

# KOSOVO 2022 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Kosovo is a parliamentary democracy. The constitution and laws provide for an elected unicameral parliament (the Assembly), which in turn elects a president and approves the president's nomination of a prime minister in consultation with the leading party. In February 2021 extraordinary parliamentary elections took place after the Constitutional Court ruled that the establishment of the government led by then Prime Minister Avdullah Hoti was illegitimate because the decisive vote cast was made by a parliamentarian whose mandate was rescinded. The electoral process was largely considered free and fair by independent observers. In March 2021 the Assembly constituted itself and elected a new government with Albin Kurti as prime minister. In April 2021 the Assembly elected Vjosa Osmani as president.

Security forces include the Kosovo Police and the Kosovo Security Force, which respectively report to the Ministry of Internal Affairs and the Ministry of Defense. Civilian authorities maintained effective control of security forces. There were reports that members of the security forces committed some abuses, including alleged use of excessive force. The Border Police are a department of the Kosovo Police. Police maintain internal security, with the EU Rule of Law mission in the country as a second responder. The NATO-led Kosovo Force, an international peacekeeping force, is a third responder. NATO's Kosovo Force is responsible for providing a safe and secure environment and ensuring freedom of movement for all citizens. As of December, the Kosovo Force mission had approximately 4,000 troops from 28 countries.

Significant human rights issues included credible reports of: serious government corruption and impunity; lack of investigation of and accountability for gender-based violence, including domestic or intimate partner violence, sexual violence, and other forms of such violence; and crimes involving violence or threats of violence targeting ethnic minorities or other marginalized communities.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses, but at times lacked consistency. Many in the

government, the opposition, civil society, and the media reported instances of senior officials engaging in corruption or acting with impunity. The government sometimes suspended, removed offenders from office, or transferred the accused, and the justice sector sometimes took steps to prosecute and punish those officials who committed abuses, offenses, and crimes. Some corrupt officials, however, continued to occupy public sector positions.

## **Section 1. Respect for the Integrity of the Person**

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

There were no reports the government or its agents committed arbitrary or unlawful killings. See section 1.g. for an overview of the Kosovo Specialist Chambers and Kosovo Specialist Prosecutor's Office, established to investigate and prosecute crimes committed between 1998 and 2000.

The trial of four individuals involved with the 2018 murder of Kosovan Serb politician Oliver Ivanovic in Mitrovica/e North continued. In November, the Basic Court in Pristina lifted the defendants' house arrest and mandated they regularly check in with police. In October police arrested Milan Mihajlovic, an additional suspect who had been on the run since 2019. As of December, two other suspects continued to be at large, including Srpska List vice president Milan Radoicic. Media reported some witnesses were reluctant to confirm previous statements or implicate suspects.

The investigation of the 2016 prison death of Vetevendosje Party activist Astrit Dehari remained ongoing. Dehari was arrested on suspicion of involvement in an attack on parliament. Authorities investigated whether Dehari committed suicide, while members of his family and Vetevendosje Party representatives claimed he was killed due to his political activism. The government requested Swiss assistance in 2018; the 2019 Swiss report noted forensic analysis could not exclude other possible causes of death and recommended further investigation. In August Dehari's family asserted they had evidence that Dehari had been attacked prior to his death and requested replacement of the lead prosecutor. In September a Ministry of Justice Inspectorate report found that officials had improperly accessed

and shared camera recordings from the Prizren Detention Center in violation of data protection requirements. In response, in September the government suspended the former director of the Department for Operations, Security and Transport of Detainees, the former director of the Pretrial Detention Center in Prizren, and the chief inspector of the Justice Inspectorate. In December the minister of justice announced that Dehari's blood and urine samples had disappeared from the Forensic Medicine Laboratory in Pristina. The Ministry of Justice subsequently suspended four Forensic Medicine Institute officials, including the deputy director.

## **b. Disappearance**

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

As of September, the government's Missing Persons Commission listed 1,617 missing persons who disappeared during the 1998-99 conflict and the political violence that followed. By law the government's missing persons database does not include the ethnicity of missing persons unless voluntarily reported by their family. The commission estimated that approximately 70 percent were ethnic Albanians and 30 percent were Serbs, Roma, Ashkali, Balkan-Egyptians, Bosniaks, Goranis, Montenegrins, and others.

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

The constitution and laws prohibit such practices, but the laws are inconsistently implemented.

As of October, the National Preventive Mechanism against Torture (NPMaT), which operates under the Ombudsperson Institution, had carried out 56 visits to all places of deprivation of liberty, such as prisons and pretrial detention centers, psychiatric facilities, social care homes, asylum reception centers, police stations, and the Administrative Detention Center. The government established cooperation agreements with several NGOs, enabling the organizations to conduct monitoring of detention centers through unannounced visits and free access to institutions.

The Ombudsperson Institution and Kosovo Rehabilitation Center for Victims of

Torture (KRCT) reported they had not uncovered any credible evidence of torture by security forces during the year. As of October, the NPMaT had registered two complaints of physical mistreatment by correctional service personnel from two detainees in the Lipjan/Lipljan and Dubrava detention centers. A Kosovo Correctional Service investigation found no evidence of inappropriate use of force.

The KRCT also reported instances of alleged use of force and verbal harassment against two detainees by correctional service personnel at Dubrava prison. A Ministry of Justice Inspectorate investigation found no evidence of inappropriate use of force or harassment in either case.

The Police Inspectorate of Kosovo (PIK) is responsible for reviewing and investigating complaints of police criminal actions, and for inspecting police processes. The complaints were primarily for mistreatment in exercise of official duty, abuse of official duty, bribery, bodily injury, threat, and domestic violence.

As of October, the Ombudsperson Institution had received six complaints of physical mistreatment of the citizens by the police. Three of the complaints had been dismissed on the merits, and the rest remained under investigation.

### **Prison and Detention Center Conditions**

Prison and detention center conditions met some international standards, but problems persisted in penitentiaries, including reports of prisoner-on-prisoner violence, corruption, exposure to radical religious or political views, and inadequate treatment for prisoners with mental disabilities.

**Abusive Physical Conditions:** According to the NPMaT, physical conditions in detention centers in Prizren, Peje/Pec, and Malisheva/Malisevo as well as police stations in Pristina, Gjakova/Djakovica, Fushe Kosove/Kosovo Polje, and Strpce/Shterpce did not meet international standards due to inadequate ventilation, lack of natural light, and narrow physical spaces. The KRCT noted that solitary confinement cells in the Gjilan/Gnjilane detention center had limited access to natural light and lacked cameras. Similar problems with limited natural light and inadequate ventilation persisted in the detention center for women in Lipjan/Lipljan, which also lacked a special facility for mothers and children.

The KRCT reported that incidents of conflicts and violence between the detainees

remained a problem.

The KRCT reported that smuggling cases involving correctional officers remained a challenge, despite a government commitment to combat smuggling through transparent disciplinary measures. Correction officials confirmed alleged acts of corruption were reported to Kosovo Police for investigation.

Facilities and treatment for inmates with disabilities remained substandard. The Kosovo Forensic Psychiatric Institute's capacity for treatment and shelter for detained persons with mental disabilities remained limited. The KRCT reported that due to a lack of space, prisoners with mental disorders were housed with the general prison population. The law requires convicted criminals with documented mental health issues to be detained in facilities dedicated to mental health care, but these prisoners were often housed in standard prisons due to overcrowding at mental health institutions. The Ministry of Justice initiated steps to adapt the Dubrava Special Needs Unit for placement and treatment of detainees with mental disorders.

The KRCT reported elderly individuals with chronic health conditions were placed and treated together with users of narcotic substances. The organization reported professional programs were insufficient to meet the growing number of drug users and addicts. The KRCT received complaints from inmates about a lack of mental health sessions, the poor quality of services, and a shortage of psychologists in correctional institutions, especially Dubrava. There was no resident psychologist in the Peja/Pec detention center.

The government maintained two institutions in Lipjan/Lipljan for the detention and treatment of juveniles who have committed or are suspected of criminal offenses. According to the KRCT, education of juvenile detainees did not meet national standards and remained a concern.

**Administration:** Authorities did not always conduct proper investigations of mistreatment. The KRCT noted the internal complaint mechanism (as opposed to the NPMaT) mandated by law did not function effectively, with officials responding too slowly to complaints or failing to respond at all. The Rehabilitation Center documented several instances in which complaint forms were missing from the facilities or not available to inmates. In addition, inmates often did not report

abuses due to lack of confidentiality and fear of retribution. The law ensures inmates have the right to attend religious ceremonies and read religious literature, and to receive food according to religious and cultural requirements. The KRCT reported the government generally respected these rights.

**Independent Monitoring:** The government permitted visits by independent human rights observers. The Ombudsperson Institution and EU Rule of Law Mission (EULEX) had unfettered access to correctional facilities throughout the year, as did the Medical Inspectorate. The KRCT and the Center for the Defense of Human Rights and Freedoms were allowed unannounced access to detention centers through individual Cooperation Agreements with the Ministry of Justice.

**Improvements:** The government adopted a new Law on the Execution of Criminal Sanctions in August, which the KRCT reported led to several improvements. The new legal provisions included an increased number of days prisoners were allowed to spend outside a detention center, permission for prisoners to receive food from outside detention centers, and the right to appeal decisions of the Correctional Release Panel. Government officials acknowledged that some prisons did not meet physical condition standards, and took steps to improve prison housing, including beginning to refurbish a housing unit at Dubrava. The government established a corrections intelligence department to identify and counter radical religious or political views in prisons.

The KRCT noted the recruitment of 50 new correctional officers to serve in the high security Pristina detention center and the Dubrava correctional center.

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

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government, EULEX, and NATO-led Kosovo Force (KFOR) generally observed these prohibitions. EULEX and KFOR personnel were not subject to the country's legal system but rather to their missions' and their countries' disciplinary measures. There were no reported incidents of EULEX or KFOR personnel breaking local laws.

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

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

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

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

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

**Pretrial Detention:** Lengthy detentions, averaging six months, both before and during judicial proceedings, remained a problem. The law allows judges to detain a defendant pending trial if there is a well-grounded suspicion the defendant is likely to destroy, hide, or forge evidence; influence witnesses; flee; repeat the offense; engage in another criminal offense; or fail to appear at subsequent court proceedings. Lengthy detention was also partly due to judicial inefficiency and corruption. The NPMaT reported it did not receive any complaints about pretrial detention exceeding the maximum penalty for crimes. The Ombudsperson

Institution reported it did not have data to assess whether pretrial detention frequently equaled or exceeded the maximum penalty for alleged crimes.

Kosovan Serb leaders expressed concerns about lengthy pretrial detentions of two individuals who were arrested in December 2021 on corruption-related charges that would carry a sentence of one to five years. The law prohibits pretrial detention beyond four months for criminal offenses punishable by imprisonment of less than five years. As of October, the government had not filed a formal indictment.

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

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

During the year, the prosecutorial system received 52 complaints against prosecutors, of which 41 were rejected or dismissed. The Prosecutorial Council issued public and nonpublic reprimands for seven prosecutors, reduced wages of one prosecutor for six months, and permanently transferred one prosecutor. Two other prosecutors were referred for extraordinary performance review. The measures imposed were considered insufficient to significantly deter future misconduct. Both the Judiciary and Prosecutorial Councils published final disciplinary decisions on their respective webpages. Authorities sometimes failed to carry out court orders, including from the Constitutional Court.

The Ombudsperson Institution noted general concerns about nonenforcement of court decisions, which led to an increase in enforcement claims and contributed to an increased backlog of cases. The Ombudsperson Institution reported a lack of effective, timely remedies to address violations of due process.

Some Kosovan Serb representatives claimed government institutions failed to execute court rulings in favor of Kosovan Serbs, particularly in property-related disputes. Central and local authorities in Decan/Decani continued to refuse to implement the 2016 decision of the Constitutional Court confirming the Serbian



Orthodox Church's ownership of more than 24 hectares of land adjacent to the Visoki Decani Monastery. In September 2021 the Constitutional Court noted the government's continued refusal to implement the court decision and referred the issue to the state prosecutor. As of December, the prosecutor had not initiated criminal proceedings. None of the officials failing to carry out the court order have been sanctioned.

### **Trial Procedures**

The law provides for a fair and impartial trial, and while there were severe shortfalls in the judicial system, including instances of political interference, it generally upheld the law.

Since 2019 the law allows for trials in absentia for cases involving offenses of international humanitarian law and international criminal law. In such cases, a defendant is represented by a defense counsel throughout the court proceedings until the final judgment.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

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

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

As of September, the Crime Victim Compensation Committee had received 33 claims and granted compensation to 16 survivors of child abuse, sexual abuse, domestic violence, trafficking in persons, homicide, and other violent crimes.

## **Property Seizure and Restitution**

A complex mix of laws, regulations, administrative instructions, and court practices, as well as the illegal reoccupation of properties and multiple claims for the same property, continued to hamper resolution of property restitution cases arising from the war and its aftermath, from 1998-2000. More than 95 percent of these claims were filed by ethnic Serbs. Private citizens and religious communities were largely unsuccessful in petitioning for the return of properties seized or confiscated during the Yugoslav era.

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

The Property Comparison and Verification Agency had some difficulties enforcing the eviction of illegal occupants and, in general, failed to remove illegal structures built on land after claimants had their rights confirmed. As of September, the agency had enforced 20 evictions of illegal occupants, and reported 63 eviction cases still pending. The agency had registered 54 cases of property with illegal structures, most of which were built by ethnic Albanians. As of September, only one demolition of an illegal structure took place. Reusurpation of property continued to be an issue. As of September, two cases of reusurpation by Kosovo Albanians occurred.

Kosovan Serbs in Zubin Potok and Leposavic/q expressed concerns that the government was expropriating land for police stations and related police infrastructure (fiber optic cables, roads, etc.) without following due process and legal procedures. Citizens in both localities filed complaints with their municipalities. Zubin Potok municipality contracted a lawyer who filed a legal complaint in October on behalf of its residents. A preliminary legal assessment by an international organization found that the widening of the road and establishment of four new Kosovo Police facilities in the two municipalities was not conducted in compliance with the law on expropriation. Civil society organizations reported the unusual nature of the expropriation decisions, which were only issued after work

had begun.

The government has laws or mechanisms in place, but NGOs and advocacy groups reported that the government did not make significant progress on resolution of Holocaust-era claims, including for foreign citizens. The government signed a Holocaust education agreement with Yad Vashem in May.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, which covers property restitution as well as Holocaust remembrance, research, and education by the countries that endorsed the Terezin Declaration in 2009, was released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>. The country did not endorse the Terezin Declaration in 2009 and is not included in the JUST report.

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

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

#### **g. Conflict-related Abuses**

The Kosovo Specialist Chambers and Kosovo Specialist Prosecutor's Office (SPO) are Kosovo institutions, created by Kosovo law and staffed with international judges, prosecutors, and officers, to investigate and prosecute crimes against humanity, war crimes, or other serious crimes committed between 1998 and 2000. The SPO and its predecessor, the EU Special Investigative Task Force, were established following the 2011 release of the Council of Europe report, *Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo*, which alleged that individual Kosovo Liberation Army leaders had committed acts that could constitute war crimes in Kosovo between 1999 and 2000. In November 2020 the Kosovo Specialist Chambers publicly confirmed an indictment filed by the SPO charging then President Hashim Thaci, former Assembly Speaker Kadri Veseli, and two others with crimes against humanity and war crimes. In April the indictment was amended to add new war crimes charges at three additional sites. In September the SPO withdrew one charge of war crimes (related to one site)

from the indictment. As of year's end, trials against the defendants had not yet started. Separately, in December the Kosovo Specialist Chambers found former Kosovo Liberation Army Commander Salih Mustafa guilty of war crimes, including arbitrary detention, torture, and murder, that occurred in April 1999. The Specialist Chambers sentenced Mustafa to 26 years' imprisonment. Another case against former members of the Kosovo Liberation Army remained ongoing.

The Humanitarian Law Center (HLC) in Kosovo reported that as of December, authorities had arrested two individuals for war crimes cases during the year. As of October, the Special Prosecutor of the Republic of Kosovo (SPRK) reported five suspects and issued three indictments for war crimes. The HLC noted that resolution for conflict-related crimes committed in Kosovo between 1998 and 2000 remained a challenge, citing inadequate resources and lack of regional cooperation.

In June Kosovo Police arrested and remanded a Serbian-Montenegrin man suspected of war crimes against ethnic Albanians in the Peja/Pec region in 1999. The prosecution alleged the case concerned a Serbian military, paramilitary, and police forces offensive on May 7, 1999, in the Peja/Pec region, where it was suspected that nine ethnic Albanian civilians died, and five ethnic Albanian civilians disappeared. As of year's end, the case remained under investigation.

In September the Basic Court in Pristina sentenced one Kosovan Serb to five years of imprisonment for war crimes against civilians. According to the indictment, the defendant took an Albanian woman hostage from July to August 1998 in Bellopoje/Belo Polje village, Peja/Pec Municipality.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provide for freedom of expression, including for the press and other media, and the government generally respected this right. Credible reports persisted that some public officials, politicians, businesses, and religious groups sought to intimidate media representatives. Funding problems also undermined media independence. Journalists encountered difficulties in obtaining information from the government and public institutions, notwithstanding laws

providing access to public documents.

**Freedom of Expression:** As of October, the Ombudsperson Institution received two complaints concerning restriction of the freedom of expression on social media by the government. One complainant asserted that the Ministry of Health deleted the complainant's comments and blocked his access to the ministry's social media page in June and July. The other complaint involved a police officer who claimed he was suspended from service after posting to Facebook an allegation that the government withheld overtime pay from police officers as a cost-saving measure. Both investigations remained ongoing.

In September the Basic Court in Pristina sentenced Serbian national Nikola Nedeljkovic to eight months in prison for inciting intolerance during the June 28 observance of the 1389 Kosovo Battle commemoration (Vidovdan) at Gazimestan, Pristina. Witnesses testified Nedeljkovic wore an anti-Albanian T-shirt and chanted nationalist slogans. The law prohibits “publicly inciting or spreading...hatred, discord, and intolerance between national, racial, religious, ethnic or other groups, or based on sexual orientation, gender identity, and other personal characteristics in a manner which is likely to disturb the public order.” In December the Court of Appeals reduced his sentence to six months with a three-year ban from entry to Kosovo; Nedeljkovic was released and extradited to Serbia on December 28. In a joint press release in September, several Kosovan Serb civil society organizations expressed alarm over the criminalization of “the expression of political views, which is a universal human right guaranteed by international conventions, as well as the constitution and laws of Kosovo.” Separately, in June Kosovo Police denied entry into Kosovo to several Montenegrin citizens and confiscated clothing items the police deemed likely to incite hatred. International organizations reported that Kosovo Police removed clothing with Serbian language on it from Kosovan Serbs who were stopped at a checkpoint in northern Kosovo.

The Association of Journalists in Kosovo reported they were targeted with digital smear campaigns several times when they defended journalists and media.

**Violence and Harassment:** As of December, the Association of Journalists of Kosovo reported 29 instances of government officials, political leaders, judicial staff, business interests, community groups, or religious groups physically assaulting or verbally threatening journalists or conducting cyberattacks against

media outlets. In December Reporters Without Borders called on police and security forces to provide better protection for journalists reporting in northern Kosovo after attacks on six media crews between November 15 and December 19.

In February police arrested news agency *Ekonomia Online* cameraman Albion Selitaj while he was filming a police action in Suhareke/Suva Reka. Selitaj was released without charges after an investigation. The Association of Kosovo Journalists criticized the police for unprofessional behavior that had a chilling impact on freedom of expression.

As of June, prosecutors had investigated one case of police causing grievous bodily injury against a journalist.

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

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

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

As of October, the Ombudsperson Institution was investigating 12 complaints from media, civil society organizations, and individual citizens concerning alleged violations of the right of access to public documents, mostly from the Ministry of Foreign Affairs and Diaspora. The Ombudsperson Institution concluded public

institutions lacked the professional capacity and staff to respond to requests for access to public documents, leading to either significant delays or failures to provide legal justification for denying or restricting access.

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

### **Internet Freedom**

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

### **Restrictions on Academic Freedom and Cultural Events**

There were no government restrictions on cultural events. The education system was subject to political appointments of school directors, teachers, and officials at all levels. This increased the risk of political influence over staffing and curricula at schools, institutions of higher learning, and government regulatory bodies such as the Kosovo Accreditation Agency and the State Council of Quality.

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

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

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

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

### **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of movement within the country, foreign travel,

emigration, and repatriation, and the government generally respected these related rights.

Ethnic minorities had access to identity documents in the civil registry, and the number of Kosovan Serbs with these documents continued to increase. Kosovan Serb representatives and civil society claimed some challenges remained, particularly for individuals who had obtained identity and other civil documents from illegal institutions established by the government of Serbia to replicate the institutions run by the government of Kosovo. The government does not recognize these Serbian documents as legal documents in Kosovo. Kosovan Serb representatives and civil society also complained of what they considered the government's arbitrary interpretation and application of the law on citizenship and civil status.

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

In June the government announced plans to implement measures reciprocating Serbia's treatment of Kosovan-issued identification documents and requiring Kosovan residents with illegal Serbian-issued vehicle license plates to exchange them with Kosovan-issued license plates. In response, on July 31, ethnic Serbs placed barricades, mainly consisting of heavy trucks with gravel, blocking all roads leading to two northern border crossings (Jarinje and Brnjak/Bernjak). Serbs who erected the barricades removed them on August 1, after the government announced it would postpone implementation of the planned measures.

On December 10, ethnic Serbs placed new barricades blocking freedom of movement across northern Kosovo ostensibly to protest the arrests of Kosovan Serbs from the north, including a former Kosovo Police officer suspected of a violent attack on election officials and the Kosovo Police, and citing dissatisfaction with the deployment of certain police units to the north and construction of new police facilities, among other issues. On December 12, the government closed both border crossings in the north (Jarinje and Brnjak/Bernjak) for all traffic as a security matter given that travelers entering Kosovo at those crossings would



immediately face illegal roadblocks. The ethnic Serbs removed the barricades between December 29-30 and the government reopened the two border crossings immediately thereafter.

**Exile:** The return to the country by ethnic minority refugees from the war remained a challenge. Parliamentary representatives of the Roma, Ashkali, and Balkan-Egyptian communities reported social prejudice prevented the return of nearly 400 members of their communities. These persons were formerly resident in the country and informed the Office of the UN High Commissioner for Refugees (UNHCR) that they were ready to return from Serbia, North Macedonia, and Montenegro.

### **e. Protection of Refugees**

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern.

**Access to Asylum:** The law provides for the granting of asylum or refugee status with subsidiary protection, a system for providing protection to refugees, and temporary admission of asylum seekers while their cases are adjudicated. The government has a system in place enabling foreign nationals or stateless persons to seek asylum at any entry point to the territory or within the territory.

UNHCR reported that all asylum applicants had unhindered access to asylum procedures. Those seeking asylum typically left the country and did not attend their hearings, therefore their claims were closed in absentia. All asylum seekers were provided with “certificates for applicants” within three days, and temporary identity documents within seven days. Information on the country’s asylum procedures was available at all official entry points, including the airport and asylum and detention centers, in multiple languages. In June the Ministry of Internal Affairs established a temporary reception center to process, register, assess, and refer migrants with irregular status within the country.

UNHCR reported inadequate government mechanisms to respond to cases of gender-based violence among asylum-seeking and refugee populations. In April the government approved guidelines on prevention, risk mitigation, and response

to gender-based violence in mixed migration communities, but there have been no reported improvements since then.

**Refoulement:** In 2019 the PIK filed charges with the prosecution against 22 police officers who participated in an operation involving the 2018 rescission of residence permits and subsequent refoulement to Turkey (Türkiye) of six Turkish citizens, whom Turkey accused of having ties to terrorism. In 2019 the appellate court affirmed a prior ruling that the rationale for rescinding the residence permits was baseless. As of October, the Ministry of Internal Affairs had not received a final judgment from the court. Separately, in February 2021 the SPRK filed an indictment against the former director of the Kosovo Intelligence Agency and two senior Ministry of Internal Affairs officials for abuse of office in connection with the deportation of the Turkish citizens. At year's end, the trial remained ongoing.

**Temporary Protection:** The government provided temporary protection, called subsidiary protection, to individuals who may not qualify as refugees. Through September the government had provided subsidiary protection to more than 1,000 individuals, primarily Afghan nationals.

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

UNHCR reported large numbers of individuals continue to have displacement-related needs stemming from the 1998-99 conflict and the violent events of 2004, including 15,673 displaced persons within the country.

While UNHCR continued to maintain its internal database of returnees and assistance applications, in 2021 the Ministry for Communities and Return initiated procedures to establish its own database on applications for assisted returns. According to the Communities and Return Ministry, barriers to return included widespread discrimination against members of minority communities, fear of violence or harassment, failure to enforce court decisions (particularly those concerning property), property usurpation, lack of access to educational and economic opportunities, lack of public services in a common language, limited representation of minority communities in public institutions and enterprises, and limited coordination and cooperation between governmental bodies to address issues of concern.

The government promoted the safe and voluntary return of internally displaced persons (IDPs) and refugees. Through the Communities and Return Ministry, it promoted policies and protections for IDPs and refugees in line with EU policies and cooperated with domestic and international organizations to ensure IDPs had access to their property and tools for their sustainable return. These include assistance repossessing property, land allocations for housing, and improved socioeconomic prospects. As of November, 182 individuals, mostly Kosovan Serbs, had returned to the country.

The Communities and Return Ministry initiated construction of houses for returnees and socially vulnerable families from Prizren, Peja/Pec, Novo Brdo/Novoberde, Gracanice/Gracanica. In May, under an EU-funded project, the ministry approved support for 40 families who expressed a wish to return to the Prizren and Peja/Pec municipalities. In June then Communities and Return Minister Goran Rakic said overall return rates remained low, citing property usurpation, security incidents, lack of economic opportunities, and inadequate support from other institutions. In July, with the support of the EU, the Danish Refugee Council, and local municipal authorities, the Communities and Returns Ministry launched a project to construct residential units and recreational facilities, and to improve local infrastructure for 34 families in the Gracanica/Gracanice municipality.

In June Rakic criticized Kosovo Police for not providing a police escort to approximately 50 displaced Kosovan Serbs to observe a religious holiday at the Serbian Orthodox Church in Mushtishte/Musutiste (Suhareke/Suva Reka). Kosovo Police reported they did not receive any official requests to provide an escort. Some Kosovan Serbs have alleged that war crimes charges against ethnic Serbs were intended to intimidate returnees or potential returnees from reclaiming their properties.

## **g. Stateless Persons**

Official figures on stateless persons were not available. The law contains no discriminatory provisions that might cause groups or individuals to be deprived or denied citizenship. Citizens convey citizenship to their children. Children born to noncitizen parents acquire citizenship by virtue of birth within the country; this

situation most often occurs within minority communities with large numbers of undocumented residents. Government procedures provide for access to naturalization for those granted stateless or refugee status five years after the determination.

While laws relating to civil status permit stateless persons to register life events such as birth, marriage, and death, implementation varied among municipalities.

Unregistered residents did not receive social assistance benefits and pension rights and could not register property titles or retain rights to inherited or transferred property. Children born of parents displaced outside the country and who entered with their re-admitted parents often lacked documentation, including birth certificates. UNHCR provided legal aid for civil registration of approximately 153 unregistered Roma, Ashkali, Balkan-Egyptians, and Serbs. According to UNHCR estimates, 600 individuals remained at risk of statelessness.

According to UNHCR, as of August, 107 persons qualified for late birth registration and citizenship, and were issued birth certificates to facilitate acquisition of permanent identification documents. The Ombudsperson Institution reported 84 stateless persons were waiting to obtain legal identity, including 61 through administrative procedures and 23 through court proceedings as of October.

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

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

The Serbian government continued to operate illegal parallel government structures in Kosovan Serb majority areas and in areas primarily inhabited by the Kosovan Gorani community. The Serbian government often used these structures to influence Kosovan Serb and Kosovan Gorani communities and their political representatives.

#### **Elections and Political Participation**

**Recent Elections:** The country held extraordinary parliamentary elections in February 2021 after the Constitutional Court ruled that the establishment of the government led by then Prime Minister Avdullah Hoti was illegitimate because the

decisive vote cast was made by a parliamentarian whose mandate was rescinded. International observers largely considered the elections free and fair. At the same time, international and independent observers as well as ethnic minority group representatives reported concerns about the lack of competitiveness in Kosovan Serb areas and noted pressure and intimidation within ethnic minority communities to support parties aligned with Srpska List, a party closely aligned with the Serbian government. Some Kosovan Serbs also reported being pressured not to support parties other than Srpska List. According to National Democratic Institute observers, Srpska List politicians pushed for the creation of new Roma and Bosniak political parties and encouraged Kosovan Serbs to vote for these new parties in an attempt to increase their influence in the Assembly by gaining seats reserved for minority groups.

**Political Parties and Political Participation:** Political parties operated freely in most of the country, and there were no significant barriers to registration. Party affiliation often played a role in access to government services and social and employment opportunities. Prospects for opposition parties in Kosovan Serb areas remained limited, however, due to reported pressure and intimidation tactics to influence Kosovan Serbs to support Srpska List.

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

Vjosa Osmani, a woman, served simultaneously as parliamentary speaker and acting president until her election as president in April. One-third of all cabinet ministers in Prime Minister Kurti's government were women. In the Assembly, 38 of 120 members were women. The Law on Elections requires 30 percent of Assembly seats be reserved for women, while the Law on Gender Equality mandates that women occupy 50 percent of all positions in government institutions. The Ombudsperson Institution reported that political parties did not have equal gender representation in voting lists, contrary to requirements in the Law on Gender Equality. A 2020 Freedom House report noted many women in

rural areas were disenfranchised through the practice of family voting, in which the male head of a household casts ballots for the entire family.

Ethnic minorities' representation in the Assembly was more than proportionate to their share of the population.

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

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. There were numerous reports of government corruption. Officials sometimes engaged in corrupt practices with impunity. A lack of effective judicial oversight and general weakness in the rule of law contributed to the problem. Corruption cases were routinely subject to repeated appeal, and the judicial system often allowed statutes of limitation to expire. In December 2021 the Kosovo Law Institute identified 11 corruption cases at risk of reaching statutory limitation; in January seven of those cases expired due to statutory limitation.

**Corruption:** The Anticorruption Agency and the National Audits Office shared responsibility for combating government corruption. As of September, the Anticorruption Agency published 29 opinions on specific instances of potential conflicts of interest and hypothetical activities in the future that might constitute a conflict of interest. Prosecutors filed 150 corruption related indictments and 34 of the corruption cases were sentenced as of October.

NGOs and international organizations alleged numerous failures by the judicial system to prosecute corruption, noting that very few cases brought against senior officials resulted in convictions. Sentencing of high-level officials convicted of corruption was often lenient.

During the year, the PIK conducted two major corruption investigations at border crossings between Kosovo and Albania. The investigations led to the arrest of 74 Kosovo Police officers, two Kosovo Customs officials, and 34 Albanian Police officers.

In September three police officials were sentenced to between 15 and 30 months in

prison for abusing their positions, accepting bribes, and facilitating the smuggling of food, wood, medicine, and fuel across Kosovan and Serbian borders.

As of December, a decision remained pending in the 2019 trial of former Minister of Agriculture Nenad Rikalo and eight other ministry officials charged with abuse of power. The group allegedly sidestepped legal safeguards and manipulated the ministry's grant process to award millions of dollars to companies owned by political associates.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

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

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

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

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape and domestic violence

regardless of gender, including rape of a relative or spouse. By law, rape is punishable by two to 15 years in prison. The government did not enforce the law effectively. EULEX noted that courts often applied penalties lighter than the legal minimum in rape cases and that law enforcement bodies rarely took steps to protect survivors and witnesses. In addition, sentences were often further decreased by the appellate court. Instances of gender-based violence, including sexual violence and rape, were rarely reported by survivors, frequently due to social stigma or lack of trust in authorities. As of September, prosecutors investigated 160 cases of rape or sexual violence and issued 38 indictments.

The law recognizes gender-based violence as a form of discrimination but lacks a definition of gender-based violence for use in criminal and civil proceedings. The Prosecution Victim Assistance Office helped to provide access to justice for survivors of all crimes, with a special focus on survivors of domestic violence, trafficking in persons, child abuse, and rape. The Victim Assistance Office operated a 24/7 helpline with limited services in Serbian, Romani, Turkish and Bosnian languages. In addition, each prosecutor's office had a prosecutor specialized in handling domestic violence cases, while the Pristina Basic Prosecution Office established a Domestic Violence Unit staffed by four prosecutors. In September the acting chief state prosecutor assigned sex crimes coordinators for each prosecution office. Prosecutors were encouraged to apply risk-assessment tools to mitigate the risk of future abuse and to recommend harsher sentences for repeat offenders and violators of protective orders.

Police investigated cases of domestic violence before transferring them to prosecutors who make the determination on filing charges. The rate of prosecution was low, however, and sentences were often lowered on appeal. Advocates and court observers asserted prosecutors and judges favored family unification over survivor protection, with protective orders sometimes allowing the perpetrator to remain in the family home while a case was pending. Sentences ranged from judicial reprimands to up to five years' imprisonment.

The government provided partial funding to 10 NGO shelters that assisted women and child survivors of domestic violence and human trafficking but shelters for survivors of rape and other forms of sexual violence, as well as most lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) survivors of violence, were



not available. The government maintained a budget line for the financial support of shelters and NGOs reported timely receipt of funding. Shelters aided women survivors and their children for up to six months. Boys above the age of 12 were not allowed to reside with their mothers in shelters but were accommodated separately in shelters for child survivors of abuse. The government maintained standard operating procedures for protection against domestic violence, but shelters did not have unified case management manuals to standardize operations and services.

In August a girl, age 11, was raped in a city park in Pristina. Five men were arrested and received a one-month detention. Police confirmed that four of the suspects were minors. The other suspect was 27 years old with nine prior criminal indictments, including one for domestic violence. Media reported that the adult suspect had received suspended sentences for some prior offenses, while other charges were dropped after reaching the statute of limitations. The incident sparked nationwide protests against perceived police and judicial inaction. In December prosecutors filed indictments against the five suspects, charging them with trafficking in persons, use of sexual services of a victim of trafficking, rape, and child pornography. In November a 35-year-old pregnant woman was killed in front of a hospital in Pristina. The suspect, her husband, eluded arrest and committed suicide two days later. Police confirmed the victim had previously reported instances of domestic violence and had been under a protective order since September. In December PIK recommended suspension of four police officers for the abuse of public authority, forgery of official documents, and failing to effectively enforce the protective order. The incident triggered protests across the country. In response, the president convened a meeting in December with the Council on Democracy and Human Rights, heads of government institutions, and representatives from civil society to identify recommendations to combat femicide and domestic violence.

In April the government extended the mandate of its commission to identify and recognize survivors of conflict-related sexual violence for an additional three years but did not concurrently extend the timeframe for survivors to apply for or receive financial compensation. The law does not recognize as conflict-related any act of sexual violence that occurred after NATO intervention in June 1999 and does not provide free or adequate access to health services. The commission has granted

pensions to more than 1,342 women since 2018, including 284 during the year as of September. Civil society organizations working with survivors of conflict-related sexual violence and authorized to assist survivors' application process have noted the slow pace of the government commission in the review of applications. The SPRK designated one prosecutor for cases of conflict-related sexual violence. Police maintained a unit for war crimes cases, including cases of conflict-related sexual violence.

**Sexual Harassment:** The law defines sexual harassment in civil and criminal proceedings. The criminal article on sexual harassment stipulates criminal proceedings are initiated upon a survivor's request and prison sentences are authorized for sexual harassment offenses against at-risk survivors. The government generally enforced the law effectively and assigned designated sex crimes coordinators to improve effectiveness in prosecuting cases of sexual harassment and assault during the year. In cases where a crime is committed with the use of a weapon, the sentence may vary from one to five years in prison. As of September, the government had investigated 41 cases of sexual harassment and issued an indictment for one of them. The NGO Kosovo Women's Network reported that implementation of sexual harassment laws was hampered by poorly defined procedures for filing complaints of harassment, and lack of clarity regarding which government bodies should receive these complaints.

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

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

By law the government was obliged to provide equal access to sexual and reproductive health services including for survivors of sexual violence. Emergency contraception was not always available as part of clinical management of rape. The Ministry of Health included emergency contraception on its list of essential drugs for health centers, but women's rights organizations reported some centers did not always have the drugs available. Survivors were assigned a "victim's protection official" who assisted with both the criminal justice and medical treatment processes. Poor and marginalized communities often had

insufficient access to information on reproductive health.

**Discrimination:** The law provides the same legal status and rights for women and men. The law requires equal pay for equivalent work. Nevertheless, women faced discrimination in employment and occupation (see section 7.d.). The law stipulates that partners in marriage and civil unions have equal rights to own and inherit property, but men usually inherited family property and other assets. In rare instances, Kosovan Albanian widows, particularly in rural areas, risked losing custody of their children due to a family custom requiring children and property to pass to the deceased father's family while the widow returned to her birth family.

Single mothers and women with disabilities, from minority ethnic communities, or living in rural areas faced different forms of discrimination, including unequal access to public services.

**Gender-biased Sex Selection:** The boy-to-girl ratio at birth was 108 boys to 100 girls. The government did not have policies to address the imbalance.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution prohibits discrimination based on racial or ethnic background. The constitution further allows for the adoption of interim measures to protect or advance the rights of minority or ethnic individuals or groups that suffer from discrimination. Reports of violence and discrimination against members of ethnic minority groups persisted. The law guarantees equal protection, without discrimination, on the grounds of race, color, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability, or other personal status. The Law on Protection from Discrimination establishes a comprehensive system of protection from discrimination in the country and designates two entities – the Ombudsperson Institution and the Office on Good Governance under the prime minister – as the administrative bodies responsible for resolving cases of discrimination, promoting equality, and monitoring the implementation of antidiscrimination measures. The criminal code contains provisions to classify as “hate acts” such offenses where race or ethnicity is a motivating factor.

According to the Ombudsperson Institution, although there is a good legal framework to protect racial and ethnic minorities, there were problems that prevent full and effective implementation and enforcement, including a lack of institutional capacity. Societal violence, as well as social and employment discrimination, persisted against Kosovan Serb and other ethnic minority communities.

In August the NGO Aktiv-established Rapid Response Civic Group (RRCG) reported 51 security incidents against ethnic Serb communities had occurred between January and June, including physical attacks, thefts and property damages targeting public property and Serbian Orthodox church properties.

In September media reported Kosovo Police arrested two Kosovan Albanians for attacking and injuring two Kosovan Serbs in Babimoc/Babin Most village in Obiliq/Obilic municipality. The victims were hospitalized. The perpetrators were given 48 hours' detention, later extended by court decision to one month in detention.

In November NGO Aktiv Director Miograd Milicevic, a Kosovan Serb, reported that a "special police unit" in northern Kosovo had physically assaulted and verbally harassed him. The Open Initiative, a civil society coalition, issued a statement calling the matter "one of a series of incidents caused by members of the special police forces of Kosovo that have occurred in recent months in Serbian areas in the north." At year's end, a PIK investigation remained ongoing.

Harassment of Kosovan Serb members of the Kosovo Security Force by other ethnic Serbs was commonplace, although usually the incidents were difficult to trace. Victims in most cases did not report the incidents to police for fear of escalation and retaliation. The Ministry of Defense and Kosovo Security Force leadership continued to take steps to protect Kosovan Serb members, including better documentation of incidents, routine welfare checks by commanders, and attempts to improve the response of police and the Kosovo Intelligence Agency.

In December 2021 the Supreme Court annulled the basic and appeals court convictions against former member of parliament Ivan Todosijevic on charges of inciting intolerance and denying atrocities committed against ethnic Albanian civilians in 1999. The Supreme Court's ruling annulled the previous sentence of two years' imprisonment and ordered a retrial. Todosijevic was serving as the

minister of local government administration in 2019 when he denied the occurrence of the well-known Recak/Racak massacre of 45 ethnic Albanians during a public speech. In October the Basic Court in Pristina sentenced Todosijevic to one year imprisonment. At year's end, the case was pending appellate review.

Access to justice for Kosovan Serbs had continued to improve due to the 2017 integration of the judiciary system in the four northern Serb-majority municipalities and integration of Kosovan Serb judges and staff in other basic courts in the country. In November, however, virtually all Kosovan Serbs in the judicial and law enforcement sectors in northern Kosovo offered their resignations and stopped working, including 10 prosecutors, over 100 judicial staff, 25 judges, and 578 police officers. Access to justice came to a near standstill in the north, exacerbating pre-existing problems. Poor or delayed translation in court proceedings, a backlog of cases in the north, nonexecution of court decisions, limited numbers of minority staff, and inconsistency between Albanian and Serbian translations of legislation continued to hinder the delivery of justice for Kosovan Serbs and other minority communities. NGO Advocacy Center for Democratic Culture (ACDC) continued to assist Basic Court Mitrovica with translation and legal assistance through an UN Mission in Kosovo-funded project.

Ethnic minorities, including the Serb, Romani, Ashkali, Balkan-Egyptian, Turkish, Bosniak, Gorani, Croat, and Montenegrin communities, continued to face varying levels of institutional and societal discrimination in employment, education, social services, language use, freedom of movement, the right to return to their homes (for displaced persons), and other basic, legally stipulated rights. Romani, Ashkali, and Balkan-Egyptian communities often lacked access to basic hygiene, medical care, and education and were heavily dependent on humanitarian aid for subsistence.

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

The Office of the Language Commissioner continued to monitor the implementation of legislation that conferred equal status to the country's two official languages, Albanian and Serbian, as well as other official languages at the local level, including Bosnian and Turkish. The commissioner reported municipal administrations and central government institutions remained inconsistent in implementing provisions of national language laws, which resulted in unequal access to public services, information, employment, justice, and other rights.

Lack of translation or poor translation remained a problem with regards to numerous laws, signage in public institutions, and communication in court proceedings. Courts often failed to provide adequate translation and interpretation services to minority defendants and witnesses and did not provide adequate translation of statute and court documents as required by law. Government efforts to address these problems remained inconsistent. NGO Aktiv published a report in May citing lack of political will, resistance in the majority community, lack of penalties, and insufficient number of qualified translators as some of the reasons for noncompliance with the legal framework on language rights, which, according to Aktiv, were violated at all levels.

## **Children**

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

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

Segregation of Roma, Ashkali, and Balkan-Egyptian children in public schools

remained a problem. A May report from the Education Inspectorate characterized as discriminatory the separation of Roma, Ashkali, and Balkan-Egyptian children from other students at a book festival of a primary school in Peja/Pec. The inspectorate required disciplinary measures against a teacher and required the school to actively promote the principle of equality and engage in the advancement of the rights of all ethnic communities.

**Child Abuse:** The Child Protection Law provides for specific definition of different types of child abuse and neglect. In addition, the criminal code addresses various elements of child abuse, including in sections on sexual assault, rape, trafficking in persons, child pornography, forced marriage, child neglect and failure to report child abuse, among others. Penalties range from five to 20 years' imprisonment. The incidence of child abuse was unknown due to social stigma and lack of reliable data.

UNICEF, the Ombudsperson Institution, the Statistics Agency, and responsible ministries jointly created a unified data management system to track child-related information in the justice, education, and social welfare sectors.

In 2019 a nine-year-old boy from Fushe Kosove/Kosovo Polje was raped and killed. The boy's mother had reported his rape, identifying the perpetrator, to police prior to the killing, but the alleged perpetrator was released after questioning and never rearrested. Six months later, the child was found dead in Fushe Kosove/Kosovo Polje. The alleged perpetrator was then arrested for rape and aggravated murder. In 2020 the Basic Court in Pristina sentenced the defendant to 25 years' imprisonment. The government allocated €20,000 (\$23,000) in 2020 to the victim's family to help alleviate their financial situation. Disciplinary investigations were initiated against two prosecutors involved in the case over suspicion they failed to address the claims of abuse in a timely and efficient manner. One of the prosecutors was disciplined by the Prosecutorial Council. In July the victim's family filed a lawsuit against the state for the abuse of human rights and separate complaints against the prosecutorial council for negligence of the prosecutor and a police officer.

**Child, Early, and Forced Marriage:** The law allows persons to marry at age 16 with parental consent. Although there is no official data on early and forced child marriages, it was a common practice, including within the Roma, Ashkali, Balkan-

Egyptian, Bosniak, and Gorani communities. According to the 2020 report of UNICEF and the Kosovo Agency of Statistics, while the overall percentage of women between the ages of 20 and 24 who married before age 18 was low, the percentage for women in the Roma, Ashkali, and Balkan-Egyptian communities was disproportionately high, at one in three. High poverty levels and economic insecurity in these communities contributed to these rates.

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

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

## **Antisemitism**

There are small Jewish communities of less than 100 persons in Prizren and Pristina, although exact numbers were unavailable. There were no reports of antisemitic acts.

## **Trafficking in Persons**

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

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

**Criminalization:** There are no laws that criminalize consensual same-sex conduct between adult individuals, or any expression of sexual orientation or gender identity.



**Violence against LGBTQI+ Persons:** There were no reports that police or other government officials conducted violence against LGBTQI+ individuals. Police were inclusive and accepting of LGBTQI+ and other minority communities in their public messaging, and senior police officials participated in the annual pride parade. According to LGBTQI+ rights organizations, police remain the most trusted institution among the LGBTQI+ community. In March the Pristina municipality allocated funding and a parcel of land for the construction of the first-ever shelter to accommodate LGBTQI+ victims of crime or prejudice, as well as other at-risk individuals.

The Ombudsperson Institution highlighted that members of parliament, political party representatives, and government officials used inflammatory and derogatory language against LGBTQI+ persons when debating a draft Civil Code that would regulate same-sex marriage/civil unions.

Violence against LGBTQI+ individuals remained prevalent. As of September, five cases of violence against LGBTQI+ individuals were reported to the Kosovo Police. LGBTQI+ rights organizations noted an increase of domestic violence against LGBTQI+ individuals. Lendi Mustafa, the owner of the first bar catering specifically to LGBTQI+ individuals in Pristina, reported receiving continuous threats after the bar opened in April.

**Discrimination:** The constitution and law prohibit discrimination based on sexual orientation and gender identity in the “public and private spheres of social life, including political and public life, employment, education, health, economy, social benefits, sports, culture and other areas.” These clauses and laws are unevenly enforced. When the motivation for a crime is based on gender, sexual orientation, or perceived affinity of the victim with persons who are targets of such hostility, the law considers motivation to be an aggravating circumstance.

According to human rights NGOs, the LGBTQI+ community faced overt discrimination in employment, housing, access to education and health care.

**Availability of Legal Gender Recognition:** There is no standard administrative process by which individuals can change gender markers on identity documents to bring them into alignment with their gender identity. In 2019 the appeals court upheld a basic court ruling permitting the change of the sex marker on identity

documents for specific individuals who brought their request before the courts. In total, two citizens have changed their sex markers on identity documents following lengthy court procedures, while four citizens' requests for change of identity documents have not been resolved.

### **Involuntary or Coercive Medical or Psychological Practices Specifically**

**Targeting LGBTQI+ Individuals:** The law requires doctors to issue a medical report determining the gender of intersex persons at birth. The practice of irreversible surgery to assign the sex of the newborn intersex children can be performed with parental consent, although not specifically required by the law.

### **Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no reports of restrictions of freedom of expression, association, or peaceful assembly by state actors targeted at individuals speaking out on LGBTQI+ issues.

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, and provide for equal access to education, employment, and other state services. The government did not effectively enforce these provisions, and persons with disabilities faced discrimination and were unable to access education, health services, public buildings, and transportation on an equal basis with others.

Educational options for children with disabilities were limited. There is only one public school for blind and visually impaired children in the country, located in Peja/Pec. The school has dormitories with limited rooms available for children and parents, but travel to and from the school remained a challenge for students. Education at the school was available in the Albanian language only. Access to the school was reported as unsafe due to inadequate street signaling. According to local NGO Handi-Kos, approximately 38,000 children with disabilities did not attend school. According to Handi-Kos, access to health and rehabilitative services, including social assistance and assistive devices for persons with disabilities, remained insufficient.

Physical access to public institutions remained difficult. The Ombudsperson

Institution noted the limited implementation of bylaws governing the technical conditions of buildings and access for persons with disabilities. Handi-Kos reported that municipal compliance with a mandate on access to government buildings remained in the single digits. The parliament building itself remained not accessible.

In October the Basic Court of Pristina issued a decision in a 2018 court case accusing the Pristina Municipality of discrimination against persons with disabilities for failing to ensure access to public spaces and facilities. The court decided in favor of complainant Faruk Kukaj, awarding him €5,500 (\$5,885) in compensation.

Although the law requires equal access to transportation for persons with disabilities, the Ombudsperson Institution published a report in 2020 criticizing unequal access to interurban transportation for blind persons, despite the legal requirements. The report found public transportation accessibility measures for reserved seating, reduced fares for persons with disabilities, and enforcement insufficient.

## **Section 7. Worker Rights**

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

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

The law requires trade union organizations to have at least 10 voluntary union members to register with the Ministry of Labor and Social Welfare. The law stipulates valid reasons for strikes and requires a seven-day advanced notification to the governing body or employer. The law designates workers of "services of vital importance" who face added restrictions and must provide "minimum work process and production" during a strike.

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

Employers did not always respect the right of worker organizations to bargain collectively, particularly in the private sector. The BSPK reported many private-sector employers essentially ignored labor laws. The BSPK reported continued difficulty in establishing new independent unions due to employer interference in workers' associations and unions, particularly in the banking, construction, and hotel sectors. Representatives from these sectors anonymously told the BSPK some employers used intimidation to prevent the establishment of unions.

Public sector employers have also engaged in antiunion retaliation. In August, the Union of Education, Science and Culture of Kosovo (SBASHK) called for a teachers' strike to protest what they considered low wages. At the end of September, SBASHK voted to suspend the strike until January 2023. In October the government agreed to pay the teachers' wages covering the period of the strike, with an expectation that teachers would make up hours lost during the strike throughout the school year. According to the Solidarity Center, a labor NGO, in October the government subsequently deregistered all members of trade unions, including SBASHK, impeding the members' ability to pay union dues. The Solidarity Center reported that the law restricts individuals from membership in trade unions if they do not pay dues for three months.

The labor inspectorate reported receiving no formal complaints of discrimination against employees who tried to join unions; however, the inspectorate was not fully functional due to budgetary and staffing shortfalls. In addition, employers did not always respect the rights of worker organizations and unions to bargain collectively or to network with unions outside their organization, particularly in the private sector.

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

The law prohibits and criminalizes all forms of forced or compulsory labor. The government did not effectively enforce the law, and forced labor, including forced child labor, occurred (see section 7.c.). Government resources, including remediation, were insufficient to bring about compliance, identify and protect victims, and investigate claims of forced or compulsory labor. The labor inspectorate reported conducting only limited investigations for forced labor offenses.

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

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

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

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

The law prohibits discrimination with respect to employment based on race, religion, national origin, sex, ethnicity, disability, age, sexual orientation, gender identity, HIV or AIDS status, or political affiliation. The government did not effectively enforce the law, and penalties were less than commensurate with those for similar crimes. Penalties were rarely applied against violators.

Discrimination in employment and occupation occurred across sectors with respect to sex, gender identity, disability, religion, political affiliation, and minority status (see section 6).

Relatively few women occupied upper-level management positions in business, police, or government, though the government includes one woman deputy prime minister and five women ministers. The Ombudsperson Institution reported women were often subject to discriminatory hiring practices and various forms of discrimination including sexual harassment at the workplace, both in the public and private sector. Women remain underrepresented in the labor market, with just one in five women actively participating in the formal labor market. According to International Labor Organization data, the labor force participation rate for women

aged 25 to 29 was 36 percent, compared to 60 percent for men of the same age. For women aged 30 to 50, labor force participation was 26 percent, while rates for men of the same age were over 70 percent. An independent study financed by the European Bank for Reconstruction and Development of 2021 tax data indicated the average net monthly salary was €480 (\$513) for men, and €420 (\$449) for women.

During the year the BSPK received reports from labor unions and individuals claiming discrimination based on union membership, age, and family status. The BSPK and union officials noted employment, particularly in the public sector, often depended on the employee's political status and affiliation. Union officials reported other mistreatment, including sexual harassment, based on political party affiliation. The BSPK reported instances of employers discriminating against women candidates in employment interviews and illegally firing women for being pregnant or requesting maternity leave. The Ombudsperson Institution reported instances of discrimination against single mothers, particularly regarding their rights to maternity leave. Women's rights organizations reported sexual abuse and harassment occurred on the job but went unreported due to fear of dismissal or retaliation.

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

**Wage and Hour Laws:** The government-set minimum wage was higher than the official poverty income line.

The law provides for a standard 40-hour work week, requires rest periods, limits the number of regular hours worked to 12 per day, limits overtime to 8 hours per week and 40 hours per month, requires payment of a premium for overtime work, and prohibits excessive compulsory overtime. The law provides for 20 days of paid leave per year for employees and 12 months of partially paid maternity leave.

**Occupational Safety and Health:** The law sets appropriate health and safety standards for workplaces and governs all industries in the country. The responsibility for identifying unsafe workplaces lies with individual employers, while the services that would secure safe work conditions lie with occupational safety and health experts rather than workers.

The law does not provide workers the right to remove themselves from a

dangerous work situation without jeopardy to their employment.

**Wage, Hour, and OSH Enforcement:** The Labor Inspectorate is responsible for enforcing all labor standards, including those pertaining to wages, hours, and occupational safety and health (OSH). The government did not effectively enforce the law, and penalties were less than commensurate with those for similar violations. Penalties were rarely applied against violators.

The number of inspectors was insufficient to deter violations in both the formal and informal sectors. Inspectors have the authority to make unannounced inspections and initiate sanctions; however, the inspectorate was not fully functional due to budgetary and staffing shortfalls.

According to experts, violations of wage, overtime, and OSH standards were common for both men and women, as well as foreign migrant workers, particularly those who faced hazardous or exploitative working conditions, such as in construction and agriculture. Kosovo Agency of Statistics data indicated that 12.3 percent of employees worked over the 40-hour limit set by labor law, and anecdotal evidence suggested that overtime is rarely compensated.

According to the BSPK, employers failed to abide by official labor standards that provided equal standards of protection to public and private sector workers. The BSPK reported a lack of government oversight and enforcement, particularly of the standard workweek and compulsory and unpaid overtime. Many individuals worked long hours in the private sector as “at-will” employees, without employment contracts, regular pay, or contributions to their pensions. The BSPK reported employers fired workers without cause in violation of the law and refused to respect worker holidays.

**Informal Sector:** There are no reliable official statistics on the informal economy, but an EU-commissioned report estimated the informal and black market at 32 percent of GDP. Workers in the informal sector were not covered by all wage, hour, and occupational safety and health laws. The Association of Labor Unions reported lack of enforcement by the judiciary, especially in the informal sector, citing resource and capacity limitations within the labor inspectorate. The Ombudsperson Institution characterized the informal sector as the greatest violator of workers’ rights, with lack of workplace protections often resulting in fatalities,

lack of work contracts, and refusal of employers to pay wages and respect working hours.

As of October, the Ombudsperson Institution received six complaints about alleged violation of workers' rights, specifically nonpayment of wages and pension contributions, unfair dismissal, noncompensation of overtime, and violation of the right to leave, including maternity leave.