 2015, entered into force on 14 January 2016 ⁽¹⁴²⁾. The Ombudsman of Kosovo ensures regular monitoring of places of detention through visits and mailboxes available to inmates ⁽¹⁴³⁾. The Ombudsman received complaints of ill-treatment in two institutions ⁽¹⁴⁴⁾. The prison system is also affected by corruption, smuggling and favours granted to ‘high-profile’ prisoners ⁽¹⁴⁵⁾.

In May 2015, six former members of the Kosovo Liberation Army (KLA) were sentenced to long jail terms for torturing Serb and Albanian prisoners during the 1998-1999 conflict. Their trial is under appeal ⁽¹⁴⁶⁾.

In June 2015, a ‘human rights law package’ was adopted by parliament. This package, which was welcomed by the Special Rapporteur to the UN Human Rights Council, ‘consists of three laws on the ombudsperson, gender equality and protection from discrimination. Non-discrimination in the context of access to public housing and to other forms of property have been explicitly recognized under article 2 (1.9) of the Law on the Protection from Discrimination. The laws refer to actions and omissions of all State and local institutions, as well as public and private actors’ ⁽¹⁴⁷⁾.

⁽¹³⁹⁾ Constitution of the Republic of Kosovo, Art. 22.

⁽¹⁴⁰⁾ US DoS, 2015 Country Reports on Human Rights Practices - Kosovo, 13 April 2016; AI, Rapport 2015/2016 sur la situation des droits de l’homme - Serbie/Kosovo, 24 February 2016; Freedom House, Nations in Transit 2016:Kosovo, 2016; HRW, World Report 2016 – Kosovo, 2016; European Commission, Commission staff working document Kosovo 2015 Report, 10 November 2015.

⁽¹⁴¹⁾ US DoS, 2015 Country Reports on Human Rights Practices - Kosovo, 13 April 2016; European Commission, Commission staff working document Kosovo 2015 Report, 10 November 2015.

⁽¹⁴²⁾ OiK, The Ombudsperson established National Preventive Mechanism, 14 January 2016.

⁽¹⁴³⁾ OSCE, Community Rights Assessment Report - Fourth Edition, 16 December 2015, pp. 26-27; Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 27; US DoS, 2015 Country Reports on Human Rights Practices - Kosovo, 13 April 2016; OiK, Annual report 2015, 31 March 2016, pp. 70-72.

⁽¹⁴⁴⁾ OiK, Annual report 2015, 31 March 2016, p. 71-72.

⁽¹⁴⁵⁾ Council of Europe, The situation in Kosovo and the role of the Council of Europe, 8 January 2016, section 45.

⁽¹⁴⁶⁾ HRW, World Report 2016 – Kosovo, 2016. Freedom House, Nations in Transit 2016:Kosovo, 2016; UNSC, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 30 July 2015, p. 7.

⁽¹⁴⁷⁾ UN Human Rights Council, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context on her mission to Serbia and Kosovo*, A/HRC/31/54/Add.2, 26 February 2016, p. 15.

According to EuropeAid, which funds this project, ‘This new legal package, prepared with support from EU and Council of Europe with the involvement of relevant stakeholders and civil society, replaces all previous related primary and secondary legislation, clarifies the role of various civil and public institutions and strengthens the role and the mandate of the Office of the Ombudsperson in Kosovo (OIK)’ ⁽¹⁴⁸⁾.

The EC Communication 2016, referring to this human rights package, concluded:

‘Some progress was made in the area of human rights, with steps taken to implement the 2015 package of human rights laws and declarations of support for the rights of LGBTI persons. However, implementation continues to be hindered by a lack of resources and political commitment, in particular at local level’ ⁽¹⁴⁹⁾.

5.2.1. Freedom of speech and expression

Freedom of expression is guaranteed under the constitution ⁽¹⁵⁰⁾. Despite the improvement of a legal framework conducive to freedom of expression, its enforcement has been ‘very weak’, according to BIT ⁽¹⁵¹⁾.

The International Research and Exchanges Board (IREX) and the Bertelsmann Stiftung state that threats against journalists in Kosovo remain ‘wide and present’ ⁽¹⁵²⁾ and journalists face political pressure and physical attacks ⁽¹⁵³⁾.

The EC Communication 2016 reported:

‘Kosovo has some level of preparation in the area of freedom of expression. There have been worrying developments during the reporting period, including a number of threats against journalists. The assembly shows limited commitment to finding a solution for sustainable funding of the public broadcaster, leaving it vulnerable to political pressure. There were no legislative developments on the regulation of media ownership and transparency’ ⁽¹⁵⁴⁾.

IREX and the Bertelsmann Stiftung add that the government financing of public media compromises ‘the institutional and editorial independence of Kosovar media’ ⁽¹⁵⁵⁾, and results in a ‘markedly pro-government [media] coverage’ ⁽¹⁵⁶⁾.

5.2.2. Freedom of assembly and association

The right to freedom of assembly and association is guaranteed under the Constitution ⁽¹⁵⁷⁾ and regulated by the Law on Freedom of Association ⁽¹⁵⁸⁾ and further support legislation ⁽¹⁵⁹⁾. In general, NGOs operate freely ⁽¹⁶⁰⁾.

Most CSOs in Kosovo (about 6,000 in total) are registered as non-governmental organisations ⁽¹⁶¹⁾ even if most are inactive. Those that are operational are especially active in matters regarding municipal policy, corruption, and environmental issues ⁽¹⁶²⁾.

The Constitution also protects the right to establish and join trade unions, but so far the impact of the unions is minimal. Freedom House and the Bertelsmann report point out that trade union membership is widespread in the public sector but virtually non-existent in the private sector ⁽¹⁶³⁾.

⁽¹⁴⁸⁾ EuropeAid, European Instrument for Democracy and Human Rights CBSS for Kosovo, 16 May 2016.

⁽¹⁴⁹⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 27.

⁽¹⁵⁰⁾ Constitution of the Republic of Kosovo, Artt. 40, 42.

⁽¹⁵¹⁾ Bertelsmann Stiftung, BTI 2016 – Kosovo report, 2016.

⁽¹⁵²⁾ IREX, Media Sustainability Index (MSI), Kosovo, 2016.

⁽¹⁵³⁾ Bertelsmann Stiftung, BTI 2016 – Kosovo report, 2016.

⁽¹⁵⁴⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 29.

⁽¹⁵⁵⁾ IREX, Media Sustainability Index (MSI), Kosovo, 2016.

⁽¹⁵⁶⁾ Bertelsmann Stiftung, BTI 2016 – Kosovo report, 2016.

⁽¹⁵⁷⁾ Constitution of the Republic of Kosovo, Artt. 43, 44.

⁽¹⁵⁸⁾ Civil Society Defenders, Human Rights in Kosovo, updated 27 May 2016.

⁽¹⁵⁹⁾ TASCO, Kosovo Office, Kosovo – Needs Assessment report, January 2014.

⁽¹⁶⁰⁾ Bertelsmann Stiftung, BTI 2016 – Kosovo Country Report, 2016.

⁽¹⁶¹⁾ Civil Rights Defenders, Human Rights in Kosovo, updated 27 May 2016.

⁽¹⁶²⁾ Bertelsmann Stiftung, BTI 2016 – Kosovo Country Report, 2016.

⁽¹⁶³⁾ Bertelsmann Stiftung, BTI 2016 – Kosovo Country Report, 2016; Freedom House, Nations in Transit 2016 Kosovo, 12 April 2016.

According to the Bertelsmann Stiftung, freedom of assembly is generally safeguarded by the government, EULEX, and NATO peacekeepers. However, there were restrictions to demonstrations due to security and public-order concerns ⁽¹⁶⁴⁾. On 27 January 2015, the police used excessive force to disperse a demonstration; nine cases are subject to investigation and prosecution ⁽¹⁶⁵⁾. NGOs have been very active in improving inter-ethnic reconciliation, especially in northern Kosovo, according to BTI ⁽¹⁶⁶⁾.

5.3. Specific groups

The EC Communication 2016 reported on the human rights situation of specific groups:

‘More needs to be done to effectively guarantee property rights and address the issues of return and reintegration of displaced persons, protection of cultural heritage and against gender-based violence. The protection of the rights of persons belonging to minorities and persons with disabilities need to be significantly strengthened’ ⁽¹⁶⁷⁾.

5.3.1. Ethnic minorities, general framework

The Constitution defines Kosovo as ‘a multi-ethnic society consisting of Albanian and other communities’ ⁽¹⁶⁸⁾. The two official languages are Albanian and Serbian; Turkish, Bosnian and Roma may have official status locally ⁽¹⁶⁹⁾. Communities traditionally living in Kosovo enjoy a series of constitutional rights ⁽¹⁷⁰⁾. Every resident can freely choose to be treated as a member of one of these communities – or not ⁽¹⁷¹⁾. The state should promote effective equality and protect the members of these communities and their cultural and religious heritage against any form of hostility or discrimination ⁽¹⁷²⁾. Members of these communities have the right to freely use their language and script, to be taught at all levels in one of the official languages of Kosovo, to have programmes in their language in public broadcasting and create their own media ⁽¹⁷³⁾.

Minority communities are represented in the Representative Council of Communities, attached to the Presidency of the Republic, which counts 6 Serb members and 7 from other minorities ⁽¹⁷⁴⁾; the government, which must have at least one Serbian minister and one from other minorities ⁽¹⁷⁵⁾; in parliament with 10 seats (out of 120) reserved for Kosovo Serbs and 10 for other recognised minorities: Bosniaks, Turks, Gorani, Roma, Ashkali and Egyptians. They also have representatives in the Parliamentary Committee for Community Rights and in municipal councils wherever a minority represents more than 5 % of the population ⁽¹⁷⁶⁾.

According to the NGO European Centre for Minority Issues (ECMI):

‘The rights of the non-majority Communities in Kosovo and the obligations of the State to implement and safeguard those are defined by the Constitution not only in the Chapter III: Rights Of Communities And Their Members (e.g. Article 57, Article 58, Article 59), but also in provisions concerning the institutional arrangements of the state and the structures of the executive (e.g. Article 60, Article 61, Article 96), legislative (e.g. Article 64) and judiciary powers (e.g. Article 103,104, 108), the local self-government (e.g. Article 62) or the use of languages (Article 5). The Constitution also ensures the gender equality as a fundamental value for the democratic development of the society (Article 7; Article 71) and regulates the representation in the public institutions. Apart from the Constitution, the rights of communities in Kosovo are guaranteed also by a number of pieces

⁽¹⁶⁴⁾ Bertelsmann Stiftung, BTI 2016 – Kosovo Country Report, 2016.

⁽¹⁶⁵⁾ US DoS, 2015 Country Reports on Human Rights Practices - Kosovo, 13 April 2016.

⁽¹⁶⁶⁾ Bertelsmann Stiftung, BTI 2016 – Kosovo Country Report, 2016.

⁽¹⁶⁷⁾ (JEC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 29.

⁽¹⁶⁸⁾ Republic of Kosovo, Constitution of the Republic of Kosovo, Art. 3.1.

⁽¹⁶⁹⁾ Republic of Kosovo, Constitution of the Republic of Kosovo, Art. 5.

⁽¹⁷⁰⁾ Republic of Kosovo, Constitution of the Republic of Kosovo, Art. 57.1.

⁽¹⁷¹⁾ Republic of Kosovo, Constitution of the Republic of Kosovo, Art. 57.2.

⁽¹⁷²⁾ Republic of Kosovo, Constitution of the Republic of Kosovo, Art. 58.

⁽¹⁷³⁾ Constitution of the Republic of Kosovo, Art. 59.

⁽¹⁷⁴⁾ ECMI, Minority Participation in Kosovo Elections: Opportunities and Challenges, June 2013, p. 7-8.

⁽¹⁷⁵⁾ ECMI, Minority Participation in Kosovo Elections: Opportunities and Challenges, June 2013, p. 8.

⁽¹⁷⁶⁾ ECMI, Minority Participation in Kosovo Elections: Opportunities and Challenges, June 2013.

of legislation. Among the most important laws are the Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo (LPPRC) with the amendments of December 2011, the Law on Languages, the Law on General Elections, and the Law on Self-Government in Kosovo' ⁽¹⁷⁷⁾.

Incidents involving minorities, such as violence, threats, theft and vandalism, whatever their motives, are systematically identified by national authorities (police, prosecutor, ombudsman) and international authorities in Kosovo (EULEX, OSCE, UNMIK) as well as by several NGOs ⁽¹⁷⁸⁾. Between January and November 2015, 254 incidents were reported regarding Kosovar citizens, their properties or those of the Serbian Orthodox Church with 33 other incidents against Bosniaks, 20 against Gorani, and isolated cases against Roma, Ashkali and Egyptians ⁽¹⁷⁹⁾.

5.3.2. The Serbs

The Agreement of 25 August 2015 between the Government of Kosovo and Serbia, under the auspices of the European Union (see 4. [Security situation](#)), provides for the establishment of an Association /Community of Serb majority municipalities, bringing together the four northern municipalities (Mitrovica / Mitrovicë North, Leposavić / Leposaviq, Zubin Potok, Zvečan / Zveçan) and several municipalities in the west and south (Gračanica, Klokot / Klllokot, Novo Brdo / Artane, Parteš / Partesh, Strpce / Shtërpçë) ⁽¹⁸⁰⁾.

This Association/Community must be represented in national forums, particularly within the Consultative Council of Communities. It may propose legislative amendments and regulations in its field of competence and present cases to the courts. However, in December 2015, the Constitutional Court restricted its ability to propose amendments requiring it to pass through the Consultative Council of Communities ⁽¹⁸¹⁾.

In January 2015, 80 people, including 50 policemen, were injured in clashes between police and ethnic Albanian protesters after controversial statements by the Kosovar-Serbian Minister of Communities and Returns, who resigned shortly afterwards ⁽¹⁸²⁾. In 2015, several minor inter-ethnic incidents were also reported, mainly regarding repatriated Serbs in Pejë / Pec region ⁽¹⁸³⁾. In April 2015, there were confrontations between groups of young Albanians and Serbs on the border of South Mitrovicë / Mitrovica (predominantly Albanian) and North Mitrovica / Mitrovicë (Serb majority). The situation was peacefully resolved thanks to the intervention of the mayors of both municipalities ⁽¹⁸⁴⁾.

In early 2016, a shootout wounding two persons of Serbian origin, as well as other less intense violence, occurred in North Mitrovica / Mitrovicë ⁽¹⁸⁵⁾. In this locality, six young Albanian Kosovars were still awaiting trial in spring 2016 for threats, incitement to ethnic hatred and attempted murder of a young Serb in April 2015 ⁽¹⁸⁶⁾. Violent incidents against the Serb community are generally condemned by national and local authorities ⁽¹⁸⁷⁾.

Information gathered in 2015 by the joint fact-finding mission of OFPRA, CNDA and BAMF confirming the findings of the US State Department report published in April 2016 that security incidents are frequent in northern Kosovo but most have no ethnic element. They usually relate to internal tensions in the Kosovar-Serb community ⁽¹⁸⁸⁾.

5.3.3. Roma, Ashkali and Egyptians (RAE)

The Roma, Ashkali and Egyptians (RAE) enjoy all political and cultural rights granted to ethnic minorities (see 5.3.1. [Ethnic minorities, general framework](#)).

⁽¹⁷⁷⁾ ECMI, *Minority Participation in Kosovo Elections: Opportunities and Challenges*, June 2013, p. 5-6.

⁽¹⁷⁸⁾ Ofpra-CNDA-BAMF, *Rapport de mission en République du Kosovo du 10 au 20 juin 2015*, 29 January 2016.

⁽¹⁷⁹⁾ US DoS, *2015 Country Reports on Human Rights Practices - Kosovo*, 13 April 2016.

⁽¹⁸⁰⁾ According to current usage in Kosovo institutions and international (UNMIK, OSCE), most municipalities have a double name in Albanian and Serbian languages; the Albanian name is given first in municipalities with Albanian majority, and the reverse in Serb majority municipalities..

⁽¹⁸¹⁾ ECMI, *The Association/Community of Serb majority municipalities: Breaking the Impasse*, 06/2016, pp. 8, 35.

⁽¹⁸²⁾ AI, *Rapport 2015/2016 sur la situation des droits de l'homme - Serbie/Kosovo*, 24 February 2016.

⁽¹⁸³⁾ OIK, *Annual report 2015*, 31 March 2016, p. 46.

⁽¹⁸⁴⁾ Ofpra-CNDA-BAMF, *Rapport de mission en République du Kosovo du 10 au 20 juin 2015*, 29 January 2016, p. 16.

⁽¹⁸⁵⁾ CSNU, *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, 29 April 2016, p. 17.

⁽¹⁸⁶⁾ CSNU, *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, 29 April 2016, p. 17.

⁽¹⁸⁷⁾ ECMI, *Repeated incidents in Goraždevac/Gorazhdec: prompt action required*, 10 December 2015.

⁽¹⁸⁸⁾ US DoS, *2015 Country Reports on Human Rights Practices - Kosovo*, 13 April 2016; Ofpra-CNDA-BAMF, *Rapport de mission en République du Kosovo du 10 au 20 juin 2015*, 29 January 2016, pp. 15-16.

The government assigns social and cultural support under the 2009-2015 Strategy for RAE; they also benefit from local support plans in 12 municipalities. This public funding is complemented by several programs of international organisations and NGOs ⁽¹⁸⁹⁾.

According to the Ombudsperson's 2015 report, 'like in previous years, they face a difficult situation in all aspects of life'. The more severe implementation of the Law on Social Assistance, many families lost rights to social assistance, 'which leads to an increase in extreme poverty'. These minorities remain socially marginalized with high dropout and unemployment rates. The security situation of RAE is stable, although incidents were registered in Gjakova and Mitrovica, severely injuring RAE persons ⁽¹⁹⁰⁾.

The RAE have not been the object of serious violence in recent years although, according to international and local interlocutors interviewed by OFPRA in 2015, the memory of the 1999 and 2004 events fuel a sense of insecurity ⁽¹⁹¹⁾.

According to UNICEF, while 30% of children in Kosovo were victims of abuse in 2015, this percentage reached 40% in the Roma, Ashkali and Egyptian minorities ⁽¹⁹²⁾. Early marriage is also a persistent problem in the RAE communities ⁽¹⁹³⁾.

5.3.4. Journalists and human rights defenders

Although media freedom is generally respected (see 2.5. Media), journalists can be exposed to threats and physical attacks, especially when dealing with political and financial affairs: Human Rights Watch documented 22 cases in 2014 ⁽¹⁹⁴⁾. The Kosovo prosecutors say they give priority to cases involving journalists. However, very few sentences were handed down against the perpetrators of threats and attacks; associations for the defence of human rights also feel the punishments are relatively light and not a strong deterrent ⁽¹⁹⁵⁾.

5.3.5. Persons exposed to blood feud (vendetta)

The traditional practice of vendetta has declined significantly since the reconciliation campaigns throughout 1990-1997, although some recent cases have been reported in rural areas. The authorities do not often intervene in these matters but a team reporting to the Ombudsman can intervene to help families at risk of vendetta. Local people interviewed by the joint mission of the OFPRA, CNDA and BAMF in June 2015 reported the persistent practice of reconciliation ceremonies between families involving religious persons ⁽¹⁹⁶⁾.

5.3.6. Women and children

The Constitution and the law guarantee equality between women and men ⁽¹⁹⁷⁾. In practice, women remain in a vulnerable socio-economic situation ⁽¹⁹⁸⁾.

According to data gathered by the local NGO Kosovo Women's Network in 2014, women represent 7.9 % of all property holders and 8.2 % of business owners, had 20 parliamentary deputies out of 120, one mayor out of 32; 63.8 % of young women were unemployed compared to 52 % of young men ⁽¹⁹⁹⁾. Furthermore, the patriarchal tradition means women are often deprived of their inheritance ⁽²⁰⁰⁾.

⁽¹⁸⁹⁾ UNSC, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 29 April 2016, sections 36-37; Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 58-63.

⁽¹⁹⁰⁾ (OIK, Annual report 2015, 31 March 2016, pp.48-51.

⁽¹⁹¹⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 59.

⁽¹⁹²⁾ US DoS, 2015 Country Reports on Human Rights Practices - Kosovo, 13 April 2016.

⁽¹⁹³⁾ OIK, Annual report 2015, 31 March 2016, p. 48. Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 61 ; US DoS, 2015 Country Reports on Human Rights Practices - Kosovo, 13 April 2016.

⁽¹⁹⁴⁾ Human Rights Watch, A Difficult Profession, Media Freedom Under Attack in the Western Balkans, 15 July 2015, pp. 18-24; Freedom House, Freedom of the Press 2015, Kosovo, 2015; OSCE, Freedom of Media and Safety of Journalists in Kosovo, June 2014.

⁽¹⁹⁵⁾ Southeast European Media Observatory, Balkan journalists under pressure, 29 January 2016; Human Rights Watch, A Difficult Profession, Media Freedom Under Attack in the Western Balkans, 15 July 2015, pp. 18-24; Freedom House, Freedom of the Press 2015, Kosovo, 2015; OSCE, Freedom of Media and Safety of Journalists in Kosovo, June 2014.

⁽¹⁹⁶⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, pp. 38-39 ; IRB, Kosovo: Blood feuds and availability of state protection (2010-September 2013), 10 October 2013.

⁽¹⁹⁷⁾ Constitution of the Republic of Kosovo, Artt. 7.2, 24.2; Parliament of Kosovo, Law on Gender Equality, 28 May 2015, promulgated 15 June 2015.

⁽¹⁹⁸⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 66.

⁽¹⁹⁹⁾ Kosovo Women's Network, Kosovo's New Law on Gender Equality: The Good, The Bad, The Questionable, 30 July 2015.

⁽²⁰⁰⁾ US DoS, 2015 Country Reports on Human Rights Practices - Kosovo, 13 April 2016. Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 67.

Domestic violence is a recurring problem in Kosovo society and only a small proportion of cases are reported to the authorities ⁽²⁰¹⁾. In 2008, 46.4 % of women, but also 39.6 % of men, said they were victims of domestic violence ⁽²⁰²⁾. In 2013, the Kosovo police recorded 869 cases of violence against women and 220 cases against men ⁽²⁰³⁾. In 2015, 31 % of those surveyed by the NGO Kosovo Women's Network said they had been victims of domestic violence during the previous year ⁽²⁰⁴⁾.

The law prohibits rape but does not specifically recognise marital rape ⁽²⁰⁵⁾. Very few cases of domestic violence lead to the court, which, according to the US Department of State, is due to a traditionalist and patriarchal social attitude, a stigma of fear experienced by victims and lack of trust in judicial institutions, which are otherwise overburdened and ineffective [see 3.2.4. [The EU Rule of Law mission in Kosovo \(EULEX\)](#)] ⁽²⁰⁶⁾. However, since 2013, the court made significant efforts to treat these cases as a priority and to ensure better compliance with protection orders ⁽²⁰⁷⁾.

The law provides for penalties of six months to five years in jail for domestic violence but, in practice, judges seem to apply minimal sentences ⁽²⁰⁸⁾. The Ombudsman is empowered to intervene in cases of domestic violence ⁽²⁰⁹⁾. The use of mediation, faster and less expensive than a trial, is fairly widespread ⁽²¹⁰⁾. Female victims of violence have a telephone number to call free of charge; they may also contact the municipal Protection Centre, Social Affairs and Labour, or any of the six shelters in Kosovo. Two other shelters in Pristina specialise in victims of trafficking and in the reception of minors ⁽²¹¹⁾. The associations that manage these shelters also provide psychological and legal support, as well as awareness campaigns. However, most of the victims, due to lack of resources and support in their family of origin, have little alternative but to return to the abusive spouse after their stay in the shelter ⁽²¹²⁾.

A law brought into force in March 2014 grants women who were raped during the 1998-1999 war a status equivalent to that of former combatants. However, despite the personal commitment of the former President Atifete Jahjaga, its implementation seems very slow ⁽²¹³⁾.

5.3.7. LGBT

The Constitution prohibits discrimination based on sexual orientation ⁽²¹⁴⁾. The anti-discrimination law of May 2015 explicitly protects sexual minorities ⁽²¹⁵⁾.

LGBT persons often face an unfavourable social environment, stigma and prejudice, especially from their families. In most cases, LGBT persons try to hide their sexual orientation ⁽²¹⁶⁾. In most cases, according to local associations met by the OFpra, CNDA-BMF mission in June 2015, the victims do not complain for fear that their sexual orientation is publicly disclosed or for fear of reprisals from their attackers ⁽²¹⁷⁾. However, after a series of homophobic attacks in 2012, the government established an Advisory Committee on LGBT issues; the authorities maintain regular contact with LGBT organisations; administrations, police personnel, justice, media and education are trained in LGBT rights ⁽²¹⁸⁾.

⁽²⁰¹⁾ US DoS, 2015 Country Reports on Human Rights Practices – Kosovo, 13 April 2016; OïK, Annual report 2015, 31 March 2016, p. 68 ; Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 68.

⁽²⁰²⁾ Kosovo Women's Network, Kosovo's New Law on Gender Equality: The Good, The Bad, The Questionable, 30 July 2015.

⁽²⁰³⁾ Kosovo Women's Network, Kosovo's New Law on Gender Equality: The Good, The Bad, The Questionable, 30 July 2015.

⁽²⁰⁴⁾ Kosovo Women's Network, KWN Annual Report 2015, 2016, p. 46.

⁽²⁰⁵⁾ US DoS, 2015 Country Reports on Human Rights Practices – Kosovo, 13 April 2016.

⁽²⁰⁶⁾ US DoS, 2015 Country Reports on Human Rights Practices – Kosovo, 13 April 2016.

⁽²⁰⁷⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 70. OïK, Annual report 2015, 31 March 2016., p. 68.

⁽²⁰⁸⁾ US DoS, 2015 Country Reports on Human Rights Practices – Kosovo, 13 April 2016.

⁽²⁰⁹⁾ OïK, Annual report 2015, 31 March 2016, p. 68.

⁽²¹⁰⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 70.

⁽²¹¹⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 69. The US DoS counted 10 shelters in 2015, managed by 7 associations. US DoS, 2015 Country Reports on Human Rights Practices – Kosovo, 13 April 2016.

⁽²¹²⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 69.

⁽²¹³⁾ Balkan Insight, Kosovo War Rape Verifications Hit by Delays, 30 June 2016; OïK, Annual report 2015, 31 March 2016, p. 69; Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, pp. 71-72 ; National Democratic Institute, Civil Rights Defenders, NDI Public Opinion Poll in the Balkans on LGBTI Communities, 28 October 2015.

⁽²¹⁴⁾ Constitution of the Republic of Kosovo, Art. 7.2, 24.2.

⁽²¹⁵⁾ Republic of Kosovo, Law on the Protection from Discrimination, 28 May 2015, promulgated 15 June 2015, Art. 1.1.

⁽²¹⁶⁾ US DoS, 2015 Country Reports on Human Rights Practices – Kosovo, 13 April 2016. OïK, Annual report 2015, 31 March 2016, p. 68 ; Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 69.

⁽²¹⁷⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 77.

⁽²¹⁸⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, pp. 73-75 ; OïK, Annual report 2015, 31 March 2016, p. 70.

Two ‘marches against homophobia’ were held in Pristina on 17 May 2014 and 17 May 2015, without incidents and under heavy police protection ⁽²¹⁹⁾. A walk with the same purpose in May 2016 brought together hundreds of people including the president of the Republic, Hashim Thaçi, and other officials ⁽²²⁰⁾.

5.3.8. Victims of human trafficking

According to US DoS, Kosovo is a country of origin and destination of human trafficking for prostitution, forced labor and forced begging ⁽²²¹⁾. While since the beginning of 2,000 Kosovo was primarily a transit country for victims from third countries, it is affecting Kosovar women more and more through offers of employment or promises of marriage, according to several international and local sources interviewed by a joint fact-finding mission of French and German authorities ⁽²²²⁾. According to the US DoS, authorities do not fully meet international standards on the fight against this type of traffic, although they are making significant efforts. However, endemic corruption in administrative areas hampers efforts to reduce trafficking. The number of arrests decreased from 2011 to 2015. Although Article 171 of the Criminal Code provides for a maximum penalty of 12 years imprisonment for traffickers, sentences are generally lenient ⁽²²³⁾.

A new strategy against trafficking in human beings for 2014-2019 was adopted in May 2015. The strategy ‘provides a legislative and institutional framework for preventing and combating trafficking in human beings, by defining roles and responsibilities of institutions in accordance with the objectives of the strategy’ ⁽²²⁴⁾. In the same year, according to the annual report of the Kosovo police, six networks were dismantled and 178 suspects arrested, 70 of whom were connected with child prostitution ⁽²²⁵⁾.

In Pristina, two houses run by associations provide reception and psychological and social services to victims of trafficking – PVPT (Protecting Victims, Preventing Trafficking) to adult victims and ‘Hope and Home for Children’ for minors ⁽²²⁶⁾. Victims of trafficking also benefit from the International Organization for Migration’s (IOM) programme ⁽²²⁷⁾.

5.3.9. Reintegration of returnees

Returnees are subject to various aid programmes of international agencies (UNHCR, IOM / IOM) and NGOs (Danish Refugee Council, Norwegian Church Aid, Mercy Corps, etc.) with the support of the European Union and Council of Europe ⁽²²⁸⁾.

According to figures published by the United Nations High Commissariat for Refugees (UNHCR), out of the 220,000 refugees and IDPs displaced by the 1998-1999 conflict and the 2004 riots, 25,458 (11 %) were repatriated until 2015. The number of returns has steadily decreased and involved only 726 people from January to November 2015, mostly seniors ⁽²²⁹⁾. For the entire year, the number rose to 778 ⁽²³⁰⁾. The Ministry of Communities and Returns for Kosovo only counted 704 returns in 2015 ⁽²³¹⁾. From January to April 2016, UNHCR registered 76 returns including 39 Kosovo Serbs, 29 Egyptians, 7 Ashkali and 1 from Montenegro ⁽²³²⁾.

The Ombudsman of Kosovo reports that, during the first half of 2015, in western Kosovo, Serb returnees were the victims of repeated provocations: insults, vandalism, graffiti, and intimidation. He notes, however, that the

⁽²¹⁹⁾ AI, Rapport 2015/2016 sur la situation des droits de l’homme - Serbie/Kosovo, 24 February 2016; Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 75Kosovo.

⁽²²⁰⁾ Express (L’), Kosovo : Pristina accueille la première Gay Pride de son histoire, préparée en secret, 17 May 2016 ; B92, Thaci takes part in first gay parade in Pristina, 17 May 2016.

⁽²²¹⁾ US DoS, 2016 Trafficking in Persons Report – Kosovo, 30 June 2016. Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, pp. 44-45.

⁽²²²⁾ US DoS, 2016 Trafficking in Persons Report – Kosovo, 30 June 2016. Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 44.

⁽²²³⁾ US DoS, 2016 Trafficking in Persons Report – Kosovo, 30 June 2016.

⁽²²⁴⁾ Republic of Kosovo, Ministry of Internal Affairs, National Authority against Trafficking in Human Beings, National Strategy against trafficking in human beings in Kosovo, 2015-2019, March 2015.

⁽²²⁵⁾ Kosovo Police Service (KPS), Annual Report 2015, 2016, p. 12.

⁽²²⁶⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p.44-69.

⁽²²⁷⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, p. 22.

⁽²²⁸⁾ Ofpra-CNDA-BAMF, Rapport de mission en République du Kosovo du 10 au 20 juin 2015, 29 January 2016, pp. 62-65.

⁽²²⁹⁾ OIK, Annual report 2015, 31 March 2016, pp. 45-46.

⁽²³⁰⁾ UNSC, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 29 April 2016, section 33.

⁽²³¹⁾ B92, 704 IDPs returned to Kosovo, 79 incidents registered, 28 December 2015.

⁽²³²⁾ UNSC, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 29 April 2016, section 33, p. 7.

police were less successful than the previous year in identifying the perpetrators⁽²³³⁾. The EC Communication 2016 recommends: ‘More needs to be done to effectively guarantee property rights and address the issues of return and reintegration of displaced persons’⁽²³⁴⁾.

⁽²³³⁾ OiK, Annual report 2015, 31 March 2016, p. 46.

⁽²³⁴⁾ EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 29.

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704 IDPs returned to Kosovo, 79 incidents registered, 28 December 2015 (http://www.b92.net/eng/news/politics.php?yyyy=2015&mm=12&dd=28&nav_id=96508), accessed 27 July 2016.

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Terms of Reference

Acknowledgments

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Abbreviations and acronyms

Introduction/Context

Map

1. State structure

1.1 Constitution

1.2 Executive branch

- o President
- o Government

1.3 Legislative branch

- o Parliament (assembly, senate?)

1.4 Administration

2. Socio-political landscape

2.1 Political parties

2.2 Elections

2.3 Opposition/ Armed groups

2.4 Civil society (ngo's, freedom of speech, freedom of assembly and association, labour rights and conditions)

2.5 Media (TV, radio, newspapers, internet)

3. Rule of Law and State Protection

3.1. Law enforcement (include information about: Capacity to protect civilians; Corruption; Abuse of power; accountability mechanisms to deal with these issues - where relevant)

3.1.1 Police

3.1.2 Army

3.1.3 Intelligence/Security forces

3.1.4 Corruption / fight against organised crime

3.2 Judiciary (include information about: Capacity to protect civilians; Corruption; Abuse of power; Internal mechanisms to deal with these issues - where relevant)

3.2.1 Courts system (state courts, religious courts, military courts, etc.)

Capacity and Judicial integrity

4. Security situation (general, regional)

4.1 Short description of the (regional) situation

4.2 Amount/ Level of violence (chronology of main incidents)

4.3 Actors in the conflict (security forces, armed opposition groups)

4.4 Areas of control/influence

4.5 Impact of the violence to the population

5. Human rights situation

5.1 Legal context (relevant legislation: constitution, treaties, citizenship, etc.)

5.2 General situation (arbitrary arrests, detention, torture, disappearances, situation in detention facilities, deportation/refoulement)

5.3 Specific groups (e.g., ethnic/religious minorities, journalists, human rights defenders, children, women, LGBT, victims of trafficking, returnees, etc.)

6. Reintegration of returnees

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