

Mission in Kosovo

Promoting Respect for Human Rights in Kosovo



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The OSCE Mission in Kosovo

has been entrusted with the

lead role in matters relating

to institution- and

democracy-building, rule of

law, and human rights in the

region. The Mission forms

a distinct component of the

United Nations Interim

Administration Mission in

Kosovo (UNMIK) and is

responsible for, among other

things, training police,

judicial and civil

administrators; furthering the

development of a civil

society; supporting media

development; organizing and

supervising elections; and,

monitoring, protecting and

promoting human rights.

Introduction

Respect for human rights and rule of law is the foundation of a democratic society and provides a clear framework for treatment of people. The OSCE, as the institution-building pillar within UNMIK, is the lead agency responsible for the monitoring and protection of human rights, as well as assisting in building a local capacity for undertaking human rights advocacy. The human rights mandate of the OSCE includes monitoring the legal system, providing assistance and support to victims of high risk crimes, property issues, reducing discriminatory practices, policing, and raising awareness of human rights. In response to the needs of the changing situation in Kosovo, the OSCE now focusing on certain areas with the overall aim to create an understanding of human rights for those structures that will be assuming increased responsibility which, in turn, helps create a culture of human rights.

Human Rights Concerns / Monitoring

The OSCE has played a key role in monitoring and documenting abuses of human rights standards in Kosovo. OSCE's human rights teams regularly report on general concerns such as the right to due process, the right to peaceful enjoyment of home and possessions, and freedom from discrimination, among others. Special reports are produced by the OSCE on a number of key human rights issues in Kosovo and can be found at www.osce.org/kosovo/publications/reports.

The Legal System

A major area of OSCE's human rights monitoring effort is the judicial system, one of the critical institutions in Kosovo essential to democratic development. The OSCE has the mandate to assist in developing mechanisms which ensure the judicial system operates in accordance with international standards or criminal justice and human rights.

The priority concerns for monitoring include ethnically-motivated crimes, politically-motivated criminal activity, rape and sexual crimes, trafficking, mentally ill and juveniles. The treatment of women in the system has led to a concern for special support for victims of high-risk crimes. In 2002, monitoring has been expanded to include civil cases.

Victim advocacy and support

Another priority for the OSCE is to provide support to, and advocacy for, victims of crime - particularly victims of trafficking, sexual and domestic violence, children and victims with mental disabilities. This is to ensure they receive proper services and are not re-victimised. An overall framework for victims' rights calls for a comprehensive system of response to victims of crime and abuse of power. The integrated response to victims involves development in many sectors, from the first response of the police to providing services, whether through court or other care. This begins with the creation of a sustainable policy and legal framework, in line with human rights standards, accompanied by other support mechanisms - such as a network between governmental and non-governmental actors - that includes victim sensitive responses.

The OSCE has worked to ensure legal protection for victims and an institutionalised role for victim advocacy by providing a legal basis for such a system in the draft Criminal Procedure Code of Kosovo. The specialisation of victim advocates who provide information, support and legal referral to all victims of crime is a new and positive development for legal and social services and is being supported by Kosovo's legal community and NGOs which deal with this issue. Advocates specialising in victim support will benefit from the OSCE's victim advocacy resource manual.



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Activities to combat trafficking in Kosovo are part of OSCE's overall programme to respond to the needs of victims. Central to this effort is monitoring the effective implementation of UNMIK Regulation 2001/4 "On the Prohibition of Trafficking in Persons in Kosovo" which makes human trafficking a criminal offence, as well as further legislative and policy development. This includes setting up an assistance referral network to ensure victims of trafficking who wish to return home can be brought into a shelter, given counselling services and legal advice and assistance. In recognition of the seriousness of the issue, the OSCE provides training to judges, prosecutors, lawyers, police officers and local NGOs to build local capacity to deal with trafficking.

Property

Property rights affect all communities in Kosovo. The legacy of discriminatory laws, population movements, damage to property, the challenges in solving property disputes, and a lack of legal security all contribute to ongoing human rights violations. Added to this is a lack of central policy, the understanding of and respect for the legal framework applicable in Kosovo, which has led to widely divergent approaches in resolving property disputes. The denial of property rights impacts particularly on Kosovo's smaller communities as well as on efforts to create sustainable conditions for the return of internally displaced persons and refugees.

The OSCE has taken a number of measures, at a variety of levels, in attempt to deal with the protection of property rights in Kosovo. Human Rights Officers in the field are monitoring and highlighting serious issues of property such as illegal occupancy, evictions and allocation of housing. This includes working closely with the Housing and Property Directorate (HPD), the institution created by UNMIK to resolve residential property disputes, on approaches and policies to further the implementation of property legislation, to better resolve property disputes.

Non-discrimination

People in society need to be protected so that their rights are not violated. However, special protection and attention must be given to certain groups who may be vulnerable to discrimination - ethnic, religious or linguistic minorities, women and children, disabled persons, internally-displaced persons and other vulnerable groups.

A key part of the OSCE's work is to tackle discriminatory practices by applying international and European human rights standards regarding non-discrimination and minority protection. The objective is to prevent public discrimination by determining its root causes, mainly in the conduct by the public sector institutions - government institutions and civil administration - and recommend solutions, including structural changes and legal reform.

For internally-displaced persons and members of Kosovo's communities living outside Kosovo, discrimination in all its forms can be a significant factor in deciding whether to return. The OSCE aims to develop appropriate, effective and strategic interventions to address human rights violations that affect a large number of members of a community. Effective legal remedies for victims of discrimination not only protects members of all communities within Kosovo, but also facilitates the right of return.

As part of this work, the OSCE together with UNHCR has produced a series of assessments on the situation of minorities in Kosovo. These studies detail issues such as security, property and, increasingly, discrimination, while outlining steps still needed to ensure that the human rights of all communities are protected.

Security

Since 1999, the OSCE has monitored human rights in relation to law enforcement to ensure that individuals' human rights are respected and protected. The aim is to ensure an effective and accountable police force, and also to identify why police fail to comply with the law and human rights and address the reasons why the rights of others are not adequately protected. The main focus is the development of the Kosovo Police Service (KPS), and the actors that influence the work of the KPS. A primary capacity building activity will be working with the Kosovo Police Service School, so local law enforcement agents will understand, and be able and willing to protect, human rights.

Human Rights Capacity-Building

Human rights are the foundation of the OSCE's work, and this is accomplished through professional capacity building and targeted awareness raising of human rights through training and educational activities. The aim is to achieve a balance between human rights and human responsibilities to ensure that human rights and societal responsibilities are not ignored, including the development of an active and participatory human rights culture in Kosovo.

Human rights trainers actively work with its target audiences so that needs can be better assessed to create programmes. This approach is taken to show the practical use of how human rights are integral to daily life and directly relate to and affect their work. A focus is to assist local experts and institutions to increase their capacity to undertake human rights advocacy activities. Training on human rights standards empower and highlight critical human rights issues and have been given in school for teachers and students, to municipal authorities and the civil service, NGOs and citizen's groups, the legal community, the Kosovo Police Service and the media.

