

Kosovo 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Kosovo during the year.

Significant human rights issues included credible reports of: serious problems with the independence of the judiciary; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists; serious government corruption; extensive gender-based violence, including domestic or intimate partner violence; and crimes involving violence or threats of violence targeting ethnic minorities or other marginalized communities.

The government took credible but inconsistent steps to identify, investigate, prosecute, and punish officials who may have committed human rights abuses.

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, including extrajudicial killings, during the year.

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 1,616 persons who disappeared during the 1998-99 conflict and the political violence that followed. By law the government's database did not include the ethnicity of missing persons unless voluntarily reported by their families. The commission estimated 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 prohibited such practices, but the laws were inconsistently implemented.

As of August, the National Preventive Mechanism against Torture (NPMaT) received 12 complaints of mistreatment by correctional service personnel, including from two detainees in the Gjilan/Gnjilane pretrial detention center. The Kosovo Rehabilitation Center for Victims of Torture (KRCT) also reported one instance of alleged use of force by correctional service

personnel at the Pristina pretrial detention center, but a Ministry of Justice Inspectorate investigation found no evidence of inappropriate use of force.

The Police Inspectorate of Kosovo was responsible for reviewing and investigating accusations of police criminal actions, and for inspecting police processes. The complaints primarily alleged mistreatment in exercise of official duty, abuse of official duty, bribery, bodily injury, threatening behavior, and domestic violence. As of August, the Ombudsperson Institution, an independent human rights organization, received 40 complaints of physical mistreatment by the police, of which 25 were dismissed on the merits and the rest remained under investigation. The Ombudsperson Institution initiated three additional ex-officio investigations of alleged police abuse.

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 and the KRCT, physical conditions in detention centers in Prizren, Peje/Pec, Lipjan/Lipljan, Gjilan/Gnjilane, and Mitrovica/e, as well as police stations in Pristina, Gjakova/Djakovica, Fushe Kosove/Kosovo Polje, Ferizaj/Urosevac, Rahovec/Orahovac, and Malisheva/Malisevo did not meet international

standards due to inadequate ventilation, lack of natural light, and narrow physical spaces. None of the issues were reported to be life threatening.

The KRCT noted facilities, treatment, sanitary conditions, and access for inmates with disabilities in Dubrava prison remained a problem. The NPMaT reported violence between detainees was a general problem.

Administration: Authorities did not always conduct proper investigations of mistreatment. The KRCT noted internal complaint mechanisms at each facility mandated by law did not function effectively and lacked confidentiality.

Independent Monitoring: The government permitted visits by independent human rights observers. The Ombudsperson Institution and the 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 cooperation agreements with the Ministry of Justice.

Improvements: Government officials acknowledged some prisons and detention centers did not meet physical standards and took steps to improve conditions. The government allocated funds for the construction of a new detention center in Prizren and a detention center for women and children, and recruited 47 women correction officers. The government completed the refurbishment of a housing unit at Dubrava prison.

The KRCT noted overall increased transparency and responsiveness of correctional institutions to allegations of mistreatment by the correctional service institutions.

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their 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 reports of EULEX or KFOR personnel breaking local laws.

Arrest Procedures and Treatment of Detainees

By law, except when a crime was in progress, police could arrest suspects only upon an order based on evidence and issued by a judge or prosecutor. Within six hours of an arrest, prosecutors had to issue the arrested person a written statement describing the alleged offenses and the legal basis for the charges. Authorities had to bring arrested persons before a judge within 48 hours and had to provide detainees prompt access to a lawyer of their choice or one provided by the state. There was a functioning bail system.

Suspects had the right to refuse to answer questions, except those concerning their identity, at all stages of an investigation. Suspects had the

right to the free assistance of an attorney (after demonstrating financial need) and interpretation, as well as medical and psychological treatment. Suspects were allowed to have a family member notified of their arrest and could, at all stages of the process, communicate with their legal representation.

Following an initial ruling, a court could hold individuals in pretrial detention for 30 days from the date of their arrest and could extend pretrial detention for up to 18 months. After an indictment and until the conclusion of trial proceedings, only a trial judge or a trial panel could terminate detention. The law allowed a judge to order house arrest, confiscate travel documents, and use bail or other alternatives to pretrial detention.

Pretrial Detention: Although lengthy detentions, averaging six months, both before and during judicial proceedings, remained a problem, there were insufficient data to determine if pretrial detentions frequently equaled or exceeded the maximum sentence for the alleged crime or of prescribed time limits for detention. Lengthy detention was partly due to judicial inefficiency. The NPMaT and KRCT both reported instances of pretrial detentions lasting several months. The KRCT reported judges frequently extended pretrial detentions without adequately re-evaluating the circumstances that led to the initial detention.

In May, July, and August, the Constitutional Court ruled the length of pretrial detentions of three individuals charged with abuse of office and obstruction

of justice violated their constitutional rights. In September, the defendants were released on bail, and one was subsequently acquitted of all charges.

e. Denial of Fair Public Trial

The constitution provided 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.

Civil society frequently criticized the government for publicly interfering with the independence and impartiality of judicial institutions, particularly regarding corruption investigations of government officials. In August, the Prosecutorial Council published a press release calling on the government to stop "continuous blackmailing and demeaning statements towards the prosecutorial system."

As in previous years, the Ombudsperson Institution noted general concerns regarding nonenforcement of court decisions, which 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 provided 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 allowed for trials in absentia for cases involving offenses of international humanitarian law and international criminal law. In such cases, a defendant was represented by a defense counsel throughout the court proceedings. Courts often failed to provide adequate interpretation services and did not provide adequate translation of statute and court documents as required by law.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. 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 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 Property Comparison and Verification Agency had 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 continued to retain, prevented the agency from fully fulfilling its mandate. Claimants had the right to appeal decisions in the courts.

As of August, the Property Comparison and Verification Agency had enforced two evictions of illegal occupants. The agency reported no cases of demolition of illegal structures or reusurpation of property. Kosovan Serbs in Zubin Potok and Leposavic/q expressed concerns the government was expropriating (their) land for police stations and related police infrastructure

(fiber optic cables, roads, etc.) without following due process and legal procedures, and in a nontransparent manner.

International legal experts in August assessed the country's government did not follow its own expropriation laws and procedures in the planned expropriation of 118 parcels of land in northern Kosovo, the majority of which were Kosovan Serb-owned. The government subsequently adjusted its actions, though Kosovan Serb community representatives continued to criticize the government for not being clear regarding the intended use for the land.

The government had laws or mechanisms in place, but nongovernment organizations (NGOs) and advocacy groups reported it did not make significant progress on resolving Holocaust-era claims, including for foreign citizens. The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report to Congress*, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

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

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

i. Conflict-related Abuses

The Kosovo Specialist Chambers (KSC) and Kosovo Specialist Prosecutor's Office (SPO) were Kosovan 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 under Kosovo law commenced or committed between 1998-2000. 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 individual Kosovo Liberation Army leaders had committed acts that could constitute war crimes in Kosovo between 1999 and 2000.

In April, the trial against former Kosovo President Hashim Thaci, former Kosovo Parliamentary Speaker Kadri Veseli, Jakup Krasniqi, and Rexhep Selimiforf on charges of crimes against humanity and war crimes committed during the Kosovo conflict began. As of December, the trial remained ongoing.

In December 2022, the KSC issued its first judgment on substantive war crimes charges, finding former Kosovo Liberation Army Commander Salih Mustafa guilty of arbitrary detention, torture, and murder, and sentencing him to 26 years in prison. Mustafa appealed, and the appeal hearing took place October 26-27. On December 14, the appeals panel confirmed

Mustafa's conviction on all charges but reduced his sentence from 26 to 22 years in prison, including time served.

The trial against Pjeter Shala, a member of the former Kosovo Liberation Army, on charges of war crimes began February 22 and was ongoing as of early December.

The KSC continued to address witness protection and obstruction of justice challenges. In February, appeal proceedings largely affirmed trial charges in a second case involving obstruction of justice charges against two Kosovo Liberation Army War Veterans Organization leaders: Hysni Gucati and Nasim Haradinaj, although the sentence was slightly reduced from 4.5 years of imprisonment to four years and three months. Gucati secured an early release on October 17. Another case involving witness intimidation started against Kosovar nationals Sabit Januzi and Ismet Bahtjari in early October. On October 10, Albania's Court of Appeals turned down a request from Kosovo to extradite former Kosovo Liberation Army fighter Dritan Goxhaj to The Hague on alleged offenses against the administration of justice. Goxhaj was released from custody. A first-instance court initially accepted the request for Goxhaj's extradition on September 19, after he was arrested in Tirana in late July. Goxhaj was one of four arrests during the year based on charges of witness intimidation and obstruction related to the work of the KSC.

The Humanitarian Law Center in Kosovo reported authorities had arrested

seven ethnic Serbs and one Gorani on war crimes allegations during the year as of November. The Special Prosecution Office of the Republic of Kosovo issued 12 indictments throughout the year for war crimes against five persons in Kosovo and eight in absentia. The Humanitarian Law Center noted resolution of conflict-related crimes committed in Kosovo between 1998-2000 remained a challenge, citing inadequate resources and lack of regional cooperation.

In February, the Appellate Court upheld the Pristina Basic Court's September 2022 sentencing of one Kosovan Serb to five years' imprisonment for war crimes against civilians. According to the indictment, the defendant took an Albanian woman hostage from July-August 1998 in Bellopoje/Belo Polje village, Peja/Pec Municipality. In November, the Supreme Court confirmed the sentence of an ethnic Serb to 13 years' imprisonment for committing sexual violence as a war crime against the ethnic Albanian civilian population in Vushtrri/Vucitrn. In June, the Prizren Basic Court sentenced an ethnic Albanian to nine years and six months' imprisonment for the war crime of kidnaping another ethnic Albanian due to his alleged collaboration with Serbian forces.

In July, the government extended to May 2025 the mandate of its commission to identify and recognize survivors of conflict-related sexual violence entitled to financial compensation. The law did not recognize as conflict-related any act of sexual violence that occurred after NATO intervention in June 1999 and did not provide free or adequate access to

health services. The commission granted pensions to more than 1,583 women since 2018, including 177 during the year as of September. Civil society organizations working with survivors of conflict-related sexual violence and authorized to assist survivors' application process noted the slow pace of the government commission in the review of applications. The Ombudsperson Institution reported several complaints from applicants concerning breaches of privacy during the commission's verification procedures. The Special Prosecution Office of the Republic of Kosovo 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.

Section 2. Respect for Civil Liberties

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

The constitution and law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. Credible reports persisted that some public officials, politicians, businesses, criminal elements, and religious groups sought to intimidate media representatives and used violence or threats of violence against journalists.

Freedom of Expression: The law prohibited “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.” As of September, Kosovo Police reported seven cases of “incitement of hatred and ethnic division,” mostly related to graffiti.

Violence and Harassment: The Association of Journalists in Kosovo (AJK) reported it was targeted with digital smear campaigns several times when it defended journalists and the media. The AJK reported government officials, including the prime minister and ruling political party members, engaged in smear campaigns to undermine public trust in the media.

As of September, the AJK reported 60 instances of government officials, political leaders, judicial staff, business interests, community groups, demonstrators, or religious groups physically assaulting or verbally threatening journalists, damaging their equipment, or conducting cyberattacks against media outlets. In April, police arrested three individuals for assaulting the owner of news portal *Metro* after the outlet posted a video allegedly mocking the grand mufti of Kosovo and a prominent imam. As of November, the trial of the three suspects continued.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Journalists claimed pressure from politicians and organized criminal groups frequently resulted in self-censorship. Cases of cyberattacks on the online media persisted. 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 AJK, 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 outlets that published critical material.

In July, the government announced the suspension of the business license of the country's largest private broadcaster, Klan Kosova, due to an alleged registration violation. In August, the Commercial Court in Pristina ruled against the Ministry of Industry, Entrepreneurship and Trade and overturned the suspension.

Nongovernmental Impact: The AJK recorded 30 attacks against journalists covering political tensions in the north in May and June, including damage to equipment, burned vehicles, and physical assault of media crews. On June 16, masked individuals chased nine media representatives in Leposavic/q and assaulted a camera operator for the country's public broadcaster. Journalists alleged some of the attacks were directed and tacitly approved by political leadership in the north, though officials there denied any involvement and publicly denounced attacks on media.

Police arrested eight ethnic Serbs for physical attacks on journalists

reporting on the tensions in the north in June. As of September, five of the suspects were released on bail and three remained in detention.

In April, police arrested three individuals on allegations of assaulting a commentator and owner of an online news portal after he posted a video mocking a prominent imam. He was hospitalized for treatment of his injuries.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provided 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 provided 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 increased. 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 institutions run by the government of Kosovo. The government did not recognize these Serbian documents. Kosovan Serb representatives and civil society also complained about 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 to vehicular traffic, allegedly to prevent civil disturbances, but the bridge remained open to pedestrians. KFOR and police maintained permanent security at the location. Other bridges connecting the two cities were fully open.

Exile: The ability of ethnic minority refugees from the war to return to the country remained a problem. Parliamentary representatives of the Romani, Ashkali, and Balkan-Egyptian communities reported social prejudice prevented the return of nearly 400 members of their communities,

collectively.

e. Protection of Refugees

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

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

UNHCR reported all asylum applicants had unhindered access to asylum procedures. Information on the country's asylum procedures, as well as the rights and obligations of applicants, was available at all official entry points, including the airport and asylum and detention centers, in multiple languages.

UNHCR reported inadequate government capacity to respond to cases of violence based on sexual orientation and gender identity among asylum-seeking and refugee populations.

Refoulement: In July, the Special Department of Pristina Basic Court acquitted two senior Ministry of Internal Affairs officials of all charges of

misuse of official position and authority and unlawful deprivation of liberty, and the court sentenced the former director of the Kosovo Intelligence Agency to four years, eight months in prison for misuse of official position and authority. This was in connection to the 2018 rescission of residence permits and subsequent refoulement to Turkey of six Turkish citizens, whom Turkey accused of having ties to terrorism; 22 officers were charged in 2010 for participating in that operation. In 2019 the appellate court affirmed a prior ruling that the rationale for rescinding the residence permits was baseless. The prosecution did not file charges against the 22 police officers.

Temporary Protection: The government provided temporary protection, called subsidiary protection, to individuals who might not qualify as refugees. In 2023, the government provided subsidiary protection to more than 250 individuals, primarily Afghan nationals.

f. Status and Treatment of Internally Displaced Persons (IDPs)

In its October periodical review, UNHCR reported many individuals had displacement-related needs stemming from the 1998-99 conflict and the violent events of 2004, including 15,646 displaced persons within the country. Persistent concerns included discrimination against members of minority communities, fear of violence or harassment, failure to enforce court decisions (particularly those concerning property), property usurpation and damage, lack of access to educational and economic

opportunities, and lack of public services in a common language. For further information about IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org>.

g. Stateless Persons

Official figures on stateless persons were not available. UNHCR reported 11 individuals were identified as stateless, and an additional 470 individuals remained at risk of statelessness as of September. The law contained no discriminatory provisions that would cause groups or individuals to be deprived or denied citizenship. There were no reports of violence or discrimination against stateless persons. Government procedures provided for access to naturalization for those granted stateless or refugee status five years after the determination.

While laws relating to civil status permitted stateless persons to register life events such as birth, marriage, and death, implementation varied among municipalities. Children whose births were not registered, primarily from the Romani, Ashkali, and Balkan-Egyptian communities, were considered stateless.

Section 3. Freedom to Participate in the Political

Process

The law provided 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

Abuses or Irregularities in Recent Elections: The country held parliamentary elections in February 2021. International observers largely considered the elections fair and free of abuses and irregularities.

International and independent observers as well as ethnic minority group representatives reported concerns regarding 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.

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.

Section 4. Corruption in Government

The law provided 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 subjected to repeated appeal, and the judicial system often allowed statutes of limitation to expire.

Corruption: 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.

In June, the Pristina Basic Court concluded the 2019 trial of former Minister of Agriculture Nenad Rikalo and eight other ministry officials charged with abuse of power. The court sentenced Rikalo and the former secretary general of the Ministry of Agriculture to three and two years in prison, respectively. The remaining six defendants were acquitted.

Media reported that the Special Prosecution Office and the Kosovo Police

Special Investigation Unit opened criminal investigations against at least five ministers and two deputy ministers on allegations of corruption-related offenses. Separately, the Pristina Basic Court found Minister of Industry, Entrepreneurship and Trade Rozeta Hajdari and Deputy Minister of Foreign Affairs and Diaspora Liza Gashi guilty of failure to declare assets and fined them €700 (\$764) and €500 (\$545), respectively.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and 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 established the Ombudsperson Institution as the national independent human rights body, 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 had authority to investigate allegations of human rights violations and abuse of government authority and acted as the National Preventive Mechanism against torture. The institution was the primary agency responsible for monitoring detention facilities. Based on powers granted by the assembly, the Ombudsperson Institution could file *amicus curiae* briefs with basic courts on human rights-related cases. It could 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 criminalized rape of a person, regardless of gender, and domestic violence, including rape of a relative or spouse. By law, rape was 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 appellate courts. Police investigated cases of domestic violence before transferring them to prosecutors who made the determination on filing charges.

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.

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 NGO Kosovo Women's Network noted the lack of correctional and probation service programs for the reintegration and rehabilitation of perpetrators of gender-based violence.

The law recognized gender-based violence as a form of discrimination but lacked 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. 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 addition, each prosecution office had prosecutors assigned as trafficking in persons coordinators and sex crimes coordinators. 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.

The government provided partial funding to 10 NGO shelters that assisted women and child survivors of domestic violence, including two shelters for victims of human trafficking, but shelters for survivors of rape and other forms of sexual violence, as well as most lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) survivors of violence, were not available. Shelters aided women survivors and their children for up to six months. Boys older than age 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. Integration programs for survivors of gender-based violence were generally lacking.

In March, the Kosovo Constitutional Court ruled that the police station in Gračanica/Gračanice and the Pristina Basic Prosecutor's Office failed to protect the life of Sebahate Morina in 2021. Morina was killed by her former husband, Lulzim Sopi, 11 days after their daughter reported to police that her mother was being abused physically. Sopi pleaded guilty to domestic violence charges in 2019, but the Gjiilan/Gjnilane Basic Court only imposed a fine, despite his history of violence against his wife. A civil restraining order against Sopi was active until three months before Morina's reported murder. Following the Constitutional Court decision, women's rights organizations requested the resignation of the prosecution and police representatives involved in the case.

In February, the Pristina Basic Court sentenced four suspects to a total of 40 years in prison for the 2022 rape of a girl, age 11, in a city park in Pristina while she was under supervision of the Center of Social Work as a victim of trafficking. In September, the Appellate Court overturned the decision and ordered a retrial.

Other Forms of Gender-based Violence or Harassment: The law defined sexual harassment in civil and criminal proceedings. It stipulated criminal proceedings were to be initiated upon a survivor's request and prison sentences were authorized for sexual harassment offenses against at-risk survivors. The government's enforcement of this law was mixed. The government assigned designated sex crimes coordinators to improve effectiveness in prosecuting cases of sexual harassment and assault during the year. In cases where a crime was committed with the use of a weapon, sentences could vary from one to five years in prison. The NGO Kosovo Women's Network reported that implementation of sexual harassment laws was hampered by poorly defined procedures for filing complaints, and lack of clarity regarding which government bodies should receive these complaints.

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

Discrimination: The law provided the same legal status and rights for

women and men. The law required equal pay for equivalent work. Nevertheless, women faced discrimination in employment.

Relatively few women occupied upper-level management positions in business, police, or government, though the government included one woman deputy prime minister and five women ministers out of 15. The Ombudsperson Institution reported women were often subjected to discriminatory hiring practices and various forms of discrimination including sexual harassment at the workplace, both in the public and private sector. Women remained underrepresented in the labor market, with just one in five women participating in the formal labor market. According to the Agency of Statistics' *2022 Labor Force Survey*, the total labor force participation rate for women was 22 percent, compared to 55 percent for men. An independent study financed by the European Bank for Reconstruction and Development of 2021 tax data indicated the average net monthly salary was €480 (\$519) for men and €420 (\$454) for women.

The Ombudsperson Institution reported instances of discrimination against single mothers, particularly regarding the enrollment of their children to the public nurseries. Women's rights organizations reported sexual abuse and harassment occurred on the job but went unreported due to fear of dismissal or retaliation. According to the Kosovo Women Network, trade unions and chambers of commerce lacked gender-friendly policies to address women's rights.

The law stipulated partners in marriage and civil unions had 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.

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 and postexposure contraception was not always available as part of clinical management of rape. The Ministry of Health included emergency contraception and postexposure contraception on its list of essential drugs for health centers, but human 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. According to the Kosovo Women's Network, information regarding

reproductive rights, family planning, and contraception was insufficient, inhibiting access to safe and effective reproductive health services.

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibited discrimination based on racial or ethnic background. The constitution further allowed for the adoption of interim measures to protect or advance the rights of individuals or minority ethnic groups that suffered from discrimination. Reports of violence and discrimination against members of ethnic minority groups persisted. The law provided for equal protection, without discrimination, on the grounds of race, color, language, religion, national or social origin, relation to any community, property, economic and social condition, birth, or other personal status. The Law on Protection from Discrimination established a comprehensive system of protection from discrimination in the country and designated 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 contained provisions to classify as “hate acts” such offenses where race or ethnicity was a motivating factor.

The Ombudsperson Institution reported that although there was a legal framework to protect racial and ethnic minorities, there were problems preventing 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 April, a police officer assigned to an official checkpoint in Zvecan municipality shot at a vehicle that did not stop on police orders, causing minor injuries to the ethnic Serb driver. Following an investigation by the Police Inspectorate of Kosovo, the officer was arrested and charged with attempted murder, tampering with evidence, and failure to report; three other police officers were charged with failure to report. The officers were released on house arrest pending trial. The shooting prompted protests and criticism from Kosovan Serbs and the international community.

In July, the Supreme Court acquitted former member of parliament and minister Ivan Todosijevic of charges of inciting intolerance and denying atrocities committed against ethnic Albanian civilians in 1999. Todosijevic was serving as the minister of local government administration in 2019 when he publicly denied the occurrence of the well-known Recak/Racak massacre of 45 ethnic Albanians. The court ruled the remarks fell within the scope of freedom of speech, reasoning the statement was his opinion, which despite being inaccurate, did not include calls for hatred of other communities.

Access to justice for citizens in four Kosovan Serb-majority municipalities in the north remained limited following the November 2022 resignation of

virtually all Kosovan Serbs in the judicial and law enforcement sectors in northern Kosovo, exacerbating pre-existing problems. Kosovan Serbs reported they resigned in protest of government decisions, including those related to the exchange of Serbia-issued license plates bearing Kosovan towns' names, illegal in Kosovo, for legal Kosovan-issued plates. As of September, court branches in two municipalities remained closed due to short staffing, and approximately 7,000 cases were pending. The identities and photos of newly commissioned ethnic Serb police officers were posted online with threatening messages from ethnic Serb individuals and groups on social media, starting in late July and continuing throughout the year. Several Kosovan Serb police officers resigned in August shortly after they were commissioned and deployed in northern Kosovo, citing "threats and pressure." Government officials and international community representatives condemned the acts of intimidation that preceded the officers' resignations.

Ethnic minorities including the Serb, Romani, Ashkali, Balkan-Egyptian, Turkish, Bosniak, Gorani, Croat, and Montenegrin communities faced varying levels of institutional and societal discrimination in employment, education, social services, language use, freedom of movement, the right to return to their homes (for displaced persons), and other basic, legally stipulated rights. 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 mandated that 10 percent of national government employees in the Kosovan Albanian majority country 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 Ombudsperson Institution opened an investigation in August on the allocation of Office for Community Affairs' grants that, according to complaints filed by several civil society organizations, favored Kosovan Albanian-led NGOs.

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 Romani, Bosnian and Turkish. The commissioner and the Ombudsperson Institution reported municipal administrations and central government institutions were 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 were inconsistent.

Children

Birth Registration: Children not registered at birth were primarily from the Romani, Ashkali, and Balkan-Egyptian communities. UNICEF indicated lack of registration could harm a child's access to social assistance, particularly for repatriated children.

Education: The law required equal conditions for all schoolchildren and recognized 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 Romani, Ashkali, and Balkan-Egyptian children in public schools remained a problem.

Child Abuse: The Child Protection Law criminalized and provided for specific definition of different types of child abuse and neglect. In addition, the criminal code addressed 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 ranged from five to 20 years' imprisonment. The government's enforcement of the law was mixed.

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

Child, Early, and Forced Marriage: The law allowed persons to marry at age 18 or age 16 with parental consent. Although there were no official data on early and forced child marriages, it was a common practice, including within the Romani, Ashkali, Balkan-Egyptian, Bosniak, and Gorani communities.

Sexual Exploitation of Children: The law prohibited the sale, grooming or use of children for commercial sexual exploitation, including sex trafficking. Persons who used a child in making or producing pornography could receive a prison sentence of one to five years. The distribution, promotion, transmission, offer, or display of child pornography was punishable by six months' to five years' imprisonment. Possession or procurement of child pornography was 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 was 16. Statutory rape was a criminal offense punishable by five to 20 years in prison.

Antisemitism

Small Jewish communities of less than 100 persons existed in Prizren and Pristina, although exact numbers were unavailable. There were no known reports of antisemitic incidents.

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 were no laws that criminalized consensual same-sex conduct between adult individuals, cross-dressing, or any sexual or gender characteristic-related behavior.

Violence and Harassment: There were no reports police or other government officials conducted violence against LGBTQI+ individuals. The Center for Social Group Development noted an increase of intolerant and discriminatory language against LGBTQI+ individuals by some public officials and elected politicians especially in relation to a draft civil code that would regulate marriage equality and civil unions.

Violence against LGBTQI+ individuals remained prevalent. LGBTQI+ rights organizations noted an increase of domestic violence against LGBTQI+ individuals, though most instances went unreported. In November, a taxi driver attempted to strike with his vehicle an LGBTQI+ activist and owner of the only LGBTQI+ bar in Kosovo, and later posted threats to social media. The taxi driver was arrested in November, charged with attempted murder and incitement of hatred against the LGBTQI+ community, and remanded to pretrial detention.

Discrimination: The constitution and law prohibited 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 were unevenly enforced. When the motivation for a crime was based on gender, sexual orientation, or perceived affinity of the victim with persons who were targets of such hostility, the law considered motivation to be an aggravating circumstance.

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

Availability of Legal Gender Recognition: There was no standard administrative process by which individuals could 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 gender marker on identity documents for specific individuals who brought their request before the courts. In total, two citizens changed their gender markers on identity documents following lengthy court procedures. As of September, the courts refused two citizens' requests for change of identity documents; an additional 10 requests, filed over several years, remained pending.

Involuntary or Coercive Medical or Psychological Practices: There were no reports of so-called conversion therapy practices to change a person's sexual orientation or gender identity or expression.

The law required doctors to issue a medical report determining the gender of intersex persons at birth. The practice of irreversible surgery to assign the sex of newborn intersex children was not specifically required by the law but could be performed with parental consent.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no laws or other restrictions on individuals speaking or media reporting on LGBTQI+ matters, on the ability of LGBTQI+ individuals to assemble in public or private or to form associations, or on the ability of LGBTQI+ organizations to legally register or convene events.

Persons with Disabilities

The constitution and law prohibited discrimination against persons with physical, sensory, intellectual, and mental disabilities, and provided 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 was only one public school for blind and visually impaired children in the country, located in Peja/Pec. The school had 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. According to local NGO Handi-Kos, only 12 percent of children with disabilities attended primary education. 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 municipal compliance with a mandate on access to government buildings remained low.

Although the law required equal access to transportation for persons with disabilities, the Ombudsperson Institution reported unequal access to interurban transportation for blind persons, including insufficient reserved

seating and reduced fares for persons with disabilities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

The law required trade union organizations to have at least 10 voluntary union members to register with the Ministry of Labor and Social Welfare. The law stipulated valid reasons for strikes and required a seven-day advanced notification to the governing body or employer. Under the law, designated workers of "services of vital importance" faced added restrictions and had to provide "minimum work process and production" during a strike.

The government did not effectively enforce labor laws, which included regulations and administrative instructions that governed 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 less than 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 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 also engaged in antiunion retaliation. As of September, the Ombudsperson Institution concluded one investigation of alleged antiunion discrimination in the public sector. The Ombudsperson Institution found that the Civil Aviation Authority violated the right of employees to associate in unions and refused to address the recommendations of the institution and the Kosovo Assembly Committee for Human Rights, Gender Equality, Missing Persons and Petitions. The labor inspectorate (not fully functional due to budgetary and staffing shortfalls) reported receiving no formal complaints of discrimination against

employees who tried to join unions. 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

See the Department of State's annual *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 (see section 6)

e. Acceptable Conditions of Work

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

The law provided for a standard 40-hour work week, required rest periods, limited the number of regular hours worked to 12 per day, limited overtime to eight hours per week and 40 hours per month, required payment of a premium for overtime work, and prohibited excessive compulsory overtime.

The law provided for 20 days of paid leave per year for employees and 12 months of partially paid maternity leave. Contacts reported alleged violations of wage, hour, or overtime laws were common in the informal economy, construction, and textile sectors.

The law was not enforced effectively. Violations of wage, hour, or overtime compensation remained common in the private sector.

Occupational Safety and Health: Occupational safety and health (OSH) standards were generally appropriate for the main industries in the country. The government did not proactively identify unsafe conditions and only responded to workers' OSH complaints. The responsibility for identifying unsafe workplaces lay with individual employers, while the changes that would secure safe work conditions were the responsibility of occupational safety and health experts rather than workers.

Workers in the construction industry could not remove themselves from situations that endangered health or safety without jeopardy to their employment.

Wage, Hour, and OSH Enforcement: The Labor Inspectorate was responsible for enforcing labor standards, including those pertaining to wages, hours, and OSH. The government did not effectively enforce the law, and penalties were less than 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 had the authority to make unannounced inspections and initiate sanctions, although the inspectorate was not fully functional due to budgetary and staffing shortfalls.

According to the BSPK, employers failed to abide by official labor standards that provided equal standards of protection to public and private sector workers. Agency of Statistics data indicated 12.3 percent of employees worked over the 40-hour limit set by labor law, and anecdotal evidence suggested that overtime was rarely compensated.

There were no reliable official statistics on the informal economy, but a 2022 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 BSPK 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.