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KOSOVO Indicators on the level of media freedom and journalists' safety 2021



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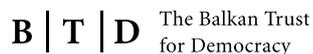
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A PROJECT OF THE GERMAN MARSHALL FUND

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Project Overview and Scope

The journalists' associations from the Western Balkan countries, with the support of the European Commission¹, have set up a joint platform [Safejournalists.net](https://safejournalists.net) to monitor changes in their countries' legislation and practice as well as to engage in various advocacy activities aimed at advancing political, legislative, and institutional environment in which the journalists and media work. Starting from 2020, the members of the platform have been monitoring the situation in seven countries (Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro, Kosovo² and Serbia). Every year, the assessment of the situation is conducted on the basis of standardized methods for data collection and analysis³, while the focus of the advocacy research is on the changes in both the traditional and online media environment in the Western Balkans.

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- 1 In December 2019, the European Commission approved the three-year [Safejournalists.net](https://safejournalists.net) project, which aims to strengthen national journalists' associations in the Western Balkans to become successful and accountable independent actors in advocating for the application of EU standards in the field of media freedom, with a long-term goal of promoting the right of citizens to informed choice. This action is a follow-up to the previous project (Regional Platform for the Western Balkans for Advocacy for Media Freedom and Safety of Journalists) and is based on the knowledge and experience built in the period 2016-2018. The Program for civil society organizations supports the action and media 2020-2022, Support to regional thematic networks of civil society organizations.*
 - 2 This name is without prejudice to the status and is in line with United Nations Security Council Resolution 1244 and the opinion of the International Court of Justice on the Declaration and Independence of Kosovo.*
 - 3 The first edition of the Advocacy Survey Methodology was developed in 2016 and refined over the years to reflect the situation in the Western Balkans. The advocacy research was designed and coordinated by Snezana Trpevska and Igor Micevski, researchers at the RESIS Institute for Social Development Research in Northern Macedonia. (www.resis.mk).*

A Note on the Methodology

The research methodology is composed of three groups of indicators developed based on a systematic analysis of various guidelines produced by relevant international organizations. In the course of the previous years the originally developed qualitative indicators have been refined to address the distinctive socio-political context in the Western Balkans region and to reflect the specific needs and interests of the journalists in the seven countries.

A range of various research methods was applied to collect and analyse 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;
- Retrieval and analysis of information published on the web sites of public institutions and other organizations and bodies;
- Retrieval 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, policy makers etc.;
- Focus groups with journalists, and
- Surveys with journalists (in some of the countries).

At the national level, journalists' associations nominated national researchers to carry out the data collection and to draft the narrative reports, which were then reviewed by nominated national experts and by lead researcher. In Kosovo, the Association of Journalists of Kosovo nominated Getoarbë Mulliqi Bojaj as a national researcher and Abit Hoxha as a media expert to review the report.

Table 1: Indicators of the degree of media freedom and security of journalists

A Legal protection	B Journalists' position in the newsrooms	C Journalists' safety
A1 Legal guarantees for media and journalists' freedom and their application in practice	B1 Economic restrictions on journalists' freedom	C1 Safety and Impunity Statistics
A2 The effects of defamation law on journalists	B2 Editorial independence in the private media	C2 State institutions and political actors' behaviour concerning journalists' protection
A3 Legal protection of political pluralism in the media	B3 Editorial independence in the public service broadcaster	C3 Criminal and civil justice system's behaviour concerning threats and acts of violence against journalists
A4 Freedom of journalists' work and association –legal guarantees and practice	B4 Editorial independence in the not-for-profit	
A5 Legal protection of journalists' sources	B5 Freedom of journalists in the news production process	
A6 Protection of the right to access of information	B6 Economic position of women journalists	

List of Abbreviations

RTK	Radio Television of Kosovo
KLI	Kosovo Law Institute
IMC	Independent Media Commission
PCK	Press Council of Kosovo
AJK	Association of Journalists of Kosovo
COC	Code of Conduct
CEC	Central Elections Committee
CMIS	Case Management Information System
PSB	Public Service Broadcasting

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 a potential candidate for EU membership and signed a Stabilization Association Agreement with the EU in October 2015 that has been in force since April 2016. Kosovo is demographically diverse with the Kosovo Albanians comprising the overwhelming majority of the population, and Serbs, Bosnians, Turks, Romani, Gorani and others comprising the rest.

Following early parliamentary elections in February 2021, a new government took office, with an unprecedentedly strong parliamentary majority. The new Assembly majority approved a new government led by Albin Kurti in March 2021⁴ On 17 October 2021 local elections were held in Kosovo, with an EU Election Observation Mission deployed that would issue an assessment after the elections.⁵

Economic crisis in Kosovo caused by COVID-19 pandemic had a chain impact on the media sector. Due to the pandemic, the labour market was challenged even more, and it led to poorer economic development of Kosovo, as there was already a slow economic diversification and poor growth in export – focused primarily on exports of services.

⁴ European Commission, “Commission Staff Working Document Kosovo 2021 Report”, Strasbourg, 2021. Accessed on 11.1.2022. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0292>

⁵ *Ibid.*

Based on the coverage, the Kosovo media landscape consists of two levels: the national media and the regional media. According to the Independent Media Commission's (IMC) 2019 Annual Report,⁶ Kosovo has 19 operational television stations, 86 radio stations, 41 distribution operators and 97 providers of audio-visual media services. Among these, there are 13 Albanian-language television broadcasters, including the public broadcaster, five Serbian-language television broadcasters and one that broadcasts in Turkish language. Of 86 licenced radio stations, 53 broadcast in Albanian, including two public radio stations, 22 in Serbian, three in the Bosnian language, two in Turkish, two in Gorani, one in Roma language and one multi-ethnic radio station.

Nevertheless, in recent years, Kosovo media landscape has been enriched with new media and changes in ownership and editorial teams. ATV was established in February 2021, meanwhile another TV channel has been announced. During 2021, there have been lots of changes made in media sector, while it has been noticed that journalists kept on changing work-places. It is perceived that this has to do with the fact that newly opened media offer better conditions than the existing ones. Besides journalists, some of the leading bodies from media (especially television) changed the media company. Gazeta Express and T7, co-founder and director, Berat Buzhala sold his shares of both media companies, whilst Leonard Kërquki took charge of managing both media.

⁶ IMC, "Raporti vjetor i punës për vitin 2019", Prishtina, 2020. Accessed on 15.12.2021. <https://www.kpm-ks.org/assets/cms/uploads/files/Publikime/Raporti%20Vjetor%202019%20KPM.pdf>

A1 Legal guarantees for media freedom and their application in practice

Is the right to freedom of expression and information guaranteed? Does it also encompass access to the Internet?
Are the legal guarantees implemented in practice?

The Constitution of the Republic of Kosovo guarantees the right to freedom of expression, freedom of information, freedom of the press and the right of communities and their members to establish and use their own media.⁷ These safeguards also include the right to internet access, although it is not explicitly mentioned. The right to freedom of expression may only be limited by law if it is necessary to protect the legitimate and overriding interests: to avoid incitement to or instigation of violence based on racism, national, ethnic, or religious hatred.⁸ The Civil Law against Defamation and Insult also protects freedom of expression⁹ which provides for a balance between the essential role of media as public watchdogs and the individual right to reputation and dignity. Other laws also contain detailed provisions for the implementation of the constitutional

⁷ Constitution of the Republic of Kosovo. Accessed on 10.1.2022. <https://www.kpm-ks.org/assets/cms/uploads/files/Legislacioni/1362558264.286.pdf>

⁸ Ibid. Article 40.

⁹ Official Gazette of the Republic of Kosovo, Law No. 02/L-65 Civil Law against Defamation and Insult. Accessed on 25.12.2021. <https://bit.ly/37s4wUR>

guarantees and the cases in which they may be limited, such as the Law on Independent Media Commission,¹⁰ the Law on Access to Public Documents,¹¹ the Law on Protection of Journalists Sources,¹² the Criminal Code (prohibition of incitement of hatred).¹³ However, the general opinion is that although the guarantees are well formulated in the laws, in some areas their implementation is quite poor. In its progress report for 2021, the European Commission stated that Kosovo has some level of preparation regarding freedom of expression. Kosovo benefits from a lively and pluralistic media environment, as the legal framework is mostly in line with the European standards, furthermore the public broadcaster also remains vulnerable to political influence and a sustainable solution for its funding still needs to be found.¹⁴

Was media legislation developed in a transparent and inclusive process in consultation with the relevant professional associations?

Legislation pertaining media regulation in Kosovo has traditionally been worked on in close collaboration with the internal and external partners, including the professional journalists' associations and media NGOs. However, during 2021, some initiatives were held at the Kosovo National Assembly behind closed doors. Despite calls for a more transparent process of public discussion of legal initiatives, only anecdotal evidence gives indications of such regulations taking place. The plans for draft laws in 2021 foresaw also the drafting of the amendments for the Law on IMC¹⁵ The draft amendments were postponed for legislative agenda for 2022 to be approved in September 2022¹⁶, but no draft has been circulated nor discussed in public so far. According to the IMC, it is foreseen that the directive (VMS 2018/1808) which includes the amendments focuses on "specific norms that will ensure functional independence of the institution¹⁷," without specifying further.

10 Law No. 04/L-044.

11 Law No. 03/L-215.

12 Law No. 04/L-137.

13 Criminal Code, Article 147.

14 European Commission, "Commission Staff Working Document Kosovo 2021 Report", Strasbourg, 2021. Accessed on 15.12.2021. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0292>

15 Official Gazette of the Republic of Kosovo, Legislative Programme For The Year 2021. Accessed on 14.2.2022. file:///C:/Users/admin/Downloads/Final_Programi%20Legjislativ%20p%C3%ABr%20vitin%202021_12.05.2021.pdf

16 Legislative Programme for the year 2021, was approved on the 11th meeting of the Government of the Republic of Kosovo with the Decision No. 01/1, dated 7.5.2021.

17 Granit Musliu, Independent Media Commission, e-mail communication, 8.3.2022.

Were there attempts by the state authorities to impose licensing or other strict requirements for the establishment of print and internet-based media? Do these requirements go beyond a mere business and tax registration?

Kosovo's print media ceased to print in paper in 2020, due to the pandemic lock down but it seems that it was the end of an era. Almost all newspapers have transformed into online newspapers only developing free content access apart from Koha Ditore which still works on the paid access for members. Free content enabled also much use of social media for distribution and lowering the quality reporting which inevitably, led to raised concerns for further regulation by the state. The state authorities in Kosovo do not impose prior and strict requirements to the internet-based media for their registration and have not taken any serious normative initiatives yet to do so, despite an ongoing political debate about the need for content regulation in online media and platforms. Such initiative has been condemned by both the Press Council of Kosovo and the Association of Professional Journalists of Kosovo. Currently, the only monitoring of online media has been conducted by the Press Council of Kosovo which looks into the compliance with the Code of Ethics¹⁸. Media operate as business entities registered at the Business Registration Agency of Kosovo and they are by default registered at the Tax Administration of Kosovo.

Have there been attempts by the state authorities to restrict the right to Internet access or seek to block or filter Internet content?

Kosovo has a Law on Electronic Communications which regulates the activities of electronic communication which are based on the principle of technological neutrality. Despite this, Kosovo is unable to perform major limitations to internet access due to the lack of infrastructure to do so. The Law guarantees the right to access to adequate communication services¹⁹ and there are no technological abilities to restrict the right to internet access or seek to block or filter content published on internet. The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government

18 Press Council of Kosovo. <https://presscouncil-ks.org/about-us/?lang=en>

19 Official Gazette of the Republic of Kosovo, Law No. 04/L-109 on Electronic Communications. <https://qzk.rks-qov.net/ActDocumentDetail.aspx?ActID=2851>

monitored private online communications without appropriate legal authority.²⁰

Is the regulatory authority performing its functions in an independent and non-discriminatory manner? Are the licensing and other regulations of broadcasting administered in a fair and neutral way?

The Independent Media Commission in Kosovo is legally conceived to be an independent regulatory authority. The IREX, Vibrant Information Barometer panelists believe that board member appointments are highly politicized, serving only the interest of parties in power²¹ while it is perceived that its activity is still influenced by the political parties, due to the fact that the selection of the decision-making body is made by the political parties in the parliament, recruitments go through parliamentary commissions and procedures are often not transparent to reflect independence.

Are the legal provisions on state advertising in the media abused for political influence over their editorial policy? Is the allocation of state funds transparent, fair and non-discriminatory? Do the state institutions regularly publish the data on the amounts allocated to different media?

Based on the findings of the AJK advocacy research for 2021, the main problem is the non-transparency of institutions in relation to the expenditures they make in the local and national media. However, in 2021 no reports on the financial expenditures for public information have been provided or published by the institutions. Based on the 2019 report, which evaluates the responses sent by 35 institutions at the local and central level, the total media expenditure was 598,917.71 Euros.²² In its progress report for 2021, the European Commission stated that in Kosovo there is still a lack of data on the advertising market, financing remains largely non-transparent and there is no audience measurement system.²³

Based on the findings the state money is used by the state institutions and agencies for the announcement of job vacancies, tender notices, or public awareness media campaigns on migration, vaccination, etc. Although no immediate connection between the government expenditure in media and its influence on editorial policies has been assessed, this issue has often been a part of discussions in the media, as it presents a potential risk from the growing Government influence. According to the State Department Report on Human Rights funding was limited partly because the government was reluctant to purchase advertising in media outlets that published material, critical of government policies.²⁴

Are there any types of media subsidies or funds for production of media content of public interest and how are they implemented in practice?

In Kosovo there have been no media subsidies to support public or private media since 2011, leaving international organizations to offer different funding schemes mainly through activities in reporting inter-ethnic issues. According to the summary of the discussion on Mechanisms for Media Funding in Ethnic Minority Language conducted by AJK, in order for this regulation to work, it is necessary for the Law on the Independent Media Commission to include a provision that the funds collected as a part of licensing and frequency allocation go to financially support local and minority media.²⁵ In a very volatile political environment in Kosovo, it is perceived as not helpful to have any kind of state-owned fund to help media function, as it would make them vulnerable to the political interference that can come from those in power.²⁶ However, a lot of media are going through a very difficult time which led to the closure of all print media in the country. The local media, especially those in minorities' languages struggle to function and that is why we want to work with the Independent Media Commission in order to implement a decision from some 10 years ago, according to which the license tax of the media, would be shared as funding for the local media. Some changes in the current law are needed in order to achieve that; therefore, we have been pushing with the MPs of all political parties to make that happen.²⁷

20 Country Reports on Human Rights Practices for 2021, United States Department of State, Kosovo 2021. Accessed on 13.4.2022. https://www.state.gov/wp-content/uploads/2022/02/313615_KOSOVO-2021-HUMAN-RIGHTS-REPORT.pdf

21 IREX, "Media Sustainability Index". Accessed on 12.2.2022. <https://www.irex.org/sites/default/files/pdf/vibe-kosovo-2021.pdf>

22 Association of Journalists of Kosovo, "Raport mbi shpenzimet financiare të institucioneve për informim public". Accessed on 20.12.2021. <https://bit.ly/3kQpy2j>

23 European Commission, "Commission Staff Working Document Kosovo 2021 Report", Strasbourg, 2021. Accessed on 11.1.2022. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0292>

24 Country Reports on Human Rights Practices for 2021, United States Department of State, Kosovo, 2021. Accessed on 13.4.2022. https://www.state.gov/wp-content/uploads/2022/02/313615_KOSOVO-2021-HUMAN-RIGHTS-REPORT.pdf

25 AJK, "Mechanisms for Media Funding in Ethnic Minority Language". Accessed on 12.4.2022. <https://bit.ly/3LWzW4x>

26 Interview with Xhemal Rexha, Chairman of the Board of Association of Journalists of Kosovo, interviewed by Getoarë Mulliqaj Bajaj, 12.4.2022

27 Ibid

What are the mechanisms for financing media in the languages of national minorities?

There are no separate mechanisms for funding or financially supporting the private or non-profit media that publish content in the languages of different minorities. Despite this, Kosovo institutions have made progress in promoting and protecting the rights of non-majority communities²⁸ according to the OSCE Mission in Kosovo; although, the recommendations from the Council of Europe Committee of Ministers Resolution on Kosovo from July 2019 still remain valid for other areas.

All other private media outlets, including those of national minorities, which are registered as businesses, should ensure their own income. Most Serbian-language media are registered as non-profit organizations, with international and local donors providing their operational funds.²⁹ This is also supported by the Association of Journalists of Kosovo in a joint venture with the Council of Europe³⁰ where AJK clearly expressed the need for funding mechanisms for minority media in Kosovo besides the public broadcaster's program which includes programs in Serbian, Turkish, Roma and Bosnian language.

PSB (RTK) is obliged by law to allocate 10% of its own overall budget received from all sources for the channel in Serbian language. RTK shall continue to allocate 10% of its overall budget for the second RTK channel in Serbian language after the discontinuation of financing from the Budget of Kosovo and the Founder.³¹ Furthermore, the media landscape is inclusive of all communities and it represents the ethnic composition of the Kosovan population. In addition to Albanian media, Kosovo has around 40 media outlets that broadcast/publish content in Serbian, Turkish, Bosnian or Roma language. Specific groups, such as religious communities, have their own radio and television channels.³²

Is the autonomy and independence of the PSB guaranteed and efficiently protected? Does the funding framework provide for its independence and stability? Is the supervisory body representative of society at large?

Although its autonomy and independence are guaranteed by the Law (No. 04/L-046)³³ the public broadcaster Radio Television of Kosovo (RTK) remains exposed to political pressure and influence³⁴, as its editorial independence and long-term financial sustainability is weakened by its reliance on direct state funding, with its budget determined annually by the Assembly.³⁵ Therefore, the European Commission emphasized that the public broadcaster also remains vulnerable to political influence and a sustainable solution for its funding still needs to be found.³⁶ The supervisory body or the Board of RTK is legally conceived to reflect the multi-ethnic and gender character of Kosovo.³⁷ The board of RTK was dismissed by the Kosovo Assembly in July 2021, citing RTK board's failure to fulfil its legal and financial obligations.³⁸ New RTK board was elected by the Kosovo Assembly in December 2021.

A2 The effects of defamation laws on journalists

Are the provisions in the defamation laws severe and protective of state officials? What are the main shortcomings of these laws?

The Law no.02/L-65 Civil Law on Defamation and Insult³⁹ bans 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

28 OSCE, "OSCE Mission presents its fifth comprehensive assessment of community rights protection in Kosovo". <https://www.osce.org/mission-in-kosovo/493786>
29 IREX, "Media Sustainability Index". Accessed on 12.2.2022. <https://www.irex.org/sites/default/files/pdf/vibe-kosovo-2021.pdf>
30 Council of Europe, "Mechanisms for Media Financing in Ethnic Minority Language". Accessed on 14.3.2022. <https://bit.ly/3vTf0zA>
31 Official Gazette of Republic of Kosovo, Law on Radio Television of Kosovo. Accessed on 22.12.2021. <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2812>
32 IREX, "Media Sustainability Index". Accessed on 12.2.2022. <https://www.irex.org/sites/default/files/pdf/vibe-kosovo-2021.pdf>

33 Ibid.

34 European Commission, "Commission Staff Working Document Kosovo 2021 Report", Strasbourg, 2021. Accessed on 11.1.2022. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0292>

35 Ibid.

36 Ibid.

37 Article 25 of the Law 04/L-046 for Radio Television of Kosovo states that, at least two (2) RTK Board members shall be appointed out of the Serb community, and one (1) member shall be appointed from other non-majority communities, and at least two (2) members out of female gender. At least two (2) Board members shall fulfill the professional qualifications in financing, business managing and legal affairs. Accessed on 20.12.2020. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2812>

38 European Commission, "Commission Staff Working Document Kosovo 2021 Report", Strasbourg: 2021. Accessed on 12.4.2022. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0292>

39 Official Gazette, Law no.02/L-65 Civil Law on Defamation and Insult. Accessed on 5.12.2021. <https://bit.ly/3963BcU>

which creates a thin layer of protection for journalists from being sued for compensation of harm but encourages civil suits. Such cases have happened before and with the effectivity of Kosovo Judiciary, these processes may take years leaving journalists in a waiting list for a court process. This law is not protective to public officials. Also, the Constitutional Court has confirmed that MPs of the Kosovo Assembly enjoy only functional immunity, therefore if they are involved in any criminal act, they can be sued, and i.e. they can be subject to public scrutiny and criticism.

How many lawsuits were initiated against journalists by state officials and politicians in the past year?

Due to the fact that there is no database on cases that specifically involve journalists in courts, the number of lawsuits initiated against journalists by state officials and/or politicians is unknown. The data collection by the judicial institutions was supposed to be finalized by the end of the first half of 2021; however, it has not been finalized yet. There is no data generated by the Kosovo judiciary council related to law suits filed against journalists. Nevertheless, based on monitoring of the Kosovo Law Institute (KLI) during 2021 more than 40 lawsuits were filed during 2021, and there were over 100 pending lawsuits against journalists identified in the Kosovo courts. Referring to the KLI reporting, the majority of these lawsuits are SLAPP suits⁴⁰ undertaken to scare environmental activists and journalists as well. Primarily, these cases have been initiated by international and national companies working on hydro energy sector. There is no database organized at the institutional level neither by Kosovo judicial council nor by the courts with regards to SLAPP suits. There are three public cases against activists Adriatik Gacaferri, Shpresa Loshaj and Agron Demi which have been withdrawn by plaintiffs after the public pressure. However, even though some journalists and media have been SLAPP/suited, they do not come forward due to the stigma and fear of retaliation⁴¹.

To what extent are court decisions against some journalists politically motivated? What kind of penalties have been imposed?

Although during the reporting period, no concrete examples on legal provisions being used to silence journalists have been reported, it has been noticed that fines are the most common type of sentences imposed

by some judges. The same pattern is used in cases when journalists are the victims of criminal acts, which creates an impression that this approach indirectly encourages attacks toward journalists.⁴² In Kosovo, the applicable legislation decriminalized offenses against journalists while performing their duties; however, there is an increase in the number of lawsuits against journalists for their reporting. The cases of lawsuits against journalists are not public and neither media nor journalists speak up publicly because of the fear of influencing the outcome of such legal processes. Journalists fear of being accused of obstructing justice.

Do the courts recognize the established self-regulatory mechanism (if any)? Do they accept the validity of a published or disseminated reply, correction or apology?

The Civil Law on Defamation and Insult⁴³ recognizes self-regulatory mechanisms, considering the compliance with remedial orders, or instructions by the Press Council or relevant regulatory body, as a mitigating circumstance. It further obliges the court to take into account the measures taken by the author, editor or publisher or someone who otherwise exercised control over its contents in the mitigation of damages should they prove that they had made or offered to make an apology or correction before the commencement of action for damages or as soon as they had an opportunity.⁴⁴ Self-regulating mechanisms serve as an instrument to enhance the level of professionalism and to reconcile the parties that are unsatisfied with the media reporting and the media that are subject to violations. These mechanisms tend to create discipline and to enhance professional performance of the media.⁴⁵

42 Ibid.

43 Official Gazette, Law no.02/L-65 Civil Law on Defamation and Insult. Accessed on 5.1.2021. <https://bit.ly/3963BcU>

44 In compliance with the Civil Law on Defamation and Insult (Article 12), prior to filing a complaint under this Law, an allegedly injured person shall undertake all reasonable measures to mitigate any harm caused by the expression. In particular, the complainant shall request a correction of that expression from the person who allegedly caused the harm. Such actions may include seeking a remedy from the publisher of an allegedly defamatory or insulting expression and filing a claim with any appropriate regulatory body (such as the Independent Media Commission) or self-regulatory body (such as Press Council).

45 Ehat Miftaraj and Yll Zekaj, Representatives of Kosovo Law Institute, interviewed by Getoarë Mulliqi Bojaj, 15.2.2022.

40 Ehat Miftaraj and Yll Zekaj, Representatives of Kosovo Law Institute, interviewed by Getoarë Mulliqi Bojaj, 15.2.2022.

41 Flutura Kusari, expert in media law, interviewed by Getoarë Mulliqi Bojaj 7.3.2022

What do the journalists think about the defamation law? Are they discouraged to investigate and to write critically?

The Defamation law is not considered discouraging by journalists in performing their duties, as they feel that they have sufficient protection when it comes to defamation lawsuits.⁴⁶ However, journalists consider it as an additional burden due to the fact that the Law sanctions also the unintentional inaccurate information which could affect their work.⁴⁷ Despite the fact that tenths of lawsuits are filed against journalists, during the focus-group discussion, journalists claim that this does not affect their performance nor frighten them. Supposedly investigative media journalists are the ones to receive the most lawsuits.⁴⁸

A3 Legal protection of political pluralism in the media

Is political pluralism in the media outside the election processes regulated by media legislation? What are the obligations of the PSB and what are those of the private broadcasters concerning political pluralism outside the election processes?

The Constitution of the Republic of Kosovo provides general guarantees for media pluralism (Art. 42)⁴⁹ and the Law on the Independent Media Commission guarantees the freedom and pluralism of audio-visual media in Kosovo (Art. 5).⁵⁰ There are no specific provisions in the media legislation (both for public and private broadcasters) that oblige them to reflect political pluralism during the non-election period, besides the IMC Code of conduct which obliges licensed broadcasters and all the other media outlets to uphold to balanced and unbiased reporting. According to the summary of the discussion on Legal Protection of Political Pluralism in Media, conducted by AJK, it is concluded that despite the increase in the number of media in the country, political pluralism in the media should exist both during and out-

side the electoral processes; however, this is difficult to achieve in practice. There is a risk of concentration of media ownership in the hands of the oligarchs, and consequently a risk for the creation of media monopolies. There is a perception for the media to be biased towards political parties in their journalistic approach to various political events, adding to it the fact that coverage of the local election campaign is more difficult because of the number of candidates.⁵¹

Is the regulatory authority obliged to monitor and protect political pluralism outside the election processes? What are the legal obligations of the media during election campaigns? Which body monitors electronic and print media?

There is no specific obligation for the regulatory authority to monitor and protect political pluralism in the media during the non-election period.

Do political parties and candidates have fair and equal access to media outside the election processes?

The Code of Conduct for Audio and Audio-visual Media Service Providers, a legally binding secondary legislation issued by the IMC, sets provisions for balanced and unbiased news coverage. However, the IMC only monitors content during election campaigns, so it is difficult to assess whether the media in Kosovo reflect diverse political views and ideas outside of Independent Media Commission the election campaign. According to the summary of the discussion on Legal Protection of Political Pluralism in Media, conducted by AJK, in spite of the lack of interest in information it has been estimated by the IMC that despite their capacities for monitoring, as well as their limited resources, there has been coverage of balanced and fair to all candidates and political parties in elections by media⁵², nonetheless IMC monitors political pluralism in media only during elections. In addition, IMC's monitoring is quantitative monitoring and not systematic, as it has also not been done outside the elections campaign.

46 Two focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Getoarë Mulliqaj Bojaj on 10.1.2022 and 11.1.2022.

47 Ibid.

48 Ibid.

49 Constitution of the Republic of Kosovo, Article 42 – Freedom of Media (paragraph 1). Accessed on 13.12.2021. <http://www.kryeministri-ks.net/repository/docs/ConstitutionKosovo.pdf>

50 Law on the Independent Media Commission, Article 5 – Duties and responsibilities of IMC (paragraph 3). Accessed 3.1.2022. <https://www.kpm-ks.org/assets/cms/uploads/files/Leqjislacioni/1335250709.2603.pdf>

51 Summary of the discussion on Legal Protection of Political Pluralism in Media in Kosovo. Accessed on 3.1.2022. <https://bit.ly/3M02qKL>

52 Ibid

What are the legal obligations of the media during election campaigns? Which body monitors electronic and print media?

The obligation of all the media under the Law No. 003/L-073 on General Elections is to ensure equitable access and uphold to the Kosovo Press Code,⁵³ a Code of Conduct (COC) developed by the Press Council of Kosovo (PCK), which upholds all media to the same ethical standards even during the non-election periods. Nonetheless, it has often been reported about the inconsistency in coverage by both print and broadcasting media.

The legal framework in Kosovo also requires audio-visual media to provide fair and equal access to all parties, especially in covering election campaigns.⁵⁴ Under the Law No. 003/L-073 on General Elections, (Art. 49-53 & 109), the IMC is obliged to monitor political pluralism in the news programs and the access to advertisement (free and sold) provided to each political entity by each broadcaster, monitor violations of the legal obligations, handle complaints, and administer sanctions during the election period. The Central Elections Committee (CEC) is the body responsible for bringing forth the complaints (including violations on political pluralism) to the IMC.

Do political parties and candidates have fair and equal access to media during election campaigns?

Following early parliamentary elections in February 2021, as well as local elections in October 2021, monitoring of the elections conducted by the IMC focused on all forms of media presentation of the election campaign such as: news editions, political spots, election chronicles and interviews and debates broadcast from 16:00 to 24:00. Before the elections, based on the provisions of Law on Elections, the IMC issues the Guideline on elections by which it instructs the licensee on the conduct during the elections period. During the local election period, the IMC addressed four (4) complaints⁵⁵ meanwhile, during the period of Early Elections for the

Assembly of the Republic of Kosovo no complaints have been filed in the IMC.⁵⁶

Small discrepancies in the representation of political parties in the media news programmes have been noticed, with certain parties given specific time before the campaign had officially started. There is a perception that the media is biased towards the political parties in their journalistic approach to various political developments, despite the fact that coverage of the local election campaign is more difficult because of the number of candidates. There are ethnic divisions to cover political activities from the media as well as political figures that presented in the media are almost the same, and there is no gender balance.

A4 Freedom of journalists' work and association – legal guarantees and practice

Do journalists have to be licensed by the state to work? Were there any attempts in the past years to introduce licenses by the state?

The state does not impose any form of licensing to work as a journalist. Nor freedom of work or movement are limited for journalists and other media workers; however, they should have their IDs with them issued by the media they work for in order to be able to perform their duties. There have been no attempts to introduce licenses by the state in the previous years, as there have not been any during the reporting period.

Have journalists been refused the right to report from certain events on the ground of not having an accreditation?

Because of the COVID-19 pandemic, the country went on lockdown from time to time, hence in order to perform their duties, journalists were required to get permissions in order to operate freely. Furthermore, some journalists have been obstructed while performing their duties.

During the reporting period three cases of obstructing journalists while performing their duties occurred. The first case took place in April 2021, where the edi-

53 Press Council of Kosovo, "For an ethical and professional journalism". Accessed on 13.1.2022. <https://bit.ly/3KXzMbK>

54 Law No. 03-L073 on General Elections in the Republic of Kosovo, Chapter VIII – Media during the Electoral Campaign, pgs. 24-27. Accessed on 13.1.2022. <https://aceproject.org/ero-en/regions/europe/KS/on-general-elections-in-the-republic-of-kosovo/view>

55 IMC, "Monitoring Report of Audio-Visual Media Service Providers during the local elections campaign in the Republic of Kosovo", page 6. Accessed on 10.1.2022. <https://bit.ly/3Pda3zx>

56 IMC, "Monitoring Report of Audio-Visual Media Service Providers during the campaign for the 2021 Early Elections, for the Assembly of the Republic of Kosovo Accessed", page 14. Accessed on 13.1.2022. <https://bit.ly/3L25dlt>

tor in chief and journalist of *Insajderi*, Parim Olluri was questioned by Kosovo Police, after *Gazeta Insajderi* had published an investigation that contains internal information of the Ministry of Health.⁵⁷ The second case happened in November of 2021, as two television teams, that of TV Dukagjini, as well as of Klan Kosova, who went to the scene to report live about the armed robbery on the Prishtina-Gjilan district were obstructed and fined by the Kosovo Police; the road was allowed to be used by other citizens, but not by these TV crews.⁵⁸ The last case took place at the end of the year, the journalist and editor of the portal “Indeksonline”, Alban Muhaxheri was interrogated for several hours at the Police Station in Kaçanik, after writing about a member of the Police on a local Facebook page.⁵⁹ However, there are no cases of journalists being refused the right to report from a certain event on the ground of not having an accreditation during 2021.

Are journalists organised in professional associations and, if yes, how? Are there pressures on their organisation or on individual members?

Journalists have the right of association and are free to unionize as is guaranteed by the Constitution, Law No.03/L–212 on Labour,⁶⁰ and the Law No. 04/L-011 for Organizing Trade Union in Kosovo⁶¹. Presently, there are two associations of journalists divided on ethnic grounds, the Association of Journalists of Kosovo (AJK) (800 members) and the Association of Serbian Journalists in Kosovo (120 members). During 2021 there was a case of public pressures on the Association of Journalists of Kosovo by Hysamedin Feraj of VV, where he used derogatory language towards the organization, by calling it a “dangerous organization”.⁶² When AJK reacts about cases when the rights of journalists are violated, and when a political entity is involved, the pressure falls on AJK, by being accused that it is a partisan of one or another political party. Nonetheless, AJK reacts on all cases and it acts as a mediator between the journalists and the institutions.

Are journalists organized in trade unions and, if yes, how? Are there pressures on the trade union leaders and other members? Are the journalists free to become members of trade unions?

The journalists and media workers from the public broadcaster RTK are the only ones organized in trade unions, currently in three 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.⁶³ 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 violation of their working rights, for their proper referral, and in some instances has acted as a mediator between the journalist and the institution.

Is there a Press Council and how is it organized? Are there pressures on the representatives of the Press Council?

The Press Council of Kosovo (PCK) is a self-regulatory body that started operating in 2005 with only newspapers under its jurisdiction. Having in consideration the increase in the number of online media outlets, PCK has begun encompassing them as well. PCK is independent from political influences given that the Assembly does not influence the selection of the board.⁶⁴ Currently 45 newspapers and online media outlets are members of the PCK.

A5 Legal protection of journalists' sources

How is confidentiality of journalists' sources guaranteed by the legislation? Under what circumstances, the right to protect their sources may be subject to limitations?

The Law on Protection of Journalists' Sources⁶⁵ applies specifically to journalists and guarantees confiden-

57 AJK, “Obstruction Against Journalists, Parim Olluri”. Accessed on 13.1.2022. <https://bit.ly/3kXdahh>

58 AJK, “Obstruction Against Klan Kosova And Rtv Dukagjini Team, Pristina”. Accessed on 20.12.2021. <https://bit.ly/3sn5cCb>

59 AJK, “Threats to journalists by policeman”. Accessed 13.1.2022. <https://bit.ly/3sr2L1A>

60 Official Gazette of the Republic of Kosovo, “Ligji nr. 03/L-212 i punës (Law no.03/L –212 on labour)”. Accessed on 15.1.2022. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2735>

61 Official Gazette of the Republic of Kosovo, “Ligji nr. 04/L-011 për organizimin sindikal në Kosovë (Law no. 04/L-011 for organizing trade union in Kosovo)”. Accessed on 15.1.2022. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2754>

62 Reporter.net, “Hysamedin Feraj: AJK is a criminal organization”. <https://bit.ly/37za3sN/>

63 Organization for Security and Co-operation in Europe, “Freedom of Media and Safety of Journalists in Kosovo”, Prishtina, 2014. Accessed on 20.12.2021. <https://www.osce.org/Kosovo/122390?download=true>

64 Imer Mushkolaj, Executive Director of PCK, interviewed by Getoarë Mulliqi Bajaj, 25.1.2022.

65 Official Gazette of the Republic of Kosovo, “Ligji Nr. 04/L-137 për Mbrojtjen e Burimeve të Gazetarëve [Law No. 04/L-137 on Protection of Journalists Sources]”, accessed 12.11.2021, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8864>

tiality of their sources. It is also supported by the Law no.06/L-085 on the Protection of Whistle-Blowers,⁶⁶ which covers the issue on the protection of the source and obligates every public official to protect whistle-blowers and not to disseminate information to third parties. Kosovo laws protecting whistle-blowers and the confidentiality of sources are very good on paper, but the problem is their implementation—lawsuits on defamation and incitement of hate take many years to be resolved.⁶⁷ However, according to its Progress Report for 2021, The Law on the Protection of Whistle-Blowers is fairly advanced and in line with the new EU legislation in this area. Secondary legislation determining the procedure for receiving and handling the cases of whistleblowing entered into force in May 2021.⁶⁸

Is confidentiality of journalists' sources respected by authorities? Were there examples of ordering journalists to disclose their sources and was that justified to protect the public interest?

No cases of journalists being ordered to disclose their sources have been registered during 2021. However, the court holds the right to request such information in criminal cases where there is a threat to the life of a person or persons and in case of a threat to the state.

Were there any sanctions against journalists who refused to disclose the identity of a source?

There is no evidence of sanctions imposed on journalists during 2021 for non-disclosing the identity of the source of information.

Do journalists feel free to seek access to and maintain contacts with sources of information?

In general, journalists claim that they feel safe to maintain relations with their sources of information. However, some of them claim that there are cases when sources of information do not feel comfortable to cooperate

with journalists in specific news beats.⁶⁹ This is due to low trust in media and anti-journalist narrative⁷⁰ as well as fear of retaliation from the political spectrum. In the last years, public officials have been more reluctant in having contacts and reporting on the wrongdoings towards media, due to the restrictive approach imposed by the key stakeholders and consequences such as retaliation by their supervisors. Institutions like Police and Prosecution Offices, including some Ministries within the government, even by just understanding that their staff have contacts with journalists, consider it as inappropriate behaviour of their staff⁷¹. Although, Kosovo adopted very advanced legislation regarding the protection of whistle-blowers and strict provisions that there no retaliation allowed against the whistle-blowers, based on the Kosovo Law Institute report, such legislation is either not implemented properly, or it is in a very early stage of its implementation.

A6 Protection of the right to access to information

What are the legal rules on access to official documents and information which are relevant for journalists?

Access to official documents is guaranteed by the Law on Access to Public Documents. Accessing public documents produced, received, maintained or controlled by public institutions, as well as the right to re-use the public sector documents is guaranteed to every person, without discrimination on any grounds.⁷²

66 Official Gazette of the Republic of Kosovo, "Ligji nr. 06/L-085 për mbrojtjen e sinjalizuesve [Law no. 06/L-085 on Protection of Whistleblowers]", accessed 15.10.2020, <https://qzk.rks-gov.net/ActDocumentDetail.aspx?ActID=1830>

67 IREX, "Media Sustainability Index". Accessed on 12.2.2022. <https://www.irex.org/sites/default/files/pdf/vibe-kosovo-2021.pdf>

68 European Commission, "Commission Staff Working Document Kosovo 2021 Report", Strasbourg, 2021. Accessed on 15.12.2021. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0292>

69 Two focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Getoarë Mulliqi Bajaj on 10.1.2022 and 11.1.2022.

70 Abit Hoxha & Mirishaha Sylja, "Hate Narratives In Online Media And Communication In Kosovo", pg. 91. Accessed on 25.3.2022, <https://seenpm.org/wp-content/uploads/2021/04/Resilience-E-book-research-2-all-reports-with-CIP-April-2021.pdf>

71 Ehat Miftaraj and Yli Zekaj, Representatives of Kosovo Law Institute, interviewed by Getoarë Mulliqi Bajaj, 15.2.2022.

72 Official Gazette of the Republic of Kosovo, "Ligji nr. 06/L-081 për Qasje Në Dokumente Publike (Law no. 06/L-081 on Access to Public Documents). Accessed on 14.1.2022. <https://qzk.rks-gov.net/ActDetail.aspx?ActID=20505>

Do the journalists use these rules? Do the authorities follow the rules without delays? Are state authorities transparent in general? Do they employ open, non-discriminatory and fair media relations or tend to work in secrecy? Do state institutions treat politically friendly media preferentially?

According to the State Department Human Rights Report for Kosovo, it has been concluded by the Ombudsperson Institution that public institutions lacked the professional capacity and staff to respond to requests for access to public documents, leading to either significant delays or failures to provide legal justification for denying or restricting access.⁷³ The journalists claim to be satisfied with the respective law but they also claim that institutions are not entirely transparent.⁷⁴ Hence, they would recommend further enhancement of the opportunities for the public to hold the Government to account.⁷⁵ With all assumptions that media are influenced or biased according to journalists it is assessed that there are no media treated preferentially by the institutions.⁷⁶ Furthermore, the Ombudsperson Institution was investigating 26 complaints from media, civil society organizations, and individual citizens concerning alleged violations of the right of access to public documents⁷⁷.

Are the courts transparent? Is media access to legal proceedings provided on a non-discriminatory basis and without unnecessary restrictions?

Journalists are given access to courts sessions in a non-discriminatory fashion, without any limitations, except in court cases of judges' orders for protective measures. However, in 2019-2020 there was a tentative to revise the Code of Conduct,⁷⁸ which would limit the access 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.⁷⁹ There have been no reported cases of journalists not being granted access to open court cases in 2022.

73 United States Department of State, "Country Reports on Human Rights Practices for 2021, Human Rights Report", Kosovo, 2021. Accessed on 13.4.2022. <https://www.state.gov/wp-content/uploads/2022/02/313615-KOSOVO-2021-HUMAN-RIGHTS-REPORT.pdf>

74 Two focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Gëtoarbë Mulliqi Bojaj on 10.1.2022 and 11.1.2022.

75 Ibid.

76 Ibid

77 United States Department of State, "Country Reports on Human Rights Practices for 2021, Human Rights Report", Kosovo, 2021. Accessed on 13.4.2022. <https://www.state.gov/wp-content/uploads/2022/02/313615-KOSOVO-2021-HUMAN-RIGHTS-REPORT.pdf>

78 Independent Media Commission, "KPM-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]", 20.12.2021. <https://bit.ly/3Navi69>

79 AJK, "Following complaints from AJK and civil society, IMC suspends the process of amending the Code of Ethics". Accessed on 11.2.2022. <https://bit.ly/3L4JJ7v>

Is public access to parliamentary sessions provided? Are there restrictions for the journalists to follow parliamentary work?

Journalists have access to the Assembly and they cover plenary meetings and committees. Moreover, there are more than 400 accredited journalists in the Assembly.⁸⁰ Within the plenary hall, journalists may cover the sessions, whereas cameramen and photojournalists can do that from the gallery (balcony).⁸¹ According to the journalists that took part in the focus groups, the Parliament is the most transparent institution in the Republic of Kosovo.⁸² The work of the Assembly is open and transparent. All Assembly sessions, committee meetings and other meetings, are announced in advance in the activities calendar, on the Assembly page on the internet. Information, minutes and transcripts from the Assembly plenary sessions, as well as other daily work documents, are all published on the Assembly web page.⁸³ However, the visitors are required to register in the Directorate for Media and Public Relations a few days before the sessions are conducted.⁸⁴

How open to the public are the Government and the respective ministries?

The general opinion is that the Government is the least open institution, due to the fact that the process is either prolonged or the access to the requested information is not given at all.⁸⁵ Journalists encountered difficulties in obtaining information from the government and public institutions, notwithstanding laws providing access to public documents.⁸⁶ According to last report of the IREX Media Sustainability Index Kosovo, government officials have spokespersons or information offices, but these liaisons rarely give information or take questions from the press. Immediate and crucial matters that demand a public response are usually addressed by public officials, such as the president or the prime minister.⁸⁷

80 NDI, "Kosovo Parliament and Media Work to Better Inform the Public". Accessed on 26.12.2021. <https://bit.ly/3PqI8yD>

81 Assembly of Republic of Kosovo, "The Role of Media and Public in the Work of the Assembly". Accessed on 12.2.2022. <https://bit.ly/3ssE6tb>

82 Two focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Getoarbë Mulliqi Bajaj on 10.1.2022 and 11.1.2022.

83 Assembly of Republic of Kosovo, "The Role of Media and Public in the Work of the Assembly". Accessed on 12.2.2022.

84 *Ibid.*

85 Two focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Getoarbë Mulliqi Bajaj on 10.1.2022 and 11.1.2022.

86 United States Department of State, "Country Reports on Human Rights Practices for 2021, Human Rights Report", Kosovo, 2021. Accessed on 13.4.2022. <https://www.state.gov/wp-content/uploads/2022/02/313615-KOSOVO-2021-HUMAN-RIGHTS-REPORT.pdf>

87 IREX, "Media Sustainability Index". Accessed on 12.2.2022. <https://www.irex.org/sites/default/files/pdf/vibe-kosovo-2021.pdf>

B

Journalists' Position in the Newsrooms

B1 Economic restrictions on journalists' freedom

How many journalists have signed employment contracts?
Do they have adequate social security? How high are
the journalists' salaries? Are they paid regularly?

Since 2019⁸⁸ there is no data on the number of signed contracts in the media sector in Kosovo. AJK has consistently been emphasizing the problem of the basic issues that media employees deal with at their work places, such as lack of employment contracts, considering that this is a violation of the Labour Law and creates a state of financial uncertainty for them.⁸⁹ The journalists of the public broadcaster have been working without social security since 2016⁹⁰ and so do most of the media workers in private media. According to some journalists from the focus groups, some private media outlets have recently offered social security, whereas some other journalists from different media pay the social security by themselves.⁹¹ Regarding the payment, there are no pre-

88 Ministry of Labor and Social Welfare, "The situation of media workers in the Republic of Kosovo". Accessed on 15.2.2022. <https://mpms.rks-gov.net/raportohet-mbi-gjendjen-e-punetoreve-medial-ne-kosove/>

89 AJK, "AJK and the Labor Inspectorate with a bi-monthly initiative for the protection of journalists' rights". Accessed on 15.2.2022. <https://bit.ly/3M6P4MP>

90 Two focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Getoarbë Mulliqi Bojaj on 10.1.2022 and 11.1.2022.

91 Ibid.

cise data on the regularity of it; however, it is perceived that besides the journalists from the PSB, not all of the private media journalists' are paid regularly. There are still some cases when some media workers are paid in cash. The average salary of journalists and other media workers is perceived to be below the country average.⁹² According to the data published in the Worlds of Journalism Study, in Kosovo less than half the employed journalists (30 percent) have permanent contracts.⁹³

According to a survey conducted by AJK, the pandemic affected more media employees with lower salaries, especially those receiving the minimum wage from 130 to 250 Euro. A significant number of media employees stated that the salary reduction was a consequence of the forced reduction of working hours and the financial difficulties of the media where they work.⁹⁴

What is the state of journalists' working conditions? What are the biggest problems they face up with in their workplaces?

The main challenges for journalists at their workplaces remain the lack of job security and financial uncertainty which especially worsened after 2020 due to the pandemic. The public broadcaster is also challenged by small working spaces, as they work on a loaned building by the Government, which neither fulfils their needs nor their capacities.⁹⁵ According to focus group discussions, especially of journalists from news portals, the high number of delivered articles is one of the main challenges they face up with, as well as the pressure to publish sooner and faster which negatively affects the quality of journalism in the online sector.⁹⁶ Wage levels are regulated in the public sector only. In the private sector, wage setting in Kosovo is set at the company's level, rather than in a centralized way, at the industry level.⁹⁷

B2 Editorial independence in the private media

Have private media outlets adopted organizational documents according to which the newsrooms are kept separate and independent from managers and marketing departments? Do they have other rules adopted to safeguard editorial independence from the media owners and managing bodies? Are those rules respected?

Some of the media in the Republic of Kosovo have adopted organisational documents according to which the newsrooms should be kept separate and independent from the managers and marketing departments. However, this does not mean that the management and marketing sectors do not influence the editorial content, as it is considered that media as businesses are doing the outmost in order to secure their income.⁹⁸ However, according to the Human Rights Report of the State Department, while some self-sufficient media outlets adopted editorial and broadcast policies, independent of political and business interests, those with fewer resources sometimes accepted financial support in exchange for positive coverage or for refraining from publishing negative stories harmful to the funders' interests.⁹⁹

Do private media outlets' newsrooms have internal codes of ethics or they comply to a general code of ethics?

There are two internal codes of ethics that the private media outlets in Kosovo comply with. The ethical reporting of print media is regulated by the Press Code for Kosovo, which is a general Code of Ethics,¹⁰⁰ whereas for the audio-visual media services there is another self-regulatory document – Code of Conduct for Audio-Visual Media Services.¹⁰¹

92 Kosovo Agency of Statistics (KAS), "Wage Level in Kosovo, 2019-2020". Accessed on 5.12.2021. <https://bit.ly/3M44stz>

93 Reuters Institute Global Journalism, "Worlds of Journalism: Journalistic Cultures Around the Globe", Edited by Thomas Hanitzsch, Folker Hanusch, Jyotika Ramaprasad, and Arnold S. de Beer. Accessed on 12.2.2022.

94 Two focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Getoarbë Mulliqaj Bojaj on 10.1.2022 and 11.1.2022.

95 Ibid.

96 Ibid.

97 Regional Cooperation Council, "Performance of Western Balkan Economies Regarding The European Pillar Of Social Rights 2021 review on Kosovo". Accessed on 5.2.2022, file:///C:/Users/admin/Downloads/ESAP-Social-Rights-Pillar-Report-Kosovo.pdf

98 Two focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Getoarbë Mulliqaj Bojaj on 10.1.2022 and 11.1.2022.

99 United States Department of State, "Country Reports on Human Rights Practices for 2021, Human Rights Report", Kosovo, 2021. Accessed on 13.4.2022. https://www.state.gov/wp-content/uploads/2022/02/313615_KOSOVO-2021-HUMAN-RIGHTS-REPORT.pdf

100 Press Council of Kosovo, "Press code for Kosovo Media". Accessed on 13.10.2020. <https://bit.ly/39cXUtk>

101 IMC, "Kodi i Etikës për Ofruesit e Shërbimeve Mediale në Republikën e Kosovës (Code of Conduct for Audio-Visual Media Services in the Republic of Kosovo)". Accessed on 13.12.2021. https://www.kpm-ks.org/lajmi_i_plot/2297

What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists?

Lack of time to conduct in-depth research due to the pressure from editors and the management to increase the daily quotas is the most common burden pointed out by journalists.

When asked about the most common forms of pressure performed by the media owners and managers, some of the journalists who participated in the focus groups and in the survey conducted by the AJK, stated that time pressure is the most common, the pressure to be the first in publishing a story, the pressure not to cover certain businesses and persons, and self-censorship when covering certain topics.¹⁰²

What was the most illustrative example of the pressure exerted by media owners or managers on an entire newsroom or individual journalist in the past year?

There is no data on illustrative examples of claimed pressure towards journalists during the reporting period.¹⁰³

B3 Editorial independence in the Public Service Broadcaster

Does the PSB have an adopted code of journalists' conduct and editorial independence? Do journalists comply with this code?

The professional standards and ethical principles of journalism of the public service broadcaster are regulated by internal documents.¹⁰⁴ On the other side, the RTK has also a disciplinary committee that is in charge of handling ethical concerns. It is important to emphasise that the editors in the PSB argue that the Code of Ethics is respected and the editorial staff is there to ensure that the RTK journalists work in full compliance with

the professional standards.¹⁰⁵ However, journalists claim that they are familiar with the code of ethics and they comply with it.¹⁰⁶

What are the most common forms of pressure that the government exerts over the newsrooms or individual journalists in the PSB?

During the reporting period, no direct pressures have been exerted over the newsrooms or individual journalists of PSB.¹⁰⁷ According to one of the focus groups the way the hierarchy operates in RTK does not leave much room for direct pressure from the Government; however, events may occur, where journalists hesitate to treat stories from a certain angle. According to some journalists, if there is any pressure at all, then it is directed toward the editors – in – chief and managerial bodies, nonetheless the same cannot be said about journalists. The possibility for pressures towards the RTK is more prone to come from the political parties, whose representatives are in the parliamentary commissions whose approval of RTK reports affects the quarterly budget execution for the PSB.¹⁰⁸ Furthermore, during 2021 there were no reported visible cases of Governmental pressure.¹⁰⁹

B4 Editorial independence in the non-profit sector

Have the non-profit media adopted a code of journalists' conduct and editorial independence? Do journalists comply with this code?

The non-profit media sector in Kosovo is not as big in comparison to private sector. BIRN,¹¹⁰ KOSOVO 2.0¹¹¹ and Çohu,¹¹² are the most prominent non-profit online media in Kosovo which have adopted their journalists' code of conduct. Besides the Code of Ethics, BIRN has also developed a Code against sexual harassment and other internal regulations that have been covering the

102 Two focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Getoarë Mulliqi Bojaj on 10.1.2022 and 11.1.2022.

103 Ibid.

104 Radio Television of Kosovo, "The Professional Standards and Ethical Principles of Journalism in programs of Radio and Television of Kosovo". Accessed on 23.12.2022, https://www.rtklive.com/pages/files/standardet_profesionale.pdf

105 Two focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Getoarë Mulliqi Bojaj on 10.1.2022 and 11.1.2022.

106 Ibid.

107 Ibid.

108 Ibid.

109 Ibid.

110 BIRN Kosovo, <https://birn.eu.com/network/birn-kosovo/birn-kosovo-about/>

111 Kosovo 2.0, <https://kosovotwopointzero.com/>

112 Çohu, <http://www.cohu.org/>

employees' performance.¹¹³ BIRN Hub¹¹⁴ monitors these regulations and performs a security check and an evaluation on threats at work annually. BIRN has an organisation statute which this non-profit media complies accordingly.¹¹⁵

What are the most common forms of pressure over the non-profit media outlets? What was the most illustrative example of the pressure exerted over the non-profit media?

During the reporting period, Jeta në Kosovë TV show, produced by BIRN was removed from the PSB managerial bodies. The contract was terminated without prior notice or explanation whatsoever, and was never renewed.¹¹⁶ No other cases of pressure over the non-profit media outlets were reported during 2021.

B5 Freedom of journalists in the news production process

How much freedom do journalists have in selecting news stories they work on and in deciding which aspects of a story should be emphasized?

The degree of freedom that journalists have in selecting stories is limited to a certain extent. As stated by most of the journalists who participated in the focus group discussions, in general, they feel free to suggest a story. Nevertheless, when deciding what angle a story will be covered from, then the journalists tend to refrain from writing critically, that is, they practice a degree of self-censorship.¹¹⁷ Self-censorship is manifested amongst journalists on the occasions of joining particular media under impression of leaning to a political party. Journalists hesitate to write against interests of ownership of media or their favourite political party thinking

that there is more self-censorship than censorship from owners or managers on reporting political, economic or even social news beats.

How often do journalists participate in editorial and newsroom coordination (attending editorial meetings or assigning reporters)?

Due to the fact that it is the journalists who are mainly the ones to pitch a story in both public and private media, they participate in editorial and newsroom coordination. Nonetheless, the traditional media hold editorial meetings on a daily basis, in comparison to investigative media that in some cases hold weekly meetings.¹¹⁸

What are journalists' attitudes with regard to the journalists' ethics?

According to the focus group discussions it is perceived that journalists identify as detached observers.¹¹⁹ Due to the lack of time to conduct proper research because of the number of the deliverables, as this leaves them with not enough time to conduct proper research, journalists claim it leaves them with not enough time to conduct proper research that would allow them to cover an issue in a manner that would establish their role as trustworthy and critical watchdogs of those in power. This is mainly an issue for online news portal journalists. In the other hand, this is not an issue for investigative journalists, as they have more time to properly approach a story and have a greater impact on citizens.

What are the journalists' self-perceptions on the extent to which they have been influenced by different risks and sources of influence?

It could rather be said that self-censorship is present, i.e. that journalists know in advance which topics they are allowed and which they are not allowed to report on. In addition, it cannot be said, in general, that there is no professionalism or that journalists do not know the ethical and professional rules. A number of journalists claimed that they are aware of some topics that they cannot cover "... there are some businesses whose performance should not be covered, and the same applies for some persons, all of this due to the editorial policy"¹²⁰. Hence, the journalist would rather not write about a topic, than cover the topic in an unprofessional or biased way.

¹¹³ Interview with Kreshnik Gashi, Editor-in-Chief at BIRN Kosovo, interviewed by Getoarbë Mulliqi Bojaj, 15.1.2021.

¹¹⁴ BIRN Hub is an umbrella entity that coordinates the work of the BIRN Network, an alliance of domestic non-governmental organisations promoting freedom of speech, human rights and democratic values. While each country organisation addresses domestic needs, BIRN Hub, registered in Bosnia and Herzegovina, implements regional programmes. <https://birn.eu.com/network/birn-hub/birn-hub-about/>

¹¹⁵ Kreshnik Gashi, Editor-in-Chief at BIRN Kosovo, interviewed by Getoarbë Mulliqi Bojaj, 15.1.2021.

¹¹⁶ Interview with Kreshnik Gashi, Editor-in-Chief at BIRN Kosovo, interviewed by Getoarbë Mulliqi Bojaj, 28.2.2022.

¹¹⁷ Two focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Getoarbë Mulliqi Bojaj on 10.1.2022 and 11.1.2022.

¹¹⁸ Two focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Getoarbë Mulliqi Bojaj on 10.1.2022 and 11.1.2022.

¹¹⁹ Ibid.

¹²⁰ Ibid.

Self-censorship is deemed as the most present form of influence all of the journalists reported, and not direct pressures from editors, managing bodies, or media owners. For some journalists this does not seem to be a problem, since they claim to have known from the beginning what are the topics they can/will cover while they are a part of a certain media. The senior journalists are mainly the ones to be aware of what the limits are in covering a topic and they simply comply with those limits.¹²¹

B6 Economic position of women journalists

Are women journalists working under worse working conditions in comparison to their male colleagues? Do they have signed employment contracts as frequently as men?

Overall, the working conditions of women journalists in the newsroom are not different from those of their men colleagues. 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 newsrooms.¹²²

Do women tend to hold leading editorial positions in the newsrooms, as much as men?

Due to the fact that there is no precise data on leading editorial positions in the newsrooms, it is perceived that women journalists are more prone to hold editorial positions in the newsrooms,¹²³ especially in the mainstream media, whereas the men journalists are more in charge of the managerial sector. 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. Women journalists in one of the focus groups claim that the latter is improving, and that this has to do mainly with the fact that women in the newsrooms tend to cover more dynamic stories from the terrain, i.e. the pandemic, protests, assembly.¹²⁴ According to the last report of the IREX Media Sustainability Index, Kosovo has a shortage of female analysts and commentators on everyday issues.¹²⁵

How high are their salaries in comparison to those of men?

Journalists from the focus groups claim that the contracts are not gender discriminative, as the salaries of women journalists are based on their performance and not on gender, and the salaries of women journalists are the same as those of their men colleagues.¹²⁶

Are they subject to specific gender-based pressures?

It is perceived that gender based pressure is only present in private sector in cases when women journalists are pregnant, and/or return to work after their maternity leaves. 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.¹²⁷ According to some journalists in the focus groups the PSB employees do not face the above mentioned issues, due to the fact that everything that is regulated by law, is in force. However, it is perceived that women journalists are more prone to receiving online harassments and threats, as they are perceived an easier target by the attackers.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ IREX, "Media Sustainability Index". Accessed on 12.2.2022. <https://www.irex.org/sites/default/files/pdf/vibe-kosovo-2021.pdf>

¹²⁶ Two focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Getoarbe Mulliqi Bojaj on 10.1.2022 and 11.1.2022.

¹²⁷ Ibid.

C1 Safety and impunity statistics

Based on the reported cases during 2021 the safety of journalists in the Republic of Kosovo has marked some negative changes compared to the previous years. The number of physical attacks and verbal threats in comparison to 2020 has increased by five cases, while in comparison to 2019 it is by eight cases higher. Moreover, according to the Reporters Without Borders, Kosovo in 2021 has been ranked 78th out of 180 countries in the world rankings,¹²⁸ i.e. it has ranked 8 scales lower than in the previous year.

In the past four years, AJK has recorded 91 cases of threats towards journalists and other media workers, totalling with 17 cases in 2018, 21 cases in 2019, 24 cases in 2020 and 29 cases in 2021. The situation with the pandemic, as well as the political events during the reporting period were the most significant factors that have negatively influenced the safety of journalists. Although the increased number of cases of assaults is worrying, the fact that the journalists are more open to reporting the cases is considered a progress. When it comes to the impunity of the attacks, the situation remains the same, as in the past 20 years the authorities have not properly investigated the cases of missing and killed journalists in the country. Police investigations take time and as described below, most cases do not get solved. In regards to other cases of assaults,

¹²⁸ Reporters Without Borders, "2021 World Press Freedom Index". Accessed on 11.2.2022. <https://rsf.org/en/kosovo>

Table 2. Number of registered threats and attacks on journalists and media in 2021

Categories	Number	Description
<p>Non-physical threats and harassments</p> <p>The non-physical threats and harassments include:</p> <ul style="list-style-type: none"> – 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. <p>These types of threats do not include mobbing and bullying in the working environment</p>	13	<ul style="list-style-type: none"> – The President of the Alternative for Change, Shqipërim Arifi, used denigrating language towards the correspondent of Radio Television of Kosovo in the Presevo Valley, Baki Rexhepi – The KALLXO.com team, journalist Arbisa Shefiku and the cameraman, Denis Slovinja, were threatened and obstructed by two persons in Rahovec – The football coach, Tahir Batatina, used sexist and offensive language towards the sports journalist of RTK, Qëndresa Krelani – Director of Gazeta Insajderi, Parim Olluri, was interviewed by Kosovo Police, after Gazeta Insajderi the night before published an investigation that contained internal information of the Ministry of Health regarding the refusal of Pfizer and BioNTech Vaccines by this Ministry – The official of the Directorate of Education in the Municipality of Prishtina, Anita Xhabiri has offended a journalist of the Gazeta Express, meanwhile her husband threatened the newsroom after the article was published – Journalist Mentor Gjergjaj who upon an order of the Basic Prosecution in Gjakova has been invited to show up, at the Police Station in Gjakova in order to be interviewed – The Prime Minister of Albania, Edi Rama, has used a selective approach towards the journalists from Kosovo, who were part of the press conference with the German Chancellor Angela Merkel – The branch of the Democratic League of Kosovo – LDK, in Suhareka, has used lynching vocabulary towards the journalist, Uran Haxha – The official of Vetëvendosje, Hysamedin Feraj, used threatening language against some journalists – Klan Kosova and RTV Dukagjini team, who went to the scene to report live about the armed robbery on the Prishtina-Gjilan district were obstructed and fined by the Kosovo Police – mekryeministrin Facebook group has continued the smear campaign against journalists – Adriatik Kelmendi – Journalist from Kosovo, has reported that he was questioned by Serbian Information Agency (BIA) agents – The journalist and editor of the portal “Indeksonline”, Alban Muhaxheri, was interrogated for several hours at the Police Station in Kaçanik, after writing about a member of the Police on a local Facebook page
<p>Threats against the lives and physical safety of journalists</p> <p>These may include:</p> <ul style="list-style-type: none"> – references to killing journalists, journalists’ friends, family or sources; – references to making physical harm against journalists, journalists’ friends, family or sources. <p>These threats may be:</p> <ul style="list-style-type: none"> – made directly or via third-parties; – conveyed via electronic or face-to-face communications; – may be implicit as well as explicit. 	10	<ul style="list-style-type: none"> – Lynching vocabulary was used towards the journalist Albijona Hoxhaj by the spokesperson of Kosovo Electricity Distribution Company (KEDS) – Bujar Vitija of Gazeta Shenta has been threatened by a person, who is supposedly the father of an anaesthesiologist, for whom it has been reported by the above-mentioned portal – An unknown person tries to break in into the offices of “Botapress” – Kallxo.com team was obstructed while on duty and they were threatened by three unidentified people, who are part of the hospital staff. – Klan Kosova team were obstructed while broadcasting live from Drenas – MP Haki Abazi threatened “Albanian Post” – The adviser of the President of Kosovo, Blerim Vela has used lynching vocabulary towards media. – “Gazeta Sinjali” Journalists have been threatened with death by relatives of some arrested over plots for terrorist attacks a day before – Bota Sot editor-in-chief Idriz Morina and his family have received threatening phone calls – Vehbi Kajtazi of Paparaci.com received several online death threats
<p>Actual attacks on journalists</p> <p>Types of actual attacks may include actual physical or mental harm, kidnapping, invasion of home/office, seized equipment, arbitrary detention, failed assassination attempts, etc.</p>	3	<ul style="list-style-type: none"> – Journalist Visar Duriqi was physically assaulted at midnight in his neighbourhood in February – Albanian and Serbian journalists were attacked in Northern Mitrovica – In the same day, journalist of Kanal 10, Albulena Rexha was attacked with pyrotechnic while reporting live from Northern Mitrovica
<p>Killings of journalists (in the past 15-20 years)</p> <p>Types of killings may include being killed in cross-fire, assassinated, killed in a bomb explosion, beaten to death etc.</p>	0	

Categories	Number	Description
Threats and attacks on media institutions, organizations, media, and journalists' associations Actual attacks on property of media outlets and organizations, their personnel, seized equipment, aggressive declarations by public officials etc. Also, threats and attacks might include some of the categories listed above.	3	<ul style="list-style-type: none"> – Lynching vocabulary by PDK and LDK towards RTV Dukagjini during the elections campaign in January – The branch of the political party Lëvizja Vetëvendosje in Mitrovica threatened the local portal “Jepi Zë” – A team of journalists from Radio Free Europe/Radio Liberty were attacked in Northern Mitrovica – the camera and the taxi were damaged by a group of around 50 people

threats, harassments and other forms of violence toward journalists, that took place during 2021 and earlier, it is assessed that cases of journalists are not treated with priority by courts, as they are either prolonged or the imposed penalties are not in accordance with the law. Although, the Criminal Code of Kosovo foresees imprisonment from 6 months to 5 years, in cases of threat or intimidation, in cases of physical violence, according to this code the sentences vary from 3 months to 10 years in prison. Furthermore, even when these cases come to an epilogue, it mainly involves a symbolic fine, which many times has been described by media experts as a sum which is encouraging to the perpetrators to repeat the crime, to intimidate and attack journalists.¹²⁹

Non-physical threats and harassments

During 2021 there were 13 cases of non-physical threats and harassments towards journalists in Kosovo. Threats and assaults vary from those of high officials towards journalists and other media workers, to those of rule of law institutions, as well as political party high officials. The journalist Mentor Gjergjaj who upon an order of the Basic Prosecution in Gjakova has been invited to show up at the Police Station in Gjakova in order to be interviewed for a case related to an article published by the journalist on May 3rd 2018, in the online newspaper “Gazeta Express”.¹³⁰ In the meantime, Parim Olluri of Gazeta Insajderi was interviewed by Kosovo Police, after Gazeta Insajderi published an investigation that contained internal information of the Ministry of Health regarding the refusal of Pfizer and BioNtech Vaccines by this Ministry.¹³¹ Two cases of selective approach abroad have occurred during 2021 towards Kosovo journalists; the first one took place in Albania, during the meeting of Albanian Prime Minister, Edi Rama with the German

Chancellor Angela Merkel, where Kosovan journalists were discriminated and not allowed to ask questions¹³²; and the second one took place in Belgrade, where Adriatik Kelmendi was questioned by the BIA upon his arrival in Serbian territory¹³³, and this was not the first time it happened. Meanwhile, KP officials were involved in two cases of non-physical threats and harassments reported during 2021. KP officials fined and obstructed while on duty, both Klan Kosova and TV Dukagjini teams, in Pristina-Gjilan district, while they were trying to report on a robbery that took place there.¹³⁴ As the second case, was of Albion Muhaxhiri of Indeksonline portal, where he was questioned by the police in Kaçanik due to a Facebook comment.¹³⁵ Hysamedin Feraj of VV¹³⁶, as well as LDK branch in Suhareka have also used lynching language toward journalists,¹³⁷ whereas #MeKryeministrin Facebook group has continued the denigrating language toward journalists and media.¹³⁸

Threats against the lives and physical safety of journalists

There are ten cases of threats against the lives and physical safety of journalists. Most of the reported cases are from citizens, mainly related to the people certain media have reported about. Gazeta Sinjali journalists were threatened by the family members of a group

¹²⁹ Dafina Lata, “Attacks and threats against journalists are an attack on freedom of speech”. Accessed on 15.4.2022. <https://bit.ly/3N9jYEG>

¹³⁰ AJK, “Mentor Gjergjaj invited to be interviewed in the capacity of a suspect”. Accessed on 12.2.2022. <https://bit.ly/3L2UsPK>

¹³¹ AJK, “Obstruction against journalist Parim Olluri”. Accessed on 12.2.2022. <https://bit.ly/3Fxt0bM>

¹³² AJK, “Selective Approach Towards The Kosovan Journalists”. Accessed on 12.2.2022. <https://bit.ly/3L3lyWU>

¹³³ AJK, “AJK Condemns Serbian Bia Conduct Against Journalist Adriatik Kelmendi, Calls on EU to React”. Accessed on 12.2.2022. <https://bit.ly/3N3HfYq>

¹³⁴ AJK, “Obstruction Against Klan Kosova And Rtv Dukagjini Team”. Accessed on 12.2.2022. <https://bit.ly/3N7E3uM>

¹³⁵ AJK, “Other Threats Towards Journalist Alban Muhaxheri”. Accessed on 12.2.2022. <https://bit.ly/37zgOLb>

¹³⁶ AJK, “AJK Condemns The Threatening Language Of Hysamedin Feraj Against Journalists”. Accessed on 12.2.2022. <https://bit.ly/39GVWSM>

¹³⁷ AJK, “AJK Condemns The Lynchings Of Ldk Branch In Suhareka Toward Journalist Uran Haxhia”. Accessed on 12.2.2022. <https://bit.ly/3wIVUj5>

¹³⁸ AJK, “AJK Condemns The Denigrating Language Towards Journalists of #MEKRYEMINISTRIN Facebook Group”. Accessed on 12.2.2022. <https://bit.ly/38i86RG>

of people arrested over plots for terrorism,¹³⁹ Bujar Vitija of Gazeta Shneta was threatened by a family member of an anaesthesiologist, who it has been reported about by the above-mentioned portal to have been fined by the Health Inspectorate due to the fact that he had left his workplace during his custody shift,¹⁴⁰ while Idriz Morina, as well as his family received death threats via phone.¹⁴¹ Vetëvendosje's MP, Haki Abazi threatened "Albanian Post" portal and its director Baton Haxhiu regarding some previous reporting on the failure on appointing the new Kosovo Ambassadors,¹⁴² while the President's advisor, Blerim Vela, used denigrating language towards media.¹⁴³ All the cases of threats against journalists within 2021 are under police investigation.

Number of actual attacks

During 2021 there was a total of three actual attacks on journalists. The first one took place in February of 2021, where journalist Visar Duriqi was physically attacked by some unknown people in the vicinity of his apartment at midnight.¹⁴⁴ This was not the first time Duriqi was threatened due to the topics he covers; however, this was the first time he was physically assaulted. Meanwhile, the two other cases took place in Northern Mitrovica, where both Albanian and Serbian journalists were attacked by protesters in the street,¹⁴⁵ and the case of Albulena Rexha of Kanal 10 where she was thrown with pyrotechnics at, while reporting from the same event.¹⁴⁶

Number and types of threats and attacks on media institutions, organizations, media and journalists' associations.

In the AJK's database, over the last year time frame, there have been three cases registered as threats and attacks on media institutions, organizations, media and journalists' associations. The first case took place in late January, during the central elections campaign. Political parties, PDK and LDK used denigrating

language towards TV Dukagjini.¹⁴⁷ Afterwards, Lëvizja Vetëvendosje branch in Mitrovica threatened as well as boycotted the local portal "JEPI ZË".¹⁴⁸ Whereas, the team of Radio Free Europe/Radio Liberty team's camera and taxi were damaged by a group of about 50 people, who obstructed the team from reporting on the riots in Northern Mitrovica.¹⁴⁹

C2 State institutions and political actors' behaviour concerning journalists' protection

Are there specific provisions in the laws or other mechanisms aimed at supporting journalists' safety, offline and online?

There are legal provisions, such as those of the Criminal Code of the Republic of Kosovo (in force from 14 April 2019), that protect every person who due to work may be a victim of a criminal offense. There is also Law no.04 / L-137 on the protection of journalists' sources, dated 31 July 2013.¹⁵⁰ However, there are no specific policies or other mechanisms developed by the state institutions to support journalists' safety in particular. Regarding the safety of journalists, the Prosecutors, and the Basic Court of Prishtina have also appointed coordinators to collect data on cases involving journalists in 2020 but despite that, the processing of the cases remains slow which leads to dissatisfaction towards the justice institutions in Kosovo.

Are there documents (protocols, rules of procedure etc.) adopted by state institutions that give additional guidelines to military and police how to conduct with journalists?

A Coordinator has been appointed within the Kosovo Police (KP) to monitor and follow up on everything that involves journalists. All actions taken by this security institution are carried out in close cooperation and coordination with other competent bodies. There are no standard operation procedures within Police or Prosecution

139 AJK, "Threats Towards The Journalists Of Gazeta Sinjali". Accessed on 12.2.2022. <https://bit.ly/38pgFTY>
 140 AJK, "Threat Towards Journalist Bujar Vitija". Accessed on 12.2.2022. <https://bit.ly/3l0eFYz>
 141 AJK, "The Editor-In-Chief Of "Bota Sot", Idriz Morina, Notified The Police About The Threats". Accessed on 12.2.2022. <https://bit.ly/38l5Xor>
 142 AJK, "Threats Towards 'Albanian Post'". Accessed on, 12.2.2022. <https://bit.ly/39cZNXm>
 143 AJK, "AJK: Unacceptable Language Towards Media From The President's Advisor, Blerim Vela". Accessed on 12.2.2022. <https://bit.ly/3wiQhds>
 144 AJK, "AJK: Physical Attack Towards Journalist Visar Duriqi, Disturbing and Dangerous for the Freedom of Expression". Accessed on 12.2.2022. <https://bit.ly/3FzeITc>
 145 AJK, "Albanian and Serbian Journalists are Attacked in Northern Mitrovica". Accessed on 12.2.2022. <https://bit.ly/3kWHCbdl>
 146 AJK, "Attack Towards Journalist Albulena Rexha". Accessed 12.2.2022. <https://bit.ly/3yprRKF>

147 AJK, "Reaction Towards the Lynching Vocabulary of Pdk and Ldk Towards Rtv Dukagjini". Accessed on 12.2.2022. <https://bit.ly/3l0fQdy>
 148 AJK, "AJK Condemns the Boycott and Lynching Vocabulary Toward the Portal "Jepi Zë" by Lëvizja Vetëvendosje in Mitrovica". Accessed on 12.2.2022. <https://bit.ly/3vZmJT9>
 149 AJK, "Attack Against the Rfe/RI Tem". Accessed on 12.2.2022. <https://bit.ly/3FDE7jE>
 150 Besim Kelmendi, State Prosecutor, the Office of Chief State Prosecutor of the Republic of Kosovo, interviewed by Getoarbë Mulliqi Bojaj, 12.2.2022.

regarding the protection of journalists in cases when they are subject of criminal offenses or intimidation.¹⁵¹

Are there any mechanisms in place for monitoring and reporting on threats, harassment and violence towards journalists? Do state institutions publish data about attacks on journalists and impunity?

Cases of attacks on journalists are reported to the AJK, which advocates on their behalf, as well as to the Police and Prosecution who take the necessary measures to investigate these cases. For some time now, the judicial system is undergoing a transition through the development of a Case Management Informative System (CMIS), which will consolidate the data and provide tracking of court cases. However, whether the CMIS will consolidate data from the police is unclear. On the other hand, the KP, based on its internal procedures, reports and publishes on a daily basis on all cases, including those that involve journalists. Nonetheless, the digitalisation of the database has been in process for some time now, and once it comes through it will make it easier for the information to be generated based on the occupation of the parties to proceedings. Even though officials from Kosovo Judicial Council claimed in 2019 that CMIS establishment will take place soon, media experts and media lawyers in Kosovo assess otherwise. Until the segregation of cases takes place in Kosovo Courts, journalists working conditions and safety will remain unstable and at risk.

2020 – There is a lack of state mechanisms for monitoring and collecting data on threats and attacks on journalists and media organisations. Currently, the judicial system is undergoing a transition through the development of a Case Management Informative System (CMIS), which will consolidate the data and provide tracking of court cases. However, whether the CMIS will consolidate data from the police is unclear. On the other hand, the KP, based on its internal procedures, reports and publishes on a daily basis on all cases, including those that involve journalists. However, the digitalisation of the database is in process through which the information will be generated based on the occupation of the parties to proceedings. Cases of attacks on journalists are reported to the AJK, which advocates on their behalf, as well as to the Police and Prosecution who take the necessary measures to investigate these cases.

¹⁵¹ Ehat Miftaraj and Yll Zekaj, Representatives of Kosovo Law Institute, interviewed by Gëtoarbë Mulliqi Bojaj, 15.2.2022.

Are the attacks on the safety of journalists recognized by the state institutions as a breach of freedom of expression and criminal law? Do government officials make clear statements condemning attacks upon journalists?

The Government institutions recognize attacks on the safety of journalists as a breach of freedom of expression, human rights law 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 organisations or international media freedom watchdogs. 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 denigrating language by politicians or public/state officials.

Do state institutions cooperate with journalists' organisations on journalists' safety issues?

AJK performs in accordance with KP regarding all of the cases that concern journalists that are reported to KP. Furthermore, AJK encourages all of the journalists to report their cases by the relevant institutions, and monitors those cases regularly. The signing of a Memorandum of Understanding between AJK and KP has been postponed for 2022. This agreement would directly contribute to the prevention of attacks on journalists as well as the proceeding of cases.¹⁵²

In cases of electronic surveillance, do state institutions respect the freedom of expression and privacy? Which was the most recent case of electronic surveillance on journalists?

A court warrant is needed before an electronic surveillance in Kosovo can be conducted, as permitted by the Penal Code¹⁵³ and the Criminal Procedure Code,¹⁵⁴ This warrant is only issued for cases of high threats. There are no cases of electronic surveillance of journalists during 2021 in Kosovo. However, according to Kosovo cyber security experts, Kosovo should be alerted when it comes to the risk of people's privacy as the nation-

¹⁵² The MoU drafted and shared with the KP press and public information office. The memorandum of understanding between AJK and the KP to be signed as soon as the document is cleared by the legal offices of the two entities."

¹⁵³ Official Gazette of the Republic of Kosovo, Criminal Code of the Republic of Kosovo. Accessed on 13.12.2021. <https://md.rks.gov.net/desk/inc/media/A5713395-507E-4538-BED6-2FA2510F3FCD.pdf>

¹⁵⁴ Ibid.

al surveillance system builds up.¹⁵⁵ According to the European Commission Progress Report on Kosovo for 2020, legislation on cybercrime is generally in line with the EU acquis.¹⁵⁶

C3 Criminal and civil justice system's behaviour concerning threats and acts of violence against journalists

Are there specific units within the institutions of the civil justice system dedicated to investigations and prosecutions of 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 about ensuring the safety of journalists and the issue of impunity. Regarding the safety of journalists, the Prosecutors and the Basic Court of Prishtina have also appointed coordinators to collect data on cases involving journalists.¹⁵⁷ The role of coordinators within Prosecution and Courts is mainly to coordinate and monitor the work of prosecutors regarding their cases against journalists.¹⁵⁸

Do the Public Prosecutor's office and the Ministry of Interior Affairs provide adequate resources to cover investigations into threats and acts of violence against journalists?

Neither the Police, the Ministry of Internal Affairs, the Prosecution nor the Courts have in their strategic documents any objective or activities related to the training of police, prosecutors or judges regarding the treatment of cases against journalists. According to the Kosovo Law Institute,¹⁵⁹ Kosovar institutions do not allocate adequate resources to cover investigations, and the measures of protection provided to journalists are inadequate. No

institution speaks internally about the increase of the awareness regarding the safety of journalists".¹⁵⁹

Are the investigations of crimes against journalists, including intimidation and threats, investigated promptly, impartially and efficiently? Are there measures of protection provided to journalists when required in response to credible threats to their physical safety?

The KP is the most effective institution when it comes to investigations of cases involving threats and violence against journalists.¹⁶⁰ The cases related to the attacks and threats toward journalists are covered through the articles of specific laws that do not specify the occupation of the victim.¹⁶¹ 23 out of 29 cases that took place during 2021 were reported to the police, two out of which are still under investigation, whereas, for two cases which AJK was not notified about, as the journalists chose to remain anonymous, two persons were taken in detention for 48 hours. In addition, regarding the case of online threats towards Vehbi Kajtazi, two suspects have been identified and arrested, and with the decision of the custodial prosecutor, the suspects were sent to detention. The remaining cases have been referred to the Prosecution. In the past, threatened journalists have been provided close protection by the KP.

Even though a Prosecutor has been appointed by the Prosecution to monitor cases of threats and attacks toward journalists and despite the fact that there is a database where journalists' cases are classified, these cases are usually prolonged and are not investigated right away. The latter practices in regards to the reaction of other institutions, except for Kosovo Police toward the cases of threats and attacks toward journalists, and not providing the necessary protection granted by law, further aggravates the conditions under which journalists have to continue doing their job.

Courts are not perceived as efficient due to the fact that the cases are not solved, and they are usually prolonged, therefore journalists claim that they hesitate to report all of the cases.¹⁶² Because of the delay in the establishment of the CMIS the courts are not able to provide data on cases of journalists to AJK. AJK is either notified by the involved parties in the case regarding

155 BalkanInsight "Kosovo Surveillance Build-up Raises Privacy Concerns". Accessed on 15.4.2022. <https://balkaninsight.com/2021/12/31/kosovo-surveillance-build-up-raises-privacy-concerns/>

156 European Commission, "Commission Staff Working Document Kosovo 2020 Report", Brussels, 2020. Accessed on 15.4.2022. https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/kosovo_report_2020.pdf

157 Koha.net, "The Basic Court in Prishtina appoints a coordinator for journalists' cases". Accessed on 12.2.2022. <https://bit.ly/3M2GEWM>

158 Ehat Miftaraj and Yll Zekaj, Representatives of Kosovo Law Institute, interviewed by Getoarë Mulliqi Bojaj, 15.2.2022.

159 Ibid.

160 Ehat Miftaraj and Yll Zekaj, Representatives of Kosovo Law Institute, interviewed by Getoarë Mulliqi Bojaj, 15.2.2022.

161 Besnik Ramosaj, Director of Statistics Department at Kosovo Judicial Council, interviewed by Getoarë Mulliqi Bojaj, 13.1.2021.

162 Two focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Getoarë Mulliqi Bojaj on 10.1.2022 and 11.1.2022.

the status of the case in Courts, or by media. Such as in Valon Sylja's case¹⁶³, when the Basic Court of Pristina has announced the verdict against the accused, for the criminal offense, where he was found guilty of this criminal offense and fined 4,500 (four thousand five hundred) Euros.

Even though cases that receive high media attention tend to be taken more seriously and investigated quickly, as is the case of the former Minister of Trade and Industry who physically attacked a journalist in 2019.¹⁶⁴ However, this was not the case when Visar Duriqi was physically assaulted in February 2021, as no one has been brought to justice yet.

During 2021, Kosovo police has reacted in a timely manner regarding cases of violence and threats to journalists. In several cases, there was even close protection provided by KP for journalists where risks and threats were severe. Despite appointed prosecutors and particular databases of cases with threats to journalists established already in 2020, the situation with cases against perpetrators are prolonged in procedures and often take a few years to proceed. The situation changes when cases get more media attention.

In cases of final verdicts, are the sanctions imposed only to perpetrators or to instigators/masterminds as well?

In cases of final verdict, mainly the sentences are imposed only to perpetrators of criminal offenses, as there are no cases in practice where someone has been sentenced because of ordering a criminal offense. From 2017 until 2021, 115 cases of threats, assaults, harassment and other forms of pressure towards journalists have been reported; however, only a couple of cases have been solved. It is presumed that only in cases of physical attacks and/or cases where politicians (the case of Ensar Ramadani) are involved, the perpetrators are found and brought to justice, as for the rest of the cases, they are prolonged to the extent that the journalists give up on searching for justice. It is assessed that journalists hesitate to report their cases to the relevant institutions due to the fact that those cases are usually prolonged or not solved at all.

Do the institutions organize appropriate trainings for police, prosecutors, lawyers and judges in respect to the protection of the freedom of expression and journalists? Do they organise these trainings in cooperation with journalists' associations?

The Justice Academy throughout the year organises trainings for prosecutors and judges regarding the freedom of speech. The KLI during the reporting period has held trainings for lawyers, judges and prosecutors related to the freedom of speech, the freedom of media, as well as the rights and protection of whistle-blowers.¹⁶⁵ KP has organized media related trainings with the participation of a number of police officers, through which it has increased its internal capacities for competent work with the media. Certain prosecutors and coordinators, spokespersons, prosecutors' administrators, professional associates and other officials, have attended media related trainings, mainly supported by the OSCE Mission in Kosovo, although there is still a need for further trainings.¹⁶⁶

¹⁶³ Insajderi "Valon Sylja's assaulter arrested". Accessed on 15.4.2022. <https://insajderi.com/arrestohet-sulmuesi-ivalonsyles/>

¹⁶⁴ AJK, "Actual attacks on journalists, Ensar Ramadani, Prishtinë,17.12.2019". Accessed on 14.4.2021. <https://bit.ly/3wmBUEX>

¹⁶⁵ Ehat Miftaraj and Yll Zekaj, Representatives of Kosovo Law Institute, interviewed by Gëtoarbë Mulliqi Bojaj, 15.2.2022.

¹⁶⁶ Besim Kelmendi, State Prosecutor, the Office of Chief State Prosecutor of the Republic of Kosovo, interviewed by Gëtoarbë Mulliqi Bojaj, 12.2.2022.

Table 3. Overview of completed activities for resolving some of the most serious attacks on journalists in the last five years

Case	Year	2017.	2018.	2019.	2020.	2021.
Physical assault on Ensar Ramadani (17.12.2019)				18.12.2019 State Prosecution has opened the investigation on the case. 10.02.2020 – The attacker has been indicted for the assault by the Basic Prosecution in Prishtina.		
Threats to Bujar Vitija, reporter on portal Shneta				08.10.2019 The Basic Court of Prishtina fined the offender 200 Euros.		
Threats to Taulant Osmani reporter of Kallxo.com (11.11.2017)	13.11.2017		Basic Court in Gjilan put a restraining order on M.N. or threatening the journalist.			
On 02.04.2019 a journalist was threatened by an imam in Peja				Crime reported Prosecution received the case Prosecution sends it to the court Court approved the request Court initiated investigative measures		
On 13.06.2020 Shkumbin Kajtazi's car was subject of arson attempt.					22.03.2021 The basic Court in Mitrovica has charged the offender with 10 months of effective imprisonment and 20 Euros for court expenses.	
On 18.10.2020 the car of Shkumbin Kajtazi was shot at with a firearm.					Crime reported Prosecution received the case The case is under the investigation	

Case	Year 2017.	2018.	2019.	2020.	2021.
On 22.12.2020 journalist Valon Sylva was physically attacked.				The Basic Court in Prishtina has announced the verdict against the accused, for the criminal offense "Minor bodily injury", from article 185 par.1, subpar. 1.4 of Code no. 06/L-074 of the CCRK. The accused was found guilty of this criminal offense and fined 4,500 (four thousand five hundred) Euros, which he was obliged to pay within 15 days after the final verdict. The time spent in detention, from 22.12.2020 until 06.01.2021, will be counted in the sentence imposed.	
On 25.02.2021 journalist Visar Duriqi was physically assaulted					Crime reported Prosecution received the case The case is under the investigation
On 16.12.2021 journalist Vehbi Kajtazi of Paparaci.com received several online death threats					Two suspects have been identified and arrested, as they are suspected to have threatened a journalist on social networks. After the interview, with the decision of the custodial prosecutor, the suspects were sent to detention.

Conclusions and Recommendations

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 favourable environment for the sustainable development of the media sector in these regards. The report covers the issues from the context of 2021 and builds itself from the previous reports published on this topic by the Association of Journalists of Kosovo.

The findings show that there has been no significant progress made, as the legislative framework is considered quite comprehensive, for it is also structured to support the development of the media sector and the journalists. The challenges, however, remain in regards to the implementation. It is perceived that the financing of the PSB RTK leaves room for pressure, as there has been no other form established to finance it. The regulatory body IMC and the self-regulatory body PCK, in general are perceived as effective but the enforcement of their mandate is challenged in the absence of adequate resources. Data collection mechanisms for adequate monitoring and referral of libel and defamation cases is lacking proper tracking of the effectiveness of the judicial institutions to register cases brought to them. This due to the unavailability of a proper mechanism, to be established through the Case Management Informative System (CMIS) which is about to be functionalized. CMIS will enable the segregation and chronological tracking.

Even though journalists are guaranteed the right of association and the freedom to unionize, in Kosovo there is no all-inclusive union in place. Currently, there are three unions within the PSB, whereas private media outlets employees' only address to report the violations by the employer and third parties is AJK. The trend of verbally attacking the Association is rising annually, especially by public officials, as well as by the political party's hard-line followers. 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. Women journalists are far less represented in prime time shows, as well as managerial positions in the newsroom. 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. Still some private media outlets lack the code of conduct. Editorial independence is itself at some levels 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.

During 2021 there was an increase in the number of threats and attacks toward journalists with the number which raised to 29 reported cases. In 2019 there were 21 reported cases, meanwhile, in 2020 there were 24 cases. However, the increase in reporting can be interpreted as a step toward a positive change as journalists feel safer 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 in Prishtina, and the development of the CMIS which is underway and will enable the monitoring, referral, and segregation as well as chronological tracking of cases.

Recommendations

Media Legislation is generally – with some 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. The recommendations that emerged from this research are the following:

A Legal and financial

- Secure the legal and financial sustainability of PSB to increase impartiality, reduce political influence and preserve its independence in accordance with its status.
- RTK should be treated as a public institution and proper methods of funding should be identified, such as introduction of a fee to be paid by each household. International best practices can be used as an example.
- Secure the accountability of PSB to increase impartiality, reduce political influence and preserve its independence in accordance with its status.
- 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.
- Political impartiality of the Board of IMC and increase of competencies of self-regulatory body: 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.
- Increase the competencies of the self-regulatory body PCK. 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.
- Kosovo Judicial Council should finalize the establishment of the CMIS as soon as possible and prioritize the segregation cases of defamation lawsuits against journalists.
- 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 clear guidelines that would help the process and enforce the legislation should be developed.

B Position of journalists in the newsrooms

- Media should emphasise the Code of Ethics use and promote it as the constitution of media behaviour to increase quality reporting and professionalization of journalists.
- Media 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.
- Media should work on creating mechanisms to better verify news, contain spread of misinformation, disinformation and fake news.

- Media ownership should do its utmost to assure greater editorial independence from all forms of pressure on journalists and editors.
- 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 the adoption of Code of Conducts. AJK along with EFJ, UN Women, NDI, OSCE, CE and other international and national stakeholders are implementing trainings for journalists on proper approaches to reporting news.
- Strengthen the economic position of journalists and the establishment of an all-inclusive Trade Union.
- Regulation of employment procedures for journalists should be developed and enforced through the Labour Inspection which will require improvement in their efficiency in handling violations of labour rights for journalists. Furthermore, the role of Unions (the three existing ones within the PSB, as well as the one that should be established) should be strength-

ened and environments enabling for their development within the private media section must be encouraged to ensure better working conditions for journalists and other media workers

- AJK is supporting journalists in their demands for improved working 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.

C Safety of Journalists

- Kosovar institutions should ensure safer environment for journalists in Kosovo by providing protection for journalists more effectively.
- Financial safety should be prioritized by media ownership for the wellbeing of journalists
- Special policies that protect journalists in particular should be developed
- Data collection in regards to journalists' cases by Courts should be established
- Specific units/units within institutions dedicated to ensuring the safety of journalists should be established

