



safejournalists.net

Western Balkans Journalists' Safety Index

Narrative Report Kosovo 2020

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Introduction

The Western Balkans' Journalists' Safety Index (WB-JSI) is a research-grounded tool designed to measure and monitor the changes in the respective social and political environments of the WB countries, that have direct or indirect impact on the safety of journalists and media actors while practicing their profession. The WB-JSI relies primarily on the research evidence collected and analysed by the partners of the Safejournalists.net Platform in compliance with a rigorous procedure of inquiry. The collected data on various dimensions of the complex concept of 'journalists' safety' is quantified and aggregated into a composite indicator – Journalists' Safety Index, to measure the changes across the seven Western Balkans' countries over time. Based on the research evidence, nine members of the Advisory Panel in each country¹ assess the situation and assign scores to each of the 19 indicators within the following dimensions:

- (1) **Legal and organisational environment** – the existence and implementation of legal safeguards relevant for the safety of journalists
- (2) **Due Prevention** – the existence and implementation of a range of preventative measures that have direct effects on journalists' protection and safety;
- (3) **Due Process** – the behaviour of state institutions and public officials towards journalists and the efficiency of the criminal and civil justice system concerning the investigations of threats and acts of violence against journalists;
- (4) **Actual Safety** – incidents and instances of various forms of threats and acts of violence against journalists and media.

The WB-JSI was jointly developed by the researchers from the Skopje based RESIS Institute² and partners of the Safejournalists.net Platform: Independent Association of Journalists of Serbia, Association of BH Journalists, Trade Union of Media od Montenegro, Association of

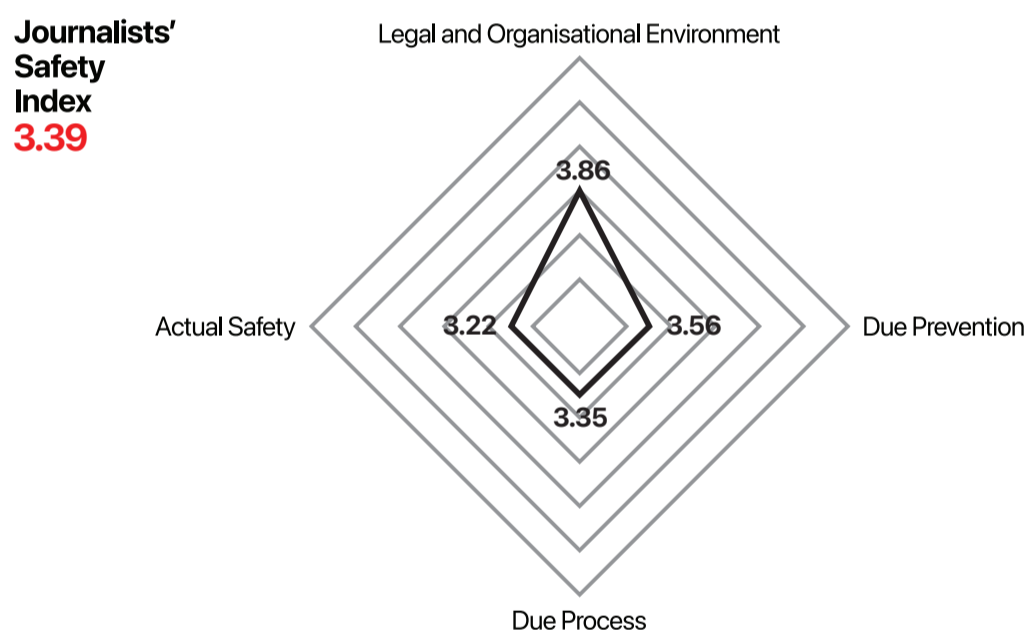
¹ In Kosovo, the Advisory Panel consisted of: Abit Hoxha, Ardiana Thaçi, Imer Mushkolaj, Kreshnik Gashi, Mimoza Koprani Muçaj, Serbeze Haxhiaj, Shkumbin Ahmetxhekaj, Shkumbin Kajtazi, Violeta Hyseni

² The researchers of the RESIS Institute (www.resis.mk), Snezana Trpevska, Igor Micevski and Ljubinka Popovska Toševa have developed the conceptual framework for the Index and the model of its aggregation, weighting and calculation.

Journalists of Macedonia, Association of Journalists of Kosovo, Croatian Journalists' Association and an independent researcher in Albania³. As such, the Index is a result of a joint effort of the Platform Safejournalists.net and covers all the specific issues that local partners identified as relevant for their country contexts.

This report refers to the situation in [country] in 2020 which was designated as the first (pilot) year for development of the conceptual framework and methodology for scoring, aggregating, and calculating the Index. In the upcoming years, the improvement or deterioration of the situation in all countries will be measured by taking into consideration the assessment for 2020 as the reference year. More details about the theoretical framework and procedure of construction and calculation of the WB-JSI and all country reports can be found at: (<https://safejournalists.net/safety-index/>).

— SUMMARY



I. LEGAL AND ORGANISATIONAL ENVIRONMENT

- Media legal framework in Kosovo is good, however Kosovo lacks on implementation of the laws. The lack of knowledge and expertise on the part of judges to implement the practices of the ECHR is an obstacle to promoting the rights of journalists. Court cases may be somewhat politically motivated according to some media experts. A problem that seriously affects the situation in terms of this indicator is the fact that the courts do not have data on the number of defamation proceedings against journalists, and the journalistic association does not have the capacity to collect this data and assess the negative impact of defamation proceedings. on journalists.

³ Blerjana Bino as independent researcher in Albania for Safejournalists.net platform.

- Laws provide good protection for journalistic sources. Journalists feel free to contact sources of information. During 2020 there were no cases where journalists were asked to disclose their sources, thus, there were no sanctions.
- There is no mechanism that protects journalists from SLAPP lawsuits. There is no tendency to create legislation through which they would silence, threaten or intimidate journalists (during the Pandemic). However, there have been some cases of SLAPP lawsuits filed against investigative journalists..
- There are no licenses for journalists. However, during pandemic, some journalists have been obstructed while performing their duties. Journalists are free to establish and participate in their associations, no registered pressures on them. However, the pressure falls on the association when it has to play the role of the union.
- The job position of many journalists in the private media was unstable and especially worsened due to the pandemic. Low salaries and disrespect of their working rights were the biggest problems. Journalists are afraid to file lawsuits for mobbing or disrespecting labor rights and to establish unions in the private media.

II. DUE PREVENTION

- Within the police and the prosecution, there are no contact persons and special numbers in order for journalists to report cases. Journalists report the case in the same way as any other citizen. There are no known cases where the relevant institutions did not respond at all, nor did not process/accept a report of a journalist or media outlet regarding the violation of their rights. The police generally react quickly to reported cases, but the problem arises when the cases reach the courts, as they are prolonged or not solved at all.
- There are no legal provisions that protect journalists more than the other citizens, however the legal provisions, such as the Criminal Code of the Republic of Kosovo that protect any person who may be a victim of criminal offenses due to his/her work. Risk assessment procedure is not defined clearly. However, if the police assess that the journalists' safety is endangered, they can grant them police protection.
- Women journalists who are victims of harassment, threats and/or attacks are not provided additional assistance by relevant institutions in relation to their male colleagues. Journalists in newsrooms rarely reported cases of gender-based discrimination to the

competent institutions. Journalist Jeta Xharra was subject to online threats and lynching twice during 2020.

- Public officials refrain from making statements unless there are physical attacks on journalists. Politicians and/or state officials through their posts mainly on social networks condemn attacks on journalists and other media workers. These statements are not part of their daily discourse, but only in cases where these attacks occur. However, there is hypocrisy in the behavior of politicians due to the fact that they are mainly the ones to use pejorative language towards journalists, and this language usually leads to more threats and lynching by their followers, especially online.
- During the reporting period, due to the situation with the pandemic, there were three detentions during 2020 where journalists were obstructed on duty by the Police, but were released after the reaction of AJK. The detentions occurred as a result of measures taken by the government to prevent the spread of the virus, mainly occurred during curfew (restriction of movement). In general, Police respect the profession of journalists and tend to not prevent them from doing their job. During the quarantine and the curfew hours Tatjana Lazarevic and Yllka Ahmetxhekaj were detained for a short time, even though this is not a practice in Kosovo.

III. DUE PROCESS

- The practice shows that police and prosecution do not have proper professionalism and expertise regarding the applicable legal safeguards provided by applicable legislation in Kosovo. There are no guidance or policies adopted neither by prosecutorial system or Police to treat cases against journalists. The Police, Prosecution and Courts have appointed coordinators have appointed coordinators that deal with cases of threats, attacks and harassment toward journalists.
- Investigations are generally slow and ineffective, and some attacks on journalists have not been prosecuted at all. Attacks on journalists are sometimes not qualified as crime offences, forcing journalists to file private lawsuits instead of being prosecuted ex officio. The first reaction of Police and Prosecution in most cases is urgent and is taken with priority in first days when the attack is committed, also due to the public reaction by Journalists Association, media and civil society. However, the judicial proceedings then are not treated with priority neither by prosecution or courts.
- During the last year journalists in Kosovo were subject to 8 (eight) online attacks, intimidations, threats and insults, especially during the electoral campaign. Due to the slow reaction of the justice institutions and lack of efficiency of treating cases against

journalists in criminal and civil proceedings, the applicable legal measures were almost ineffective.

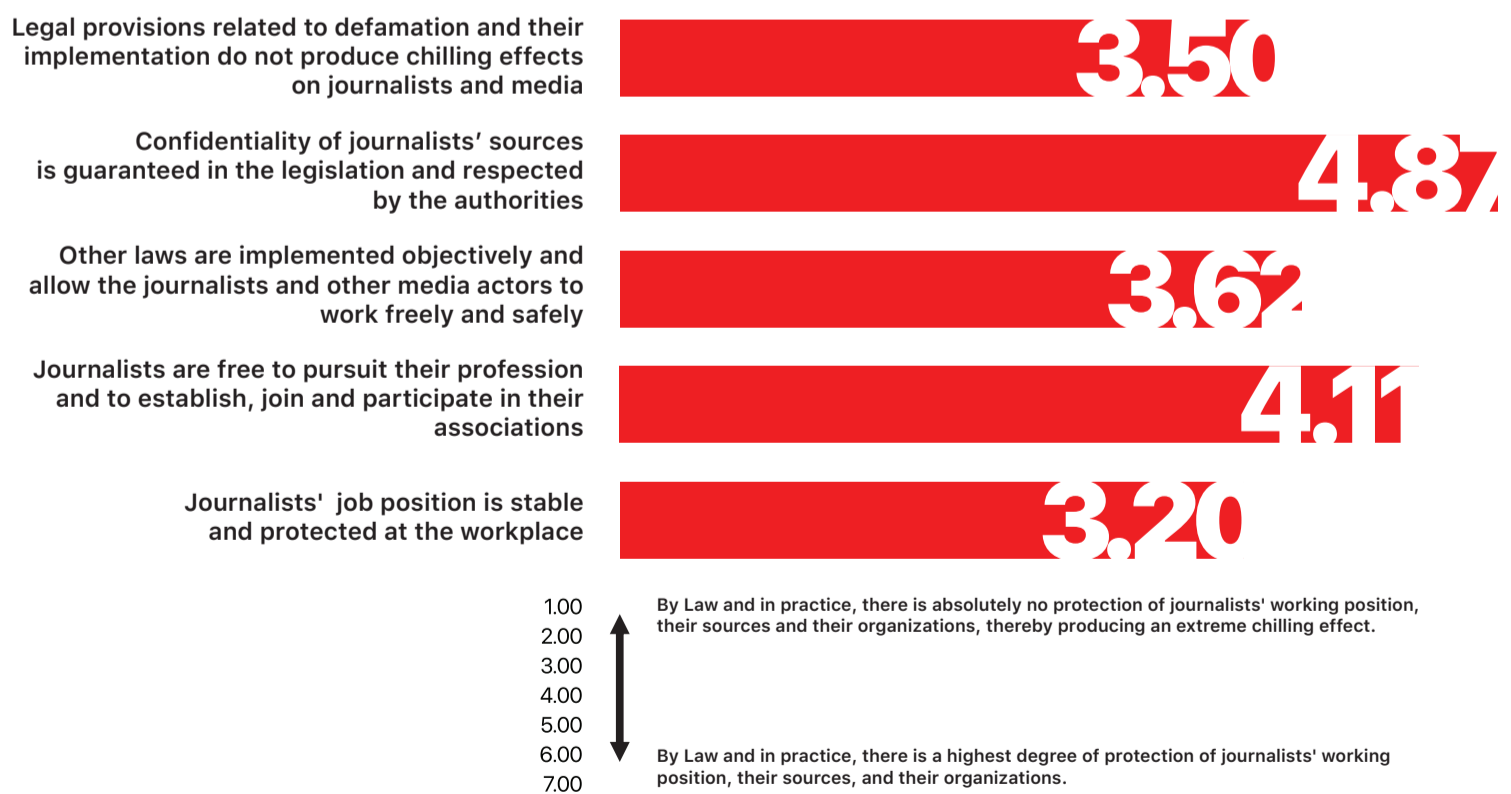
- Transparency in the way court proceedings for attacks on journalists and the media are conducted is not satisfactory. The courts fail to provide sufficient information.
- State institutions such as Police, Prosecution and Court publish annual statistical reports which are accessible to the public. However, such data are rather general data, and do not provide information, statistics or data specifically only for cases where the journalists are victims of criminal offences.

IV. ACTUAL SAFETY

- During 2020, there were 11 cases of threats and non-physical harassment of journalists in Kosovo. It is worrying that some of the attackers are businessman, former public officials, individuals close to political parties. As well as two threats toward the same woman journalist.
- In 2020, there were 6 threats registered aimed at endangering the physical safety or life of journalists. However, it is worrying that Shkumbin Kajtazi and his car were twice subject of life threatening attack.
- In 2020, four physical attacks on journalists were registered. One of the cases required medical treatment.
- Three cases of attacks on institutions, media organizations, media and journalists' associations were registered during 2020. Two out of which are towards the PSB.

Legal and Organisational Environment

3.17



Legal provisions related to defamation and their implementation do not produce chilling effects on journalists and media

Score (3.50) – Media legal framework in Kosovo is good, however Kosovo lacks on implementation of the laws. The lack of knowledge and expertise on the part of judges to implement the practices of the ECHR is an obstacle to promoting the rights of journalists. Court cases may be somewhat politically motivated according to some media experts. A problem that seriously affects the situation in terms of this indicator is the fact that the courts do not have data on the number of defamation proceedings against journalists, and the journalistic association does not have the capacity to collect this data and assess the negative impact of defamation proceedings. on journalists.

The Law against Defamation and Insults defines civil liability against citizens or journalists when there are lawsuits for defamation or insult. The legal framework in Kosovo has decriminalized insults. Thus, journalists cannot be subject to criminal investigation for their articles, reports or opinions. The Law on Civil Aspects against Defamation and Insults is designed to be implemented and interpreted in accordance with the practices of the European Court of Human Rights as a guarantee for the promotion of freedom of expression and opinion. However, the lack of knowledge and expertise on the part of judges to implement the practices of the ECHR is an obstacle to promoting the rights of journalists and the media in Kosovo.

Law against Defamation and Insult does not provide for sanctions, the law provides obligation for compensation for damage caused by defendants through defamation and insult. The compensation which is determined by the court must be proportional to the damage caused and will be determined only for the purpose of correcting the damage caused to the reputation of the person in question, or to compensate for any probable actual financial loss or material damage.

— INDICATOR 1.1

Public authorities are prohibited from filing a claim for compensation of damage caused by defamation or insult. Public officials may file damages for defamation or insult privately and exclusively in their personal capacity. However, state officials have the right to file civil lawsuits, but there are no reported cases during the reporting period. Court cases may be somewhat politically motivated according to some media experts, however, no cases were registered during 2020. According to journalists' responses in focus groups, as well as to a survey conducted by the Association of Journalists of Kosovo, the defamation law is not considered discouraging. Investigative journalists feel free to investigate and write critically. Furthermore, the journalists do not self-censor due to applicable laws.

Confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities

Score (4.87) – Laws provide good protection for journalistic sources. Journalists feel free to contact sources of information. During 2020 there were no cases where journalists were asked to disclose their sources, thus, there were no sanctions.

Legislation in Kosovo guarantees protection of anonymous journalistic sources and other media professionals. Journalists and other media professionals are obliged to disclose the identity of the source of information only at the request of the competent court and only in cases where disclosure of the source is necessary to prevent a serious threat to physical integrity resulting in death of one or more people. In Kosovo, the Law on the Journalistic Sources Protection is in force, which has built the standards and security for journalists, limiting their obligation to disclose anonymous sources only by court decision. This law has limited the right of the Police, Prosecution or other law enforcement institutions in Kosovo to request the disclosure of anonymous sources of journalists, without a decision issued by the competent court. Journalists have no obligation to respond to the invitation from the Police or Prosecution to talk about sources of information. Also, journalists have no obligation to give statements to the Police or the Prosecution regarding published articles or reports, unless there is a written decision issued by the competent court, to prevent criminal offenses that may consequently violate the physical integrity resulting in death of one or more persons.

These guarantees are generally respected by the authorities and during 2020 there were no cases where journalists were asked to disclose their sources, thus, there were no sanctions. Koha Ditore journalist Saranda Ramaj, on December 28, 2018, was taken out of the courtroom on the hearing in the case of the organization "Syri i Popullit", while the president of the country, Hashim Thaçi, was testifying. Her phone was taken by the police unit for close protection of President Thaçi. Saranda Ramaj was held for 6 hours by the police and they kept her phone for several hours on the grounds that she had illegally recorded the statement of President Hashim Thaçi in the court session "Syri i Popullit".

— INDICATOR 1.2

The Association of Journalists of Kosovo, the South-East European Media Organization and the Kosovo Institute of Justice reacted to this case. According to the responses of journalists in focus groups, as well as in the survey conducted by the AJK, they feel free to seek access and maintain contact with their sources of information. In Kosovo, investigative journalists who cover the topics of corruption and crime do not feel discouraged or afraid to cover their topics.

Other laws are implemented objectively and allow the journalists and other media actors to work freely and safely

Score (3.62) – There is no mechanism that protects journalists from SLAPP lawsuits. There is no tendency to create legislation through which they would silence, threaten or intimidate journalists (during the Pandemic). However, there have been some cases of SLAPP lawsuits filed against investigative journalists..

During 2020 there were at least two reported cases where journalists were subject to arbitrary enforcement by security or justice institutions as a result of their public reporting. In one case, in violation of constitutional principles and the Law on Protection of Journalistic Sources, a journalist was temporarily confiscated his telephone, which is considered a working tool, and in another case criminal proceedings were initiated against another journalist on the basis of his reporting. An official response by the Prosecutorial Council and the Office of the Chief State Prosecutor was in both cases, lacking.

There is no tendency to create legislation through which they would silence, threaten or intimidate journalists. However, there is no mechanism that protects journalists from SLAPP lawsuits, nor does the Agency for Free Legal Aid as a public legal aid agency, categorize journalists as beneficiaries of legal aid in cases where they face SLAPP lawsuits. SLAPP lawsuits that have been filed so far against investigative journalists dealt with allegations of defamation. Through these lawsuits, compensation of material and moral damage was required by journalists. The investigations of journalists against various illegal affairs of companies, by the latter have been considered as defamation, where through SLAPP Lawsuits compensation for moral and material damage has been sought. The Law on Civil Aspects against Defamation and Insults stipulates that the law itself must be implemented in accordance with practice of the ECHR. Except this law, Kosovo does not have additional legislation to provide legal certainty to journalists when they are subject to SLAPP lawsuits. The negative consequences for journalists in the case of SLAPP lawsuits are the journalists' time spent in court

— INDICATOR 1.3

hearings, as well as the spending of material means for legal representation in cases of judicial treatment of these lawsuits.

According to the data collected from in-depth-interviews with journalists, as well as the focus groups, the safety of journalists is not more endangered in situations when journalists report from protests. The journalists are required to keep their IDs in sight, so they can be identified by the Police or other officials. Due to the pandemic, during 2020 there have been no protests organized, therefore there have been no cases of attacks toward journalists in protest reported. However, from past years' experiences no journalists were subject to attacks during the protests.

Journalists are free to pursue their profession and to establish, join and participate in their associations

Score (4.11) – There are no licenses for journalists. However, during pandemic, some journalists have been obstructed while performing their duties. Journalists are free to establish and participate in their associations, no registered pressures on them. However, the pressure falls on the association when it has to play the role of the union.

Journalists in Kosovo need not be licensed by the state in order to exercise their profession, and there were no efforts during the reporting period where state bodies were requested to license them. During 2020, because of the COVID-19 pandemic, the country went on lockdown, hence in order to perform their duties, journalists were required to get permissions to operate freely. However, some journalists have been obstructed while performing their duties. Due to the Kosovo wide lockdown, that took place based on the COVID-19 prevention measures adopted by the Government of Kosovo, the police prevented journalist Yllka Ahmetxhekaj to perform her duties while reporting from the quarantine center in Prishtina. However, during 2020 there are no cases of journalists being refused the right to report from a certain event on the ground of not having an accreditation.

Journalists are required to keep their work ID on display. During 2020 due to the lockdown hours two journalists were prevented to perform their duties from police officers even after they showed their work IDs. AJK has monitored both cases: Yllka Ahmetxhekaj (in Prishtina) and Tatjala Lazarevic (in Mitrovica). There have been no other cases reported where journalists have had problems to be recognized in relevant proceedings before public authorities.

Journalists are guaranteed the right of association and the freedom to establish unions. They are represented by two Associations, AJK and ASJK, but currently there are only three unions and all within the PSB. The lack of a union that represents the interests of all journalists and to protect their labor rights in Kosovo has resulted in AJK generally serving as the main advocacy body for the protection of journalists' rights. During the reporting period there was no pressure or

– INDICATOR 1.4

obstacles for journalists to join organizations that represent their interests. It should be mentioned that within 2020 more than 60 new members have joined such organizations.

There are no parallel or fake media organizations that our Association nor the community of journalists' is aware of. However, during 2020 the political party Lëvizja Vetëvendosje (the largest party in the country after the elections of February 2021) established an online TV channel, upon which several national and international stakeholders reacted, of which AJK and EFJ too. The channel is TVV and is a part of the social platform YouTube.

Journalists' job position is stable and protected at the workplace

Score (3.20) – The job position of many journalists in the private media was unstable and especially worsened due to the pandemic. Low salaries and disrespect of their working rights were the biggest problems. Journalists are afraid to file lawsuits for mobbing or disrespecting labor rights and to establish unions in the private media.

To date, some of the main challenges for journalists in Kosovo are their employment contracts, social insurance and their salaries. During 2020 there is no data on how many journalists have signed employment contracts, however, according to research conducted by the AJK in 2020 the number of journalists with signed contracts has increased as compared to previous years. This increase is a result of the Emergency Package that the Government provided to the private sector in Kosovo during the pandemic. However, due to the pandemic, most wages were reduced, and there were terminations of contracts.

According to journalists in focus groups, except for public service broadcasters, salaries for some media workers were delayed. Most media outlets do not have health insurance and the greatest problem they face in the workplace is the long working hours without compensation. The average salary of journalists and other media workers goes below the national average, and only journalists from the public broadcaster and some of the mainstream media workers are paid regularly, while the rest are still facing payment delays. Moreover, it is worth mentioning that there are cases when media workers are paid in cash. According to a survey conducted by AJK for the period before and during the pandemic, 22 out of 120 respondents answered that their monthly salary was from 130 to 250 euros. Whereas, independent journalists have had more difficulties than in previous years as a result of the Covid-19 pandemic.

In general, the working conditions of women journalists in the newsroom are not different from those of men journalists. There is no data regarding how many women and men have signed employment contracts, but according to some assessments, there are noticeably more women journalists in the newsroom. There is no recent statistical data on leading editorial positions in the newsrooms, but women journalists are more prone to hold editorial positions in the newsroom, especially in the mainstream media, whereas the men journalists are more in charge of the managerial sector.

– INDICATOR 1.5

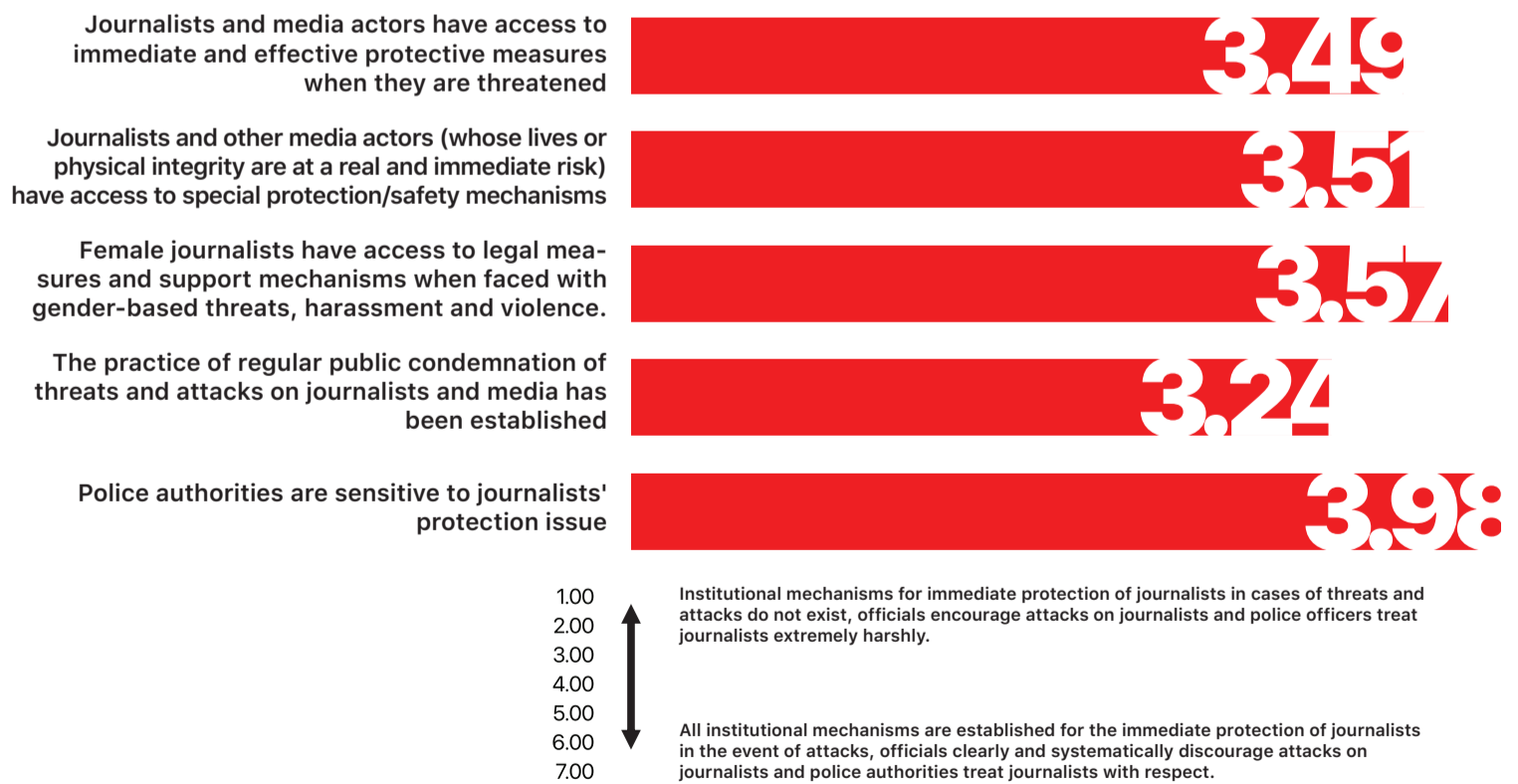
Another difference has been observed when it comes to the main media TV shows as most of them are hosted by men and are broadcasted during the prime time. Contracts are not gender discriminative, as the salaries of women journalists are based on their performance and not on gender. Two surveys conducted by AJK in 2020 showed that the average salaries of journalists range from 250 to 350 Euros, and the salaries of women journalists are the same as their men colleagues. Gender based pressure is only present in cases when women journalists are pregnant, and/or return to work after the maternity leave. Even though the Labour Law grants women to leave earlier the first year after they get back to work, due to the nature of their profession they are not able to do so

In 2019, the AJK signed a Memorandum of Understanding with the Kosovo Bar Association to provide free legal protection to journalists, since the vast majority of media outlets do not provide legal protection for their employees. The KBA unilaterally terminated the memorandum with AJK in August 2020, thus, leaving journalists without legal protection. Nevertheless, organizations such as KJI, KLI, and independent lawyers as well have provided their services to journalists.



Due Prevention

3.55



Journalists and media actors have access to immediate and effective protective measures when they are threatened

Score (3.49) – Within the police and the prosecution, there are no contact persons and special numbers in order for journalists to report cases. Journalists report the case in the same way as any other citizen. There are no known cases where the relevant institutions did not respond at all, nor did not process/accept a report of a journalist or media outlet regarding the violation of their rights. The police generally react quickly to reported cases, but the problem arises when the cases reach the courts, as they are prolonged or not solved at all.

Both the Police and the Prosecution have appointed a competent coordinator to deal with cases of attacks and threats against journalists. Within the police and the prosecution, there are no contact persons and special numbers in order for journalists to report cases. Journalists report the case in the same way as any other citizen, while the coordinators within these institutions are assigned to deal with the case after their reporting either to the police, the prosecutor or the courts. There is no established preventive mechanism for journalists who differ or favor in the treatment of journalists' cases in relation to other citizens in the case of threats. During 2020, no cases were reported by journalists with regards to their complaints about rights violations not being processed or dealt with. During the reporting period there have been 24 cases of attacks, threats, harassment and lynching toward journalist. Most of the cases have been reported through the Association of Journalists of Kosovo and the Kosovo Police, some cases have been made public via media and social media. The cases of public lynching are usually only reported by the AJK, meanwhile the physical attacks and threats, as well as the verbal threats are reported to the KP and AJK. The KP and the Prosecution have both appointed coordinators who deal with cases of journalists, and they are very cooperative to AJK. However, having in consideration the lack of cooperation the AJK has with the judiciary, and the hesitation of the later to be cooperative in this matter during the last couple of years there are only a few solved cases. The measures the institutions undertake in order to

— INDICATOR 2.1

protect journalists are the same as of the other citizens. In the past KP has offered close protection to Shkumbin Kajtazi. There are no known cases where the relevant institutions did not respond at all, nor did not process/ accept a report of a journalist or media outlet regarding the violation of their rights. However, the cases that get the most attention are usually the ones of physical attacks, and this is because the most prominent actors in politics, and/ or national and international organizations react upon.

Journalists and other media actors (whose lives or physical integrity are at a real and immediate risk) have access to special protection/safety mechanisms

Score (3.51) – There are no legal provisions that protect journalists more than the other citizens, however the legal provisions, such as the Criminal Code of the Republic of Kosovo that protect any person who may be a victim of criminal offenses due to his/her work. Risk assessment procedure is not defined clearly. However, if the police assess that the journalists' safety is endangered, they can grant them police protection.

There is no specific mechanism at national level that provides physical protection for vulnerable journalists, however the same mechanisms that apply to protect all citizens also apply to journalists. There are legal provisions, such as the Criminal Code of the Republic of Kosovo (in force from 14 April 2019) that protect any person who may be a victim of criminal offenses due to his / her work. There is also Law no. 04 / L-137 on the Protection of Journalists' Sources, dated 31 July 2013.

In the legal system in Kosovo there are no mechanisms established to assess the risk to journalists that would distinguish them from other citizens. In 2019, the AJK signed a Memorandum of Understanding with the Kosovo Bar Association (KBA), in order for AJK members to receive free legal aid. In 2020, the KBA withdrew from this MoU unilaterally, leaving journalists and other media workers vulnerable, especially during the pandemic.

Female journalists have access to legal measures and support mechanisms when faced with gender-based threats, harassment and violence.

Score (3.57) – Women journalists who are victims of harassment, threats and/or attacks are not provided additional assistance by relevant institutions in relation to their male colleagues. Journalists in newsrooms rarely reported cases of gender-based discrimination to the competent institutions. Journalist Jeta Xharra was subject to online threats and lynching twice during 2020.

Procedures for the adoption of the Istanbul Convention within the legislation of Kosovo began in April 2019. The Convention was adopted in September 2020. The Istanbul Convention is now part of the constitutional law in Kosovo, and under this commitment, institutions are obliged to take legal and institutional action to meet the obligations arising from the Istanbul Convention. At the local level, the Constitution of the Republic of Kosovo guarantees gender equality as a fundamental value. Gender-based violence is recognized as a form of discrimination only under the Law on Gender Equality. However, Kosovo still lacks a definition of gender-based violence within its criminal and civil proceedings. Kosovo Law on Protection from Domestic Violence provides a definition of domestic violence in civil proceedings, thus establishing the basis for issuing protection measures through protection orders. Women journalists who are victims of harassment, threats and / or attacks are not provided additional assistance by relevant institutions in relation to their male colleagues. Forms of gender-based violence are criminalized within the Kosovo Criminal Code, including rape, sexual assault, and abuse. Despite the legal framework covering some acts of gender-based violence, the lack of a comprehensive and holistic definition of gender-based violence, as provided for in the Istanbul Convention, also affects the effective prosecution and punishment of gender-based violence in Kosovo. Kosovo has also adopted a Law on Protection against Discrimination, which applies to all actions or omissions of all state and local institutions, natural and legal persons, public and private sector, which violate, have violated or may violate the rights of any person or natural

— INDICATOR 2.3

and legal persons, in all areas of life. During 2020, there is no data on reported cases of gender-based discrimination.

Institutions have established mechanisms for dealing with cases of gender-based violence. Within the State Prosecutor's Office there is an Office for Victim Protection which also represents cases of gender-based violence, while within the Agency for Free Legal Aid, free legal aid is provided to victims of gender-based violence when victims are unable to pay for it. There is no special mechanism in place that would specifically address gender-based violence when female journalists are victims. The Agency for Free Legal Aid did not include journalists in the category of free legal aid recipients, considering that the latter are employed. Harassment falls into the category of criminal offenses and is regulated by the Criminal Code of Kosovo, while discrimination is regulated by a special law, the Law on Protection against Discrimination. In both cases of harassment and discrimination, female journalists can present their cases to relevant institutions. There is no special legal support offered to female journalists in reporting these cases.

The practice of regular public condemnation of threats and attacks on journalists and media has been established.

Score (3.24) – Public officials refrain from making statements unless there are physical attacks on journalists. Politicians and/or state officials through their posts mainly on social networks condemn attacks on journalists and other media workers. These statements are not part of their daily discourse, but only in cases where these attacks occur. However, there is hypocrisy in the behavior of politicians due to the fact that they are mainly the ones to use pejorative language towards journalists, and this language usually leads to more threats and lynching by their followers, especially online.

Government institutions recognize attacks on journalists' safety as violations of freedom of expression, violation of human rights and criminal law, but public officials refrain from making statements unless there are physical attacks on journalists and/or reactions from the journalists' association, civil society organizations or international media freedom observers. In cases of attacks, threats or harassment against journalists, a specific form of punishment for these violations has not been established, but however, there are reactions especially in cases of physical attacks.

Politicians and/or state officials through their posts mainly on social networks condemn attacks on journalists and other media workers. These statements are not part of their daily discourse, but only in cases where these attacks occur. Their statements call for the punishment of perpetrators, but do not respond to cases of lynchings by politicians or public/state officials. The most frequent cases of threats come from people who should protect the rights of journalists and promote freedom of expression, and consequently the media.

The trend of political and high state officials' verbally attacking journalists, especially via social media has increased during 2020. Melihate Termkolli, member of LDK party threatened the journalist of T7 Arsim Lani. Gani Koci of PDK political party publically threatened the investigative journalist Jeta Xharra. Mr. Koci posted a status on his facebook profile. Three officials of political party Lëvizja

— INDICATOR 2.4

Vetwendojse Adnan Rrustemi, Fitore Pacolli and Liburn Aliu publically lynched Adriatik Kelmendi (of KTV at the time), Agron Bajrami (of Koha.net) and Besnik Krasniqi (of Koha Group). Berat Buzhala (of Gazeta Express) and Parim Olluri (of Insajderi) were lynched by Hysamedin Ferraj of Lëvizja Vetëvendosje. Enver Dugolli of Lëvizja Vetëvendosje assaulted journalists via a post on his facebook profile. These threats, verbal attacks, assaults and lynching lead to more of them by these influential actors' followers and "fans", as the latter continue to lynch journalists on comments.

Police authorities are sensitive to journalists' protection issue.

Score (3.98) – During the reporting period, due to the situation with the pandemic, there were three detentions during 2020 where journalists were obstructed on duty by the Police, but were released after the reaction of AJK. The detentions occurred as a result of measures taken by the government to prevent the spread of the virus, mainly occurred during curfew (restriction of movement). In general, Police respect the profession of journalists and tend to not prevent them from doing their job. During the quarantine and the curfew hours Tatjana Lazarevic and Yllka Ahmetxhekaj were detained for a short time, even though this is not a practice in Kosovo.

Kosovo Police, State Prosecution and the Court organize trainings for capacity building of their employees. These trainings and workshops are mainly organized by international organizations (in this case the OSCE), as well as local organizations, such as the Kosovo Law Institute. These trainings aim to raise the awareness of KP members on how to deal with cases in which journalists are involved, thus teaching basic international human rights standards and the role of journalists in a democratic society.

The Academy of Justice organizes trainings for prosecutors and judges on freedom of expression. KLI during the reporting phase held trainings for lawyers, judges and prosecutors on topics such as freedom of expression, freedom of the media, as well as on the rights and protection of whistleblowers. KP has organized trainings on media with the participation of a number of police officers, through which it has increased internal capacities for competent work with the media. Prosecutors and designated coordinators, spokespersons, prosecution administrators, professional associates, and other officials have participated in media relations trainings, mainly supported by the OSCE Mission in Kosovo, although further training is still needed.

Kosovo Police has developed a special database for journalists' cases and is in close contact with the AJK which monitors the cases. KP is one of the most cooperative institutions with the Association of Journalists of Kosovo.

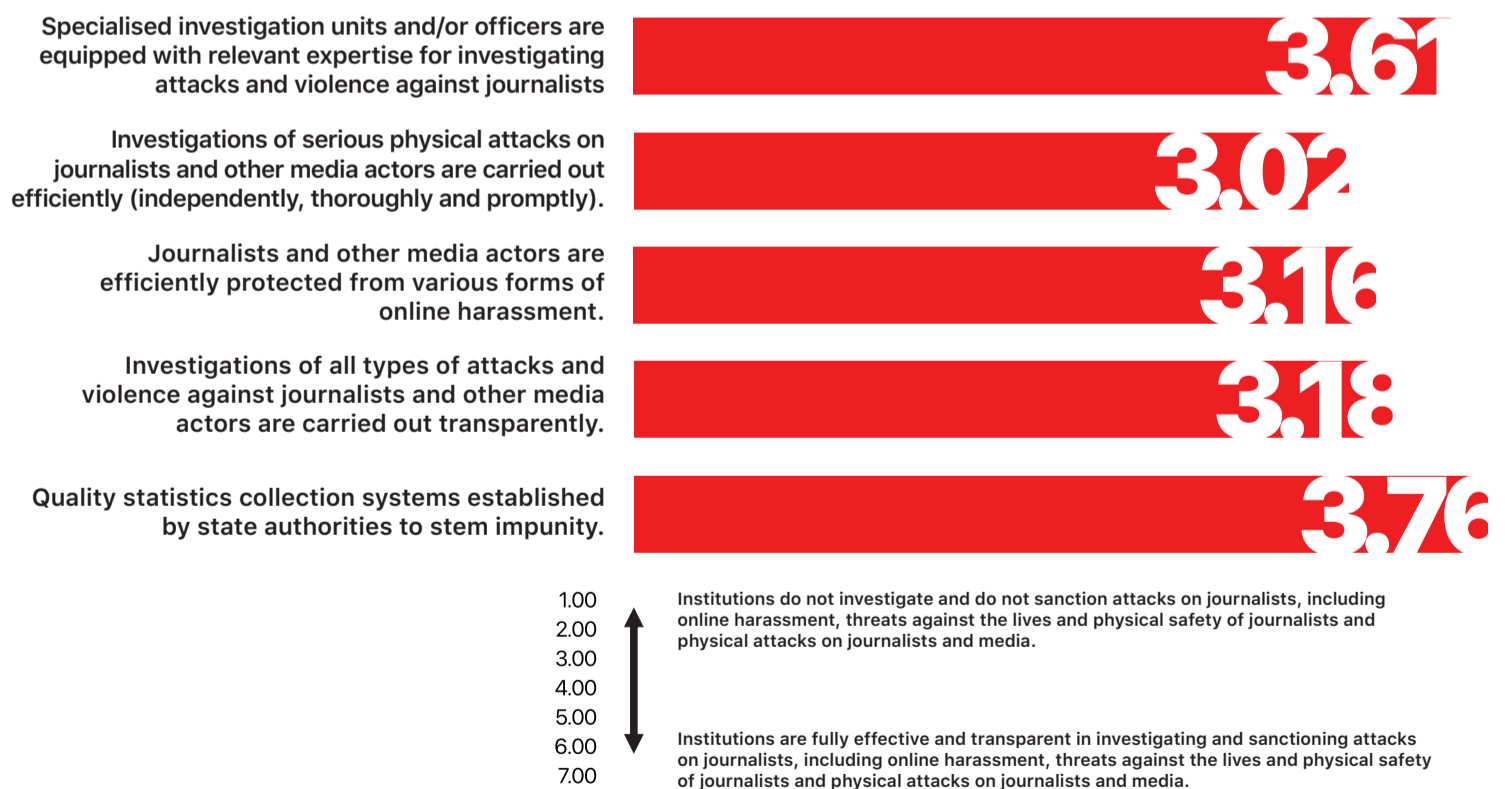
— INDICATOR 2.5

During the reporting period, due to the situation with the pandemic, there were three detentions during 2020 where journalists were obstructed on duty by the Police, but were released after the reaction of AJK. The detentions occurred as a result of measures taken by the government to prevent the spread of the virus, mainly occurred during curfew (restriction of movement). The AJK and the KP have repeatedly called on journalists and other media workers to carry work IDs as evidence.



Due Process

3.47



Specialised investigation units and/or officers are equipped with relevant expertise for investigating attacks and violence against journalists

Score (3.61) – The practice shows that police and prosecution do not have proper professionalism and expertise regarding the applicable legal safeguards provided by applicable legislation in Kosovo. There are no guidance or policies adopted neither by prosecutorial system or Police to treat cases against journalists. The Police, Prosecution and Courts have appointed coordinators that deal with cases of threats, attacks and harassment toward journalists.

Office of the State Prosecutor assigned a prosecutor as Coordinator to coordinate and monitor cases when journalists are victim of the crime. The Coordinator also maintains database regarding such cases. Data base it is manual. However, such mechanism it is not reliable in order to have a sustainable and accessible data regarding the threats and attacks against journalists.

The practice shows that police and prosecution do not have proper professionalism and expertise regarding the applicable legal safeguards provided by applicable legislation in Kosovo. However, cases against journalists are treated by police and prosecution in same manner as other criminal offences. As state above Office of the State Prosecutor appointed national coordinator to monitor and supervise attacks and intimidation against journalists, however, there are no guidance or policies adopted neither by prosecutorial system or Police to treat such cases.

When it comes to safety of journalists, the Police and the Prosecution are the most collaborative in comparison to the other institutions. But the same cannot be said of the Courts and their decisions, as a result of which journalists are reluctant to proceed further with their cases. However, no special policies have been drafted by state institutions that protect journalists in particular. The Kosovo Police (KP) has appointed a Coordinator to monitor and follow up on all cases involving journalists. All actions taken by this security institution are carried out in close cooperation and coordination with other competent bodies. Regarding the safety of journalists, the Prosecution and the Basic Court in Prishtina have also appointed coordinators for data collection in cases involving journalists.

Investigations of serious physical attacks on journalists and other media actors are carried out efficiently (independently, thoroughly and promptly).

Score (3.02) – Investigations are generally slow and ineffective, and some attacks on journalists have not been prosecuted at all. Attacks on journalists are sometimes not qualified as crime offences, forcing journalists to file private lawsuits instead of being prosecuted ex officio. The first reaction of Police and Prosecution in most cases is urgent and is taken with priority in first days when the attack is committed, also due to the public reaction by Journalists' Association, media and civil society. However, the judicial proceedings then are not treated with priority neither by prosecution or courts.

In most cases the investigations against journalist perpetrators are independent, however such cases are followed by lack of the professionalism and expertise in investigation, prosecution and adjudication of cases against journalists. Based on inputs from civil society organizations that monitor the prosecutorial and judicial system, including cases against journalists, the investigation is not based on a comprehensive approach. Rather, investigation is mainly focused on the criminal offences of assault and threats against journalists, but no case to date was promptly investigated or prosecuted in relation to any political motivation or any other link towards group of interest against journalists. Investigation, prosecution and adjudication in cases where the journalists are victims of crime, are subject of twofold approaches by state institutions. The first reaction of Police and Prosecution in most cases is urgent and is taken with priority in first days when the attack is committed, also due to the public reaction by Journalists Association, media and civil society. However, the judicial proceedings then are not treated with priority neither by prosecution or courts. The legal deadlines in investigation procedure are a

– INDICATOR 3.2

must and the state prosecutor is obliged, within 24 months, to either file an indictment or to dismiss the criminal report. While the legal deadlines within courts are not respected, which impact the cases against journalists to be prolonged above the principle to treat the case within a reasonable time. Most of the cases against journalists are qualified as criminal offences of attack or assault. The profession of journalism based on the safeguards provided by applicable legislation is treated as a profession of public interest.

Journalists and other media actors are efficiently protected from various forms of online harassment.

Score (3.16) –. During the last year journalists in Kosovo were subject to 8 (eight) online attacks, intimidations, threats and insults, especially during the electoral campaign. Due to the slow reaction of the justice institutions and lack of efficiency of treating cases against journalists in criminal and civil proceedings, the applicable legal measures were almost ineffective.

Criminal Code of Kosovo incriminates criminally online harassment. Based on the Criminal Code whoever engages in a pattern of repeated and unwanted attention or communication with the intent "to harass, intimidate, injure, damage property or kill another person or his or her children, family, relatives ... and in the course thereof, places that person in reasonable fear of death, grievous bodily injury, serious damage to property or substantial emotional distress shall be punished by a fine or imprisonment up to three (3) years." While the Criminal Code doesn't provide specific criminal offence of harassment against journalist, the above provision applies also for journalist when they are victim of such crime.

During the last year journalists in Kosovo were subject to 8 online attacks, intimidations, threats and insults. During the electoral campaign about the general elections held in beginning of 2021, there was widespread cases of insults and intimidations against journalists for their reporting and their shared opinions. Due to the slow reaction of the justice institutions and lack of efficiency of treating cases against journalists in criminal and civil proceedings, the applicable legal measures were almost ineffective. In some situations, there were arrests in cases when journalists reported online harassment. Cases of journalists are mainly reported to the Association of Journalists of Kosovo, except in cases when the Police are called to the scene, such as cases of physical attacks or life threatening (cases of 2020 are Shkumbin Kajtazi and Valon Sylja). The police are ready to cooperate with the victim, as well as with the AJK. In general, the institutions are responsible and take seriously the cases of attacks and threats against journalists such

– INDICATOR 3.3

as Shkumbin Kajtazi (during 2019). It should be noted that there is a discrepancy in the database of KP and that of AJK, because there are cases which have been reported only in AJK, such as: defamation and verbal insults, mainly through social networks. On the other hand, in the KP there have been reported cases of journalists which are not related to the profession they practice, but for personal issues.

Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently.

Score (3.18) – Transparency in the way court proceedings for attacks on journalists and the media are conducted is not satisfactory. The courts fail to provide sufficient information.

The applicable legislation in Kosovo provides that a victim of crime has the right to request assistance and support by the Victim Advocacy and Assistance Office which is established within the Office of the Chief State Prosecutor. Such office provides professional assistance to victim of crime and also has the obligation to request by the prosecution and the courts to respect and promote the victims' rights during all phases of the judicial proceedings. There is no available information that any journalist sought support or received assistance by such office.

State Prosecutors in Kosovo rarely inform citizens or journalists regarding any stage of criminal proceedings when they are victims of crime, neither in providing access to the case file. Based on the judicial and prosecutorial system in Kosovo, it is the prosecutor and judge of the case who provide information regarding the status of each case. The Spokesperson of each prosecution and court office provides information on the status of the case based on the feedback that received from prosecutor or judge, respectively.

Journalists are given access to courts sessions in a non-discriminatory fashion, without any limitations, except in court cases of judge's orders for protective measures. However, in 2019-2020 there was a tendency to revise the Code of Conduct, which would limit the ability of journalists to report from court sessions, obliging them to wait until the final verdict. Following concerns raised by the Association of Journalists of Kosovo, and various local and international organizations, this attempt has been suspended by the IMC. There have been no reported cases of journalists not being granted access to open court cases in 2020.

Quality statistics collection systems have been established by state authorities to stem impunity.

Score (3.76) – State institutions such as Police, Prosecution and Court publish annual statistical reports which are accessible to the public. However, such data are rather general data, and do not provide information, statistics or data specifically only for cases where the journalists are victims of criminal offences.

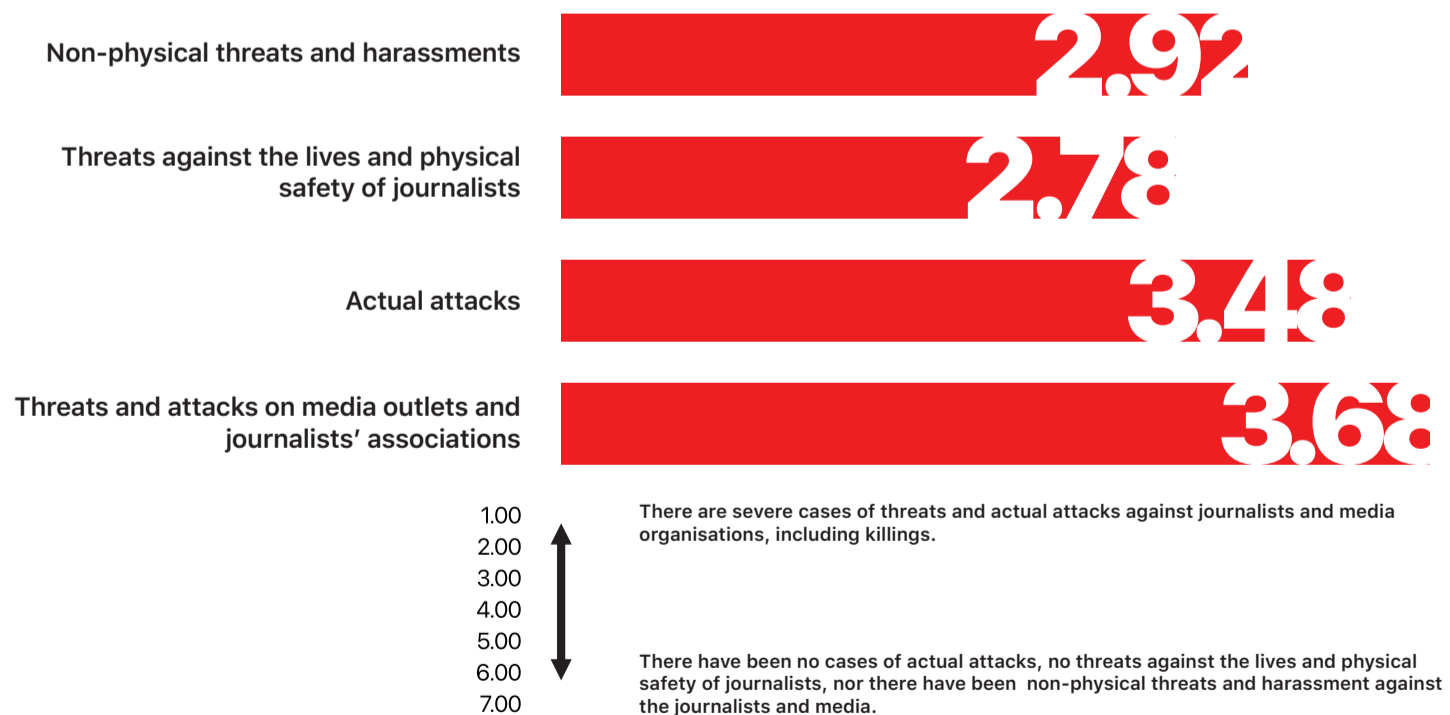
State institutions such as Police, Prosecution and Court publish annual statistical reports which are accessible to the public. However, such data are not reliable and are not divided for specific fields. Such data are rather general data, and do not provide information, statistics or data specifically only for cases where the journalists are victims of criminal offences. Available data and statistics are not divided or generated based on the stage of the criminal proceedings in cases where the journalists are victims of the crime, neither in terms of gender, ethnicity or other socio-demographic criteria.

Judicial and Prosecutorial systems are in process of functionalizing the case management information system, which system would consolidate data and statistics not only relating to journalist but also for all criminal and civil matters in judiciary. It is also important for the case management information system to be liaised with the Kosovo Police information system in order to increase communication and cooperation between police and prosecution in treating cases against journalists.

IV

Actual Safety

2.49



Non-physical threats and harassments

These may include: surveillance or trailing; harassing phone calls; arbitrary judicial or administrative harassment; aggressive declarations by public officials; other forms of pressure that can jeopardise the safety of journalists in pursuing their work. These types of threats do not include mobbing and bullying in the working environment.

Score (2.92) – During 2020, there were 11 cases of threats and non-physical harassment of journalists in Kosovo. It is worrying that some of the attackers are businessman, former public officials, individuals close to political parties. As well as two threats toward the same woman journalist.

During 2020, there were 11 cases of threats and non-physical harassment of journalists in Kosovo. Threats and attacks distinguish between those of businessmen against journalists and other media workers from those of state officials as well as senior officials of political parties. Journalist Bekim Kabashi of the Reporteri.net portal was threatened by businessman Latif Kryeziu. Whereas, the journalist of the online portal Periskopi, Yllka Ahmetxhekaj was obstructed while on duty by a member of the Kosovo Police as she was reporting during the isolation in the pandemic. These cases were followed by the harshest example of this nature, that of the journalist Shkumbin Kajtazi of the portal Reporteri.net, wherefore an attempt was made to intentionally set fire to his car, as well as the case of the Klan Kosova television team that was obstructed during their work, impeding them to entering a sports hall in Gjakova. The rest of the threats and non-physical harassment are related to senior political officials who have attacked journalists through social media. Journalist Jeta Xharra of the TV show "Life in Kosovo" was attacked twice last year. In the first case in connection with a Facebook post, where Jeta Xharra, Xhemajl Rexha and Fidan Jupolli were called mercenaries of the political party Self-Determination Movement, and the other case was with senior DPK political party official Gani Koci, who called her "a septic tank".

Threats against the lives and physical safety of journalists

These may include: references to killing journalists, journalists' friends, family or sources; references to making physical harm against journalists, journalists' friends, family or sources. These threats may be: made directly or via third-parties; conveyed via electronic or face-to-face communications; may be implicit as well as explicit.

Score (2.78) – In 2020, there were 6 threats registered aimed at endangering the physical safety or life of journalists. However, it is worrying that Shkumbin Kajtazi and his car were twice subject of life threatening attack.

There were six life-threatening cases and physical safety threats to journalists. The first physical threat of 2020 was against journalist Berat Buzhala of the online portal Gazeta Express, who was physically attacked by some people while waiting in line at a pharmacy. The second threat of 2020 occurred in Zubin Potok, where several people in uniforms with Serbian logos threatened the RTK team, which was followed by a life-threatening comment on Facebook addressed to journalists, as well as to the director of TV Dukagjini. Other cases that are also very severe and threaten the climate of journalism in Kosovo are the bullets fired to the car of Shkumbin Kajtazi, journalist of the portal Reporteri.net, in Mitrovica, while he was in a nearby bar in his hometown. And finally, but not less important, the physical attack on Valon Sylja, journalist and owner of the online portal Gazeta Metro, who was physically assaulted by a person as a result of his Facebook posts.

Actual attacks

These may include: actual physical or mental harm, kidnapping, invasion of home/office, seized equipment, arbitrary detention, failed assassination attempts, etc.

Score (3.48) – In 2020, four physical attacks on journalists were registered. One of the cases required medical treatment.

During 2020, there were a total of four physical attacks on journalists. The first was against the team of the online portal Arbëresh.info, by the driver of the Chairman of the Serbian List (Srpska Lista) party, Slavko Simic, while three other attacks took place in North Mitrovica. Journalists Diamant Bajra and Nebi Maxhuni, as well as the cameraman of the online portal Arsim Rexhepi were physically attacked by two people while they were developing a story about the pandemic. Journalist Maxhuni then had to receive medical treatment. The police arrested Tatiana Lazarevic from the "Kossev" portal even though she had shown the police her ID. She was working in the field on a story about the Health Care Center in Zvecan. Although the Kosovo government decision did not apply to journalists, Lazarevic was taken to the station. In addition, the last physical attack was on Nenad Mikulovic, near his apartment by four masked persons. The journalist and owner of Television Plus received medical treatment due to bodily injuries.

Threats and attacks on media outlets and journalists' associations

Threats may include: harassing phone calls; arbitrary judicial or administrative harassment; aggressive declarations by public officials; other forms of pressure (inscriptions, threatening posts etc.). Actual attacks may include: invasion of offices, seized equipment, broken equipment, vehicles etc.

Score (3.68) – Three cases of attacks on institutions, media organizations, media and journalists' associations were registered during 2020. Two out of which are towards the PSB.

During the last year, three cases were registered in the AJK database as threats and attacks on institutions, media organizations, media and journalists' associations. The first case concerns the economic crisis caused by the COVID-19 pandemic in the Republic of Kosovo as a result of which the management of the newspaper ZERI fired 20 employees, three journalists and an editor, two of whom were pregnant, without prior notice. Termination of employment contracts by the employer, which was also condemned by the AJK, was a direct violation of the Labor Law of Kosovo. The other two cases concern the Public Broadcaster RTK. The first case occurred at the beginning of the spread of the pandemic in Kosovo and involved RTK, the public broadcaster, whose governing bodies took selective disciplinary action against a group of journalists who expressed their dissatisfaction. Meanwhile, the latest case is related a threat made by unknown persons. The police have been notified about this case and have taken the necessary steps.

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