SERBIA AND MONTENEGRO
(INCLUDING KOSOVO)
COUNTRY ASSESSMENT
APRIL 2003

Country Information & Policy Unit
IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM

SERBIA AND MONTENEGRO

Contents		Paragraph
Ia	Scope of Document	1.1
Ib	Explanatory note	1.5
2	Geography	2.1
3	Economy	3.1
4	History	4.1
5	State structures	5.1
	Constitution	5.1
	Citizenship	5.4
	Political system	5.7
SERBIA		
MONTENEGRO		
KOSOVO		
ANNEXES **A - CHRONOLOGY** **B - POLITICAL PARTIES** **C - PROMINENT PEOPLE** **D - ABBREVIATIONS** **E - REFERENCES TO SOURCES**		

1a SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

1.4 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

1b EXPLANATORY NOTE ON THE STRUCTURE OF THE SERBIA AND MONTENEGRO ASSESSMENT

1.5 Serbia and Montenegro (SaM) is comprised of Serbia (including Kosovo) and Montenegro. Although currently administered by the UN, Kosovo remains a province of Serbia. For reasons of clarity, it has been simplest to deal with Serbia, Montenegro and Kosovo separately. This should not be taken to imply any comment upon the legal or political status of these territories. Thus, following general sections on geography, the history of the region until July 1999 and the SaM Constitutional Charter, the remainder of the document is divided into three discrete sections, covering Serbia, Montenegro and Kosovo respectively.

Back to contents

2 GEOGRAPHY

2.1 Serbia and Montenegro (SaM), which comprises the two republics Serbia and Montenegro, lies in south-eastern Europe. SaM is bordered to the north by Hungary to the east, by Romania and Bulgaria; and to the south by the Former Yugoslav Republic of Macedonia and Albania. Montenegro, to the south-west, has a coastline on the Adriatic Sea and SaM's inland western border is with Bosnia and Herzegovina and with Croatia. The province of Kosovo occupies the south-west portion of the Republic of Serbia and Vojvodina occupies the northern part. Belgrade is the capital of SaM, as well as being the capital of the Republic of Serbia. Podgorica, formerly known as Titograd, is the capital of the Republic of Montenegro. **[1]**

Population, Language & Religion

2.2 The territory of SaM has an area of approximately 102,173 square kilometres (approx. 39,449 sq. miles). Official estimates (based on the last official census on 31 March 1991) indicate a total population of about 10.5 million, with over 9.7 million living in Serbia. Of the total population 63% are Serbs and 17% are ethnic Albanians, most of whom live in Kosovo, where they account for the overwhelming majority of the province's population of about 1.8 million. The remaining 20% are made up of various minority groups including Bosniak Muslims, Croats, Hungarians and Roma. The principal language is Serbian (sometimes known as "Montenegrin" in Montenegro, and formerly known as Serbo-Croat). It is usually written in a Cyrillic script. Other languages, most notably Albanian and Hungarian, are also spoken in SaM. **[1]**

Back to contents

3 ECONOMY

3.1 This is dealt with in the individual sections on Serbia, Montenegro and Kosovo.

4 HISTORY

4.1 Until 4 February 2003, when the state union of Serbia and Montenegro came into being, the two republics formed the Federal Republic of Yugoslavia (FRY). FRY was the rump state left following the dissolution of the former Socialist Federation of Yugoslavia in 1992.

4.2 Although Yugoslavia had existed in some shape or form since the nineteenth century, the complex history of the country before the Second World War has not been attempted here. These details may be found in Europa Central and South Eastern Europe Survey if required. However, some historical context is provided in the following brief history of the region from 1945 onwards.

4.3 The Federal People's Republic of Yugoslavia was created on 29 November 1945 under president Josip Broz "Tito" and in 1946, a Soviet style constitution was adopted, establishing a federation of six republics: Serbia, Croatia, Slovenia, Bosnia, Macedonia, Montenegro; and two autonomous provinces, Vojvodina and Kosovo. After Tito's death in 1980, his responsibilities were transferred to the collective State Presidency. The position of head of state rotated annually between the Presidency's eight republican and provincial members. **[1]**

4.4 After Slobodan Milosevic became President of Serbia in 1987, relations between Serbia and the other republics and provinces began to deteriorate. In 1990, Milosevic moved to consolidate Serbia's power and his own by abolishing the autonomy of Kosovo and Vojvodina. In 1991, after political relations with Serbia had broken down, the Republics of Slovenia, Croatia, Macedonia and Bosnia-Herzegovina all declared their independence and by the end of the year Federal President Stipe Mesic had declared the old Socialist Federal Republic of Yugoslavia (SFRY) non-existent. In April 1992 The Federal Republic of Yugoslavia (FRY) was declared, consisting of the only republics now remaining from the SFRY, Serbia and Montenegro, and a new constitution was adopted. **[1]**

4.5 Throughout its first eight years FRY was dragged into a series of conflicts by

Milosevic, first as President of Serbia, then as President of FRY. Wars in Slovenia and Croatia were followed by a three year conflict in Bosnia-Herzegovina in which over 200,000 people died. In November 1995, the Dayton Peace Accord brought peace to the region. **[11m]**

4.6 Milosevic continued in power, with the opposition in Serbia remaining divided and ineffectual. However unrest continued within the Serbian province of Kosovo, where Milosevic had pursued a policy of severe oppression of the majority ethnic Albanian population. Ethnic Albanians were subjected to routine harassment by the police and dismissed them from official positions. All Albanian language schools were closed. Any resistance was brutally suppressed. **[1]**

4.7 Increasingly, the ethnic Albanians began to fight back and a military group, the Kosova Liberation Army (KLA) or Ushtria Clirimtare e Kosoves (UCK in Albanian), emerged with the declared intention of gaining independence for Kosovo. Milosevic responded by massively escalating the repression and carried out a policy of ethnic cleansing against the ethnic Albanian population. Serb forces systematically destroyed villages and drove out the ethnic Albanian inhabitants, forcing an exodus of over 800,000 people from the province. **[1]**

4.8 In March 1999, NATO intervened to protect the Kosovo Albanian population and in June 1999, the Serb forces surrendered and withdrew from Kosovo. Since then, Kosovo has been administered by the UN, with security provided by the NATO – led security force KFOR. **[11n]**

4.9 Milosevic's regime came to an abrupt end on 5 October 2000. Following large scale demonstrations over a period of several months, the political opposition united to form the Democratic Opposition of Serbia (DOS) and put forward Vojislav Kostunica as candidate in the Yugoslav Presidential elections. Milosevic refused to accept Kostunica's first round victory, but he had miscalculated. Hundreds of thousands of people took to the streets, storming government buildings and forcing Milosevic from power. The uprising of October 2000 was consolidated in December 2000, when DOS swept to power in Serbia, following the Assembly elections. **[11n]**

4.10 On 14 March 2002, the Belgrade Agreement was signed, by which the Federal Republic of Yugoslavia would become the state union of Serbia and Montenegro through the adoption of a new Constitutional Charter. On 4 February 2003, after many months of negotiations between the republics of Serbia and Montenegro, and with the mediation of EU High Representative Javier Solana, the Constitutional Charter was adopted. **[11n]**

4.11 The rights and responsibilities of the FRY were transferred to the state union of Serbia and Montenegro (SaM). Under a looser arrangement than FRY, the republics share common policies for foreign affairs, defence, internal economic affairs, foreign economic affairs and human/minority rights. They also have a shared court, but retain individual responsibility for all other matters. The state union is supported by the EU, but local opinion remains divided, with some favouring a closer bond between the republics and others preferring complete independence. The Charter contains the provision that after three years, the republics have the right to withdraw from the union following a referendum. **[11n]**

4.12 In March 2003, the union parliament of SaM chose Svetozar Marovic, a Montenegrin, as the country's first president. He is deputy chairman of the Democratic Party of Socialists (DPS) led by Montenegrin Prime Minister Milo Djukanovic. **[8m]** Marovic has indicated that his priorities are to provide full cooperation with the International Criminal Tribunal for the former Yugoslavia, to move towards closer integration with the EU and to press ahead with reform of the armed forces. **[73]**

Back to contents

5 STATE STRUCTURES

Constitutional Charter

5.1 As mentioned above, the rights and responsibilities of the FRY have been transferred to Serbia & Montenegro (SaM). The Constitutional Charter is based on the equality of the two constituent republics, Serbia and Montenegro. A citizen of one constituent republic is also a citizen of SaM and citizens have the same rights and

duties in the other republic as its own citizens, except for the right to vote. **[74a]**

5.2 A Charter of Human and Minority Rights and Civil Liberties was adopted on 26 February 2003, and protection of these rights and liberties must be ensured. Provisions of international treaties in this regard apply directly to the territory of SaM. SaM became a member of the Council of Europe on 3 April 2003. **[11o]** Freedom of movement of people, goods, services and capital is guaranteed. **[74a]**

5.3 SaM is responsible for matters relating to foreign affairs, defence, internal economic affiars, foreign economic affairs and human / minority rights. Also, the Court of SaM may rule on any disputes between the member republics concerning their competencies and on whether republic-level laws are in conformity with the legislation or constitutions of the republics or with the SaM Constitutional Charter. The Court of SaM may also rule on petitions of citizens in the event that the institutions of Serbia or Montenegro have violated their rights or freedoms as guaranteed by the Constitutional Charter. **[74a]**

Citizenship

5.4 FRY provisions relating to citizenship continue under SaM. **[74b]** Under the Milosevic regime, many inhabitants of FRY who were born in other parts of the former Yugoslavia, were not able to establish their citizenship in the FRY, leaving them in a stateless limbo. Refugees who applied for Yugoslav citizenship were forced to give up their Bosnian or Croatian citizenship to become eligible. To address this problem, in February 2001, the Government amended the 1997 Citizenship Law to allow dual citizenship. Also, any foreigner is able to apply for dual citizenship after 3 years of marriage to a Yugoslav (now SaM) citizen. There is a large backlog in dealing with applications for citizenship. **[2b] [4a] [5a]**

5.5 Under the 1997 Citizenship Law, 123,000 persons classified as refugees under the 1992 Law on Refugees were granted Yugoslav citizenship. However, many of those granted citizenship have retained their refugee cards instead of turning them in for Yugoslav ID cards, presumably because they believe they are entitled to greater benefits as refugees. **[2b]**

5.6 On 29 October 2002, the Governments of FRY and Bosnia and Herzegovina signed a Treaty on Dual Citizenship, which gave citizens from both countries the option of dual citizenship, with equal rights and privileges for travel between the countries. The treaty further secures the right of refugees to return by guaranteeing access to health benefits, social security, and other benefits earned while working in the previous country of residence. **[2b][75]**

Political system

5.7 The Parliament of Serbia & Montenegro is unicameral, consisting of 126 members of whom 91 come from Serbia and 35 from Montenegro. In the first elections, Members of Parliament were elected from among Deputies of the National Assembly of Serbia and the National Assembly of Montenegro. But within two years, MPs will be elected directly. The Speaker and Deputy Speaker of Parliament are elected from among its members but should not come from the same member state. The President is proposed by the Speaker and Deputy Speaker and elected by the MPs. The President may not come from the same member state twice in succession. **[74a]** The first President is Svetozar Marovic of the DPS party in Montenegro.**[11n]**
The Parliament, Council of Ministers and administrative centre of SaM is in Belgrade, while the Court of SaM is in Podgorica. **[74a]**

5.8 Within the state union, both the republics of Serbia and Montenegro continue to have their own governments headed by directly elected presidents; their own legislatures; and sovereignty over matters not specifically assigned to the state union. The Serbian and Montenegrin Presidents propose Prime Ministerial candidates who are then elected by the respective assemblies. **[1]**

5.9 The Serbian province of Vojvodina has an elected assembly with some autonomous powers. The Serbian province of Kosovo also has an elected assembly but overall responsibility for government remains with the UN administration, UNMIK. **[1]**

5.10 The political system in SaM is discussed in greater detail under the individual

sections dealing with each constituent republic.

Back to contents

SERBIA

Contents: **Para**

2	Geography	2.1	
3	Economy	3.1	
4	History	4.1	
5	**State Structures**		
	Political system	5.1	
	Judiciary	5.3	
	Legal rights / detention	5.10	
	Internal Security		5.14
	Prisons	5,24	
	Military service	5.29	
	Medical services	5.33	
	Education system	5.39	
6	Human Rights - overview	6.1	
6a	**Human Rights - Issues**		
	Freedom of speech and the media	6.4	
	Freedom of religion	6.12	
	Freedom of assembly and association	6.16	
	Political activists	6.19	
	Employment rights	6.23	
	People trafficking	6.26	
	Freedom of movement	6.31	
6b	**Human Rights - Specific Groups**		
	Ethnic Groups	6.38	
	- Hungarians and Croats in Vojvodina	6.44	
	- Muslims in Sandzak	6.50	
	- Ethnic Albanians (incl Presevo)		6.58
	- Roma	6.71	
	- Jews	6.82	
	Women	6.84	
	Children	6.89	
	Homosexuals	6.92	
6c	**Human Rights - Other Issues**		
	Repatriation	6.94	

Return to main contents

2 GEOGRAPHY

2.1 The Republic of Serbia is a land-locked territory forming the largest part of SaM. The Republic includes the provinces of Kosovo and Vojvodina. Kosovo is under the administrative control of the United Nations Mission in Kosovo (UNMIK). Excluding Kosovo, the population of Serbia is estimated at about 7.5 million, a drop of one percent from the last census in 1991. **[58a]** The capital of Serbia is Belgrade. **[1]** return to contents

3 ECONOMY

3.1 The Socialist Federal Republic of Yugoslavia's (SFRY) economy was based chiefly on industry (including mining), agriculture and tourism. Following a period of serious economic decline during the 1980s and the highly destructive break up of SFRY in 1991, all sectors of the economy were in a state of crisis from the inception of FRY in 1992. **[1]**

3.2 With its reconstituted borders, FRY lost access to most tourist areas, thus depriving it of much needed foreign currency from tourism. The economy also suffered severely as a result of its involvement in wars during the 1990's, international sanctions and its exclusion from international financial institutions. The NATO bombing during the Kosovo war also impacted upon the economy. **[1][4b][11n]**

3.3 Since the ouster of Milosevic, SaM has been welcomed back into all the major international economic institutions and much of its international debt has been rescheduled. However, economic performance remains weak due to general inefficiency in the economy and corruption. **[34] [2b]** While damage to the infrastructure and oil refineries from NATO's bombing in 1999 has gradually been repaired, transportation within and through Serbia remains a problem. **[2a]** Unemployment is approximately 30%, with GDP approximately $1020 per capita. **[2b]** Although the agricultural sector is undercapitalized, Serbia is self-sufficient in food. **[2a]**

3.4 Foreign aid is a vital source of Government revenue. **[2b]** Financial support from the international community has been provided conditional upon satisfactory cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) and upon specific economic reforms being implemented. The latter have led to price liberalisation, privatisation, reform of the banking sector and cuts in welfare programmes. Inflation fell to 14% in 2002. Rapid economic reform has led to redundancies and increased hardship for many. Inflation continues to rise, with electricity prices having increased by 150% in the past two years, and there is widespread discontent at the lack of improvement in living standards since the fall of Milosevic. **[54b] [8i] [11n]**

return to contents

4 HISTORY

4.1 Serbia was dominated by Slobodan Milosevic from the late 1980s until he was overthrown in October 2000 and replaced as FRY President by Vojislav Kostunica. The Democratic Opposition of Serbia (DOS) won a landslide victory in the Serbian Assembly elections and Zoran Djindjic was appointed Prime Minister of Serbia. **[11n]** Following the election, there was a purge of Milosevic's allies in senior positions in the administration, military and diplomatic service, leaving the ex-president increasingly isolated. **[1]**

4.2 The US made it clear that financial aid for FRY would be made specifically conditional upon Milosevic being handed over to the ICTY at The Hague. Milosevic was eventually arrested on domestic charges of corruption, fraud and embezzlement on 1 April 2001. He was extradited to the Hague on 28 June 2001, just one day ahead of an international donors' conference in Brussels, called to raise money for the reconstruction of FRY, which generated $1,280m in pledges for aid. Milosevic was initially indicted with charges relating to his actions in Kosovo, but further charges in respect of activities in Croatia and Bosnia were later added. **[1]**

4.3 The decision to extradite Milosevic was taken by the Serbian government,

despite a ruling by the FRY constitutional court that no such action should be taken. Milosevic's extradition highlighted the growing differences between the moderate nationalist FRY President Kostunica and the pro-Western reformist Serbia Prime Minister Djindjic. **[1]**

4.4 In March 2002, the FRY and Serbian governments came under renewed pressure from the USA to begin extraditing further war crimes suspects to the Hague. In early April 2002, the FRY parliament approved a new law that would allow the extradition of all suspected war criminals who have already been indicted by ICTY. The law applied to 23 suspects, including the then incumbent President of Serbia, Milan Milutinovic. Six suspects, including the former army Chief of Staff and former Yugoslav Deputy Prime Minister immediately agreed to surrender themselves to the court in the Hague. US aid was duly unfrozen in May 2002. **[8j]**

4.5 The antagonism between the Kostunica and Djindjic factions was again exposed when the DOS coalition expelled 50 MPs from parliament for inadequate attendance. 23 of the MPs were from Kostunica's DSS party and all 45 of the party's MPs walked out of parliament in protest. The expulsion of the MPs was subsequently overturned by the constitutional court, calling it a violation of the law on the election of deputies. Since then, Kostunica has been putting distance between himself and DOS in an attempt to capitalise on growing discontent arising from government austerity measures, with the DSS acting almost as an opposition party. **[8i] [54b] [59]**

4.6 Rather than seeking to become President of the new state, Serbia and Montenegro, Kostunica stood in the election for President of Serbia. Kostunica won the first round of the election, held on 29 September 2002, defeating his rival from the Djindjic camp, Miroljub Labus. He also won the second round on 13 October 2002, but the turnout was below the 50% required for the result to be valid. **[8k]** The elections were re-run in December 2002, with Kostunica winning 58% of the vote, but again the 50% turnout threshold was not reached.**[11n]**

4.7 The term of the incumbent President, Milan Milutinovic ended on 29 December 2002 and until a new President is elected the Serbian Parliamentary Speaker, Natasa

Micic will be acting President. It is likely that elections will be held in the Autumn of 2003, probably after the 50% turnout law has been amended. **[11n]** With FRY becoming SaM in February 2003, Kostunica has been left without an official position in Serbian politics and his influence is likely to be reduced, at least until the next elections. **[43n]**

4.8 Milutinovic, who had been indicted by the ICTY but could not be extradited while in office, subsequently surrendered himself to the Hague in January 2003.**[56c]** In February 2003, ultra nationalist leader Vojislav Seselj also handed himself over to the war crimes tribunal. **[55]**

4.9 On 12 March 2003 Prime Minister Djindjic was assassinated outside a government building in Belgrade. A previous attempt had been made on his life on 21 February 2003 when a truck was crashed into his motorcade. A State of Emergency was immediately declared and Zoran Zivkovic, a colleague of Djindjic's from the DS party was appointed Prime Minister. **[8n]** Under the State of Emergency the government had powers to ban political gatherings and imposed controls on the media. The government also took powers to arrest suspects without a warrant and hold them for 30 days without charges. **[8o]**

4.10 The government blamed organised crime networks for the assassination, in particular a group known as the "Zemun clan". **[11n]** The organised crime networks and corruption permeate many aspects of Serbian society, including the security forces and have close links with the Milosevic regime. The government has used the emergency powers to hold over 2,000 suspects with links to Zemun and other criminal groups, including several senior security officers and the Deputy Public Prosecutor. It has also removed 35 judges from office and disbanded the former paramilitary special service force, the JSO or Red Berets, which was implicated in several political killings, including that of former President of Serbia Ivan Stambolic. **[8p]**

4.11 EU governments including the UK supported the crackdown on organised crime, which was seen as a necessary cleansing before Serbia could make further progress as a democratic country. **[76]** The measures also enjoyed considerable public support.

[43o] The State of Emergency was lifted on 22 April 2003 **[43ab]**

return to contents

5 STATE STRUCTURES

Political system

5.1 Within the federal state, Serbia has its own government headed by a directly elected president, its own legislature and sovereignty over matters not specifically assigned to the Federal Republic. The president serves a five year term and nominates the prime minister in consultation with the 250 strong national assembly. The national assembly approves the prime minister and the council of ministers. Deputies are directly elected for four year terms. **[1] [43b]**

5.2 The most recent parliamentary election was held on 24 December 2000 and was judged to be free and fair by independent monitors. The Democratic Opposition of Serbia (DOS) won a majority at the Serbian National Assembly in the December 2000 elections. DOS is a coalition of a number of parties, originally led by the late Serbia PM Zoran Djindjic of the Democratic Party (DS). Ex- FRY President Kostunica's Democratic Party of Serbia (DSS) were key members of the coalition but left it following disagreements with Djindjic. Vojislav Seselj's Socialist Party of Serbia (SPS) attracted right wing nationalist support, but Seselj surrendered himself to the ICTY at The Hague in February 2003. **[11n] [55] [4c]**

Judiciary

5.3 The Constitution provides for an independent judiciary. The court system comprises local, district and supreme courts at republic level. Republic supreme court decisions may be appealed to the Court of Serbia and Montenegro. **[74a]**
There were concerns in 2002 that the judiciary remained susceptible to corruption and political influence, though to a much lesser degree than under the Milosevic regime. **[2]** However, the EC Stabilisation and Association Report 2003 comments that "the judiciary seem to be resuming their independent role". **[75]**

5.4 The government has made efforts to improve judicial infrastructure and court inefficiency which has led to a high backlog of cases. It has increased salaries for judges and improved judicial training in cooperation with international organisations and NGOs. The new Serbian Council for the Reform of the Judiciary has drafted a comprehensive strategy for judicial reform. **[2b] [3f] [75]**

5.5 The government has also initiated domestic trials for war crimes, with four trials held during 2002 **[2] [3f] [9e] [75]** In April 2002 the FRY army (VJ) reported that military courts had tried 188 active duty VJ members and had filed charges against an additional 42 for crimes committed in Kosovo. According to the VJ, 15 cases were still under investigation. The VJ also reported that it had transferred 137 cases of former VJ members to civilian courts. These were criminal indictments such as murder, rape and armed robbery rather than war crimes. **[2b]** The Truth and Reconciliation Commission, established in 2001, had not held any hearings on war crimes by the end of 2002. **[9e]**

5.6 The Serbian parliament passed the Law on Suppression of Organised Crime in July 2002, which created a semi-independent Special Prosecutor, a special police investigative unit, specialised court chambers, and a dedicated detention unit. The Special Prosecutor's competencies include war crimes as well as organised crime. Some human rights groups have expressed concern that the special police force's expanded powers to investigate and detain suspects could lead to abuse. Changes to the federal Law on Criminal Procedure allowing for implementation of the Special Prosecutor law were passed in December 2002. **[2b]**

5.7 Steps to enhance judicial independence and reform organisation structures of the legal process were proposed in new judicial laws in November 2001. **[2b] [75]** But these were undermined amendments were made to the laws in July 2002, giving a parliamentary judicial committee the power to bypass the judicial branch in nominating, appointing, and dismissing judges and court presidents. However, the reformed leadership of the judiciary resisted the changes, arguing that the principles of judicial independence and due process were more important than getting rid of the

judges with speed, even if they were guilty of abuses under Milosevic. The Serbian Constitutional Court suspended the amendments pending a final ruling on their constitutionality. **[2b] [75]**

5.8 However, dismissals of compromised judges on the grounds of corruption, political bias and under performance did take place during 2002 **[75]** and approximately one-third of Serbian Public Prosecution personnel were dismissed or forced into early retirement during the year. **[2b]**

5.9 The government strongly criticized the judiciary after judges freed the suspect arrested for the alleged failed assassination attempt on PM Djindjic in February 2003. During the state of emergency declared after Djindjic was assassinated on 12 March 2003, the government removed 35 judges from office and arrested the deputy public prosecutor Milan Saraljic because of alleged links with the criminal group Zemun. **[8q] [56d]**

Return to contents

Legal rights / detention

5.10 The Constitution prohibits arbitrary arrest and detention , and the Government generally observed this. The federal Criminal Procedure Code, introduced in March 2002, protects the rights of detained and accused persons including prohibitions against excessive delays by authorities in filing formal charges against suspects and in opening investigations. **[2b] [9c]** The Code obliges the police to provide an arrested person with immediate access to a lawyer and the investigating judge must authorise any detention of more than 48 hours. No suspect can be detained for more than 3 months without the decision of a judge, nor for a total exceeding 6 months. The Code prohibits and makes punishable the use of any kind of violence on a detainee **[3f]** and a suspect may only make a statement in the presence of legal counsel. A person wrongfully detained is entitled to compensation from the state. **[2b]**

5.11 In October 2002, both the Humanitarian Legal Centre and the Yugoslav Lawyers' Committee for Human rights reported that, despite occasional abuses,

police generally acted in accordance with the regulations introduced by the new code. **[2b]** Unlike in previous years, there were no reports of police detaining journalists or NGO members for "informative talks." **[2b]**

5.12 Under the state of emergency introduced on 12 March 2003, following the assassination of PM Djindjic, police were able to detain anyone who “endangers the security of other citizens of the Republic” for up to thirty days, without access to a lawyer, family members, or judicial review of the detention order. Over 2000 were being held in custody at the beginning of April 2003. **[8p] [9f]** Human Rights Watch expressed concern that those held under the emergency powers were unnecessarily being kept in isolation without access to legal representation. **[9f]** The EC Stabilisation and Association Report 2003 commented “In the light of the wide powers given to organisations which have not been adequately reformed, the state of emergency introduced in Serbia on 12 March should be as limited as possible.”**[75]** The state of emergency was lifted on 22 April 2003. **[43ab]**

5.13 In March 2002 the Government released all remaining internationally recognised political prisoners and political detainees. **[2b]** On 26 February 2002, the death penalty was abolished and replaced with a maximum sentence of 40 years imprisonment. **[9e]** The Constitution prohibits forced exile, and the Government did not employ it. **[2b]**

return to contents

Internal Security

5.14 The Interior Minister of the Republic of Serbia controls the Serbian police, who are responsible for internal security, border checkpoints and fire department services. The Ministry of Interior (MOI) also controlled a 400-member gendarmerie and 100 member anti-organised crime unit. In April 2002, the Law on Security Services transferred control of the State Security (RDB) secret police from the MOI to the control of the Prime Minister. **[2b]**

5.15 The authorities have not used police violence against political opposition **[9e]** but there were several cases of police abuse against ordinary citizens, particularly

Roma. (see Roma section) Human rights groups including Amnesty International registered 12 serious cases of police torture between December 2001 and October 2002, many of which occurred in police stations. Injuries suffered by the victims included, a head injury requiring brain surgery, a ruptured eardrum and bruised ribs. **[2b] [3f] [3g] [9e]**

5.16 The US State Department Report notes that police behaviour improved following the introduction of the new Code on Criminal Procedure in March 2003. Also, in October 2002, both the Humanitarian Legal Centre and the Yugoslav Lawyers' Committee for Human rights reported that, despite occasional abuses, police generally acted in accordance with the regulations introduced by the new code. **[2b]** However, cases of police brutality continued to be reported throughout 2002. **[3f]**

5.17 There was no effective institutional means of overseeing and controlling police behaviour and the only means of redress was via the courts. However, defence attorneys and human rights workers reported some improvement during the year in the willingness of the police and courts to take action in cases of police abuse. According to the Ministry of the Interior (MUP), the MUP initiated 649 disciplinary proceedings during the year, resulting in 27 arrests of policemen, 122 criminal complaints, 73 resignations and 93 suspensions. **[2b]** However, Human Rights Watch notes that the MUP often ignored complaints or denied knowledge of alleged incidents. **[9e]**

5.18 Police officers convicted of torture or ill treatment have tended to receive sentences of less than eight months in prison, so that the officers concerned were usually able to continue in police service. In an exception to this practice a sentence of 18months was imposed in August 2002 **[2b][3f][9e]** Amnesty International noted that cases of police abuse taken up by major Belgrade based human rights organisations such as the Humanitarian Law Centre (HLC) were more likely to be successful than those pursued at a local level. Compensation was awarded in a number of cases brought by HLC on behalf of members of the student group OTPOR. **[3f]**

5.19 The state of emergency following Djindjic's assassination on 12 March 2003

gave impetus to moves to reform the security forces. In particular, the Red Berets or JSO, a special operations unit with close links to organised crime and the Milosevic regime have been disbanded. A number of senior security service figures associated with the Red Berets have been arrested or killed when resisting arrest. **[8p][77]**

5.20 The Red Berets were a powerful force, totally independent of the regular army (VJ), which posed a significant threat to security and the new government. They were a blatant example of how government agencies and organised crime cooperated under Milosevic and were responsible for the murder of opposition figures such as former President Ivan Stambolic**. [8p][77]**

5.21 The Serbia and Montenegro armed forces (SMAF or VSCG, formerly known as the VJ) are formally under the control of the Supreme Defence Council, made up of the SaM President and the Presidents of Serbia and Montenegro. **[43p] [74a]**

5.22 The creation of the new state union of Serbia and Montenegro has provided an opportunity for reform of the armed forces. The army allegedly contains elements of the Milosevic regime, who are opposed to reform and have been accused of supporting the ICTY indictee General Mladic. Corruption is also widespread within the army on all levels. Senior army staff are thought to oppose civilian control over the forces and the reduction of its numbers, now set at 70,000, which some believe are only maintained to justify the abnormally large number of 53 generals. **[43p]**

5.23 Following an incident when the army arrested a Serb Deputy Prime Minister and a US diplomat, the Chief of Staff of the armed forces Nebojsa Pavkovic was sacked in June 2002. The removal of Pavkovic, one of the last remnants of the Milosevic regime, was seen as essential in the process of reforming the armed forces. He has since been detained for alleged collusion in crimes committed during the Milosevic era. **[8r]** A purge of Milosevic loyalists in the armed forces has been also initiated by the military courts, with an investigation into generals suspected of abusing their positions and powers. **[43q]**

Contacts with NATO intensified during 2002, though accession to the Partnership for

Peace remain contingent upon comprehensive military reform and full cooperation with ICTY. **[75]**

return to contents

Prisons

5.24 Prison conditions generally meet international standards and prison conditions improved following a decade of Milosevic-era neglect. There were no reports of deaths due to official negligence, nor of physical abuse of prisoners by guards. **[2b]** The Helsinki Committee for Human Rights reported that, while conditions were not ideal, there has been an overall improvement since the prison riots that occurred in November 2000. (An extensive survey of prison conditions is set out in the Helsinki Committee for Human Rights in Serbia's Prison Monitoring Report 2001.) **[7g] [7h]**

5.25 The Council of Europe (COE) concluded that Yugoslav prisons either met minimum standards for COE membership or would do within one year. **[2b]** The conditions in the prisons varied greatly from one establishment to another mainly due to a lack of government funds to repair dilapidated buildings and their facilities. The Helsinki Committee for Human Rights in Serbia noted that some prisons offered clean, secure environments for inmates; however, in some prisons, particularly the Belgrade Reformatory Hospital housing psychiatric prisoners, inmates were forced to live in filthy, inhumane conditions. The quality of food varied from poor to minimally acceptable. Health care was often inadequate. Basic educational and vocational training programs were in place at most prisons, but they were limited by lack of resources. The level of training for guards was inadequate, and guards received extremely low pay. **[2b]**

5.26 Men and women are held separately, and conditions in women's prisons are the same as in men's prisons. Juveniles were supposed to be held separately from adults, although this did not always happen in practice. Pre-trial detainees were held separately from convicted prisoners. Prisoners were not allowed to vote in the Serbian presidential elections in September and October. **[2b]**

5.27 The Government permitted visits by independent human rights monitors in 2002.

Both the Humanitarian Law Centre and the Helsinki Committee for Human Rights obtained permission to visit all of the prisons in Serbia during 2002. Helsinki Committee representatives were allowed to speak with prisoners without the presence of a prison warden. **[2a]** The Government also permitted visits by the International Committee of the Red Cross, the Organisation for Security and Co-operation in Europe (OSCE), and the Council of Europe. **[2b]**

5.28 The Lancet and OSCE reported that conditions in the only prison hospital in Belgrade were appalling, with cells lacking heating and insulation, no new medical equipment in 15 years, poor sanitary facilities and widespread incidence of tuberculosis. Conditions in the hospital are considered much worse than in any prison, largely due to under-funding. **[78]**

return to contents

Military Service

5.29 Military service is compulsory for men between the ages of 18 and 27 and has recently been reduced to 9 months. **[3e] [7g]** Military service for women was introduced in 1993. However, a citizen who does not wish to participate in military service (on the basis of religious or other valid conscientious objection) may participate in civilian national service or in the army without the use of weapons, though this does not apply during a state of war. Those granted conscientious objector status are entitled to do unarmed military or civilian service and are required to serve for 13 months. **[3e]**The provisions for conscientious objection continue under the new state union of Serbia and Montenegro. **[3f] [74]**

5.30 Human Rights Watch and Amnesty International reported that the army rejected requests by conscientious objectors for service in civil institutions. **[9e] [3f]**
A Jehovah's Witness, Sahiti Mirsad, served a five month jail sentence because of his conscientious objection to serving in any part of the military. However, the US State Department Report for 2003 notes that the federal law requiring military service was not enforced during 2002 and there were no forced conscriptions. **[2b]**

5.31 Under FRY legislation, draft evasion is covered by both the Military Code and the Federal Criminal Code. The Criminal Code provides for terms of imprisonment on conviction. There was no general mobilisation during the Kosovo war but a large percentage of young men were either drafted or summoned by individual calls. Thousands of young men avoided military service during the war, many of them fleeing abroad to Hungary and other countries. **[2a]**

5.32 The FRY Government passed an Amnesty Act in February 2001 which granted amnesty to all draft evaders / deserters. The Act applies to all offences before 7 October 2000 and it is estimated that 24,000 people benefited from the amnesty. **[3b] [11a] [12a]**

return to contents

Medical Services

5.33 Serb citizens are legally entitled to free health treatment, but years of neglect and corruption under the Milosevic regime have seriously damaged the health service. **[7g]** A comprehensive survey of Serbia's health service in 2001 was undertaken by the Helsinki Committee for Human Rights in Serbia. The report observed that in hospitals, as well as paying for the bed and food, patients usually have to pay for everything else they need for their treatment. Most hospitals are very old, some lacking running hot water and heating. The ratio of hospital beds to patients is very low (1 bed for 184 patients) and yet they are under-utilised (70%) because of inefficiency. **[7g] [48b][48c]**

5.34 When the new government took over in October 2000, it found widespread abuses and misappropriation of funds, describing the situation in the health service as "critical". In late 2000, the entire health system subsisted on foreign aid in kind. The health services in 2001 remained characterised by an extreme lack of resources at all levels and spheres of work; an urgent need for restructuring; poor organisation and chronic inefficiency; and a heavy reliance upon foreign donor support to enable the system to function even at the low level that it does. The pay of health workers is very low and the quality of services suffered because some employees were reduced to moonlighting to earn a minimum subsistence. **[7g]**

5.35 The state of the health service in Serbia is paralleled by the deterioration in the health of its population. As well as inadequate treatment, likely causes are stress, poverty and poor living conditions. The 1999 statistics indicate the highest death rate, the highest suicide rate (among the highest in the world) and the lowest birth rate since 1945. **[54b]** Infant mortality is up by 3% in the last ten years. Cases of tuberculosis, heart disease and cancer have also increased in recent years, with numbers of cancer cases in 2000 up by 63% from 1991.

5.36 The mental health of the population has also deteriorated. Massive consumption of Bensadine, Bromazepam and Diazepam, suggests that one in every two people in Serbia are reliant upon sedatives. **[7a][33a]** Treatment for mental health disorders is available, though numbers of psychiatric staff and bed spaces are limited. **[48c]**

5.37 Official statistics suggest a relatively low incidence of HIV/Aids in Serbia, but this may be due to underreporting. The government has established the Republic National Aids Committee which his formulating a strategy to deal with Aids in cooperation with UNDP acting as funding agents. Treatment for HIV / Aids is available in Serbia. **[21h]**

5.38 The United Nations Environment Programme (UNEP) has confirmed that low level contamination by depleted uranium was found at five sites in Serbia and Montenegro. The study concludes that the contamination does not pose any immediate radioactive or toxic risks for the environment of human health, but recommends that authorities take certain precautionary measures in line with those UNEP recommended for Kosovo. **[22]**

Key indicators (for SaM / FRY) [1]		**UK (WHO)**
Fertility (births per woman, 2000)	1.7	
Under 5 mortality rate (per 1000 live births, 2000)	20	
HIV/AIDS (% of persons aged 15-49,2001)	0.19	
Physicians (per 1000 head, 1998)	204	164 (1993)

Hospital beds (per 1000 head, 1995)			5.31	
Health expenditure:	US$ per head	237	1512 (2002)	
	% of GDP		5.6	6.8 (2002)
	public (%of total)		50.9	

[48b]

return to contents

Education system – (see also Children para)

5.39 The educational system of SaM is organised at republic level. Elementary education is free and compulsory for all children between the ages of 7 and 15, when children attend the "eight year school". Various types of secondary education are available, but vocational and technical schools are most popular. Alternatively, children may attend a general secondary school (gymnasium) where they follow a four year course which will take them up to university entrance. Higher education is offered at seven universities in SaM. **[1]**

5.40 The Government did not restrict academic freedom during 2002. Education reform is required, particularly in relation to history teaching and the revision of textbooks. **[75]** A new Law on Universities aiming to protect universities from political interference was passed in April 2002, which restored the Education Council (Prosvetni Savet) abolished by Milosevic in 1990. The law provides that university rectors and faculty deans should be selected by an academic body without interference from the Ministry of Education. It also provides for participation of student organisations in determining certain aspects of university policy. **[2b]** However, although the new law is in place, the necessary comprehensive reform is still under preparation. **[75]**

5.41 The education system is in a very poor state, largely because under the previous regime, funding for the armed forces took priority over education and health. **[2a] [7g]** Lack of funds, obsolete courses, poor lecturers and outdated and badly equipped facilities are typical. Students spend an average of 7-8 years studying at university, with faculties viewed as "parking lots" for young people who cannot get jobs. **[7g]**

5.42 There are reports that NATO air strikes damaged many schools and the year 2000 ended without the curriculum being completed. Illiteracy is growing, with 9.5% who have never been to school and 25% dropping out of elementary school. Only 5.5% of the population are university graduates. It is thought that it may take 20-30 years to restore the country's school and university system, although the new Government has made the payment of teachers' wages a priority. **[2a][24]**

5.43 In May 2002, the World Bank approved a Credit of US$10 million for a project to support the Serbian government's reform agenda in education and make supplemental funding available directly to schools. **[79]**

5.44 Religious education has been introduced in primary and secondary schools as an optional course by republican decree at a cost of over one million Euros. This move was seen by the Helsinki Committee for Human Rights in Serbia as a blatant violation of democratic procedure as it was not even approved by the Education Ministry. The nationalist fascist Obraz movement is very active in Belgrade University. **[7g]** According to the Law on Religious Freedom, primary and secondary school students are required to attend classes on one of seven "traditional religious communities." As an alternative to this requirement, students were allowed to substitute a class in civic education. **[2b]**

return to contents

6 HUMAN RIGHTS

Overview

6.1 Although concerns remain in some areas of human rights, the overall situation in Serbia has continued to improve. The US State Department Report 2003 sums up the human rights position in Serbia as follows: "The overall human rights record demonstrated that direct and systematic government oppression of citizens gradually came to an end during the consolidation of Yugoslav democracy that has occurred

since 2001. The Government found solutions to several significant problems inherited from the former regime. All ethnic Albanian political prisoners were transferred from Serbian jails to Kosovo, where they were freed. The Government established a multiethnic police force in areas of significant tension and, for the first time, conducted free and fair elections in the majority Albanian parts of southern Serbia. Courts issued indictments and conducted trials against Serbs for war crimes committed in Kosovo and Bosnia. By the year's end, five war criminals had been convicted and sentenced, two were still on trial and four were under indictment. Passage of the Minorities Law protecting the rights of Yugoslavia's numerous ethnic groups fulfilled a major human rights requirement of the Council of Europe, to SaM acceded on 3 April 2003. **[2b]**

6.2 In its Stabilisation and Association Report 2003, the EC notes "Although problems persist, progress has continued on human rights and fundamental freedoms, both in terms of legislation and implementation." The report continues, "Progress is clear especially in the area of minority rights, with the new, highly praised Federal Act. This, however, has yet to be followed by adoption of implementing legislation, most of which falls under republican competencies…Particularly as regards the still outstanding establishment of the Ombudsman, clear division of competencies and co-ordination between the different levels must be ensured. "**[75]** The draft law on the creation of an Ombudsperson is pending before the Serbian parliament, though Amnesty International has concerns that the law contains a number of serious defects. **[3f]**

6.3 Serbia and Montenegro acceded to the Council of Europe on 3 April 2003 **[11o]** and recently adopted the Charter of Human and Minority Rights and Civil Freedoms. **[80]**

6a Human Rights Issues

Freedom of Speech and the Media

6.4 The constitution provides for freedom of speech and of the press, but political pressure from various factions, an uncertain regulatory environment, and

vulnerability to libel suits placed constraints on free expression by journalists, editors, and other individuals associated with the media. **[2b]**

6.5 Milosevic's 1998 oppressive media laws have now been repealed, but criminal defamation laws remain which can be used to restrict the media. **[75]** Though the Government itself did not use libel laws to suppress free expression in the media, former members of the Milosevic regime and government officials proved successful in private cases against media outlets that criticised them because of the low threshold defining libel. Libel can result in jail terms, and courts have the power to issue "conditional sentences" that silence offending journalists with the threat that any further offence will lead to immediate imprisonment. **[2b]**

6.6 The government has begun to reform Radio Television of Serbia (RTS), the main propaganda tool of the former regime, into a public broadcasting service. The reform process was started in the summer of 2001 when a new Board of Governors was appointed, made up of professionals from various sectors of society. In 2002, OSCE was given the task of taking the reforms forward. RTS broadcasts have reflected a dramatic shift of editorial policy, with the BBC's documentary on Srebrenica and coverage of exhumation of mass graves being shown. RTS coverage of the political scene has been balanced, comprehensive and moderate in tone.**[31e]**

6.7 In July 2002, the Serbian Parliament adopted a new broadcasting law, moving responsibility for broadcasting regulation to the newly formed Agency for Broadcasting. The adoption of the law marked the end of state control over electronic media and allows greater freedom in the establishment of commercial radio and television stations. **[42b]** The law is expected to be implemented shortly, with the establishment of an eight member Broadcasting Council, which will regulate the 504 radio stations and 253 TV channels in Serbia. **[43r]**

6.8 Political interference continues in Serbia, with cases of direct pressure and intimidation by some government leaders. **[75]** The government effectively shaped the editorial policy of the two main private television stations in Serbia and Montenegro, Television BK and Television Pink, through behind the scenes

pressures. **[9e]** In 2002, some media outlets practised self-censorship and were reluctant to report on crimes perpetrated during the wars in Bosnia, Croatia, and Kosovo. Television coverage of the Milosevic trial at ICTY tended to be superficial or defensive, with the notable exception of Radio/TV B-92, which broadcast the proceedings live. **[2b]**

6.9 Of the publications, the daily Danas and weekly Vreme are critical of the government and the weekly NIN and B92 remain confrontational. **[8m]** Reports in October 2002 suggested that the government may be seeking to discredit B92, the country's leading independent radio and television station, by criticising its recent privatisation process. **[43c]**

6.10 The Government did not censor the media directly during 2002 and there were no reports of police stopping journalists for "informative talks." Local authorities occasionally harassed journalists and on occasions dismissed journalists from posts in publicly owned media outlets during 2002. The Government did not restrict access to the Internet, though there were reports that it selectively monitored e-mail correspondence. **[2b]**

6.11 Media watchdog organisations, Reporters Without Borders and the Committee to Protect Journalists criticised the government's ban on reporting "on the reasons for the state of emergency and its implementation, excluding carrying the official statements of competent government bodies." Media violating these rules, imposed under the state of emergency, faced fines up to about $8,000. **[4e]** Also, the daily newpapers Nacional and Dan and the weekly Identitet were banned, allegedly for hindering the police investigation into the assassination of Serbian PM Djindjic. **[8o] [43r]** The state of emergency was lifted on 22 April 2003. **[43ab]**

return to contents

Freedom of Religion

6.12 The law in both SaM and Serbia provides for freedom of religion. The religion of the ethnic Serbs majority is Orthodox Christianity, which is represented by the Serbian Orthodox Church. Although there were some reported incidents of violence against the Muslims in Sandzak and the Catholic Hungarian and Croat minorities in Vojvodina, it is likely that these were as much on the basis of ethnicity as religion. **[2]**

6.13 Although in the past the Milosevic regime was closely associated with the Serbian Orthodox Church, a rift developed during the Kosovo conflict which widened further during the year 2000. However, the Church has close links with the current administration and enjoys some preferential treatment compared to other religious groups. Jehovah's Witnesses, Protestants and Muslims have reported difficulties in acquiring land for religious purposes. The Serbian Orthodox church condemned anti-Semitic statements made by a defrocked former member Dr Gavrilovic. **[2b]**

6.14 The Orthodox church has enjoyed unprecedented publicity owing to support from President Kostunica and Prime Minister Djindjic. The Church is seen as a prime force behind the conservative nationalist movements emerging in the country. In 2002 the Serbian government passed a decree introducing religious instruction in state institutions and schools in spite of considerable public opposition, especially in Belgrade and Vojvodina. The Law on Religious Freedom stated that primary and secondary school children are required to learn one of seven "traditional religious communities". **[2b] [7g]** As such, it can be seen as discriminating against minority religions. **[63b]** The Law is viewed by some as a violation of the principle of separation of church and state and is currently under appeal at the Constitutional Court.**[75]** Although there was an intention to introduce Orthodox, Catholic and Muslim religious leaders into military units, only Serbian Orthodox clerics have been introduced to date. **[2b]**

6.15 There have been incidents of societal discrimination and harassment against members of minority religions such as Jews, Jehovah's Witnesses, Catholics and Protestants. There has been evidence in the media, graffiti and the statements of right

wing politicians of growing anti-Semitism in Serbian society**. [2b]**

Return to contents

Freedom of Assembly and Association

6.16 Federal and republic level Constitutions provide for the freedoms of peaceful assembly and association. The Government requires private organisations to register; though no problems with registration were reported during 2002. Demonstrating groups were required to notify the police at least 24 hours in advance of the demonstration. **[2b]**

6.17 In February 2001, the Yugoslav Constitutional Court ruled as unconstitutional several decrees issued by the Milosevic regime. These included a decree authorising the police to remand citizens in custody for 24 hours in certain circumstances; a decree authorising the Interior minister to ban movement in public places; and a decree which permitted the restriction of the inviolability of citizens' correspondence. **[5c]**

6.18 The state of emergency imposed on 12 March 2003 gave the government increased powers to ban political demonstrations and gatherings. **[11n]** The state of emergency was lifted on 22 April 2003. **[43ab]**

Return to contents

Political Activists

6.19 There were no reports of political killings committed by the Government or its agents. **[2b]** There were no developments in police investigations of numerous cases of political killings from previous years, apart from the case of Ivan Stambolic the former President of Serbia, whose remains were found in March 2003. Milosevic's wife Mira Markovic is wanted for questioning in relation to his death. **[8p]**

6.20 All internationally recognised political prisoners held in Serbian jails were released during the year. Following the terms of the November 2001 "Common Document" on Kosovo co-operation signed by the FRY Government and UNMIK, international panels of judges examined the cases of all ethnic Albanian prisoners held

in Serbian jails and all Serbian prisoners held in UNMIK jails. Serbian prisoners in UNMIK custody were given the option of transferring to prisons in Serbia. On 26 March 2002, the FRY government authorised the transfer of 146 ethnic Albanian prisoners from Serbian jails to UNMIK custody, the majority of whom were then released. **[2b]**

6.21 Amnesty for former members of the UCPMB in Southern Serbia has been respected in practice since the plan's adoption in May 2001 and in June 2002 was given the status of Federal Law. (See section on ethnic Albanians.) **[2b]**

6.22 Former FRY President Kostunica and other opposition leaders have suggested that the emergency powers may be being used to target political opponents. In mid April 2003, about 2000 people alleged to have links with organised crime were being held under the emergency powers. **[58d]** The state of emergency was supported by the EU **[76]** and was lifted on 22 April 2003. **[43ab]**

Employment Rights

6.23 The law provides for the right of association and all workers except military and police personnel have the legal right to join or form unions. Of approximately 1.8 million employees in the socially-owned sector, around 60 to 70 percent belong to unions. Approximately 361,000 people work in the private sector but only 4 percent are unionised. An additional 500,000 persons worked in the unofficial economy and were not registered employees. Due to the poor state of the economy, one-third of union workers, or around 600,000 persons were on long-term mandatory leave from their firms during 2001, pending improvement of the economy. The largely splintered approach of the independent unions has resulted in few achievements in terms of increased wages or improved working conditions. **[2b]**

6.24 The law provides for the right to strike. However, the Law on Strikes restricts the right from employees in "essential service production enterprises", such as education, electric power and postal services, and these employees must announce their strikes at least 15 days ahead and must ensure a "minimum level of work" is provided. This law covered approximately 50 percent of all employees. In general, job security fears stemming from the high rate of unemployment, limited workers' willingness to strike. In

2002, security forces did not disrupt any strikes or arrest union leaders. **[2b]**

6.25 The minimum wage is about $160 per month, which is insufficient to provide a decent standard of living for a family: the cost of food and utilities for a family of four is about $180. **[2b]**

Return to contents

People trafficking

6.26 Serbia is a transit and destination point for women trafficked from Eastern Europe, especially Romania, Moldova, Ukraine and Russia. According to an International Helsinki Federation for Human Rights report, women often were trafficked to Belgrade and then taken to other parts of Serbia, Kosovo, Montenegro, Bosnia-Herzegovina, Italy, Greece, Germany and the Netherlands. **[2a]**The women were recruited, transported, sold, and controlled by international organised crime networks. The central point in Serbia for the transit trade is Belgrade, where organised crime is most entrenched. The International Organisation for Migration (IOM) estimated that between 6,000 and 7,000 women were trafficked through Serbia in 2002. **[2b]**

6.27 No specific law prohibits trafficking. However, the criminal code prohibits the "illegal transport of others" across borders for "lucrative purposes". It also prohibits the recruiting, inducing, inciting or luring of females into prostitution. Penalties range from 3 months to 5 years in prison and confiscation of property, and 10 years if the victim is underage. **[2a]**

6.28 During 2001, the authorities began to take action against trafficking. Within the SaM and Serbian governments, there are four working groups on victims' protection, prevention, data collection and law enforcement, staffed by the Government and co-ordinated by the OSCE. **[2a] [4d] [41a]**

6.29 During 2002, the Yugoslav Team for Combating Trafficking in Persons worked with the OSCE and IOM to put together a basic program for assisting trafficking victims. In February 2002 a victims' shelter and 24-hour hotline, was established in Belgrade. The National Co-ordinating and Counselling Centre was

established by the Serbian Ministry of Social Welfare to receive potential trafficking victims from police and NGO's for screening, medical examination, and counselling before referring the women to the shelter or other appropriate venue. The IOM repatriated approximately 80 women determined to be victims of trafficking during 2002. IOM also opened a Regional Clearing Point in Belgrade to collect information on trafficking from all the Balkan countries. **[2b]**

6.30 In 2002, the Serbian Interior Ministry reported that it began systematically distinguishing trafficking victims from prostitutes and illegal migrants. An extensive public awareness campaign, which began in 2001, is aimed at women and children vulnerable to becoming victims of trafficking. Serbian Border Police reported that a well-established Beijing to Belgrade trafficking route was closed down in 2002 when Yugoslav authorities imposed strict visa requirements and direct air links between Belgrade and Beijing were cancelled. **[2b]**

Return to contents

Freedom of movement

6.31 The Constitution provides for freedom of movement and the Government makes passports available to most citizens. In 2001, ethnic Albanians and Sandzak Bosniaks sometimes encountered harassment at borders when re-entering the country, but to a much lesser degree than in the past. However, in 2002 there were reports of Muslims being singled out for unusually long searches at Serbia's border with Bosnia. **[2b]**

6.32 Many persons living in Serbia and Montenegro who were born in other parts of the former Yugoslavia were unable to establish citizenship in Yugoslavia, under the previous government. Refugees who applied for Yugoslav citizenship were forced to give up their Bosnian or Croatian citizenship to become eligible for Yugoslav citizenship. In an attempt to rectify this problem, the Government amended the 1997 Citizenship Law to allow dual citizenship in February 2001. However, many of those granted citizenship have retained their refugee cards instead of turning them in for Yugoslav identity cards. The US State Department Report suggests that there is a belief that the benefits of refugee status are greater than those they would receive as citizens. **[2b]**

6.33 On 29 October 2002, the Governments of FRY and Bosnia and Herzegovina signed a Treaty on Dual Citizenship, which gave citizens from both countries the option of dual citizenship, with equal rights and privileges for travel between the countries. The treaty further secures the right of refugees to return by guaranteeing access to health benefits, social security, and other benefits earned while working in the previous country of residence. **[2b][75]**

6.34 The conflicts in Kosovo, Bosnia and Croatia have led to widespread displacement and Serbia acquired a refugee population of about 700,000 following the Balkan wars of the 1990s. **[63b]** There are about 230,000 internally displaced people in Serbia from Kosovo alone – mostly Serbs, Roma and Bosniaks. **[75]** Most live in various types of private accommodation but about 7% live in collective centres where living conditions can be extremely poor. **[61]**

6.35 In 2002, the Serbian government, with UNHCR support, started to close 62 collective centres housing refugees from Bosnia and Croatia (but not those housing IDPs) by setting qualifications for people to remain housed in collective centres and seeking alternate housing for others. **[2b]** Access to employment, schooling and health services is often limited for such people, particularly if they are not registered with the authorities or do not have identity documents. **[61]** Further details about the situation for Roma are provided under Ethnic Minorities. **[2b]**

6.36 The Serbian government adopted a "National Strategy for Resolving the Problems of Refugees and Displaced Persons" in May 2002, focusing on return or local integration of refugees from Croatia and Bosnia, though the status of IDPs has not yet been regulated. **[75]** The Serbian government has applied for international funding to help improve the situation for its IDPs, many of whom have indicated that they do not wish to return to their places of origin. **[43e]**

6.37 The constitution provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. The government co-operates with UNHCR and other humanitarian

organisations assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution in 2002. **[2b]**

Return to contents

6b Human Rights – Specific Groups

Ethnic Groups

6.38 About one third of the population of Serbia (including Kosovo) is made up of ethnic minorities, including ethnic Albanians, Roma, Hungarians, Croats, Bosniak Muslims, Slovaks, Romanians, Vlachs and Bulgarians. Serbia gained a large refugee population of about 700,000 following the Balkan wars of the 1990s, many of whom were from ethnic minority groups. **[63b]** Equal rights are provided in law for all citizens, regardless of ethnic group, religion, language, or social status, but ethnic minority groups were severely oppressed under the Milosevic regime. **[2a] [43e] [75]**

6.39 The Government's treatment of minorities has greatly improved since Milosevic's removal from office. **[2b]** The Humanitarian Law Centre stated in September 2002, that "the freedom of political association of minorities is… guaranteed and is respected in practice". It also stated that it had no information "…on violation of the right to the freedom of thought, conscience or religions of people belonging to minorities since September 2001." **[63b]**

6.40 The EC Stabilisation and Association Report of 2003 notes that "athough some problems persist (eg. sporadic discrimination against some ethnic groups) the authorities have continued to demonstrate a strong reform commitment." **[75]** In February 2002, major legislative changes were introduced with the federal Law on the Protection of the Rights and Liberties of National Minorities, which banned discrimination on national, racial, ethnic, and religious grounds and affirmed the right of significant minority communities to self-government and education in their own language. The law was approved by the Council of Europe and gives legal protection to minorities equal to that in other European countries. **[2b]**

6.41 Also, the Serbian Republic's Law on Local self-government increased the political power and responsibility of municipalities, including greater power to recapture tax revenue for local uses. This law provided the basis for the municipal elections that brought ethnic Albanians to power for the first time in southern Serbia. **[2b]**

6.42 In 2002, the Federal Minister for National and Ethnic Minorities, Rasnic Ljajic (a Bosniak) initiated a public education campaign promoting ethnic tolerance which instituted an annual national award for the promotion of tolerance. **[2b] [75]** A new website and news service in minority languages was launched in February 2003. **[80b]** All of the 2000 ethnic Albanians arrested in relation to the Kosovo conflict have been released. **[2b]** With help from OSCE and the international community, Serbian Republic Deputy Prime Minister Covic continued to implement a range of measures to improve the position of ethnic Albanians in Southern Serbia. **[2b] [31f]**

6.43 The Human Rights Watch Report for 2003 notes that treatment of Hungarians, Croats Bosniaks, and Albanians in Serbia (outside of Kosovo) was satisfactory in 2002, but that serious concerns remain regarding the treatment of Roma. **[9e]**

Return to contents

Hungarians and Croats in Vojvodina

6.44 Of the 26 different ethnic groups in Vojvodina, Hungarians constitute the largest minority, accounting for approximately 17% of a total population of 2.4 million, while the Croats represent approximately 3.7%. Vojvodina had enjoyed autonomous status within the old SFRY, but this was removed under the 1992 constitution of FRY. Nevertheless, Vojvodina retained its provincial assembly and the various ethnic minorities are all represented by their own political parties and organisations. The largest of these is the Democratic Community of Vojvodina Hungarians (DCVH). **[1]** The Omnibus Act on Vojvodina granted increased powers of self government to Vojvodina in 2002, but stopped far short of restoring full autonomy. **[2b][75]**

6.45 Vojvodina is a multi-cultural society with few signs of ethnic tension. **[43ac]** Any “ethnic problems” in Vojvodina have always been relatively low key, partly

because the Serb group is in the comfortable majority (65%)and partly because the multi-ethnic character of the population is long established in the region. Also Vojvodia has rich agricultural land which is productive enough to feed all its inhabitants and export food products and an industrial base to provide employment for the non agri-based population. **[1] [11g] [54]**

6.46 In the past, both the Hungarian and the Croat communities in Vojvodina have been subjected to some discrimination, in terms of access to employment in certain official and public capacities, and low level harassment. The situation in Vojvodina became tense during the mid 1990s, following the influx of large numbers of ethnic Serb refugees to the FRY, 150,000 of whom were from the Krajina region of Croatia. Since the change in government in 2000, these groups have received police protection from the undisciplined element of Serb refugees. There were no reports of harassment towards Hungarian and the Croat communities during 2002. **[2b]**

6.47 Hungarians enjoy considerable autonomy. In eight majority-Hungarian municipalities, all of the police chiefs are ethnic Hungarians. The Hungarian language is taught in schools. The Federal Ministry of National and Ethnic Communities has proposed a new curriculum, that would include studies on Hungarian art, history and music**.** The Government funded a Hungarian language newspaper, and RTS provided some Hungarian language programming. **[2b]** In May 2002, the Speaker of the Vojvodina Parliament, Nenad Cenak announced that Croatian would also become one of the official languages of Vojvodina, along with Hungarian, Slovakian, Romanian and Ruthenian. **[62]**

6.48 Many in Vojvodina would wish to see the province's autonomy restored or for it to be given full republic status. This is partly because the province is the most productive in Serbia, generating 40% of its wealth, yet most of this revenue goes towards subsidising other parts of the Republic. There is particular concern that Vojvodina will suffer under the current privatisation programme, with the province's assets being sold off to fill central coffers. **[8e]**

6.49 Although former Prime Minister Zoran Djinjdic expressed support for greater

autonomy for Vojvodina, the government have concerns that substantial autonomy for Vojvodina could lead to further fragmentation within Serbia and Montenegro. The Omnibus Law passed in February 2002 by the Serbian parliament to restore some of the province's autonomous powers fell far short of expectations, leaving many in Vojvodina disgruntled. Under the new law, Vojvodina should gain greater control over areas such as privatisation, health, social security, use of languages, agriculture and tourism. But implementation depends upon the Serbian parliament transferring the requisite funds. **[7g] [30c] [53] [54a]**

Return to contents

Muslims in the Sandzak

6.50 The Sandzak is an area that straddles the Serbia/Montenegro border. Of its 11 municipalities, 6 are in Serbia and 5 in Montenegro. It has a population of about 400,000, of which Bosniak Muslims make up 54% and Serbs and Montenegrins the remainder **[14]**

6.51 Bosniaks are Muslims who speak a dialect of Serbian and are related to Bosniak communities in Kosovo, Bosnia and Turkey. **[30e]** The Bosniak population was subjected to repression by the Serb minority during the 1990s. **[63b]** The repression was backed by a state-sponsored propaganda campaign, which, in an effort to destroy it as the legitimate voice of the Sandzak Muslims, portrayed the main Muslim political party, the Party for Democratic Action (SDA), as an anti-Serb and separatist organisation. The Serb authorities limited the teaching of non-Serb culture and history, and blatantly removed Muslims from official duties and public institutions. Attempts by the FRY authorities to ethnically cleanse the Sandzak of its 200,000 Muslims at the height of the Bosnian conflict in 1992, resulted in large numbers fleeing the area. During the NATO intervention about 20,000 Bosniaks from Sandzak left for Bosnia and on their return about 2,000 were sacked from their jobs for malingering. **[2b] [7a] [14]**

6.52 Since the fall of Milosevic, the situation in Sandzak has improved considerably. OSCE noted in January 2001 that "Despite the mixed ethnic composition of the area and a difficult recent history, inter-ethnic relations in Sandzak appear harmonious" **[31f]**. **[11f]**There have been few reports of inter-ethnic intolerance or state pressure on Bosniaks since the change in regime, though during 2001, some Bosniaks alleged

discrimination in housing, employment, health care, commerce and education. **[2b]** In particular, school history textbooks deal with events of the Balkan wars of the 1990s in a way that portrays Muslims in a very negative light. **[7g]**

6.53 Following the events of 11 September 2001, there have been attempts by right wing politicians and media to prove a connection between the Taliban, Mujahidin etc and the region's Muslim community. A corollary of this has been that Muslim extremists have become more active and are being supported by certain Islamic countries. Increasing numbers of nurseries and schools are offering free places to Muslim children. Orthodox Serbs are also becoming more radical. **[7g]**

6.54 In September 2002, caravans of about 100 cars carrying Serbs from neighbouring areas paraded through the heavily Muslim centre of Novi Pazar on three nights following Yugoslav basketball victories, brandishing Chetnik regalia and chanting Serb nationalist slogans. On one occasion, the Serbs were met by about 800 Bosniak youths and a violent confrontation ensued. The Government reacted quickly to defuse the situation, sending extra police and enlisting Minister for Ethnic and National Minorities,Rasim Ljajic, a Bosniak from Novi Pazar to defuse the situation. **[2b]**

6.55 Since the year 2000, Serbs have been leaving the Sandzak area, some of them having lost their public sector jobs. The exodus is believed to have been partly prompted by the actions of the Muslim Party of Democratic Action (SDA) which has dismissed Serb managers in state companies and local authorities since coming to power two years ago. It is notable that Sulejman Ugljnin, the main Sandjak leader, has installed a number of his family and associates in senior local government posts. The Serb departures may also be economically motivated because property values in Novi Pazar (the largest town in the region) are considerably higher than elsewhere in Serbia. **[43f]**

6.56 Bosniaks lead local governments in the three Muslim majority municipalities in the Sandzak region. In Novi Pazar, the municipal government gave the Bosnian dialect official status, as allowed under the new law on Local Self Government. All seven Sandzak municipalities have multi-ethnic municipal assemblies. **[2b]**

6.57 Despite some tensions, relations between ethnic Serbs and Bosniaks are generally good in the economic and social spheres. However, there is a clear divide when it comes to politics. Most Bosniaks vote for "Sandzak – Dr Sulejman Ugljanin list", whereas most Serbs have tended to vote for Milosevic's party the SPS. No parties attract the support of both groups. Sandzak parties have called for a referendum on the status of Sandzak .**[30e]** But is clear that the Sandzak leaders favour some form of regional autonomy for the area, especially as the area could be divided if the union of Serbia and Montenegro unravelled. **[2b] [7a] [7e] [14]**

Return to contents

Ethnic Albanians in Serbia

6.58 There are no up-to-date figures on the numbers of ethnic Albanians living in Serbia. But estimates suggest that there are likely to be about 70,000 – 100,00 ethnic Albanians living in Southern Serbia and a further 5,000 in Belgrade and other much smaller communities throughout the Republic. Under Milosevic, ethnic Albanians were generally subject to harassment and discrimination, which escalated during the war in 1999, when shops owned by ethnic Albanians were destroyed and employees of public utilities and large companies were dismissed on spurious grounds. **[7b] [7e]** Until the change of regime, about 2,000 ethnic Albanian prisoners from Kosovo were being held in poor conditions in Serbian prisons. All have now been released. **[2b]**

The Presevo Valley

6.59 The Presevo Valley is an area in southern Serbia close to the border with Kosovo, which comprises the municipalities of Presevo, Bujanovac and Medvedje. It is estimated that there are up to 100,000 ethnic Albanians living in the area, where they form the majority of the population. **[1] [43e][63c]**

6.60 Although disadvantaged in social, political and economic terms, ethnic Albanians showed a high degree of integration and co-operation with the Serb population and authorities until late 1999. From December 1999, a growing number of violent attacks on Serb police targets started occurring in the area, causing

considerable unrest. The attacks were carried out by an ethnic Albanian military group called the UCPMB, whose name, in Albanian, derives from the initials of the main towns of the area, Presheve, Medvedje and Bujanovac. The group is thought to have been an off-shoot of the KLA/UCK and its aim appears to have been to gain greater autonomy for ethnic Albanians in the Presevo area. During the year 2000, attacks by the UCPMB on Serb forces escalated, with over 30 Serb police officers killed. Fearing an escalation of the fighting, several thousand ethnic Albanians fled the area for Kosovo. **[1]**

6.61 In the months following the change of regime in October 2000, Serb forces were widely praised by the international community for their restraint in the face of regular attacks from the UCPMB. The Deputy Prime Minister of Serbia, Mr Covic, acknowledged that ethnic Albanians in the Presevo area had some genuine grievances in relation to the discrimination they suffered and indicated that the situation could only be resolved by negotiation. Mr Covic put forward a detailed peace plan, which was welcomed by UN Security Council member states and ultimately formed the basis of a negotiated settlement with the ethnic Albanian leaders in the area. **[17c] [19d] [21a] [30a] [31a] [63c]**

6.62 In May 2001, the UCPMB accepted an amnesty from the Serb authorities. The organisation handed over significant quantities of weapons, disbanded and withdrew from the Presevo area. On 3 June 2002, the FRY assembly formerly passed the amnesty law for persons suspected of committing terrorist acts in southern Serbia between 1 January 1999 and 31 May 2001.**[11h]** The Humanitarian Law Center confirmed later in 2002 that the amnesty has been implemented correctly. **[63c]**

6.63 Following the Covic plan, the Serb authorities undertook to implement a series of “confidence building measures” in Southern Serbia. These included:

- Making the ethnic balance of those employed in state services, business and social activities reflect that of the population of the area.

- Guaranteeing ethnic Albanians “an appropriate level of representation” in municipal councils and assemblies, as well as Serbia’s parliament.

- Making the police force in the area ethnically mixed, with one ethnic Albanian police officer for every Serb.

- Economic regeneration of the area, including the repair of all Albanian houses to accommodate displaced Albanians who wish to return to the area. **[30a]**

6.64 UNHCR undertook a detailed assessment of implementation of the Covic plan in January 2002. **[21b]** Significant progress had been made in many areas. In particular, a multi-ethnic police force had been established with training provided by the OSCE. By the end of 2002 the Multi-Ethnic Police Force (MEPF) had been deployed throughout Southern Serbia and were trained in modern police tactics. **[2b][31b][31c]**

6.65 In addition to the multi-ethnic police initiative, OSCE has also set up a multi-ethnic media programme to improve professional standards and encourage cooperation between the Serbian and Albanian language media outlets. **[31f] [31g]** A number of other international organisations including UNICEF, OCHA, ICRC, WFP and UNDP are also working in the area. Over $13 million was committed to projects in the Presevo area in 2001, with over $24million committed to the wider region of Southern Serbia. **[21b] [42a]**

6.66 Most ethnic Albanians who fled to Kosovo have now returned to their homes, **[2b] [3d]** assisted by UNHCR, who organised “go and see” visits for those considering return. **[9b] [21b]**

6.67 Previously boycotted by the ethnic Albanian community, local elections were held in the three municipalities on 28 July 2002, for the first time in 10 years. These elections (which generally met international standards) were widely regarded as representing a further step towards the peaceful resolution of tensions in the region, allowing all communities to contest on an equal basis. Following the elections,

representation in local government structures broadly reflects the ethnic balance of the local populations. **[42b] [63b] [75]**

6.68 However many ethnic Albanians continue to hope that that the Presevo Valley region will one day be transferred to Kosovo in exchange for Serb enclaves on the Kosovo side of the border. Accordingly, some 65,000 ethnic Albanians refused to vote in the Serbia Republic level elections in October 2002. **[43s]** Ethnic Albanian leaders have also indicated that they will refuse to undertake national service with the Serbian forces. **[43t]**

6.69 Incidents of police harassment of ethnic Albanians in southern Serbia have decreased significantly. **[2b] [21b]** According to reports from local ethnic Albanian human rights organisations, VJ troops (rather than police) were responsible for most incidents of harassment in southern Serbia. Allegedly harassment by the VJ ranged from verbal abuse to confiscation of money to temporary detention from one to three hours. The US State Department Report 2003 notes that there were no reports of physical abuse or brutality during 2002. **[2b]** However, Humanitarian Law Center reports an incident in June 2002 when an ethnic Albanian man was shot by a VJ soldier, who has since been suspended. **[63c]**

6.70 The positive developments in the Presevo area have been strongly welcomed by the international community. **[75]** There have been sporadic incidents of violence from ethnic Albanian extremists, including attacks on police stations and various bomb incidents. There were also several attacks on families of ethnic Albanian members of the multi ethnic police force. **[2b]** Although the area remains volatile, the situation in Southern Serbia has continued to stabilise with the gradual implementation of the Covic plan. **[75]**

Return to contents

Roma

6.71 The Republic constitution prohibits discrimination on ethnic or racial grounds.

However, discrimination against Roma is widespread in all fields including housing, education, social and health care and employment. Intimidation and harassment is common and violent attacks by skinheads and similar groups have not always been adequately dealt with by police. There have also been cases of police brutality towards Roma during the past 12 months. **[2b] [3f] [9d] [9e] [63a] [63b] [75]**

6.72 There were numerous examples of violent attacks on Roma during 2002. In February 2002, a Roma man was attacked in Novi Sad, sustaining a broken jaw requiring surgery. In March 2002, a 14 year old Roma boy was assaulted, also in Novi Sad, in view of many witnesses who did nothing to stop the attack. In April 2002, a group of young men forced a Roma paper collector in Belgrade to empty his cart and carry them around for a period of about one hour. A young Roma man was attacked in Belgrade by a group of four men who punched and kicked him. There were also frequent reports of Roma from the Stara Betonjara settlement in Belgrade having stones and bottles thrown at them. **[64]**

6.73 Police often do not act upon complaints by Roma. **[2b] [9e]** Frequent attacks with little apparent protection provided by the authorities have led to many Roma feeling too scared to go out in the evening. **[3f]** The Humanitarian Law Center (HLC) reported that judicial proceedings are unduly prolonged when Roma appear as plaintiffs and the police response when Roma are assaulted by private citizens is often inadequate. **[63b]** . However, in May 2001, two skinheads were convicted for an attack on some Roma which was accepted by the court as being motivated by ethnic hatred. **[3f]**

6.74 Incidents of police brutality against Roma continued in 2002. HLC investigated several cases of police abuse, including beatings both at police stations and in the street. Complaints alleging use of excessive force by police officers have not been properly investigated. **[63b]** Though courts have started sentencing officers for subjecting Roma to acts of torture, sentences are usually light. **[2b] [63b]**

6.75 Societal discrimination against Roma is widespread, especially in privately owned restaurants and sports facilities. **[63a]** Only rarely have Roma been successful in gaining legal remedy for having been denied access to public places.

[63b] In July 2002, the municipal court in Sabac ruled in favour of Roma who were barred from using a public swimming pool. This was the first time that existing law had been used to prove discrimination against Roma. **[2b][3f]** In January 2002 HLC filed a lawsuit against theTrezor disco in Belgrade for denying admission to Roma. **[63b]**

6.76 Estimates vary but there are probably about 45,000 Roma IDPs in SaM, mostly from Kosovo. Local municipalities are often reluctant to accept them and IDPs have been deprived of humanitarian assistance because "as a nomadic people" they allegedly do not require it. In Belgrade and other towns in Serbia and Montenegro, many Roma Internally Displaced Persons (IDPs) live in squalid illegal settlements, without access to electricity, running water or sanitation. **[2b] [3d]** Such living conditions give rise to a higher incidence of ill-health and infant mortality than among the general population. **[3d]**

6.77 Local authorities frequently evict Roma from illegal settlements, often when they have been present there for several years. For example, in September 2002 the New Belgrade city government served eviction orders to 717 residents of a Roma settlement. After protests from human rights organisations, the city promised to find alternative accommodation, but in the event demolition began without alternative accommodation being provided.**[2b]**

6.78 The problems for Roma IDPs are exacerbated by difficulties regarding registration and acquiring identity cards. Most who fled from Kosovo do not have adequate documentation or evidence of citizenship and are regularly denied access to health, social welfare and education for their children. **[2b][3d][3f]** For the most part Roma have no prospect of finding employment. **[61]**

6.79 Roma children have poor access to education, owing partly to language difficulties **[2b]** and to entrance tests that have not been adapted to their circumstances. Roma children are over-represented in schools for special needs. In Vojvodina, over 70% of Roma children are either semi-literate or illiterate. Some schools have refused to accept Roma children or they have been taught in separate,

all Roma classes. **[63b]** However, additional lessons have been organised for Roma children by NGOs and there has been an expansion in extra mural education for Roma children. **[63b]** UNHCR, with support from the Serbian government, has begun head - start education programmes, to help Roma to achieve better results at school. **[2b] [63b]**

6.80 For several years, Roma organisations have been demanding recognition of their minority status, as is enjoyed by Roma in Romania and Hungary. This demand has been met with the recently adopted Law on the Protection of Rights and Freedoms of National Minorities which specifically designates the Roma community as a national minority in Serbia. **[9c] [63b]** Under Article 4 (2) of the law, the authorities have an obligation to adopt legislation and measures to "improve the position of persons belonging to the Roma national minority". **[63b]** The new law has led to positive discussions between Roma leaders, government representatives and the OSCE on ways in which the situation for Roma might be improved. **[31d]**

6.81 Also, an inter-ministerial group on Roma rights has been established to draw up a programme of affirmative action measures for Roma, coordinated by the Federal Ministry for National and Ethnic Communities. In mid September 2002, the Ministry signed an agreement with international organisations in Serbia & Montenegro to set up a group of experts to formulate a strategy for the integration of the Roma community. **[63b]** There has been an increase in the number of Romani language programmes on radio and TV. **[9c]**

Return to contents

Jews

6.82 There has been an increase in the expression of anti-Semitic feeling in Serbia, manifested in graffiti, vandalism, leaflets, statements in the media and harassment of the small Jewish community. The Helsinki Committee for Human Rights in Serbia attributes this in part to the growing influence of a newly created right wing nationalist group called Obraz.**[7g]** Obraz was alleged to have carried out attacks on ethnic minorities. The organisation, whose website contains anti-Semitic and racist material, was founded in 1997 and has an estimated membership of

30,000 in SaM. The HLC has asked the public prosecutor to take action against Obraz under Article 134 of the FRY Criminal Code, which prohibits incitement of ethnic and religious hatred, though to Amnesty International's knowledge none has been taken. **[3f]**

6.83 Early in the year 2001, there were reports of anti-Semitic leaflets being circulated in Kikinda. On 1 February 2001, Muslim and Jewish cemeteries in Zrenjanin and in Belgrade were vandalised and a synagogue was painted with swastikas. The incident was reported to the police but the perpetrators were not found. On 13 and 14 February 2001, stickers with swastikas and anti-Semitic messages were placed on the entrance of the Jewish Community Centre of Belgrade, on the gate of the synagogue, and on the fence of the Jewish cemetery. Jewish community members believe that the perpetrators were members of a radical nationalist group. On 8 May 2001, in Subotica, Vojvodina, unknown assailants attacked and beat a Jewish community leader for the second time (a similar attack had occurred 3 weeks earlier). The victim was a lawyer who had represented opposition members under the Milosevic government. **[2b] [7g] [7j]**

Return to contents

Women

6.84 There are no legal restrictions on the participation of women in government and politics. Women are active in political and human rights organisations, but are under-represented in the higher levels of politics, administration and business. **[75]** Women hold less than 10% of ministerial-level positions in the Serbian and federal governments. The Federal Parliament ratified the Optional Protocol to the Convention of Elimination of all Forms of Discrimination against Women (CEDAW) in December 2002.

Women's rights groups operate, but with little or no official acknowledgement. **[2b]**

6.85 The traditionally high level of domestic violence still persists. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. **[2b] [75]** Few victims of spousal abuse ever file complaints with the authorities and spousal rape is not recognised as an offence. The Centre for Autonomous Women's Rights in

Belgrade offers a hotline for victims of rape and spousal abuse and sponsors a number of self-help groups. The Centre also offers help to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflict in the former Yugoslavia. **[2b]**

6.86 Women refugees and internally displaced people, especially female single-headed households and widows, face particular problems, including difficulties in obtaining documentation of their husbands' deaths which would entitle them to pensions. **[35]**

6.87 Women do not enjoy status equal to men and relatively few women obtain upper level management positions in commerce. Since changing regulations to allow women to serve as police officers in 2001, the Serbian police hired increasing numbers of women officers. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, have long subjected women to discrimination. In some rural areas, particularly among minority communities, women are little more than serfs without the ability to exercise their rights to control property and children. In rural areas and some minority communities, it was common for husbands to direct the voting of wives. However, women are legally entitled to equal pay for equal work and are granted maternity leave for 1 year, with an additional 6 months available. **[2b]**

6.88 SaM is a known source, transit and destination country for women and girls trafficked to other parts of Europe for forced prostitution and this is a growing problem. Italian police intercept illegal immigrants from Montenegro on a weekly basis. **[2b] [23a]** (see trafficking)

Children

6.89 The state attempts to meet the health and educational needs of children. Economic distress has spilled over into both the education and health care system, adversely affecting children. Scarce funds have been deployed on police and security rather than education and health. **[2a]** (see also sections on medical services and

education).

6.90 The country served as a source, transit and destination point for trafficking of girls for forced prostitution. Roma children are particularly at risk. (See trafficking) In August 2002 the media reported that, in the 1980s and 1990s, some newborn babies had been kidnapped by midwives and doctors and sold through criminal rings to adoptive parents. **[2b]**

Child Care

6.91 There are 23 state run institutions in Serbia for children under 18 without parental care. These have suffered from under-funding in recent years. UNICEF is in discussion with the government about the conditions in some of these establishments, some of which may be closed. Apart from the adoption of babies, there are no alternative arrangements for children under 18 without parental care. **[11i]**

Homosexuals

6.92 Homosexuality is not mentioned in any law or in the constitution of Serbia except where the age of consent is concerned (18 for homosexuals and 14 for heterosexuals). Despite this, there was widespread discrimination under the previous regime. There is no clear evidence of this continuing under the current administration, though a recent survey indicated that there is a high level of homophobia in Serbian society. **[2a] [25]**

6.93 Gay and lesbian activists who took part in a march through Belgrade on 30 June 2001 were attacked by skinheads and right wing nationalists. Although police eventually intervened, human rights organisations considered their action inadequate. The Belgrade police chief justified his failure to deploy adequate numbers of police by claiming that he had not expected such violent anti-gay protests. **[2b] [3f] [7i] [9b]** The Helsinki Committee has called for amendments to the Constitutions of Serbia and FRY to guarantee rights for sexual minorities. **[7f] [8d]**

Return to contents

Human Rights – other issues

Repatriation

6.94 The FRY authorities imposed travel restrictions in November 1994 that made it more difficult for returnees (including voluntary) to re-enter the FRY. In particular, the FRY made it clear that asylum seekers abroad would not be re-admitted unless or until a bilateral readmission agreement was in force.

6.95 The SaM authorities have indicated that they will accept the return of individuals whom they accept as being SaM nationals.

Return to contents

MONTENEGRO

Contents: **Para**

2	Geography	2.1
3	Economy	3.1
4	History	4.1
5	**State Structures**	
	Constitution	5.1
	Citizenship	5.3
	Political system	5.4
	Judiciary	5.8
	Legal rights / detention	5.14
	Internal security	5.17
	Prisons	5.21
	Military service	5.24
	Medical services	5.28
	Education system	5.34
6	Human Rights – overview	6.1
6a	**Human Rights - Issues**	
	Freedom of speech and the media	6.3
	Freedom of religion	6.9
	Freedom of assembly and association	6.15
	Employment rights	6.16
	People trafficking	6.18
	Freedom of movement	6.25
6b	**Human Rights - Specific Groups**	
	Ethnic Groups	6.31
	Women	6.42
	Children	6.45
6c	**Human Rights - Other Issues**	
	Repatriation	6.51

Return to main contents

MONTENEGRO

2 GEOGRAPHY

2.1 The Republic of Montenegro lies in the south west of SaM on the Adriatic Sea. It has an area of nearly 14,000 sq km and a population of about 700,000. It's capital is Podgorica, with a population of just over 100,000. The ethnic make-up of the population is approximately as follows: Montenegrins 61.9% Bosniak Muslims 14.6%, Serbs 9.3%, Albanians 6.6%, Others 7.6% **[81]**

return to contents

3 ECONOMY

3.1 The Montenegrin economy is in transition from a Communist system to a market-based system. The industrial sector, consisting of a few state owned plants and smaller private enterprises, was inefficient and uncompetitive. **[2b]** Although Montenegro was largely unscathed by the Balkans conflicts in the 1990s, tourist activity fell sharply. The government estimated that the economy contracted by 13.8%, tourism fell by $60m and industry declined by $75m. However Montenegro was exempted from most of the sanctions applied to FRY during the Milosevic era. **[2a]**

3.2 Unemployment is officially estimated at 40% but many work in the black economy, so that the true figure is likely to be about 22%. Large government enterprises, including all the major banks industrial and trading companies, generally observe the minimum wage standard, which is about $50 per month. This figure is comparable to unemployment benefits. The gross average wage is approximately $200 per month; insufficient to provide a decent standard of living for a family. GDP per capita (including the unofficial economy) is estimated at $950 for the year. **[2a]** According to the Montenegrin Red Cross, more than half the population lives below the poverty line, with nine per cent dependent upon outside assistance. **[65]**

3.3 In November 1999 the Deutschmark was introduced as a parallel currency; a

year later the dinar was dropped altogether. **[1]** This was replaced by the Euro in 2002. There are plans to privatise a number of state businesses, including telecommunications and electrical companies. **[2b]** Western governments continue to provide substantial financial backing and technical assistance to Montenegro. Smuggling has been a key element of the Montenegrin economy for centuries and remains so, with the involvement of senior elements of the Montenegrin ruling establishment. **[2a] [44]**

return to contents

4 HISTORY

4.1 Montenegro is the smaller of the two republics that make up Serbia and Montenegro (the population of Serbia is more than ten times that of Montenegro). The issue of possible independence for Montenegro has dominated the political agenda in recent years. **[2b]** Unlike other former Yugoslav republics, Serbia and Montenegro have previously existed as independent states (1878 - 1918). **[1] [8a]**

4.2 In the years before his downfall in 2000, Milosevic sought to exploit the relative size of Serbia's population and economy compared to that of Montenegro. Following the war in Kosovo, the Montenegrin government began to demand more control and to move away from the federal control of the Milosevic regime. In August 1999, Djukanovic called for the federation structure to be revised into a confederation, and for the federal governing bodies to be dissolved. He also asserted the Montenegro authorities' right to control the army on its soil and to establish its own currency. When Montenegro introduced the German Deutschmark as a parallel currency to the Dinar, Milosevic responded with a partial economic embargo, which later became a full economic blockade. This was followed in December 1999 by a stand-off between the Federal army and the Montenegrin police at Podgorica airport. Although this ended quickly and peacefully, the situation remained tense until Milosevic's fall in October 2000. **[1][2b]**

4.3 Seeking to consolidate the move away from Milosevic's Federal control, Djukanovic chose to boycott the elections held on 24 September 2000. With the opposition securing control of the Federal Presidency, this tactic backfired, leaving

Montenegro represented in the Federal Parliament only by Milosevic's Socialist allies. Kostunica was therefore obliged to enter coalition with Milosevic's allies in Montenegro for the Federal Government. **[1]**

4.4 Djukanovic called an election for 22 April 2001, seeking a mandate for his party (the Democratic Party of Socialists (DPS), to proceed with a referendum on independence for Montenegro in late June/early July 2001. His electoral platform was based on independence for Montenegro followed by a new negotiated federation with Serbia on equal terms. **[1]**

4.5 The pro-independence coalition did less well than expected and achieved a narrow win over pro-federation parties. The results revealed the split in Montenegrin opinion over the issue. It was not clear that Djukanovic had a mandate to proceed with a referendum and, with a drop in public support for him, he was placed in a difficult position. His standing was undermined further by allegations, published in a Croatian magazine, that he was directly involved in cigarette smuggling activities. **[1]**

4.6 During 1999 and 2000, EU states and the US provided considerable financial support to Montenegro and encouraged its resistance to the Milosevic regime. Although such support has continued, Western leaders have made it clear that they are opposed to independence for Montenegro, largely because of fears that this could precipitate similar moves in relation to Kosovo and Bosnia and destabilise the region. **[1] [56a]**

4.7 Independence has continued to be the key issue in Montenegrin politics. In order to maintain his position Djukanovic has had to balance the need to satisfy pro-independence elements within the ruling coalition whilst trying to maintain approval of the international community who are firmly against independence. **[1] [56a]**

4.8 On 14 March 2002 a compromise solution was agreed. An EU brokered deal saw Serbia and Montenegro sign "the Belgrade Agreement", whereby the republics would continue as one state, changing its name to Serbia and Montenegro (SaM). SaM would retain some federal institutions, including the presidency and the defence and

foreign ministries, but most other affairs would be dealt with by republic level governments. Provision was made, within the agreement, for a referendum to take place in either republic on the issue of independence, but only after three years. **[1] [11n]**

4.9 This development infuriated the strongly pro-independence parties within the Montenegrin government, who felt betrayed by Djukanovic. In April 2002, Prime Minister Vujanovic resigned in a government crisis over the Belgrade Agreement. Several ministers from the pro-independence Liberal Alliance (LS) resigned from the coalition in protest at the deal, leaving the government without a parliamentary majority. **[45]** The results of the May 2002 local elections showed that opinion on the independence issue remained evenly divided.**[30d]**

4.10 In June 2002, the FRY parliament ratified the Belgrade Agreement, clearing the way for legal experts to work up a constitution from the framework arrangement agreed. In July 2002, the LS formed an unlikely alliance with the opposition coalition "Together for Yugoslavia", solely for the purpose of unseating the government, leaving Djukanovic with no option but to call an election. **[43g]**

4.11 Djukanovic's coalition, the Democratic List for a European Montenegro, won an absolute majority in the elections, held on 20 October 2002. The coalition, made up of Djukanovic's DPS party and the SDP, won 39 of the 75 seats of parliament. The pro – Yugoslav Together for Changes coalition, made up of the SNP, SNS and NS won 30 seats. Having precipitated the election, the LS party stood on its own and gained only 4 seats. A coalition of Albanian parties won 2 seats. **[66]**

4.12 The result was a clear vote of confidence for Djukanovic and a mandate to proceed with adoption of the Constitutional Charter for Serbia & Montenegro. Djukanovic resigned as President on 25 November 2002 in order to become the republic's Prime Minister. Speaker of Parliament Filip Vujanovic became acting president. **[2b]**

4.13 Presidential elections were held in Montenegro on 22 December 2002. Although

Vujanovic won 84% of the vote, the result was declared invalid as the turnout was less than the 50% of the electorate required to elect a president. **[11n]** Opposition parties declined to nominate a candidate in the elections, claiming that conditions for a free and fair election did not exist. However, the OSCE/ODIHR office announced that in general, the elections were held according to international standards of conduct. **[2b]**

4.14 The Presidential Election was repeated on 9 February 2003, but although Vujanovic again won a clear majority of votes, once more the turnout failed to meet the 50% threshold. Further elections will be held in May 2003. A new Law on Elections has been introduced which no longer requires a turnout of 50%; rather, the candidate who wins more than half the votes cast will be elected president. **[11n]**

4.15 On 4 February 2003, after many months of negotiations between the republics of Serbia and Montenegro, and with the mediation of EU High Representative Javier Solana, the Constitutional Charter was adopted. **[11n]**

return to contents

5 STATE STRUCTURES

Constitution

5.1 Montenegro is constitutionally a constituent republic of SaM. In recent years it has developed into a multiparty, multi-ethnic parliamentary democracy. The SaM Council of Ministers has responsibility for foreign affairs, defence, internal economic affairs, foreign economic affairs and human/minority rights, but all other matters are dealt with at the republic level. **[2b]**

5.2 The Montenegrin Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. **[2b]**

Citizenship

5.3 A new citizenship law was passed in 1999. While stringent in its requirements, the law provides an equitable means for persons to acquire Montenegrin citizenship. **[2b]**

Political system

5.4 The Montenegrin parliament is unicameral, with 75 seats. Deputies serve a four year term and elect the president and the cabinet, which is then directly answerable to the parliament. The cabinet is responsible for the internal and external affairs of the public. **[43h]**

5.5 In 1998 President Djukanovic became the first president popularly elected in elections that foreign observers considered generally free and fair. **[1]** The Montenegrin political scene is dominated by two major coalitions: one led by Milo Djukanovic of the Democratic Party of Socialists (DPS); the other led by Predrag Bulatovic of the Socialist People's Party (SNP) The pro-independence Liberal Alliance of Montenegro (LS) was first allied to Djukanovic but left his coalition when the Belgrade Agreement was signed. **[2b]** Djukanovic subsequently resigned to become Prime Minister. **[11n]**

5.6 Parliamentary elections for the 75-member Montenegrin Republican Assembly took place on 20 October 2002. Djukanovic's coalition made up of the Democratic Party of Socialists (DPS) and the Social Democratic Party (SDP), won an overall majority. **[11n]**

5.7 Presidential elections were held on 22 December 2002 and repeated in February 2003, but failed to elect a President because the 50% turnout threshold was not reached. **[11n]** International observers were strongly critical of the pressure placed on state employees to vote in the presidential elections. Although there was no pressure as to how votes should be cast, the government was keen to ensure a sufficient turnout to make the elections valid. The opposition tried to encourage people not to vote. **[43u][75]**

Further information about the political situation is provided in section 4 above.

return to contents

Judiciary

5.8 The constitution provides for an independent judiciary, the right to fair trial, the presumption of innocence, access to a lawyer and the right to appeal. However the US State Department reported in 2003 that the courts were ineffective and sometimes manipulated by the government for political reasons. The US State Department Report concludes that in 2002 the judiciary was not independent in practice. **[2b]**

5.9 The court system consists of municipal, high (or district), and supreme courts at the republic level. The FRY federal constitutional court has had little authority in Montenegro. There also is a military court system under the control of Federal authorities: civilians are not tried in these courts. **[2b]**

5.10 The EC Stabilisation and Association report 2003 commented that "…the inherited problem of low legal awareness, the failure to remove political appointees, the legacy of the non-respect of judicial independence was reflected in further attempts by the executive to interfere in the functioning of the judiciary. Some members of the judiciary showed serious professional commitment and independence, but the maintenance of law and order suffers from the lack of cooperation between different services." **[75]**

5.11 A backlog of cases, a lack of resources, lack of cooperation between police and prosecutors and corruption remain problems. Although judges are poorly paid, they receive free housing, which to some extent offsets their low salaries. **[2b]**Albanian groups have complained about the lack of Albanian judges in courts.**[2a]** There was a lack of harmonization between Montenegrin Republic law and Yugoslav federal law and there is a general lack of clarity about the extent to which Yugoslav federal law operates in Montenegro. **[2b]**

5.12 A new Law on Judges came into force in February 2002 which introduced wider

guarantees of independence, clear criteria for appointing and dismissing judges and organisational changes. **[75]** The Law provides for a Court Council that nominates and initiates dismissal procedures against judges and court presidents. The Supreme Court president will head the Court Council, which will include lawyers and judges but not government members. The Law on Courts also institutes an appeals court and an administrative court with the aim of reducing the burden on the Republic Supreme Court. The first of the Law on Court's provisions was implemented in December 2002 with the formation of the High Judicial Council. **[2b]**

5.13 There are no reports of political prisoners. **[2b]**

Legal Rights / Detention

5.14 The law prohibits arbitrary arrest and detention. However, at times the police arbitrarily arrested and detained persons. The law requires arrest warrants. CEDEM reported police occasionally disregarded the 24-hour limit on detention, applying the previous Criminal Procedure Code's provision for a 72-hour period of detention. The suspect may have access to an attorney, and there is a system of bail; however, there is no legal requirement to provide access to a lawyer within the detention period. Statements made to the police during the detention period are not to be considered if charges are pressed and the case goes to trial. If the case goes to trial for a crime with a possible sentence greater than five years, a lawyer will be appointed if needed. **[2b]**

5.15 A lack of female police at police stations caused long delays in searching females and in restraining violent females. **[2b]**

5.16 The law prohibits forced exile, and the government did not employ it. **[2b]** In June 2002, Montenegro abolished the death penalty. **[9e]**

return to contents

Internal Security

5.17 Civilian authorities generally maintain effective control of the security services nevertheless there are some instances in which elements of the security forces fail to

respect basic human rights. The republic police, under the authority of the Ministry of the Interior, have responsibility for internal security. A greatly reduced detachment of the Yugoslav Second Army, which is under the control of the Federal Government, remains in the Republic and co-operates with Montenegrin police to arrest smugglers. It co-operates well with the Montenegrin Ministry of Interior. **[2b]**

5.18 The Helsinki Committee for Human Rights in Montenegro (HCM) reported that there were fewer reports of police violence and abuse in 2002 than in previous years. However, the US State Department reports that police occasionally beat suspects during arrest or while suspects were detained for questioning. There were no reported incidents of police brutality at political rallies during 2002. **[2b]**

5.19 Criminal proceedings against police are rare, tend to be of long duration and convictions often result in minor penalties. **[2b]** The EC Stabilisation and Association Report for 2003 notes that efforts have been made to implement stricter internal control of the police (including setting up hot lines for citizens' complaints), but comments that the issue of internal accountability needs to be comprehensively addressed through clear legislative provisions. The report also expresses concern that the Federal Criminal Procedure Code has not been implemented. **[75]**

5.20 There were reports that police were involved in trafficking and took bribes at border checkpoints in 2002. **[2b]** return to contents

Prisons

5.21 Prison conditions generally meet international standards though prison facilities are antiquated. There were no reports of police brutality from guards. Women are held separately from men. Juveniles are held separately from adults, as are pre-trial detainees from convicted criminals. **[2b]**

5.22 The EC Stabilisation and Association Report for 2003 notes that the Montenegrin authorities have made commendable efforts towards improving conditions in prisons, but notes that the physical conditions in prisons are still not

satisfactory. **[75]**

5.23 The Government permits prison visits by human rights monitors, including the International Committee for the Red Cross (ICRC), Organisation for Security and Co-operation in Europe (OSCE) and other local NGO's, and they conducted visits during the year. **[2b] [47]** In October convicted killer Savo Radovanovic broke out of the Bijelo Polje jail and went on his own accord to the Spuz prison near Podgorica, where he pleaded with warders to allow him to transfer there because conditions were unacceptable at Bjelo Polje. **[2b]**

Military service

5.24 Military service is compulsory for men between the ages of 18 and 27 and has recently been reduced to 9 months. **[3e] [7g]** Military service for women was introduced in 1993. However, a citizen who does not wish to participate in military service (on the basis of religious or other valid conscientious objection) may participate in civilian national service or in the army without the use of weapons, though this does not apply during a state of war. Those granted conscientious objector status are entitled to do unarmed military or civilian service and are required to serve for 13 months. **[3e]** The provisions for conscientious objection continue under the new state union of Serbia and Montenegro. **[3f] [74]**

5.25 Human Rights Watch and Amnesty International reported that the army rejected requests by conscientious objectors for service in civil institutions. **[3f] [9e]**
A Jehovah's Witness, Sahiti Mirsad, served a five month jail sentence because of his conscientious objection to serving in any part of the military. **[2b]** However, the US State Department Report for 2003 notes that the federal law requiring military service was not enforced during 2002 and there were no forced conscriptions. **[2b]**

5.26 Under SaM legislation, draft evasion is covered by both the Military Code and the Federal Criminal Code. The Criminal Code provides for terms of imprisonment on conviction. During the conflict in Kosovo, the FRY Government attempted to draft

Montenegrin citizens into the Yugoslav Army (VJ) for service in Kosovo. These notices were largely ignored or protested against by the Montenegrin populace. As a consequence, there were reports that VJ troops broke into houses of young Montenegrin men and forcibly conscripted them. However, such efforts were largely ineffective since some 14,000 Montenegrins ignored the conscription orders and under the law were permitted to remain at liberty pending judicial action. **[2a]**

5.27 To counteract the draft, the government implemented an "obligatory working duty", which possible recruits could cite as a reason why they could not enter into military service. Others simply ignored the draft notices and risked being called up before a military tribunal. The republic government also defied VJ draft orders and the republic police refused to hold resisters in jail. In November 2001, the Montenegrin assembly passed a law granting amnesty to persons who had evaded the draft from June 1998 to June 1999. Some 14,000 received amnesty as a result of the legislation. The FRY Amnesty Law passed in February 2001(described in the Serbia section) also applies to Montenegro. **[2a]**

return to contents

Medical Services

5.28 Generally health facilities in Montenegro (21 Primary Health Care facilities, 8 hospitals, 3 special hospitals and 2 special institutions) are functioning and in reasonable condition. However, age and lack of funds for maintenance, mainly in the Northern part, has affected both buildings and equipment, with a need to update obsolete machinery. **[48]**

5.29 The EU is implementing a DM 4 million programme for the development of the primary health care sector in Montenegro. 120 primary health centres and hospitals are undergoing rehabilitation and modernisation under the programme. The project is also organising training for medical staff across the country. **[49a]**

5.30 State health care remains largely free, but patients often have to bring their own consumables and drugs, which severely affects access to services for the vulnerable. Refugees and internally displaced people receive health care largely through the national network, although some large camps have their own outreach

supported by international organisations and staffed by Ministry of Health medical personnel. **[48a]** If treatment for a particular condition is not available in Montenegro, patients are able to make use of facilities in Serbia. **[74]**

5.31 Treatment for mental health disorders is available, though there is a shortage of psychiatric staff and bed spaces. Most drugs for treatment of mental illness are available. **[48c]**

5.32 Data from 1990s show no negative impact on epidemiological and health service indicators. However, the influx of refugees in the past decade has put severe strains on the health service. In general, the service is heavily dependent upon foreign donor support. **[48a]**

5.33 The United Nations Environment Programme (UNEP) has confirmed that low level contamination by depleted uranium was found at five sites in Serbia and Montenegro. The study concludes that the contamination does not pose any immediate radioactive or toxic risks for the environment of human health, but recommends that authorities take certain precautionary measures in line with those UNEP recommended for Kosovo. **[22]**

Key indicators (for SaM / FRY) [1]			**UK (WHO)**
Fertility (births per woman, 2000)		1.7	
Under 5 mortality rate (per 1000 live births, 2000)		20	
HIV/AIDS (% of persons aged 15-49,2001)		0.19	
Physicians (per 1000 head, 1998)		204	164 (1993)
Hospital beds (per 1000 head, 1995)		5.31	
Health expenditure: US$ per head	237	1512 (2002)	
% of GDP		5.6	6.8 (2002)
public (%of total)		50.9	

[48b]

return to contents

Education

5.34 The government does not restrict academic freedom. **[2b]**The educational system of SaM is organised at republic level. Elementary education is free and compulsory for all children between the ages of 7 and 15, when children attend the "eight year school". Various types of secondary education are available, but vocational and technical schools are most popular. Alternatively, children may attend a general secondary school (gymnasium) where they follow a four year course which will take them up to university entrance. Higher education is offered at seven universities throughout SaM. **[1]**

5.35 Schools suffer from under-funding. Ethnic Albanians have access to instruction in their native language but some have criticised the government for not developing a curriculum covering Albanian ethnic culture and history. Most Roma children received little or no education beyond primary school level. **[2b]**

return to contents

6 HUMAN RIGHTS

Overview

6.1 Montenegro has a history of being significantly more tolerant towards ethnic minorities than Serbia and accepted a large number of ethnic Albanian and Roma IDPs from Kosovo during the 1999 conflict, many of whom remain. Such ethnic tolerance continues. However, there are some concerns about political influence in the media, inefficiency and corruption in the judicial process and police brutality. **[2b] [11c]**

6.2 Delays with drafting the Constitutional Charter put on hold the draft federal bill for an Ombudsperson, but Montenegro is at an advanced stage of preparing its own legislation. Protection of human and minority rights is a competence of the state union and is provided for in the Constitutional Charter. **[74] [75]**

6a Human Rights - Issues

Freedom of speech and the Media

6.3 The Constitution provides for freedom of speech and of the press and the Government generally respects these rights in practice. **[2b]**

6.4 Until recently, the State media was effectively controlled by the governing coalition, which also controlled state television and several print newspapers and magazines. **[2b]** However, In September Parliament passed a Media Law partly drafted by local NGOs and approved by the Council of Europe, which creates regulatory structures designed to insulate state-owned media from direct party control. Implementation of the Media Law began in November 2002. **[2b] [75]** The Law creates a Council for Radio and TV that will run them as a public service, with Council members drawn from NGO fields. Members cannot be politicians, councillors, government officials or anyone whose membership might present a conflict of interest. **[43v]**

6.5 Djukanovic retains the support of most privately owned newspapers and broadcasters, which tend to have a wider audience than the official media. **[43i] [58b]**

6.6 Media and information laws do not protect freedom of the press, and libel laws, which carry criminal penalties, have discouraged a free press. On 3 September 2001, a court in Podgorica convicted the editor of the opposition daily *Dan* on a charge of criminal libel and imposed a suspended five-month prison sentence. The newspaper had published a series of articles on cigarette smuggling, implicating a businessman associated with Montenegrin President Milo Djukanovic. **[9b]** However, unlike in previous years, the government did not subject journalists to harassing libel suits. **[2b]**

6.7 Government interference in media generally fell during 2002. The Podgorica Union of Independent Electronic Media of Montenegro (UNEM) reported more politically balanced coverage in both state owned and private media during the year. UNEM attributed the improvement to increased international pressure for fair media reporting in the country. **[2b]**

6.8 In addition to local media, a wide variety of international output is available, including Belgrades B-92, Italian Television (RAI), Croatian State Television (HRT), the British Broadcasting Corporation (BBC), the Voice of America (VOA), Radio Free Europe (RFE) and other foreign broadcast services in Serbian or other languages on other broadcast media. Foreign publications from abroad are available. Access to the Internet is unrestricted and academic freedom is respected. **[2b]**

return to contents

Freedom of Religion

6.9 The law provides for freedom of religion and the government generally respects this right in practice. **[2b]** National minorities are able to freely manifest their religion or beliefs. **[75]** 69% of the population are Orthodox Christian, though these are divided between the Serbian Orthodox Church and the Montenegrin Orthodox Church; 19% are Muslim; and 4% Catholic. **[81]** The constitution specifically recognises the existence of the Serbian Orthodox Church but not other faiths. **[2b]**

6.10 Tensions continue between the Serbian Orthodox Church and the Montenegrin Orthodox Church, which led to several incidents in 2002. Most of these occurred at Orthodox Christmas, when followers of the two churches clashed. NGO representatives reported concern at the level of religion-influenced nationalism and hate speech that they encountered in Montenegro. However, there was less violence in 2002 than in previous years. **[2b]**

6.11 The Montenegrin Orthodox Church is registered with the Government of Montenegro Ministry of Interior in Cetinje, as an NGO. The Government of

Montenegro remained officially neutral in the dispute between followers of the Serbian Orthodox Church and the Montenegrin Orthodox Church, but political parties have used this issue in support of their own political agendas. **[2a]**

6.12 The Serbian Orthodox Church has frequently criticised the Pentecostal Church. There have been several incidents reported in which the religious practices of members of the Montenegrin Orthodox Church were interfered with. However, such incidents appear to have occurred less frequently than in the previous year and no violent incidents were reported during 2001. **[2a] [8c]**

6.13 Seventh Day Adventists and Jehovah's Witnesses are officially registered religions in the republic, and Jehovah's Witnesses regularly proselytise without incident. Unlike in 2000, there were no reported problems during 2001 with the Serbian Orthodox Church regarding the construction and renovation of Jehovah's Witnesses' or Seventh-Day Adventists' church buildings. **[2a]**

6.14 Throughout 2002 Jehovah's Witnesses and the Church of Jesus Christ of Latter Day Saints (Mormons) reported difficulties in obtaining long-term visas for missionaries. Jehovah's Witnesses reported that authorities were limiting the amount of literature that they were allowed to import into the country. They argued that the amount that they were permitted to import was insufficient for the needs of 8,000 members and friends of the community. **[2b]**

return to contents

Freedom of assembly and association

6.15 The constitution provides for freedom of peaceful assembly and association and the Government generally respects this right**.** Political rallies are routinely held without government interference. **[2b]**

Employment rights

6.16 All workers except military and police personnel have the legal right to join or form unions, and most if not all of the workforce in the official economy is organised. Both official, government-affiliated unions and independent unions exist. The law provides for the right of collective bargaining. However, collective bargaining remains at a rudimentary level of development. Because the independent labour movement is largely fragmented, there have been few tangible results in the form of improved working conditions or higher wages. A general lack of resources within the economy also acted as a restraint. **[2b]**

6.17 Strikes were frequent throughout the year, mainly caused by the economic situation, unpaid salaries, manipulation and fraud in the privatisation process, and denial of union rights. The minimum wage of about $50 per month was generally respected by larger enterprises in 2002 and was equivalent to unemployment benefits. The gross average wage was about $200 per month, which was insufficient to provide a decent standard of living for a family. **[2b]**

return to contents

People trafficking

6.18 The Montenegrin Criminal Code was amended in July 2002 to make trafficking in persons a crime; however, trafficking is a growing problem. There were reports that some members of the Montenegrin authorities facilitated trafficking. Authorities made a number of arrests and interceptions of traffickers during the year. **[2b]**

6.19 On 30 November 2002, Montenegrin Police arrested Deputy State Prosecutor Zoran Piperovic on suspicion of involvement in trafficking in persons and prostitution. The then Minister of Interior Andrija Jovicevic said that Piperovic was directly involved in the purchase, sale, rape and torture of a Moldovan victim, identified by the initials S.C. Piperovic was detained in prison until 27 January 2003. **[2b]**

6.20 The Ministry announced that the arrests were made in connection with an international ring of human trafficking and forced prostitution, the destination of which was Montenegro. The list of clients might allegedly include other high-ranking

politicians and public figures. At year's end, the courts, prosecutors or police had not produced a list of government officials. Prime Minister-designate Djukanovic removed Jovicevic from office, claiming that he had authorised the arrest of Piperovic without prior consultation, provoking a government crisis and leading to rumours of a government cover-up. **[2b] [7k]**

6.21 Montenegro is primarily used as a transit point for trafficked women, however is also a settlement point with brothels and nude dancing venues located on the outskirts of cities and along major transportation routes. Women are trafficked from Romania, Ukraine, Moldova, Bulgaria, and Russia, often passing through Belgrade and on to Kosovo or Albania, where they continue to Italy and other western European countries. Trafficking has steadily increased in recent years. **[2b]**

6.22 An anti-trafficking board composed of relevant government ministries, social services, international organisations, and NGOs was introduced in 2001 and is chaired by a National Co-ordinator appointed by the Interior Ministry. A law enforcement task force investigates and prosecutes trafficking cases. Under the board's direction, a shelter for trafficking victims and a 24-hour hotline were established in Podgorica. The Interior Ministry reported that the shelter has housed approximately 45 women since it opened in 2001. **[2b]**

6.23 In October 2001, the Interior Ministry signed a memorandum of understanding with two local NGOs determining procedures for protecting possible trafficking victims; this distinguished possible victims of trafficking from prostitutes and illegal migrants and referred possible victims to appropriate social services. However, in some cases potential victims are still being detained, fined and deported for illegal border crossing and prostitution. The Government, generally returns victims to their own country; a number of international donors have funded repatriation through IOM. **[2b]**

6.24 The Federal and Serbian governments provide support to NGOs and other international organisations in the form of shelter and school space, shelter security, and public television and radio time. International organisations sponsor police

training in methods of dealing with human trafficking. General awareness of the problem has improved following internationally sponsored public awareness campaigns conducted throughout the country, but action has been slow. **[2b]**

return to contents

Freedom of movement

6.25 The republic Constitution provides for freedom of movement and the government generally respects this right in practice. Unlike in previous years, the Yugoslav army did not restrict freedom of movement. **[2b]**

6.26 The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally co-operates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organisations in assisting refugees. **[2b]**

6.27 In Montenegro, there are 14,600 refugees from the former Yugoslavia (10,600 from Bosnia, 3,800 from Croatia, 300 Romas). In addition there were approximately 25,000 to 30,000 internally displaced persons (IDPs) from Kosovo; the majority were Serbs, but approximately 7,500 Roma were also displaced. **[2b]** The World Health Organisation estimates that refugees make up 12% of the population of Montenegro **[48]**. While citizens are routinely issued travel documents, only those refugees who are leaving the country permanently are issued with travel documents. **[2a]** It is likely that most of the refugee population wish to remain in Montenegro. **[35]**

6.28 Conditions for refugees and IDPs vary. Some of those with relatives or property in the country have been able to find housing and, in some cases, employment. The situation for others is bleak. Although international relief agencies and local NGOs are providing valuable support, government health, education and social sectors are underfunded. It is also notable that UNHCR's budget for the region in 2002 was nearly halved compared to that for 2000. **[35]**

6.29 Many Roma refugees and IDPs live in large collective centers, with only

limited access to health care and education. One of the major problems for Roma children is their lack of knowledge of the Serbian language, and there are no schools teaching in the Roma language. **[2b] [61] (**see Roma**)**

6.30 There were no reports during the year of the forced return of persons to a country where they feared persecution. **[2b]**

return to contents

6b Human Rights - Specific Groups

Ethnic groups

6.31 Montenegro has a notably good record on pluralism when compared to its neighbours. Inter-ethnic relations in Montenegro have been considerably better throughout the process of Yugoslavia's disintegration than in most other republics. **[46]** It was the only place in the region where IDPs from Kosovo of every ethnicity (Serbs, Bosniaks, Albanians, Roma and others) were accepted. At one point after the war, refugees and IDPs made up 20% of the population of Montenegro, though this has dropped now to 10 - 12% (50-60,000). **[65]** Although Serbs/Montenegrins predominate, there are substantial Albanian and Bosniak Muslim populations and the different groups live in relative harmony. **[2a]**

6.32 According to the Government of Montenegro, the ethnic breakdown of the population is as follows: Montenegrins 62%, Bosniaks 15%, Serbs 9%, Albanians 7% with some others, including Roma. **[81]**

6.33 The government has committed itself to policies of ethnic inclusion. Ethnic Albanians, who make up about 7% of the population, are guaranteed representation in the Montenegrin government and the Minister for Ethnic Minorities is Albanian, though the level of representation falls short of their proportion of the population. **[2b] [11b] [11c]** 34% of the police force is made up of Bosniak Muslims and many of the Muslim police officers are deployed in the predominantly Muslim Sandzak area in the north of

the republic. (See Serbia section on Bosniaks) Ethnic Albanians and Bosniaks followed Djukanovic's call to boycott the federal elections in October 2000 and they generally tend to favour independence from Serbia. **[2b]**

6.34 The Montenegrin Council on the Protection of the Rights of National and Ethnic Groups convenes periodically and makes recommendations on minority rights. Although not legally binding, the Council's statements do carry political weight. Albanian language publications, radio and tv stations are available in Montenegro, though there is only one magazine which caters for the Bosniak population. **[75]**

6.35 Albanian language elementary and secondary school education is provided in several municipalities. The government also recently established an Albanian language chair at the faculty of humanities in Niksic, though this has not been popular because it was not established in an Albanian majority area. **[63b]**

6.36 Although the government has promoted ethnic inclusion and there are further plans to build upon the recent state level law on ethnic minorities, societal discrimination against ethnic minorities persists. This is probably most serious in relation to the Roma community. **[2b] [47]**

return to contents

Roma

6.37 While there is no official discrimination against Roma population, prejudice is widespread. Social and racial discrimination, as well as the effects of traditional Roma practices and customs limit their access to education, health centres and employment. Local authorities often ignore or condone societal intimidation and ill treatment of members of the Roma community, many of whom were IDPs from Kosovo. **[2b]**

6.38 The Humanitarian Law Center (HLC) notes that the housing situation for Roma in Montenegro is sometimes better than in Serbia. Local authorities in some municipalities have allowed Roma to build settlements on city owned land or provided alternative housing. In some cases, Roma squatters have moved into abandoned buildings and local authorities have accepted this. However, many Roma live in slums without even basic amenities. **[63b]**.

6.39 Roma refugees and IDPs, mostly from Kosovo, tend to fare worse than those from other ethnic backgrounds, about 50% of them living in large collective centres, often in very poor conditions with no electricity, running water or sanitation. They are heavily dependent upon support from international NGOs which is gradually being reduced as aid budgets are cut. **[67a]** The lack of official documents means many Roma have little or no access to health care or education. **[2b] [65]**

6.40 As in Serbia, Roma experience difficulties in relation to gaining access to public amenities and this is sometimes compounded by violence against them by private citizens. Roma do not always enjoy the full protection of the law: the response from the police is sometimes inadequate and judicial proceedings are often unduly prolonged when Roma appear as plaintiffs. **[63b]** There are also some incidents of Roma being ill treated by police. **[2b]**

6.41 One of the main problems for Roma children is their lack of knowledge of the Serbian language. Roma girls in particular, have less access to education, vocational training and employment than any other group. **[35]** Some schools have refused to accept Roma children or they have been taught in separate, all Roma classes. However, additional lessons have been organised for Roma children by NGOs and there has been an expansion in extra mural education for Roma children. **[63b]** The Deputy of the Montenegrin Ministry for Refugees commented to the Women's Centre for Refugee Women and Children in 2001, " We estimate there are 1,500 primary school children who are not in school. Most of them are Roma children. Our intention is to integrate the children into the local school system, but the impediments are serious. They include social discrimination, language and cultural barriers, poverty and hygiene." **[2b] [35] [61]**

return to contents

Women

6.42 The traditionally high level of domestic violence still persists. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. Few

victims of spousal abuse ever file complaints with the authorities and spousal rape is not recognised as an offence. A lack of female police officers at police stations resulted in long delays in investigating rapes, assaults and offences against women. **[2b]** Recent changes to the Montenegrin Criminal Code introduced wider protection from domestic violence. **[75]**

6.43 Women do not enjoy a status equal to that of men and few women hold upper level management positions in government or commerce. **[2b] [75]** However, increasing numbers of women are serving in professional fields such as law, science, medicine and human rights organisations. Women are legally entitled to equal pay for equal work, though in practice they do not always receive it. Women are allowed 12 to 18 months of maternity leave. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected women to discrimination in the home. **[2b]**
The Federal Parliament ratified the Optional Protocol to the Convention of Elimination of all forms of Discrimination against Women (CEDAW) in December 2002. **[75]**

6.44 Montenegro is a known source, transit and destination country for women and girls trafficked to other parts of Europe for forced prostitution. **[2a]**

return to contents

Children

6.45 The government attempts to meet the health and educational needs of children, but insufficient resources at times impede this goal. Education relies upon foreign funding support. Since 2000 UNICEF has contributed $1.6m. **[49b]**

6.46 The education system provides 8 years of mandatory schooling. Although ethnic Albanian children have access to instruction in their native tongue, the government was criticised for not developing a curriculum in which they could learn about their own culture and history. Children of refugees may have problems in accessing adequate health care and education, and often live in unhealthy conditions. **[35]** In particular, most Roma children receive little or no education beyond the primary school level – see

section on ethnic minorities**. [2a]**

6.47 There is no societal pattern of abuse against children. However, domestic violence is a particular problem among refugees. **[35]** Also, according to a Council of Europe report, the law does not allow a juvenile allegation of a crime without a parent or guardian present. Consequently, there is almost no reporting of child abuse or incest. A lack of female police at police stations resulted in long delays in investigating rapes, assaults and offences against children. **[2a]**

6.48 The official minimum age for employment is 16 years, although in farming communities it is common to find younger children assisting their families. The high unemployment rate ensures that there is little demand for child labour in the formal sector. **[2b]**

6.49 The country served as a transit point for trafficking of girls for forced prostitution. **[2b]**

Child care

6.50 There are six state run institutions accommodating children in Montenegro. Only one of these is for children under 18 without parental care, the remaining five catering for children with special needs. UNICEF is in discussion with the government about the conditions in these establishments, which have suffered from underfunding in recent years, and some may be closed. Apart from the adoption of babies, there are no alternative arrangements for children under 18 without parental care. **[11i]**

return to contents

6c Human Rights – other issues

Repatriation

6.51 The FRY authorities imposed travel restrictions in November 1994 that made it more difficult for returnees (including voluntary) to re-enter the FRY. In particular, the

FRY made it clear that asylum seekers abroad would not be re-admitted unless or until a bilateral readmission agreement was in force.

6.52 The SaM authorities have indicated that they will accept the return of individuals whom they accept as being SaM nationals.

return to contents

KOSOVO

Contents:

		Para	
2	Geography	2.1	
3	History	3.1	
4	Economy and infrastructure	4.1	
5	**State Structures**		
	Constitution	5.1	
	Political system	5.4	
	Judiciary	5.14	
	Legal Rights / Detention	5.24	
	Internal Security		5.27
	Mitrovica	5.33	
	Prisons	5.40	
	Military service	5.43	
	Medical Services	5.44	
	Educational System	5.51	
6	Human Rights - overview	6.1	
6a	**Human Rights - Issues**		
	Freedom of Speech and the Media	6.3	
	Freedom of Religion	6.8	
	Freedom of Assembly and Association	6.12	
	Political activists	6.13	
	Employment rights	6.17	
	People trafficking	6.18	
	Freedom of Movement	6.23	
6b	**Human Rights – Specific Groups**		
	Ethnic Groups	6.28	
	-Returns	6.39	
	-Serbs	6.47	
	-Roma	6.54	
	-Muslim Slavs	6.64	
	-Gorani	6.70	
	-Turks	6.74	
	-Croats	6.75	
	-Mixed ethnicity	6.76	
	Women	6.77	
	Children	6.83	
	Homosexuals	6.88	
6c	**Human Rights – Other Issues**		
	Kosovo Albanians from minority areas	6.89	
	Those accused of involvement with the previous Serb administration	6.91	
	"Draft evaders" and "deserters" from the former KLA / UCK	6.92	
	Landmines and Depleted Uranium	6.93	

Return to main contents

2 GEOGRAPHY

2.1 The province of Kosovo lies in south-west Serbia. The overwhelming majority of the population of just under two million are ethnic Albanians (over 90%) with the remainder comprised of minorities including Serbs, Roma, Muslim Slavs, Turks and Croats. The largest town and provincial capital is Pristina. **[1]**

return to contents

3 HISTORY

3.1 Although a province of Serbia, and therefore part of the old FRY, Kosovo has been administered on an interim basis by the UN since June 1999. On 9 June 1999, FRY signed an agreement requiring the withdrawal of all forces from Kosovo and the establishment of an international security presence under a UN mandate. An interim civil presence, the UN Interim Administration Mission in Kosovo (UNMIK) was established shortly after. **[1] [2b] [6a]**

3.2 Within weeks, over 800,000 ethnic Albanians who left Kosovo during the conflict had returned. Urgent work began to help hundreds of thousands of people to rebuild their homes and gain access to food, water and electricity before the onset of the harsh winter. Fearing revenge attacks, about 200,000 Serbs and Roma left the province in the following months. **[1] [2b]**

3.3 The greatest challenge for UNMIK has been to contain inter ethnic violence. In the aftermath of the conflict there were very high levels of violence, harassment and discrimination directed at non-Albanians, with Serbs the main victims. The incidence of violent crime has reduced considerably over the years since the conflict ended. However, inter-ethnic tension remains, particularly in the northern city of Mitrovica, where the Serb and ethnic Albanian communities are completely divided. **[15a] [15c] [17a] [17b] [18a]**

3.4 UNMIK has supervised the creation of Kosovo as a functioning province. As well as supporting the reconstruction of domestic accommodation (mostly

undertaken by the people of Kosovo) UNMIK has established civic structures (police, judiciary, legal system etc) and much has been done to rebuild the physical infrastructure of the province. Water, electricity and heating supplies have improved greatly but are still not wholly reliable. Much progress has been made and the focus is shifting from physical reconstruction to institution building. Most people from Kosovo have returned to their homes, schools and businesses have reopened, land is being cultivated and buildings and streets are under repair. **[15a] [15c] [15d] [17a] [17b] [18a] [18b] [19e] [68]**

3.5 UNMIK has transferred much of the responsibility for governing the province to its people. Following municipal elections on in October 2000, local politicians assumed a greater role in the administration of the municipalities. Elections for a Kosovo Assembly were held in November 2001 and, after some delay, Ibrahim Rugova was appointed as President of Kosovo in March 2002. Further municipal elections were held in October 2002. The UN Security Council has agreed that the future status of Kosovo (and therefore the eventual relationship between Kosovo and Serbia) must be resolved in due course through dialogue between political leaders in Belgrade and Pristina. **[8f]**

return to contents

4 Economy (and infrastructure)

4.1 Kosovo remains one of the poorest regions in Europe.**[21c]**The economy inherited by UNMIK had been reduced to near collapse by 10 years of deliberate neglect from Belgrade and there was no administrative structure to build upon. The economy before the conflict had a substantial agrarian sector, which continues to support a large percentage of the population. Key industries were mining, metallurgy and related manufacturing enterprises, particularly centred around the Trepca mine complex which is currently inactive. Remittances from relatives abroad were and continue to be an important source of income. **[2b][15e]**

4.2 The economy of Kosovo remains dominated by the presence of the NGOs and other international organisations and their highly paid staff. For Kosovo Albanians, of whom over 55% are of working age, unemployment runs at about 57% and salaries are low by European standards (the average public service employee earns about £90 per

month). GDP is approximately €1,200 per capita. **[15i]** 50% of the population are considered by UNDP to be living in poverty. **[21c]**

4.3 UNMIK believes that the emergency reconstruction needs of Kosovo have been met, with the emphasis shifting to economic sustainability and capacity building. The economy grew in real terms by 8% in 2002. **[15i]** Reliance on donor support has decreased as regulated and revenue generating commercial economy has begun to take root. As the need has diminished, donor support from EU has been reduced from €320m in 2001 and €134m in 2002, to only €50m in 2003. **[68]** However, the balance of payments deficit of €2.06billion actually exceeds GDP by 5%. **[15i]**

4.4 Policies that encourage the development of a market-oriented business environment have been pursued and progress has been made to establish an appropriate legal environment to support newly emerging enterprises. Over 70% of private small and medium businesses have now restarted. The agricultural sector is also recovering: although about 50% of Kosovo's farm assets were destroyed as a result of the conflict, thanks to NGO project support, recent wheat harvests have been higher than recent pre-conflict harvests. **[15b] [15e]**

4.5 The newly created banking sector is expanding and there are now 117 commercial bank branches throughout the province. **[15i]** UNMIK worked with the banks to resolve logistical issues involved in switching from the Deutschmark to the Euro in January 2002. **[15b]** The process of conversion led to about 100,000 customers opening new accounts. **[15e]**

4.6 Most of the damaged housing stock has now been rebuilt. But UNMIK continues to provide temporary community shelters for those with no alternative accommodation. **[27c]**

4.7 A regulated social assistance system has been introduced, targeted at families from vulnerable groups. Centres for Social Work, located in almost all municipalities, are responsible for selection of the remaining beneficiaries of food aid. **[27d]** However, the UN agency World Food Programme has ended its operation in Kosovo because of the fundamental change in the socio-economic situation in the province since 1999. **[21c]** Pensions are provided for people of over 70 years old, though these amount to

only about £10 per month. **[15a] [15b] [15c]**

4.8 Most schools and hospitals have been reopened, though facilities are sometimes basic and access for ethnic minority groups can be problematic. Significant improvements have been made in the civic and administrative infrastructure, as demonstrated by the successful completion of the municipal and assembly elections. Over one million identification cards have been issued, UNMIK passports and driving licences are available and vehicle registration is continuing with over 185,000 vehicles registered so far. **[2b] [15c] [15i]**

4.9 With extensive reconstruction works, there have been considerable improvements in the physical infrastructure of the province. The basic utilities of power and water are continuing to improve, although scheduled power cuts continue. **[15i]** Over 80% of the population now have a chlorinated water supply. Communications have been improved: an international postal service operates with computerised functions and the telephone network (including mobile telephones) has been expanded. **[15a] [15b] [15c]**

4.10 Transport links are improving and a plan to overhaul and reorganise the public transport system is being prepared. A freight railway system became operational in March 2001 and this is expected to alleviate congestion on the main road routes. Pristina airport has been upgraded and remained operational throughout the winter apart from minor disruption for severe weather. **[2b] [15a] [15b] [15c] [19a]**

return to contents

5 STATE STRUCTURES

Constitution

5.1 Under UN Security Council Resolution 1244 **[20]**, UNMIK, is responsible for performing basic civilian administrative functions and promoting the establishment of provisional self-government. UNMIK is led by the third Special Representative of the UN Secretary General (SRSG), Michael Steiner, who was appointed January 2002 **[50]** The previous incumbents were Hans Haekerrup and Bernard Kouchner. The

organisational structure of the administration is arranged in four distinct "pillars", run by the following organisations respectively: Law and Order – UN; Civilian Administration - UN; Institution Building - the Organisation for Security and Co-operation in Europe (OSCE); and Reconstruction – EU. **[11m]**

5.2 Until the municipal elections in October 2000, the involvement of the local population in the official administration was limited to their participation in various advisory bodies, the highest being the Joint Interim Administrative Structure (JIAS). However, the JIAS was replaced by a 120 seat Assembly, following the province's first Assembly elections in November 2001. **[2b] [15b]**

5.3 The Constitutional Framework for Provisional Self Government established the legal structure for the Provisional Institutions of Self Government (PISG) including the assembly. Responsibility for most functions of government have transferred been to the PISG. **[21d]** However, UNMIK retains control of foreign affairs, monetary policy, justice and public order. UNMIK also retains a veto over any measures that appear to violate UNSR 1244 and the assembly is not permitted to discuss the future status of Kosovo. **[8g] [12b]**

return to contents

Political System

5.4 The two main ethnic Albanian political parties in Kosovo are the Democratic League of Kosovo (LDK) and the Democratic Party of Kosovo (PDK). The LDK predated the existence of the Kosovo Liberation Army (KLA/UCK) and they formed the main focus for resistance to the Serb regime in the years before the conflict. Led by Ibrahim Rugova, the LDK always advocated the achievement of their aims by peaceful means. They were critical of the violence against ethnic minorities following the conflict, much of which was alleged to have been perpetrated by extremists associated with the KLA. **[1]**

5.5 The PDK evolved from the political arm of the KLA and is headed by former KLA commander, Hashim Thaqi. The KLA was officially disbanded on 20 September 1999, with many former members being absorbed into the newly formed Kosovo Protection

Corps (KPC/TMK) a civil emergency service led by former KLA commander Agim Ceku. Both parties, (as well as the third most popular ethnic Albanian party, the Alliance for the Future of Kosovo (AAK)) have independence for Kosovo as their principal policy. **[1]**

5.6 There has been considerable tension between the LDK and PDK and this was manifested in politically motivated violence in the run up to the municipal elections in 2000. However, the election for the Assembly in 2001 passed off largely without violence and was considered to be free and fair. **[15b]** The LDK won the elections with about 46% of the vote, taking 47 seats. But it failed to secure an overall majority and needed to enter a coalition with the other main political parties. Following the election it took three months of political wrangling before the appointment of Ibrahim Rugova as President of Kosovo was agreed, with Bajram Rexhepi of the PDK taking the post of Prime Minister. **[8f]**

5.7 The Kosovo Serbs boycotted the municipal elections because they saw them as part of a process that would lead to the eventual independence of Kosovo from Serbia. However, the Serb Coalition "Povratak" agreed to take part in the Assembly elections and the Serb community participated in the voting following intensive negotiations between UNMIK and the FRY authorities, which led to the signing of a "Common Document". The Common Document addressed Serb concerns, including those about security, justice and returns issues. **[15b]**

5.8 Ethnic minorities are guaranteed representation in the Assembly with 35 seats reserved, of which 10 are for Serbs. The Serb coalition have 22 seats in the Assembly, including those won through direct voting. **[15b]** As well as the Serb Coalition Povratak, which includes 21 Serb parties, others representing Roma, Ashkali, Egyptians, Bosniaks and Turks also took part in the elections. Ethnic minorities are guaranteed two ministerial positions; one of which was assigned to the Serb coalition, the other to the Bosniak / Gorani Vatan coalition. **[15e]**

5.9 Working relations between the different ethnic groups within the Assembly have been reasonably good, though there has been some friction with Serb members in relation to external border and boundary issues. The Head of UNMIK has had to intervene on several occasions when the Assembly has passed resolutions on issues beyond their remit, largely in the area of the status for the province and international

relations. **[15i]** OSCE are monitoring the workings of the Assembly to ensure that ethnic minority members are able to fulfil their function within it. **[75]**

5.10 Kosovo's second municipal elections were held on 26 October 2002 and were again won by the LDK. The elections passed off reasonably calmly and were judged to be within "European standards" by monitors, though turnout was lower than in previous elections. However, the murder of the LDK mayor in Suhareke / Suva Reka and several attacks senior LDK members (some of which were related to the trial of some ex-KLA members) have given rise to fears that politically motivated violence may be on the increase. **[15i]**

5.11 Kosovo Serbs only voted in the five municipalities where they constitute the majority: elsewhere participation was minimal, with a virtual boycott by Serbs in Mitrovica. The low Serb turnout was largely because of fears that about a gradual drift towards independence for Kosovo and mixed messages from Belgrade. Where Serbs took part in large numbers, Povratrak lost out to the Democratic Party of Serbia or the Serb National Council of Mitrovica. **[15i] [43w]**

5.12 On 25 February 2003, Kosovo Serb leaders formed an association of Serbian Municipalities, which comprises the 220 Serb representatives who won seats in the municipal elections. They have called for federalisation of Kosovo into two separate ethnic entities. The move has been condemned by the international community and has been seen as a political tactic in relation to any possible moves towards independence for Kosovo. **[43aa]**

5.13 The unresolved of the final status of Kosovo has been a key issue in Kosovo politics, with Kosovo Albanians calling for independence and Kosovo Serbs opposing this. Michael Steiner responded to calls from ethnic Albanian politicians for an early decision on independence for Kosovo by stressing the need for "standards before status," meaning that the Assembly and PISG will have to prove that benchmark standards of governance can be achieved before any such steps could be taken. **[9e] [15h][15i]** The "standards" he was referring to relate to democracy, the rule of law and human rights. **[82]** They included freedom of movement for all in Kosovo and the return of over 100,000 displaced Serbs and other minorities. **[30f]**

return to contents

Judiciary

5.14 The applicable law provides for an independent judiciary. UNMIK re-established a court system that included a Supreme Court, 5 District Court, a Commercial Court, 13 offices of the Public Prosecutor and a number of courts for minor offences. The compilation of criminal law is based on that in force in Kosovo in 1989 combined with regulations issued by UNMIK and is somewhat complicated and unwieldy. UNMIK has completed a new Criminal Code and Criminal Procedure Code, but these are not yet in force. **[2b] [82]**

5.15 It has taken UNMIK time to establish an effectively functioning independent judicial system. The climate of revenge made it difficult to recruit impartial judicial personnel, but the numbers are now up to target levels. There have also been concerns that members of the judiciary are subject to intimidation and harassment. **[9b] [2b][69]**

5.16 It has been difficult achieve and maintain an ethnic balance in the judiciary, though the Department of Justice recently created the Judicial Integration Section to coordinate a minority recruitment strategy in the judiciary. **[15b]** UNMIK has now managed to employ a significant number of judicial staff from ethnic minority communities. **[18d]** The indigenous justice system comprises 373 local judges, including 16 Kosovo Serbs and 17 from other minority communities. **[15i]** UNMIK has been working with Serbian Government to encourage Serbs to apply for vacant judge and prosecutor positions. **[2b] [82]**

5.17 UNMIK has introduced international judicial support, which is taking the lead in processing the large number of war/ethnic/organised crimes as well as other cases that may affect the security situation. By the end of 2002, there were 29 international judges and prosecutors in place. **[2b] [82] [15i]**

5.18 Although the Kosovo Judicial Institute was established in 2000 to train judges and prosecutors, there have been concerns about the level of skills of the local

judges. It has also been suggested that inefficiency by both the international and local judiciary has led to unnecessarily long periods of pretrial detention. **[2b] [82]**

5.19 As part of the drive to raise the quality of the domestic judicial system, the first disciplinary hearings against local judges and prosecutors, resulting from investigations conducted by the Department of Justice's Judicial Inspection Unit began in mid September 2001. Most cases arose from complaints against Kosovo Albanian judges by other Kosovo Albanian judges. **[2b]**

5.20 The law provides for the right to legal representation at public expense if necessary but as a result of oppression under the Milosevic regime there are insufficient lawyers working in Kosovo. Bar associations are poorly organised. Ethnic Serbs may face practical difficulties in accessing adequate representation because of the small numbers of Serb lawyers available. **[2b]**

5.21 A working group has been set up to expand the availability of legal aid and to guarantee access for minorities. Also, the institution of the Ombudsman has been established to investigate cases pertaining to employment disputes, property rights, social rights, access to public services and discriminatory practices. **[2b]**

5.22 Amnesty International noted that UNMIK failed to guarantee detainees the assistance of legal counsel, including during interrogation. **[3e] [9b]** They also noted that the failure to establish a comprehensive witness and victim protection programme compromised the ability of UNMIK police to investigate and prosecute those suspected of trafficking in women. **[3e]**

5.23 Towards the end of 2002 a number of Kosovo Albanians were indicted for war crimes and in a separate trial, five members were convicted of various offences including murder and given prison sentences. These trials took place in a politically high charged atmosphere, particularly as ethnic Serbs accused of committing crimes against ethnic Albanians were acquitted in trials during the same period. There is some concern that there are insufficient resources to provide adequate witness protection in such cases. **[15h][15i][9e]**

return to contents

Legal rights /detention

5.24 Under UNMIK regulation 1999/24 police may detain criminal suspects for up to 72 hours without charging them or granting access to a lawyer. However, there were reports of this procedure being used as a minor punishment without any intention of bringing charges. Applicable rules permit pre trial detention for up to 6 months, but UNMIK decreed that this period may be extended by up to an additional 6 months in cases of crimes punishable by a sentence of over 5 years. **[2b]**

5.25 Lengthy pre trial detention is a problem in cases of serious crimes. Some detainees allegedly involved in ethnically based crimes have been held on the basis of weak evidence. Approximately 1,120 people are currently held in pre trial detention in civilian prisons and detention facilities. There have been claims that there is ethnic bias in the amount of time it takes to bring some cases to trial, with Serb cases taking longer. **[2b]**

5.26 Under UNSCR 1244, KFOR is able to detain persons without charge or bringing them before a judge. An OSCE report noted that neither international law nor the security situation on the ground supported such practices. **[2b][3f] [9e] [82]**There have been some complaints off ill - treatment while in police custody and some allegations of corruption. **[82]**

return to contents

Internal security

5.27 Policing in Kosovo is being undertaken by a combination of KFOR troops, UNMIK civilian police and local Kosovo Police Service (KPS) officers. There are approximately 30,000 KFOR personnel in the province. **[11m][15g]** UNMIK police, of whom there were 4274 in service in October 2002 **[15h]**, have assumed full responsibility for criminal investigations throughout the province, though they still rely upon KFOR support **[15f]** As of January 2003, 5200 KPS officers were in service, with

continuing efforts being made to increase the level of representation from ethnic minority communities, currently 15% (9% Serbs and 6% from other ethnic minority groups). **[15i]**

5.28 The figures for violent crime have dropped significantly over the past two years. Generally, as the days of conflict recede, the overall crime pattern that is emerging in Kosovo is considered by UNMIK police to be becoming more akin to the kind of crime pattern seen in other countries. **[19b]** There has been a continued reduction in ethnically motivated crime. **[2b][9e][18d]**

5.29 With the improved security position, KFOR has continued the process of "unfixing" its static checkpoints. By the beginning of 2003, KFOR had only 30 fixed checkpoints remaining throughout Kosovo. Also, the number of KFOR escorts has been reduced by half since February 2002. **[15i]**

5.30 During the year 2002, a total of 68 civilians were killed, compared to 136 in 2001 and 245 in 2000. **[15f]** Of the 68 fatalities, 60 were ethnic Albanians, 6 were ethnic Serbs and 2 were of unknown ethnicity. Despite the reduction in ethnically motivated crime, most attacks on Serbs and other minorities were ethnically motivated. The majority of the attacks on Albanians were connected to family and economic rivalries, criminal activities or politics. **[2b]**

5.31 There were several cases of politically motivated violence in 2002 and the first few months of 2003. These are dealt with in the section on political activists. Further details of ethnically motivated violence are provided in the section on ethnic minorities.

5.32 During 2002, UNMIK arrested several high profile former members of the KLA on charges relating to crimes committed during 1998 and 1999. Some of these arrests, including that of Rustrem Mustafa ("Remi") in August 2002 provoked outcry from ethnic Albanian politicians and large scale demonstrations. **[15h]** In some incidents, UNMIK police and the KPS were targeted for violent attack. **[15f] [56b]** In February 2003 three ex KLA members were arrested and were indicted for war crimes at the Hague. **[8s]**

Mitrovica

5.33 The area of greatest ethnic tension and hostility in Kosovo is the city of Mitrovica.

Divided by the river Ibar, the city has about 9,000 Serbs controlling the north bank and more than 90,000 ethnic Albanians living on the south side. The presence of 2,000 Albanians in the north, living under great pressure to leave from extremist Serbs, adds to the tension. **[2b]**

5.34 Violence first swept the city after a rocket attack on a UNHCR bus killed 2 elderly Serbs in the south of the city on 2 February 2000. Revenge attacks left 2 ethnic Albanians dead and soon afterwards grenades at two Serb cafes injured 25. Others died in a series of clashes and shootings across the city. **[1] [15a] [15c] [18a] [17a]**

5.35 A curfew was introduced in the city and a large KFOR presence installed at the main bridge across the Ibar. Ethnic Albanians held a series of mass protests against the partition of the city. The most dramatic of these was a march from Pristina to Mitrovica by a crowd estimated at about 70,000 people, which had to be kept at bay by KFOR using tear gas. Demonstrations by both ethnic Albanians and by Serbs required the intervention of KFOR troops with several injuries sustained. **[1] [15a] [15c]**

5.36 In August 2000, UNMIK assumed responsibility for and subsequently shut down the Zvecan lead smelter, (part of the Trepca mining complex, once the main source of Yugoslavia's mineral wealth) because of concerns about high levels of lead pollution. **[1] [15a] [15c]**

5.37 After 9 months of relative calm, riots erupted in April 2002 after the arrest of one of the Serb "bridge watchers" (para militaries who monitored people crossing the bridge) for a traffic violation. Over 300 Serbs confronted UNMIK police armed with stones and hand grenades, resulting in injuries to 22 UNMIK policemen. UNMIK responded by doubling the number of UNMIK police in northern Mitrovica. **[15e] [15f]**

5.38 In November 2002 UNMIK established its administration in northern Mitrovica, thus extending its authority throughout the whole of Kosovo for the first time. This was made possible by agreement with the (then) FRY authorities to discontinue financing parallel Serb structures and to support UNMIK in assuming control of the administrative functions and developing the KPS in northern Mitrovica. **[15i]**

5.39 By early 2003, KFOR and UNMIK police were manning the bridge instead of the "bridge-watchers" and 20 Serb KPS officers were patrolling the streets. 60 Serbs had

been recruited to work for the UNMIK administration and Serb teachers had signed contracts with UNMIK. Nine "quick impact" projects were initiated to help with regenerating the north of the city, including relocation of the Kosovo Trust Agency HQ to northern Mitrovica, the installation of traffic lights and the refurbishment of schools. **[15i] [43w]**

return to contents

Prisons

5.40 Prison conditions generally meet international standards and prisoners' basic needs of food, sanitation and access to medical care. Prisoners on remand are held separately from convicted criminals. Also prisoners aged 17-21 are housed separately from adult offenders. UNMIK operates five low and medium security prisons at Pristina, Prizren, Mitrovica, Peja and Gjilan; and one maximum security prison at Dubrava, Istog. Some facilities are in need of refurbishment and some are overcrowded. Prisoners at Dubrava rioted twice during 2002 in protest for better conditions although significant improvements were made during the year. **[2b] [82]**

5.41 UNMIK's efforts to increase minority participation in penitentiary structures have led to a significant increase in enrolment by Serbs in the Kosovo Correctional Service: 12% of prison officers are from ethnic minority backgrounds. **[15i]**

5.42 KFOR has the facility to detain people accused of war crimes and political violence at its base Camp Bondsteel. The fact that KFOR are able to detain individuals without charge has been criticised by Human Rights Watch, though there were no prisoners being held by KFOR at the end of 2002. **[2b] [9e] [82]** The Council for the Defence of Human Rights and Freedoms protested against the refusal of Pristina prision to grant them access to detainees. **[9e]**

Military Service

5.43 Although Kosovo was subject to FRY Military Service law prior to the conflict in

1999, it has not operated in Kosovo since that time. Citizens of Kosovo are not subject to any laws requiring military service.

Medical services

5.44 The health services are capable of providing satisfactory primary care and are continuously improving. But some conditions requiring more complex or long term treatment are beyond current resources. Details are not included here because health provision is constantly developing. **[27a]**

5.45 All hospitals are working, but the capacity of their laboratories and x-ray departments is limited. Also, patients with conditions that require regular laboratory control (eg. transplantation patients taking immuno-suppressive drugs) may not be able to find the necessary laboratory tests. All health houses (large health centres in the main towns of the municipalities) are working but their diagnostic capabilities are limited. **[2b] [15a] [19a] [27a] [33b]**

5.46 There is a growing AIDS problem in Kosovo, thought to originate from the large influx of prostitutes into the province. **[43x]** Patients with rare, chronic diseases (e.g., lack of growth hormone, hemophilia, HIV/AIDS) may not be able to find the drugs they need in public health care institutions or state pharmacies. Private pharmacies may be able to import the drugs they need, but they are likely to be expensive and the supply may be uncertain. **[27a]**

5.47 A review of the WHO mental health project in July 2002 made a positive evaluation of the progress in mental health sector in Kosovo. The WHO mental health programme has impacted on the development of a comprehensive mental health strategy developed in collaboration with local mental health professionals. This may come to be used as a model for use in other areas emerging from a period conflict. **[48d]** Also a Mental Disability and Mental Health Policy Implementation Task Force has been established. **[15h]**

5.48 Although mental health provision in Kosovo is underdeveloped, treatment for

psychological conditions including Post Traumatic Stress Disorder (PTSD) is available in Kosovo. Details of the "Kosova Rehabilitation Centre for Torture Victims (KRCT)" which provides treatment for PTSD are included in the source documents. **[70]** Growing numbers of people in Kosovo are suffering from PTSD. The number of patients treated for psychiatric disorders by KCRT increased from 1,187 in 2001 to 2812 in 2002. **[43y]**

5.49 As with medical treatment, the range of medical drugs available in Kosovo is constantly developing. Many standard drugs are now available, including Fluoxetin and Sertralin from the Selective Serotonin Uptake Inhibitors group (SSIs) often used for the treatment of PTSD. **[27e]**

5.50 A report by Mental Disability Rights International revealed that patients at the Shtimle Hospital were subjected to abuses by the staff. **[9e]** However, at the end of 2002, physical protection of inmates was still inadequate. **[2b]**

return to contents

Education system

5.51 In March 2002, the Ministry of Education, Science and Technology assumed responsibility for issues related to education. It aims to ensure that children from all ethnic groups receive free and universal education. School is compulsory for children between the ages of 6 and 15 and the vast majority of children under 15 attend school. The first phase of a series of reforms was introduced in 2002, designed to bring the educational system in line with European standards. **[15h]** In October 2002, a law on primary and secondary education was promulgated with provisions designed to ensure equal conditions for school children from all communities. All children have the right to native language education up to secondary level and there are schools which operate in Serbian, Bosnian and Turkish as well as Albanian. **[2b]**

5.52 Access to education has been problematic for some minority groups and they tend to attend separate schools. Both because of a lack of freedom of movement and because of reluctance to depart from a Belgrade-based curriculum, Kosovo

Serbian children attended neighbourhood schools that are sometimes housed in inadequate facilities and lack basic equipment. **[2b] [18d]** UNMIK has developed a strategy to build a sustainable Kosovo Serb education system, with full recognition of the structures under the Constitutional Framework and maintaining strong ties with educational reforms in Serbia. Albanian will be offered as an option in Kosovo Serb schools, but will not be compulsory. **[15d]**

5.53 According to a World Bank Poverty Assessment issued in September, attendance by ethnic Albanian and ethnic Serb children is almost universal at primary level, but attendance is lower among ethnic Albanian girls at secondary level. This is largely due to cultural factors. Roma Ashkaeli and Egyptian children attend mixed schools with ethnic Albanians **[18d]** but sometimes face intimidation or are expected to work for their families from a young age at the expense of their education.**[2b]** Bosniaks can obtain primary education in their language but there is a shortage of Bosniak teachers at secondary level. **[2b] [63b]**

5.54 Academic freedom is respected. Higher education in Kosovo is mostly concentrated at Pristina University, which is run and attended by ethnic Albanians only. The university has been in full operation since the 2000-2001 academic year. **[2a]**

5.55 UNMIK has recently established a Higher Education Centre in Caglavica, a Serb community near Pristina; a Mitrovica faculty of Pristina University; and a programme to modernize the Institute of Serbian History and Culture in Leposavic. UNMIK also plans to create a University of Applied Science, a mostly technical college with 3 year courses compatible with degree structures in Serbia. **[4e] [50]**

5.56 An administrative direction in February 2002 on the establishment of the North Kosovo University for Slavic Languages has led to the creation of an advisory board of Kosovo Serb teachers as well as general improvement in coordination of education reforms in northern Mitrovica. **[15e]**

return to contents

6 HUMAN RIGHTS

Overview

6.1 The key human rights issues in Kosovo relate to the position of ethnic minorities in the province, who have been targeted by ethnic Albanian extremists. The security situation for ethnic minorities has improved considerably in the last two years with a significant drop in ethnically motivated crime. The international community is trying to encourage the gradual return and reintegration of ethnic minority refugees who fled Kosovo. **[15i] [18d]**

6.2 The human rights Ombudsperson, Marek Antoni Nowicki, made progress in consolidating the ombudsperson institution. Although he has no authority to intervene in cases against KFOR and UNMIK he plays an important advisory role in individual cases and via his reports. His second annual report was highly critical of UNMIK in many areas, citing arbitrary restrictions of liberty and property rights, violations of basic suffrage and failure to make legislation available in local languages. **[2b] [9e]**

6a Human Rights issues:

Freedom of Speech and the Media

6.3 With the establishment of UNMIK, the OSCE set up a Department for Media Affairs, which is responsible for promoting openness, fact-based reporting and providing access to the media for a broad spectrum of political views and information for all ethnic groups. The Constitutional Framework, under which the new Assembly was created, includes provision for the establishment of an Independent Media Commission and Board of the Public Broadcaster. **[2b] [43j]**

6.4 Although the numbers fluctuate, there are usually about seven daily newspapers with a broad circulation in operation. The only Serb newspaper is now published in northern Kosovo and distributed in Serbian enclaves. One Bosniak weekly, Alem, is printed in Kosovo. **[2b]**

6.5 The print media has often acted irresponsibly, publishing articles which could incite violence against political personalities and listing names and addresses of

individuals who allegedly collaborated with the Serb regime. Such incidents have declined since UNMIK have made regulations to allow legal action to be taken against media outlets that tolerate irresponsible journalism. **[2a]** During 2002, Bota Sot and 24 Ore were fined for making unsubstantiated allegations. **[2b] [43j]**

6.6 There are a 79 radio stations and 24 TV stations in Kosovo. Although the majority of broadcasts are in Albanian only, there are stations which broadcast in Serbian, Turkish, Bosniak and Gorani. **[2b]**

6.7 Journalists have sometimes been subject to intimidation and harassment, often for political reasons. In the first months following the war, journalists who have published critical statements about the violence directed towards Serbs and other minorities were attacked, threatened or harassed. The most serious recent example was in October 2001, when Bekim Kastrati, a journalist with the LDK linked newspaper Bota Sot, was killed in a car ambush. **[2a]** There were no reports of physical attacks on journalists in 2002. **[2b]**

Freedom of Religion

6.8 UNMIK regulations require officials to respect freedom of religion and to prohibit discrimination based on religion under international human rights laws and conventions. Religion in Kosovo is often inextricably linked to ethnicity. Most ethnic Albanians are Sunni Muslims, but there is a Catholic minority who live mostly in the Southern and Western parts of the province. Serbs are almost exclusively Serbian Orthodox Christians. **[2b]**

6.9 Most ethnic Albanians are not strongly identified with their religion and their animosity towards Serbs is essentially on the basis of ethnicity, with the difference in religion a coincidental factor. However, Serbian Orthodox churches hold symbolic significance and over 100 have been destroyed in retaliation for the mosques destroyed by the Serbs. UNMIK have taken steps to ensure that all religious communities could

worship safely and deployed extra security at Orthodox religious sites. Attacks on Serb Orthodox churches and cemeteries have reduced significantly since 1999. **[2b]** However, in November 2002 there were attacks on two Serbian Orthodox churches in Istog municipality **[2b] [15i]** and there was vandalism of Serb cemeteries and the remains of a Serb monastery. **[2b]**

6.10 There have also been concerns for the safety of Orthodox priests and nuns who have experienced violence and harassment. Lack of freedom of movement has affected the ability of some Serbs to exercise their freedom to worship or attend weddings and funerals. **[2b]** Some Orthodox churches remain closed because of the difficulty of providing adequate security. **[82]**

6.11 It is estimated that some 70,000 Kosovar Albanians are Roman Catholic. Generally, they tend to be wealthier, better educated and better connected abroad than many of their Muslim neighbours. Muslim and Catholic communities tend to cooperate along ethnic lines because both are ethnic Albanian **[2b]** and there is no evidence of Catholic Albanians being persecuted specifically on religious grounds. There are certain areas within Kosovo where they may have come under suspicion of collaboration with the Serb regime (see section on ethnic minorities below) Such suspicion was fuelled by the fact that Catholic Albanian villages suffered relatively little damage during the conflict. Recent reports indicate that the Catholic church may be growing in strength in Kosovo. **[2b] [11d] [17a] [28]**

return to contents

Freedom of Assembly and Association

6.12 UNMIK regulations provide for freedom of assembly. UNMIK occasionally limit this right for security reasons. Organisers must provide 48 hours notice of demonstrations. Civilian UNMIK police and KFOR units occasionally forcibly dispersed demonstrations that became violent or otherwise unmanageable. Although the police occasionally responded inappropriately, in most cases hostile protestors were dispersed with minimal injuries. **[2b]**

Political activists

6.13 In 1999 and 2000, there were frequent reports of harassment, intimidation and violent attacks by extremist elements allegedly associated with the former KLA directed at supporters of the rival LDK party and others expressing moderate views. The LDK, led by Ibrahim Rugova had always advocated a peaceful, moderate approach and has been critical of the violence perpetrated by ethnic Albanians following the conflict. It is notable that the LDK achieved a majority in both the Assembly elections and two municipality elections, suggesting that their moderate approach enjoys wide support within the province. **[1] [2b] [15a] [15b] [15c]**

6.14 In 2001, there were relatively few incidents of violence where a political motive was suspected. While there were a number of politically motivated attacks on LDK members in the run up to the Municipal Elections in October 2000, the 45 day campaign for the Assembly elections in November 2001 passed off without any significant violence. **[2b][11e][15b] [15c] [17a]**

6.15 There were few reports of politically inspired violence during the electoral campaign for the 2002 Municipal Elections and no reports of intimidation of voters. However, the house of an LDK activist was attacked with grenades and small arms fire, though there were no injuries. Also, the LDK mayor of Suhareke / Suva Reka was shot dead when trying to intervene in a confrontation between LDK and PDK supporters. **[2b] [9e]**

6.16 Since December 2002, there have also been several violent incidents with political overtones. In December 2002 and January 2003, there were three car bombings in the space of four weeks. On 4 January, an ethnic Albanian was murdered who had close links to the LDK but was probably killed because he was a witness for the prosecution in a trial of former KLA members. Two of his relatives were also killed in the incident, one of whom was the head of the LDK Youth Forum in Decani**. [43z]** Protest marches were held in Pristina, Peja and Prizren to protest against the violence. **[15i]**

return to contents

Employment Rights

6.17 In October 2001, UNMIK promulgated the Essential Labor Law for Kosovo, which provides for fundamental rights at work, including the employment relationship, terms of employment and the right to form and belong to trade unions. Although the right to strike is not specifically recognised in law, strikes are not prohibited. In 2002, there were strikes within a few sectors, including health, mining and education. However, given the poor state of the economy and high unemployment rates, wages other than those paid by international organisations are rarely paid on time and there is little opportunity for negotiation by labour organisations. There is no minimum wage. Neither employers nor employees give much priority to occupational health and safety standards, focusing instead upon economic survival. **[2b]**

return to contents

People Trafficking

6.18 Trafficking is a serious and growing problem in Kosovo; the province is both a destination and transit point for trafficking of women and girls for prostitution. Trafficking is specifically prohibited by an UNMIK regulation, with a penalty of 2-20 years imprisonment. **[2] [71] [41b]**

6.19 Most trafficked women are from Moldova, Ukraine, Bulgaria and Romania, but also from Kazakhstan, Belarus and Albania. They usually end up working in Kosovo's sex industry, effectively imprisoned and used as slave labour by traffickers. Some do not remain in Kosovo but are smuggled through the province to Albania, Macedonia and Italy. The trafficking business is run by organised crime, sometimes as a cooperative enterprise between Serbs and ethnic Albanians. **[2] [3d] [41b]**

6.20 A special unit of UNMIK police, Trafficking and Prostitution Investigations Unit,

has been set up to deal with the issue. The Unit conducted more than 350 raids in 2002, closing 61 premises engaging in trafficking-related activities and filed 92 charges for trafficking offences. **[15i]** The relatively low number of prosecutions was caused by the increasing sophistication of the organized crime networks, corruption and the lack of a witness protection scheme. **[2] [9e]**

6.21 Often, the victims are unwilling to complain to the authorities because of intimidation and because prostitution itself is illegal and punishable under the law. **[2]** Also there have also been cases where the perpetrators have given short sentences and /or allowed to make an appeal from liberty. Court decisions of this kind place victims who complain at risk of retribution and can discourage reporting of the crime. **[3e] [41b] [71]**

6.22 UNMIK does not provide offical residency status to victims. IOM offers free office skills courses to victims, shelter and repatriation assistance. Several other international organisations have established programmes to provide shelter or help for victims to return to their countries of origin and these have led to the repatriation of about 250 women. **[2] [41b]**

Freedom of movement

6.23 The law provides for freedom of movement. As noted below in the section on ethnic groups, many people from ethnic minorities have limited freedom of movement because of security fears, though this improved in many areas during 2002. **[2]**

6.24 During the war, the Serb forces confiscated and destroyed identification documents as well as central registers and municipal archives, leaving many ethnic Albanian Kosovars without civil documentation. UNMIK has issued over one million identity documents **[2]** and over 286,000 travel documents **[15i]** to Kosovo residents, which are recognised by 29 countries including the Former Yugoslav Republic of Macedonia and all Schengen States. A FRY government office in Pristina continues to issue FRY passports, though there have been some reports of intimidation

towards people who avail themselves of this service. The Head of the FRY Office was killed by a bomb attack in April 2001, causing the closure of the office for several months. **[2a] [2b] [15i]**

6.25 Airport police in Pristina seized approximately 2400 false documents in 2001, including passports, permits of stay, identity cards etc. Only about 25% of documents were totally fake – most others were genuine documents where the picture had been substituted or stolen blanks had been used to prepare the documents. Most perpetrators were between 20 and 30 years old. **[19b]** This trend has continued, with 41 forged or altered documents seized during the first week of April 2002 alone. **[15e]**

6.26 The law does not provide for granting asylum in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. However, refugees from the Macedonia conflict were assisted in Kosovo, often staying with Kosovar families who previous fled to Macedonia and were helped there. About 12,000 refugees from Macedonia remain in Kosovo. **[2]**

6.27 In June 2002, the Government of Skopje abolished visas for holders of UNMIK travel documents, making travel across the border much easier. Also a Technical Agreement between UNMIK and Serbian Railways has provided for the resumption of the train service between Pristina and Belgrade. **[15f]**

return to contents

6b Human Rights: Specific Groups

Ethnic Groups

General situation

6.28 Ethnic Albanians make up approximately 90% of the population of Kosovo. The remaining 10% are made up of various minorities including ethnic Serbs, Roma, Ashkaelia, Egyptians, Bosniaks, Gorani, Croats and Turks. Following the war, there was a very high level of violence directed at Serbs, Roma and other ethnic

minorities, who were seen as having collaborated with the Yugoslav oppression. Most of the perpetrators were ethnic Albanians seeking revenge or pursuing the aim of a wholly Albanian state. Large numbers of the Serbs and Roma communities fled from Kosovo. Those who remained are mostly concentrated in mono-ethnic areas. **[1]**

6.29 The number of incidents of violence against minorities has decreased significantly since the period following the conflict, with a notable improvement in the security situation during the year 2001. This improvement continued in 2002 and although there is still a low background level of inter-ethnic violence, most crime is now considered to be economically motivated. **[2] [15f]**

6.30 In 2000, there were 245 murders including 55 Serbs, 12 Roma, 9 Bosniaks and 1 Gorani. In 2001 there were 136 murders including 30 Serbs, 6 Roma and 1 Bosniak. **[2a]** In 2002 there were 68 murders, including 6 Serbs and 2 of unknown ethnicity **[2b]** The drop in ethnically motivated crime has been attributed to the increase in effectiveness of UNMIK police, the KPS and judicial system.**[18b]**

6.31 In his report to the UN Security Council dated 17 July 2002 the Secretary General noted "Although difficult to assess over a short period of time, the security situation of the minority communities seems to have improved. A year ago, attacks and intimidation of minority communities were still considered systematic; now they have decreased significantly and are considered more random. Freedom of movement has also improved…Increasingly Kosovo Serbs now drive unescorted through Kosovo Albanian areas, although there are still cases of Kosovo Serb cars being stoned". **[15f] [43k]**

6.32 In January 2003, UNHCR noted that the period between April and October 2002 saw a continued improvement in the situation of minorities, evidenced by a decline in serious security incidents, which allowed a gradual improvement in freedom of movement compared to the previous six month period. **[17g]** In March 2003 UNHCR and OSCE noted "The gradual decrease in ethnically motivated crime, the removal of KFOR checkpoints and the adoption of more flexible and less intrusive security arrangements, the increased participation of minority members in the Kosovo Police Service (KPS) and the judiciary represent signals that the

situation of minority communities gives some grounds from encouragement" **[18d]**

6.33 However, UNHCR also notes that minority communities continue to face varying degrees of harassment, intimidation and provocation, as well as limited freedom of movement. There have also been occasional incidents of serious violence. **[18d]** The unemployment rate for ethnic minorities is about 85%. Many are heavily dependent on humanitarian assistance for survival. Some also face obstacles to accessing health, education and other public services, most of which are run by ethnic Albanians. **[2b]** It can still sometimes be dangerous to speak Serbian or to speak Albanian with a Slavic or Roma accent in public. **[17f]**

6.34 The situation for ethnic minorities varies considerably across the province. In some areas the communities are deeply divided, with Mitrovica being the most severe example. In other areas, such as Prizren, there is a long tradition of mutual acceptance among different communities and Serbian, Bosniak and Turkish languages are spoken relatively freely. The quality of relations between communities tends to depend upon the situation in a particular area before the conflict, and events that took place during it. **[17g] [18d]** The positions for specific ethnic groups are discussed below.

return to contents

Action to improve the position of ethnic minorities

6.35 UNMIK and the Provisional Institutions of Self Government (PISG) (including the Kosovo Assembly) continue to seek to improve the position of ethnic minorities. Ethnic minorities are represented in the government of Kosovo at both the Assembly and Municipal level. There are also policies in place which promote proportional community representation within the Kosovo Police Force, Judiciary, the Kosovo Protection Force and the Civil Service. These policies are being implemented with mixed success. **[15h] [18d]**

6.36 Other developments include the establishment of the inter-agency Advisory Board on Communities (ABC) to provide advice on minority stabilisation and integration; and the Office of Return and Communities. UNHCR has welcomed these

initiatives but would also like to see further specific legislation to combat discrimination. **[18c] [18d]**

Initiatives to promote improved inter-ethnic relations

6.37 A broad range of activities continued to promote inter-ethnic dialogue and reconciliateion. A number of football and boxing clubs representing minority communities joined the respective Kosovo sports federations and will now participate in Kosovo –wide matches in the coming season. In April 2002, a concert for Albanian and Serbian youth was organised in Gjilan/Gnjilane and a number of cultural events took place in northern Kosovo which brought different ethnic groups together and passed off peacefully. **[15h] [18c]**

6.38 UNHCR noted considerable progress in the work towards normalising interethnic relations through strengthening links between different ethnic youth groups. Successful projects included the "Camping on Tolerance Building" project and conflict resolution activities run by the Bridge Association, which is a union of four NGOs of different ethnic groups. Links have also been forged in the area of media and in the Civic Society sector, notably through the Civil Dialogue Alternative, a multi ethnic group of civic actors. In addition to initiatives promoting dialogue involving NGOs and community leaders, there is evidence of increasing interaction between ordinary citizens and business contacts. **[18d]**

The return process

6.39 In his report to the UN Security Council dated 17 July 2002, the Secretary General observes: "Over the past few months, a climate has been created that, for the first time since the arrival of UNMIK, appeared conducive to promoting inter-ethnic return." **[15f]** This reflects an increasing interest and commitment from UNMIK and the international community to actively address the situation of minorities and return as a matter of priority. **[18c]**

6.40 There has been recognition at a political level of the need to encourage the return process. The coalition agreement for the formation of the Kosovo government endorsed the need for policies to promote minority integration. On 28 June 2002, all municipal assemblies agreed to a Strategy of Joint Principles of affirming the right to return. Also in June 2002, a Kosovo Serb Senior Adviser on returns and reintegration was appointed to the Office of the Special Representative. On 4 July 2002, the Kosovo Assembly adopted a resolution on the rights of communities and their members and on conditions for return of internally displaced persons and refugees, which was endorsed by Serb Deputy Prime Minister Covic. **[15f] [21e]**

6.41 Ethnic Albanian leaders at the highest level, including the Prime Minister, have made statements in favour of integration and non-discrimination. **[18c]** Speaking in the run up to the October elections, ex KLA leader, Hashim Thaci stated "The return of refugees does not endanger Kosovo. On the contrary, it stabilises it, democratises it and opens immediate prospects for Kosovo's independence." **[43i]**

6.42 UNMIK's Office for Returns and Communities developed a rights-based policy for returns and created an operational framework for the returns process. **[2b]** Details of the structures for return at central and regional level are set out in the UNHCR / OSCE Tenth Assessment of the Situation of Ethnic Minorities in Kosovo **[18d]**. In November 2002 UNMIK announced its 2003 Strategy for Sustainable Returns, a programme that emphasises the need for a grass-roots approach and focuses on multi-sectoral projects that engage the whole community. **[15i]**

6.43 UNMIK also established the Task Force on Returns to ensure effective implementation and oversight of the returns process. Returns projects have now

been implemented in each region of Kosovo. However, conditions for returns vary widely from generally supportive to outwardly hostile in different areas of Kosovo. **[15i] [17d]**

6.44 While UNMIK and UNHCR are keen to promote ethnic minority returns on a measured and carefully organised basis, Serbs in Kosovo are dissatisfied with the pace of this approach, calling for an immediate mass return. There have also been demonstrations in Serbia in support of mass return, but the international community fears that this would have a destabilising effect upon the province. **[72]** Approximately 3,000 displaced Serbs registered an interest in returning in 2002. **[43i]**

6.45 An estimated 2,668 minority returns took place in 2002, of which 35% were Kosovo Serbs, 46% were Roma / Ashkalis / Egyptians and 11% were ethnic Albanians returning to areas where they are a minority. **[15i]**

6.46 However, progress is slow and there have been some setbacks. There have been some security incidents in areas where returns were taking place or being planned. **[15i]** Shortly after Michael Steiner, Head of UNMIK, announced a €4.5m project to assist Serbs returning to villages in Peje and Klina, a series of bomb explosions damaged empty Serb houses in the northern village of Klokot on 31 July 2002. **[11h] [43i]** On 11 October 2002, elderly Serbs who had been taken to Pec/Peje to collect their pensions were confronted by a violent crowd of 300 local Albanians and had to be protected by UNMIK police. However, such incidents have been relatively isolated and infrequent. **[11j] [43k]**

return to contents

Serbs

6.47 See also general sections on ethnic minorities above, which contain information relating to Serbs.

6.48 Estimates vary as to how many Serbs there are in Kosovo, but it is likely that

less than half the 200,000 who lived there before the conflict now remain. Most of the remaining Serbs are collected in the northern part of the city of Mitrovica, the municipalities of Leposavic, Zupin Potok and Zvecan to the north of the province, and Strpce in the South, where they form the majority of the population. The situation in Mitrovica is described in detail at para 5.26 **[18d]**

6.49 Ethnic Serbs have been the principal targets for ethnically motivated attacks. Of the 136 murders in Kosovo during 2001, 30 were of Serbs (compared to 55 in 2000). **[2a]** Of the 68 murders in 2002, 6 were of Serbs. **[19f]** To put this into context, it is important to note that Serbs make up about 5% of the population of Kosovo. **[2a]**

6.50 The precarious situation that still faces Kosovo Serbs in areas where they are in the minority is underlined by incidents such as the shooting of a Serb woman in Lipjan in February 2002 **[2b]**; the hand grenade attack on an elderly Serb woman in Viti town centre In April 2002 **[18c]**; the hand grenade attack on a Serb house near Kamenica in June 2002; the series of explosions in Serb owned houses in Klokot and Balance in July 2002; the series of grenade attacks on the home of a Serb KPS officer in Viti in October and November 2002; and the destruction of two Serb Orthodox churches in November 2002. **[2b] [15i] [17g]**

6.51 Even in areas which have been calm for some time, violence can still erupt. On 10 October 2002, a group of elderly Serbs were taken to Pec / Peja to collect their pension cheques. They were confronted by a crowd of approximately 300 ethnic Albanians, chanting slogans and throwing rocks and petrol bombs. The Serbs had to be protected by UNMIK police. **[2b] [17g]**

6.52 Many remaining Serbs, some elderly and alone, are subject to verbal and physical harassment, often by children who are immune from prosecution. One of the most common forms of harassment is the throwing of stones at vehicles carrying Serbs. In some areas they rely upon 24 hour protection from KFOR and deliveries of food and other essentials from aid agencies. Most Serbs are unemployed. **[17f] [17g] [18b]**

6.53 There have been some significant advances in the situation for Kosovo Serbs in relation to their freedom to travel and ability to access medical and other services. Many now drive from Prishtine / Pristina to nearby towns without escort, which would have been unthinkable until recently. **[15f] [43k]** Freedom of movement for Serbs has been improved by KFOR's policy of "unfixing" its static checkpoints, which it reduced by nearly 70% since February 2002. KFOR assessed that the security situation had improved to the extent that it was safe enough for Kosovo Serbs to move around without escort. The number of escorts was reduced by about 50% since February 2002, leaving a total of 54 regular military escorts Kosovo-wide. Freedom of movement for Serbs was also enhanced by the free distribution of UNMIK licence plates to those who own vehicles registered in Serbia, making them less obviously identifiable. **[15i] [18d]**

return to contents

Roma (and Ashkaelia and Egyptians)

6.54 See also general sections on ethnic minorities above, which contain information relating to Roma, Ashkaelia and Egyptians.

6.55 Kosovo Roma have been targeted as a group because they are seen as having collaborated with Serb mistreatment of ethnic Albanians during the conflict. Allegations that some Roma took part in criminal acts with Yugoslav forces or opportunistic looting have blackened name of others. Approximately 25,000 fled from Kosovo to Serbia, Montenegro or Macedonia and those who remain tended to move to Roma enclaves. **[2][82]** It is likely that about 36,000 Roma remain within Kosovo. **[17h]**

6.56 Roma are not a homogenous or cohesive group – they are made up of various groups with different allegiances, linguistic and religious traditions. Most have a settled rather than nomadic lifestyle. Although sometimes categorised together, Roma are distinct from the groups known as Ashkaelia or Egyptians. The following explanation of these groups is taken from the UNHCR / OSCE assessment of the situation of ethnic minorities in Kosovo **[18c]**

6.57 "Ethnic identification as Roma, Ashkaelia or Egyptian is not necessarily determined by easily discernible or distinct characteristics or cultural traits, but rather by a process of self-identification. It is not uncommon in Kosovo for individuals to change their ethnic self-identification depending on the pressures of local circumstances, especially when it is necessary in order to distance themselves from other groups to avoid negative associations. In general, however, ethnic Roma clearly identify themselves as Roma and tend to use Romany as their mother tongue, although a large percentage of the Roma population can speak Serbian (and to a lesser extent Albanian) languages. **[18c]**

6.58 "The Ashkaelia are Albanian-speaking (although many can also communicate in Serbian language) and have historically associated themselves with Albanians, living close to that community. Nevertheless, Albanians treat them as separate from the Albanian community. Like the Ashkaelia, the Egyptians speak Albanian language but differentiate themselves from Ashkaelia by claiming to have originated from Egypt. **[18c]**

6.59 "It should be noted that, on the local community level, Albanians do not generally perceive the differences between the three groups, more often viewing Roma, Ashkaelia and Egyptians as one group. It should also be noted that the separations and distinctions between Roma, Ashkaelia and Egyptian vary between regions, and in some regions (Peja/Peć, for example), the Roma and Egyptian populations live in the same geographic areas, without much distinction between them on a day-to-day basis. In other areas or regions, the distinctions between the groups (including the geographic locations where they tend to live as well as their actual or perceived levels of integration with either the Albanian or Serb population)

may be much more pronounced." **[18c]**

6.60 Improvements in the security and freedom of movement situation for Roma, Ashkaelia and Egyptians continued to improve throughout Kosovo during 2002. The security position for Roma, Ashkaelia and Egyptian (RAE) communities varies according to perceptions of the majority population, locality and language issues. It is difficult to generalise, but the situation for RAE groups appears to be somewhat more settled in the western municipalities (especially the five municipalities around Peja / Pec). UNHCR notes that "…the Albanian-speaking Egyptian communities of western Kosovo enjoyed a gradual but significant reduction of insecurity, steady improvements of freedom of movement, and increased dialogue and interaction with the majority Albanian community" The ability to speak fluent Albanian is likely to be a factor in the degree to which RAE are able to integrate with the majority community. But overall, RAE have experienced significantly improved possibilities to move about in communities where they reside, with increased use of public transport and access to public services. **[15i] [17g] [18c]**

6.61 The improvement in the security situation for RAE is reflected in the crime statistics. During the year 2000, 12 Roma were murdered; in 2001 the figure was 6; none were killed in 2002 **[2a] [2b]** Although there were no murders of members of the RAE community in 2002, the potential for violence remains and there have been several incidents of assault, attempted murder and arson, grenade and bomb attacks on Roma property. Such incidents have often occurred after long periods of relative calm. Although not all incidents were directly ethnically motivated, Roma may be seen as an easy target for general crime and while the security situation for RAEs has improved, it can still be precarious. **[17e] [18c]**

6.62 RAEs continue to experience adverse living conditions due to historical patterns of discrimination, ostracism and marginalisation. **[18]** Large numbers of Roma are still living in collective centres or IDP camps in poor conditions. The fact that they choose to stay in these centres suggests that they remain concerned about the security situation in their areas of origin or do not have adequate possibilities for accommodation there. One of the main obstacles to return is the lack of adequate

reconstruction assistance for repairing their damaged property. **[17f] [18c] [67a] [67b]**

6.63 There has been progress with the spontaneous and facilitated return of RAE to some locations, with about 1200 returning during 2002. **[15i]** The reception returns have received has varied. Some have passed off without incident, though there have also been occasions where returnees homes have been stoned or subjected to grenade attack. **[17f]**

return to contents

Bosniaks (Muslim Slavs)

6.64 See also general sections on ethnic minorities above, which contain information relating to Bosniaks.

6.65 This group consists of Serb speaking Slavs who are associated with the "Muslim nationality" created within the former Socialist Federal Republic of Yugoslavia. Their remaining population is estimated at about 35,000. Although many describe themselves as Bosniaks, this does not necessarily mean that they, nor their ancestors, came from Bosnia, but rather that Bosnians are seen as successors to the old Muslim nationality group. In reality, these communities originate from a variety of regions, including modern-day Bosnia, Sandzak and even Macedonia. Although some are dispersed within towns, most live in predominantly Muslim villages. Within the Muslim community, there is a distinct group of Torbesh / Torbesi found mainly in Prizren and Orahovac/Rahovec areas. **[18e]**

6.66 In the aftermath of the Kosovo conflict, Bosniaks were closely associated with Serbs because of their shared language and culture. As a result they suffered violent attacks, harassment and discrimination. Since that time, the risk of being mistaken for a Serb when using their language has restricted freedom of movement outside their local area and inhibited equal access to social services and economic opportunities. **[17f]**

6.67 UNHCR notes the security position for Bosniaks. **[17f] [17g]** Their situation in Peja / Pec and Prizren region, where the great majority of Bosniaks reside, remained calm. Increasingly they were able to speak their own language without fear and to access public services. In general, their Bosniaks' confidence in the rule of law is higher than that of other ethnic minority communities, due to the significant recruitment of members of their community into the Kosovo Police Service. Children attend Bosniak schools and speak their language without being harassed. **[17g]**

6.68 The situation for Bosniaks in south Mitrovica is less comfortable and they may face harassment or assault when using their language. The small Bosniak community in Pristina remains isolated, but there are slow improvements in freedom of movement and the use of their language in Albanian shops. **[17g]**

6.69 One Bosniak was murdered in 2001 (compared to 9 in 2000) and none were murdered in 2002. **[2a] [2b]**

return to contents

Gorani

6.70 See also general sections on ethnic minorities above, which contain information relating to Gorani.

6.71 Like Bosniaks, the Gorani community are Muslim Slavs, and experience similar difficulties. The Gorani are a distinct group from Bosniaks, with their own language, though like Bosniak language this is similar to Serbian. The overall Gorani population is estimated at 10,000 - 12,000, most of whom live in the Gora region of Kosovo, though there are small communities in Pristina and Mitrovica also. The Gora region comprises 18 geographically linked villages within Dragash municipality inhabited by Gorani. The region was largely unaffected by the conflict in terms of damage to housing. **[18e]**

6.72 As with Bosniaks, Gorani have been closely associated with Serbs because of their shared language and culture and have suffered violent attacks, harassment and discrimination. The risk of being mistaken for a Serb when using their language has

restricted freedom of movement outside their local area and inhibited equal access to social services and economic opportunities. **[17f]**

6.73 However, as with Bosniaks, the security situation for Gorani was stable during 2002 with no reported serious security incidents. **[17g]** There have been no murders of Gorani since the year 2000. **[2a] [2b]**There have also been significant improvements in freedom of movement and the ability to use their own language, particularly in the Prizren region. **[17g]** Gorani are likely to be at greater risk of harassment and intimidation in some other areas of Kosovo, such as Ferizaj / Urosevac. **[17f]** Approximately half the KPS officers in Dragash are Gorani. **[18d]**

Turks

6.74 The long established Turkish community continues to use Turkish as its mother tongue, though most members also speak Albanian and Serbo-Croat. Of all the minorities in Kosovo, they are considered the most integrated with the majority population. They are politically organised, represented mainly by the Turkish Democratic Union and have access to primary and secondary education in the mother tongue. **[18b]** The Turkish community sees the presence of Turkish officers in the KPS as a confidence-building development. **[18d]** There have also been some reports of low level harassment in north Mitrovica from Serbs but in general there are no significant security problems for this group. **[2] [18c]**

Croats

6.75 Kosovo Croats are mostly concentrated in Janjeve/Janjevo (Lipjan /Lepljan) where there are about 340 and and Letnice / Letnica (Viti / Vitina) where only about 60 remain. Those who remain inhabit a number of mixed ethnicity villages and generally have good relations with the ethnic Albanian populations and do not experience any significant security problems. **[18c]** There have been some concerns that the mostly ethnic Albanian KPS have refused to respond to calls made in Serbo / Croat. **[18d]** However, when Croats travel to other parts of Kosovo they may face similar difficulties as other non-Albanian speaking minorities, with some restrictions

on freedom of movement and ability to access services. **[18c]**

Mixed ethnicity

6.76 People in mixed marriages with people from ethnic minorities or children from such families may face the similar difficulties as those groups. Unlike other minority groups, mixed families may be excluded from all communities and may be unable to resort to the relative security of mono-ethnic enclaves. **[17f]**

return to contents

Women

6.77 Domestic violence and rape and are significant problems in Kosovo. In the traditionally male dominated society domestic abuse of women is not uncommon but it is illegal. Although there is a tradition of silence about these issues, formal complaints and prosecutions for domestic abuse increased in 2002. KPS officers are trained in dealing with cases of domestic violence and rape. **[2]**

6.78 There is severe stigma attached to rape, which affects the victim's entire family and this leads to under reporting. Spousal rape is not addressed in law. Despite the high incidence of rape by both the Serbian forces and the KLA, few cases were reported to the authorities. There is no law against sexual harassment. **[2]**

6.79 Women have the same legal rights as men. However, in rural areas, women may have little ability to control their property and children. Women widowed by the war may risk losing custody of their children due to an Albanian custom requiring children to be given to the deceased father's family. The widow is often returned to her own family, with her property passing to her husband's family. **[2]**

6.80 In major towns, the presence of UNMIK and many NGOs has opened a large number of previously unavailable jobs to women. UNMIK police and the OSCE launched a campaign to recruit women for the Kosovo Police Service, where they

make up 15% of the force. Women are also increasingly active in political and human rights organisations. Women are legally entitled to equal pay for equal work and are granted maternity leave for 1 year, with an additional 6 months available. There is a wide range of women's initiatives run by various organisations operating in Kosovo. **[2] [17b] [23a]**

6.81 UNMIK has determined that one third of candidates for the central elections should be women. Through the Office of Gender Affairs, UNMIK supports women representatives who are not currently in decision-making positions to make them part of the process by which legislation and policy are reviewed. The Office of Gender Affairs is also working to address concerns that women minority groups have insufficient access to employment, education, and medical facilities because of lack of freedom of movement. **[15d]** 28% of new Municipal Assemblies are made up of women. **[15i]**

6.82 As noted above, Kosovo is a destination and transit point for trafficking of women for prostitution. **[2]** The sex industry in Kosovo itself has also grown considerably in the post conflict years. **[43m]**

return to contents

Children

6.83 Economic problems have affected the health situation for children, which has remained poor. High infant and child mortality and increasing epidemics of preventable diseases have resulted from poverty leading to malnutrition, poor hygiene and pollution. A successful polio immunisation programme was carried out with 69,579 children immunised. Children are legally permitted to work at age 15, provided the work is not likely to be injurious to their health. As noted above, the province has been a source of trafficking of girls for prostitution.
[2] [15a][15c] [17b] [19a]

Child care arrangements

6.84 There are no "state run" orphanages in Kosovo. This is a matter of policy:

UNMIK and UNICEF consider large institutions an unsuitable environment for children. **[11k] [21g] [27f]** EveryChild (formally ECT) is working in partnership with UNMIK on foster care, Initially this was for children under three years of age but they are about to train Social workers and families for fostering older children and children with special needs. **[11k]**

6.85 As the adoption rate and foster family programmes do not keep pace with the rate of abandonment, infants and children are increasingly housed in group homes with few caretakers. **[2]**

6.86 Two NGOs have been authorised to provide support to children - Hope and Homes for Children (HHC) from the UK and SOS Kinderdorf, an Austrian charity. Hope and Homes for Children has been working in partnership with UNICEF. **[11k] [21g] [27f]**

6.87 Between them SOS and HHC run seven small family homes, which can accommodate up to ten children in each. These houses are for the temporary accommodation of abandoned / orphaned children. The SOS homes are for children aged 0-3 years; HHC accommodates children 0-3 in one shelter and 3-17 years in another. The length of stay is approximately six months. Each child is allocated a local social worker who acts as its guardian and tries to find an adoptive or foster family. All homes are mixed sex. **[11k] [21g] [27f]**

return to contents

Homosexuals

6.88 UNMIK regulations prohibit discrimination on the basis of sexual orientation. There have been no recorded incidents of violence directed against homosexuals during the time since UNMIK has been in authority in the province. **[27b]**

6c Human rights - Other issues

Kosovo Albanians from “minority” areas

6.89 Kosovar Albanians are in the overwhelming ethnic majority in the province and are generally not subject to persecution from non-state agents on the basis of their ethnicity. However, there are some parts of Kosovo, particularly in the north of the province, where Serbs are in the majority and ethnic Albanians may be subject to harassment and persecution. These areas include the northern part of the town of Mitrovica – i.e. north of the river Ibar; the northern municipalities of Leposavic, Zvecan and Zubin Potok; and the southern municipality of Strpce. **[17f] [18b]**

6.90 As noted in para 5.33 above, security for ethnic Albanians in northern Mitrovica was enhanced in November 2002 when UNMIK established its administration there Mitrovica for the first time, with KFOR and UNMIK police assuming control of the bridge over the river Ibar. **[15i]**

Ethnic Albanians accused of involvement with the previous Serb administration

6.91 There have been reports of ethnic Albanians being the targets of harassment and violence in retribution for alleged association or collaboration with the Serbian regime, particularly in the months following the war in 1999 and 2000. In some cases such accusations may have been based on little more than the fact that a person had done business with Serbs in the past or that his house was not targeted by Serb forces. This phenomenon has been exacerbated by the local press by publishing inflammatory articles on the subject. **[2a] [17f]**

"Draft evaders" and "deserters" from the former KLA / UCK

6.92 UNHCR and Amnesty International have stated in the past that persons who refused to join the KLA or who deserted during the conflict may face protection concerns in Kosovo. There is no recent evidence of any incidents of this kind and this category is no longer included in UNHCR’s list of those ethnic Albanians who may be at

risk of persecution. **[11i] [17a] [17b]**

Landmines and Depleted Uranium

6.93 The task of clearing or marking all mines and unexploded ordnance (UXO) in Kosovo was completed by mid December 2001. During the year 2001, casualties from mines and UXO decreased significantly as a result of mines awareness training and a change in strategy that has increased the rate at which cluster bomb units are cleared. **[2]**

6.94 There has been concern about the potential health risks of depleted uranium (DU) contamination in Kosovo. An UNMIK review of hospital records found that the incidence of leukaemia had not risen over the past four years among adults in Kosovo. Also, reports by the WHO, EC and United Nations Environment Programme concluded that the threat to public health and the environment from DU was minimal. However, the reports recommended that sites should be marked and children prevented from playing in the immediate area; that an information campaign (currently ongoing) should be mounted encourage public reporting of DU ammunition findings; that groundwater used for drinking should be monitored for contamination (none has been found to be contaminated thus far) and improved health data. Marking of DU sites is underway with the situation being closely monitored. **[15a] [15c] [52]**

return to contents

ANNEX A

CHRONOLOGY OF EVENTS: 2000 - APRIL 2003

2000

January On January 5, the Deputy Prime Minister of Montenegro calls for a referendum on independence from Serbia. Sixteen anti-Milosevic parties draw up a unified strategy calling for early elections and street protests. Zeljko Raznatovic (aka. Arkan) war crimes suspect and long term ally of President Milosevic is murdered on January 15.

February On February 7, FRY defence Minister Pavle Bulatovic becomes the latest high ranking victim of the spate of Mafia-style killings. Milosevic is re-elected as President of the Socialist Party of Serbia. On February 14, the EU suspends their ban on commercial flights to FRY. A series of violent clashes takes place in the ethnically divided town of Mitrovica, in which 5 ethnic Albanians are killed, and many people including peacekeeping troops sustained injuries. On February 21 a crowd of 60,000 ethnic Albanian marchers attempts to cross the bridge over the Ibar to the Serb held north side of the town. KFOR troops deploy tear gas to restore control. It is suggested that the unrest is being fuelled by Milosevic backed influences. NATO announces plans to increase the troop presence from 30,000 to 37,000. On February 29, a UN worker is shot and wounded by ethnic Albanians while driving near Presevo.

March On March 3, Serbia tightens its blockade on Montenegro. 1000 ethnic Serbs in Kosovo protest in Gnjilane against the murder of a Serb doctor. FRY authorities step up action against independent media in Serbia, destroying equipment and issuing large fines. On March 14, 2,000 army reservists protest against their call-up. On March 15, US Kfor troops conduct raids in eastern Kosovo to close down bases used by the UCPMB, an ethnic Albanian rebel group active in Serbia.

April Ethnic Serbs in Kosovo (Gracanica) agree to join Joint Interim Administration Structure (JIAS) as observers. On April 14, the Alliance for Change opposition parties stage a rally in Belgrade, attended by 100,000. A law passed by the upper house in the Serbian parliament paves the way for Milosevic to change the

constitution to allow himself to run for a further term as President. Ethnic Serbs clash with KFOR.

May May sees an escalation in demonstrations and protest marches. The closure of the non-state owned Studio B and radio station B2-92 brings out over 10,000 demonstrators, leading to violent clashes between the police and protestors, some of whom are badly injured. Milosevic's government claims that the youth group Otpor and the SPO are responsible for the death of the Vojvodina provincial government chief. A Serb court in Nis on May 22 sentences 143 ethnic Albanians to a total of 1,632 years in prison for terrorism. It is claimed that the sentences had been imposed "only because they were ethnic Albanians". Goran Zugic, senior security advisor to President Djukanovic of Montenegro, is killed on May 31 outside his home. His murder is subsequently laid at Milosevic's door by the opposition. In Kosovo, the detention of AAK leader Haradinaj by Russian troops provokes protests.

June On June 4 Serb leaders withdraw from the UN Interim Administration Mission in Kosovo in protest at the killing of Serb civilians by Kosovan Albanian extremists during April and May. UK troops seize 67 tonnes of ammunition and weapons in Kosovo on June 15. Milosevic accused of trying to kill opposition leader Vuk Draskovic, who was shot on June 16. Vuk Draskovic suffers a head wound and insists that the attack was carried out by Serbia's state security. On June 29 the Serb ultra-nationalists in Milosevic's ruling coalition refuse to support a new anti-terrorism law which was reportedly aimed at curbing dissent and any opposition to the Milosevic regime. The draft law threatened prison terms of at least five years for 'acts' that threaten constitutional order. Kosovo Serb leaders withdraw from JIAS in protest at killing of Serb civilians by ethnic Albanian extremists. 67 tons of weapons and ammunition discovered and seized by UK troops.

July July 6 the Yugoslav legislature approve constitutional changes that give Milosevic the potential to govern until 2009. Under previous rules the Yugoslav President was elected by the legislature for only one term. The constitution is also altered to make the upper house of the legislature, which has considerable veto powers, directly elected. On July 26 Serb journalist, Miroslav Filipovic is sentenced

to seven years imprisonment by a military court for reporting allegations of army atrocities within Kosovo during 1999. He is convicted of espionage and spreading false information. Milosevic announces on July 27, that presidential, federal and legislative elections to be held early on September 24. In Kosovo, further clashes between ethnic Serbs and KFOR / UNMIK police – one policeman taken hostage. Kosovo census and voter registration completed. 40 representatives of Serb and Albanian communities meet in Airlie, Virginia, USA and support pact against violence.

August Two UK police officers seconded to OSCE and two Canadians are arrested and accused of spying on August 3 just after crossing the Montenegro border. The Serbian Renewal Movement (SPO) risks splitting the opposition vote on August 6 when it proposes its own candidate for the September elections, although polls show that the SPO candidate, Vojislav Mihailovic, had not even appeared on pollsters' lists. On August 13, Bernard Kouchner, head of UMIK, calls for the "first free democratic and well controlled election" to be held in Kosovo. The date for the election is set for October 28. Ethnic Serb children are killed and injured in two separate attacks.

September Milosevic calls the elections earlier then anticipated. Many of the opposition parties unite under the Democratic Opposition of Serbia (DOS), with their presidential candidate Vojislav Kostunica, from the Democratic Party of Serbia. The run-up to the elections on 24 September sees an escalation of persecution of Otpor members and the few independent media outlets. Otpor members are arrested on site for wearing Otpor T-shirts or putting up opposition posters. There are reports of beatings at some police stations.

October Milosevic claims that Kostunica did not achieve more than 50 per cent of the votes needed for an out-right win and that a second round is required. Kostunica calls for a general strike and continued street protests until Milosevic steps down. Large numbers of workers strike and huge demonstrations are held in the streets. On October 5 the demonstrators lay siege and gain entry to the parliament building. The police give little resistance with a number joining with the

demonstrators. On October 7, Milosevic admits defeat on television and admits Kostunica's victory in the elections. With many of Milosevic's allies still holding important posts within the Serbian government, Serbian elections are called for 23 December.

November November 1 sees Yugoslavia to the UN. On 4 November a new transitional Cabinet is sworn in to govern until the December elections. Diplomatic relations are restored with the UK, USA, Germany and France on 6 November. Yugoslavia is admitted into the OSCE on November 27.

December The 18-party Democratic Opposition of Serbia (DOS) alliance, headed by President Vojislav Kostunica wins a landslide victory in the legislative elections held on December 23, winning 176 seats out of 250. Former President Slobodan Milosevic's Socialist Party of Serbia only gains 37 seats.

2001

January During January conflicting messages emerge concerning the government's future plans for former President Slobodan Milosevic and other suspects wanted by the Hague-based UN International Criminal Tribunal, for war crimes during 1999. President Kostunica states that to extradite Milosevic and others would run counter to the constitution.

February The campaign for the Montenegro general election to be held on April 22 starts on 19 February. In Serbia, several judges and prosecutors loyal to the former president are replaced. An amnesty law is approved which will cover over 28,000 draft dodgers and others accused of crimes during the former regime. On 27 February, amendments to the Yugoslav Citizenship Act are adopted to enable refugees from former Yugoslavia to acquire Yugoslav citizenship. On 16 February, the “Nis Express” bus service carrying Kosovo Serbs between Kosovo and Serbia is attacked near Podujevo on its return to Gracanica with 10 Serbs killed and many injured. On 18 February, tree Serb policemen are killed when their truck ran an anti tank mine in the village of Lucane in Southern Serbia.

March The South East European Media Organization (SEEMO), calls on the Serbian government to repeal laws affecting press and speech freedoms enacted during the Milosevic era. On 7 March, three VJ soldiers are killed by an anti-tank mine in Presevo. Demonstrations are held across Kosovo in support of ethnic Albanian rebels in Macedonia. COMKFOR signs a "technical agreement" with Serb Deputy PM Covic for the return of FRY forces to part of the Ground Security Zone.

April Elections to Montenegrin Republican Assembly take place. Pro-independence alliance, led by Djukanovic secured 36 seats, narrowly defeating Bulatovic's alliance opposing independence with 33 seats. Klina LDK President, Ismet Rraci, shot dead. FRY charges 183 VJ soldiers for crimes committed in Kosovo againt the Albanian population during the conflict. UNMIK police arrest KPC commander Ruzhdi Saramati on charges of attempted murder.

May FRY forces return to demilitarized zone in Presevo valley. Belgrade newspaper Vecernje Novosti describes how refrigerator lorry from Pec containing 50 corpses was pulled out of Duabe on 6 April 1999. N UCPMNB leader Shefget Musliu signs statement on demilitarisation of key villages Lucane and Turija near Bujanovac. FRY Joint Security Force completes return to Ground

June Federal Govt approve decree providing for the extradition of Milosevic to the ICTY. 10,000 supporters demonstrate at his proposed extradition. Following the temporary suspension of the government decree by the federal Constitutional Court, Milosevic is extradited. Federal Prime Minister, Zoran Zizic resigns in protest. Haekkerup visits Belgrade to open new UNMIK office. 70,000 refugees from Macedonia accommodated in Kosovo in homes of host families.

July Milosevic formally charged at ICTY with crimes against humanity. He refuses to acknowledge the authority of the tribunal. Founding of Serbian Democratic Council of Kosovo, based in Gusterica, put forward as alternative to Serbian National Council. Parties registering for Kosovo elections include 16 Albanian parties, 4 Serbian parties, 2 Turkish, 3 Bosniak, 3 Roma, Egyptian and Ashkali and 1 coalition. KFOR intercept mule train attempting to cross Dragash area

of Kosovo from Macedonia to Albania, resulting in arrest of 59 Albanian men. 58 relatives of missing Serbs end hunger strikes following appeal from FRY authorities.

August FRY/Serbian governments approve appointment of DPM Covic as Head of FRY/ Serbian Coordination Centre for Kosovo; adopt programme for dealing with issues such as missing persons and return of DPs. Five members of Kosovo Albanian family killed in machine gun attack outside Pristina – motive may have been linked to father's previous employment for Serbian MUP. 2,000 Kosovo Albanian residents of Istok protest against return of 54 Kosovo Serbs.

September UN arms embargo against FRY lifted. Kosovo Supreme Court rules that genocide was not committed during the Kosovo conflict but that war crimes and crimes against humanity were. Following exhumation of mass grave dicovered in Lake Perucac near Uszice, south west Serbia, 48 bodies of Kosovo Albanians identified. Exhumation and autopsy of further 269 bodies, discovered in 5 mass graves, completed in Belgrade. Three people, including two policemen, shot dead when police attempt to stop vehicle for inspection near Gnjilane.

October Constituent session of 50 member assembly representing ethnic Albanians from Presevo, Bujanovac and Medvedja is held in Presevo. Serbian miners go on strike. ICTY issues indictment against Milosevic for crimes in Croatia between August 1991 and June 1992. On 2 October, a Kosovar Albanian shot dead in his car in Mitrovica. On 6 October, a Roma man is stabbed to death in Gnjilane. Serbian National Council (SNV) organises 4,000 strong protest in Mitrovica against forthcoming elections. 15 member coordinating council and 5 member presidency elected for ethnic Albanian assembly in Southern Serbia, later electing Riza Halimi as President.

November UNSRG Haekkerup and FRY Special Representative Covic adopt UNMIK-FRY Common Document. Red Berets protest at arrest of Banovic brothers for warcrimes in Bosnia. Serb government accepts resignations of head and deputy heads of Serbian State Security Service (RDB) following Red Beret protests. Red

Berets to be placed under Serbian Interior Ministry. Paris Club writes of 66% of FRY debt. Kosovo Assembly elections held, with final results: LDK 47/120 seats; PDK 26; Serb coalition Povratak 22.

December Former editor in chief of Montenegrin weekly *Dan* sentenced to 3 months in prison for libel against Djukanovic. Covic makes public statement urging Kosovo Serb coalition Povratak not to participate in Kosovo Assembly until FRY-UNMIK Common Document is implemented. On 10 December, the first meeting of the Kosovo Assembly is held.

2002

January Serbia's parliament passes omnibus law restoring many of Vojvodina's autonomous powers, pending the enactment of a new constitution. Rugova fails to be elected in second and third rounds of voting for Kosovo President. German diplomat, Michael Steiner appointed by UNSG as new UNSRSG for Kosovo. International Judges free Kosovo Serb Radovan Apostolovic, who had been charged of genocide and war crimes.

February Opinion poll by Serb Commission of Refugees says only 2 displaced Kosovo Serbs out of 10,000 living in Kursumlija in southern Serbia express any wish to return to Kosovo. 8 Kosovo Serbs begin KPC training. Steiner announces Local Elections to be held on 21 September if agreement has been reached on coalition government for the Kosovo Assembly. Kosovo Serb woman shot dead in Lipljan. Rugova (LDK), Thaci (PDK) and Haradinaj (AAK) agree on formation of coalition government.

March Rugova becomes President and Bajram Rexhepi (PDK) Prime Minister of Kosovo. US/UK demarche on President Rugova, PM Rexhepi and Speaker Daci over Rexhepi's recent public statements challenging FRY/Macedonia border agreement. Framework agreement for reconstitution of FRY into new entity of Serbia and Montenegro signed by leaders of FRY and the two republics.

April Following increasing pressure from the US, which suspended aid to

FRY in March, the Federal Assembly approves legislation allowing extradition of indicted war criminals. Of 10 former Yugoslav state officials indicted, six surrender to the Tribunal. Vujanovic resigns as Prime Minister of Montenegro, after four pro-independence ministers withdrew from his government in protest at the Republican Assembly's approval of the Belgrade agreement.

May The Federal Assembly officially approves the agreement on the creation of a joint state. It is envisaged that a new constitution would be adopted later during the year, followed by national elections to the new joint legislature. Kosovo Serb Povratrak nominates candidates for 3 Serb positions in Kosovo Government and Steiner's office. Former UCPMB commander Shefqet Musliu arrested by UNMIK police and KFOR. Steiner presents strategy paper for sustainable returns to Kosovo.

June Reorganisation of the Serbian Government is approved by the Serbian Assembly. President Kostunica replaces Chief of General Staff of the Yugoslav Army, Nebojsa Pavkovic, who was closely associated with the actions in Kosovo during 1999. Former Yugoslav President, Zoran Lilic is arrested and extradited to the ICTY, having been subpoenaed as a prosecution witness in the trial of Milosevic. FRY assembly passes amnesty law for persons suspected of committing terrorist acts in southern Serbia between 1 January 1999 and 31 May 2001. Rugova and Thaqi re-elected as presidents of their respective parties.

July Serbian Presidential elections announced for 29 September to allow the extradition of the current President, Milutinovic, to the ICTY. Following the failure of Vujanovic to secure majority support for a new government, the Republican Assembly of Montenegro is dissolved and further elections scheduled for 6 October 2002. The ruling DOS coalition formally expels DPS (DSS) deputies, following their withdrawal in June. Kosovo parliament passes resolution on unconditional return of refugees and displaced persons. Local elections held in Bujanovac, Presevo and Medvedja – assessed as free and fair. Empty Serb houses bombed in Balance and Klokot.

August Eight people wounded in attack at restaurant in Pec/Peje, Kosovo. UNMIK police fail to arrest Mitrovica bridgewatcher Milan Ivanovic, but attempt sparks protest of 1,000 Kosovo Serbs. Former KLA leader "Remi" Mustapha is arrested for alleged kidnapping and murder of ethnic Albanians in 1999. Demonstrations against arrests of KLA members lead to large scale demonstrations and violent clashes.

September
Kostunica wins the first round of the Serbian Presidential election, held on 29 September 2002.

October Kostunica wins second round of Serbian Presidential election on 13 October 2002, but the turnout is below the 50% required for the result to be valid. Kosovo municipal elections held 26 October 2002: LDK win majority; only 20% turnout from Serb parties. Members of Council of Europe vote to accept Yugoslavia as a member when the new union of SaM is in place. Former bodyguard of AAK leader Haridinaj is shot dead outside restaurant in Peja. Legislative elections held in Montenegro result in victory for Djukanovic's coalition.

November Djukanovic resigns as President of Montenegro in order to become Prime Minister. Kosovo Assembly passes resolution condemning preamble of draft Constitutional Charter for SaM, which describes Kosovo as part of Serbia. Two Serbian churches destroyed in Kosovo. Former KLA commander "Remi" Mustafa and 3 former KLA members indicted for war crimes. UNMIK takes control of Northern Mitrovica.

December For third time in less than three months, Serbia fails to elect a new President to replace Milutinovic, whose mandate expires on 29 December and faces imminent extradition to ICTY on war crimes charges. Speaker of Parliament Natasa Micic becomes acting President. Presidential elections in Montenegro also fail because of insufficient turnout after boycott from the opposition party designed to invalidate the victory by government candidate Filip Vujanovic. Former KLA commander Daut Haridinaj and four associates convicted of crimes committed

against ethnic Albanians in 1999.

2003

January Parliaments of Serbia and Montenegro vote to accept the Constitutional Charter for the new state of SaM. Former Serbia President Milutinovic surrenders to the Hague. Former Serbian security chief Markovic sentenced to seven years imprisonment for his role in assassination attempt on Vuk Draskovic in 1999. Former FARK Commander Tahir Zemaj is shot dead in Peja along with his son Enis and relative Hasan. Serb leaders form union of northern municipalities in Kosovo in order to strengthen links with Serbia.

February On 4 February, Federal Assembly of FRY votes to replace FRY with new state union SaM. Kostunica loses his job as President of FRY, as country no longer exists. Members of Kosovo Assembly demand emergency session to "adopt declaration of Kosovo as an independent and sovereign state", which Michael Steiner refuses. Djindjic warns of possibility of breakaway Serb state if Kosovo is given independence. Montenegro fails to elect a President for second time in 3 months as Vujanovic again wins a majority but the result is again invalidated by the low turnout. Serb nationalist Vojislav Seselj and three ex KLA members are indicted and held by ICTY. Djindjic survives an assassination attempt, when a lorry cut across his motorcade.

March On 12 March, Djindjic is assassinated outside a government building in Belgrade. The Serbian government blames organised crime group, the "Zemun clan", for the assassination. A State of Emergency is declared and Zoran Zivkovic, a colleague of Djindjic's from the DS party appointed Prime Minister. Under the State of Emergency, the government has powers to ban political gatherings, impose controls on the media and arrest suspects without a warrant and hold them for 30 days without charge. In a large scale clampdown, over 2,000 suspects with links to Zemun and other criminal groups are held; 35 judges are sacked; and the Red Berets are disbanded. The body of former President of Serbia Ivan Stambolic is found and an arrest warrant for Milosevic's wife Mira Markovic is issued in connection with his murder.

April

EU governments including the UK support the crackdown on organised crime, which is seen as a necessary cleansing before Serbia can make further progress as a democratic country. SaM becomes a member of the Council of Europe on 3 April. The State of Emergency is lifted on 22 April.

Back to contents

ANNEX B

MAIN POLITICAL PARTIES

SERBIA

Alliance of Peasants of Serbia Party:	Founded in 1990 originally as Peasants Party of Serbia. President Milomir Banic.
Civic Alliance of Serbia:	Contested elections in 1996 in an opposition alliance, known as Zajedno. Leader Goran Svilanovic.
Democratic Party (DP):	Formed in January 1990, it is one of the two leading opposition parties making up the three members of the Zajedno opposition coalition. Reformist, supports free media, market economy, democracy.
Democratic Party of Serbia (DPS):	Formed in July 1992 by a breakaway, and more nationalistic, faction from the Democratic Party. Led by Former FRY President, Vojislav Kostunica.
Democratic Union of Albanians:	Founded 1990, President Ali Ahmeti.
Democratic Opposition of Serbia (DOS): Alliance of Vojvodina Hungarians, Christian Democratic Party of Serbia Civic Alliance of Serbia Coalition Sumadija Coalition Vojvodina Democratic Alternative Democratic Centre	Formed in August 2000, a coalition of 18 opposition parties, in response to early elections being called by Milosevic.

Democratic Party (DP)
Democratic Party of Serbia
League of Social-Democrats of Vojvodina
Movement for Democratic Serbia
New Democracy
New Serbia
Party of Democratic Action
Reform Democratic Party of Vojvodina
Serb Resistance Movement-Democratic Movement
Social-Democracy
Social Democratic Union

Liberal of Serbia (formerly known as New Democracy (ND)):	Formally part of the opposition group, Depos. Now junior member of government Coalition. President Dusan Mihailovic.
OBRAZ	Far right nationalist movement
Otpor (translates as Resistance):	Although not a political party, Otpor were the most publicly anti-Milosevic organisation, which gained support from all levels of society. Formed in October 1998, initially as a student resistance group.
Party of Democratic Action:	Party of ethnic Albanians, founded in 1990. Leader Riza Halimi.
Party of Serbian Unity:	Ultra nationalist coalition, party leader was Zeljko Raznjatovic "Arkan", now

	Borislav Pelevic. Holds 13 seats in parliament.
Preševo-Bujanovac Democrat Coalitions:	
Serbian Liberal Party:	Leader Nikola Milosevic.
Serbian Radical Party (SRS):	Founded in 1990 by Vojislav Šeselj. Hard left national party, which had a paramilitary wing known as the 'White Eagles'. Acting leader Tomislav Nicolic
Serbian Renewal Movement (SPO):	Founded in January 1990 and was one of the two main members of the coalition Zajedno. Favours a multiparty democracy, a market economy, reintroduction of the monarchy and freedom for the media, and has a nationalist dimension. President is Vuk Draskovic. Now non-parliamentary party.
Socialist Party of Serbia (SPS):	Formed in July 1990 from the League of Communists of Serbia and the Social Alliance of Serbia. Nationalist in outlook. Formerly led by President Slobodan Milosevic; acting President Zoran Andjelkovic Baki

Socialist Peoples Party (SNS)	Breakaway party from SPS led by Branislav Ivkovic.
The Yugoslav United Left (JUL):	An alliance of 23 Left-wing organisations. Formed in July 1997. Led by Milosevic's wife, Mirjana Markovic.

SANDŽAK

Lista for Sandzak:	A coalition of five ethnic Muslim political parties based in Sandzak, including the PDA-S.
Party of Democratic Action of Sandzak (PDA-S):	A Muslim party, aligned with the Bosnian PDA, and advocates autonomy for the Sandzak region. Chairman, Sulejman Ugljanin.

VOJVODINA

Alliance of Vojvodina Hungarians:	Advocates autonomous status for Vojvodina. Founded in 1993 following split in DZVM. Chair Jozsef Kasza.
Coalition Vojvodina:	Leaders Dragan Veselinov and Nenad Canak.
Democratic Community of Vojvodina Hungarians: (Demokratska zajednica Vojvodjanskih Madjara – DZVM)	Founded in 1990 and supports interests of ethnic Hungarian minority in Vojvodina.

Democratic League of Vojvodina: Chair Sandor Pal.

Reform Democratic Party of Vojvodina: Founded in 1992; President Ratko Filipović.

Vojvodina Democratic Opposition:

MONTENEGRO

Democratic Alliance of Albanians in Montenegro	Chair Mehmed Bardhi
Democratic League of Montenegro	As above, Mehmed Bardhi
Democratic Party of Socialists (DPS):	Name changed from League of Communists of Montenegro in 1991; supports continued federation; division within the party emerged in mid-1997. Chair. Milo Djukanovic.
League of Communists – Movement for Yugoslavia of Montenegro:	Chair Rade Lakusic
Liberal Alliance of Montenegro:	Pro-independence party. Leader Miodrag Zivkovic.
Party of Democratic Action – Montenegro:	Slav Muslim party affiliated to the PDA of Bosnia and Herzegovina. Leader Harun Hadzic.
Peoples Party of Montenegro:	Chair Dragan Soc.
Peoples Socialist Party of Montenegro:	Leader Dusko Jovanovic
Social-Democratic Party of Montenegro (SDP):	Leader Zarko Rakcevic
Socialist People's Party of Montenegro:	Leader Predrag Bulatovic. Pro – Milosevic party.

KOSOVO

Alliance for the Future of Kosovo (AAK)	Party founded by key ex-KLA figure Ramush Haradinaj
Albanian Democratic Movement:	Founded in 1998 by former members of the Democratic Alliance of Kosovo, ethnic Albanian party; Chair Redzep Cosja.
Christian Democratic Party (CDP):	An Albanian party with close links to the LDK. The party is led by Mark Krasniqi, formerly with the Parliamentary Party of Kosovo. The CDP advocates more extreme methods, but has less maximalist aims than the LDK.
Democratic Reform Party of Muslims:	Party of left-wing ethnic Muslims. President Azar Zulji.
Lbd(levizja e Bashkuar Demokratike) – United Democratic Movement **Includes the following parties:** **LDSh(LevizjaDemokratike Shqiptare) Albanian Democratic Movement** **PPK (see below)** **Albanian Unification Party PUKSh/ UNIKOMB** **Albanian Liberal Party PLSh** **Albanian National Party PLSh Greens** **Albanian Republican Party PLSh**	Coalition, headed by Rexhep Qosja - on good terms with KLA and contains many ex-LDK.
LDK (Democratic League of Kosovo	Founded December 1989. In September

aka Democratic Alliance of Kosovo DAK):	1991 the party held an unofficial referendum on independence, which had an overwhelming vote in favour. Unofficial elections were held in May 1992 in which the chairman, Dr Ibrahim Rugova was elected President of the Republic (of Kosovo). Rugova has been President of Kosovo since early 2002.
LKCK (Levizja Kombetare per Clirimin e Kosoves) – National Movement for the Liberation of Kosovo	KLA - based party. Radical.
LPK (Levizja Popullore e Kosoves) People's Movement of Kosovo:	Radical party.
PBD (Partia e Bashkimit Demokratik-Democratic Union Party):	KLA - based party but key figures such as Thaci not members
PDK (Democratic Party of Kosovo) Formerly PPDK (Party for a Progressive and Democratic Kosovo):	Party established following the demilitarisation of the KLA, headed by Thaci. Member of Assembly
Parliamentary Party of Kosovo (PPK):	Party with KLA origins.
Party of Democratic Action of Kosovo and Metohija (PDA-KM):	Party of ethnic Muslims affiliated to the PDA of Bosnia and Herzegovina. Chair Numan Balic.
Central Liberal Party of Kosovo	Small party.

(PQLK)

Serbian Democratic Council of Kosovo	President Svetozan Grnjic
Serb National Council	Leader Rada Trajkovic
Serb Resistance Movement:	Ethnic Serb group, led by Momcilo Trajkovic.
Turkish Democratic Union:	Parties representing interests of ethnic Turks.
Turkish Peoples Party of Kosovo:	

Back to contents

ANNEX C PROMINENT PEOPLE

Agani, Fehmi (deceased)	Moderate leader, former Vice President of LDK
Artemije, Radosavljevic	Bishop, Head of Serb Orthodox Church in Kosovo, moderate
Balic, Numan	Bosniac member of Transitional Council (KTC).
Bokan, Dragoslav	Ultra-nationalist politician. Serb paramilitary leader.
Brovina, Flora	Kosovar human rights activist, became presidential candidate for PDK
Buja, Rame	PDK member. Former KLA political directorate and former member of LDK.
Bukoshi, Bujar	Founder member of LDK with Rugova but since have become rivals. Also bitter rivals with KLA. Prime Minister of parallel Government 1991.
Bulatovic, Momir	Leader of Montenegrin opposition party. Previously President of Montenegro until 1997.
Ceku, Agim	Former KLA commander, now heads Kosovo Protection Corps (KPC). Has been cited for war crimes when in Croatian army. Supervised demilitarisation of KLA.
Cosic, Dobrica	Influential Serbian nationalist writer seen as spiritual father of Serbs. President of FRY from 1992-93.
Covic, Nebojsa	Deputy Prime Minister of Serbia
Demaci, Adem	Leader of the Parliamentary Party of Kosovo until 1998. Relatively moderate, has been critical of Thaci. Influence declining.
Djindjic, Zoran	Assassinated former Prime Minister of Serbia.
Draskovic, Vuk	Charismatic Serbian opposition leader, now marginalised
Djukanovic, Milo	Prime Minister of Montenegro, former President.
Haekkerup, Hans	Former UN Special Representative of the Secretary General in Kosovo – Head of UNMIK
Hajrizi, Mehmet	Former LDK leader now in LDSh. Member of

	Transitional Council.
Halimi, Riza	Mayor of Presevo and ethnic Albanian political l leader
Haradinaj, Ramush	AAK leader, ex-KLA commander.
Haxhiu, Baton	Editor of newspaper *Koha Ditore*
Hyseni, Hydajet	Leading figure in LBD
Ivanovic, Oliver	Kosovo Povratak member of Kosovo Assembly.
Ivanovic, Milan	Serb “bridgewatcher” leader in Mitrovica
Kavaja, Burhan	Ethnic Albanian Head of Trepca mine, imprisoned after miners' strike of 1989.
Kostunica, Vojislav	Former President of FRY.
Kosumi, Bajram	Leader of PPK, Vice President of AAK.
Kouchner, Bernard	Former Special Representative of the UN Secretary General in Kosovo - Head of UNMIK.
Krasniqi, Mark	Leader of Christian Democratic Party.
Lilic, Zoran	Former President of FRY (from 1993-97).
Mahmuti, Bardyl	PDK Secretary for Foreign Relations.
Markovic, Mirjana	Slobodan Milosevic's wife. Was powerful and influential figure. Belgrade university professor. Leader of the JUL.
Micic, Natasa	Speaker of the Serbian Assembly, currently acting President
Mihailovic, Dusan	President of New Democracy (ND), Serbian Interior Minister.
Milosevic, Slobodan	Former President of FRY, now on trial by ICTY for a range of charges.
Mladic, Ratko	General Commander of Bosnian Serb Army from 1992. Previously Commander of Knin Corps. Indicted for war crimes.
Morina, Zef	Prominent Christian Democratic Party member.
Qosja, Rexhep	Former leader of LDSh and overall leader of LBD coalition.Former member of Transitional Council (KTC). Former member of Interim Administrative

	Council, influence declining. Now with PDK.
Rakitic, Slobodan	President of Democratic Movement of Serbia (Depos).
Rexhepi, Bajram	Former major of Mitrovica (PDK), now Prime Minister of Kosovo Assembly
Rugova, Ibrahim	LDK founder and President, who advocated peaceful resistance. Principal moderate ethnic Albanian figure in Kosovo. Now President of Kosovo Assembly.
Rev. Sava Janjic	Aka Father Sava and "Cybermonk". Voice of tolerance.
Selimi, Rexhep	Prominent KLA member.
Selimi, Sylejman	Former Commander in chief of the KLA, appointed February 1999
Seselj, Vojislav	Leader of ultra-nationalist Serbian Radical Party. MP in Serbian Parliament. Commanded paramilitary unit during the war.
Shala, Blerim	Editor of magazine "Zeri". Member of KTC.
Shala, Shaban	KPC Commander Zone1.
Shukriu, Edi	Member of LDK presidency.
Solevic, Miroslav	Kosovo Serb activist.
Steiner, Michael	UN SRSG for Kosovo, Head of UNMIK
Surroi, Veton	Publisher of "Koha Ditore" newspaper. Politically independent. Founder of the PPK, but has been critical of all parties.
Tahiri, Edita	Close associate of Rugova, key LDK figure.
Thaci, Hashim	Key political leader associated with KLA. Now PDK. Was PM of Provisional Government. Member of Interim Administrative Council.
Trajkovic, Momcilo	Chairman of FRY Committee for Co-operation with UNMIK. President of Kosovo Serbian Resistance Movement (SPO) Critic of Milosevic, would like to see cantonisation of Kosovo.

Trajkovic, Rada	Kosovo Serb representative on Interim Administrative Council. Member of Democratic Xion Party of Serbia (PMSS). Former member of Serb Radical Party.
Vllasi, Azem	Ethnic Albanian Kosovo Party leader. jailed in 1989 after Milosevic pledged to arrest him at mass rally. Released in April 1990. No influence.
Vujanovic, Filip	Former Prime Minister of Montenegro, currently acting President
Zivkovic, Zoran	Prime Minister of Serbia

Back to contents

ANNEX D	**ABBREVIATIONS**
DOS	Democratic Opposition of Serbia
EU	European Union
FRY	Federal Republic of Yugoslavia
IAC	Interim Administrative Council
ICTY	International Criminal Tribunal for the former Yugoslavia
JIAS	Joint Interim Administration Structure
JNA	Former Yugoslavia Peoples' Army
JUL	Yugoslav United Left Party
KFOR	Kosovo Force
KLA	Kosovo Liberation Army (aka UCK)
KPC	Kosovo Protection Corps
KPS	Kosovo Police Force (local police force)
KTC	Kosovo Transition Council
KVM	Kosovo Verification Mission
MUP	Serb Special Police
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisations
OSCE	Organisation for Security and Co-operation in Europe
PDK	Democratic Party of Kosovo
SAM	Serbia and Montenegro
SDS	Serbian Democratic Party
SFRY	Socialist Federal Republic of Yugoslavia
SPS	Socialist Party of Serbia
SRSG	Special Representative of the (UN) Secretary General
TMK	Albanian abbreviation for KPC
UCK	Ushtria Clirimtare e Kosoves (Albanian for KLA)
UCPMB	Ushtria Clirimtare e Medvedja, Presheve Bujanovac
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNIP	United Nations International Police
UNMIK	United Nations Mission in Kosovo
UNSCR	United Nations Security Council Resolution

VJ FRY Army

Back to contents

ANNEX E

REFERENCES TO SOURCE MATERIAL

[1] Europa Central and South Eastern Europe 2003

[2] **U.S. Department of State, Country Reports on Human Rights Practices:**

[2a] 2001: March 2002

[2b] 2002: March 2003

[3] **Amnesty International:**

[3b] "Conscientious objectors can return to Yugoslavia". AI Index EUR 70/002/2001 – News Service Nr.9 13 January 2001

[3d] Concerns in Europe: January – June 2002

[3e] Annual Report 2002 on Yugoslavia (Federal Republic of)

[3f] Concerns in the Federal Republic of Yugoslavia: September 2002

[3g] Continuing police torture and ill-treatment 70/001/2003

[3h] International officials flout international law: September 2002

[4 **Reuters News Service (via Reuters Business Briefing):**

[4a] "Yugo refugees can claim dual citizenship – Minister" 12 January 2001

[4b] "Yugoslav reconstruction pre-election ploy-analysts" 4 April 2000

[4c] "People in power – Yugoslavia" 20 March 2002

[4d] "Yugoslavia sets up team to combat human trafficking" 18 December 2001

[4e] "Watchdog slams Serb media ban after PM killing" 17 April 2003

[5] **B92 News (Serbian Independent Broadcaster) (website at www.b92.net)**

[5a] "Dual Citizenship confirmed" (accessed 28 February 2001)

[5b] "Amnesty Act passed in Serbian parliament" (accessed 19 February 2001)

[5c] "Serbian interior laws ruled unconstitutional" (accessed 6 February 2001)

[6] **Keesing's Record of World Events:**

[7] **Helsinki Committee for Human Rights in Serbia (website at www.helsinki.org.yu)**

[7a] Annual Report 2000

[7b] Status of Albanians in Serbia During and After the NATO Intervention 2000

[7d] Report on Racial Discrimination: May 2001

[7e] Albanians in Montenegro: April 2001

[7f] Statement: Condemnation of Recent Violence Committed Against Participants of the Gay Parade: 30 June 2001

[7g] Annual Report 2001: Human Rights in Transition

[7h] Prison Monitoring Report: September 2001

[7i] Media in Serbia: Gay rights and freedoms (undated)
[7j] Anti-Semitism (undated)
[7k] Montenegro: Politics and Prostitution (undated, 2003)

[8] **BBC News (website news.bbc.co.uk)**
[8a] "Analysis: Montenegro at the crossroads" 19 February 2001
[8c] "The final battle for Yugoslavia" 4 August 2000
[8d] "In pictures: Belgrade gay march clashes" 30 June 2001
[8e] "Vojvodina denied self-rule" 24 January 2002
[8 f] "Kosovo elects first president" 6 March 2002
[8g] "Q&A: Kosovo's National Assembly" 10 December 2001
[8i] "Serbia election drama heads into farce" 9 October 2002
[8j] "US unblocks Yugoslav aid" 21 May 2002
[8k] "Serbia fails to elect president" 14 October 2002
[8m] Country Profile: Serbia and Montenegro: 19 March 2002
[8n] Profile: Zoran Zivkovic: 18 March 2003
[8o] "Senior official held over Djindjic death" 19 March 2003
[8p] "Djindjic murder suspects "confess" 7 April 2003
[8q] "Djindjic arrests exceed 1,000" 20 March 2003
[8r] "Former Yugoslav army chief held" 2 April 2003
[8s] "Prominent Kosovo suspect held" 19 February 2003

[9] **Human Rights Watch (website www.hrg.org)**
[9b] Human Rights Watch World Report 2002
[9c] "Human Rights Watch comments on the Council of Europe List of Post Accession Commitments for Yugoslavia" (accessed 4 September 2002)
[9d] Human Rights News: "Human Rights Concerns in the Federal Republic of Yugoslavia" (accessed 10 October 2002)
[9e] Human Rights Watch World Report 2003
[9f] "End complete isolation of detainees" 7 April 2003

[11] **Foreign and Commonwealth Office (FCO)**
[11a] FCO telegramme "FRY Amnesty Law" 12 January 2001
[11b] FCO letter "Ethnic Albanians in Montenegro" 2 January 2001
[11c] FCO letter "Montenegro EBRD Political Conditions 18 April 2000
[11d] FCO letter "Roman Catholics in Kosovo" 29 August 2000
[11e] FCO letter "Threat to LDK" 28 December 2000
[11f] FCO letter "FRY issues" 31 May 2001
[11g] FCO letter "FRY Vojvodina" 20 September 2002
[11h] FCO Kosovo chronology 22 July 2002
[11i] FCO faxes and emails "Childcare in Serbia and Montenegro" 18 – 24 October 2002
[11j] FCO telegramme "Kosovo: Press Statement on Recent Attack in Pec" 11 October 2002
[11k] FCO letter "Orphanages in Kosovo" 18 October 2002
[11l] FCO letter re Presevo Valley 3 September 2002
[11m] FCO website (www.fco.gov.uk) Country Profile Serbia and

Montenegro, Kosovo (accessed 7 April 2003)
[11n] FCO website Country Profile Serbia and Montenegro (accessed 18 April 2003)
[11o] FCO news: Serbia and Montenegro's accession to Council of Europe 3 April 2003

[12] **CNN.com (website europe.cnn.com)**
[12a] "Yugoslavia pardons deserters" (accessed 27 February 2001)
[12b] "Kosovo assembly marks historic day" (accessed 10 December 2001)

[14] **Helsinki Charter No.19 August 1999**
"Proclamation of Sandjak's Autonomy met with Domestic and International Silence" (accessed 14 April 2000)

[15] **Report of the Secretary General on the UN Interim Administration in Kosovo:**
[15a] Report dated 15 December 2000
[15b] Report dated 15 January 2001
[15c] Report dated 13 March 2001
[15d] Report dated 2 October 2001
[15e] Report dated 22 April 2002
[15f] Report dated 17 July 2002
[15g] Monthly report to UN on the operations of the Kosovo Force
[15h] Report dated 9 October 2002
[15i] Report dated 29 January 2003

[17] **United Nations High Commissioner for Refugees (UNHCR)**
[17a] UNHCR Background note on ethnic Albanians who are in continued need of international protection March 2000
[17b] UNHCR Position on the continued protection needs of individuals from Kosovo March 2001
[17c] UNHCHR Press release "High Commissioner for Human Rights welcomes recent development in South-East Serbia" 30 May 2001
[17d] Feature: Return to Kosovo - one brick at a time 21 August 2002
[17e] UNHCR Position on the Continued Protection Needs of Individuals from Kosovo April 2002
[17f] UNHCR Position on the Continued Protection Needs of Individuals from Kosovo January 2003
[17g] UNHCR Update on the situation of Roma Ashkaelia, Egyptians, Bosniak and Gorani in Kosovo January 2003
[17h] UNHCR/ECHO Minority Bus Shuttle Project in Kosovo 28 February 2001

[18] **UNHCR/OSCE Assessment of the situation of ethnic minorities in Kosovo:**
[18a] Report for period October 2000 - February 2001
[18b] Report for period March - August 2001
[18c] Report for period September 2001 to April 2002

[18d] Report for period May 2002 to December 2002
[18e] Extract from report period November 1999 to January 2000

[19] **UN Mission in Kosovo (UNMIK)**
[19a] Policy paper on the repatriation of Kosovar Albanians October 2000
[19b] UNMIK Police Newsletter: January 2002
[19c] UNMIK News Coverage: 12 April 2002
[19d] Extract from UNMIK-KFOR-OSCE-EU-UNHCR briefing 28 June 2001
[19e] UNMIK News Coverage: 8 July 2002
[19f] SRSG Michael Steiner addresses Permanent Council of the OSCE 11 July 2002

[20] UN Resolution 1244 10 June 1999

[21] **UN Various:**
[21a] Development Program (UNDP): Joint initiative to bring peace and development to southern Serbia: 14 June 2001
[21b] UN Interagency Progress Report and Recommendations on the Situation in Southern Serbia, Federal Republic of Yugoslavia, January 2002
[21c] UNDP (via Relief Web (website www.reliefweb.int)): Human Development Report Kosovo 2002 – Speech by PDSRSG Charles Brayshaw at the launching of the first UNDP Human Development Report on June 27, 2002. 28 June 2002
[21d] UN News Centre (website www.un.org): ' "Kosovo: One year after signing key self-government act, UN cites "great success" ' 17 May 2002
[21e] UN News Centre "New Adviser to help UN in Kosovo with returnees, reintegration of ethnic minorities" 11 June 2002
[21g] UNICEF Letter: Unaccompanied Asylum Seeking Children: 17 October 2002
[21h] UNDP Controlling HIV/AIDS in Serbia: a Comprehensive Country Strategy and an Emergency Action Plan. Factsheet series 2002.

[22] United Nations Environment Programme (UNEP): "UNEP confirms low-level DU contamination in Serbia and Monenegro, calls for precaution 27 March 2002

[24] Global Information Network IPS Newsfeed (Via Reuters Business Briefing) Yugoslavia: "Education system in tatters under sanctions" 10 March 2000

[25] The International Gay and Lesbian Association: Campaign against Homophobia – A Semi-annual Report, No 1 January-June 1998

[27] Kosovo Information Project (KIP):
[27a] Topical Information Fact Sheet on Health System in Kosovo (Extract) May 2002
[27b] KIP information Request Answer: 13 March 2002

[27c] Topical Information Fact Sheet on Temporary Community Shelters: February 2002
[27d] Topical Information Fact Sheet on Social Services: February 2002
[27e] KIP Information Request Answer: 3 October 2002
[27f] KIP Information Request Answer: 2 September 2002

[28] MSN/NBC News "Catholic church finds freedom, grows in Kosovo" 28 August 2000

[30] **Radio Free Europe / Radio Liberty (website www.referl.com)**
[30a] "Yugoslavia: Kostunica reveals details of Covic Presevo Plan" 15 February 2001 (accessed 6 April 2001)
[30c] "What about Vojvodina?" 15 July 2002
[30d] "Montenegro: Voters Back Pro-Independence Parties" 16 May 2002
[30e] "Yugoslavia: Bosniaks in Sandzak region seek recognition" 28 November 2002 (accessed 2 December 2002)
[30f] "Kosovo: Steiner, Rugove, Kadare Discuss Future Status" 30 December 2002 (accessed 3 January 2003

[31] **Organisation for Security and Cooperation in Europe (OSCE)**
[31a] OSCE Press Release: "OSCE Chairman-in-Office commends positive developments in southern Serbia." 1 June 2001
[31b] OSCE: (website www.osce.org) "Abdulah and Slobodan on patrol in southern Serbia" (accessed 15 April 2002)
[31c] OSCE: News "Third class of multiethnic police training course in southern Serbia graduate on 12 April" 11 April 2002
[31d] OSCE: Press Release: "Success for first meeting on Roma issues in Federal Republic of Yugoslavia" 12 March 2002
[31e] OSCE: In focus: "Reforming Radio Television Serbia" (accessed 9 October 2002)
[31f] OSCE Mission to the FRY (OMiFRY) – 2001 Activities Report: January 2002
[31g] OSCE: In focus: "Good morning Bujanovac!" (accessed 9 May 2002)

[33] **Department for International Development (DfID)**
[33a] DFID Health Systems Resource Centre: Health Briefing Paper - Serbia June 2001
[33b] DFID Health Systems Resource Centre: Health Briefing Paper – Kosovo June 2001

[34] Financial Times (via Economist Intelligence Unit and Reuters Business Briefing: Yugoslavia) "Yugoslavia Economy – Serbs fear reforms herald hardship" 26 March 2002

[35] Women's Commission for Refugee Women & Children: "Refugee and internally displaced women and children in Serbia and Montenegro" September 2001

[41] **International Organisation for Migration (IOM)**

[41a] IOM press briefing notes 1 February 2002: Afghanistan, Yugoslavia
[41b] Trafficking Migrants No 22 Autumn 2000

[42] **US Agency for International Development (website www.usaid.gov)**
[42a] OTI Serbia and Montenegro Program Summary 2002 (accessed 26 April 2002)
[42b] USAID Field report Serbia and Montenegro July 2002: 31 July 2002

[43] Institute of War and Peace Reporting (website www.iwpr.net)
[43b] Serbia 18 September 2001
[43c] Balkan Crisis Report No.372: "Serbia: Government Seeks Media Monopoly" 7 October 2002
[43e] *Refugees*
[43f] Balkan Crisis Report No.353 "Serbs Leaving Sandzak" 26 July 2002
[43g] Balkan Crisis Report No.372 "Montenegro: Djukanovic Agrees Court Compromise" 7 October 2002
[43h] Montenegro 18 September 2001
[43i] Balkan Crisis Report No.369 "Montenegro: State Media Sackings" 24 September 2002
[43j] Balkan Crisis Report No.366 "Comment: Curbing Kosovo Media Excess" 11 September 2002
[43k] Balkan Crisis Report No.374 "Comment: Serbs making progress" 17 October 2002
[43l] Balkan Crisis Report No.356 "Kosovo: Serb Return Blow" 8 August 2002
[43m] Balkan Crisis Report "Kosovo Sex Industry" 13 September 2002
[43n] Balkan Crisis Report "Kostunica in trouble" 28 January 2003
[43o] Balkan Crisis Report "Djindjic party riding high" 11 April 2003
[43p] Balkan Crisis Report "Yugoslav generals to resist army reform" 31 January 2003
[43q] Balkan Crisis Report "Serbia: Milosevic era generals purged" 15 April 2003
[43r] Balkan Crisis Report "Serbia: Key step to media reform" 28 February 2003
[43s] Balkan Crisis Report "Presevo Albanians snub Belgrade again" 11 November 2002
[43t] Balkan Crisis Report "Presevo Albanians spurn military draft" 4 April 2003
[43u] Balkan Crisis Report "Montenegrin voters intimidated" 31 January 2003
[43v] Balkan Crisis Report "Montenegro: media reform in trouble" 18 November 2003
[43w] Balkan Crisis Report "Comment: governing Mitrovica: A critical crossroads" 3 January 2003
[43x] Balkan Crisis Report "Kosovo: AIDS fears" 2 January 2003
[43y] Balkan Crisis Report "Kosovo: psychological wounds" 15 April 2003
[43z] Balkan Crisis Report "LDK takes a stand on Kosovo violence" 24 January 2003

[43aa] Balkan Crisis Report "Kosovo Serbs demand ethnic division" 4 March 2003
[43ab] Balkan Crisis Report "Serbia Crisis Update" 23 April 2003
[43ac] Balkan Crisis Report "Serbia: fears of new "Kosovo" in Vojvodina" 4 March 2003

[44] Ellis Publications' EU Com Finals Database (via Reuters Business Briefing: Yugoslavia) "Explanatory Memorandum" 15 October 2000

[45] iafrica.com news (website www.iafrica.com) "Montenegro Government collapses" 19 April 2002

[46] European Centre for Minority Issues "The Instrumentalisation of Minorities in the Montenegrin Dispute over Independence" ECMI Brief #8 March 2002

[47] International Committee of the Red Cross: News: "Yugoslavia / Kosovo: Summary of ICRC work last year to help detainees in Yugoslavia" February 2002

[48] **World Health Organisation (WHO)**
[48a] WHO Briefing note: Federal Republic of Yugoslavia – Montenegro 24 January 2001
[48b] WHO Selected health indicators for Serbia and Montenegro 2002
[48c] WHO Mental Health Country Profile Yugoslavia 2002
[48d] WHO Health Action in Kosovo No.55 Newsletter on Emergency Preparedness and Response, June/July 2002

[49] **Serbia and Montenegro News Digest (via Reuters Business Briefing: Yugoslavia)**
[49a] "EU funds 2.0 million Euro programme for primary health care in Montenegro" 28 November 2001
[49b] "UNICEF promotes 2002-2004 working programme in Montenegro" 10 October 2002

[50] USA Today (website USAtoday:com) "German diplomat named top UN official in Kosovo." 21 January 2002

[52] US Department of Defense Information Paper : "Depleted Uranium Envionmental and Medical Surveilance in the Balkans" 25 October 2001

[53] Rusyn News and Information Service (website www.legacyrus.com) "Partial Autonomy Law Passes for Vojvodina" February 2002 (accessed 29 April 2002)

[54] **World Socialist Web Site (website wsws.org)**
[54b] "Serbia holds presidential elections two years after Milosevic's fall" 23 September 2002

[54a] "Yugoslavia: Serbia Assembly restores partial autonomy to Vojvodina" 22 March 2002

[55] Voice of America (website VOANnews.com): "Ultra nationalist Serb leader to appear before Hague": 25 February 2003

[56] **Guardian Unlimited**

[56a] "Yugoslavia votes for its own abolition" June 2000

[56b] "KLA leader's arrest stirs Kosovo dissent" 15 August 2002

[56c] "Serbian leader surrenders to Hague tribunal" 21 January 2003

[56d] "Serbian leader assassinated" 13 March 2003

[58] **nj.com (website www.nj.com)**

[58a] "Results of Serbia's census show population drop" 16 May 2002

[58b] "Chief editors in Montenegro's state media resign" 12 September 2002

[58c] "Top UN official outlines plan to integrate ethnic flashpoint in Kosovo" 2 October 2002

[58d] "General and ally of former Yugoslav president arrested in investigation of premier's killing" 9 April 2003

[59] The New York Times "Serbian Rift Widens into a Parliament Walkout" 13 June 2002

[61] (UN) Office for the Coordination of Humanitarian Affairs (OCHA): Humanitarian Risk Analysis No. 18: Humanitarian Situation, Protection and Assistance: Internally Displaced Persons in Serbia and Montenegro 26 April 2002

[62] Vjesnik (via Croatian News Digest and Reuters Business Briefing: Croatia) "Croatian to also become official language in Vojvodina" 2 May 2002

[63] Humanitarian Law Centre (website www.hlc.org.yu) :

[63a] "World Roma day – 8 April 2002" 8 April 2002

[63b] Shadow Report on the Implementation of the Framework Convention for the Protection of National Minorities in Serbia, Montenegro and Kosovo: 16 January 2003

[63c] Albanians in Serbia: Presevo, Bujanovac and Medveda 2002

[64] European Roma Rights Centre (www.errc.org) : Roma Rights Nr 2 2002: "Civilian Violence Against Roma in Serbia" 31 July 2002

[65] International Federation of the Red Cross (via Relief Web (website reliefweb.int) "Roma migrants in Montenegro – Desperate on the eve of the winter" 26 September 2002

[66] VIP Daily News Report, published Belgrade, 23 October 2002

[67] Refugees International (via Relief Web (www.reliefweb.int))

[67a] "The Roma: The Balkans' most vulnerable" 18 September 2002

[67b] "The Balkans' most vulnerable speak out – Roma IDPs from Kosovo" 28 August 2002

[68] thestar online (website www.thestar.com) "European Union official announces aid cut in Kosovo" 19 September 2002

[69] International Crisis Group (website www.crisisweb.org) "Finding the balance: the scales of Justice in Kosovo" 12 September 2002

[70] Kosova Rehabilitation Centre for Torture Victims (KRCT) (website www.irct.org) Objectives (updated 8 May 2002)

[71] Donahue (website www.msnbc.com) (accessed 19 September 2002)

[72] Agence France-Presse (AFP) (via Relief Web (website www.reliefweb.int) "Serb refugees stage roadblock to demand entry to Kosovo" 21 September 2002

[73] United Press International (website www.UPI.com) Serbia-Montengro president snubs nationalism 7 March 2003 (accessed 12 March 2003)

[74] Government of Serbia and Montenegro:

[74a] Constitutional Charter (via FCO website – www.fco.gov.uk) (accessed 7 April 2003)

[74b] Consular affairs: citizenship (website – www.mfa.gov.yu) (accessed 26 April 2003)

[75] European Commission: Stabilisation and Association Report 2003

[76] Southeast European Times (website www.balkantimes.com) Solana offers EU support to Serbian Government 10 April 2003

[77] Radio Netherlands (website www.rnw.nl) Shootouts and liquidations in Serbia 28 March 2003

[78] The Lancet (website www.thelancet.com) : Serbia and Montenegro's state services behind rest of Europe 25 January 2003

[79] World Bank (website www.seerecon.org) : World Bank credit aims to

support Serbian government reforms in Education 2 May 2002

[80] Serbian Government (website www.serbia.sr.gov.yu)

[80a] Serbian Parliament adopts Charter of rights and freedoms: 26 February 2003

[80b] Website dedicated to Serbia's national minorities goes on-line 28 February 2003

[81] Republic of Montenegro (website www.montenegro.yu) : General data (accessed 7 April 2003)

[82] Council of Europe Office of the Commissioner for Human Rights: Kosovo: The Human Rights situation and the fate of persons displaced from their homes 16 October 2002

Back to contents