

## **Answer**

**of the Federal Government**

**to the Minor Interpellation tabled by the Members of the Bundestag Luise Amtsberg, Volker Beck, Marieluise Beck, further Members and the Alliance 90/The Greens parliamentary group  
– Printed paper 18/8496 –**

### **Human rights situation in Kosovo**

Preliminary remarks of the questioners

On 20 July 2015, the deadline for transposing Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (Asylum Procedures Directive) expired. Article 37 (2) of this directive contains an obligation to regularly review the situation in third countries designated as “safe countries of origin” under national law. This is designed to ensure that the substantive stipulations of European Union law are met when designating “safe countries of origin”.

Under Annex I of the Directive, a country can only be designated a “safe country of origin” “where on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict. In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by: (a) the relevant laws and regulations of the country and the manner in which they are applied; (b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention; (c) respect for the *non-refoulement* principle in accordance with the Geneva Convention; (d) provision for a system of effective remedies against violations of those rights and freedoms.”

The Act Introducing Expedited Asylum Procedures of 20 October 2015 (Federal Law Gazette I 2015, 1722), which led to Albania, Kosovo and Montenegro being categorised as safe countries of origin in autumn 2015, for the first time places the obligation on the Federal Government to present a report every two years on whether the prerequisites for the designation of “safe countries of origin” continue to exist (Section 29a (2a) of the Asylum Act).

The Alliance 90/The Greens parliamentary group continues to believe the instrument of “safe countries of origin” is wrong. It limits procedural rights, legal protection possibilities and since the entry into force of the Act Introducing Expedited Asylum Procedures, also the social and economic rights of nationals from these states seeking protection. Against this backdrop, the parliamentary group tabling the Interpellation believes that continuous monitoring of the human rights situation in these countries is legally necessary and politically of extreme importance. This Interpellation aims to contribute to this.

1. To the knowledge of the Federal Government, to what extent do people in Kosovo face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their “race” (cf. Article 10 (1) lit. a of Directive 2011/95/EU – Qualification Directive), and how has this situation developed within the last year?

The Federal Republic is not aware of any direct or indirect state repression in the Kosovo against certain persons or groups of persons on the grounds of their “race” as defined in Article 10 (1a) of Directive 2011/95/EU.

2. To the knowledge of the Federal Government, to what extent do people in Kosovo face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their “race” (cf. Article 10 (1) lit. a of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

In Kosovo there continue to be isolated, inter-ethnic incidents between Kosovo-Serbs and Kosovo-Albanians. The ethnically divided district of Mitrovica and the Kosovo-Serb enclaves in central and western Kosovo are particularly affected. In the estimation of the Federal Government, it is individuals who are behind the conflicts. It is only in very rare cases that the police manage to identify the perpetrator. The Federal Government has no knowledge of government representatives or higher-level criminal prosecution authorities influencing the endeavours to investigate inter-ethnic crimes. To the knowledge of the Federal Government, in some cases members of the same ethnic communities are behind the attacks, and have a political or criminal background to them. Overall, a sustained decline in inter-ethnic acts of violence is to be observed; mutual acceptance between ethnic groups has increased since Kosovo’s independence in 2008.

3. To the knowledge of the Federal Government, to what extent do people in Kosovo face legal, administrative, police or judicial measures on the grounds of their “race” (cf. Article 10 (1) lit. a of the Qualification Directive) which are discriminatory or applied in a discriminatory way, and how has this situation developed within the last year?

Non-Albanian minorities are granted extensive rights and political participation possibilities under the Kosovan Constitution (*inter alia* guaranteed seats in parliament and mandatory approval of legislative initiatives of vital interest). There are no systematic violations of human rights by government bodies. On the contrary, the government endeavours to ensure adequate representation of representatives of minorities in government structures. There are employees from all relevant ethnic groups working in the police force and justice system, for instance. The Federal Government has no information which would suggest that any disadvantages experienced by the ethnic groups forming the respective local minorities are being centrally steered or promoted in civil law proceedings by the government.

4. To the knowledge of the Federal Government, to what extent do people in Kosovo face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their “race” (cf. Article 10 (1) lit. a of the Qualification Directive) and how has this situation developed within the last year?

The Federal Government has no knowledge of such incidents.

5. To the knowledge of the Federal Government, to what extent do people in Kosovo face denial of judicial protection on the grounds of their “race” (cf. Article 10 (1) lit. a of the Qualification Directive) and how has this situation developed within the last year?

The Federal Government has no knowledge of such incidents.

6. To the knowledge of the Federal Government, to what extent do people in Kosovo face violations of other human rights, including economic, social and cultural rights by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their “race” (cf. Article 10 (1) lit. a of the Qualification Directive) and how has this situation developed within the last year?

There are no systematic human rights violations by government bodies in Kosovo.

7. To the knowledge of the Federal Government, to what extent do people in Kosovo face violations of other human rights, including economic, social and cultural rights by non-governmental actors on the grounds of their “race” (cf. Article 10 (1) lit. a of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

The Federal Government has no knowledge of such incidents.

8. To the knowledge of the Federal Government, to what extent do people in Kosovo face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed within the last year?

Kosovo is a secular state. Religious freedom is guaranteed in the Kosovan Constitution. The Federal Government is not aware of any restrictions of this freedom. To the knowledge of the Federal Government, government authorities in Kosovo do not use any physical or psychological violence against people on the grounds of their religion.

9. To the knowledge of the Federal Government, to what extent do people in Kosovo face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?
10. To the knowledge of the Federal Government, to what extent do people in Kosovo face legal, administrative, police or judicial measures on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?
11. To the knowledge of the Federal Government, to what extent do people in Kosovo face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed within the last year?
12. To the knowledge of the Federal Government, to what extent do people in Kosovo face denial of judicial protection on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed within the last year?

Questions 9 to 12 will be answered together. The Federal Government has no knowledge of such incidents.

13. To the knowledge of the Federal Government, to what extent do people in Kosovo face violations of other human rights, including economic, social and cultural rights by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed within the last year?

Please refer to the answer to question 6.

14. To the knowledge of the Federal Government, to what extent do people in Kosovo face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

The Federal Government has no knowledge of such incidents.

15. To the knowledge of the Federal Government, to what extent do people in Kosovo face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed within the last year?

In Kosovo government authorities do not use physical or psychological violence against people on the grounds of their nationality to the knowledge of the Federal Government.

16. To the knowledge of the Federal Government, to what extent do people in Kosovo face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

Please refer to the answer to question 2.

17. To the knowledge of the Federal Government, to what extent do people in Kosovo face legal, administrative, police or judicial measures on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?

Please refer to the answer to question 3.

18. To the knowledge of the Federal Government, to what extent do people in Kosovo face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed within the last year?

The Federal Government has no knowledge of such incidents.

19. To the knowledge of the Federal Government, to what extent do people in Kosovo face denial of judicial protection on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed within the last year?

The Federal Government has no knowledge of such incidents.

20. To the knowledge of the Federal Government, to what extent do people in Kosovo face violations of other human rights, including economic, social and cultural rights by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed within the last year?

Please refer to the answer to question 6.

21. To the knowledge of the Federal Government, to what extent do people in Kosovo face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

The Federal Government has no knowledge of such incidents.

22. To the knowledge of the Federal Government, to what extent do people in Kosovo face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed in the last year?

In Kosovo government authorities do not use physical or psychological violence against people on the grounds of their membership of a particular social group to the knowledge of the Federal Government.

23. To the knowledge of the Federal Government, to what extent do people in Kosovo face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?
24. To the knowledge of the Federal Government, to what extent do people in Kosovo face legal, administrative, police or judicial measures on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?
25. To the knowledge of the Federal Government, to what extent do people in Kosovo face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

26. To the knowledge of the Federal Government, to what extent do people in Kosovo face denial of judicial protection on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

Questions 23 to 26 will be answered together. The Federal Government has no knowledge of such incidents.

27. To the knowledge of the Federal Government, to what extent do people in Kosovo face violations of other human rights, including economic, social and cultural rights, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

Please refer to the answer to question 6.

28. To the knowledge of the Federal Government, to what extent do people in Kosovo face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

The Federal Government has no knowledge of such incidents.

29. To the knowledge of the Federal Government, to what extent do people in Kosovo face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

In Kosovo government authorities do not use physical or psychological violence against people on the grounds of their sexual orientation to the knowledge of the Federal Government.

30. To the knowledge of the Federal Government, to what extent do people in Kosovo face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

The Federal Government has no knowledge of such incidents.

31. To the knowledge of the Federal Government, to what extent do people in Kosovo face legal, administrative, police or judicial measures on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?

The Federal Government has no knowledge of people facing discrimination by the government or authorities on the grounds of their sexual orientation. President Hashim Thaçi's participation in the protest march for the rights of sexual minorities, which has taken place annually since 2014 on 17 May in the capital Pristina, is a sign of support. The Kosovo Police provided security for the demonstration and it took place without any disruptions.

32. To the knowledge of the Federal Government, to what extent do people in Kosovo face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?
33. To the knowledge of the Federal Government, to what extent do people in Kosovo face denial of judicial protection on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?
34. To the knowledge of the Federal Government, to what extent do people in Kosovo face violations of other human rights, including economic, social and cultural rights, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?
35. To the knowledge of the Federal Government, to what extent do people in Kosovo face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

Questions 32 to 35 will be answered together. The Federal Government has no knowledge of such incidents.

36. To the knowledge of the Federal Government, to what extent do people in Kosovo face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed in the last year?



37. To the knowledge of the Federal Government, to what extent do people in Kosovo face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?
38. To the knowledge of the Federal Government, to what extent do people in Kosovo face legal, administrative, police or judicial measures on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?

Questions 36 to 38 will be answered together. Apart from a wave of opposition protests in 2015, which the answer to question 73 deals with, the Federal Government has no knowledge regarding attacks on people on the grounds of their political opinion.

In the estimation of the Federal Government, it may be above all at municipal level that people are discriminated against on the grounds of their political opinion. This holds true both for municipalities where there is a Kosovo-Albanian majority and those where there is a Kosovo-Serb majority. Generally discrimination takes place in the context of administrative or civil law proceedings, with the aim of hampering political adversaries' economic activities. Here, economic and/or criminal interests are often hard to separate from political interests. During the last twelve months the situation has not changed.

39. To the knowledge of the Federal Government, to what extent do people in Kosovo face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed within the last year?

The Federal Government has no reliable knowledge regarding such incidents. Please also refer to the answer to question 38

40. To the knowledge of the Federal Government, to what extent do people in Kosovo face denial of judicial protection on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed within the last year?

The Federal Government has no knowledge of such incidents.

41. To the knowledge of the Federal Government, to what extent do people in Kosovo face violations of other human rights, including economic, social and cultural rights, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed within the last year?

To the knowledge of the Federal Government, the economic activities of political adversaries are impeded by the authorities in some cases. The Federal Government has no knowledge of any other human rights violations.

42. To the knowledge of the Federal Government, to what extent do people in Kosovo face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

The Federal Government has no knowledge of such incidents. Please also refer to the answer to question 38.

43. Does the Federal Government know of any measures the Kosovan authorities and, if applicable, international organisations are taking to provide protection for those affected by human rights violations in Kosovo and to improve the human rights situation in Kosovo, and what is its assessment of their chances of succeeding?

There are sufficient legal possibilities in the Republic of Kosovo through the constitutional guarantees and the institution of the ombudsperson to prosecute human rights violations. There may be delays in prosecuting human rights violations due to the overstretched justice system and the failure of the authorities to cooperate sufficiently with the ombudsperson which still occurs in some cases. One of the priorities the government of the Republic of Kosovo has set in the scope of the National Development Strategy it adopted in early 2016 is increasing the efficiency of the justice system and in turn shortening the length of proceedings. The ombudsperson's autonomy has been bolstered as a result of the newly adopted Law on the Ombudsperson in May 2015.

The EU is supporting the Republic of Kosovo in building a multi-ethnic justice, police and customs system through the EULEX Rule of Law Mission and is approximating these with EU rule of law standards. Thanks to the EU approximation process, there is an intensive exchange between the EU and Kosovo, including on issues of human rights and the rule of law. The annual country report by the European Commission also assesses progress in this area and issues recommendations. Since 1 April 2016, the Stabilisation and Association Agreement (SAA) between the EU and Kosovo has also been in force. The bodies created by the SAA (SAA Council, SAA Committee and Sub-committees, SAA Parliamentary Committee) also deal with approximating Kosovo's standards with EU standards in the areas of human rights and the rule of law.

The OSCE Mission in Kosovo (OMiK) - with its own department for human and minorities' rights - also plays an important role in monitoring and promoting human rights. Furthermore, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Refugee Agency (UNHCR), the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the World Health Organization (WHO), the International Organization for Migration (IOM), the United Nations Entity for Gender Equality and the Empowerment of Women (UNWOMEN), the United Nations Population Fund (UNFPA) and the Council of Europe also have their own local offices there.

To the knowledge of the Federal Government, Kosovo is determined to further develop its contacts with the Council of Europe and to implement its standards and values in the country. Since 2013 Kosovo has been a member of the "European Commission for Democracy through Law" (Venice Commission) of the Council

of Europe and since 2014 member of the Council of Europe Development Bank. Kosovo has recently undergone various monitoring procedures supported by the Council of Europe (*inter alia*, report on the fight against corruption and money laundering of April 2015 in the scope of a joint EU and Council of Europe project (“Project against Economic Crime in Kosovo”), report by the expert body on trafficking in human beings (GRETA) on Kosovo of April 2016).

44. What measures is the Federal Government taking to provide the victims of human rights violations in Kosovo with protection and to improve the human rights situation in Kosovo, and to what extent will it be continuing or expanding these measures in the future?

The international community’s most important contribution to strengthening the rule of law in Kosovo is the EU Rule of Law Mission EULEX, which the Federal Government provides considerable support to in terms of financial and human resources. The Federal Government is also involved in the EU Dialogue with Kosovo in the scope of the SAA process through its missions abroad in Pristina and Brussels. Please also refer to the answer to question 43 in addition to this.

In the context of bilateral development cooperation and also through individual crisis prevention, peacekeeping and conflict resolution measures, the Federal Government is concentrating on improving the human rights situation in Kosovo in general.

Priorities of the bilateral development cooperation, which has totalled just under EUR 500 million since it began in 1999, are *inter alia* creating effective institutions, better access to the electricity and water supply, sustainable economic development, promoting employment and measures relating to basic education and vocational education. The new funds pledged by the Federal Ministry for Economic Cooperation (BMZ) for all financial and technical cooperation measures amounted to a total of EUR 29.5 million in 2015.

Specifically, the Federal Government is supporting the improvement of public administration and the rule of law in the scope of development cooperation in the context of its priority “public administration, democratisation, civil society” through the projects implemented by the Gesellschaft für Internationale Zusammenarbeit (GIZ) on “Advice to Legal and Administrative Reform”, “Reform of Public Finance”, “Development of sustainable local public services” and “Support to the EU-Integration Process”. “Social integration of victims of human trafficking” is being supported through a regional project implemented by GIZ.

The Federal Foreign Office’s individual measures for crisis prevention, peacekeeping and conflict management are targeted projects addressing in particular the reintegration and psycho-sociological support of returnees from Germany, integrated socio-economic support of marginalised sections of the population and the promotion of new businesses. These measures, which were funded by “stability pact funds”, totalled around EUR 1.15 million in 2015.

The Federal Government’s work serves above all to better ensure economic, social and cultural rights as defined in the UN International Covenant on Economic, Social and Cultural Rights, ICESCR, which Kosovo has not been able to join to date as it is not a member of the UN, but whose rights it is trying to guarantee.

In the area of basic education, German development cooperation is also advising the Kosovan Government on access to education for children from Roma, Ashkali and Egyptian communities and integrating socially disadvantaged children into school education. The Karl-Kübel Foundation is bolstering members of the Roma, Ashkali and Egyptian communities' access to education and healthcare through the project "Promoting the respectful integration of Roma in Kosovo".

The Federal Government continues to support the project being implemented by Medica Mondiale entitled "Supporting women's self-help groups in exercising their rights in the area of health, justice and social affairs for survivors of sexual violence Kosovo". The right to water and sanitation is being supported through KfW-funded projects dealing with the water supply and sewage disposal in Pristina and in the southwest of Kosovo.

Additionally, in tandem with the Netherlands, Germany is implementing an EU twinning project to improve the training of judges and public prosecutors.

The programmes of the political foundations contributing to pluralism and democracy in Kosovo continue to receive financial support. The Federal Government is supporting projects by the Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit (IRZ) on "Promoting the rule of law in Kosovo" and "Promoting the rule of law in South-East Europe" with funds from the stability pact for South-East Europe.

The Federal Government intends to continue this commitment.

45. In the opinion of the Federal Government, to what extent have the aims of Resolution 1244 of the United Nations Security Council (UNSCR 1244) of 10 June 1999 already been achieved?

With the declaration of independence and the Constitution which entered into force on 15 June 2008, the Republic of Kosovo attained autonomy and self-governance; this led to a substantive adjustment of the tasks in the scope of the mandate of the United Nations Interim Administration Mission in Kosovo (UNMIK) at the proposal of the United Nations Secretary-General, Ban Ki-moon, which was confirmed by the UN Security Council. Today, the Republic of Kosovo has its own government institutions, a peaceful national order and a continuously more stable rule of law. To maintain a safe and stable environment and to ensure the freedom of movement, the presence of international troops in the form of KFOR continues to be necessary, in particular in the north of Kosovo.

46. What conclusions, including in terms of action to be taken, does the Federal Government draw in terms of domestic, foreign and human rights policy from the fact that the United Nations Interim Administration Mission in Kosovo (UNMIK) continues to exist?

The continued existence of the United Nations Interim Administration Mission in Kosovo (UNMIK) is linked to the internationally disputed question of the status of the Republic of Kosovo, which persists to this day. The mission now only assumes residual tasks; its earlier remits have for the very most part been taken over by the institutions of the Republic of Kosovo. The Federal Government supports Kosovo's continued integration into Euro-Atlantic structures, for instance through the conclusion of the Stabilisation and Association Agreement (SAA) with the EU, which entered into force in April 2016.

It also supports the deepening of the Republic of Kosovo's inclusion in the structures and institutions of the international community. As the current holder of the chairmanship of the Organization for Security and Co-operation in Europe (OSCE), the Federal Government also continues to see the OSCE mission in Kosovo (OMiK) as playing an important role in strengthening human rights. In light of the adjustment and reduction of the remit of UNMIK in 2008, the Federal Government supports the proposal by the UN Secretary-General, which is currently being debated in the United Nations (UN) General Assembly, to lower the UNMIK budget and number of civilian staff for the next financial year of 2016/2017. In the long term, the Federal Government advocates withdrawing the international presences from a stable and democratic Kosovo experiencing positive economic development.

47. What consequences, including in terms of action to be taken, does the Federal Government draw from the fact that the Kosovo Force (KFOR) continues to be in operation and the Federal Government just recently presented the extension of the mandate to the Bundestag for parliamentary approval in June 2015?

The presence of international troops in the form of KFOR continues to be necessary to maintain a safe and stable environment and to ensure the freedom of movement, in particular in the north of Kosovo. It thus also secures the comprehensive EU commitment to bolstering the rule of law in Kosovo, which in addition to EULEX Kosovo also encompasses other EU instruments (European Commission programmes, activities of the EU Special Representatives). German soldiers continue to make an important contribution to stabilising the entire region through their continued work in the scope of KFOR.

Against this backdrop, on 1 June 2016 the Federal Cabinet adopted the decision to continue the involvement of German armed forces in KFOR and tabled a motion at the German Bundestag on the same day for the approval of the deployment of German armed forces. In light of the continued stabilisation of the security situation, as also confirmed by the NATO Supreme Commander (SACEUR) in the scope of the military advice on the periodic mission review of 20 April 2016, in the new Bundestag mandate the upper limit for staff is being lowered from 1 850 to 1 350 deployable soldiers.

48. To the knowledge of the Federal Government, to what extent do Roma, Egyptians and Ashkali in Kosovo have access to the registration system and the possibility of being issued a passport or other identification documents, and how many Roma, Egyptians and Ashkali living in Kosovo are nonetheless not registered in Kosovo to the knowledge of the Federal Government?

The Kosovan Residents Registration Office does not record the ethnicity of a registered person. All of the people registered are nationals of the Republic of Kosovo, they are considered Kosovans and therefore fundamentally have the possibility of having a passport or other identification documents issued. In the period from March to May 2016 the Kosovan Residents Registration Office carried out a project in tandem with the UNHCR to identify Roma, Ashkali and Egyptians who are not registered yet. Out of the 24 532 Roma, Ashkali and Kosovo-Egyptians who could be identified, 816 people were not registered. The Kosovan Residents Registration Office is now setting up mobile teams to locate the non-registered people and to register them locally free of charge. Registration entails

taking finger prints and photographs, which ensures access to passports. For people without personal identity documents, registration takes place with two witnesses who can confirm the person's date and place of birth.

- a) To the knowledge of the Federal Government, are members of this group Kosovan nationals or to what extent do they have the possibility of acquiring Kosovan nationality, and what is the Federal Government's assessment of this situation from a human rights perspective?

Please refer to the answer to question 48.

- b) To the knowledge of the Federal Government, to what extent do the members of this group face violent attacks, and to what extent are the Kosovan authorities willing and able to provide protection against such attacks?

According to Kosovo police information, since 2011 there have been around eleven to 17 cases per year of violent attacks against members of this group.

The Kosovo police force is well equipped both in terms of human and material resources. Training at the police academy in Vushtrri is multilingual and has been given positive evaluations by EULEX, OSCE and the Pristina embassy. According to surveys, the Kosovo Police enjoy a high level of public trust and confidence and officers are characterised by their professional and situationally appropriate action.

The Kosovo police force also recruits officers from the Roma, Ashkali and Kosovo-Egyptian communities. There are also dedicated contacts for this group at police stations to lower inhibitions about contacting the police.

- How many attacks has the Federal Government become aware of since 2011 (please break down by year)?

According to the information of the Kosovo Police, in 2011 there were 16 cases, in 2012 twelve cases, in 2013 eleven cases, in 2014 14 cases, in 2015 17 cases and in 2016 six such cases to date.

- In how many cases to the knowledge of the Federal Government did this lead to criminal proceedings and convictions (please break down by year)?

According to the information of the Kosovo Police, in 2011 there were ten criminal proceedings resulting in seven convictions, in 2012 eight proceedings leading to nine convictions. In 2013 all eleven recorded proceedings ended without any convictions, in 2014 there were five convictions in 14 proceedings, in 2015 three convictions in 14 proceedings and in 2016 one conviction so far from a total of five proceedings so far.

- c) To the knowledge of the Federal Government, to what extent do members of this group actually have access to healthcare for acute treatment needs and chronic suffering (please break down into the two categories)?

The government-funded basic medical care provided to the population is based on a publically accessible, three-tier health system. It is divided into first-aid centres, hospitals at regional level and specialised medical care provided by the University Clinic of Pristina.

Medical care is provided regardless of ethnicity, sexual orientation or any other individual characteristics. The total budget of the Ministry of Health was approximately EUR 82 million in 2015, which only sufficed to provide basic healthcare. The poor condition of hospital buildings and health points, in some cases with out-dated equipment, remains a problem. The hospitals have been equipped with some modern medical-technical diagnosis equipment in recent years. Apart from in emergencies, patients face waiting times of several weeks due to the high demand for the few machines. It may be that doctors in the public healthcare system are not able to perform the treatment due to the poor facilities and equipment and recommend that their patients use their own private practices/clinics. In private medical establishments, treatments have to be paid for by the patient and are generally not subsidised by the state. In 2015, a budget of around EUR 1.5 million was earmarked to support medical treatment abroad or in private medical institutions. The Ministry of Health manages the supply and procurement of medicines in the national healthcare system centrally; the budget for purchasing medicines was EUR 12 million in 2015. On its homepage, the Ministry of Health publishes the current “Essential Drug Lists”, which lists all the government-funded basic medicines and APIs, consumables and cytostatics. The possibility of shortages in the supply of medicines by the state and patients having to buy medicines themselves in the pharmacies at market prices cannot be ruled out. Medicines for which there is no or little demand (because they are very expensive), for instance for the treatment of rare diseases, are often not available in Kosovo. This also applies to medicines on the “Essential Drug List”. The Ministry of Health has a budget for making drugs and medicines not listed on the “Essential Drug List” available to people in need. This is only approved if failure to receive the medication would put the patient’s life at risk. There are also hospital doctors who have set aside a stock of drugs and medicines to treat socially disadvantaged patients free of charge.

- To what extent is healthcare free of charge for the members of this group?

Roma, Ashkali and Kosovo-Egyptians have the same access to the state medical system in Kosovo as all other Kosovan nationals. Please also refer to the answer to question 48c.

- To what extent is patient-doctor confidentiality upheld when providing healthcare to members of this group?

The Federal Government has no reason to believe that patient-doctor confidentiality is not upheld.

- d) How high is the life expectancy of members of this group and compared to the population as a whole?

The life expectancy of a Kosovan national was 76.8 years at birth in 2013 according to the Kosovan statistics agency. The life expectancy of members of the Roma, Ashkali and Kosovo-Egyptian communities is thought to be lower; the Federal Government does not have any reliable figures available to it, however.

- e) How high is infant mortality among members of this group and compared to the population as a whole?

According to UNICEF data, the infant mortality rate in Kosovo as a whole is twelve per 1 000 live births; for members of the Roma, Ashkali and Kosovo-Egyptian communities it is 41 per 1 000 live births.

- f) To what extent do the members of this group have access to adequate housing to the knowledge of the Federal Government?

The difficult socio-economic situation of the country overall is mirrored in the housing situation of the members of the Roma, Ashkali and Kosovo-Egyptian communities. It ranges from simple, small terraced houses/detached houses to makeshift huts without a regular electricity and water supply. In the Republic of Kosovo, Kosovan ministries, international organisations and non-governmental organisations are building or renovating houses and flats for Roma, Ashkali and Kosovan Egyptians in the scope of numerous projects. One example is the new Ali Ibra housing estate in Gjakova/Djakovica, which is a joint project by the municipality of Gjakova/Djakovica, the Office of the Prime Minister, the Ministry for Communities and Return, Caritas Switzerland, Caritas Kosovo, the Swiss Cooperation Office, Austrian development cooperation and the district.

- How high is the percentage of members of this group living in slums or slum-like housing?

The Federal Government has no statistical information on this.

- How high is the percentage of members of this group living in state-subsidised housing?

The Federal Government has no statistical information on this.

- g) To the knowledge of the Federal Government, to what extent do the members of this group actually have access to schools, universities and other education and training institutions, and to what extent are they obliged to attend school?

The table below shows how many children from the Ashkali, Roma and Egyptian communities attended a school in the education system of the Republic of Kosovo in the academic year 2015/2016.

Level of school / ethnicity	Ashkali	Roma	Egyptians	All ethnicities
Nursery school / crèche (age 0-<5)	0	5	0	4,792
Pre-school (age 5-<6)	219	105	30	22,132
Primary and lower secondary up to year 9	3,118	1,610	604	261,107
Upper secondary from year 9 to 12	192	133	70	86,376
<b>Total</b>	<b>3,529</b>	<b>1,853</b>	<b>704</b>	<b>374,407</b>

There are around 1.8 million people living in the Republic of Kosovo. The number of Roma, Ashkali and Kosovo-Egyptians is estimated at between 35 000 and 50 000. This is the equivalent of between 1.2 % and 2.7 % of the population.



It has to be assumed that other children from the Ashkali, Roma and Egyptian communities are taught in schools in the parallel Serbian system. The children of the Ashkali, Roma and Egyptian communities are required to attend school to the same extent as members of other ethnic groups.

- h) How high is the percentage of the children belonging to this group who do not attend school in spite of compulsory schooling?

The Federal Government does not know of any data on this.

- i) How high is the literacy rate among members of this group and compared to the population as a whole?

The embassy has no specific data on the literacy rate of Roma, Ashkali and Kosovo-Egyptians.

According to information from the draft action plan of the Kosovan government on the Roma, Ashkali and Kosovo-Egyptians, in this age group of 15 to 24 year-olds, 72 % of girls and women and 86.5 % of boys and men can read and write at least short sentences on everyday subjects.

- j) To what extent do members of this group actually have access to social benefits and services and state-subsidised or funded measures?

As registered citizens of the Republic of Kosovo, members of the Roma, Ashkali and Kosovo-Egyptian communities fundamentally have the same access to state social benefits and services as all other registered citizens of the Republic Kosovo.

Thanks to the Offices for Minorities and Return at municipal level and the Ministry for Minorities and Return at national level, the access to authorities and their benefits and services is considerably simplified for Roma, Ashkali and Kosovo-Egyptians.

49. To the knowledge of the Federal Government, how many internally displaced persons are living in Kosovo, and what is the Federal Government's assessment of this situation from a human rights perspective?

There is no official registration of internally displaced persons in Kosovo, the number of internally displaced persons can therefore only be estimated. The UNHCR estimates the number of internally displaced persons at around 17 000 people. In 2016, a survey commissioned by the Kosovan government will be conducted, after which more specific figures should be available.

According to the NGO "Internal Displacement Monitoring Centre" around 9,250 internally displaced persons are Kosovo-Serbs and around 7,100 are Kosovo-Albanians. The remaining displaced persons are Roma, Ashkali and Kosovo Egyptians.

The Federal Government has no information of its own on human rights violations against internally displaced persons. The Kosovan government is endeavouring in particular to enable the voluntary return of internally displaced persons.

- a) How many internally displaced persons currently have Kosovan nationality?

According to the UNHCR, most internally displaced persons in the municipalities south of the Ibar have Kosovan nationality. In the municipalities north of the Ibar most of the internally displaced people have Serbian nationality. The trend that people in the north tend to have Kosovan documents and apply for Kosovan citizenship using these also encompasses internally displaced persons.

- b) What residence status do the other members of this group have (please state figures for each possible residence status)?

Please refer to the answer to question 49a.

- c) To what extent do internally displaced persons actually have access to the residents registration system and the possibility of being issued a passport or other identification documents, and what is the Federal Government's assessment of this situation from a human rights perspective?

According to the UNHCR, all internally displaced persons have access to the registration system. In the view of the Federal Government, the easy access to Kosovan documents for all inhabitants of Kosovo is exemplary from a human rights perspective.

- d) To what extent do internally displaced persons face violent attacks, and to what extent are the Kosovan authorities willing and able to provide protection against such attacks?

As most of the internally displaced persons live in municipalities where the ethnic majority is the same as their own ethnicity, the Federal Government is not aware of any attacks on the grounds of their status as internally displaced persons. There are isolated reports of attacks on the abandoned property of internally displaced persons.

- How many attacks has the Federal Government become aware of since 2011 (please break down by year)?

According to the Kosovo Police, in 2011, 2012, 2014 and 2015 there were no attacks on internally displaced persons, in 2013 and so far in 2016 there has been one attack in each case.

- In how many cases did this lead to criminal proceedings and convictions (please break down by year)?

According to the Kosovo Police, in 2011, 2012, 2014 and 2015 there were no proceedings or convictions. In 2013 and in the year-to-date 2016 one set of proceedings each was conducted, which both led to a conviction in 2016.

- e) To what extent do internally displaced people actually have access to healthcare for acute treatments needs and chronic suffering (please break down into the two categories)?

Internally displaced persons have access to healthcare in their host municipalities to the same extent as the rest of the population. Please also refer to the answer to question 48c.

- To what extent is healthcare free of charge?

Internally displaced persons have the same access to the state healthcare system in Kosovo as the population as a whole. Please also refer to the answer to question 48c.

- To what extent is patient-doctor confidentiality upheld during the provision of healthcare?

The Federal Government has no reason to believe that patient-doctor confidentiality is not upheld.

- f) How high is the average life expectancy of internally displaced persons compared to the population as a whole?

According to UNHCR data, the life expectancy of internally displaced persons and that of the population as a whole do not differ.

- g) How high is infant mortality amongst internally displaced persons compared to the population as a whole?

According to UNHCR data, the infant mortality rate of internally displaced persons and that of the population as a whole do not differ.

- h) To what extent do internally displaced persons have access to adequate housing?

Currently, there are still 477 internally displaced persons living in a total of 29 communal accommodation facilities. Many of these do not meet the requirements of adequate housing. The Kosovan government is endeavouring to find solutions for the affected families. According to the UNHCR, for around half of them improvements are imminent.

- How many internally displaced persons are living in slums and slum-like housing?

According to the UNHCR, four Roma families in the municipality of Leposavic are living in old military barracks. The Federal Government has no further information.

- How many internally displaced persons are living in state-subsidised housing?

The Federal Government has no information on this.

- i) To what extent do internally displaced persons actually have access to schools, universities and other education and training institutions, and to what extent are they obliged to attend school?

According to the UNHCR, internally displaced persons have access to educational institutions in their host communities to the same extent as the rest of the population and are required to attend school.

- j) How high is the percentage of internally displaced persons not attending school in spite of being required to do so?

According to the UNHCR there is no difference compared to the population as a whole.

- k) How high is the literacy rate of internally displaced persons compared to the population as a whole?

According to the UNHCR there are no differences compared to the population as a whole.

- l) To what extent do internally displaced persons actually have access in practice to social benefits and services and state-subsidised or funded measures?

According to the UNHCR, internally displaced persons have the same access to these benefits, services and measures as the population as a whole. The internally displaced persons who are registered with the Serbian Commission for Internally Displaced Persons in communities with a Serbian majority receive additional benefits on a small scale, such as food vouchers.

50. What is the Federal Government's assessment of the human rights situation of the Serbian minority in Kosovo?

The social and political situation of the Kosovo-Serbs has improved steadily in recent years – even if only by small steps at a time. This holds true in particular for the political participation of Kosovo-Serbs.

Non-Albanian minorities are granted extensive rights and political participation possibilities in the Constitution (including guaranteed seats in parliament and mandatory approval of legislative initiatives of vital interest). In the current Kosovan government, several ministers and deputy ministers are from the Lista Srpska party - a party representing ethnic Serbs with very close ties to the Serbian governing parties. At local level, the Constitution grants very extensive autonomy to communities with a Serbian majority. An association for the communities with a Serbian majority has been agreed on in the political dialogue between Serbia and Kosovo, but still needs to be founded.

The Constitution also sets forth the right of members of communities to practice their own language, religion and culture, access to educational institutions in minority languages and the use of their own media. These stipulations are widely implemented.

51. What is the Federal Government's assessment of the human rights situation of Serbian Orthodox Christians in Kosovo?

As the very vast majority of the Kosovo-Serb population of Kosovo belongs to the Serbian Orthodox Church, the situation of Serbian Orthodox Christians does not differ significantly from the situation described in the answer to question 50

of Kosovo-Serbs. Except from in isolated cases, the Serbian Orthodox Christians can practice their faith freely in Kosovo. The government relaxed a law limiting the noise emissions from church bells (and muezzin calls) in February 2016. The limits planned for churches and muezzins no longer apply. Attacks on pilgrims from Serbia are generally due to the presence of former Serbian fighters or (former) political leaders among the pilgrims. In the middle of May 2016, the Patriarch of the Serbian Orthodox Church visited Prizren and consecrated the building of the local seminary there that had been renovated with EU assistance. The visit took place without any disruptions whatsoever. The Kosovo police force provides security for these types of activities by Serbian Orthodox Christians.

52. Is the Federal Government aware of cases where Serbian Orthodox Christians have been prevented from building or renovating churches or other religious establishments, and what is its assessment of this?

The Federal Government is not aware of any specific cases where Serbian Orthodox Christians have been prevented from building or renovating churches. Only the unfinished construction of a Serbian Orthodox cathedral in Pristina is the subject of controversy. This was started in 1995 under the Milošević government but not completed. Both the Serbian Orthodox Church and the University of Pristina now lay claim to the land which used to belong to the University of Pristina before construction began.

Since 2012, the question of ownership is the subject of a lawsuit by the University of Pristina. The Federal Government has no knowledge of any unlawful exertion of influence over the proceedings by Kosovan government authorities. As a result of the political significance of the case, the construction has been temporarily placed under the management of the Ministry of the Environment and Spatial Planning. The Federal Government is not aware of any specific plans to complete the building work started. Representatives of the Serbian Orthodox Church have only made unspecific statements in favour of completion. In the capital city – where the majority of inhabitants are Kosovo-Albanian - there are debates about tearing down the building or repurposing it, as it is seen as illegal and its dilapidation poses a danger. In the past the building has also been vandalised.

53. Is the Federal Government aware of cases where Serbian Orthodox churches and monasteries or other Serbian Orthodox institutions in Kosovo have been maliciously damaged, and does the Federal Government consider the protection provided by the Kosovan authorities against such acts to be sufficient?

Overall, the protection of Serbian cultural goods has high priority for the Kosovan government. The Serbian Orthodox churches and monasteries and other Serbian Orthodox establishments are not generally the focus for radical groups or lone offenders. It is first and foremost minor or adolescent offenders who carry out occasional graffiti actions and throw stones at Serbian pilgrim groups. On the basis of an agreement concluded in the political dialogue with Serbia, a multi-ethnic special department of the Kosovo Police has been ensuring the protection of Serbian cultural goods in Kosovo since August 2013. One exception is the Decani monastery, which is still guarded by KFOR forces.

54. What conclusions does the Federal Government draw from the fact that certain Serbian Orthodox churches and monasteries are under the protection of KFOR and in the estimation of the Federal Government will such protection continue to be necessary in the future?

Since 2010, eight out of a total of nine Serbian Orthodox establishments classified as particularly worth protecting have been returned by KFOR to the security responsibility of Kosovo. This has not led to any deterioration in the security situation at the sites. Currently no acute danger is recognisable either. In the case of the final Decani monastery remaining under KFOR protection, continuing local land disputes have prevented the site being handed back to date. The Kosovan Constitutional Court ruled in favour of the monastery in this legal dispute on 23 May 2016. There were local protests against this decision. A handover of the responsibility to protect the monastery to the Kosovan security authorities is not foreseeable yet.

55. To the knowledge of the Federal Government, to what extent do Serbian Orthodox Christians actually have access to schools, universities and other educational and training institutions and to what extent are they required to attend school?

The obligation to attend school exists in the Kosovan system and the Serbian system alike. Kosovo-Serbs (the vast majority of whom belong to the Serbian Orthodox Church) continue to attend educational institutions of the Serbian education system in Kosovo. These also include primary and secondary schools as well as a university in North-Mitrovica. The Ahtisaari Plan and the Law on Education in the Municipalities of the Republic of Kosovo set forth that Kosovo-Serbs may still be taught according to the Serbian curriculum, provided that teaching contents do not contravene the Kosovan Constitution. Both Serbia and Kosovo currently pay the teachers' salaries at the schools in the Serbian system in Kosovo. So actual access to education institutions is ensured for Kosovo-Serb pupils.

56. To the knowledge of the Federal Government, how high is the percentage of Serbian Orthodox children not attending school in spite of being required to do so?

The Federal Government has no exact data on this. The Federal Government does not, however, have any indications that the percentage of violations of the requirement to attend school is higher than for Kosovo-Albanian children.

57. To the knowledge of the Federal Government, do Serbian Orthodox Christians actually have access to public office in practice and what political roles do they hold to the knowledge of the Federal Government?

Serbian Orthodox Christians hold public office and political positions at all political and administrative levels. In addition to a number of mayors in the municipalities with a majority of Kosovo-Serb inhabitants there are also ten Kosovo-Serb MPs in the Kosovan parliament. The "Serbian List" party is part of the governing coalition and holds three ministerial posts in the government: the

Deputy Prime Minister (No Portfolio) Branimir Stojanović, the Minister for Administration and Local Self-Government Lubomir Marić and the Minister for Communities and Return Dalibor Jevtić. Currently three Kosovo-Serbs are members of the government instead of just the one Kosovo-Serb minister stipulated by the Constitution.

58. What is the Federal Government's assessment of the situation of Christians in Kosovo who do not belong to the Serbian Orthodox Church?

Around 60 000 Kosovo-Albanians are Catholics, in addition to this are Catholic Roma and small communities of Croatian Catholics. There are small Protestant communities in most cities and towns, the largest in Pristina. As Kosovo-Albanians define their identity largely through ethnicity rather than which religion they belong to, Catholic Kosovo-Albanians are largely accepted as part of the community by the majority of Muslim Kosovo-Albanians. There is no discrimination on the part of the state. Catholics and other non-Serbian Orthodox Christians can practice their religion freely; building churches does not usually pose a problem either. Isolated cases of discrimination or the restriction of church activities may occur at local level. They are not of a systematic nature, however, nor are they steered or encouraged centrally by the government. Catholics are also represented in the major Kosovan parties. Non-Orthodox Christians hold high-level positions in government in some cases. In general one can therefore say that the coexistence of the Islamic majority and Christian minority is good.

59. What is the Federal Government's assessment of the human rights situation of Jews in Kosovo?

According to the community's own figures, the Jewish community in Kosovo comprises 56 members and is organised secularly. Jews are considered well integrated in society overall and face the same socio-economic challenges as Kosovans from other religions. In 2011 the Jewish cemetery in Pristina was defaced. The incident was strongly condemned by the government, which also paid for the costs to repair the damage. In April 2016 vandalism of graves in the municipality of Novo Brdo was reported, though it has not been ascertained once and for all whether these graves were Jewish graves. The Jewish community in Kosovo is currently in talks with the government about building a synagogue or a Jewish community centre.

60. What is the Federal Government's assessment of the human rights situation of ethnic Albanians in areas where the majority of the population is Serbian in Kosovo?

The situation of the Kosovo-Albanian minority in municipalities where the majority of inhabitants are Kosovo-Serbs, such as in Leposavic and Zubin Potok in the north of Kosovo and in a few municipalities to the south of the Ibar, is characterised by tolerance, but not integration. The coexistence of Kosovo-Albanians and Kosovo-Serbs in places in Kosovo dominated by Kosovo-Serbs is for the very most part free from conflict. This also holds true for the north of Kosovo. The only point of contention of note in the north is the reconstruction of houses in the district of Kroi i Vitakut in North Mitrovica. The disputes have been unable to be resolved to date either by extensive talks or a framework plan agreed by the parties to the dispute. The intensity of what in the past also used to be violent conflicts has decreased in recent years, however. Kosovo-Albanians who

live in municipalities dominated by Kosovo-Serbs usually orientate towards neighbouring municipalities with a Kosovo-Albanian majority and go there for day-to-day errands. For instance, Kosovo-Serb pupils attend schools in the Serbian system (please also refer to the answer to question 55), whilst Kosovo-Albanian pupils attend Kosovan schools. So the two communities in these municipalities may live together geographically, but usually without any greater contact. Kosovo-Serbs generally do not speak the majority language.

61. How many public gatherings by or supporting lesbian, gay, bisexual, trans and intersexual people (LGBTI) have taken place in Kosovo since 2011 to the knowledge of the Federal Government and how many were banned or disbanded by the government authorities?

On 12 December 2013, the Ministry for European Integration organised a conference entitled “Integration of LGBTI community and human rights in Kosovo – the current situation, policies and engagement for 2014”. The conference was part of an initiative by the Office for Good Governance, which set up an “Advisory and Coordination Group at the National Level for the rights of LGBTI communities”. Since at least 2014, a parade has taken place every year on 17 May in the capital Pristina. President Hashim Thaçi and the US ambassador led this year’s parade. The Minister for European Integration and the British ambassador already led the parade back in 2014. The government has continued to illuminate the government building in rainbow colours on 17 May over the past few years. The Federal Government is not aware of the disbandment of any public gatherings by or in support of lesbian, gay, bisexual, trans and intersexual people.

62. To the knowledge of the Federal Government, to what extent do members of this group face violent attacks and to what extent are the Kosovan authorities willing and able to provide protection against such attacks?

According to the Kosovo Police, there were no attacks in 2011; in 2012 seven attacks were recorded, in 2013 one attack, in 2014 four, in 2015 one and in 2016 two attacks to date.

- a) How many attacks has the Federal Government become aware of since 2011 (please break down by year)?

Please refer to the answer to question 62.

On 17 December 2012, a group of around 30 football hooligans and radical Muslims stormed the Youth and Sport Palace in Pristina, where there was due to be a public ceremony presenting one of the Kosovo 2.0 magazines on the topic of sex and sexuality and LGBTI issues. The attack attracted another 100 demonstrators; the building was evacuated under police protection.

- b) In how many cases to the knowledge of the Federal Government did this lead to criminal proceedings and convictions (please break down by year)?

According to EULEX information, on 4 September 2013 charges were pressed by the EULEX public prosecutor in the aforementioned case concerning Kosovo 2.0



and on 3 March 2014 three people were each sentenced to one year in prison in the first instance in Pristina. The Federal Government has no information on any other criminal proceedings or convictions.

63. What medial publications dealing with LGBTI issues are publically available in Kosovo to the knowledge of the Federal Government?

LGBTI issues are dealt with in the media, but do not generally meet with broad interest, one exception is the LGBTI march, which takes place annually on 17 May with participants from politics, civil society and the international community. Only the magazine Kosovo 2.0 deals more closely with the subject of LGBTI people, including on its online platform.

64. To what extent is the Federal Government aware of measures or laws suited to stopping and/or designed to stop such media being produced or sold?

The Federal Government is not aware of any such measures or laws.

65. Is the Federal Government aware of the work of non-governmental organisations being impeded by laws or measures?

Under the Law on the prevention of money laundering and terrorist financing, non-governmental organisations (NGOs) have to apply for permission from the Financial Intelligence Unit (FIU) for all amounts over EUR 1 000 they receive from one source within the space of one day, and of EUR 5 000 they pay to one recipient on one day. Furthermore, NGOs must report all cash payments received from one source of more than a total of EUR 5 000 and outgoing payments of more than EUR 10 000 to a single recipient within a year to the FIU. The European Commission country report published in autumn 2015 criticised these additions to the law, as they may potentially lead to arbitrary decisions and suspensions.

On 17 September 2014, 14 Islamic NGOs had their licences revoked on suspicion of supporting fundamentalist activities or of recruiting jihadists. Revocation of a licence is, however, limited to a maximum of twelve months without a court ruling. In response to complaints by some of the NGOs affected, the licence revocation was lifted for all NGOs at the end of September 2015 only to be imposed again on 26 October 2015 on the same grounds. To the knowledge of the Federal Government there is no new eligible evidence further substantiating the suspicion.

66. Is the Federal Government aware of any legislative proposals based on the model of the Russian law prohibiting so-called homosexual propaganda, and what is the Federal Government's assessment thereof?

The Federal Government is not aware of any such proposals.

67. To the knowledge of the Federal Government, to what extent do LGBTI people actually have access to healthcare for acute treatment needs and chronic suffering (please break down into the two categories)?

LGBTI people have the same access to healthcare as all other citizens of the Republic of Kosovo. Please also refer to the answer to question 48c.

- a) To what extent is healthcare for members of this group free of charge?

Please refer to the answer to question 48c i.

- b) To what extent is patient-doctor confidentiality upheld in the provision of healthcare to members of this group?

Please refer to the answer to question 48c ii.

- c) To the knowledge of the Federal Government, to what extent do members of this group have access to adequate housing?

The Federal Government has no indications that this group has worse access to adequate housing compared to the population as a whole.

68. How many attacks (intimidation, threats, violence) against journalists has the Federal Government become aware of since 2011 (please break down by year)?

In how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?

In 2014 the Kosovan Journalists' Association became aware of 27 cases of threats and two attacks on journalists, for 2015 the association cites 24 cases of threats and from January to May 2016 six cases of threats and one attack. No according statistical records were kept prior 2014. The association reports an average of 15 to 18 cases of threats for the years 2010 to 2014. The Kosovan Journalists' Association is also planning to collate data on criminal proceedings and convictions in the future.

The Kosovo Police have recorded the following number of attacks on journalists:

	2011	2012	2013	2014	2015	2016	Total
<b>Attacks on journalists</b>	3	1	2	30	15	4	55
<b>Criminal proceedings initiated</b>	3	1	2	2	2	1	11
<b>Convictions</b>	3		1	1	1		6

Individual cases, such as the case involving the magazine Kosovo 2.0, are also known, please also refer to the answer to question 62a regarding this.

69. What measures is the Federal Government aware of which restrict the freedom of the press in Kosovo, and what is the Federal Government's assessment of this situation?

The Federal Government is not aware of any measures or laws restricting the freedom of the press in Kosovo apart from rules governing insults and slander. In isolated cases members of the political and business communities and organised crime attempt to intimidate and influence the media.

70. How many attacks (intimidation, threats, violence) against opposition politicians has the Federal Government become aware of since 2011 (please break down by year)?

In how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?

The Federal Government is not aware of any attacks against opposition politicians. Regarding police measures against opposition politicians in connection with the violent opposition protests since September 2015 please refer to the answer to question 73.

71. How many attacks (intimidation, threats, violence) against human rights activists has the Federal Government become aware of since 2011 (please break down by year)?

In how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?

Please refer to the answer to questions 62 and 72. The Federal Government is not aware of any other attacks against human rights activists.

72. How many attacks (intimidation, threats, violence) against women's rights activists has the Federal Government become aware of since 2011 (please break down by year)?

In how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?

In 2013 the women's rights activist Nazlie Bala was physically attacked in the entrance to her home and threatened, which the then President of the Republic of Kosovo strongly and publically condemned.

In the context of the publication of the edition of the magazine Kosovo 2.0 entitled "Sex", women's rights activist Igballe Rugova was also threatened. Please refer to the answer to question 62a.

73. What cases is the Federal Government aware of in which people faced police or judicial measures as a result of their political work, and what is the Federal Government's assessment of this situation?

The Federal Government is not aware of any cases in which people were subject to police or judicial measures as a result of their political work.

Since 2015 members of parliament of the opposition parties AAK (Aleanca për Ardhmërinë e Kosovës, Alliance for the Future of Kosovo), Nisma and Vetëvendosje have used violent means in some cases in protest at two agreements concluded by the government both in the parliament (use of teargas, throwing of eggs and other objects at members of parliament from the governing coalition) and on the streets (use of Molotov cocktails against police in violent clashes, considerable material damage to public and private buildings.) A number of these MPs were therefore temporarily taken into custody or placed under house arrest and the party headquarters of the opposition party Vetëvendosje were searched.

In the view of the Federal Government, these actions were in line with Article 75 of the Kosovan Constitution, which limits the immunity of parliamentarians to their parliamentary activities and was commensurate with rule of law standards.

74. To what extent is the progress in dealing with war crimes in Kosovo through criminal proceedings, legal compensation and from a general political perspective satisfactory in the view of the Federal Government?

The process of dealing with war crimes in the Republic of Kosovo has begun and is being supported intensively by the international community in particular. Proceedings have been initiated in recent years above all with the involvement of the EU's Rule of Law Mission EULEX and in some cases have already been completed. In the course of 2016/2017 a specialist court with a panel of international judges based in the Netherlands and Kosovo is to be established to prosecute charges of war crimes. The court, which has arisen from the "Marty Report" commissioned by the Parliamentary Assembly of the Council of Europe, will focus above all on investigating and solving war crimes alleged to have been committed in the final phase of the Kosovo conflict by Kosovo-Albanian members of the UÇK.

75. To what extent is the progress in dealing with cases of people being "disappeared" in Kosovo through criminal proceedings, legal compensation and from a general political perspective satisfactory in the view of the Federal Government?

The Federal Government is not aware of any such cases in the Republic of Kosovo.

76. To the knowledge of the Federal Government, what legal and practical deliberations was the decision on 9 October 2015 by the administrative council of the French asylum agency (Office français de protection des réfugiés et apatrides – OFPRA) to designate Kosovo a safe country of origin again contrary to the ruling by the Conseil d'État based on?

To the knowledge of the Federal Government, the decision by the administrative council of the "Office français de protection des réfugiés et apatrides" (OFPRA) was taken following an information mission by the OFPRA in Kosovo in June 2015 on the basis of a current assessment of the situation by the French Ministry of the Interior, building on the practices of other EU Members States and with due consideration of the EASO report of 2 September 2015. Legally the decision was based on the French Asylum Act, which was amended on 29 July 2015 transposing Directive 2013/32/EU of 26 June 2013.