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Western Balkans Journalists' Safety Index

Narrative Report Kosovo 2021

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Introduction

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

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

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

¹ In Kosovo the Advisory Panel consisted of: Imer Mushkolaj, Naile Dema, Labinot Leposhtica, Albioneta Ademi, Lavdim Makshana, Brikenda Rexhepi, Naim Sadiku, Valdete Osmani, Granit Musliu.

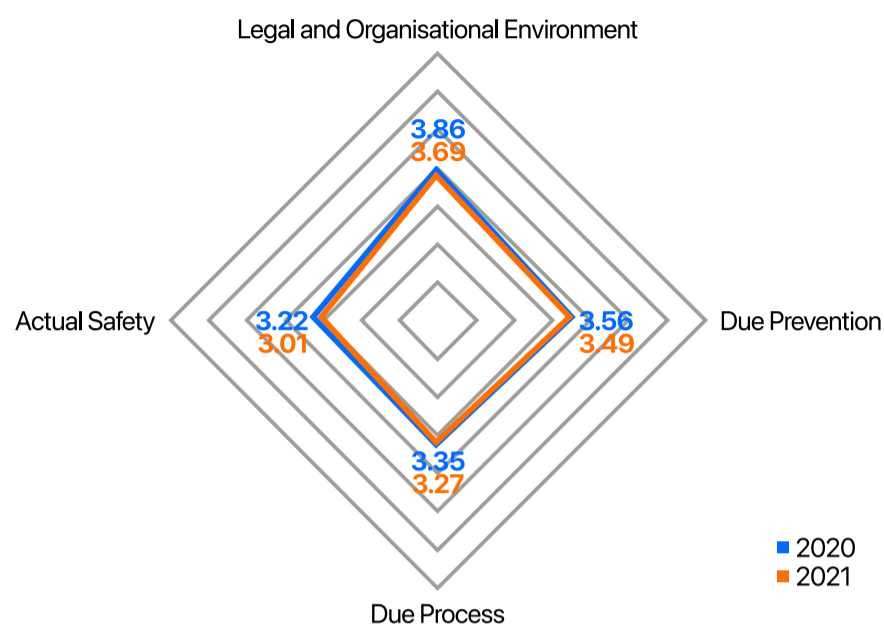
² The researchers of the RESIS Institute (www.resis.mk), Snezana Trpevska, Igor Micevski and Ljubinka Popovska Toševa have developed the conceptual framework for the Index and the model of its aggregation, weighting and calculation

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

The first (pilot) year for development of the conceptual framework and methodology for scoring, aggregating, and calculating the Index was 2020. This report refers to the situation in Kosovo in 2021 and presents the improvements or deterioration of the situation related to the four dimensions by taking into consideration the assessment for 2020 as the reference year. More details about the theoretical framework and procedure of construction and calculation of the WB-JSI and all country reports can be found at: (<https://safejournalists.net/safety-index/>).

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

JOURNALISTS' SAFETY INDEX



	2020	2021		Main new developments in each dimension
I. Legal and organisational environment	3.86	3.69	↓	The situation in 2021 remains almost the same as in the past, however the slight decrease in this dimension is a result of the fact that the police interference in journalists' work has been more frequent than before. Furthermore, their working conditions within the newsroom remain the same, the situation with salaries, health insurance, long working hours and cash payments, has not changed much.
II. Due Prevention	3.56	3.49	↓	There is a slight decrease in this dimension because there were two cases where journalists were obstructed on duty by the Police and one case by the Prosecution. In general, Police respect the profession of journalists and tend to not prevent them from doing their job.
III. Due Process	3.35	3.27	↓	The data segregation tool has not yet been established in courts, and the later cannot provide any statistics regarding cases of attacks towards journalists.
IV. Actual Safety	3.22	3.01	↓	In comparison to the previous year, where 24 cases were reported to the AJK the situation has deteriorated and the number of attacks has risen to 29 cases, besides in terms of the risen number of attacks, it is worsened in terms of the type of attacks as well.
Journalists' Safety Index	3.39	3.24	↓	

— SUMMARY

I. LEGAL AND ORGANISATIONAL ENVIRONMENT

- Due to the fact that the courts to this date fail to collect the data and full implementation of the media legal framework is still a challenge, the situation remains the same, furthermore media legal framework in Kosovo is perceived as fair, even comparable to the ones in countries with advanced democracy. A problem that persists over the years and presents a serious obstacle to assess objectively the situation in terms of this indicator is the fact that the courts still do not provide data on the number of defamation proceedings against journalists. , and the journalistic association has to collect this data via other channels, such as organizations, media managers and journalists themselves.

- In 2021, the situation is slightly deteriorated comparing to the previous year. The reason is that journalists were questioned by the police and prosecutors in two cases, although no sanctions have been imposed to them. Otherwise, the provisions of the applicable laws in Kosovo provide good protection for journalists' sources. Investigative journalists who work on corruption and crime do not feel discouraged or afraid to cover their topics.
- The situation in 2021 has aggravated in comparison to previous year in terms of the arbitrary application of other laws. Especially due to involvement of prosecution in two cases related to journalists is assessed as worrying and a contributor to destabilization of journalists working conditions and their safety. Moreover, the number of SLAPPs has contributed to situation's deterioration, as well as in decreasing of journalists' safety. In Kosovo there is no mechanism that protects journalists from SLAPP suits and during 2021 journalists in Kosovo faced tenths of SLAPP suits. It is assessed that there are more SLAPPs that journalists are yet to be informed about. This data is not approachable directly in Courts and the Association gathers this data from partner-organizations.
- The situation remains almost the same as in the past, however police interference in journalists' work has been more frequent than before. During lock-downs imposed due to the pandemics, some journalists have experienced obstructions. Journalists are not required to be licensed nor was such license required by state authorities. They are free to form and join associations; no pressure to do so is registered. However, the pressure of playing the role of a union falls upon AJK, whenever labor rights of media workers are violated. In the past AJK has also reacted for PSB workers, even though there are three unions within it.
- In general journalists' working conditions during 2021 remain the same as in 2021. Even though new media have been established and journalists have been changing their work place, for what it is assessed as better working conditions and treatment within the news room, the situation with salaries, health insurance, long working hours and cash payments, remains the same. Journalists fear to file lawsuits for mobbing or rights violations within the workplace remains one of the greatest challenges. On the other side, only during 2021 over 300 journalists became members of AJK. Furthermore, AJK has been able to provide its members with free legal representation, even though this help was not requested during the reporting year.

II. DUE PREVENTION

- In comparison to 2020 the situation is almost the same. The situation is perceived to have gotten harsher in

some nuances in terms of journalists safety, having in consideration that one of the cases that took place during the respective year that of Visar Duriqi's physical assault still remains under investigations. Same as in the past there are no contact persons or special numbers for journalists to report their cases within the institutions and journalists report their cases in the same manner as any other citizen. Even though there are no known nor reported cases where the relevant institutions did not respond at all, nor process or accept a report of a journalists or media in regard to violation of their rights. There are many unsolved cases from 2021 and the previous years (Shkumbin Kajtazi's case in 2020; Visar Duriqi's case 2021) The KP is perceived as the most efficient institution, whereas the courts are perceived as the least cooperative and effective, due to the prolonging of the cases or not solving them at all.

- During 2021 the situation in terms of protection of journalists by the respective laws remains almost the same as in the previous year, however it is perceived as a positive change that organizations that operate in Kosovo have shown more interest in legally representing journalists (free of charge). During 2021 OSCE provided AJK with a lawyer whom would represent the Association as well as the journalists in legal proceedings. Furthermore the legal provisions, such as the Criminal Code of the Republic of Kosovo that protect any person who may be a victim of criminal offenses due to his/her work protect journalists as well, but there are no legal provisions that protect journalists more than the other citizens. Risk assessment procedure is not defined clearly. However, if the police assess that the journalists' safety is endangered, they can grant them police protection.
- Similarly to 2020, in 2021 there were 3 cases of attacks, threats and harassment toward women journalists reported to the AJK. These cases of verbal attacks were only to reported to the AJK. Nonetheless, women journalists are not provided with additional assistance by relevant institutions in relation to their male colleagues or other female citizens.
- The number of online attacks by politicians and high officials has increased by five in comparison to 2020, and this increase is an indicator of the danger and non-stability of journalistic profession, as well as media freedom. The most frequent cases of threats come from people who should protect the rights of journalists and promote freedom of expression, and consequently the media. There is hypocrisy in the behaviour of politicians due to the fact that they are mainly the ones to use pejorative language towards journalists, and this language usually leads to more threats and lynching by their followers, especially online.

- The situation aggravated in 2021 mostly due to the prolonged measures related to the pandemic. There were two cases where journalists were obstructed on duty by the Police and one case by the Prosecution. In general, Police respect the profession of journalists and tend to not prevent them from doing their job. Furthermore, KP remains the most effective and cooperative institutions with the Association of Journalists of Kosovo.

III. DUE PROCESS

- During 2021 no change has been made in regards to specialised investigations and prosecutions of acts of violence towards journalists. The situation remains the same as in the previous years. According to the practices the police and prosecution do not have proper professionalism and expertise regarding the applicable legal safeguards provided by applicable legislation in Kosovo, as there are no guidance or policies adopted neither by prosecutorial system nor Police to treat cases against journalists. Besides the appointment of coordinator from the KP and Prosecution, Courts have appointed coordinator that deal with cases of threats, attacks and harassment toward journalists as well.
- The situation in terms of this indicator has not improved during 2021. The efficiency with which the investigations in cases where journalists are involved has not improved in comparison to the previous years. Journalists continue to face prolonging of cases by courts, whereas these proceedings remain untreated with priority. Furthermore, in general, the justice system is slow and ineffective, and some cases of attacks on journalists go unpunished. Every so often, attacks on journalists are not regarded as crime offenses, forcing journalists them to file private lawsuits rather than face prosecution ex officio. CSOs and the media, together with the Journalists' Association, are the ones initiating the public reaction. The judicial proceedings remain problematic, having in consideration that they are not treated with priority by courts, whereas the reaction of Police and Prosecution takes place immediately following the attack.
- The situation in regards to journalists' safety has deteriorated during 2021. Even though the reaction of police was prompt in most cases, the fact that to this date there are no provisions in the applicable laws recognize online harassment against journalist, when they are victim of such crime is problematic, having in consideration journalists are especially target to this kind of harassments in comparison to other professionals. During 2021 journalists in Kosovo were targeted by ten online attacks, intimidations, threats, and insults, especially during the election campaign. As a result of the slow response and lack of efficiency of the justice institutions

in handling criminal and civil cases against journalists, the legal measures were almost ineffective. Insults and denigratory language usually come from high officials and influential persons. The prompt reaction of KP in cases of Vehbi Kajtazi, G.G. and Sh.K. are considered an improvement from past years, however the justice system still has a long way in establishing specific provisions when it comes to online harassment against journalist.

- In regards to investigatory procedures and court proceedings nor progress or deterioration was identified during 2021. Due to the fact that the CMIS (Case Management Information System) has not been established even during 2021 the courts fail to provide the necessary information in regard to cases including journalists. Meanwhile, ever since the tendency to revise the Code of Conduct in 2019-2020, which would limit the ability of journalists to report from court sessions, there have been no other tentative as such. However, it is assessed that the transparency in the way court proceedings for attacks on journalists and the media are conducted is not satisfactory.
- The situation in Kosovo remains almost the same, however it is worrying that the data segregation tool has not yet been established in courts, and the later cannot provide any statistics in regard to cases of attacks towards journalists. It is of high importance for CMIS to be functionalized, because it would consolidate data and statistics not only relating to journalist but also for all criminal and civil matters in judiciary. It is also important for the case management information system to be liaised with the Kosovo Police information system in order to increase communication and cooperation between police and prosecution in treating cases against journalists.

IV. ACTUAL SAFETY

- In comparison to the previous year, where 11 cases were reported to the AJK the situation has deteriorated, besides in terms of the risen number of attacks, it is worsened in terms of the type of attacks as well. 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. Prosecution was involved in two out of thirteen cases, even though the AJK requested from Kosovo's Chief State Prosecutor to call upon the Prosecutors to comply with the Constitution and to perform in accordance with the law.
- Safety of journalists has aggravated during the reporting year, in comparison to the previous years. While in 2020 there were six cases in 2021 there are ten cases of threats against lives and physical safety of journalists. Threats against lives and physical

safety of journalists have been made mainly through social media, via private messages or public posts.

- The number of actual attacks towards journalists decreased by one in 2021, however the types of incidents included one of the harshest physical attacks ever registered in the AJK's database. Visar Duriqi's case remains under investigation and none of the perpetrators have been brought to justice.
- The situation and number of cases reported to AJK during the previous year was also three, however the cases of 2021 involved officials from three main political parties. Therefore, the general AGK assessment is that the situation in 2021 slightly deteriorated comparing to the previous year.

Legal and Organisational Environment

3.69

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

3.50

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

4.61

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

3.14

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

4.01

Journalists' job position is stable and protected at the workplace

3.20

1.00
2.00
3.00
4.00
5.00
6.00
7.00



By Law and in practice, there is absolutely no protection of journalists' working position, their sources and their organizations, thereby producing an extreme chilling effect.

By Law and in practice, there is a highest degree of protection of journalists' working position, their sources, and their organizations.

10

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

Final Score for 2020: 3.50 / Final Score for 2021: 3.50

Due to the fact that the courts to this date fail to collect the data and full implementation of the media legal framework is still a challenge, the situation remains the same, furthermore media legal framework in Kosovo is perceived as fair, even comparable to the ones in countries with advanced democracy. A problem that persists over the years and presents a serious obstacle to assess objectively the situation in terms of this indicator is the fact that the courts still do not provide data on the number of defamation proceedings against journalists. , and the journalistic association has to collect this data via other channels, such as organizations, media managers and journalists themselves.

The Law against Defamation and Insults defines civil liability against citizens or journalists when there are lawsuits for defamation or insult. The legal framework in Kosovo has decriminalized insults. Thus, journalists cannot be subject to criminal investigation for their articles, reports or opinions. The Law on Civil Aspects against Defamation and Insults is designed to be implemented and interpreted in accordance with the practices of the European Court of Human Rights as a guarantee for the promotion of freedom of expression and opinion. However, the lack of knowledge and expertise on the part of judges to implement the practices of the ECHR is an obstacle to promoting the rights of journalists and the media in Kosovo. Law against Defamation and Insult does not provide for sanctions, the law provides obligation for compensation for damage caused by defendants through defamation and insult. The compensation which is determined by the court must be proportional to the damage caused and will be determined only for the purpose of correcting the damage caused to the reputation of the person in question, or to compensate for any probable actual financial loss or material damage.

Public officials may file damages for defamation or insult privately and exclusively in their personal capacity. However,

— INDICATOR 1.1

state officials have the right to file civil lawsuits. There were several SLAPP indictments which were raised in one occasion where the international company operating in Kosovo filed sue against Kosovo civic activist, and other cases where when politicians filed SLAPP indictments against journalists who reported or exposed their wrong doings. A problem that seriously affects the situation in terms of this indicator is the fact that the courts do not have data on the number of defamation proceedings against journalists, and the journalistic association has to collect this data through different channels, such as partner organizations, media and/or journalists themselves. According to AJK's data collected from in depth interviews with media managers and journalists, during 2021 there are no cases in which the plaintiff was an influential politician, nonetheless SLAPPs toward journalists and activists have been initiated by powerful corporate actors.

Court cases may be somewhat politically motivated according to some media experts, however, no cases were registered during 2021. The lack of knowledge and expertise on the part of judges to implement the practices of the ECHR is an obstacle to promoting the rights of journalists and the media in Kosovo. Furthermore, it is assessed that even through courts and judges are provided with adequate trainings by local and international media law experts, they fail to embrace those practices. By the later it is perceived mainly as lack of human resources and infrastructure within the institutions, whereas the journalistic community fears that this happens due to negligence of the respective body.

According to journalists' responses in focus groups, as well as to a survey conducted by the Association of Journalists of Kosovo, the defamation law is not considered discouraging. Investigative journalists feel free to investigate and write critically. Furthermore, the journalists do not self-censor due to applicable laws. Whereas the practice of courts to sentence those who commit criminal offences against journalists with fine or suspended sentences, have very strong negative impact against journalists, also such approach it is considered by the potential perpetrators very encouraging to commit such offences in future.

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

Final Score for 2020: 4.87 / Final Score for 2021: 4.61

In 2021, the situation is slightly deteriorated comparing to the previous year. The reason is that journalists were questioned by the police and prosecutors in two cases, although no sanctions have been imposed to them. Otherwise, the provisions of the applicable laws in Kosovo provide good protection for journalists' sources. Investigative journalists who work on corruption and crime do not feel discouraged or afraid to cover their topics.

Legislation in Kosovo guarantees protection of anonymous journalistic sources and other media professionals. Journalists and other media professionals are obliged to disclose the identity of the source of information only at the request of the competent court and only in cases where disclosure of the source is necessary to prevent a serious threat to physical integrity resulting in death of one or more people. In Kosovo, the Law on the Journalistic Sources Protection is in force, which has built the standards and security for journalists, limiting their obligation to disclose anonymous sources only by court decision. This law has limited the right of the Police, Prosecution or other law enforcement institutions in Kosovo to request the disclosure of anonymous sources of journalists, without a decision issued by the competent court.

Journalists have no obligation to respond to the invitation from the Police or Prosecution to talk about sources of information. Also, journalists have no obligation to give statements to the Police or the Prosecution regarding published articles or reports, unless there is a written decision issued by the competent court, to prevent criminal offenses that may consequently violate the physical integrity resulting in death of one or more persons. Two cases that took place in 2021 involved prosecutors who did not follow the protocol or acted in compliance with the laws in force. Journalists Mentor Gjergjaj was invited to be questioned by the Basic Prosecution in Gjakova and Parim Olluri was questioned in Prishtina. No sanctions have been imposed in regards to the above mentioned cases

— INDICATOR 1.2

and AJK asked of Chief State Prosecutor to call upon all Prosecutors to comply with the applicable laws in Kosovo.

During 2021 there were no new cases where journalists were ordered by state authorities to hand over their equipment (computer, cell phone etc.) and, on that way, to disclose their sources. The last known such case is from 2018. Koha Ditore journalist Saranda Ramaj, on December 28, 2018, was taken out of the courtroom on the hearing in the case of the organization "Syri i Popullit", while the president of the country, Hashim Thaçi, was testifying. Her phone was taken by the police unit for close protection of President Thaçi. Saranda Ramaj was held for 6 hours by the police and they kept her phone for several hours on the grounds that she had illegally recorded the statement of President Hashim Thaçi in the court session "Syri i Popullit". The Association of Journalists of Kosovo, the South-East European Media Organization and the Kosovo Institute of Justice reacted to this case.

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

Final Score for 2020: 3.62 / Final Score for 2021: 3.14

Arbitrary use of other legislation such as state of emergency. The situation in 2021 has aggravated in comparison to previous year in terms of the arbitrary application of other laws. Especially due to involvement of prosecution in two cases related to journalists is assessed as worrying and a contributor to destabilization of journalists working conditions and their safety. Moreover, the number of SLAPPs has contributed to situation's deterioration, as well as in decreasing of journalists' safety. In Kosovo there is no mechanism that protects journalists from SLAPP suits and during 2021 journalists in Kosovo faced tenths of SLAPP suits. It is assessed that there are more SLAPPs that journalists are yet to be informed about. This data is not approachable directly in Courts and the Association gathers this data from partner-organizations.

In comparison to 2020 where at least two cases were reported where journalists were subject to arbitrary enforcement by security or justice institutions as a result of their reporting, during 2021 the number increased by one. During the reporting period three cases of obstruction while performing their duties occurred. The first case took place in April 2021, where the editor 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. 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. 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. 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. There is no tendency to create legislation through

— INDICATOR 1.3

which they would silence, threaten or intimidate journalists. However, there is no mechanism that protects journalists from SLAPP lawsuits, nor does the Agency for Free Legal Aid as a public legal aid agency, categorize journalists as beneficiaries of legal aid in cases where they face SLAPP lawsuits.

Tenths of SLAPP lawsuits that have been filed in 2021 against investigative journalists as well as public activists in Kosovo, facing allegations of defamation. Through these lawsuits, compensation of material and moral damage was required by journalists. The investigations of journalists against various illegal affairs of companies, by the latter have been considered as defamation, where through SLAPP Lawsuits compensation for moral and material damage has been sought. The Law on Civil Aspects against Defamation and Insults stipulates that the law itself must be implemented in accordance with practice of the ECHR. Except this law, Kosovo does not have additional legislation to provide legal certainty to journalists when they are subject to SLAPP lawsuits. The negative consequences for journalists in the case of SLAPP lawsuits are the journalists' time spent in court hearings, as well as the spending of material means for legal representation in cases of judicial treatment of these lawsuits.

According to the data collected from in-depth-interviews with journalists, as well as the focus groups, the safety of journalists is not more endangered in situations when journalists report from protests. The journalists are required to keep their IDs in sight, so they can be identified by the Police or other officials. During 2021 a riot was organized in Northern Kosovo, where three cases of attacks took place. In the first case all of the journalists reporting from protest were subject of attacks by the protesters and the second case involved Kanal 10 television team, where journalist Albulena Rexha was thrown with pyrotechnics while reporting live. Last case did not take place at the protest, however some protesters demolished the taxi of Radio Free Europe team and damaged the camera.

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

Final Score for 2020: 4.11 / Final Score for 2021: 4.01

The situation remains almost the same as in the past, however police interference in journalists' work has been more frequent than before. During lock-downs imposed due to the pandemics, some journalists have experienced obstructions. Journalists are not required to be licensed nor was such licence required by state authorities. They are free to form and join associations; no pressure to do so is registered. However, the pressure of playing the role of a union falls upon AJK, whenever labour rights of media workers are violated. In the past AJK has also reacted for PSB workers, even though there are three unions within it.

In Kosovo, journalists are not required to be licensed by the state to practice their profession, and state bodies did not attempt to license them during the reporting period. During lock-downs imposed due to the pandemics in 2021 some journalists have been obstructed while performing their duties: The first case took place in April 2021, where the editor 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. 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. 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. 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. In general journalists are recognized in relevant proceeding before public authorities, however AJK and KP continuously call upon all media workers to always have their IDs on at all times while performing their duties, emphasis on protests, riots and when reporting for/from institutions. The right of association and the

— INDICATOR 1.4

freedom to form unions are guaranteed to journalists. They are represented by two associations, AJK and ASJK, but at present there are only three unions within PSB. There is no union that represents the interests of all journalists in Kosovo or protects their labour rights, so the AJK serves as the main advocacy organization for the protection of journalists' rights.

During the reporting period there was no pressure or obstacles for journalists to join organizations that represent their interests. During 2021 over 300 new members have joined AJK. Neither AJK nor the community of journalists are aware of parallel or fake media organizations.

Journalists' job position is stable and protected at the workplace

Final Score for 2020: 3.20 / Final Score for 2021: 3.20

In general journalists' working conditions during 2021 remain the same as in 2020. Even though new media have been established and journalists have been changing their work place, for what it is assessed as better working conditions and treatment within the news room, the situation with salaries, health insurance, long working hours and cash payments, remains the same. Journalists fear to file lawsuits for mobbing or rights violations within the workplace remains one of the greatest challenges. On the other side, only during 2021 over 300 journalists became members of AJK. Furthermore, AJK has been able to provide its members with free legal representation, even though this help was not requested during the reporting year.

In Kosovo, journalists face a wide range of challenges related to their employment contracts, social insurance and salaries. According to research conducted by the AJK in 2020, the number of journalists with signed contracts has increased compared to previous years. In 2021, no precise data is available on how many journalists signed employment contracts, hence the Association of Journalists of Kosovo conducted a survey in regards to contracts and working conditions of journalists at work. The data collected by the Association shows that the number of signed contracts has increased by 15-20% in comparison to 2020. This is due to the fact that there have been new media established (two TV channels) and journalists have changed work places more frequently, whereas in the previous year the Government provided the private sector in Kosovo with an Emergency Package during the pandemic, which contributed to this increase. Although most wages were reduced as a result of the pandemic, there were also terminations of contracts, long working hours without compensation, changing of work conditions and contracts from full time, to part time and forced non compensated leaves.

Most media workers' salaries were delayed, except for public service broadcasters. Furthermore, journalists in most of the private media face the greatest challenges in the workplace because they are working long hours without compensation and have no health insurance. Moreover, the greatest challenge

— INDICATOR 1.5

of all is their salary, as a large number of journalists claim to be working for salaries that are below country's average which is 480 euros, whereas the minimum wage for 2021 was 168 euros. Even so, they face delays, in some cases are not paid regularly, or even are paid in cash (in some cases both cash and via bank, combined). Only journalists from the public broadcaster and some of the mainstream media workers are paid regularly. For freelance journalists 2021 has been quite challenging.

In recent years, Kosovo's 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 workplaces. 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.

The working conditions of both female and male journalists in newsrooms are mainly the same. There are no exact data on the number of women and men who have signed employment contracts, but by some estimates there are significantly more female journalists in the newsroom. There are no recent statistics for the top editorial positions in newsrooms, but female journalists are more likely to hold editorial positions in newsrooms, especially in the mainstream media, while male journalists are more in charge of management. To this date most of the main media TV shows that are broadcasted during the prime time are hosted by men. It has been assessed that contracts are not gender discriminatory, as the salaries of all media workers are based on their performance and not segregated gender-wise. AJK conducted two surveys in 2020 in regards to media workers conditions and according to them the average salaries of journalists range from 250 to 350 Euros, besides it was concluded that the salaries of women journalists are the same as their men colleagues. This was reconfirmed even in the focus groups conducted in 2021. Previously it was assessed that gender based pressure is only present in cases when women journalists are pregnant, and/or return to work after the maternity leave.

After focus-group discussions with female journalists during the reporting period, this pressure was not as present in 2021. During 2021 there was an increase of the interest of freelance journalists on becoming members of AJK. Organisation's database consists of 26 freelance journalists; however, it is perceived as this is not the real number of freelancers in Kosovo. Mostly, freelance journalists in Kosovo work for international media as correspondents, or media organizations established nationally. Due to the pandemic and measures to

— INDICATOR 1.5

prevent virus from spreading 2021 has been quite challenging for freelance journalists in terms of operation. There are three unions within the PSB, however there is not an all-inclusive union in Kosovo. To the date there are no collective bargaining completed, and the rights of all media workers are only guaranteed by Labour Law applicable in Kosovo. Mainstream media usually have their own lawyers, while smaller media, with emphasis on online media, cannot offer any kind of protection to their workers. Hence, AJK requested of OSCE to provide the organization with a legal representative who would be able to represent all media workers in criminal or civil proceedings, which are related to journalists' profession. In 2019, the AJK signed a Memorandum of Understanding with the Kosovo Bar Association to provide free legal protection to journalists, since the vast majority of media outlets do not provide legal protection for their employees. The KBA unilaterally terminated the memorandum with AJK in August 2020, thus, leaving journalists without legal protection. Nevertheless, organizations such as KJI, KLI, and independent lawyers as well have provided their services to journalists.



Due Prevention

3.49



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

Final Score for 2020: 3.49 / Final Score for 2021: 3.39

In comparison to 2020 the situation is almost the same. The situation is perceived to have gotten harsher in some nuances in terms of journalists' safety, having in consideration that one of the cases that took place during the respective year, that of Visar Duriqi's physical assault still remains under investigations. Same as in the past there are no contact persons or special numbers for journalists to report their cases within the institutions and journalists report their cases in the same manner as any other citizen. Even though there are no known nor reported cases where the relevant institutions did not respond at all, nor process or accept a report of a journalists or media in regard to violation of their rights. There are many unsolved cases from 2021 and the previous years (Shkumbin Kajtazi's case in 2020; Visar Duriqi's case 2021) The KP is perceived as the most efficient institution, whereas the courts are perceived as the least cooperative and effective, due to the prolonging of the cases or not solving them at all.

Coordinators to deal with cases of attacks and threats against journalists are appointed within both the Police and the Prosecution. However, in both those institutions there are no contact persons and special numbers specifically for journalists to report cases. Journalists report their cases in the same manner as any other citizen, while the coordinators within these institutions are assigned to deal with the case after their reporting either to the police, the prosecutor or the courts. During the reporting period there have been 29 cases of attacks, threats, harassment and assaults toward journalists. Most of the cases have been reported through the Association of Journalists of Kosovo and the Kosovo Police, some cases have been made public via media and social media. The cases of public lynching (mainly consist of online posts) are usually only reported at the AJK, meanwhile the physical attacks and threats, as well as the verbal threats are reported to the KP and AJK. The KP and the Prosecution have both appointed coordinators who deal with cases of journalists, and they are

— INDICATOR 2.1

very cooperative to AJK. However, having in consideration the lack of cooperation the AJK has with the judiciary, and the hesitation of the later to be cooperative in this matter during the last couple of years there are only a few solved cases. The measures the institutions undertake in order to protect journalists are the same as of the other citizens

There are no known cases where the relevant institutions did not respond at all, nor did not process/accept a report of a journalist or media outlet regarding the violation of their rights. However, the cases that get the most attention are usually the ones of physical attacks, and this is because the most prominent actors in politics, and/or national and international organizations react upon. In 2021 this was the case of the physical assault of journalist Visar Duriqi. Even though it was the harshest case of physical attack that took place during 2021, it is still under investigation and the perpetrator(s) are unknown to this date.

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

Final Score for 2020: 3.51 / Final Score for 2021: 3.59

During 2021 the situation in terms of protection of journalists by the respective laws remains almost the same as in the previous year, however it is perceived as a positive change that organizations that operate in Kosovo have shown more interest in legally representing journalists (free of charge). During 2021 OSCE provided AJK with a lawyer whom would represent the Association as well as the journalists in legal proceedings. Furthermore the legal provisions, such as the Criminal Code of the Republic of Kosovo that protect any person who may be a victim of criminal offenses due to his/her work protect journalists as well, but there are no legal provisions that protect journalists more than the other citizens. Risk assessment procedure is not defined clearly. However, if the police assess that the journalists' safety is endangered, they can grant them police protection.

The same mechanisms that apply to protect all citizens apply to journalists as well, due to the fact that there are no specific mechanisms at national level that provide physical protection for vulnerable. Moreover, there are legal provisions, such as the Criminal Code of the Republic of Kosovo (in force from 14 April 2019) that protect any person who may be a victim of criminal offenses due to his / her work.

In Kosovo's legal system there are no mechanisms established to assess the risk to journalists that would distinguish them from other citizens, but in case the police assesses that the safety of a journalist (just like any other citizen's) is endangered they grant them close protection. In the past KP has offered close protection to Shkumbin Kajtazi.

— INDICATOR 2.2

In 2019, the AJK signed a Memorandum of Understanding with the Kosovo Bar Association (KBA), in order for AJK members to receive free legal aid. In 2020, the KBA withdrew from this MoU unilaterally, leaving journalists and other media workers vulnerable, especially during the pandemic. In 2021 the OSCE Mission in Kosovo provided AJK with a lawyer who would legally represent journalists in Courts. While by the end of the year, after AJK's and other CSOs requests journalists were included as beneficiaries of Legal Free Aid. (It was established in early 2022). Another organization where journalists are offered free legal aid is Kosovo Law Institute.

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

Final Score for 2020: 3.57 / Final Score for 2021: 3.57

Similarly to 2020, in 2021 there were 3 cases of attacks, threats and harassment toward women journalists reported to the AJK. These cases of verbal attacks were only reported to the AJK. Nonetheless, women journalists are not provided with additional assistance by relevant institutions in relation to their male colleagues or other female citizens. It is assessed as positive that gender-based discrimination does not take place within rule of law institutions, however types of attacks towards female journalists highlight gender-based discrimination, because perpetrators use different form of pressure and language toward female journalists.

In April 2019 began the procedures for the adoption of the Istanbul Convention within the legislation of Kosovo, where it was later adopted in September 2020. The Istanbul Convention is now part of the constitutional law in Kosovo, and under this commitment, institutions are obliged to take legal and institutional action to meet the obligations arising from the Istanbul Convention. At the local level, the Constitution of the Republic of Kosovo guarantees gender equality as a fundamental value. Gender-based violence is recognized only as a form of discrimination under the Law on Gender Equality. Kosovo Law on Protection from Domestic Violence provides a definition of domestic violence in civil proceedings, thus establishing the basis for issuing protection measures through protection orders.

Despite the legal framework covering some acts of gender-based violence, the lack of a comprehensive and holistic definition of gender-based violence, as provided for in the Istanbul Convention, also affects the effective prosecution and punishment of gender-based violence in Kosovo. Kosovo has also adopted a Law on Protection against Discrimination, which applies to all actions or omissions of all state and local institutions, natural and legal persons, public and private

— INDICATOR 2.3

sector, which violate, have violated or may violate the rights of any person or natural and legal persons, in all areas of life. Institutions have established mechanisms for dealing with cases of gender-based violence. Within the State Prosecutor's Office there is an Office for Victim Protection which also represents cases of gender-based violence, while within the Agency for Free Legal Aid, free legal aid is provided to victims of gender-based violence when victims are unable to pay for it. Free legal aid is provided to victims of domestic violence and GBV victims in all cases, no matter their financial status. This is provided with the law no. 08/L-035 on amending and supplementing the law no.04/L-017 on free legal aid. The same applies to the journalists. At first the Agency for Free Legal Aid did not include journalists in the category of free legal aid recipients, considering that the latter are employed. However, journalists with poor economic conditions could request legal representation from the Agency for Free Legal Aid, as finances are one of the main criteria for this provision. By the end of 2020, both women and journalists were included in the category of free legal aid recipients. Women journalists who are victims of harassment, threats and / or attacks are not provided additional assistance by relevant institutions in relation to their male colleagues. Kosovo Criminal Code provides rape, sexual assault, and abuse, as some of criminal offences against Sexual Integrity.

During 2021, there is no data on reported cases of gender-based discrimination of female journalists. Nonetheless, it is assessed that the institutions respond appropriately to all requests and treat all victims in a non-discriminatory manner. In Kosovo, harassment falls into the category of criminal offenses and is regulated by the Criminal Code of Kosovo, while discrimination is regulated by a special law, the Law on Protection against Discrimination. In both cases of harassment and discrimination, female journalists can present their cases to relevant institutions, however there is no special legal support offered to female journalists in reporting these cases, which differs from those of all female citizens. The law on amending and supplementing the law on free legal aid provides that persons whose rights have been violated through an act or failure to act that constitutes discrimination, as well as victims of gender based violence are special categories of beneficiaries of free legal aid. This means that in such cases they can seek free legal aid anytime they face such problems. No elaborative cases have taken place during the reporting period, nonetheless female journalists claim they feel free and confident to seek help from state institutions in cases of gender-based discrimination.

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

Final Score for 2020: 3.24 / Final Score for 2021: 3.08

The number of online attacks by politicians and high officials has increased by five in comparison to 2020, and this increase is an indicator of the danger and non-stability of journalistic profession, as well as media freedom. The most frequent cases of threats come from people who should protect the rights of journalists and promote freedom of expression, and consequently the media. There is hypocrisy in the behaviour of politicians due to the fact that they are mainly the ones to use pejorative language towards journalists, and this language usually leads to more threats and lynching by their followers, especially online.

Even though government institutions recognize attacks on journalists' safety as violations of freedom of expression, violation of human rights and criminal law, public officials mainly refrain from making statements. Unless there are physical attacks on journalists and/or reactions from the journalists' association, civil society organizations or international media freedom observers, it is not usual for politicians or high officials to condemn those attacks. The condemning of attacks on journalists and other media workers by politicians and/or state officials is mainly done through their posts on social networks. As these statements are not part of their daily discourse, they only make them in cases of physical assaults. However, even though these statements call for the punishment of perpetrators, the same practice is applied in cases when politicians or public/state officials are involved. The trend of political and high state officials' verbally attacking journalists, especially via social media has increased during 2021. While in 2020 there were 8 threats and verbal attacks toward journalists, the number of the same cases by high officials and public persons has increased by five in 2021. Three out of 13 cases took place in the region, where 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, while Adriatik Kelmendi has reported that he has been questioned by the Serbian

— INDICATOR 2.4

Information Agency (BIA) agents, in his trip to Belgrade in December. As the last case is of the President of the Alternative for Change, Shqipërim Arifi, where he used lynching vocabulary towards the correspondent of Radio Television of Kosovo in the Presevo Valley, Baki Rexhepi. In November 2021, the official of Vetëvendosje and the former candidate of this party for MP, Hysamedin Feraj, used threatening language against some journalists. The adviser of the President of Kosovo, Blerim Vela has used lynching vocabulary towards media. The deputy of the Lëvizja Vetëvendosje MP, Haki Abazi, has threatened the online media "Albanian Post" and its director, Baton Haxhiu, due to earlier reporting. The official of the Directorate of Education in the Municipality of Prishtina, Anita Xhabiri has offended a journalist of the Gazeta Express. The spokesman of the Kosovo Electricity Distribution Company (KEDS), Viktor Buzhala used denigratory language towards the journalist of the Kosovo Law Institute (KLI), Albijona Hoxhaj and her colleagues. The branch of the Democratic League of Kosovo - LDK, in Suhareka, used denigrating language towards journalist, Uran Haxha. The branch of the political party LDK in Suhareka via a Facebook post, has lynched the journalist Haxha as "the counselor from the underground of Bali Muharremaj". The branch of the political party Lëvizja Vetëvendosje in Mitrovica, has lynched journalists and media, starting from the local portal "Jepi Zë". The Democratic League of Kosovo and The Democratic Party of Kosovo used lynching vocabulary towards RTV Dukagjini, during the electoral campaign.

Police authorities are sensitive to journalists' protection issue

Final Score for 2020: 3.98 / Final Score for 2021: 3.85

The situation aggravated in 2021 mostly due to the prolonged measures related to the pandemic. There were two cases where journalists were obstructed on duty by the Police and one case by the Prosecution. In general, Police respect the profession of journalists and tend to not prevent them from doing their job. Furthermore, KP remains the most effective and cooperative institutions with the Association of Journalists of Kosovo.

Rule of Law bodies in Kosovo, such as the Police, Prosecution and Courts organize trainings for capacity building of their employees and they are mainly organized by international organizations (in this case the OSCE), as well as local organizations, such as the KLI. Through these trainings the awareness of KP members on how to deal with cases in which journalists are involved is increased. Furthermore, the Academy of Justice organizes trainings for prosecutors and judges on freedom of expression. KLI continuously holds trainings for lawyers, judges and prosecutors on topics such as freedom of expression, freedom of the media, as well as on the rights and protection of whistle-blowers. KP has organized trainings on media with the participation of a number of police officers, through which it has increased internal capacities for competent work with the media. Prosecutors and designated coordinators, spokespersons, prosecution administrators, professional associates, and other officials have participated in media relations trainings, mainly supported by the OSCE Mission in Kosovo, although further training is still needed. KP has a special database for journalists' cases and is in close contact with the AJK which monitors the cases. However, no protocol or guidelines that would prohibit harassment, intimidation or attack on journalists have been established nor adopted by the KP. KP is one of the most cooperative institutions with the Association of Journalists of Kosovo. AJK has access to data of all the cases of attacks reported to the police. KP is assessed as the most responsive and collaborative institution. During the reporting period, due to the situation with the pandemic, there were three detentions during 2020 where journalists were obstructed on duty by the Police but were released after the reaction of AJK. During the reporting period three cases of obstruction while performing their duties occurred. The first case took place in April 2021, where the editor in chief and journalist of Insajderi, Parim Olluri was questioned by Kosovo Police, after

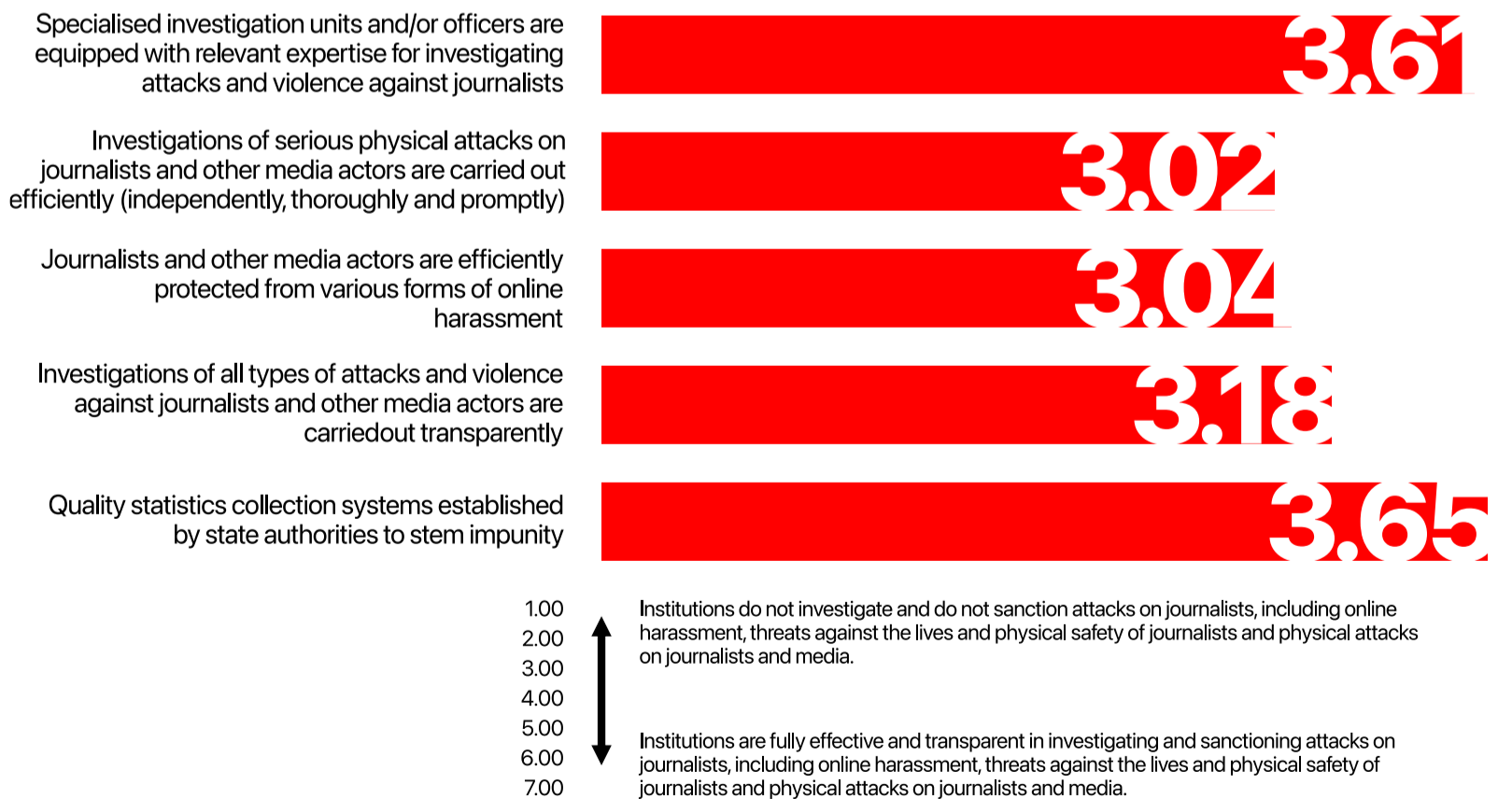
— INDICATOR 2.5

Gazeta Insajderi had published an investigation that contains internal information of the Ministry of Health. The following case happened in November of 2021, as two television teams, that of TV Dukagjini, as well as the one 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 two TV crews. As 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. 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. While in 2020, the detentions occurred as a result of measures taken by the government to prevent the spread of the virus, mainly occurred during curfew (restriction of movement). The AJK and the KP have repeatedly called on journalists and other media workers to carry work IDs as evidence.



Due Process

3.27



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

Final Score for 2020: 3.61 / Final Score for 2021: 3.61

During 2021 no change has been made in regards to specialised investigations and prosecutions of acts of violence towards journalists. The situation remains the same as in the previous years. According to the practices the police and prosecution do not have proper professionalism and expertise regarding the applicable legal safeguards provided by applicable legislation in Kosovo, as there are no guidance or policies adopted neither by prosecutorial system nor Police to treat cases against journalists. Besides the appointment of coordinator from the KP and Prosecution, Courts have appointed coordinator that deal with cases of threats, attacks and harassment toward journalists as well.

Within the Office of the State Prosecutor a prosecutor has been assigned as Coordinator to coordinate and monitor cases when journalists are victim of the crime. This coordinator also maintains database regarding such cases. Furthermore, the Kosovo Police (KP) has appointed a Coordinator to monitor and follow up on all cases involving journalists. Due to the fact that data bases are manually compiled, they are not reliable in terms of having a sustainable and accessible record of threats and attacks against journalists. The practice shows that police and prosecution do not have proper professionalism and expertise regarding the applicable legal safeguards provided by applicable legislation in Kosovo.

However, cases against journalists are treated by police and prosecution in same manner as other criminal offences. As state above Office of the State Prosecutor appointed national coordinator to monitor and supervise attacks and intimidation against journalists, however, there are no guidance or policies adopted neither by prosecutorial system nor Police to treat such cases.

In regard to safety of journalists, the Police and the Prosecution are the most effective and collaborative institutions.

— INDICATOR 3.1

However, the same cannot be said about the Courts and their decisions, as a result of which it is perceived that journalists are hesitant to proceed further with their cases. However, no special policies have been drafted by state institutions that protect journalists in particular. All actions taken by this security institution are carried out in close cooperation and coordination with other competent bodies. Regarding the safety of journalists, the Prosecution and the Basic Court in Prishtina have also appointed coordinators for data collection in cases involving journalists.

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

Final Score for 2020: 3.02 / Final Score for 2021: 3.02

The situation in terms of this indicator has not improved during 2021. The efficiency with which the investigations in cases where journalists are involved has not improved in comparison to the previous years. Journalists continue to face prolonging of cases by courts, whereas these proceedings remain untreated with priority. Furthermore, in general, the justice system is slow and ineffective, and some cases of attacks on journalists go unpunished. Every so often, attacks on journalists are not regarded as crime offenses, forcing journalists them to file private lawsuits rather than face prosecution ex officio. CSOs and the media, together with the Journalists' Association, are the ones initiating the public reaction. The judicial proceedings remain problematic, having in consideration that they are not treated with priority by courts, whereas the reaction of Police and Prosecution takes place immediately following the attack.

Typically, investigations against journalists' perpetrators are unbiased, however investigations, prosecutions and adjudication of those cases lack professionalism and expertise. Currently, the investigations that include journalists are not based on a comprehensive approach according to the CSOs that monitor the prosecutorial and judicial systems. Investigations are mainly focused on the criminal offences of assault and threats against journalists, however to date no case was promptly investigated or prosecuted in relation to any political motivation or any other link towards group of interest against journalists.

Whenever journalists are victims of a crime, state institutions take a twofold approach to investigating, prosecuting, and

— INDICATOR 3.2

adjudicating their cases. Police and prosecution usually act with urgency and priority immediately following an attack, as the public reaction is usually initiated by the Journalists' Association, media and CSOs. Nevertheless, the judicial proceedings then are not treated with priority neither by prosecution nor by courts.

According to the legal timelines in the investigation process, the state prosecutor must either file an indictment or dismiss the criminal report within 24 months. Cases against journalists take longer than they should because courts fail to follow legal deadlines, overriding the principle of treating the case within a reasonable amount of time. Criminal offenses of attack or assault are most often levelled against journalists. Observing the safeguards provided by applicable legislation, journalism is considered a profession of public interest.

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

Final Score for 2020: 3.16 / Final Score for 2021: 3.04

The situation regarding journalists' safety has deteriorated during 2021. Even though the reaction of police was prompt in most cases, the fact that to this date there are no provisions in the applicable laws recognize online harassment against journalist, when they are victim of such crime is problematic, having in consideration journalists are especially target to this kind of harassments in comparison to other professionals. During 2021 journalists in Kosovo were targeted by ten online attacks, intimidations, threats, and insults, especially during the election campaign. As a result of the slow response and lack of efficiency of the justice institutions in handling criminal and civil cases against journalists, the legal measures were almost ineffective. Insults and denigratory language usually come from high officials and influential persons. The prompt reaction of KP in cases of Vehbi Kajtazi, G.G. and Sh.K. are considered an improvement from past years, however the justice system still has a long way in establishing specific provisions when it comes to online harassment against journalist.

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

Initially, cases of journalists are mainly reported to the Association of Journalists of Kosovo, except when it comes to cases of physical attacks and or life threatening ones (case of Visar Duriqi) when the Police are called to the scene. The

— INDICATOR 3.3

police are willing to cooperate with the victim, as well as with the AJK. In general, the institutions are responsible and take seriously the cases of attacks and threats against journalists, such as in the cases of protests in Northern Mitrovica (all journalistic teams at first, then the case of Kanal 10 team). It should be noted that there is a discrepancy in the database of KP and that of AJK, because there are cases which have been reported only in AJK, such as: defamation and verbal insults, mainly through social networks. On the other hand, in the KP there have been reported cases of journalists which are not related to the profession they practice, but for personal issues.

During 2020 journalists in Kosovo were subject to 8 online attacks, intimidations, threats and insults whereas during the reporting period this number increased by two. During the electoral campaign about the general elections held in beginning of 2021, there was widespread cases of insults and intimidations against journalists for their reporting and their shared opinions. Due to the slow reaction of the justice institutions and lack of efficiency of treating cases against journalists in criminal and civil proceedings, the applicable legal measures were almost ineffective. In Vehbi Kajtazi's case, after reporting tenths of online threats, two suspects have been identified and arrested, for online threats towards the journalist. After the interview, with the decision of the custodial prosecutor, the suspects were sent to detention. During 2021 The Basic Prosecution in Pristina has requested detention on remand against the two defendants R.S., and T.P., as it is suspected that they have committed the criminal offenses "Harassment" and "Threat" against journalists G.G. and Sh.K.– this data is gathered from Kosovo Police's daily report (on December 3rd 2021). According to the indictment, the defendant R.S., committed the criminal offense of harassment against the journalist-injured party Sh.K., asking him to remove his article from the relevant portal. While, according to the indictment, the defendant T.P., committed the criminal offense of threatening the journalist-injured party G.G., through the social network Facebook. The State Prosecutor, with a ruling on detention, had detained the defendant for a period of 48 hours and filed a request for custody, as well as processed the indictments in court for further treatment.

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

Final Score for 2020: 3.18 / Final Score for 2021: 3.18

In regard to investigatory procedures and court proceedings nor progress or deterioration was identified during 2021. Due to the fact that the CMIS (Case Management Information System) has not been established even during 2021 the courts fail to provide the necessary information in regard to cases including journalists. Meanwhile, ever since the tendency to revise the Code of Conduct in 2019-2020, which would limit the ability of journalists to report from court sessions, there have been no other tentative as such. However, it is assessed that the transparency in the way court proceedings for attacks on journalists and the media are conducted is not satisfactory.

According to the applicable legislation in Kosovo provisions, victims of crime have the right to request assistance and support by the Victim Advocacy and Assistance Office which is established within the Office of the Chief State Prosecutor. Such office provides professional assistance to victim of crime and has the obligation to request by the prosecution and the courts to respect and promote the victims' rights during all phases of the judicial proceedings. There is no available information that any journalist sought support or received assistance by such office. When citizens or journalists are victims of crime in Kosovo, state prosecutors rarely inform them about the progress of criminal proceedings, nor do they give them access to the case files. Based on the judicial and prosecutorial system in Kosovo, it is the prosecutor and judge of the case who provide information regarding the status of each case. The Spokesperson of each prosecution and court office provides information on the status of the case based on the feedback that received from prosecutor or judge, respectively. There have been no reported cases of journalists not being granted access to open court nor in 2021 or in the past couple of years. It is assessed that press sections and public relation departments

– INDICATOR 3.4

within institutions give necessary information to journalists. Furthermore, journalists are given access to courts sessions in a non-discriminatory fashion, without any limitations, except in court cases of judge's orders for protective measures. However, in 2019-2020 there was a tendency to revise the Code of Conduct, which would limit the ability of journalists to report from court sessions, obliging them to wait until the final verdict. Following concerns raised by the Association of Journalists of Kosovo, and various local and international organizations, this attempt has been suspended by the IMC.

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

Final Score for 2020: 3.76 / Final Score for 2021: 3.65

None of the relevant state and judicial authorities have established quality statistics collection systems. The situation in Kosovo remains almost the same, however it is worrying that the data segregation tool has not yet been established in courts, and the latter cannot provide any statistics in regards to cases of attacks towards journalists. It is of high importance for CMIS to be functionalized, because it would consolidate data and statistics not only relating to journalist but also for all criminal and civil matters in judiciary. It is also important for the case management information system to be liaised with the Kosovo Police information system in order to increase communication and cooperation between police and prosecution in treating cases against journalists.

Statistical reports accessible to the public are annually published by the state institutions such as Police, Prosecution and Court. Though, such data are not reliable and are not divided for specific fields and are rather general data, which do not provide information, statistics or data specifically only for cases where the journalists are victims of criminal offences. There is no differentiation or generation of statistics based on the stage of the criminal proceedings in cases where journalists are victims of crime, nor based on gender, ethnicity, or any other socio-demographic factors.

Even though the Judicial and Prosecutorial have claimed for the case management information system to be established, this has not happened even in 2021.

IV

Actual Safety

3.01



1.00
2.00
3.00
4.00
5.00
6.00
7.00



There are severe cases of threats and actual attacks against journalists and media organisations, including killings.

There have been no cases of actual attacks, no threats against the lives and physical safety of journalists, nor there have been non-physical threats and harassment against the journalists and media.

Non-physical threats and harassments

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

Final Score for 2020: 2.92 / Final Score for 2021: 2.64

In comparison to the previous year, where 11 cases were reported to the AJK the situation has deteriorated, besides in terms of the risen number of attacks, it is worsened in terms of the type of attacks as well. 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. Prosecution was involved in two out of thirteen cases, even though the AJK requested from Kosovo's Chief State Prosecutor to call upon the Prosecutors to comply with the Constitution and to perform in accordance with the law.

In comparison to 2020 where in AJK's database there were 11 cases registered, during the reporting period the number of non-physical threats and harassments towards journalists increased by two cases. Types of violations towards the journalists do not differ a lot from the previous year, as they mainly come from businessman, former public officials, individuals close to political parties.

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". Meanwhile Parim Olluri of gazeta Insajderi was interviewed by Kosovo Police, after Gazeta Insajderi last night published an investigation that contains internal information of the Ministry of Health regarding the refusal of Pfizer and BioNtech Vaccines by this Ministry. 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 questions; as the second one took place in Belgrade, where Adriak Kelmendi was questioned by the BIA upon his

— INDICATOR 4.1

arrival in Serbian territory, and not for the first time. 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 tried to report regarding a robbery that took place there. 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. Hysamedin Feraj of VV, as well as LDK branch in Suhareka have also used lynching language toward journalists, whereas #MeKryeministrin Facebook group has continued the denigrating language toward journalists and media.

Threats against the lives and physical safety of journalists

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

Final Score for 2020: 2.78 / Final Score for 2021: 2.54

Safety of journalists has aggravated during the reporting year, in comparison to the previous years. While in 2020 there were six cases in 2021 there are ten cases of threats against lives and physical safety of journalists. Threats against lives and physical safety of journalists have been made mainly through social media, via private messages or public posts.

In 2020, there were 6 threats registered aimed at endangering the physical safety or life of journalists, while in 2021 this number increased by four cases. Most of the reported cases are from citizens, mainly related to the persons certain media have reported about. Gazeta Sinjali journalists were threatened by the family members of a group of persons arrested over plots for terrorism, Bujar Vitija of Gazeta Shneta was threatened by a family member of an anaesthesiologist or whom it has been reported by the above-mentioned portal to have been fined by the Health Inspectorate due to the fact that he has left his workplace during his custody shift. 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 Ambassadors of Kosovo, while President's advisor, Blerim Vela, used denigrating language towards media.

Actual attacks

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

Final Score for 2020: 3.48 / Final Score for 2021: 3.40

The number of actual attacks towards journalists decreased by one in 2021, however the types of incidents included one of the harshest physical attacks ever registered in the AJK's database. Visar Duriqi's case remains under investigation and none of the perpetrators have been brought to justice.

During 2020, there were a total of four physical attacks on journalists, while in 2021 this number decreased by one case. The first case took place one February of 2021, where journalist Visar Duriqi was physically attacked by unknown persons next to his apartment at midnight. 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 being attacked by protesters in the street as a group. During the same day Albulena Rexha of Kanal 10 was thrown with pyrotechnics while reporting from the same event.

Threats and attacks on media outlets and journalists' associations

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

Final Score for 2020: 3.68 / Final Score for 2021: 3.46

The situation and number of cases reported to AJK during the previous year was also three, however the cases of 2021 involved officials from three main political parties. Therefore, the general AGK assessment is that the situation in 2021 slightly deteriorated comparing to the previous year.

Even though the numbers of cases registered as threats and attacks on media institutions, organizations, media and journalists' associations, remains the same as of the previous year, in 2021 two of the cases came from three main political parties in the country. The first case took place in late January, during the central elections' campaign. Political parties, PDK and LDK used denigrating language towards TV Dukagjini. Afterwards, Lëvizja Vetëvendosje branch in Mitrovica threatened as well as boycotted the local portal "JEPI ZË". Whereas the team of Radio Free Europe/ Radio Liberty team's camera and taxi were damaged by a group of about 50 people, who would obstruct the team from reporting from the riots in Northern Mitrovica.

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