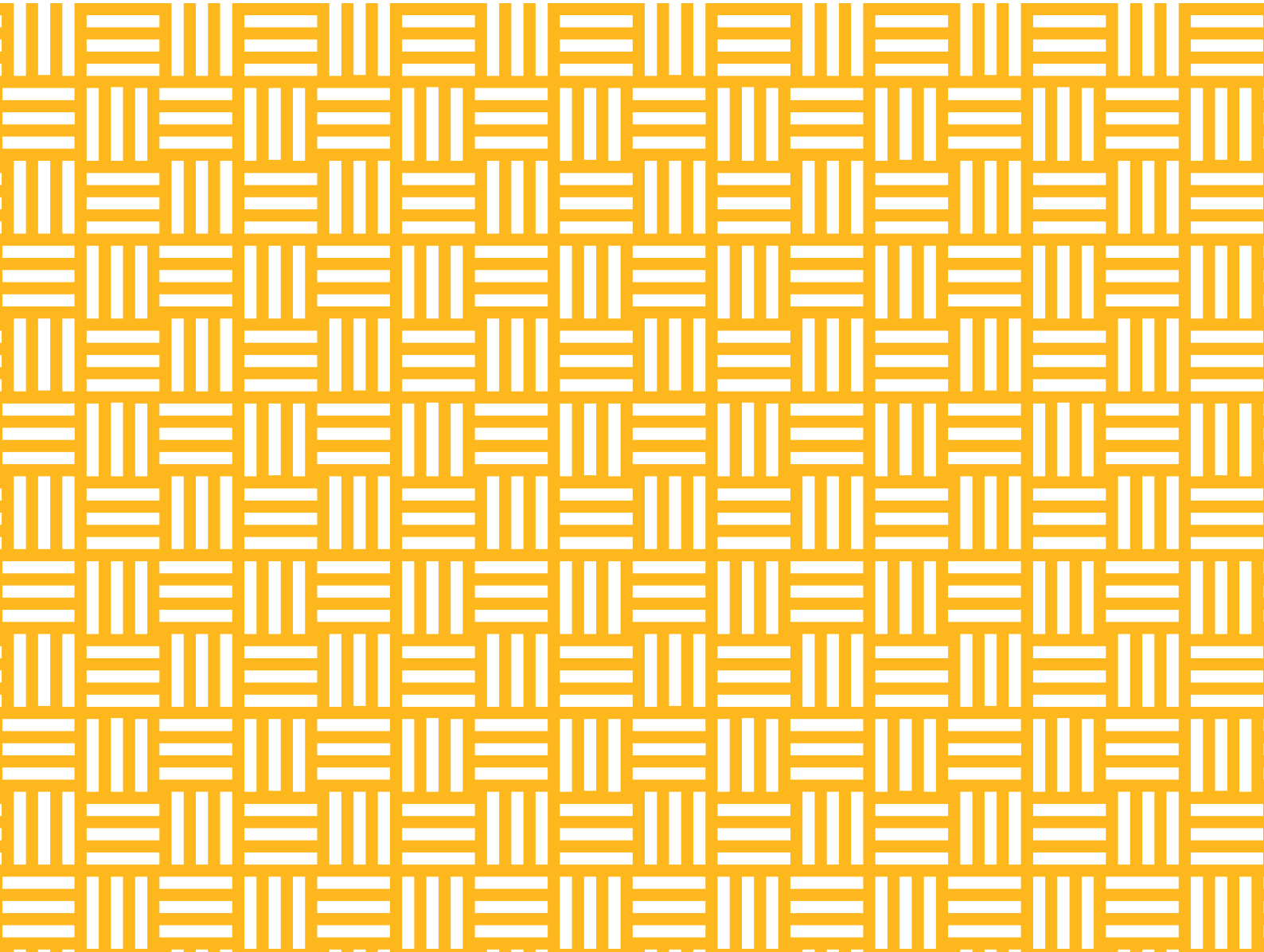




Platforma Regjionale e Ballkanit Perëndimor për Avokim të
Lirisë së Medive dhe Sigurisë së Gazetarëve
Western Balkan's Regional Platform for Advocating
Media Freedom and Journalists' Safety

KOSOVO

Indicators on the level of media freedom and journalists' safety 2019



KOSOVO
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the level of
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and journalists'
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OVERVIEW OF THE PROJECT

Journalists' associations from five Western Balkan countries (Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo and Serbia), with the support of the European Commission¹, joined their efforts in 2016 to monitor and advance the level of media freedom and journalists' safety in their countries – creating thus the Western Balkan's Regional Platform for Advocating Media Freedom and Journalists' Safety. On the basis of a common research methodology developed specifically for that purpose, each year these organisations collect data, assess the newest developments and engage in advocacy activities to change the political, legislative and institutional environment in which the journalists and media work.

The achieved results in the first three-year cycle demonstrated that the journalists' associations of the region can play a decisive role in their push for greater media freedom. This achievement has been recognised by the European Commission as a crucial step towards overall democratisation of the Balkan societies, which resulted with its decision to continue the support of the Regional Platform in the following years². This narrative report has been produced within the framework of the fourth regional assessment of the level of media freedom and journalists' safety in the Western Balkans, carried out in 2019³.

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- ¹ *Western Balkan's Regional Platform for advocating media freedom and journalists' safety is a project funded by the European Commission, under the Civil Society Facility and Media Programme 2014-2015, Support to regional thematic networks of Civil Society Organizations.*
 - ² *The European Commission approved a new three-year project "Safejournalists.net" with a grant contract IPA/2019/414-122*
 - ³ *The assessment of the level of media freedom and journalists' safety in the Western Balkans in 2019 was financially supported by the European Endowment for Democracy.*

METHODOLOGICAL NOTE

The research methodology⁴ is composed of three groups of indicators structured on the basis of a systematic analysis of various guidelines produced by relevant international organizations⁵. In the course of the past four years the originally developed indicators have been tested and refined to address the distinctive socio-political context in this region and to reflect the specific needs and interests of the journalists in the five countries.

A range of various research methods were applied to collect and analyze data in order to answer the indicative questions related to each specific indicator:

- Review of studies, analyses, research reports, policy papers, strategies and other documents;
- Qualitative analysis of legal documents;
- Collection and analysis of information published on the web sites of public institutions and other organizations and bodies;
- Collection and analysis of press releases, announcements and other information produced by professional organisations;
- Secondary data collected by journalists' associations;
- In-depth-interviews with experts, journalists and policy makers;
- Focus groups with journalists.

At national level, journalists' associations nominated national researchers to carry out the data collection and to author the narrative reports, which were then reviewed by two national peer-reviewers and by the lead researcher.

The three groups of indicators which were used in the assessment of the level of media freedom and journalists' safety in the Western Balkans are presented in the Table below.

Table of indicators:

A. Legal Protection	B. Journalists' position in the newsrooms	C. Journalists' safety
A.1 Legal guarantees for media freedom and their implementation in practice	B.1 Economic restrictions on journalists' work	C.1 Statistics on the attacks on journalists and impunity
A.2 The effect of defamation laws on journalists	B.2 Independence from media owners and managers	C.2 State institutions' and political actors' behaviour concerning journalists' protection
A.3 Protection of political pluralism in the media	B.3 Independence of the journalists in the public broadcaster	C.3 Judicial system's efficiency concerning journalists' protection
A.4 Freedom of work and association of journalists	B.4 Independence of the journalists in the non-profit sector	
A.5 Protection of journalists' sources	B.5 Freedom of journalists in the news production process	
A.6 Right to access to information	B.6 Position of the women in journalism	

4 The fourth adapted edition of the research methodology was developed by the lead researcher Snezana Trepvska and by Igor Micevski, research fellow of the Research Institute on Social Development RESIS from Skopje, North Macedonia.

5 The following documents were taken into consideration while developing the specific research approach for the Western Balkan countries: Council of Europe: Indicators for Media in a Democracy; UNESCO: Media Development Indicators (MDI) and Journalists' Safety Indicators: National level; USAID – IREX: Media Sustainability Index; Freedom House: Freedom of the Press Survey; BBC World Service Trust: African Media Development Initiative; Committee to protect Journalists: Violence against journalists; Reporters without Borders: World Press Freedom Index.



Kosovo is constituted as a unitary parliamentary republic with a government, unicameral legislature and a civil law system. Kosovo functions and is treated as an independent state by a large number of states even though its statehood is disputed by a minority of UN members. Kosovo is demographically diverse with the Kosovo Albanians comprising the overwhelming majority of the population, and Serbs, Bosnians, Turks, Romani and Gorani and others comprising the rest.

The political context in Kosovo has proven challenging as the prime minister resigned in July 2019,¹ followed by early elections held in October 2019 that led to a political deadlock as a new government has yet to be formed.² Kosovo continues to struggle with high levels of poverty and unemployment.³ The labor market remains a challenge for the economic development of Kosovo, as there is a slow economic diversification and poor growth in export-focused primarily on exports of services; there is a wide skill gap across sectors which is not being addressed by the education system, which is itself underfunded and underdeveloped. The political and economic environment in the society is heavily influenced by a persistent clientelism and there is evidence of wide spread corruption with slow administration of justice.⁴

1 Radio Free Europe/Radio Liberty Balkan Service (RFE/RL). Kosovo's Prime Minister Resigns, Citing Hague Designation as 'Suspect'. July 19, 2019. <https://www.rferl.org/a/Kosovo-s-prime-minister-resigns/30065153.html>

2 Bami, Xhorxhina. Coalition Talks Remain Deadlocked in Kosovo. BIRN. Prishtina. December 26, 2019. <https://balkaninsight.com/2019/12/26/Kosovo-main-parties-fail-to-form-governing-coalition/>

3 "World Bank Kosovo Country context" World Bank, Last Updated: Oct 25, 2019 <https://www.worldbank.org/en/country/kosovo/overview>

4 Freedom House, <https://freedomhouse.org/country/kosovo/freedom-world/2020>

The high poverty and unemployment rates as well as a strong informal economy has led many, including journalists, to accept poor working conditions, with no contracts, social benefits, or any stability. The latter makes journalists particularly vulnerable to corruption, prone to self-censorship,⁵ political and management pressure, in turn affecting the quality and professionalism of their reporting. The political context on the other hand, has had grave influences on the north of Kosovo where journalists face pressures and high levels of self-censorship.⁶

Kosovo has a polarized and plural media system with an existing, though weak, Public Service Broadcaster (PSB) that is vulnerable to politicization due to its dependence on state funding and the board being appointed by the parliament. As of 2018,⁷ there were 20 TV stations (3 broadcasting nationally), 83 Radio Stations (39 cable operators (1 OTT and 4 IPTV) and 61 service providers that operate through cable service, along with and 5 print newspapers.⁸ Five of the television stations broadcast in Serbian, and one in Turkish. Funding is primarily dependent on advertising as there is little foreign or domestic investment. An accurate estimation on the number of operating online media outlets in Kosovo is unavailable as they are registered as limited liability corporations often operating with unverified ownerships.⁹ This has further led to concerns of their content, many of which have been accused of being ethically compromised due to hate speech, bias, and spreading of misinformation.¹⁰

The most favored medium is currently televised media but recent years have seen a tremendous increase in online media outlets and a decline in print, but there are currently no independent data on the number of copies sold. Online media on the other hand sees an average of 200,000 and 800,000 clicks daily.¹¹ According to International Research & Exchanges Board (IREX) Media Sustainability Index (MSI) for 2019, this shift to online media has also negatively affected the ethical standards of reporting in media as real-time reporting has increased and single sourced reporting. It further shows that legislation on free speech, social protection while in line with EU and international standards, they in fact fall short in their implementation.

5 European Union, *EU Enlargement package – freedom of expression – information society and media 2019*, Belgium, p.14-15. Accessed December 15, 2019. https://ec.europa.eu/neighborhood-enlargement/sites/near/files/freedom_of_expression_2019.pdf

6 European Commission (EC), *Kosovo 2019 Report*, Brussels, p. 25. Accessed 18, October, 2019. <https://ec.europa.eu/neighborhood-enlargement/sites/near/files/20190529-Kosovo-report.pdf>

7 Independent Media Commission (IMC), *Annual Report 2017, March 2018*, Prishtina. P.28, <https://www.kpm-ks.org/assets/cms/uploads/files/Publikime/Dokumente/15459873378987.pdf>

8 BBC, "Kosovo profile – Media", BBC, January 16, 2018, <https://www.bbc.com/news/world-europe-18328868>

9 "Kosovo Newspaper and News Media Guide, ABYZ News Links", <http://www.abyznewslinks.com/kosov.htm>

10 Koha net. "Fake news and online portal ownership, challenges for online media in Kosovo", Koha net, 30 May 2017. Accessed January 5, 2020. <https://www.koha.net/arberi/21980/lajmet-e-rrejshme-dhe-pronesia-e-portaleve-sfide-per-mediat-online-ne-kosove/>

11 Naser Miftari, "The Future of Public Service Broadcasting in Kosovo", *Analitika*, Working Paper 3/2017, (2017): 34-37. http://www.analitika.ba/sites/default/files/publikacije/psb_Kosovo.pdf?fbclid=IwAR2xKOBm2snPhqLxHjYDMsFNM7ZqhQqJ6d0HwBJG3pt5MHPETcp-dUxGrLl

A1 Legal guarantees for media freedom and their relevance in practice

Freedom of expression and media freedom are guaranteed by the Constitution.¹² These guarantees are further elaborated in several other laws which regulate various aspects of media content, such as protection of privacy, hate speech, libel and defamation, copyright etc.¹³ There is no separate law that regulates access to internet, but the provisions of other laws apply also to the content published on internet. However, effective implementation of these guarantees is lacking due to several reasons: inadequate resources and insufficient capacity of relevant institutions, lack of political will and selective implementation, slow administrative procedures etc.¹⁴ In its progress report for 2019, the European Commission stated that there was limited progress in this area over the reporting period, the public broadcaster remained vulner-

¹² "Kushtetuta e Kosovës" [Constitution of the Republic of Kosovo], Article 40 (f). <http://www.kryeministri-ks.net/repository/docs/ConstitutionKosovo.pdf>

¹³ Law No. 04/L-046 on Radio Television of Kosovo; Civil Law No. 02/L-65 against Defamation and Insult; Law No. 04/L-44 on the Independence of Media Commission; Law Nr. 06/L-081 on Access to Public Documents; Law No. 04/L-137 on Protection of Journalists Sources; Law No.06/L-085 on Protection of Whistle-blowers, etc.

¹⁴ European Commission, Kosovo 2019 Report, Brussels, p. 25. Accessed: October 18, 2019: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-Kosovo-report.pdf>

able to political pressure and influence and the existing media legislation needs to be updated and implemented.¹⁵

The development of the *Law Nr. 06/L-081 on Access to Public Documents* and the revision work on the *Law on the Public Broadcaster* in 2019 were partially transparent as they involved NGOs, field professionals, AJK and it went through public hearing sessions. However, a very short timeframe was provided to conduct adequate discussions and provide in-depth analysis and feedback. The European Commission raised concerns that in 2019 there were no initiatives for legal regulation of media ownership and transparency.¹⁶

There have been no attempts by the state authorities to impose licensing for print or internet media, and most of the media is registered as business for the exception of the ones registered as NGO's, and the procedure is the same as for any business, with no additional paperwork required.

There are no known/public attempts by state authorities to restrict the right to internet access or seek blockage. No filtering of content has been identified or reported on.

The main independent media regulatory body for broadcasting, the Independent Media Commission (IMC), is performing its legal obligations in regards to licensing content providers which broadcast through cable networks in a fair and neutral way. Discontent in this process lies in its simplicity and minimal requirements which has led to a swift rise of TV channels with a number of them lacking proper infrastructure and insufficient human resources. These might have not gotten a license if sterner requirements were put in place.¹⁷ As in the case of *Tribuna Channel* that closed in mid-2019 while ending up owing their workers thousands of euros of unpaid salaries.¹⁸ IMC is behind in initiating cases and implementing fines for legal breaches. Moreover the appointment of the IMC board occurs by the Kosovo Assembly, for which suspicion on their political affiliations is raised.¹⁹

In 2018, the local and central governments spent 598,917.71EUR on state advertising with online media outlets receiving more than any media format (181,23EUR).²⁰ This amount is estimated from the responses provided by 35 out of 61 public institutions to which a request was submitted by the Association of Journalists (AJK). The state money are usually allocated for announcing job vacancies, tender notices, or public awareness media campaigns on migration, vaccination, etc. While no direct link between government expenditures on media and growing influence has been established there has been discussions in the media about the risk this represents for growing government influence if not checked properly and if the funds are not spread out to the majority of media outlets.

In its recent research conducted on the 'Public Money spent on Media', AJK found that some public institutions, especially ministries, selectively advertise on different online media outlets, which has raised serious concerns. During the period of the research, the ads of the ministries remained on the front page of the online media outlets for over two months and they lacked any information but merely redirected the viewer to the main website of ministries when clicked on. They did not show any particular achievement of the institution or informed the public on any relevant current issue, i.e. it seems that they advertised just to increase the visibility of the ministries. The fact that ministries actively fund online media outlets to raise the visibility of a public institution raises concerns on the effectiveness of the online media outlets ability to remain unbiased in reporting on that particular public institution.²¹

In Kosovo there are no state owned subsidies to support public or private media since 2011, leaving International Organizations to offer different funding schemes. Currently in Kosovo there is one PSB channel (RTK2) in the language of national minorities and it is funded from the Kosovo state budget. The government has no subsidies for the community or non-profit media.²²

The autonomy and independence of PBS is guaranteed by law.²³ That independence, however, is not ef-

15 Ibid. P.27

16 Ibid. p.25.

17 IREX, *Media Sustainability Index in Kosovo 2019*, p.4. Accessed 16.12.2019: <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-Kosovo.pdf>

18 Insajderi, "Mbyllet Televizioni që u mbeti borxh disa paga ish-punëtorëve" (Television that owed salaries to its ex workers closes). *Insajderi Gazetë Online*, May 6, 2019. Accessed 18.10.2019: <https://insajderi.com/mbyllet-televizioni-qe-u-mbeti-borxh-punetoreve/>

19 IREX, *Media Sustainability Index in Kosovo 2019*, p.4. Accessed 16.12.2019: <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-Kosovo.pdf>

20 Association of Journalists of Kosovo [AJK], *Paraja publike e shpenzuar në media-2018 (Public Money Spent on media - 2018)*, p.30-40. Accessed 12.12.2019: <http://ogk-ks.org/wp-content/uploads/2019/05/Asociacioni-I-Gazetar%C3%ABve-t%C3%AB-Kosov%C3%ABs-1.pdf>

21 Ibid, p.37-45

22 IREX, *Media Sustainability Index in Kosovo 2019*, p.8. Accessed 16.12.2019: <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-Kosovo.pdf>

23 European Commission (EC), *Kosovo 2019 Report*, Brussels, p. 25. Accessed 18, October, 2019. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-Kosovo-report.pdf>

ficiently protected. The PBS is highly vulnerable to political influence and is lacking sustainable funding not tied to government budgets on an annual basis. Its independence has often been called into question by opposition representatives, as well as media analysts and it has been subject to scrutiny on the ground of editorial bias, uncontrolled employment, and nepotism.²⁴

The public broadcaster RTK remains vulnerable to political pressure and influence as it is still financed fully by the state budget. Also, its board members are selected by the parliament in a manner that is “jeopardizing its editorial and institutional independence.”²⁵

In efforts to achieve financial independence RTK implemented a system of license fee collection through the Kosovo Electronic Corporation (KEK) between 2002-2009. RTK annual reports showed that between the years 2005-2009 RTK was financially independent from the Kosovo budget.²⁶ While this proved to be a sustainable solution for RTK, KEK argued otherwise, and in accordance with the decision of the Constitutional court from October 16, 2009, the contract was terminated.²⁷

Efforts to revive the license fee mechanism have been made through the draft law on RTK financing which was approved by the Parliament in 2018. The aim of this law was to increase RTK’s financial independence through a mixed funding mechanism by introducing a subscription of 2.5 EUR for each household collected through the electricity bills, and 0.4% of the state budget. However, this law has not yet passed and the financial sustainability and independence of the RTK is still not stable.²⁸

A2 The effect of defamation laws on journalists

The Law No. 02/L-65 Civil Law Against Defamation and Insult²⁹ has remained as a civil dispute despite the initiative to turn defamation into a criminal act in 2017.³⁰ The law itself is not overly protective for public officials, but gives a higher degree of leniency to journalists holding them liable only if they knew prior that the information was false. It bars public authorities from filing a request for compensation of harm for defamation or insult, but public officials may only do so in their personal capacity. Additionally, the Constitutional Court has confirmed that deputies of the Kosovo Assembly enjoy only functional immunity, thus if they are involved in any criminal act they can be sued i.e. can be subject to public scrutiny and criticism.

Data on the number of lawsuits initiated against journalists is unavailable as the data is not segregated, but in general it is very low or highly isolated.³¹ The data collection of the judicial institutions is currently undergoing a transition in efforts to increase the transparency and accountability through a development of a case management information system (CMIS).³² This, according to Arben Hoti³³, will consolidate the data and enable the segregation and chronological tracking of court cases.

There have been no concrete examples reported on legal provisions being used to silence journalists. No journalists have been penalized as a result of their journalistic activities or reporting. Journalists have reported threats and other intimidation tactics, like refusal of companies to advertise in the specific media outlet if a journalist writes a critical piece on some politicians and big businesses, which threatens their economic security as the media owners succumb to the external pressure, creating in turn an environment of self-censorship. Other forms of threats like intimidating phone calls or threats of physical violence that journalists get in effects influence negatively their willingness to report on organized crime or corruption.³⁴

24 Naser Miftari, “The Future of Public Service Broadcasting in Kosovo”, *Analitika, Working Paper 3/2017*, (2017): 34-37. http://www.analitika.ba/sites/default/files/publikacije/psb_Kosovo.pdf?fbclid=IwAR2xKOBm2snPhqLxHjYDMsFNM7ZqhQqJ6d0HwBjG3pt5MHpETcp-dUxGrLl

25 IREX, *Media Sustainability Index in Kosovo 2019*, p.5. Accessed 22.12.2019: <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-Kosovo.pdf>

26 Naser Miftari, “The Future of Public Service Broadcasting in Kosovo”, *Analitika, Working Paper 3/2017*, (2017): 34-37. http://www.analitika.ba/sites/default/files/publikacije/psb_Kosovo.pdf?fbclid=IwAR2xKOBm2snPhqLxHjYDMsFNM7ZqhQqJ6d0HwBjG3pt5MHpETcp-dUxGrLl

27 Constitutional Court, Case nr. K1 11/09, Accessed 07.02.2020: <https://qzk.rks-gov.net/ActDetail.aspx?ActID=2922>

28 European Commission, *Kosovo 2019 Report*, 29.05.2019, p.26-27. Accessed on: 20.01.2020 <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-Kosovo-report.pdf>

29 The Law No. 02/L-65 Civil Law Against Defamation and Insult, <https://qzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2503>

30 In 2017 there was an initiative for defamation to return to criminal conduct, in order to control the fake media, however this initiative did not pass in the parliament.

31 Arben Hoti, interview by Shkumbin Beqiri, February 12, 2020

32 Blerta Iberdemaj, CMIS, the system that will make justice institutions more transparent and accountable. November 21, 2018. <https://kallxo.com/shkurt/smil-sistemi-qe-do-te-beje-institucionet-e-drejtise-me-transparente-dhe-logaridhenese/>

33 Arben Hoti, interview by Shkumbin Beqiri, February 12, 2020

34 BIRN, Presioni i Pafund: raportimi i mediave te Kosoves per krimin e organizuar dhe korrupsionin [Endless Pressure: reporting of Kosovo media on organized crime and corruption], 2018, https://balkaninsight.com/wp-content/uploads/2018/01/Kosovo-country-report-all.pdf?fbclid=IwAR0R4sBuKnfZQZwT8aZOAb3PKn0cq79S7_mmfQPAZ_s66tu637HEMvRmFzq

Journalists felt that justice is not administered in a way that is politically motivated against journalists themselves, but rather that there is a tendency for a lack of impartiality in cases involving state officials.³⁵ Their trust in the justice system treating journalists threat cases adequately seemed to be low on the other hand. In a research conducted by the Civil Society Organization CoHu and KPC, they found that out of the 175 surveyed journalists, “only 7%...believed the justice system would process their case adequately and 46% were of the view that this would be done to a certain extent”.³⁶

Law No. 02/L-65 recognizes self-regulatory mechanisms, considering compliance with remedial orders, or instructions by a PCK, or relevant regulatory body, as a mitigating circumstance. It further obliges the court to take into account measures taken by *the author, editor or publisher or someone who otherwise exercised control over its contents* in mitigation of damages should they prove that they made or offered to make an apology or correction before the commencement of action for damages or as soon as they had an opportunity.

The journalists do not feel discouraged by the defamation law itself. In the focus groups held with journalists, they felt that they have sufficient protection regarding defamation lawsuits when it comes to laws, however they felt that when a state official or public figure threatens with a defamation lawsuit it still becomes an issue of concern and can gravely affect their work by pressuring them.³⁷

A3 Legal protection of political pluralism in the media

The Constitution provides general guarantees for media pluralism (Art. 42) and the Law on the Independent Media Commission guarantees the freedom and pluralism of audio-visual media in Kosovo (Art. 5). There are no specific provisions in the media legislation (for public nor private) that oblige private broadcasters to reflect political pluralism during non-election period, besides the IMC code of conduct which obliges licensed broadcasters to uphold to ethical and unbiased reporting.

During non-election periods the media outlets are to uphold to the code of conducts as set by the IMC and PCK which state that media is not to be biased in representation of political parties. However, according to KIPRED, the shortcoming of the Law on General Elections, ‘which did not explicitly stipulate the actions taken before the campaign’³⁸ are used by the political parties to start their campaigning earlier. In 2019, they found that while the election campaign was to last only 10 days, the parties started their campaigns from the moment that elections were announced.³⁹ Moreover, small discrepancies in the representation of political parties in the media was noticed, with certain parties given specific time before the campaign had officially started.⁴⁰

The obligation of all the media⁴¹ under the Law No. 003/L-073 on General elections, is to ensure equitable access and uphold to the Kosovo Press Code,⁴² a Code of Conduct (COC) developed by the Press Council of Kosovo (PCK) which upholds all media to the same ethical standards even during non-election periods. The political parties do not have fair and equal access during election period as the media market is oversaturated with political content and the main political parties get more airtime, thus access is not equitable⁴³. Inconsistency in coverage by both print and broadcasting have been reported, where rumored proximity of the media was evident. During the 2019 election PSB showed a neutrality in its TV coverage, but showed bias in its online and social media coverage of the election, giving more airtime for PDK and positive coverage, while less time was given to other political parties, and negative coverage of LDK⁴⁴.

35 3 focus groups with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (11, 13, 26 December 2019).

36 CoHu. Freedom of Expression, Media and Information in Kosovo An Assessment Based on Council of Europe Indicators for Media in a Democracy, p.26. https://crd.org/wp-content/uploads/2018/12/Freedom_of_Expression_Media_and_Information_in_Kosovo_529396.pdf

37 Focus Group with journalists from print, broadcast, NGO's and online outlets media, conducted on 11.12.2019.

38 Mentor Agani, Gent Gjokolli et. al., Electoral and Party System in Kosovo a Perspective of Internal Party Democracy Development, KIPRED, 2015, Prishtina, P. 9-10. Accessed 12 February 2020 http://www.kipred.org/repository/docs/Kosovo_national_study_english_146126.pdf

39 Democracy in Action. Preliminary Declaration 2019, Prishtina, p. 8. http://kdi-kosova.org/wp-content/uploads/2019/10/FINAL_Deklarata-preliminare-p%C3%ABr-zgjedhjet-e-parakohshme-p%C3%ABr-Kuvendin-e-Kosov%C3%ABs_FINAL.pdf

40 Ibid. p. 3

41 Law No. 003/L-073, Article 3: “Media” means all the TV stations and Radio Stations which broadcast in the territory of Kosovo and are licensed by the Independent Media Commission, including the print media

42 PCK. Udhëzues për Kodin e Mediave të Shkruara të Kosovës (Code of Kosovo Press). Prishtina: Mars 2015. <http://presscouncil-ks.org/wp-content/uploads/2015/04/Udh%C3%ABzues-p%C3%ABr-Kodin-e-Mediave-t%C3%AB-Shkruara-t%C3%AB-Kosov%C3%ABs-mars2015.pdf>

43 Mentor Agani, Gent Gjokolli et. al., Electoral and Party System in Kosovo a Perspective of Internal Party Democracy Development, KIPRED, 2015, Prishtina, P. 86, Accessed: 18 February 2020 http://www.kipred.org/repository/docs/Kosovo_national_study_english_146126.pdf

44 European Union, Election Observation Mission Kosovo 2019, 6 October 2019, P.30-31. http://www.epaenems.europarl.europa.eu/cmsdata/upload/1e4f1465-9cdd-4565-a837-a0487b092e51/Kosovo_early-legislative-elections_6-October-2019_final-report.pdf Accessed 20 February 2020

There is no specific obligation for the regulatory authority to protect political pluralism in the media during the non-election period. However, under the Law No. 003/L-073 on General Elections, (Art. 49-53, & 109), the IMC⁴⁵ is obliged to monitor political pluralism through the access to advertisement (free and sold) provided to each political entities by each broadcaster, monitor violations of media outlets, handle complaints, and administer sanctions during the election period. The Central Elections Committee (CEC) is the body responsible for bringing forth complaints (including violations on political pluralism) to the IMC. In 2019, IMC has found instances of violation⁴⁶ of Art. 52⁴⁷ in its monitoring of the snap elections held in four municipalities⁴⁸. However, their efficiency is undermined due to lack of resources as, IMC is behind on issuing fines, while PCK lacks the resources to carry investigations on potential breaches⁴⁹.

A4 Freedom of work and association guarantees and practice

The state does not require any form of licensing to work as a journalist. During 2019 there have been two known cases of denied entry reported to the AJK where a cameraman was obstructed from performing his duty by unknown persons during the sub-district electoral assembly of the LDK political party⁵⁰, and a journalist⁵¹ who was prevented by correctional officers from taking a statement from a former KLA member during an event at the village of Dubrava.

Journalist have the right of association and are free to unionize as is guaranteed by the Constitution, Law No.03/L-212 on Labour⁵², and the Law No. 04/L-011 for Organizing

Trade Union in Kosovo⁵³. Currently there are two association of journalists divided on ethnic grounds, The Association of Journalists of Kosovo (AJK) (420 members) and the Association of Serbian Journalists in Kosovo (120 members) and the Association of Independent Broadcast Media of Kosovo (AMPEK) and there have been no reported pressure on the associations themselves during 2019.

PSB RTK workers are the only ones organized in trade unions, currently in 3 unions (Independent Trade Union of RTK, Workers' Union of RTK, The Syndicate of Radio Workers). There is no institution that works in an organized manner specifically to protect the labour rights of journalists.⁵⁴ As there are no unions representing the interests of all journalists in Kosovo, AJK generally serves as the primary contact point for journalists in cases of rights violations, for their proper referral, and in some instances has acted as a mediator between the journalist and the institution.⁵⁵

According to statements from an interview conducted with a RTK journalist, following the formation of the second union in RTK in 2011 - which the journalist indicated has ties with the management - there was a visible change in the environment. Members of the second union were promoted faster, while multiple requests for promotions from some journalists were denied without any explanations, as their field experience, awards received, and professional trainings were not taken into account.⁵⁶

The journalists are free to unionize by law, however, contributing factors of the inability to do so in private media are economic insecurity, lack of social support, fear of loss of their jobs, managerial reprisal, as well as fractured private media.⁵⁷ Interviewee stated the latter as contributing factors for journalists in private media not initiating meetings for unionization.

The Press Council of Kosovo (PCK) is a self-regulatory body that started working in 2005 with only

45 Ligji nr. 04/L-44 për komisionin e pavarur të mediave (law no. 04/L-044 on the independent media commission). Official gazette of the republic of kosova / no. 5 / 05 april 2012. Prishtina. <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2809>

46 IMC. "Report during the election period. Extraordinary elections in the municipalities of Mitrovica North, Zubin Potok, Leposaviq, and Zveçan. Monitoring period: 3 – 19 maj 2019. 2019. Prishtina. <https://www.kpm-ks.org/assets/cms/uploads/files/1561381040.0559%20qjat.pdf>

47 Article 52: Prohibition of Media Coverage

48 Mitrovicë e Veriut, Leposaviq, Zubin Potok dhe Zveçan

49 European Commission (EC), Kosovo 2019 Report, Brussels, p. 25. Accessed 20, November 2019. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-Kosovo-report.pdf>

50 AJK, obstruction on the performance of duty – Enis Misimi, Prishtinë, June 17, 2019. <http://aqk-ks.org/rastet/pengim-ne-krerje-te-detyres-enis-misimi-prishtine-17-07-2019/>

51 AJK, obstruction on the performance of duty – Mirlind Behluli, Prishtinë, May 23, 2019. <http://aqk-ks.org/rastet/pengim-ne-krerje-te-detyres-mirlind-behluli-prishtine-23-05-2019/>

52 Ligji nr. 03/L-212 i punës (law no.03/L-212 on labour). Official gazette of the republic of kosova / Prishtina: year v / no. 90 / 01 december 2010. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2735>

53 Ligji nr. 04/L-011 për organizimin sindikal në Kosovë (law no. 04/L-011 for organizing trade union in Kosovo) official gazette of the republic of kosova / no. 11 / 26 avgust 2011, Prishtina. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2754>

54 Organization for Security and Co-operation in Europe, Freedom of Media and Safety of Journalists in Kosovo. June 2014. Prishtina. <https://www.osce.org/Kosovo/122390?download=true>

55 IREX, Media Sustainability Index, p.9 <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-kosovo.pdf>

56 Anonyms 3, RTK journalist, Interview by Liron Kafexholli, June 4, 2020

57 Dren Berishaj, "Kosovo's labor organizations need to be radically transformed", Prishtina Insight, May 1, 2017. d.rks-gov.net/sq/buletini/HYPERLINK <https://prishtinainsight.com/kosovos-labor-organizations-need-radically-transformed-mag/> <https://prishtinainsight.com/Kosovos-labor-organizations-need-ranterest> Test' is conducted

newspapers under their jurisdiction. However with the change in the media landscape towards online media outlets, PCK has begun encompassing them as well. PCK is described as being more independent from political influences as the selection of the board is not dependent on the Assembly, as is the case for IMC⁵⁸. There have been no known reported pressures over the PCK representatives, however, it has faced criticism on its poor assertiveness towards complaints. Currently 33 newspapers and online media outlets are members of the PCK. During the period May 2018-April 2019 PCK has received 92 complaints towards their members, with the majority being ethical breaches.⁵⁹

A5 Legal protection of journalists' sources

The 'Law No. 04/L-137 on Protection of Journalists Sources'⁶⁰ applies specifically to journalists and guarantees confidentiality of their sources and is supported by the Law no.06/L-085 on the Protection of Whistle-Blowers⁶¹ which covers the issue on the protection of the source and obligates every public official to protect whistle-blowers and not disseminate information to third parties. There are no cases in 2019 of journalists being ordered to disclose their sources, however, the court holds the right to request such information in criminal cases where there is threat to the life of person or persons and in case of threat to the state⁶².

During the focus group sessions journalists expressed that they feel safe in maintaining relations with sources of information being in government or private sector.⁶³ There have been no cases of orders by the government to disclose sources of journalists during 2019.⁶⁴ This was also the stance of Adriana Thaci, an investigative journalist who stated that the legislative framework protects journalists and their sources, however the only downfall in

her opinion is the potential lack of knowledge on the existence of legislation from journalists.⁶⁵

A6 Protection of the right to access to information

The Law 06/L-081 on Access to Public Documents⁶⁶ regulates access to the official documents and information, giving every person the right of equal access to produced, received, maintained or controlled, and re-use of public documents. It equally obliges the public institutions to release such information (7 days response period). Refusals to public documents access are handed out only in cases where the damage caused to the protected interest overrides the public interest in accessing that public document (Art. 17).⁶⁷

Journalist are the main group requesting documents (44% of total requests).⁶⁸ In 2018, 138/2350 of the total submitted requests have been refused by state authorities (data not disaggregated).⁶⁹ Democracy+ research in 2018 found that over 78% of the institutions do not grant access to journalists.⁷⁰

Journalists stated that authorities are not transparent and use different tactics to discourage access by prolonging the process, by bouncing them from one institution to another, and by sending information in bulk so no clear answer can be found.⁷¹

58 Naile Krasniqi, Former Executive Director IMC, interviewed by Liron Kafexholli, November 14, 2019
59 Cohu. Online Media Monitor 2018-2019. Prishtina. 2019. P. 9. http://www.cohu.org/repository/docs/22_-_Online_Media_Monitor_-_ALB_-_04_12591.pdf p.9
60 Ligji Nr. 04/L-137 për mbrojtjen e Burimeve të Gazetarëve [Law No. 04/L-137 on Protection of Journalists Sources] <https://qzk.rks-qov.net/ActDetail.aspx?ActID=8864>
61 Ligji nr. 06/L-085 për mbrojtjen e sinjalizuesve [law no. 06/L-085 on protection of whistleblowers]. Official gazette of the republic of Kosovo / no. 22 / 18 december 2018, Prishtina 21. <https://qzk.rks-qov.net/ActDocumentDetail.aspx?ActID=18303>
62 Besim Kelmendi, State Prosecutor, interviewed by Liron Kafexholli, November 6, 2019
63 3 focus groups with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (11, 13, 26 December 2019).
64 Besim Kelmendi, State Prosecutor, interviewed by Liron Kafexholli, November 6, 2019

65 Adriana Thaci, Investigative Journalist, Interviewed by Liron Kafexholli 28 May 2020

66 Ligji nr. 06/L-081 për qasje në dokumente publike (law no. 06/L-081 on access to public documents). Official gazette of the republic of Kosovo / no. 13 / 04 july 2019, Prishtina 19. <https://qzk.rks-qov.net/ActDetail.aspx?ActID=20505>

67 Damage and Public Interest Test' is conducted

68 Office of the Prime Minister. Comprehensive report public institutions for the realization of the right to access to public documents. March 2018. Prishtina. http://kryeministri-ks.net/wp-content/uploads/2019/04/RAPORT-GJITH%C3%8BP%C3%8BRFSHIR%C3%8BS-14-03-2019-2.....pdf?_cf_chl_jschl_tk=__=67dd8251e68760fb7cd28d3264c4d12a84bb95ab-1578639788-0-AZxsICG9pF5NcBLLRGiWgRmHJkn-iaj0RSwloP9mnT6qRttkLMLtdlNCnOWGp8WuGMi4Y6ti3ELCukVIALIFqF6zj6-QDNje12OXVVKQk0aJ5SNMeFZni6b4WFKjXenN82Pr_BeIaL6MfNXPPIORi8DcKmZmc69KRqZSCGoD63T-NAgwVdMfsVNmzc2XY0EYUUR3dJLKSAtmg-0X27RWYUu6wRtd3hQx4ZvOQ4KlYlcEkkNhsI6Fd7E-8294FFyzeFRnz61p8z2GXhv73s9KimS8q882KsD42c0preR7FpyLZ7DpbR9vKbKBCciUMAzxiOG_S5rN5wRbSJaNgkZi77NEsioR37NFN8ES_C4bsCve3i0W7bVuIcqx6JIA

69 Data for 2019 expected to be published in March 2020

70 Democracy Plus. "Report on access to public information, superficial responses in absence of data". 2018. <http://www.dplus-ks.org/ajmet/2018/raporti-i-institucioneve-publike-me-ofiimin-e-qasjes-ne-dokumente-publike-perajgaje-siperfaqesore-munqesete-dhenash-permbajtёsore-dhe-te-perdorshme/>

71 Focus groups with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (11 December 2019).

One of the journalist participating in the focus group for this report, shared his experience of public document acquisition. Having requested travel expense information of the last six months from the Office of the President. He was met with a prolongation of response to his request. After continuous persistence to receive the data, the Office of the President provided him with a bulk sum covering the last 10 years, so the data was unusable. After requesting to have the data segregated, the Office of the President responded that they do not keep the data segregated by the timeframe that journalist had requested. Pressured by short time-frames to publish articles, the journalists gave up on gathering the data completely and thus was unable to do his job.

Journalists are given access to Courts sessions in a non-discriminatory fashion, without any limitations, except in court cases where a judge' orders for protective measures. However, currently there is a tentative to revise the Code of Conduct,⁷² which would limit the ability of journalists to report from court sessions, obliging them to wait until the final verdict. This attempt to revise the and related documents is facing criticism by media representatives for fear that it might influence investigative journalistic efforts.⁷³ There have been no reported cases of journalists not being granted access to open court cases in 2019.

To be provided access to parliamentary sessions journalist need to obtain accreditation by the Secretary of the Assembly after which they are granted access.⁷⁴ The journalists participating in the focus groups stated that the parliament was predominantly the most open institution.⁷⁵ Similar findings came from a research conducted by Cohu and KPC, where the journalists rated the parliament as the most transparent.⁷⁶

The Government is deemed least open as access to information is given based on the importance/impact of the reporting, and the prolongation of the process leads some journalists to be discouraged and drop their requests.⁷⁷ Journalists participating in the focus group confirmed that these tactics of discouraging them to obtain access to public data was primarily applied by government institutions. They reported being bounced from one institution to the other, being provided with scattered, irrelevant data, or prolonging the response.⁷⁸

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- 72 Republic of Kosovo. KKPM-2010/01 Kodi i sjelljes për shërbimet mediale audiovizuale në Republikën e Kosovës [Code of Conduct for Audio-visual Media Services in the Republic of Kosovo]. Prishtina. 2010. http://kpm-ks.org/assets/cms/uploads/files/Legjislacioni/1292592101.0176.pdf?fbclid=IwAR058gw1KGyTSbVArI2Cx59relKqulTUQfDHI_Pwhc63KYVvEwdnPwPeo
- 73 Gazeta Express, "Flutura Kusari: If the code of conduct is changed the IMC becomes media censor" January 22, 2020. https://www.gazetaexpress.com/kusari-nese-ndryshohet-kodi-i-sjelljes-kpm-ja-shnderrohet-ne-censures-te-mediaeve/?fbclid=IwAR2ZY5i2avL-6GKjuWbhGaVTyemxj_D56QII_UpQDz39d4-X8Ia6ElyuE
- 74 Assembly, Rules of Procedure of the Assembly of the Republic of Kosovo. Prishtinë, 29 prill 2010. http://www.votaim.org/uploads/Data/Documents/Rregullorja_BavpxHzS6x.pdf
- 75 3 focus groups with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (11, 13, 26 December 2019).
- 76 Cohu. Freedom of Expression, Media and Information in Kosovo An Assessment Based on Council of Europe Indicators for Media in a Democracy, p.26. https://cred.org/wp-content/uploads/2018/12/Freedom_of_Expression_Media_and_Information_in_Kosovo_529396.pdf

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- 77 AJK, "Public documents, closed to the public" Prishtina, December 04, 2018. <http://agk-ks.org/dokumentet-publike-te-mbyllura-per-publikun/>
- 78 Focus groups with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (11 December 2019).

B

Journalists' position in the newsroom, professional ethics and level of censorship

B1 Is economic position of journalists abused to restrict their freedom?

The relatively poor economic position of journalists is highly open to being abused and thus to restrict their freedom of reporting. Journalists from the largest mainstream media institutions have contracts and are paid regularly, but only PSB RTK offers permanent contracts. This trend however changes in private media outlets where the journalists often have short-term contracts or no contracts at all. During 2019, AGK together with the Labor Inspectorate initiated an inspection of all media outlets⁷⁹. The results published by the Labour Inspectorate showed that out of the 34 inspected media outlets, there were 1896 employees (719 men/1179 women) out of which, 21 were found to lack contracts. The report also identified 83 cases of violation of rights (extended working hours; no overtime coverage etc.)⁸⁰. Most of the journalists during the focus group discussions commented that they do not have proper social protection as they lack basic insurance.⁸¹ The average salary ranges below the country average, and only journalists from the largest main-

79 AJK, AJK and Labour Inspectorate with a two-month initiative to protect the rights of journalists, February 1, 2019, accessed: 18 February 2020: <http://agk-ks.org/agk-dhe-inspektorati-i-punes-menisime-dy-mujore-per-mbrojtjen-e-te-drejtave-te-gazetareve/>

80 Ministry of Labor and Social Welfare. The situation of media workers in Kosovo is reported, August 29, 2019: <https://mpms.rks.gov.net/raportohet-mbi-gjendjen-e-punetoreve-medial-ne-kosove/>

81 3 focus groups with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (11, 13, 26 December 2019).

stream media institutions are being paid regularly, while others often have delays, are paid cash and contributions are not paid.

The working conditions are poor with online media considered to be in the worst condition and 'among the most pressing problems in the Kosovo media scene'.⁸² Journalists who participated in the focus groups stated that working hours are often not respected, journalists are not compensated for overtime, and most journalists in the online media outlets often have only one day a week off.⁸³ The biggest problems in the work place are the financial insecurities, such as the low salaries, lack of contracts, lack of insurance etc. This is further enlarged with the overflow of university graduates - shifting the dynamic of power fully on the employee. Journalists demanding improved conditions are often met with threats of being replaced with recent graduates whom are willing to work for worse conditions. The situation for the recent journalist graduates is not better as often they enter the market as non-paid interns, lasting for indefinite times, and no guarantees for employment.⁸⁴ Despite this, journalists see the situation as improving, but slowly, with their economic position needing the most improvement.

The journalists reported several cases of concern in regards to their economic situation, primarily revolving around their contracts, where those that have contracts are often one year or six months, leading to a continuous uncertainty of their renewal. In one media outlet, a journalist reported having been told by his employer that he has a contract in place to secure his position in the media outlet. However, the journalist had never seen the contract, nor had he ever signed one.⁸⁵

B2 What is the level of editorial independence from media owners and managing bodies?

Internal organizational structures cannot be found in most private media outlets. The small ones in particular lack a clear internal organizational structure and have little to

no rules on editorial independence, whereas the largest mainstream media generally have set up rules for editorial independence from media owners. The editorial independence is generally low, with only a certain degree of freedom being given to journalists.⁸⁶ The journalists were unable to provide an explanation on the precise level of editorial independence given to them in the media where they work. They stated that while they consider they have a great freedom in proposing topics, their freedom in actually covering the topics varies due to several circumstances such as lack of protection from the employer should they encounter problems with their reporting. Thus, they claimed there is less actual direct influence of the media owners in each editorial process, but rather predetermined informal approaches which influence their coverage, ergo, they self-censor.

Only a few larger private media outlets have their own internal code of ethics so journalists attempt to comply to general codes of ethics for Broadcast Media⁸⁷ and for Print Media.⁸⁸ Online media reported having no particular encouragement from management to enforce them. There are 28 members of PCK⁸⁹ and during the period April 2018-May 2019, KPC received 92 complaints for breaches of their ethical code.⁹⁰

The most common forms of pressure exerted from management on individual journalists is to increase the daily/weekly quotas, which has become a grave concern in their ethical reporting as increase in quotas is leading to an increase in the spreading of poor/misinformation⁹¹ as they lack allocated time to conduct proper research.⁹² This is relevant especially for online media outlets where pressure for frequent 'breaking news' leads to copy-pasting articles, referencing social media statuses, and making false claims.⁹³ Another form of pressure is to avoid

82 TASC0. Traffic Lights Report' 2017 Kosovo* Monitoring Report of the 'Eu Guidelines for Media Freedom And Media Integrity 2014-2020' for 2017. 2017. Page 9. Accessed: January 5, 2020. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/media_traffic_lights_report_kosovo.pdf

83 3 focus groups with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (11, 13, 26 December 2019).

84 Ngadhjnim Avdyli. VIOLATIONS OF JOURNALISTS' RIGHTS IN ABUNDANCE, October 23, 2018. Accessed: January 10, 2020. <https://kosovotwopointzero.com/en/shkejte-me-boilek/>

85 Focus group with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (26 December 2019)

86 Ibid.

87 Republic of Kosovo. KKPM-2010/01 Kodi i sjelljës për shërbimet mediale audiovizuale në Republikën e Kosovës [Code of Conduct for Audio-visual Media Services in the Republic of Kosovo]. Prishtina. 2010. http://kpm-ks.org/assets/cms/uploads/files/Legjislacioni/1292592101.0176.pdf?fbclid=IwAR058qwiKgyTSbVArI_12Cx5relkTqulTUQrDHL_Pwhc63KYyEwdnPWPeo

88 Press Council of Kosovo. Kodi i etikës për media të shkruara në Kosovë [Press Code for Kosovo]. Prishtina. 2005. <http://presscouncil-ks.org/wp-content/uploads/2018/11/Press-Code-for-Kosovo-eng.pdf>

89 From 28 members only 3 are classic newspapers, the others being online media

90 Cohu. Online Media Monitor 2018-2019. Prishtina. 2019. Page 9. http://www.cohu.org/repository/docs/22_-_Online_Media_Monitor_-_ALB_-_04_12591.pdf

91 Berisha, Arta. "Hard road to transforming the media in Kosovo". European Journalism Observatory. 24 August, 2018, accessed 05 January, 2020. <https://ajeo-online.eu/professionalizmi-ne-media/gazetaria-e-medias/rrugat-e-veshtire-drejt-transformimit-te-mediate-ne-kosove>

92 BIRN. "Never-ending pressure! Reporting on organized crime in Kosovo". Prishtina. 2018. 2. <https://balkaninsight.com/wp-content/uploads/2018/01/Kosovo-country-report-alb.pdf>

93 Berisha, Arta. "When the media revive an old man after 17 years". Zeri, 07 January, 2019, accessed 07 December, 2019. <https://zeri.info/zerat/233234/e-verteta-online-kur-mediat-laquo-rinqjallin-raquo-plakun-pas-17-viteve/>

covering persons of interest to the media outlets. These pressures often come in the form of threats of being laid off should they fail to comply.⁹⁴

In 2019, a picture of a trans-gender Roma woman circulated in social media claiming she was a child-kidnapper and trafficker.⁹⁵ This picture was quickly picked up by the media outlets who rather than verifying the claims, continued spreading the picture along with the claim. Headlines were “*this person has terrified parents in Kosovo: She is kidnaping our children*”⁹⁶; “*man dressed as a woman endangering children*”⁹⁷; “*Attention: This man dressed as a woman is kidnaping children?*” and *many others*⁹⁸.

Following these reports, the woman was brutally attacked twice by mobs of young people in the municipality of Ferizaj and Lipjan.⁹⁹ After the attacks and verification of the untrue nature of the claims by the police, majority of the media outlets removed their articles on their coverage of the ‘alleged kidnapper’ and only the ones on her attack and its condemnation remain.

AJK expressed its concern on the poor ethical standards and professionalism shown by media outlets. AJK made a public statement calling for all media outlets and journalists at an individual level to respect and abide to ethical standards of reporting and not succumb to clickbait reporting.¹⁰⁰

B3 Editorial independence of the Public Service Broadcaster

RTK has an adopted code of journalists’ conduct ‘Professional Standards and Ethical Principles of Journalism Program of RTK’¹⁰¹ with a disciplinary committee that is in charge of handling ethical concerns. Compliance however is seen as partial as, according to Anonymous¹⁰² journalists have been known to show biasness, favoritism, and have been directly involved in political campaigns, even in the most recent elections, and no disciplinary measures have been taken against them. This is something that according to Anonymous,¹⁰³ journalists have been trying to fight off from within as well. The disciplinary committee is selective in its delivery of actions towards journalists, while no action has been taken against aforementioned journalists.

PSB has established internal organizational rules¹⁰⁴ that aim to keep the newsroom independent¹⁰⁵. Nevertheless, financial dependence on the government has led to political interference and as a result, RTK is often criticized of biasness, nepotism, and high political involvement with even the European Union stating its concern on the impartiality of the RTK and its need to be funded by other sources, primarily subscription and independent sources.¹⁰⁶ Moreover, the journalists also stated that RTK is more reluctant to hold a criticizing view against the government.¹⁰⁷ Most recently RTK has been named as a medium avoiding the coverage of ‘organized crime’ due to government pressure.¹⁰⁸

Pressure is primarily in the form of censorship, where the most common forms are requests of censorship on certain topics, editorial influence about which story/report gets prime time coverage, who should be invited on

94 Focus group with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (26 December 2019)

95 Jonathan Lee, “ANTI-ROMA VIOLENCE ERUPTS IN KOSOVO”, European Roma Rights Centre, 14 June 2019 <http://www.errc.org/news/anti-roma-violence-erupts-in-Kosovo>

96 Kosova Sot. “this person has terrified parents in Kosovo: She is kidnaping out children” 29 maj 2019 <https://www.kosova-sot.info/ajme/382958/ky-person-ka-tmerruar-prinderit-ne-kosove-po-na-i-kidnapon-femijet/?fbclid=IwAR107KcWuSoeScOXatBQdkRpmleQOTmHHYrMQ4oAc6XZIDKbtKUbFUoovY>

97 Gota News, Attention: This man dressed as a woman is kidnaping children?, May 25, 2019. <https://gotanews.tv/nje-burre-i-veshur-si-grua-te-rrezikuar-femijet-ne-kosove/?fbclid=IwAR3JasVZKqE8YByJa5y3X8r4QfGKHrG7feVgaxUuskUmVha2Fs-pvbrZbBg>

98 FMImages. Online media outlets that have yet to remove their misreporting on the Roma woman. https://www.fmimages.net/portalet-qe-ende-nuk-e-kane-larguar-lajmin-e-rejshem-per-gruan-rome/?fbclid=IwAR3t6rLISaR8BMdfy15V_SwcbQ5lWG7QZFaHWqBRQ6kVJWHh1gsW0wlo7M

99 https://www.youtube.com/watch?v=AGqIV3JFzXM&feature=youtu.be&fbclid=IwAR00_vE_1vtKxix3pwLcgfsb9KT0h15R2G_s23PHTWq7731MHcX8edFbcsA

100 Liridona Ademaj, “Attack on the Roma woman: AJK requests that journalists hold to ethical and professional standards of reporting”, Kalko, May 31, 2019. <https://kalko.com/shkurt/sulimi-ndaj-gruas-rame-agk-kerkon-nqa-mediat-tu-pembahen-kriterete-profesionale-dhe-etikes-se-gazetarise/?fbclid=IwAR1vh-zuV17TLGP58qN9BfcPY-hWGiEbNCAZaZTQ3h-1sx7deyPZ3QFzfl>

101 Radio Television of Kosovo [RTK]. Standardet profesionale dhe parimet etike të gazetarisë në programet e radiotelevizionit të Kosovës [Professional and ethical standards of the RTK journalists]. Prishtina. 2015. http://www.rtklive.com/pages/files/standardet_profesionale.pdf

102 Anonymous 1, RTK journalist, Interview by Liron Kafexholli, February 10, 2020

103 Anonymous 3, RTK journalist, Interview by Liron Kafexholli, June 04, 2020

104 RTK. Rregullore për organizimin e brendshëm të shërbimit publik të transmetimeve [Policy on the Internal Organization of the Public Broadcasting Service]. Prishtina. 2015. http://www.rtklive.com/pages/files/rregullore_organizim_brendshem.pdf

105 Anonymous 2, RTK journalist, Interview by Liron Kafexholli, November 12, 2019

106 European Union Office in Kosovo. ‘EU in Kosovo concerned over lack of transparency in amending RTK Law’. Prishtina, 27 January, 2017. Accessed February 1, 2020. https://eeas.europa.eu/delegations/Kosovo/19399/node/19399_is

107 Focus Group with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (11 December, 2020).

108 BIRN. ‘Never-ending pressure! Reporting on organized crime in Kosovo’. Prishtina. 2018. 7. <https://balkaninsight.com/wp-content/uploads/2018/01/Kosovo-country-report-alb.pdf>

show that certain issues are not covered.¹⁰⁹ Politically affiliated RTK staff may also request censorship from journalists by barring them covering stories critical of their political leanings¹¹⁰. Moreover, journalists reported that certain PSB staff have been promoted due to their political affiliation.¹¹¹

In 2019, nine journalists raised allegations against their employer RTK PBS on the grounds of irregular promotions and censorship.¹¹² This was followed by an immediate labelling of the journalists as ‘political journalists’ by RTK, a statement which AJK has gravely condemned and issued a request for RTK to distance itself from such labelling.¹¹³

Political interference has also been reported in the form of dictation of questions that can be posed.¹¹⁴ In 2019, Nebih Maxhuni a RTK journalist made public social media conversations with his editor-in-chief Ridvan Berisha. In the conversations Berisha is seen sending questions that Maxhuni should ask the President. The questions have however been formulated by the advisor to the President. Maxhuni is later also contacted directly by the president's media advisor, in efforts to persuade Maxhuni to not make the conversations public, this too Maxhuni has made public.

AJK issue a statement of condemning the intervention of the President's Office on its efforts to dictate the agenda of the media, and the ease and readiness with which professionals submit to political agendas, either voluntarily or through influence, as did the editor in utilizing his hierarchy.¹¹⁵ AJK called out to journalists to continue maintaining their professional integrity and report in an ethical manner continuing to denounce such instances. It further requested that RTK management not remain silent but address it in accordance with internal regulations and professional standards, as these cases damage the image of the public broadcaster and the community of journalists.

An illustrative example of government pressure over the work of the entire newsrooms comes from the increase in RTK staff, which have been hired without any set criteria. Despite its financial strains, RTK has gradually raised the number of hired personnel, raising it from 725 full-time workers in December 2016 to 807 full-time workers by December 2018¹¹⁶.

B4 Editorial independence in the non-profit sector

The perception of participants from the focus group is that, journalistic editorial independence is larger in the non-profit media sector, this primarily due to its financial stability. The non-profit media sector is small in Kosovo with BIRN, Kosovo 2.0, and Çohu being the most prominent ones, and they have adopted their journalists' conduct and editorial independence.¹¹⁷ With a stronger financial stability through donors, they are more closely watched and have stronger oversight of their growth, accountability, and transparency. Moreover, their position leads them to be more financially independent from advertisement.

There have been no stated forms of pressure on non-profit sector media sectors. There are no illustrative examples on the pressure exerted over the non-profit media.¹¹⁸

B5 Freedom do journalists in the news production process

The degree of freedom that journalists have in selecting stories is limited. While they have reported to generally being free to approach a story, how aspects of the story and angles are approached is monitored.¹¹⁹ This is specifically true for stories that affect persons and/or organizations with significant influence in the media¹²⁰. This lim-

109 Anonymous 3, RTK journalist, Interview by Liron Kafexholl, June 4, 2020

110 Freedom House. 2017. Freedom of the Press 2016. Washington, DC: Freedom House. <https://freedomhouse.org/report/freedom-press/2016/kosovo>.

111 Anonymous 3, RTK journalist, Interviewed by Liron Kafexholl, June 4 2020

112 Liridon Rama. 'RTK under fire for irregularities'. 23 August, 2019. Prishtina. <https://Kosovotwopointzero.com/en/rtk-under-fire-for-irregularities/>

113 AJK. Management of RTK to distance itself from denigrating language towards its journalists. November 08, 2019. Prishtina. <http://agk-ks.org/agk-menaxhmenti-i-rtk-se-te-distancohet-nqa-qjuha-denigruese-ndaj-gazetareve/>

114 Koha.net. Gazetari i RTK-së shpërfaq ndërhyrjet e stafit të Thaçit në televizionin publik. [RTK journalist exposes Thaci's staff interventions on public television]. January 12, 2019. Prishtina. <https://www.koha.net/arberi/139250/gazetari-i-rtk-se-shperfaq-nderhyrjet-e-presidencese-thaci-ne-televizionin-publik/>

115 AJK. "AJK opposes the Presidency's intervention in RTK". January 12, 2019. <http://agk-ks.org/agk-kundershton-nderhyrjet-e-presidencese-ne-rtk/>

116 RTK. Yearly Report 2018. 2018. Page 23. https://www.rtklive.com/sq/pages/files/raporti_vjetor_2018_AL.pdf?fbclid=IwAR2sF11F5MUPth9_jgOY6MoJb-7WaHct3FDUG_zpMFDt6T-7zqQQ-zsIVl

117 Focus Group with Journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholl & Shkumbin Beqiri (11 December, 2019)

118 Visar Prebeza, BIRN Editor, e-mail to Liron Kafexholl, February 20, 2020

119 3 focus groups with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholl & Shkumbin Beqiri (11, 13, 26 December 2019).

120 Anonymous 3, RTK journalist, Interview by Liron Kafexholl, June 4, 2020

itation however, primarily comes in the form of self-censorship.¹²¹

Journalists participate in editorial and newsroom coordination within all media outlets as they are structured in such a way that journalists themselves are often the ones to pitch a story. However, the bigger ones, hold editorial meetings more infrequently, in comparison to smaller news outlets that primarily hold daily meetings.¹²²

The journalists perceive their role primarily as detached observers and not as monitors, with not a grave deal of influence.¹²³ This primarily due to the quota deliverables required from them, which leaves them little time to conduct proper research that would allow them to cover an issue in a manner that would establish their role as trustworthy monitors of a situation. They are unsatisfied with this approach but feel that it is not in their power to make any changes as long as their working conditions are not improved through a form of change in legislation.¹²⁴ However this was not the stance from BIRN journalists who feel that they have greater effect on impacting citizens.¹²⁵

Journalists are perceptive to the frequent influence from editors and managers and indirectly through the latter, influence from political actors in their reporting. They feel professionalism is low due to this influence, and feel powerless towards this.¹²⁶

Self-censorship is deemed as the highest form of censorship as all journalists reported it as a common trait in their line of work, as at an early stage in their careers they find out what should not be covered. Fear of loss of their job is the primary reason they succumb to self-censorship. As journalists stated in one focus group 'we often talk amongst ourselves about the problems that we are facing and the high degree of censorship, but don't feel comfortable to do so with management. More senior journalists are fully aware of what the limits are in covering a certain topic and we simply do not cross it. For younger journalists, they quickly pick up on them as well, either that, or you risk your job'.¹²⁷

B6 Position of women journalists

In general, working conditions of the female journalists were not perceived as different in the day to day workload, however, the women journalists stated that gender inequality is holistically spread in all aspects. According to them 'men tend to be managers in online portals, and 'women tend to work afternoon shifts', 'few women are editors', 'pregnancy can often lead to termination'¹²⁸. Data located on contracts is not gender disaggregated.¹²⁹

There is a statistical disproportion when it comes to gender representation in the editorial room. An IMC study monitoring 7 Public and Private Broadcasters found that women were significantly underrepresented, making up only 25.8% of the news editing.¹³⁰

The female journalists averted the topic on salaries but stated that they considered women's salaries to be generally lower, though amounts were not mentioned.

Gender based pressures is increased in cases when journalists are pregnant which has implications on their contracts and their workload. Women's contracts are at times shortened to 6 month contracts upon returning from maternity leave, and continuous immense pressure is placed informally on the journalist to encourage a resignation. Common tactics are to raise the number of stories asked of her, change her department so she needs to create new contacts, etc.¹³¹

121 TASCQ. *Traffic Lights Report' 2017 Kosovo* Monitoring Report of the 'Eu Guidelines for Media Freedom And Media Integrity 2014-2020' for 2017*. 2017. Page 6. Accessed January 3, 2020. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/media_traffic_lights_report_Kosovo.pdf

122 3 focus groups with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (11, 13, 26 December 2019)

123 3 focus groups with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (11, 13, 26 December 2019).

124 Ibid.

125 Focus groups with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (26 December 2019)

126 3 focus groups with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (11, 13, 26 December 2019).

127 Ibid

128 Focus group with female journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri 13 December, 2020.

129 TASCQ. *Traffic Lights Report' 2017 Kosovo* Monitoring Report of the 'Eu Guidelines for Media Freedom And Media Integrity 2014-2020' for 2017*. 2017. Page 9. Accessed January 3, 2020. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/media_traffic_lights_report_Kosovo.pdf

130 Independent Media Commission [IMC]. *Monitoring news coverage of the Audio-visual Media Service Providers*. Prishtina. 2019. Page 46. <https://www.kpm-ks.org/assets/cms/uploads/files/Raport%20monitorimi%20e%20ajmeveqendrore%20t%C3%AB%20SHMA-ve%2C%20periudha%20prill-maj%202019.pdf>

131 3 focus groups with journalists from print, broadcast, NGO's and online outlets media, conducted by Liron Kafexholli & Shkumbin Beqiri (11, 13, 26 December 2019).



During 2019 there have been a total of 21 recorded cases of threats and attacks on journalists and media outlets, with threats and attacks on journalists being the majority of cases. If we compare the number with previous years we can see that we have an increase of actual attacks on journalists (in 2017 24 reported cases, while in 2018 17 reported cases). The increase in the number of cases is very worrying, however the fact that journalists are more open to reporting the cases is a sign of progress of their willingness to pursue their attackers.

Categories	Frequency	Description
Threats against the lives and limbs of journalists	5	Verbal or written threats of bodily harm, including death, addressed either directly, via third-parties, electronic or physical Communications. They may be implicit or explicit and encompass references to killing a journalist's relatives, colleagues or sources.
Other threats to journalists Institutional and administrative pressures	8	Threats which include surveillance or trailing, harassing phone calls, arbitrary judicial or administrative harassment, aggressive declarations by public officials, or other forms of pressure that can jeopardize the safety of journalists in pursuing their work.
Threats against media outlets and organisations	1	Verbal or written threats on property or personnel of the media outlets and organizations addressed either directly, via third-parties, electronic or physical Communications. They may be implicit or explicit and encompass references to the specific media or its personnel.
Actual attacks on journalists	7	Actual attacks may include actual physical or mental harm, kidnapping, invasion of home/office, seized equipment, arbitrary detention, failed assassination attempts, etc.
Murders of journalists	0	Types of killings may include being killed in cross-fire, assassinated, killed in a bomb explosion, beaten to death.
Attacks against media outlets and organisations	0	Actual attacks on property of media outlets and organizations, their personnel, seized equipment, aggressive declarations by public officials etc.

During 2019 there were a total of five threats against the lives and limbs of journalists. The threats range from explicit calls like the one against online portal “Periskopi” and “IndeksOnline”, where a journalist from Macedonia made a public call to kill all the journalists of these portals, to direct threats as in the case of the family member of an imam who told a “Klan Kosova” Television journalist that “either he or the journalist will be above ground if any footage of the chronicle is published”. To implicit ones where the director for culture of the Skenderaj Municipality threatened a journalist from “Zëri” newspaper about an article criticizing the municipality. All the cases have been reported to the Kosovo Police except for the case of the imam, where the journalist wanted to deescalate the situation and did not report it.¹³²

In 2019 there have been eight other threats to journalists. In four of the cases public officials or politicians were involved, two of them have come from “Vetevendosje” political party who accused journalists and editors of one media outlets as having aided in the death of an activist through poor reporting. Of a special concern is that one of the accusers was Sami Kurteshi, former Ombudsman for 6 years. Another concerning case is that of the Speaker of Assembly who sent a WhatsApp message to the editor and chief of one of the television in Kosovo by using explicit language. Also during 2019, a deputy of the assembly has filed a criminal complaint against a journalist for inciting ethnic hate, and AJK is monitoring the situation in the persecutors office. The other three cases have been civilians threatening journalists with the most prominent one being when an Representative of “Islamic Community of Kosovo” threatened a journalist about an article on him.¹³³

During 2019 there has been one threat against media organisations, with ‘Democratic Party of Kosovo’ (PDK) published a public call on their social media account asking the Kosovo citizens to not trust ‘Gazeta Express’ as it has “an agenda against their party”.¹³⁴

Last year AJK registered seven cases of actual attacks on journalists. Two of the attacks happened when journalist were trying to report from construction sites and one happened when a journalist was trying to report about a casino. The other four cases have different state officials involved in the attacks, one being when a journalist was trying to interview a prisoner and the guards prevented her from doing her job, while another journalist car was damaged during a police operation to clean a street blocking. In June, another journalist was physically attacked and his equipment were taken away while he was covering a branch assembly of the political party ‘Democratic League of Kosovo’ (LDK). On December 2019, a journalist was physically attacked by then Minister for Trade and Industry at the University Clinical Center of Kosovo, in the presence of police who did not take any action. The police officers were later suspended as a result of this.¹³⁵

¹³² AJK Database, <http://ajk-ks.org/rastet/>
¹³³ Ibid.

¹³⁴ Ibid.
¹³⁵ Ibid.

C1 State institutions' and political actors' behaviour concerning journalists' protection

There are no specific policies developed by State Institutions that support the protection of journalists, however the Constitution and other applicable laws, including the Criminal Code regulate the safety of journalists. In 2019, AJK has signed a memorandum of understanding with the Kosovo Bar Association, which will secure free legal aid to journalist members, and MoU implementation is monitored by AJK staff. Two journalists have already benefited from this agreement, as subsequent to their request they have been granted free legal aid.

There are no specific mechanisms in regard to the safety of journalists, but the Prosecutors and the Basic Court of Prishtina have appointed coordinators to collect data on cases of journalists¹³⁶. However, the data collection is scattered, inconsistent and the data are not published, currently the judicial system is undergoing a transition through the development of an CMIS which will consolidate the data and provide tracking of court cases. Generally, the cases of journalists are reported to the Police and the Prosecution Office who take the necessary measures to investigate, moreover journalists also report to AJK who advocate on behalf of journalists. However, whether the CMIS will consolidate data from the police as well is unclear.

Attacks on the safety of journalists are recognized by the government institutions as a breach of freedom of expression, human rights law and criminal law, but public officials refrain from making statements, unless there is physical attacks on journalists, where you have reaction from the institutions.

There are no documents adopted by the state institutions which provide guidelines and prohibit harassment, intimidation or physical attacks on journalists.¹³⁷

The Basic Court and Prosecution Council are increasing cooperation with AJK who follows up on threats against journalists, however the cooperation is still slow and need to be raised in order to shorten response times. In general, state institutions refrain from endorsing or promoting threats towards journalists.

A court warrant is needed to justify electronic surveillance and the approval is given only in specific high threat cases. There is no data on cases of electronic surveillance.

C2 Criminal and civil justice system's behavior concerning threats and acts of violence against journalists

In the Kosovo justice system there are no specific institutions/units dedicated to investigations, prosecutions, protection and compensation in regard to ensuring the safety of journalists and the issue of impunity¹³⁸.

Currently there are no special procedures that address all forms of violence against women, including women journalists¹³⁹.

The state agencies do not provide adequate resources to cover investigations, and the measures of protection provided to journalists are inadequate.

There are measures of protection provided to journalists that they can request from the police. After they have contacted the police an assessment of the threat is conducted by the police and they assign a specific protection order such as having police patrols follow the journalist around. Some journalists however, reported that they are not taken seriously by the police, as was the case of a journalist who received death threats from radical Islamist but the police only offered a bulletproof vest to walk around with, which he found unsupportive and impractical. The police on the other hand have reported the contrary, where in 2019 there was one request by journalist for safety measures, and after assessing the threat the request was approved by the police with physical protection provided to the journalist¹⁴⁰.

Prolongation of cases (seen in Box C1.1) shows that investigations of crimes against journalists, including intimidation and threats are not investigated as promptly, and efficiently. However, cases that receive high media attention tend to be taken more seriously and investigated quickly, as is the case of the former Minister for Trade and Industry at who physically attacked a journalist. While swift actions were taken towards the po-

136 1) the Coordinator at the office of Chief State Prosecutor for Cases of Journalists, and, 2) The Coordinator of the Basic Court of Prishtina to collect data on cases of journalists

137 Flutura Kusari, interview by Liron Kafexhalli, January 25, 2020.

138 *Ibid.*

139 Council of Europe, Mapping support services for victims of violence against women in Kosovo*, 2017, Accessed on 12.12.2019: <https://rm.coe.int/seminar-pristina-report-eng/16807316df?fbclid=IwAR2aH22CgNaCkIwlio7XfJlp3dAjuT44pG4Uq4jDqD5CLiQOVelhg4rfdw>

140 Baki Kelani, Office for Information Kosovo police, January 30, 2020

licemen who were suspended for not reacting and towards the former Minister for attacking, the case is still ongoing¹⁴¹.

There has been no prosecutions for violence or intimidation carried out against the full chain of actors as until now none of the attacks have been identified to have more than one perpetrator, this could be a cause of concern as to the lack of investigations.

The training to the police, prosecutors, lawyers and judges are mostly provided by the non-profit sector. In 2019, the police received four training on different aspect relating to media, from investigations in online media and social media to social innovation.¹⁴² While the Court system and the Prosecution system have had five trainings in 2019 with the training on article 10 of the European Convention and the training on defamation being the most important ones.¹⁴³

141 Xhorxhina Bami, "Minister accused of assaulting journalist," *Pristina Insight*, 19.12.2019, Accessed January 14, 2020: <https://prishtinainsight.com/minister-accused-of-assaulting-journalist/?bcid=IwAR3lQEYfSDVZ2i5CC5UhlJY>"_upsPI7Mr-Som2mBpyHWd19zoiz2vOwl7K1E

142 Baki Kelani, *Office for Information Kosovo police*, January 30, 2020

143 *Academy of Justice*, Collected from the bulletins of *Academy of Justice*, 2019. <https://ad.rks-qov.net/sq/buletini>

Overview of completed activities for resolving some of the most serious attacks on journalists in the last five years

	2015	2016	2017	2018	2019
Physical Assault on Ensar Ramadani (17.12.2019)					18 December 2019 – State Prosecution has opened investigation on the case. 10 February 2020 – The attacker has been indicted for assault by the Basic Prosecution in Prishtina.
Verbal Threats to Bujar Vitija reporter of online portal “Shneta” (08.06.2018)					8 October 2019 – The Basic Court of Prishtina fined the offender 200 euros.
Verbal Threats to Taulant Osmani reporter of Kallxo.com (11.11.2017)			13 November 2017 – Basic Court in Gjilan put a restraining order on M.N. for threatening the journalist.		
Physical attack on Parim Olluri director of online portal “Insajder”, while entering their apartment building by three masked persons. (16.08.2017)			17 August 2017 – Police started investigation on the crime scene without any suspects. (Efforts to update the case were unsuccessful, since the prosecution office was unwilling to give information without the consent of the victim, the victim was unwilling to give information about the procedure of the case)		
Physical attack on Vehbi Kajtazi editor-in-chief of online portal “Insajder” in downtown Prishtina, causing light injuries. (13.10.2017)			13 November 2017- Police investigated the crime scene and arrested the main suspect of the attack. (Efforts to update the case were unsuccessful, since the prosecution office was unwilling to give information without the consent of the victim, the victim was unwilling to give information about the case)		
Verbal threat on Diamant Bajra from an imam in Peja. (02.04.2019)					3 April 2019 - reported to police. Police started investigation. However, the journalist decided not to press charges in order to deescalate the situation.

Analysis and conclusions

This research sought to explore the media landscape in regards to the freedom and safety of the journalists in Kosovo and whether the socio-economic and political context within the country provides a favorable environment for the sustainable development of the media sector in these regards. The report covers the issues from the context of 2019 and builds itself from the previous reports conducted on this topic.

A Legal protection:

The findings show that some progress has been made as the legislative framework is considered quite comprehensive and is structured to support the development of the media sector and the journalists. As has compliance to regulations on the development of the legislation, which in 2019 saw an improvement through the inclusion of relevant stakeholders, specifically comparing to previous reporting years. The research found that challenges remain in regards to implementation, however.

The regulatory body IMC, and self-regulatory body PCK, are generally perceived as functioning effectively but enforcement of their mandate is challenged in the absence of adequate resources. While PCK fares better in handling complaints, it needs to improve its coverage of other aspects such as online media and media ownership, which are substantial problems and are influencing transparency and accountability.

Specifically with IMC, the simplicity of the licensing process has raised concerns, as has the process of its board member selection which makes it more prone to political influence. The legislation on political pluralism in the media falls short in covering the non-election period. Despite this gap, licensed broadcasters are to uphold to the code of conducts of IMC which a number of them fail to do, while the code of conduct does not cover all media outlets. Again, the absence of adequate resources undermines their ability to carry out investigations on breaches. The legislation gap needs to be reviewed so it can properly cover the non-election period. IMC should increase its efforts in regulation of the media as well as expand their statutes to cover broader aspects.

The legal protection in relation to journalists sources is strong and journalists felt confident in their practiced right to maintain relations with their sources. But the concern lied greatly in the generally weak implementation on the Law to Access to Public Documents, specifically how the request is processed in the institutions, which in the absence of clear guidelines has left room for interpretation. Data collection mechanisms for adequate monitoring and referral of libel and defamation cases is lacking so proper tracking of the effectiveness of cases brought to the judicial institutions has been unavailable until now that the CMIS is underway which will enable the segregation and chronological tracking.

Journalists are guaranteed a right of association and freedom to unionize. They are represented by two Associations, AJK and ASJK, but there are currently only three unions and all within the PSB. The unions have been subjected to managerial interference and pressure, while economic insecurity, managerial reprisal, and fractured private media have been raised as contributing factors to the lack of unions in the private media. The lack of a union representing the interests of all journalists to protect the labor rights in Kosovo has led to AJK generally serving as the primary advocating body for protecting journalists' rights.

B Journalists' position in the newsroom:

There was a fairly unilateral agreement on the journalists poor economic conditions, such as a general lack of contracts or short-term contracts, low wages and their infrequent payment, poor working conditions, to name a few, and the utilization of these conditions to enforce pressure on the journalists. Gender inequality further seemed to enforce the poor working conditions of female journalists, as pregnancy has implications on their contracts, and women were found to

be far less represented in the editorial room. These working conditions have left journalists vulnerable to the persistent influence and pressure from politics, media owners, and managing bodies and they are seen to compromise their independence and ethical reporting. The pressure from daily quotas is resulting in unverified reporting and spreading of misinformation while simultaneously, self-censorship was considered one of the greatest indirect influences.

Compliance to the code of conducts is greatly affected by these pressures as well. Within the PSB, financial dependence on the government has led to political interference, whereas private media outlets face dependence on their sponsors. The media sector that fared the best is the non-profit sector which, due to its probability for higher financial independence was less likely to succumb to the same pressures and influences. Editorial independence is itself affected by self-censorship. While journalists reported that they are free to choose stories they are conscious to the angles that it can be presented.

C Journalists' safety:

2019 in Kosovo saw a general increase in the number of threats and attacks towards journalists with the number raised to 21 reported cases. An adequate explanation to the 2018 dip in case reporting (2017, 24 reported cases; 2018, 17 reported cases) was not identified. However, the increase in reporting can be interpreted as a step towards a positive change as journalists feel more safe to report cases of threats and attacks.

While the number of reported attacks has increased, the research found that state institutions and political actors still lack the necessary resources to tackle the situation of journalists in the court systems. Despite this, efforts towards the improvement of the situation are evident, such as, the appointment of coordinators to collect data on cases of journalists by the Prosecutors and the Basic Court of Prishtina, and the development of the CMIS which is underway and will enable the monitoring, referral, and segregation and chronological tracking of cases. The success of CMIS will remain to be seen as its implementation has initiated in December 2019.

General conclusion: Kosovo has a strong legislative cornerstone that is in line with European standards and protects the freedom of expression, media and the right to information, and other aspects that influence the media sector. Moreover, internationally recognized fundamental human rights and freedoms are

guaranteed under the Constitution. A number of findings from this research show that the lack of efforts for efficient implementation of some important guarantees embedded in the legislation has to a great extent inhibited the further development of the media sector. At the same time, efforts such as the establishment of a consolidated data collection system on threats and attacks on journalists is an indicator of a tendency to increase the accountability and transparency mechanisms within institutions and of their political will to give relevance to the issue of safety of journalists. Aspects of journalists safety have further been strengthened through the increased cooperation of AJK with the Prosecutions Office, Basic Court, and the Kosovo Police. AJK is cooperating with all three parties to ensure follow-ups of cases, improved referrals, and provision of legal aid.

Another important finding that emerged from this research was the close tie between the poor working conditions of the journalists, and pressure and influence exerted on the journalists which resulted in compromising the ethical code of conducts of the media outlets and journalists, and leading to mis/poor-information. This tie seems to further go unchecked as the absence of resources within the regulatory and self-regulatory bodies have rendered the media sector relatively unmonitored. In supporting efforts to ensure that journalistic efforts are maintained AJK has publicly called for increased accountability of journalists to maintain ethical standards in their reporting.

Recommendations

Media Legislation is generally – with room for improvement - considered as encompassing of the versatility required for it to enable the development and functioning of the media sector and its mechanisms. Environment that permits its implementation is falling short and must be strengthened. Identification of recommendations have stemmed from the findings of the research. The recommendations are:

Secure the sustainability and accountability of PSB to increase impartiality, reduce political influence and preserve its independence in accordance with its status.

- **Financial Stability:** RTK should be treated as a public institution and proper methods of funding should be identified. Possible methods could be re-introduce the license scheme through KEK, or identify another financing scheme through taxing, subscriptions, and/or independent sources. Any methods of funding should come with strict procedures, to ensure accountability from all involved parties and simultaneously not jeopardize the independence of RTK. Such a stability might regain the public's trust in the PBS.
- **The appointment of the Board of RTK:** Political impartiality needs to be strengthened within RTK. Another form of appointment of the board should be in place as the current relies solely on the Kosovo Assembly's appointed committee and as such increases chances of subjectivity and political influence. The process should be a transparent several step process that involves prominent stakeholders within the field and should be thoroughly evaluated in efforts to reduce any risks of subjectivity and political influence.

In securing the sustainability and accountability of the PSB, AJK has been involved in the draft-law on RTK by sending recommendations and will continue to advocate to ensure its independence.

Strengthen the regulatory and self-regulatory bodies - IMC and PCK, enabling them to properly perform their legal obligations and to act as mechanisms for quality assurance of the media.

- **The appointment of the Board of IMC:** needs to be re-evaluated to reduce risks of subjectivity and political influence, and stricter rules to the board members political affiliations needs to be put in place. The process similarly to the suggestions of the RTK board, should be transparent and thoroughly evaluated.

- **Increase the competencies of the self-regulatory bodies.** An important aspect that is relevant to increasing transparency and ensuring greater accountability of media outlets is securing methods of demanding data from the media outlets, such as media ownership. Another aspect is including the online media outlets within their scope.
- **Ensure the self-regulatory bodies have the proper mechanisms and adequate resources** in place to strengthen their roles and enforce their mandates. A comprehensive analysis should be conducted in order to identify the gaps in each institution and the proper resources that are needed for them to increase their efforts in regulation of the media, proper mechanisms for following up and ensuring the enforcement of their decisions.

Improving cooperation of institutions and support the progression of the referral process to secure timely and proportional responses to threats and pressures against journalists. AJK has signed an MOU with Kosovo Bar Association and is in the process of signing MOUs with the Kosovo Police and the Basic Court. This will aim to strengthen the referral process and complimented with the CIMS will support the data collection and enable monitoring of the cases development. Further, through the cooperation with the Kosovo Bar Association, AJK has secured free legal representation and consultations to its member journalists in cases when they become part of litigation on matters pertaining to their work.

Assuring greater editorial independence from forms of pressure. Media outlets should have proper procedures and regulations as well as disciplinary committees integrated within their institution to reduce the interference of media owners, managers, and political bodies, and the hierarchical chain should not be immune to these procedures. These policies should clearly state editorial limits and what constitutes interference.

Increasing compliance with professional standards through adoption of Code of Conducts. Media outlets should be encouraged to develop their code of conducts or adopt that of the self-regulatory bodies and ensure that proper mechanisms are set in place within each media outlet to ensure it is upheld. There should be a firmer upholding to sanctions on biasness in reporting and spreading of misinformation. AJK along with UN Women has started implementing trainings for journalists on proper approaches to reporting news.

Proper mechanisms should be in place so that implementation of legislation is upheld. The process of how a request on public access to documents is handled should be reviewed and development of clear guidelines that would help the process and enforce the legislation.

Strengthen the economic position of journalists and strengthen the role of Unions. Regulation of employment procedures for journalists should be developed and enforced through the Labor Inspection which will require improvement in their efficiency in handling violations of labor rights for journalists. Further, the role of Unions should be strengthened and environments enabling for their development within the private media section must be encouraged to ensure better working conditions for journalists.

AJK is supporting journalists in their demands for improved work conditions through advocacy, representation in parliamentary working groups where legislation regarding media is discussed and will continue defending journalists rights when they are not upheld.

