



COUNTRY OF ORIGIN INFORMATION KEY DOCUMENTS

KOSOVO

27 OCTOBER 2009

UK BORDER AGENCY

COUNTRY OF ORIGIN INFORMATION SERVICE

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1. Preface

- i This Country of Origin Information Key Documents (COI Key Documents) on Kosovo has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. It provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The COI Key Documents includes information available up to 29 September 2009. It was issued on 27 October 2009.
- ii The COI Key Documents is an indexed list of key reports, papers and articles produced by a wide range of recognised external information sources. It does not contain any UKBA opinion or policy.
- iii For UK Border Agency users, the COI Key Documents provides direct electronic access to each source referred to in the document, via a link on the source numbers in the index and list of sources. For the benefit of external users, the relevant web link has also been included, together with the date that the link was accessed.
- iv As noted above, the documents identified concentrate mainly on human rights issues. By way of introduction, brief background information on Kosovo is also provided. Please note, this background material is not intended to provide a summary of the material contained in the documents listed.
- v This COI Key Documents and the documents listed are publicly disclosable.
- vi Any comments regarding this COI Key Documents or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

Country of Origin Information Service

UK Border Agency

Apollo House
36 Wellesley Road
Croydon CR9 3RR
United Kingdom

Email: cois@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- vii The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>

- viii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>
- ix Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Independent Advisory Group on Country Information contact details:

Office of the Chief Inspector of the UK Border Agency
4th floor, 8-10 Great George Street,
London, SW1P 3AE

Email: chiefinspectorukba@homeoffice.gsi.gov.uk

Website: <http://www.ociukba.homeoffice.gov.uk/>

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2. Background information on Kosovo

Full Country Name: The Republic of Kosovo

Independence from Serbia declared 17 February 2008; formerly the province of Kosovo of the Republic of Serbia

Area: 10,887 sq km

Population: Estimated population: 2 million

Capital City: Pristina, estimated population: 600,000

People: Albanian (88%), Serbs (6%), Muslim Slavs [Bosniaks] (3%), Roma (2%), Turks (1%)

Languages: Albanian, Serbian, Bosniak and Turkish

Religion(s): Roman Catholicism, Islam, Serbian Orthodoxy

Major Political Parties: Democratic Party of Kosovo (PDK); Democratic League of Kosovo (LDK); New Kosovo Alliance (AKR), Democratic League of Dardania (LDD), Alliance for the Future of Kosovo (AAK) and Serbian Liberal Party (SLS).

Government: The Kosovo Government has full responsibility for public administration.

Head of State: President Fatmir Sejdiu (LDK)

Deputy Head of State: Prime Minister Hashim Thaçi (PDK)

(Foreign and Commonwealth Office (FCO) Country profile of Kosovo, last reviewed 7 November 2008) [3a]

GEOGRAPHY

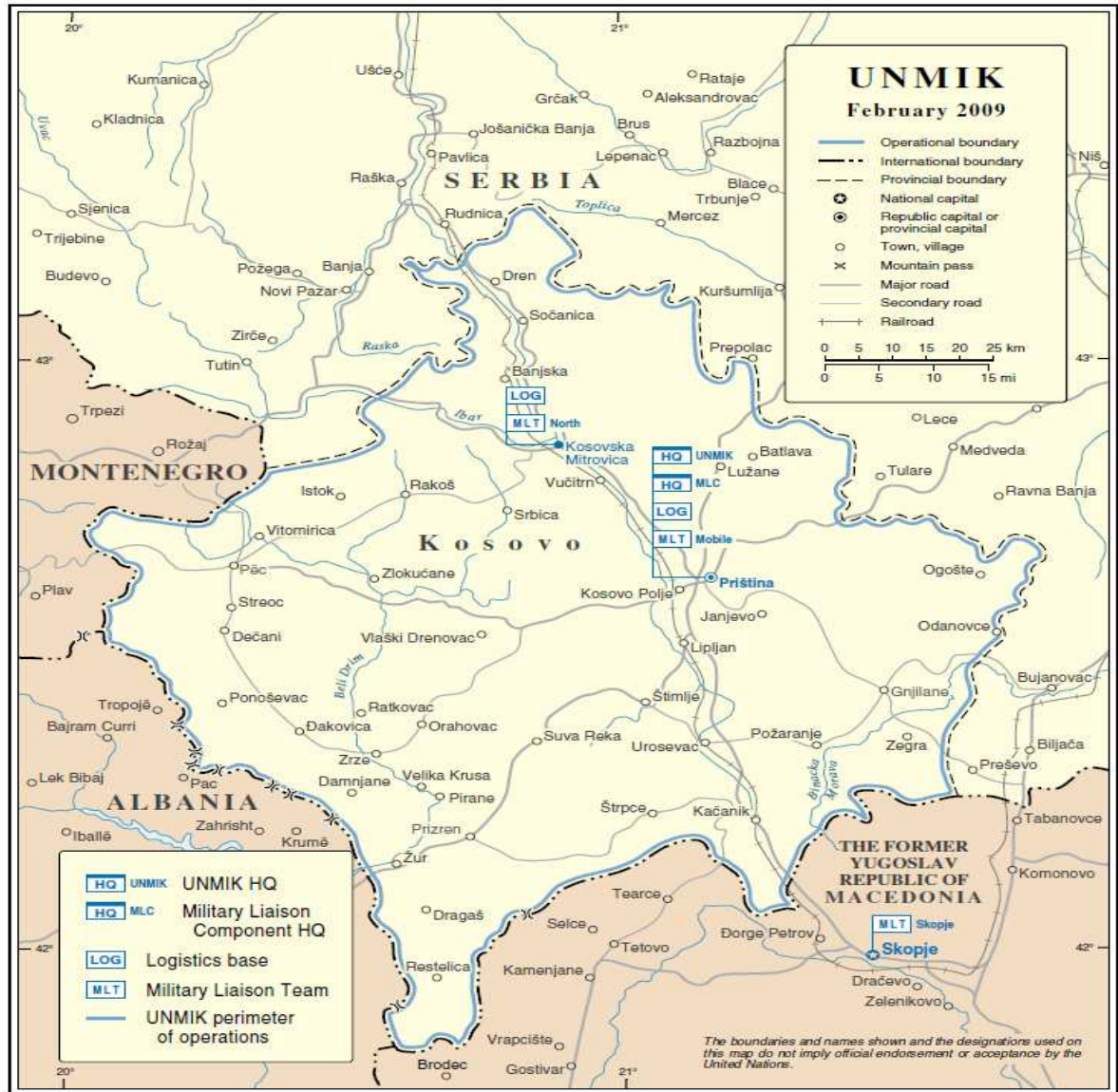
FCO Country profile of Kosovo, last reviewed 7 November 2008, notes that “Kosovo lies in the south-western corner of Serbia, bordering Montenegro, Macedonia and Albania. Much of the terrain is rugged and surrounded by mountains.” [3a]

MAP



(CIA World Factbook, 12 August 2009)

[9a]



Map No. 4133 Rev. 34 UNITED NATIONS
February 2009 (Colour)

Department of Field Support
Cartographic Section

(UN Cartographic Section) [5a]

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RECENT HISTORY

The CIA World Factbook: Kosovo, updated 12 August 2009, noted that:

“Kosovo became an autonomous province of Serbia with status almost equivalent to that of a republic under the 1974 Constitution of the Socialist Federal Republic of Yugoslavia. Despite legislative concessions, Albanian nationalism increased in the 1980s, which led to riots and calls for Kosovo's independence. At the same time, Serb nationalist leaders, such as Slobodan Milosevic, exploited Kosovo Serb claims of maltreatment to secure votes from supporters, many of whom viewed Kosovo as their cultural heartland. Under Milosevic's leadership, Serbia instituted a new constitution in 1989 that revoked Kosovo's status as an autonomous province of Serbia.” [9a] **(Background)**

The Foreign and Commonwealth Office (FCO) Country Profile, last reviewed on 7 November 2008, noted that: “In response to their loss of autonomy ... a referendum organised by ... [Kosovo] parallel institutions ... voted overwhelmingly for independence. In 1992, secret elections led to the appointment of Ibrahim Rugova as Kosovo President. His party, the Democratic League of Kosovo (LDK), which dominated the underground parliament, declared independence on 28 May 1992.” [3a]

Dissatisfaction among the majority Albanian community with Rugova's passive resistance policy, led to the formation of the Kosovo Liberation Army (KLA) and the launch of an armed insurgency. “Starting in 1998, Serbian military, police, and paramilitary forces conducted a counterinsurgency campaign that resulted in massacres and massive expulsions of ethnic Albanians.” (CIA World Factbook: Kosovo, updated 6 May 2009) [6a] **(Background)** It is estimated that around 250,000 Kosovo Albanians fled their homes as “... Serbian forces began a program of systematic reprisals and village clearances ...” (FCO Country Profile, last reviewed on 7 November 2008) [3a]

The FCO continued:

“In the face of growing human rights abuses, NATO ...[acted]... to prevent a humanitarian crisis. NATO air strikes on Kosovo and Serbia began on 24 March 1999 and continued until 9 June 1999. Following NATO's intervention, the Serb armed forces massively intensified a policy of ethnic cleansing, driving over 850,000 Kosovo Albanians out of Kosovo and into neighbouring countries. On 10 June, Milošević agreed to withdraw Serb troops from Kosovo, leaving the way open for international peacekeepers and allowing those who had fled to return to their homes.” (FCO Country Profile, last reviewed on 7 November 2008) [3a]

Following the conflict, the UN adopted Security Council resolution 1244 (1999) which “... placed Kosovo under a transitional administration, the UN Interim Administration Mission in Kosovo (UNMIK), pending a determination of Kosovo's future status. A UN-led process began in late 2005 to determine Kosovo's final status. The negotiations ran in stages between 2006 and 2007, but ended without agreement between Belgrade and Pristina. (CIA World Factbook: Kosovo, updated 12 August 2009) [9a] **(Background)**

INTER-ETHNIC VIOLENCE

Inter-ethnic violence, principally between ethnic Albanians and Serbs, continued sporadically at lower levels between 2000 and 2004.

Jane's Sentinel Country Risk Assessments, last updated 8 April 2009, noted that:

"Kosovo has been broadly calm since the wave of inter-ethnic violence of 17-20 March 2004. In all, 20 people died, over 500 houses and 42 Serbian Orthodox churches and monasteries were destroyed, and 3,800 Serbs were displaced..."

"In March 2004, calm returned in part because KFOR [NATO peacekeeping force] was reinforced from 17,500 to over 20,000 troops, including a British infantry battalion. The attacks were sparked by the drowning of three Albanian children in the River Ibar, allegedly after Serbs had chased them into the river, although this has not been proven. Earlier in the same week a Serb teenager was seriously wounded in a drive-by shooting in Caglavica, near Pristina. On 23 March, an ambush near the town of Podujevo left a local Albanian police officer and a UN officer from Ghana dead after their marked car was sprayed with automatic fire. One Albanian attacker died in the firefight and four more suspects were subsequently arrested.

"There was some evidence of orchestration of mob violence on the ethnic Albanian side during the March riots. KFOR stopped numerous buses carrying men aged 18 to 40 from going to Mitrovica in the belief that the men were being moved in to take part in violence in the divided town where some of the most serious clashes occurred. Albanians reported that mob leaders were unfamiliar, suggesting they were from other towns or possibly from another country. While it is likely that violence in Mitrovica and Pristina was indeed a spontaneous reaction to the drowning of the three Albanian children, the subsequent disturbances all over Kosovo, and their prolonged nature, point to widespread orchestration. This is thought to have emanated from three main sources: 'student' groups of adolescents, ex-KLA 'veteran' organisations, and small numbers of radicals affiliated to the Albanian National Army (AKSh). In the Drenica valley and elsewhere local Islamist extremists were involved in attacks on Orthodox sites. It is also possible that Serbs posing as Albanians were involved in exacerbating the violence." [7f] (Internal Affairs)

INDEPENDENCE

Jane's Sentinel Country Risk Assessments, last updated 8 April 2009, noted that:

"Kosovo declared independence from Serbia on 17 February 2008 after many years of waiting and several years of fruitless negotiations. By March 2009, 56 states had officially recognised Kosovo as an independent state, including the US, the UK, France and Germany. At the same time, however, a number of significant countries, including Russia, Spain and Greece, have not recognised Kosovo's independence. While having formally declared its independence, Kosovo is still technically a UN administered territory. However, responsibility for administering the province is in transition between the UN Interim Administration in Kosovo (UNMIK) and a new European Union led mission (EULEX) which will oversee the 'supervised independence' put forward in the Ahtisaari proposals. This transition phase was due to be completed in June 2008, but it is unclear when a full handover will take place, as resolution 1244, which provides the mandate for UNMIK's presence, remains in force." [7a] (executive summary)

Reuters reported on 4 June 2008 that: "On 15 June 2008 the new Kosovan constitution entered into force." [11a] The Telegraph reported on the 15 June 2008 that the "historic transfer of power" saw the Albanian majority take "...control of the government for the first time. The United Nations, which has run the former Serb province since the war of

1999, handed over the administration to the local authorities under Kosovo's independence constitution." [27a]

The BBC noted on 12 May 2009 that: "...Serbia, with the help of its big power ally, Russia, has vowed to block Kosovo from getting a United Nations seat." [6a] *The Telegraph* reported on 15 June 2008 that China, the second permanent member of the UN Security Council, had also refused to accept Kosovo as an independent entity. [27a]

A copy of Kosovo's constitution can be found through this link:

<http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf>

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RECENT EVENTS AND POLITICAL DEVELOPMENTS SINCE JANUARY 2009

The International Institute for Strategic Studies (IISS) noted in its Armed Conflict Database, covering events between March and June 2009, that:

"The Pristina government continued its efforts to gain authority on the ground and legitimacy in the eyes of the world. Despite remaining cooperative with the United Nations Interim Administration Mission in Kosovo (UNMIK), contact with Lamberto Zannier, the mission head, was kept to a minimum. Following a meeting with Zannier on 22 April, Kosovo President Fatmir Sejdiu insisted that the mission was no longer necessary and that it should draw down. Meanwhile, after much speculation about the potential withdrawal of NATO troops from Kosovo, NATO announced its intention to reduce the number of international peacekeeping force (KFOR) troops to around 10,000." [46a] (Latest update, March-June 2009)

The IISS noted that the reduction in the number of KFOR troops to around 10,000 is expected to be completed by the end of 2009, "... and that the number of troops could fall further to around 2,200 over the next two years if security permitted." [46b] (Military and Security Developments, March-June 2009)

IISS also noted that during the year, the Kosovo government garnered further international support with the total number of countries recognising its independence rising to 60. "During a landmark visit to Pristina on 21 May, US Vice-President Joe Biden referred to Kosovo's independence as 'irreversible', and stated that it was 'the only viable option for stability in the region'." On the "... 29 June Kosovo was formally admitted to both the World Bank and the International Monetary Fund (IMF)". [46a] (Latest update, March-June 2009)

The situation in Mitrovica has remained tense, with reports of ethnic clashes continuing throughout the year [2008/9]. The International Institute for Strategic Studies (IISS) noted in June 2009 that:

"... ethnic Serbs in the north of Kosovo continued to resist Pristina's governance, and a series of ethnically charged incident and perceived injustices led to protests and civil unrest. In April, Serb opposition to the renovation of five ethnic Albanian homes in the northern Mitrovica suburb of Brdjani led to clashes with KFOR in which security forces were reported to have used tear gas. On 20 May, the European Union Rule of Law Mission in Kosovo (EULEX) introduced enhanced security measures at customs Gates

1 and 31 [in northern Kosovo] in an attempt to reduce smuggling and illegal activities. Angered at what they saw as an attempt to legitimise the Pristina government, Kosovo Serbs held anti-EULEX protests throughout much of June, culminating in the setting up of road blocks and civilian observation posts on roads approaching the border posts on 22 June.” [46a] (Latest update, March-June 2009)

On 11 September 2009 Balkan Insight reported that the EULEX mission had announced that it had signed a policing protocol with the Serbian government allowing the exchange of information on cross-border crime. [30g] The move, which was strongly opposed by the Kosovo government, sparked a series of protests across Kosovo with some reports of violence directed at EULEX property. (UNPO, 10 September 2009) [53a] (Reuters, 16 September 2009) [11b]

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AUTHORITIES AND SECURITY FORCES

Jane’s Sentinel Country Risk Assessments, last updated 27 July 2009, noted that:

“While having formally declared its independence, Kosovo is still technically a UN administered territory. However, responsibility for administering the province is in transition between the UN Interim Administration in Kosovo (UNMIK) and a new European Union led mission (EULEX) which will oversee the 'supervised independence' put forward in the Ahtisaari proposals. This transition phase was due to be completed in June 2008, but it is unclear when a full handover will take place, as resolution 1244, which provides the mandate for UNMIK's presence, remains in force.” [7g] (Risk pointers)

Reuters reported on 4 June 2008 that: “Serbian and Russian opposition to Kosovo's Western-backed secession in February [2008] has left the new state staring at a patchwork of international oversight that could hinder its leaders for years to come. ... Russia says the transfer of powers and the deployment of the EU police mission are illegal without the green light from the U.N. Security Council resolution, to which Moscow holds the key.” [11a] Jane’s Sentinel Security Assessment for Kosovo, dated 24 June 2008, reported its belief that UNMIK “...will be replaced by the EU force EULEX by October 2009, after legal problems centred around the ongoing mandate of Security Council resolution 1244 prevented its planned handover in mid-June 2008.” [7c] However, *The Times* reported on 12 June 2008, that “...the UN is expected to continue to play a role in the Serb enclave of north Mitrovica, where local Serbs have rejected Kosovo’s independence.” [20c]

The International Institute for Strategic Studies (IISS) noted in its Armed Conflict Database, covering events between March and June 2009, that:

“At the beginning of June, in his most recent report to the Security Council, Ban Ki-moon, UN Secretary-General, said that UNMIK’s reconfiguration and downsizing was almost complete. He also revealed that the 2009/2010 UNMIK budget proposal reflected a reduction in the envisaged overall authorised personnel strength from 4,911 at present, to just 507.” [46b] (Military and Security Developments, March-June 2009)

EUROPEAN UNION RULE OF LAW MISSION IN KOSOVO (EULEX)

Jane's Sentinel Country Risk Assessments, last updated 18 June 2009, noted that: EU force EULEX will replace UNMIK which has "... complete authority over the territory and people of Kosovo ... by October 2009, after legal problems centred around the ongoing mandate of Security Council resolution 1244 prevented its planned handover in mid-June 2008." [7c] (Security) Jane's went on to note that the "... EULEX mission, to replace UNMIK, consisting of 3,000 judiciary, police and customs officials, came into formal operation in April 2009. [7a] (executive summary) The European Union Rule of Law Mission in Kosovo website, accessed 19 August 2009, noted that it is "... the largest civilian mission ever launched under the European Security and Defence Policy (ESDP).

"The central aim is to assist and support the Kosovo authorities in the rule of law area, specifically in the police, judiciary and customs areas. The mission is not in Kosovo to govern or rule. It is a technical mission which will monitor, mentor and advise whilst retaining a number of limited executive powers. EULEX works under the general framework of United Nations Security Resolution 1244 and has a unified chain of command to Brussels" [48a] (What is EULEX)

Europa World Online Kosovo noted that: "On 9 December [2008] EULEX began deployment throughout the country, including Mitrovica, which proceeded without incidents of violence; the police component of UNMIK was subsequently reduced from 1,582 to 55 personnel. [1a]

The International Institute for Strategic Studies (IISS) noted, in its Armed Conflict Database, covering events between March and June 2009, that:

"... EULEX mission had become 'key to the maintenance of stability on the ground'. The mission announced that it had reached full operational capacity on 6 April, and KPS units in the north of Kosovo reported directly to EULEX throughout the period. EULEX customs officers continued to monitor activity at border Gates 1 and 31 [in northern Kosovo]. On 20 May, the mission introduced enhanced security measures at the posts under its control in an attempt to reduce smuggling and illegal activities. These included the collection of copies of identification documents for drivers of commercial vehicles entering Kosovo, and of trading licences and accompanying documentation. Although the mission insisted throughout that it had no intention of collecting customs revenues, Kosovo Serbs were angered at what they saw as an attempt to legitimise the Pristina government. Protests were held throughout much of June, culminating in the setting up of road blocks and civilian observation posts on roads approaching the EULEX-controlled customs border posts at Gates 1 and 31 on 22 June." [46b] (Military and Security Developments, March-June 2009)

Further details about EULEX can be found at its website:

<http://www.eulex-kosovo.eu/?id=2>

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KOSOVO FORCE (KFOR)

The North Atlantic Treaty Organisation (NATO) website, accessed 19 August 2009, noted that:

“NATO has been leading a peace support operation in Kosovo since June 1999 in support of wider international efforts to build peace and stability in the area.

“Today, over 14 000 troops from the NATO-led Kosovo Force (KFOR) are still deployed in Kosovo to help maintain a safe and secure environment and freedom of movement for all citizens, irrespective of their ethnic origin.

“Following the declaration of independence on 17 February 2008, the Alliance reaffirmed that KFOR shall remain in Kosovo on the basis of UN Security Council Resolution 1244, unless the United Nations Security Council decides otherwise. In June 2008, NATO agreed to take on new tasks in Kosovo to support the development of professional, democratic and multi-ethnic security structures,

“Throughout Kosovo, NATO and KFOR will continue to work with the authorities and, bearing in mind its operational mandate, KFOR will cooperate with and assist the UN, the EU, in particular EULEX, the EU Rule of Law mission in Kosovo, and other international actors, as appropriate, to support the development of a stable, democratic, multi-ethnic and peaceful Kosovo.” [47a] (NATO's role in Kosovo)

The International Institute for Strategic Studies noted, in its Armed Conflict Database, covering events between March and June 2009, that:

“On 11 June, NATO announced that KFOR troop levels would be reduced by around 4,000, to leave a 10,000-strong force. The pace of reductions, it was revealed, would be decided by the North Atlantic Council in accordance with evolving security conditions on the ground. Senior officials suggested that the drawdown could be complete by the end of the year, and that the number of troops could fall further to around 2,200 over the next two years if security permitted. As part of the envisaged drawdown, KFOR's emphasis on flexibility and situational awareness will be increased.” [46b] (Military and Security Developments, March-June 2009)

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KOSOVO SECURITY FORCE (KSF)

The North Atlantic Treaty Organisation (NATO) website, accessed 19 August 2009, noted that:

“NATO is responsible for supervising and supporting the stand-up and training of a multi-ethnic, professional and civilian controlled KSF. The Kosovo-wide recruitment campaign for the KSF started on 21 January 2009. Reaching out to Kosovo’s minority communities and encouraging them to apply for the KSF remains a priority.

“The KSF shall be a lightly armed force and possess no heavy weapons, such as tanks, heavy artillery or offensive air capability.

“The KSF shall have primary responsibility for security tasks that are not appropriate for the police such as emergency response, explosive ordnance disposal and civil protection. It may also participate in crisis response operations, including peace support operations.

“This professional, all-volunteer force will be trained according to NATO standards and placed under civilian-led, democratic control. To date, the recruitment process has reached out across society and was carried out in two official languages: Albanian and Serbian. In the end, the KSF will comprise no more than 2 500 active personnel and 800 reservists. Training activities and courses started on 2 February 2009. The aim is for it to reach initial operational capability by mid-September 2009, with some 1,500 personnel.” [47a] (NATO’s role in Kosovo)

The International Institute for Strategic Studies (IISS) noted, in its Armed Conflict Database, covering events between March and June 2009, that:

“Controversy continued to surround the creation of the new Kosovo Security Force (KSF). Officially established on 21 January, the KSF is envisaged to become 2,500-strong over the next two to five years. As the natural successor to the Kosovo Protection Corps (KPC), the force will be lightly armed and will initially undertake mainly civil response and protection tasks. It will have facilities in Pristina, Urosevac, Prizren, Mitrovica, Pec, Gnjilane, Pomazatin, Srbica and Lukare. Basic NATO training for the KSF’s first 300 recruits began in Vucitrn on 2 February. There was significant opposition to the force, however, from Serbs and Albanians alike, and only a day after its establishment a grenade was thrown on to the premises of a regional KSF barracks in Pec. In attempting to reassure ethnic Serbs that the force would maintain an impartial approach to security, attempts were made to sever the new force’s identity from that of the KPC, which had comprised mainly ex-Kosovo Liberation Army (KLA) guerrillas. As such, only 1,400 members of the KPC were pencilled-in to join the new KSF, and NATO warned that even these would need to undergo further selection processes. This drew protests throughout the period from former KPC members who had not been admitted to the KSF and were concerned about their future employment. They criticised ‘irregularities’ in the selection process, insisted that external applications be put on hold and demanded the resignations of Fehmi Mujota, KSF Minister, and General Lieutenant Sylejman Selimi, the force’s commander. Attempts to ensure the multi-ethnicity of the force met with only limited success, however. Up to 3,000 Serbs protested against the KSF in Mitrovica on 10 February and there were reports of groups preventing NATO recruitment drives in Serb areas.” [46b] (Military and Security Developments, March-June 2009)

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ECONOMY

Gross Domestic Product (GDP): US\$1.35bn – 2.02bn

GDP per person: US\$675 – 1,079 (Foreign and Commonwealth Office (FCO) Country profile of Kosovo, last reviewed 7 November 2008) [3a]

Annual Growth: 3.5% (2007)

Currency: Euro (EUR), Serbian dinar (RSD)

Inflation: 3.9% (2007) (Jane's Sentinel Country Security Assessments Economy, last updated 27 July 2009) [7b]

Major Industries: Agriculture and micro-enterprises.

Major trading partners: Balkans region – 53%, EU – 18%, Turkey – 14%, US/Rest of the World – 15%. (Foreign and Commonwealth Office (FCO) Country profile of Kosovo, last reviewed 7 November 2008) [3a]

The World Bank, Kosovo Country Brief 2009, updated April 2009, noted that:

“Kosovo is one of the poorest economies in Europe, with per capita GDP of an estimated € 1,759 per annum in 2008. ... Latest unemployment figures published by the statistical Office of Kosovo show an unemployment rate of 43.6 percent in 2007 (down from 44.9 in 2006). ... Poverty is widespread, but shallow. Approximately 45 percent of the population live in poverty (below € 1.42 per day); and 15 percent in extreme poverty (€0.93 per day).” [42a]

The report continued:

“After an initial post-conflict acceleration in 2000, boosted by the large international presence, economic growth has fallen back to more sustainable levels (from 21.2% in 2000 to 3.9% in 2007). Economic growth in 2008 is estimated at 5.4%, supported in part by foreign assistance (estimated at around 10% of GDP) and on-going workers' remittances (estimated at 12% of GDP). Private consumption and public investment accounted for a large part of this growth.

“Domestic price inflation has mirrored movements in global food and fuel price inflation, picking up in 2008, before falling back to low levels at end year. The December-on-December inflation rate in 2008 was 0.5%. Latest statistical data show annual deflation in January and February 2009 (-0.5% and -1.2% respectively).” [42a]

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HUMAN RIGHTS

The US Department of State (USSD 2008) Country Report on Human Rights Practices 2008, released on 25 February 2009, stated:

“The government and UNMIK generally respected the human rights of residents; however, there were problems in some areas, particularly relating to minority communities. The most serious of these were deaths and injuries from unexploded ordnance or landmines; corruption and government interference in security forces and the judiciary; lengthy pretrial detention and lack of judicial due process; cases of politically and ethnically motivated violence; societal antipathy against Serbs and the Serbian Orthodox Church; lack of progress in returning internally displaced persons to their homes; government corruption; violence and discrimination against women; trafficking in persons, particularly girls and women for sexual exploitation; societal violence, abuse, and discrimination against minority communities; societal discrimination against persons with disabilities; abuse and discrimination against homosexuals; and child labor in the informal sector.” [2a] (Kosovo, introduction)

On 18 July 2008 Human Rights Watch (HRW) highlighted its concerns about continuing human rights abuses in the newly independent nation. It noted that: “Violence, impunity for common and political crimes, intimidation and discrimination are commonplace.” [4d]. The report cited four main areas of concern:

- The criminal justice system – political and ethnic violence continued to go unpunished.
- Roma, Ashkali and Egyptian communities remain marginalised and vulnerable to violence and discrimination.
- Kosovo’s leadership’s failure to adequately investigate of 400 plus missing Serbs.
- Domestic violence and trafficking of women. (HRW, 19 May 2008) [4b]

Reliefweb noted, on 21 July 2008, the publication of the Kosovo Ombudsman’s annual report. The report, presented by acting Ombudsman, Hilmi Jashari, stated that the level of human rights abuses, during the period 2007 - 2008, remained unsatisfactory with serious violations being recorded. Mr Jashari noted that the Ombudsman’s office had faced “...many obstacles during our actions to solve some cases...” The Ombudsman received “...over 8,800 complaints, mostly about ministries and courts, followed by municipal authorities and police service.” A lack of trust in the judiciary and the failure of the administration to ensure that ‘the rule of law’ protected individuals were cited as major problems. [32a]

Amnesty International noted in its 2009 Annual Report on Serbia (also covering Kosovo), covering events in 2008, released in May 2009, that UNMIK was proceeding very slowly in relation to its investigation and prosecution of war crimes. The report noted that:

“UNMIK’s remaining international prosecutors and judiciary made slow progress in addressing an estimated backlog of 1,560 war crimes cases. In August [2008] UNMIK said that proceedings were open in seven cases, only one of which was not an appeal or a retrial. According to UNMIK, international prosecutors were also reportedly directing investigations in 47 cases. Measures for the protection of witnesses remained of concern.

“Marko Simonović was indicted with three others in October for the murder in Pristina of four ethnic Albanians in June 1999.

“In November the UN Secretary-General reported that the UNMIK Department of Justice had established guidelines to enable access to criminal files by EULEX prosecutors, who had repeatedly complained that war crimes files were not available.

“Impunity remained for the majority of cases of enforced disappearances and abductions. Investigations were opened in six cases reported to UNMIK police by Amnesty International. Some 1,918 people remained unaccounted for, including Albanians, Serbs and members of other minorities. The Office of Missing Persons and Forensics performed 73 exhumations and recovered 53 sets of mortal remains. Some 437 exhumed bodies remained unidentified.” [10e]

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ETHNIC MINORITIES

Jane’s Sentinel Country Risk Assessments, last updated 27 July 2009, noted that:

“The demographics of Kosovo are disputed by Serbs and ethnic Albanians, with endless arguments in particular about population movements over the last few years. Having said that, it is possible to provide some estimation of the current ethnic composition of the country. Between 87 and 88 per cent of Kosovans are ethnic Albanians, with between six and nine per cent Serbs. The remainder of the population is made up of Bosniak and Gorani Muslims, Roma and Turks. There is a substantial diaspora of Kosovo Albanians, up to half a million people, living largely in Germany and Switzerland.” [7e]

BBC News reported on 15 February 2008 that there remain around 120,000 ethnic Serbs, mainly located in the three northern municipalities of Leposavic, Zubin Potok, Zvecan; the most southerly municipality of Strpce, and in the northern half of the city of Mitrovica. [6e] (See Municipality Profiles below). Violent clashes between ethnic Serbs and Albanians occurred in the city of Mitrovica on 3 September 2009, though there were no reported injuries. (Balkan Insight, 4 September 2009) [30f]

The BBC reported on 17 April 2007 that many Serbs left other parts of Kosovo after the March 2004 riots, in which seven Serbs were killed. [6g] However, the BBC also noted that Serbs have a higher membership within the Kosovan Police Service (KPS), at ten percent of a force of 7,200 officers, than their proportion of the total Kosovo population. (BBC News, 15 February 2008) [6e]

The USSD report for 2008 noted that: “There were multiple reports of violence against Kosovo Serbs during the year, which were usually investigated by UNMIK police.” [2a] (Ethnic Minorities)

USSD 2008 reported: “Roma were subject to pervasive social and economic discrimination; often lacked access to basic hygiene, medical care, and education; and were heavily dependent on humanitarian aid for survival. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in the homes they occupied prior to the 1999 conflict in Vucitrn/Vushtrri, security concerns remained.” [2a] (Ethnic Minorities)

Amnesty International noted in its 2009 Annual Report on Serbia (also covering Kosovo), covering events in 2008, dated 28 May 2009, that: "Approximately a third of the Kosovo Roma, Ashkali and Egyptians reportedly lacked civil or habitual resident registration, which prevented them from repossessing their homes. Many children, in particular girls, did not enroll in school or frequently dropped out. Many families were unable to afford health care. Some 700 Roma remained displaced in camps in northern Mitrovica, some in locations where their health was seriously affected by lead contamination." [10e] A report by UNICEF, dated 29 June 2009, concurred, noting that the Roma, Ashkali and Egyptian communities "... live on the fringes of society, often without the identity papers that would entitle them to benefits available to other citizens: social welfare, unemployment, even schooling." [24b]

However, the legal protection of Kosovo's minorities has been a prime objective of EU involvement in the country. Ethnic minority rights were first set out in the proposals of the United Nations' Ahtisaari plan. The plan specifically aims to safeguard the rights of Kosovo's minorities by ensuring that each community has a reserved number of seats in the country's legislature. The plan also allows for statutory minority ethnic representation in a number of areas, including the judiciary, language provision and education. (The South East Times, 21 May 2007) [54a] (United Nations Office of the Special Envoy for Kosovo, accessed 7 October 2009) [55a] The constitution details the rights and protections accorded to Kosovo's minorities - a copy of the constitution can be found via this link:

<http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf>

Although, Amnesty International's report noted that some "... members of non-Serb minority communities were excluded from consultations on the Kosovo Constitution." With the report going on to note that: "Both Serbs and Albanians continued to suffer discrimination in areas where they were in a minority. The Law on Languages was inconsistently implemented and the 2004 Anti-Discrimination Law was not enforced." [10e]

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

On the 8 April 2008, the Constitutional Commission of the Republic of Kosovo formally approved the new constitution. (kushtetutakosoves.com, 7 April 2008) [31a]. It came into force on 15 June 2008. (Reuters, 4 June 2008) [11a] Article 24 [Equality before the Law] of the Kosovo Constitution states that: "All are equal before the law." And that no "...one shall be discriminated against on grounds of ...sexual orientation..." (kushtetutakosoves.com, 7 April 2008) [31a] The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) noted in a report, published in May 2009, that Kosovo had one of the most liberal constitutions regarding the treatment of lesbians, and gays. The report noted that the following provisions were protected in law: Equal age of consent of homosexual and heterosexual acts; Prohibition of discrimination in employment based on sexual orientation, and Constitutional prohibition of discrimination based on sexual orientation. [43a]

However, the US State Department report on Human Rights Practices (2008) noted that:

“Traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. Gays and lesbians generally felt insecure, with many reporting threats to their personal safety. There were fewer threats reported than in previous years; however, this may have been due to greater caution taken by gays and lesbians in their activities. The print media at times reinforced these attitudes by publishing articles about homosexuality that characterized gays and lesbians as mentally ill. At least one political party, the Islamic-oriented Justice Party, included a condemnation of homosexuality in its political platform.” [2a] (Other societal abuses and discrimination)

The US State Department also noted that:

“The Center for Social Emancipation, a local NGO promoting lesbian, gay, bisexual, and transgender rights, stated that there were a number of other cases of discrimination against homosexuals during the year but that victims refused to allow it to present their cases publicly out of fear of discrimination. There were no updates in the March 2006 assault case involving unknown assailants who severely beat two men they observed engaging in homosexual sex. One of the victims later died of his injuries.” [2a] (Other societal abuses and discrimination)

There was some evidence that the gay community were able to meet in gay-friendly establishments in Kosovo; the names and addresses of these are not usually widely publicised for fear of reprisals. The daily newspaper Epoka E Re published the name of a gay friendly restaurant near the university in Pristina that directly led to the attacks on three members of the lesbian and gay community. (Institute for War and peace reporting, 17 May 2007) [35a] Sources mention the existence of a fledgling support system with a number of gay organisations operating in the country, and a website (gaykosova.org) providing information and news. In addition, Metroweekly.com, based in Washington DC, reported that there were apartments operated by the Gay and Lesbian community in Kosovo to assist individuals who had experienced difficulties with their families. (metroweekly.com, 17 May 2007) [34a] (gaykosova.org, accessed 28 July 2008) [33a]

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WOMEN

The Los Angeles Times, reported in an article dated 10 March 2008, that Igballe Rogova (Executive Director of Kosovo Women Network) reporting to a committee of the European Parliament looking at women's issues, stated that Kosovo had “incredibly good mechanisms on gender equality ... We have a law on gender equality, we have an office on gender equality at the prime minister level and, in every ministry, gender equality officers. We are not happy with the implementation of these mechanisms, but we are very optimistic.” [38a]

Domestic Violence and Trafficking

The US Department of State (USSD 2008) Country Report on Human Rights Practices 2008, released on 25 February 2009, stated:

“Domestic violence against women, including spousal abuse, remained a serious and persistent problem. The law prohibits domestic violence, and convictions carry prison terms of six months to five years. When victims did press charges, KPS [Kosovo Police

Service] domestic violence units conducted investigations and transferred cases to prosecutors. According to United Nations Interim Administration Mission in Kosovo (UNMIK), family loyalties, close-knit communities, and the backlog of cases in both civil and criminal courts added to the low rate of prosecution. As with rape, domestic violence remained a significant problem that was underreported.” [2a]

The USSD 2008 also noted:

“The KPS [Kosovo Police Service] reported that 21 domestic violence victims were housed in shelters between January 1 and June 30. The Center for protection of Women and Children provided assistance to 63 victims of domestic and sexual violence between January and September 24. The Ministry of Justice victim Advocate and Assistance Unit was involved in 646 domestic violence cases between January and June. Convictions in such cases were rare, and sentences ranged from judicial reprimands to imprisonment. Traditional social attitudes towards women in the male-dominated society contributed to the high level of domestic abuse and low number of reported cases.

“There were no government agencies dedicated solely to dealing with family violence. The Ministry of Labor and Social Welfare provided some financial support to NGO’s running shelters for domestic violence victims, which also accommodated some trafficking victims. The Ministry provided social services through social welfare centers. Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence concerning domestic violence, sexual abuse, and rape.

“During the year a 24-hour anonymous hotline for reporting domestic abuse operated in Pristina, Gjilan/Gnjilane, Peje/Pec, Prizren, and Mitrovica/Mitrovica. The hotline provided assistance to 582 victims during the year; it received 446 calls related to domestic violence, 27 to trafficking cases, 25 to child mistreatment, and 35 to sexual mistreatment. The hotline informed callers of their rights, available shelters, and related information.

“The KPS training school offered special courses on domestic violence and rape. There were no reports that the KPS responded inappropriately to rape or domestic abuse allegations.” [2a]

The United Nations Development Programme Kosovo (UNDP) noted in a news article, dated 5 August 2009, that it had provided grants for the operation of five regional safe-houses. The report noted:

“Grants were awarded to, The Women’s Wellness Center (Peja/Pec), Liria (Gjilan/Gnjilane), Safe House (Gjakova/Djakovica), The Shelter for Women and Children Victims of Domestic Violence (Prizren), and The Centre for Protection Women and Children (Pristina).

“These grants represent an important component of the work of the Women’s Safety and Security Initiative (WSSI), a programme of UNDP Kosovo, whose objective is to progressively and demonstrably improve the security of women and girls in Kosovo. WSSI has been operational for two years, and in partnership with the Agency for Gender Equality (OPM), the Trafficking in Human Beings Investigations Section (THBS) of Kosovo Police (KP) and the Kosova Women’s Network (KWN), supports the development of an integrated, comprehensive, and sustainable response to the problem of violence against women and trafficking in human beings.” [14f]

On the 18 July 2008, Human Rights Watch noted that domestic violence and the trafficking of women remained a serious and persistent problem. [4d]

The US Department of State (USSD 2009) Trafficking in Persons Report 2009 noted:

“The Government of Kosovo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government helped fund two NGO anti-trafficking shelters in 2008 and began implementing a new National Action Plan. The government did not adequately investigate and prosecute trafficking offenders, address trafficking-related corruption, and identify trafficking victims.” [2d]

The PeaceWomen website provides links to a range of women’s NGOs and associated reports and information:

<http://www.peacewomen.org/resources/Kosovo/kosovoindex.html>

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FREEDOM OF SPEECH AND THE MEDIA

The US Department of State (USSD 2008) Country Report on Human Rights Practices 2008, released on 25 February 2009, stated:

“The constitution and law provide for freedom of speech and of the press, and the government and UNMIK generally respected these rights in practice. However, there were reports of intimidation of reporters, including by officials in the public sector and government and by politicians and businesses. The media also encountered difficulties and obstructions in obtaining information from the government and public institutions. The law on broadcast media prohibits hate speech and speech that incites ethnic violence.” [2a] (Freedom of speech and press)

Freedom House’s 2008 “Freedom of the Press” report dated 29 April 2008 noted that:

“The media environment in Kosovo is regulated by the UN Mission in Kosovo and the constitutional framework. The system of licensing broadcast media in Kosovo is complicated and inconsistent. The television regulator Temporary Media Commissioner is generally considered non-transparent. There were several reported incidents of violence during the year, including the assault of Vesna Bajicic, a Pristina-based correspondent for Voice of America. A masked assailant attacked Bajicic in her home, accusing her of ‘bias in favour of Albanians’ in her reporting, and threatened to abduct her child and kill her if she continued. Journalists frequently complained of not being able to access public information. Although many media were able to sustain operations through aid donations, most struggled financially. As a result, editorial independence remains a weakness in Kosovo, with media adhering to business interests. Public broadcaster Radio Television Kosovo is particularly at the whim of political and economic interests. Public media have a financial advantage, as they are exempt from the value-added tax.” [22b]

On 9 June 2009 Reporters without Borders reported that Jeta Xharra, an investigative journalist and presenter of ‘Life in Kosovo’, had received death threats after a program, that had investigated reports of atrocities committed by the Kosovo Liberation Army during the 1998-99 Kosovo War, was broadcast. Reporters without Borders reported that the film crew were “... expelled from the municipality of Skenderaj (in the central Drenica region) while preparing a report there” and a subsequent “... smear campaign intensified after a programme about press freedom in Kosovo on 28 May that described how the government used its advertising to influence the media. Xharra also referred to recent dismissals of journalists regarded as critical of the authorities.”

“The campaign is being led by the tabloid newspaper Infopress, which accuses Life in Kosovo of denigrating Drenica, claims that Xharra is a Serbian spy and is demanding the programme’s withdrawal. The newspaper has also repeatedly published threatening letters from readers, thereby endorsing their content. ‘Jeta is exposing herself to the possibility of a short life,’ an Infopress journalist wrote on 4 June.” [44a]

Noting developments in the Xharra story, Human Rights Watch stated on 6 June 2009 that: “Despite the public outcry, no one from the Kosovo government has spoken out about the unacceptable and dangerous threats against a journalist or the attacks on media freedom, let alone investigate the apparent assault on the BIRN journalists in Skenderaj.” [4g]

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HEALTH CARE

Jane's Sentinel Country Risk Assessments, last updated 27 July 2009, noted that: "Health care data remains poor. However, it is fair to say that the country is one of the poorest in the Balkans, with concomitant high rates of smoking and related disease. There are five regional hospitals and a university hospital in Pristina, but they are under-resourced and the system is inefficient and poorly organised and funded. Low salaries mean that 'informal payments' are common, as they are throughout the region." [7e]

In a report by Information on Return and Reintegration in Countries of Origin (IRRICO), dated 15 April 2009, states:

"Every health care institution, state/public or private, is obliged to provide all citizens of Kosovo their services, ensuring the care without discrimination i.e. regardless: gender, nation, race, color, language, religion, political preferences, social status, the property status, the level of physical or mental abilities, family status, or age differences. Furthermore, the health care services are provided free of charge by the public health institutions for specific groups of people, such as: Children (under 15 years of age); Pupils and students until the end of regular education; Citizens over 65 years of age; Citizens, close family members of martyrs, war invalids and other invalids, their close family members; Beneficiaries of social assistance scheme and their close family members; Disabled people and other diseases determined by the Ministry of Health such as paraplegic, triplegic, and quadriplegic patients; blind, deaf and deaf-mute people; Patients with severe chronic diseases: diabetes mellitus type 1 (insulin dependant patients); patient in dialysis; chronic psychosis like schizophrenia (ICD-10; F-20) or bipolar disorders (ICD-10: F-31); severe mental retardations (ICD-10: QI below 70); tuberculosis; malign disease; HIV/AIDS and Mandatory immunization." [40a]

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