



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eighty-sixth session
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LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH
THE CONSIDERATION OF THE REPORT OF THE UNITED NATIONS INTERIM
ADMINISTRATION MISSION IN KOSOVO ON THE HUMAN RIGHTS
SITUATION IN KOSOVO SINCE JUNE 1999 (CCPR/C/UNK/1)

Constitutional and legal framework within which the Covenant is implemented

(arts. 2 and 4)

1. Please provide examples of cases, if any, in which provisions of the Covenant were directly applied by the courts.
2. Please comment on the impact of the decision to remove the Ombudsperson's competence to review the compatibility of acts of UNMIK with international human rights standards. Please provide information on the level of cooperation and compliance by UNMIK and the Provisional Institutions of Self-Government (PSIG) with reports, recommendations and interim measure requests of the Ombudsperson.
3. It is reported that UNMIK Regulations and Administrative Directives sometimes fail to specify which provisions of the formerly applicable laws are being replaced. If this is so, how is the need for legal certainty addressed?
4. To what extent is UNMIK in a position to ensure full respect for human rights in all parts of Kosovo, including the north?
5. Please report further on UNMIK's own institutional framework for the implementation of its human rights responsibilities under Security Council Resolution 1244, and assess the effectiveness of such arrangements.

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Violence against women and domestic violence (arts. 2 (1), 3, 7, 26)

6. Please provide examples of case-law under the Anti-Discrimination Law, the Law on Gender Equality, and Article 158 of the Provisional Criminal Code of Kosovo which punishes the discriminatory denial of rights. (Para. 191 *et seq.*)

7. What specific measures have been adopted under the Law on Gender Equality and under the National Action Plan for the Achievement of Gender Equality, particularly as regards the equal representation of women in public offices, especially at senior levels, the equal participation of women in the labour market, and school attendance by girls? (paras. 204-209 CCD)

8. Please provide statistical information on the incidence of domestic violence in Kosovo, the nature of criminal charges brought against perpetrators, the number of convictions and the sentences imposed, as well as on the types of assistance provided to victims of domestic violence. What measures is UNMIK taking to combat the practice, and how effective are these measures?

Right to life, and prohibition of torture and cruel, inhuman or degrading treatment (arts. 6 and 7)

9. Please provide information on the measures taken to prosecute perpetrators of ethnically motivated crimes, the ethnicity of victims, the number of convictions, the sentences imposed, and the compensation of victims for such crimes? (Paras. 87-90 TSR) Do KFOR rules of engagement permit the use of force for the protection of ethnic minorities? What lessons have been learned from the March 2004 incidents?

10. Please provide information on the number and nature of claims that KFOR and UNMIK police have used undue force. How are these cases investigated, and have any alleged perpetrators been brought to justice?

11. Please provide information on the measures taken to protect the life and health of Roma, Ashkali and Egyptian IDPs, especially children, living in lead contaminated settlements in north Mitrovica. Please report on the effects of lead contamination on the health of the individuals concerned. Why was there a substantial delay in evacuating the inhabitant of these settlements? (paras. 9-11 TSR)

12. Please provide information on the measures taken to investigate the whereabouts or to locate the remains of the 1700 persons who have been reported as missing by the ICRC in mid-June 2005.

13. Please comment on the policing of vendetta violence.

Elimination of slavery and servitude (art. 8)

14. Please provide information on the number of reported cases of trafficking in human beings, including enforced prostitution, as well as the involvement of international staff in, and the

penalties imposed on perpetrators of, such acts. Please also provide information on the measures taken to implement the Action Plan to Combat Trafficking in Human Beings in Kosovo (2005) and the results achieved. (paras. 31-34 TSR)

Liberty and security of the person and treatment of prisoners (arts. 9 and 10)

15. Please comment on reports that numerous persons have been detained by UNMIK police and KFOR without an arrest warrant and that consideration of *habeas corpus* applications have often involved undue delays. Please provide information on available *habeas corpus* remedies and their application in practice.

16. Please provide information on the internal inspections of conditions of detention in correctional facilities and police stations (Paras. 26, 51-52 TSR) and on the measures taken to address the lack of space in such facilities.

Freedom of movement (art. 12)

17. What accounts for the low rate of return of persons belonging to Serb or other minorities who were forced to leave Kosovo, as well as those who were displaced inside Kosovo? Comment on the effectiveness of steps taken to ensure adequate conditions for the sustainable return of returnees, in particular those belonging to minorities, to their habitual places of residence, or to find other durable solutions. What measures have been taken to guarantee their personal security, freedom of movement and access to personal documents, enabling them to seek employment and to access education and health or social services, as well as to address instances of discrimination by local authorities? (para. 59 *et seq.* TSR)

18. What measures are being taken to remove temporary occupants from the homes and agricultural lands of persons who were displaced during the armed conflict or during the ethnic tensions of March 2004, and/or to provide compensation to the owners?

19. What concrete measures have been taken to implement the 2005 Strategic Framework on Communities and Return of the SRSG, the concept papers formulated by a number of Municipal Working Groups, as well as Municipal Return Strategies, with a view to addressing the specific needs of returnees and IDPs and to strengthening the involvement of municipalities in the return process? (paras. 95-111 TSR)

Right to a fair trial (art. 14)

20. What measures have been taken to strengthen the independence and impartiality of the judiciary, e.g. by introducing fixed terms of office for judges, increasing salaries of local judges and prosecutors, and by establishing a regulatory body empowered to investigate allegations of misconduct of international judges and prosecutors?

21. What measures have been taken to ensure accessibility of the justice system for members of minorities, especially Serbs and Roma, in particular regarding safe access to the courts, witness protection, (para. 240 CCD), court fees, legal assistance, transportation, language and information about the law and legal rights?

22. Please comment on the reports that the UNMIK Department of Justice has instructed the courts not to process compensation claims related to property damages incurred after 1999, which were predominantly lodged by Serbs, Roma and Ashkali. How will such compensation claims be addressed?

23. What measures are being taken to increase the number of judges and forensic experts and to remedy the lack of court facilities, with a view to reducing case backlogs and delays in criminal trials and civil court proceedings? (paras. 131-136 TSR) Please explain whether steps have been taken to introduce legal remedies to challenge undue delays of court proceedings and to ensure the timely execution of judgments as well as compliance with court orders for interim measures.

Freedom of opinion and expression, incitement to racial hatred (arts. 19 and 20)

24. Please describe measures taken, as well as their effectiveness, to protect places of worship belonging to minorities and to ensure safe access to these places by members of minorities.

25. Please provide information on the mechanisms in place before and after the March 2004 violence to regulate the use by the media of language inciting racial violence. What sanctions, if any, were imposed on journalists who incited racial violence during these events? Please specify the terms of the “settlements” negotiated between the Temporary Media Commissioner (TMC) and several television stations regarding their coverage of the March 2004 violence.

Right to take part in the conduct of public affairs (art. 25)

26. Please provide updated statistical information, disaggregated by minority group, gender and age, on the representation of minority groups in the civil service, including in the judiciary. Have any affirmative action measures, such as measures envisaged under UNMIK Regulation 2001/36 and Administrative Direction No. 2003/2 and educational measures to qualify members of minority groups, in particular Roma, for civil service posts been implemented? What results have been achieved with regard to the appointment of Equal Opportunities Officers and the implementation of equal opportunity policies in each ministry, municipality and executive agency? (para. 211 CCD)

Right to be equal and equality before the law (arts. 2, 26)

27. Please comment on the degree of discrimination still faced by the Serb, Roma, Ashkali and other minorities and the impact of such discrimination for the daily lives of such members. What measures are being taken to address the systematic nature of such discrimination? What have been the effects of such measures?

Rights of persons belonging to minorities (art. 27)

28. What budgetary and other measures are currently being taken to ensure a more systematic and accurate translation of all official documents, including legislation, issued by the central government or the municipalities into the three official languages of Kosovo and, if warranted by the population structure of the municipality concerned, into languages of minorities? (Paras. 273 - 277 TSR)

29. What measures have been taken to ensure adequate opportunities for minority children to receive instruction in their languages and on their culture and to address the lack of adequate textbooks to that effect in pre-schools, primary schools and secondary schools administered by the Ministry of Education, Science and Technology (MEST)? (Paras. 278- 280 TSR)

**Dissemination of information relating to the Covenant and the
Optional Protocol (art. 2)**

30. Please provide information on the steps taken to disseminate information on the Covenant and on the submission of the present reports in all official languages. Please also provide information on the involvement of representatives of all ethnic and minority groups, the Ombudsperson Institution in Kosovo and civil society in the preparatory process.
