

# Kosovo

by Group for Legal and Political Studies

*Capital:* Pristina

*Population:* 1.816 million

*GNI/capita, PPP:* \$10,200

Source: World Bank *World Development Indicators*.

## Nations in Transit Ratings and Averaged Scores

NIT Edition	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
National Democratic Governance	5.25	5.50	5.75	5.75	5.75	5.50	5.50	5.50	5.50	5.50
Electoral Process	4.50	4.25	4.50	5.00	5.00	4.75	4.75	4.75	4.75	4.50
Civil Society	4.00	3.75	3.75	3.75	4.00	3.75	3.75	3.75	3.75	3.75
Independent Media	5.50	5.50	5.75	5.75	5.75	5.75	5.50	5.25	5.00	5.00
Local Democratic Governance	5.25	5.00	5.00	4.75	4.75	4.75	4.75	4.50	4.50	4.50
Judicial Framework and Independence	5.75	5.75	5.75	5.50	5.50	5.50	5.75	5.75	5.50	5.50
Corruption	5.75	5.75	5.75	5.75	6.00	6.00	6.00	6.00	5.75	5.75
<b>Democracy Score</b>	<b>5.14</b>	<b>5.07</b>	<b>5.18</b>	<b>5.18</b>	<b>5.25</b>	<b>5.14</b>	<b>5.14</b>	<b>5.07</b>	<b>4.96</b>	<b>4.93</b>

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

## EXECUTIVE SUMMARY

Kosovo had a convulsive year in 2017. There were some improvements in electoral processes and civil society, while the fight against corruption stalled due to a lack of political will. Despite ever present semi-authoritarian temptations and the cooption of the administration by external interests, the existing constitutional and legal framework continued to provide safeguards against an outright concentration of power.

The weaknesses of the government had begun to emerge in 2016, and it was unable to overcome the ongoing internal tension created by the animosity between its two constituent parties. It fell in May. Snap parliamentary elections on June 11, and the subsequent coalition negotiations, threw the country into institutional deadlock. The new ruling coalition formed in September is composed of the former predominant party in Kosovo, the Democratic Party (PDK), former Prime Minister Ramush Haradinaj's Alliance for the Future of Kosovo (AAK), the New Kosovo Alliance (AKR), and several parties representing minorities. Yet, the new coalition has failed to provide more stability than the previous one. Instead it has relied on ruling by decree, sidelining the Assembly, and often acting without due consideration to processes and legal requirements.

Kosovo had an intense electoral year, with both snap parliamentary elections and municipal elections taking place in June and October, respectively. Even though long-identified shortcomings of the electoral legislation have not been addressed, the Central Election Commission (CEC) and other relevant authorities undertook a substantial effort to ensure that both elections were held in a free, competitive, and transparent manner. They succeeded to a large extent, though some concerns were raised regarding political pressure in Serb-populated areas.

The elections showed that the rise of newcomer nationalist party Vetëvendosje and the erosion of traditional parties' power bases continued during 2017. Ideology has moved to the forefront of electoral campaigning, threatening the dominance of parties that originated in the 1990s and whose leadership, for the first time, is unclear. The newcomer party performed surprisingly well in both the parliamentary elections, where it became the largest group in the Assembly, and in the municipal elections, where it won three municipalities, including the two largest cities in Kosovo, Pristina, and Prizren. At the same time, PDK lost in half of the cities where it had previously controlled the city hall, and while its coalition came first in the general elections, the internal allocation of seats left it as the third parliamentary group. The Democratic League of Kosovo (LDK), for its part, was able to win the highest number of municipalities in the municipal elections and remain the second largest parliamentary group despite only being the third most popular list.

With institutions paralyzed by the intense electoral calendar, civil society and media took the lead in organizing public debate and continued to expose corruption and mismanagement of public affairs by the state and its officials, despite increasing pressure—which too often manifested as physical violence. Building from the progresses of 2016, public authorities have continued to investigate and prioritize such cases, even though more progress is needed in that regard.

The framework for local institutions has only seen some small incremental improvements in 2017, and municipalities are still missing sufficient funds and resources to fulfill their otherwise extensive role in the political system of Kosovo. During the year, no progress took place in the formation of the Association of Serb Majority Municipalities, due to the stalling of the dialogue with Serbia and the intense political cycle.

The greatest progress in 2017 regarding the judiciary was the launching of the Specialist Chambers in The Hague under the legal umbrella of Kosovar legislation, despite intense opposition from different actors across the political spectrum and within the new government. However, at the end of the year, the court, whose purpose is to investigate and prosecute potential war crimes committed between 1999 and as late as 2011, came under attack by a number of members of the parliament with the support of the president and the government, raising doubts about Kosovo's commitment to justice and the rule of law.

Similarly, the fight against corruption stalled after the authorities showed an absolute lack of commitment to tackle high profile officials, preferring instead to focus on petty corruption and thus avoiding complicated processes and fighting against political connections.

### **Score changes:**

- **Electoral Process rating improved from 4.75 to 4.50** due to the improved performance of the Central Election Commission in managing two electoral campaigns without major incidents and effectively providing adequate remedies.

**As a result, Kosovo's Democracy Score improved from 4.96 to 4.93.**

### **Outlook for 2018:**

The new Kosovar government will continue to struggle to implement its program. Internal contradictions, a weak coalition that is dependent on minority parties, and a unilateral approach will mark the following year, as the government will continue to sideline the Assembly to avoid due parliamentary control. The European Union (EU) will continue to request the fulfillment of several obligations inherited from the previous government, such as the ratification of the demarcation agreement with Montenegro, the establishment of the Association of Serb Municipalities, and the accomplishment of the final criteria for visa liberalization. This forceful approach might compensate for the weakness of the government, but its internal contradictions will continue to undermine its activities. At the same time, the opposition, especially Vetëvendosje, will struggle to overcome its own divisions, thus further deepening the governance crisis.

Integrating the Serb majority areas in the country's north will slowly progress during 2018, depending on the pace of the dialogue with Serbia. The judicial system will continue to replace the former parallel structures, albeit subject to high political interference, while municipalities and the decentralized administration will remain weak in the short term.

A lack of political will and the high politicization of state structures will continue to hamper the fight against corruption. The enhanced capacities of public authorities resulting from the latest reforms will collide with a lack of interest in pursuing high profile cases and addressing certain critical deficiencies, such as political party financing. In particular, political opposition to the Specialist Chambers will continue in 2018 despite diplomatic criticism.

# MAIN REPORT

## National Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
5.25	5.50	5.75	5.75	5.75	5.50	5.50	5.50	5.50	5.50

- Tensions between political parties continued in 2017, both within the government and the opposition. During the first half of the year, the government remained fragile, unpopular, and unable to act on key issues that were still pending from 2016, such as the demarcation of the border with Montenegro, the stalling of discussions with Serbia, or the ratification of the Instrument for Pre-Accession Assistance (IPA) Agreement with the European Union (EU).<sup>1</sup> This weakness, along with a constant decrease in approval ratings, led to the government’s collapse and snap parliamentary elections, which shook up the political landscape in June.
- On May 6, more than 40 MPs, some belonging to the ruling coalition, filed a motion of no confidence against the then-prime minister, Isa Mustafa, who was accused of failing to fulfill electoral promises and souring the public’s trust in the government as a result of the demarcation issue.<sup>2</sup> The vote was held on May 10, and passed with 78 lawmakers in the 120 seat Assembly—including those of the Democratic Party of Kosovo (PDK), the main partner of Mustafa’s Democratic League (LDK)—voting against the embattled prime minister.<sup>3</sup>
- The President of Kosovo, Hashim Thaçi, decided to hold elections at the earliest possible date, and thus called for them to take place on June 11.<sup>4</sup> According to the European Union Electoral Observation Mission (EUEOM), the campaign took place in a relatively calm atmosphere, only marred by some incidents of intimidation in Serb-majority areas and pressures from Belgrade to vote for Srpska Lista.<sup>5</sup>
- The new Assembly began its mandate with a deadlock, with three major parliamentary groups incapable of agreeing on a candidate for the positions of speaker and prime minister. As a result, the country’s leading institutions were paralyzed for three months, with critics of the president accusing him of acting in favor of his former party, PDK, instead of facilitating the country’s governance.<sup>6</sup> In early September, a series of realignments took place, with Behgjet Pacolli’s New Kosovo Alliance (AKR) and Srpska Lista joining the PDK-led coalition. The realignments allowed the reelection, with a narrow majority, of Kadri Veseli as speaker with the votes of 62 out of 120 MPs and the election of Ramush Haradinaj as Prime Minister, with the support of 61.<sup>7</sup> AKR’s decision debilitated LDK, whose group shrunk to 27 MPs. Similarly, AAK and NISMA decided to split from PDK for parliamentary purposes, leaving the latter with 24 MPs, now the third largest parliamentary group. As a result, Vetëvendosje, a left-wing, nationalistic, pan-Albanian movement that had run on its own at the elections, became the largest parliamentary group in the Assembly, with 32 MPs, and the main opposition party to the new government.<sup>9</sup> Vetëvendosje originated in 2005 as a protest movement critical of the existing ruling elites, and has advocated good governance, the establishment of a working welfare state, and genuine action against corruption and state capture by external actors. Vetëvendosje further supports reducing the role of the international community in internal politics, which it perceives as excessive. Its rise has marked an important shift in Kosovar politics, traditionally dominated by LDK and PDK—precisely the elites Vetëvendosje originated to challenge, and whose maneuvering space is shrinking as political competition rises.
- The transformation of Vetëvendosje into a genuine government alternative as the party secured a significant victory in the local elections to add to its success in June, continued to shake Kosovar politics in 2017 (see Electoral Process). Together with the continuous drop of PDK in both popularity and votes, political discussion moved towards a more traditional left-right divide, in which Vetëvendosje continued to consolidate as the main left-wing power alternative. However, its past of organizing

protests was used against the party; in November, the Basic Court of Pristina sentenced four activists to prison on charges of terrorism, for terms varying from two to eight years, regarding a grenade attack on the Assembly building in 2016.<sup>10</sup> Vetëvendosje portrayed the sentence as politically motivated, arguing that the police investigation on the attack failed to link the hit and run attack with the activists in question, and citing a parallel investigation undertaken by the FBI.<sup>11</sup> Both the party and the media have cast doubt about the fairness of the entire process.<sup>12</sup> On November 24, Vetëvendosje leader and candidate to the premiership Albin Kurti and three other MPs were also detained in relation to the use of tear gas in the parliamentary chamber in 2014. The fact that both episodes took place around the municipal elections sparked criticism regarding the neutrality of the state.<sup>13</sup> Vetëvendosje went as far as to announce criminal actions against the judge presiding over the matter.<sup>14</sup> Meanwhile, Kurti's detention provoked an internal crisis within Vetëvendosje. Accusations within the party's leadership left the organization in disarray and incapable of effectively exercising any opposition function during the entire month of December, when a reorganization and consolidation of party structures commenced.<sup>15</sup>

- Tensions remained high, especially in Serb areas, where the dominance of the Belgrade-backed Srpska Lista met resistance from local politicians. The most notable episode involved the leader of the Kosovo Serb Party (PKS), Aleksandar Jablanovic, who was involved in a number of clashes with Srpska Lista activists, among mutual accusations of violence and hate speech.<sup>16</sup> A number of attacks took place within the Albanian political community, where the ongoing political realignment increased the competition between old and new parties; old parties additionally competed over a shrinking space as traditional strongholds became contested. In March, former politician and lawyer Azem Vllasi was shot and injured in Pristina. A man was swiftly arrested; he confessed to the crime, justifying his actions on Vllasi's political past.<sup>17</sup> In October, Sadri Ramabaja, an outgoing Pristina Municipal Assembly member belonging to Vetëvendosje, was arrested while trying to cross into Albania and put in pretrial detention pending an investigation for planning a number of terrorist acts, including the attack on Vllasi.<sup>18</sup> A few days after the attempted assassination of Vllasi, the mayor of Vushtrri/Vucitrn, Bajram Mulaku (PDK), was threatened with a gun in his own office. In this case, the security detail managed to prevent the would-be attacker from causing physical harm.<sup>19</sup> That was not the case in May, when Arbana Xharra, a former investigative journalist, was attacked less than a week after joining PDK.<sup>20</sup> Police were still investigating the case by year's end. Similarly, the wife of Blerand Stavilevci, at that time Minister of Economic Development (PDK), was attacked in August and required hospitalization. PDK blamed Vetëvendosje, even though a connection was never established, and urged the police to expedite the investigation.<sup>21</sup>
- The paralysis of institutions prevented the continued implementation of previous commitments. In addition to the border demarcation agreement with Montenegro, dialogue with Serbia remained suspended for most of the year and relations with Belgrade soured substantially in 2017. In January, the grand reopening of the Belgrade–Mitrovica railway was marred by the stopping of the inaugural train from entering Kosovo by police because it boasted the sentence “Kosovo is Serbia” painted in more than 20 languages, which prompted bellicose rhetoric on both sides.<sup>22</sup> Relations further deteriorated in February when Ramush Haradinaj was detained in France for war crimes following an Interpol warrant issued by Serbia. The case led to the adoption of a resolution with overwhelming majority in Kosovo's Assembly, suspending any dialogue on the normalization of relations between the two countries.<sup>23</sup> The subsequent premiership of Haradinaj did not ease the situation, despite statements on both sides in favor of relaunching dialogue and small steps taken at the presidential level.<sup>24</sup>
- In general, interethnic relations remained strained in 2017, even though the level of tension was quite low. The existing legal framework, stemming from the constitution, foresees specific measures to ensure the political representation of the so-called communities and their participation in all levels of the government through the existence of quotas mirroring the ethnic composition of the relevant administrative jurisdiction. At the local level, the establishment of a position of a vice-president of the Municipal Assembly for Communities is foreseen, with the power to stop and review any municipal

action. At the central level, 20 seats (one sixth of the Assembly), as well as a minimum of ministerial positions, are reserved for parties that represent the communities. Ten of those are assigned to Serbs, while the rest are distributed among Turk, Bosniak, Roma, Ashkali, and Egyptian parties according to their votes. Due to parliamentary arithmetic, the government often is required to reach out to these parties, with three of them being currently among the ruling factions.

- The Haradinaj government, backed by a slim majority composed of seven political parties that form a loose coalition, has struggled to enforce its own program. Haradinaj has therefore opted to avoid the Assembly when possible, and to minimize its role where not. In practice, this has had two different effects. On the one hand, his government has focused on introducing legislative initiatives regarding only technical questions in which a broad consensus could be reached, mostly stemming from international obligations assumed by the previous governments or related to legal harmonization with the *acquis communautaire*.<sup>25</sup> Thus, the new Assembly managed to ratify the IPA 2016 Financing Agreement with the EU in October, unfreezing a direct contribution of some €71 million (\$88 million) to the budget that had remained unexecuted during the previous term.<sup>26</sup> However, when Haradinaj tried to reintroduce the question of demarcation with Montenegro, the contradictions of the ruling coalition became visible as some of its constituent parties opposed the initiative.<sup>27</sup>
- On the other hand, the government has been keen on taking unilateral decisions for which it lacked competence. Under the guise of curtailing corruption in public bodies, the entire board of the Kosovo Accreditation Agency, the institution responsible for supervising the higher education system, approving study curricula and granting licenses to private institutions, was dismissed at the request of the prime minister on September 23. Their members have been accused in the past of being unsuitable to hold such positions under relevant laws. A week later, 10 additional directors and members of the boards of several agencies and public enterprises whose nomination had been put in doubt by the Anticorruption Agency joined them.<sup>28</sup> The movement was considered arbitrary, intruding on the competences of the Assembly, and constituting an attempt to control independent agencies masked as an anticorruption effort.<sup>29</sup> In December, the government replaced the dismissed board members with a number of appointments made without consulting the Assembly, and without allowing it to make the final decision as required by law.<sup>30</sup> Similarly, in October the government decided to waive the debts of water bottling corporations, which amounted to €51 million (\$63.2 million) in unpaid taxes and fees, again in direct contradiction to the applicable legislation on the matter.<sup>31</sup> Other decisions, such as doubling the prime minister’s salary using reserve funds despite a different figure being approved in the budget, or the high number of deputy ministers—approaching 70 deputies—without a clear role have also caused outrage.<sup>32 33</sup>

## Electoral Process

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.50	4.25	4.50	5.00	5.00	4.75	4.75	4.75	4.75	4.50

- Kosovo’s electoral process continued a trend of positive development in 2017, as the country held both snap parliamentary elections in June and municipal elections in October, testing its capacity towards implementing the existing legal framework. As per an agreement between Kosovo and the European Union (EU), the latter was invited to monitor both electoral processes through an Electoral Observation Mission (EUEOM).<sup>34</sup> Overall, the June elections were deemed fair and genuinely competitive, but also showed a number of shortcomings that need correction. The Central Elections Commission (CEC) took due note of these issues in an attempt to improve its processes for the October municipal elections. Those elections were considered as competitive and well-administered in most of the country.
- Lacking clear political will to reform the system, electoral legislation in Kosovo remained the same as in the last general elections held in 2014, despite extensive pressure for reform coming from the EU

and international organizations. Even though an enhanced implementation process resulted in a solid track record of fair elections in recent years, the legal framework still displayed some major deficiencies, including excessively complex processes to request to vote from abroad and unreasonably short timeframes, especially for snap elections.<sup>35</sup> These deficiencies caused problems in June due to the precipitateness with which the CEC had to organize the elections. The main point of concern remained the formulation of voter lists, which were considered inaccurate and often included high numbers of deceased persons, creating the opportunity for electoral fraud. The root of the problem stemmed from the Civil Registry and the deficient registration of the deceased, which is only recorded at the request of the family. The Civil Registration Agency has taken some steps to solve the problem, with limited success thus far.<sup>36</sup> The CEC, for its part, considered that the dimension of the problem has been exaggerated and any differences between the official census and the voter lists could be attributed to the diaspora—Kosovar citizens residing abroad that are not counted in the census but feature on the voter list.<sup>37</sup>

- Following the motion of no confidence against Prime Minister Isa Mustafa’s government in May, President Thaçi called for elections to be held on June 11, thus leaving less than one month to organize the ballots. According to the legal framework, snap elections must be held within 30 to 45 days from the dissolution of the Assembly, and the president opted for the minimum threshold. This precipitateness created a number of difficulties along the entire process, due to shortened deadlines. In particular, the CEC was unable to process the vast number of vote-from-abroad requests, as conflicting timeframes in the law allowed unreasonably short deadlines. This phenomenon affected both Serbs currently residing in Serbia and Albanians elsewhere. In total, less than 15,000 people managed to register, from a diaspora population calculated to be around 800,000.<sup>38 39</sup> Similarly, certification processes for the lists competing for seats reserved to minorities were problematic, as a number of non-Albanian parties attempted to present ethnic Albanians in their lists, which the CEC and the courts prevented.<sup>40</sup> The constitution of Polling Station Committees (PSC) was also challenging, as these are supposed to be formed by representatives of the existing parties in the municipality. However, since many of these decided to run in preelection coalitions, the CEC was forced to improvise an ad hoc solution to ensure the due political representativeness of the PSC, within its legal powers. In the north, properly balancing competing Serb parties became even more difficult due to the lower degree of institutionalization in the region.<sup>41</sup>
- In response to a 2014 Constitutional Court ruling regarding the priority for government formation, most political parties decided to run for election in coalitions formed at the last minute. Thus, PDK aligned itself with the Alliance for the Future of Kosovo (AAK), the Initiative for Kosovo (NISMA), and other smaller parties, while LDK opted to form a coalition with AKR and the recently established Alternativa. Vetëvendosje was the sole major Albanian party that decided to run on its own. On the Serb side, three alternatives appeared to the Belgrade-backed Srpska Lista: the PKS, the Independent Liberal Party (SLS), and the Progressive Democratic Party (PDS).
- Overall, most candidates refrained from hostile language and hate speech, which led to an improved environment. The voting day took place without major incidents, except for a scandal that developed when it was discovered that some members of PDK and other parties of its coalition were posing as civil society observers.<sup>42</sup>
- The vote counting was handled by in the Count and Results Centre (CRC) in Pristina. While some of its methods were unnecessarily time consuming and more opaque than desirable, it allowed for a more transparent and open scrutiny than in previous elections. Thus, the CEC did not announce the final results until June 29. A number of complaints were filed to the Election Complaints and Appeals Panel (ECAP), and some made their way to the Supreme Court in the form of appeals against ECAP decisions. According to the EUEOM, the remedy structures worked as intended, and the final results were certified on July 8.<sup>43</sup>
- With a turnout of 41.30 percent, 747,228 Kosovars took part in the elections, with approximately 30,000 voting outside their usual polling station, whether abroad or displaced within Kosovo.<sup>44</sup> In absolute

terms, the June 11 election represented a higher turnout than in previous elections, including in Serb-majority areas. The results left a hanging Assembly, with three political forces closely matched. The coalition led by PDK, AAK, and NISMA obtained a slim majority, with 39 seats and 33.74 percent of the ballots. Vetëvendosje came second, with 32 seats and 27.49 percent of votes, while the LDK-led coalition gained 29 seats and 25.53 percent. As for the quotas reserved for minorities, Srpska Lista secured 9 of the 10 Serb seats (6.12 percent), while the last seat was taken by SLS with 0.49 percent. Both the Turkish Democratic Party of Kosovo (1.08 percent) and the Vakaf Coalition (Bosniak, 0.89 percent) secured 2 seats, while the New Democratic Party, the Democratic Ashkali Party of Kosovo, the Egyptian Liberal Party, the United Goran Party, the Ashkali Party for Integration and the United Roma Party of Kosovo obtained 1 seat each.<sup>45</sup>

- Local elections were held on October 22 and included the selection of new Municipal Assemblies, which are charged with regulatory work, and a two-round vote for the office of mayor, who fulfills executive functions. In 19 municipalities, including both Pristina and Prizren, the largest cities of Kosovo, a second round of mayoral voting was required, as no candidate reached the 50 percent threshold for a candidate to achieve an absolute majority. For these elections, the CEC implemented the lessons learned from the shortcomings identified in June, and increased training to PSC staff in voting and counting procedures, as well as its outreach efforts to inform voters about their rights and obligations.
- These elections were in general fair and democratic, and their management was considered good by the EUEOM.<sup>46</sup> For the first time, the CEC requested the criminal records of candidates, as required by law. Yet, following a mistaken understanding of relevant legal clauses, it disqualified everyone with a record instead of those ineligible to public office by a judge, which eventually resulted in the Supreme Court overturning the measure.<sup>47</sup> Complaints mechanisms were also reinforced and ECAP was able to deal with a high number of referrals within the very tight legal deadlines, ordering a number of recounts for both mayoral and municipal assembly elections. Its work, along with that of the CRC, was highly esteemed by the EUEOM as a remedy for the existing legal shortcomings.<sup>48</sup>
- However, this enhanced implementation strategy cannot solve all these shortcomings by itself. The Mission also expressed concern about the situation in Serb-majority areas, where Srpska Lista activists were accused of exerting pressure on alternative candidates, and parties were prevented the same degree of competitiveness than in the rest of the country. In Klokot, the opposition candidate unexpectedly decided to join Srpska Lista shortly before election day, while in Parteš, the first round had to be repeated due to substantiated allegations of vote buying by that same party.<sup>49</sup>

## Civil Society

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.00	3.75	3.75	3.75	4.00	3.75	3.75	3.75	3.75	3.75

- The civil society situation in Kosovo slightly improved in 2017 as the civic sector continued evolving during the year. The government showed a higher disposition to engage with civil society and involve it in political processes. The regulation on minimum standards for civil society consultation, approved in 2016, has been implemented in a proper manner, and an environment of communication akin to that existing at the Assembly is starting to develop. Civil society organizations have been increasingly active this year in a number of fields, including European integration, public administration reform, and the functional review of the rule of law sector, launched in November 2016.<sup>50</sup>
- In February, the government launched Konsultimet, an online consultation platform supported by the EU and in cooperation with CiviKos and the Kosovar Civil Society Foundation (KCSF).<sup>51</sup> The new platform was intended to publish all relevant documents for efficient policymaking from the very first draft, thus allowing registered organizations to comment on proposals at a very early stage. This would

result in more timely civil society involvement in the decision-making loop and provide policymakers with external input in the formulation of proposals from an early juncture. In its first six months, Konsultimet centralized 123 public consultations, albeit in an uneven manner. The Ministries of Infrastructure, Environment, and Internal Affairs were very active while equally relevant ministries such as Justice, Foreign Affairs or Agriculture failed to make use of the new tool.<sup>52</sup>

- As in previous years, the question of funding sources and the structure of many organizations remained unsolved, and in many aspects, still presented the core threat to the sustainability and independence of the sector. Most civil society organizations are still dependent on international donors, whose disposition to invest resources in Kosovo continued to erode this year. While substantial foreign assistance, mainly coming from the EU is still in place, most other major donors disengaged from Kosovo.<sup>53</sup> To help stabilize the situation, in June the government passed a regulation on public funding for NGOs, setting criteria, principles, standards, and procedures for public transfers to the private sector.<sup>54</sup> This regulation sought to fill an important legislative gap, since public funds for these organizations were hitherto assigned without any clear criteria or procedure. Although the regulation still contains several gaps and loopholes, it marked a substantial improvement, even more so considering the private sector’s limited willingness to engage in sponsoring activities other than sport or cultural events.<sup>55</sup>
- In general, the civil society remained very active during the year, continuing its paradigm shift from nation-building to broader governance issues, ranging from agriculture to security or economic development.<sup>56</sup> Especially during the political impasse of May–September, caused by the formation of a new government, a number of organizations took the lead on organizing public discussions regarding the political situation and priorities for the new government, in close collaboration with the media. However, as a consequence of the Action Plan for the European Reform Agenda (ERA) negotiated with the European Union and approved in November 2016, the role of civil society in agenda setting has been substantially reduced, as governmental priorities have already been agreed upon.<sup>57</sup>
- The risk of radicalization continued to loom above Kosovo, whose traditionally tolerant Islam has been put under pressure by some radical imams engaged in recruiting young people for the Islamic State. A report from United Nations Development Programme (UNDP) concluded that religious radicalization is persistent due to a lack of trust in key institutions and sociological factors stemming from isolation and poor economic performance.<sup>58</sup> However, through the year, Kosovo continued to actively fight radicalization. In April, a man was arrested for inciting violent extremism through social media, and subsequently sentenced to a 10-month prison term in June. The Court of Appeals raised the sentence to 18 months after considering that the Basic Court of Peja failed to properly apply the relevant legislation.<sup>59</sup>
- On October 10, the first organized and publicly announced Gay Pride Parade in Kosovo’s history was held in Pristina. Several hundred people marched through the city center with strong support from international diplomats and representatives, although local authorities provided a more lukewarm reception.<sup>60</sup> Despite strong opposition from certain hardline imams and the political parties close to them, the event took place without any major incident. Two cases of attacks and harassment that occurred after the march ended sparked a police investigation.<sup>61</sup>

## Independent Media

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
5.50	5.50	5.75	5.75	5.75	5.75	5.50	5.25	5.00	5.00

- The already comprehensive legal framework for the protection of media freedom in Kosovo remained unaltered in 2017. The constitution and relevant developing legal documents ensure some of the highest standards of protection in the region, regarding both freedom and pluralism. However, the

implementation of these laws continued to be problematic, with unduly long judicial processes and a high-pressure environment for journalists.<sup>62</sup>

- The media landscape is oversaturated, with 5 daily newspapers, 20 TV stations (excluding the public corporation), and 82 radio stations. With the exception of the public broadcasters, 5 television channels broadcast in Serbian and 1 in Turkish, while there are 23 Serbian radio stations, a further 9 in other minority languages, and 2 “multiethnic” stations.<sup>63</sup> In addition, a blooming digital sector adds to an already extensive market, with an unknown number of digital outlets.
- In general, Kosovo’s media sector can be considered well established and flourishing with a pluralistic landscape. However, doubts exist regarding the professionalism and actual independence of online media, which have increasingly become the main source of information for Kosovars and often fail to follow adequate verification processes before publishing. The lack of proper fact-checking remained a concern for most professional journalists working in traditional media outlets in 2017, given the immediacy of those online sources. Nevertheless, a number of online outlets recently started to apply for membership of the Press Council of Kosovo—a welcome move, as members of the Press Council of Kosovo are all subject to the same standards and codes of conduct.<sup>64</sup> Overall, the trends initiated in previous years have continued during 2017, with increasing investigative skills present. The process continued to be spearheaded by *Insajderi* and *Kallxo.com*.
- The ongoing attempts to reform the public broadcaster, Radio Television of Kosovo (RTK), continued to stall during 2017 due to difficulties in forging an agreement on a financing model that does not result in the broadcaster being funded predominantly from the state budget, despite such a financing model contradicting the applicable legal framework. RTK received the bulk of its funding from the state in 2017, which according to the law in force is an overdue transitional situation. The EU strongly criticized the latest proposals for failing to introduce more than just minor changes to the status quo, leaving RTK highly vulnerable to political influence from governmental institutions.<sup>65</sup>
- The number of attacks on journalists swelled compared to a relatively calm 2016, while, as in the case of Arbana Xharra, police investigations into acts of violence or intimidation against journalists stalled. In July, a reporter team from the daily newspaper *Koha Ditore* were forced to flee the scene of an eviction in Dardania after some of the expelled occupiers attempted to assault them.<sup>66</sup> In August, the director of the outlet *Insajderi*, Parim Olluri, received minor injuries after being attacked in Pristina, while another journalist Vehbi Kajtazi, editor in chief of *Insajder*, suffered minor injuries in an attack in October.<sup>67 68</sup> In Kajtazi’s case, the public nature of the attack allowed police to swiftly identify and detain the attacker.<sup>69</sup> He confessed being involved in a fight with Kajtazi, but denied knowing who the journalist was or his previous work, while Kajtazi considered the attack was politically motivated.<sup>70</sup> Coincidentally, the same day that Kajtazi was attacked, the Academy of Justice organized training for prosecutors and judges on handling violence against journalists.<sup>71</sup> In November, *Kallxo* reporter Taulant Osmani was threatened during protests against the relocation of a WWII monument in Gjilan. Despite the authorities showing more commitment to protect journalists from violence, these episodes remained too common in 2017.<sup>72</sup> The Association of Journalists of Kosovo (AGK) strongly reacted in December after public officials, whom journalists reported had been involved in illegal activities, intimidated the family of Saranda Ramaj. The AGK requested that the police and prosecution expedite the investigation and prosecution of the officials involved in the matter.<sup>73</sup>

## Local Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
5.25	5	5	4.75	4.75	4.75	4.75	4.5	4.5	4.5

- Only minor developments took place in 2017 compared with the year before. Kosovo’s constitution established a decentralized territorial organization in which public powers and decision-making

processes are handled at the closest possible level to its citizens. Thus, municipalities are established as effective units of self-government over which central institutions cannot exert any power, with the exception of the courts. However, financing remained an issue during the year, with most funding for the operation of the municipalities coming from the central government in the form of grants. During the previous fiscal year, municipalities’ own resources amounted to less than 20 percent of their budget, covering just €80 million (\$99 million) from a total budget of €421 million (\$522 million).<sup>74</sup>

- The implementation of the Brussels Agreements—which would help resolve the situation in the country’s north—remained problematic during most of the year due to the government’s suspension of dialogue with Serbia (see National Democratic Governance). Discussions for the establishment of the so-called Association of Serb Municipalities, foreseen in the Brussels Agreements, have stalled. In a report sent by the Ministry for Dialogue to the EU in July 2017, Kosovo accused Serbia of forcing this delay during the first half of the year, until the announcement of snap elections effectively put the question on hold until after the political deadlock was solved. In the same report, it accused Serbia of still financing parallel structures in the territories of the four northern municipalities against its previous commitments, as the Brussels dialogue proscribed that these municipalities would be gradually integrated within the Kosovar framework after the municipal elections held in October.<sup>75</sup>
- In early October, the new government approved a first draft of the Law on Pristina and sent it to the Assembly for debate. The new law was strongly supported by the current mayor of Pristina, Shpend Ahmeti (Vetëvendosje), as it will grant special status to the capital city, which will no longer be subject to the Law on Self-Government. The Law on Pristina foresees an increased share of excise taxes and an empowered municipal administration. Under the draft before parliament in 2017, Pristina municipality will be entitled to establish public enterprises without government approval, receive extra competences in healthcare delivery to enhance access to specialized treatment by creating municipal clinics, and increase its influence over the Kosovo Police, since a new Directorate for Municipal Police will be established to specifically deal with the capital’s requirements. In the past, differences between the government and Vetëvendosje had prevented any substantive developments in the status of Pristina. This breakthrough was possible due to the new government’s focus on filing as many draft laws as possible. The law was much anticipated by the capital’s government, as it will allow for the municipality to assume an increased role in policy design and implementation.<sup>76</sup>
- Local elections held in October resulted in a substantial victory for opposition parties and put an end to the era of safe seats, as a number of incumbent candidates lost. The result of the elections marked a continuation of the trends set in the June snap parliamentary elections, with traditional parties seeing their access to institutions limited by new political groups and movements. Vetëvendosje managed to retain Pristina after a close battle with LDK in the run-off and gained two more municipalities, Prizren and Kamenica, which not only increased its access to public funds, but also placed more responsibilities on the party and provided the opportunity for Vetëvendosje to continue preparing its mid-level cadres to hold executive functions. LDK, for its part, was the most successful party, winning 8 municipalities from the country’s 38, closely followed by Prime Minister Ramush Haradinaj’s AAK, with 7. In both cases, the total number of voters for these parties decreased from previous elections, yet the results served to somewhat stabilize LDK after the pounding it received in June, while Haradinaj’s party prolonged its enjoyment of the success it achieved during the June general elections. The biggest disappointment was for PDK, whose number of municipalities halved to 5, losing even some of its traditional strongholds, thus further eroding the access of the once hegemonic party to power and public funding. On the Serb side, Srpska Lista again won in all 10 municipalities where this group is a majority, guaranteeing its hegemony in Serb populated areas for the foreseeable future.<sup>77</sup>

## Judicial Framework and Independence

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
<u>5.75</u>	<u>5.75</u>	<u>5.75</u>	<u>5.50</u>	<u>5.50</u>	5.50	5.75	5.75	5.50	5.50

- Progress towards ensuring proper judicial independence, as established by the constitution, continued in 2017, with further efforts taking place to effectively implement reforms initiated in 2016. To that end, the Kosovo Judicial Council (KJC), with critical assistance of USAID, had to resist strong pressure from other institutions.<sup>78</sup> The KJC then moved to increase the resources and staff available to the judiciary, although concerns about funding availability persisted throughout the year.<sup>79</sup> Until 2016, the control exerted by the Ministry of Finance had prevented a number of investments in the judiciary, a situation that changed with the constitutional developments of that year.<sup>80</sup> As a result, and after a complex selection process, 53 new judges were appointed on July 31.<sup>81</sup> The appointment became controversial after the KJC unexpectedly lowered the requirements mid-process for new judges and later reversed the change, affecting 75 candidates that had first passed the qualifying tests.<sup>82</sup>
- Furthermore, in April the Assembly successfully passed an amendment on the Law on the Execution of Criminal Sanctions. The new legislation closed a number of loopholes in the old law and provided the judiciary with enhanced tools to avoid the nonexecution of sentences, which had remained a problem for a long time. Thus, international authorities hailed the adoption of the amendments as a positive step.<sup>83</sup>
- Despite these developments, the backlog of cases, especially at the level of Basic Courts, presented an ongoing problem for the functioning of Kosovo's judicial system. In the first half of 2017, the Basic Courts reduced its existing backlog by almost 10 percent by processing 40,000 more cases than they received.<sup>84</sup> However, a sizeable portion of this effort is simply due to prescription, while more than 359,000 cases remained pending at year's end.
- In August, President Thaçi of Kosovo and President Aleksandar Vučić of Serbia agreed to relaunch the integration of Serb judicial structures within the Kosovar justice system.<sup>85</sup> Some progress took place in September with the selection of a number of Serb judges and the implementation of previous plans to adapt a number of buildings and premises that had been earmarked for this process.<sup>86</sup> A first attempt to formally appoint these Serb judges failed on October 17, when those judges and prosecutors did not attend the mandated oath taking ceremony.<sup>87</sup> The event finally took place on October 24, after which the judicial system started to officially function in the north of Kosovo for the first time.<sup>88</sup>
- In 2017 the Functional Review of the Justice System commenced with a comprehensive examination of relevant laws. The Criminal Code and Criminal Procedure Code are being reviewed, while consultation for a new Law on Disciplinary Procedures started in September. These changes are expected to improve the efficiency of courts and anticorruption agencies, as new dispositions for the automatic removal of convicted officials are to be introduced with the new Law.<sup>89</sup>
- In The Hague, the Kosovo Specialist Chambers—a relocated judicial institution—was finally established to deal with politically sensitive war crimes committed during Kosovo's war of independence. Establishing these chambers required a difficult constitutional amendment and was highly contested as they were created in response to a 2011 Council of Europe report suggesting that serious war crimes and crimes against humanity had been committed after 1999. Consequently, many, including President Thaçi, perceived the institution as partial and unbalanced.<sup>90</sup> In late June, the Constitutional Court deemed a reviewed version of the Chambers' Rules of Procedure and Evidence as compliant with the constitutional framework, after a previous one was overruled.<sup>91</sup> Subsequently, the rules entered into force on July 5, after which the Specialist Chambers became fully operational.<sup>92</sup> The increasing threat of indictments from this court provoked a certain degree of anxiety within certain governmental circles. At the beginning of December, the government surprisingly offered to provide judicial protection to, and cover the legal fees of, any citizen involved in a process in the Chambers.<sup>93</sup> In a further escalation of internal dissatisfaction with the Chambers, on December 22 a group of MPs brought a motion to abrogate the Law on the Specialist Chambers, thus preventing legal procedures to commence, a move that attracted President Thaçi's support.<sup>94</sup>
- In November, an NGO claimed that the state prosecutor, Aleksander Lumezi had forged his qualifications, as he had failed to pass the bar—a requirement for legal practice.<sup>95</sup> The prosecution itself seized all relevant documents and kept the file closed, even after ending the investigation.<sup>96</sup> Lumezi

had previously been in the spotlight, having been implicated in some of the so-called Pronto case recordings, linking the embattled prosecutor to PDK (see Corruption).<sup>97</sup>

- In April, a scandal emerged after a court in Prizren sentenced Nebih Berisha to 12 years imprisonment for the murder of his wife, Zejnepe Berisha, in 2015. He had stabbed her 20 times in the presence of their daughter, yet the sentence handed down was the statutory minimum under the Criminal Code, appreciating the concurrence of various mitigating factors. The victim’s family considered the decision unfair and biased, and the Kosovo Women Network cautioned against a systematic softer approach towards crimes against women as opposed to other crimes.<sup>98</sup>
- Public trust in the prison system deteriorated in 2017 as the result of a number of events. In April, Naser Makolli died at the Lipljan Family Medicine Centre, where he had been transferred for treatment. Makolli was a key witness on the death of Astrit Dehari, whose death, initially tagged as suicide, prompted significant criticism from the opposition and the press.<sup>99</sup> As a result of the investigation, the Ministry of Justice suspended the acting head of the Prizren penitentiary center as well as two other supervisors and one officer.<sup>100</sup> On August 16, Sokol Zogaj, the Director of the Correctional Service, was attacked in Pristina. Zogaj was assaulted by unknown persons and required hospitalization. In December a Kosovar citizen was detained in Germany in relation with the attack at the request of the Kosovar authorities.<sup>101</sup>

## Corruption

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
5.75	5.75	5.75	5.75	6.00	6.00	6.00	6.00	5.75	5.75

- In 2017, the State Prosecution proved incapable of, or unwilling to, tackle high profile corruption, reversing the positive developments of previous years. Corruption has been an endemic problem for Kosovo since even before the country declared its independence and remains a key requirement for closer relations with the EU, and specially to obtain a visa free regime.<sup>102</sup> Consequently, the country already put in force strong laws against corruption, but implementation remained problematic. The population perceived the country as corrupt and considered advancements to tackle corruption as insufficient. Little change took place in 2017 from the succession of scandals that marred previous years, demonstrating the inefficiencies and shortcomings of the system.
- In December 2016, the EU pressured Kosovar institutions to step up their efforts in the fight against corruption, pointing specifically towards the lack of transparency and accountability of political parties, an issue civil society groups frequently denounced.<sup>103</sup> As a result of this pressure, the Committee on Public Financial Oversight of the Assembly addressed the institution’s president to expedite external audits on parties’ budgets in January 2017.<sup>104</sup> No proper audit had taken place since 2013, when the control over such question was transferred from the CEC to the Assembly, due to the Assembly’s failure to appoint an external auditor to fulfill the function.<sup>105</sup> As the issue led to media exposure, a number of parties decided to publish their budgets in a show of transparency, including Vetëvendosje and LDK; however, most others have failed to do so. In June, the Assembly finally selected a company to execute the auditing.<sup>106</sup> By the end of December, the process had been completed and the Assembly had received the audit and compiled a report for the CEC, although the CEC had not published the report by year’s end due to “technical reasons.”<sup>107</sup> Furthermore, in consultation with civil society, the Office of the Prime Minister launch an initiative in October to reform political party financing.<sup>108</sup>
- Following of the slew of scandals that emerged in 2016, the authorities took little action to tackle corruption. The Pronto case, which resulted from the publication of tapped conversations held by the then PDK parliamentary head Adem Gravobci and showed a systemic abuse of power and informal control over state structures, had few repercussions and did not lead to prosecution, despite the uproar it produced in 2016.<sup>109</sup> Some persons named in the leaked recordings have remained in their positions

within the KPC, the Court of Appeals, and other institutions. Furthermore, others implicated in the scandal, who had not previously held a position, were later nominated for public office.<sup>110</sup>

- In late May, a local NGO revealed that Emin Beqiri, the head of the Directorate for Economic Crimes of the Kosovo Police, had been involved in providing information to, and steering his unit's work away, from some realtors in exchange of bribes, for which he was forced to move to a less sensitive position until the completion of the investigation.<sup>111</sup> In January, Ukë Rugova, the son of the President Ibrahim Rugova, along with other 19 others, was acquitted in a case that centered on the illegal sale of Italian Schengen visas between 2012 and 2014. According to the EULEX judge on the panel, the acquittal was due to the prosecution's failure to specify the illegal actions undertaken by the defendants.<sup>112</sup> Prosecutors appealed, and the Court of Appeals ordered a retrial.<sup>113</sup> The debacle wasted a large amount of court resources and time. EULEX requested that a different bench preside over the retrial; earlier in the year, EULEX had also requested that the panel adjudicating on the Medicus case be composed of an international majority, as it deemed the case too complex for local authorities.<sup>114</sup>
- Apart from major cases, petty corruption remained widespread in 2017, despite the authorities showing a higher disposition to tackle criminals lacking political connections. Investigations and judicial proceedings in such cases continued apace, in contrast to more complex cases. For example, in July the Basic Court in Pristina convicted 12 teaching assistants at the University of Pristina for belonging to a network that sold exams and higher grades.<sup>115</sup> A report published in December further cast doubt over common practices within the University of Pristina and its commitment in tackling petty corruption, as it showed that 72 percent of the entire university faculty did not meet the minimum legal criteria to hold their position.<sup>116</sup> Other examples of successful anticorruption efforts developed during the year in different ambits, such as the conviction of members of a smuggling gang that smuggled tobacco and medicines into Kosovo in October.<sup>117</sup> Similarly, in December the public prosecution launched an investigation into racketeering connected to payments of electric bills in the north of the country.<sup>118</sup>

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