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KOSOVO Indicators on the level of media freedom and journalists' safety 2022



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Author
Getoarbë Mulliqi Bojaj

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Author

Getoarë Mulliqi Bojaj

Reviewer

Abit Hoxha

Proofreading

Lingua

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Andrija Vukelić

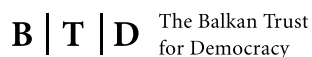
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A PROJECT OF THE GERMAN MARSHALL FUND

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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, and to engage in various advocacy activities aimed at advancing political, legislative, and institutional environment where 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, both in 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 project [Safejournalists.net](https://safejournalists.net), aimed at empowering national journalists' associations in the Western Balkan's countries to become effective and accountable independent actors in advocating applications of EU standards in the field of media freedoms, with a long-term goal of advancing citizens' right to informed choice. This Action represents an up-scaling of the previous project (Western Balkan's Regional Platform for Advocating Media Freedom and Journalists' Safety), based on the knowledge and experience built in the period 2016-2018. The project is funded, under the Civil Society Facility and Media Programme 2020-2022, Support to regional thematic networks of Civil Society Organizations.*
 - 2 This name is without prejudice to the status and in accordance with United Nations Security Council Resolution 1244 and the opinion of the Tribunal on the Declaration and Independence of Kosovo.*
 - 3 The first edition of the research methodology for this advocacy research project was developed in 2016 and fine-tuned over the years to reflect the situation in the Western Balkan countries. The advocacy research is designed and coordinated by Snezana Tipevska and Igor Micevski, research fellows of the Research Institute on Social Development RESIS, from North 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 were applied to collect and analyze data in order to answer the indicative questions related to each specific indicator:

- Review of studies, analyses, research reports, policy papers, strategies and other documents;
- Qualitative analysis of legal documents;
- 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
A.1 Legal guarantees for media and journalists' freedom and their application in practice	B.1 Economic restrictions on journalists' freedom	C.1 Safety and Impunity Statistics
A.2 The effects of defamation law on journalists	B.2 Editorial independence in the private media	C.2 State institutions and political actors' behaviour concerning journalists' protection
A.3 Legal protection of political pluralism in the media	B.3 Editorial independence in the public service broadcaster	C.3 Criminal and civil justice system's behaviour concerning threats and acts of violence against journalists
A.4 Freedom of journalists' work and association –legal guarantees and practice	B.4 Editorial independence in the not-for-profit	
A.5 Legal protection of journalists' sources	B.5 Freedom of journalists in the news production process	
A.6 Protection of the right to access on information	B.6 Economic position of women journalists	

List of Abbreviations

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

Kosovo is a parliamentary democracy. The constitution and laws provide for an elected unicameral parliament (Kosovo National Assembly), which in turn elects a president and approves the president's nomination of a prime minister in consultation with the leading party.⁴ The parliament has 120 seats which include 20 reserved seats for underrepresented ethnic minorities. 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 other minorities comprising the rest.

At the end of February 2022, right after the invasion of Ukraine by Russia started, Kosovo swiftly denounced Russia's campaign of aggression and voiced the support for Ukraine's independence. Kosovo Government passed a number of legal measures that introduce sanctions against Russia that were similar to those imposed by the EU and the US.⁵ The government also responded to the refugee crisis, suspending its visa regime for the citizens of Ukraine. Kosovo declared its readiness to accept up to 5 000 refugees and to host 20 Ukrainian journalists.⁶ The first Ukrainian arrived in Kosovo on

4 U.S. Department of State, *Bureau of Democracy, Human Rights, and Labor* "2021 Country Reports on Human Rights Practices: Kosovo", accessed 17.09.2022, https://www.state.gov/wp-content/uploads/2022/02/313615_KOSOVO-2021-HUMAN-RIGHTS-REPORT.pdf

5 European commission, "COMMISSION STAFF WORKING DOCUMENT Kosovo* 2022 Report", Brussels., accesses 01.12.2022, <file:///C:/Users/admin/Downloads/Kosovo%20Report%202022.pdf>

6 *Ibid.*

April 17th, 2022⁷, and so far there are 11 Ukrainian journalists sheltered in Kosovo.⁸ The program Journalists in Residence in Kosovo is initiated by the European Centre for Press and Media Freedom – ECPMF⁹ and the European Federation of Journalists – EFJ¹⁰, supported by Kosovo Government and is being implemented by the Association of Journalists of Kosovo – AJK.

Economic crisis that has been present in Kosovo since the beginning of 2020 with the outbreak of the COVID-19 Pandemic and the global inflation caused by the energy crisis and the war in Ukraine, have had a chain impact on the operation of the entire media sector. It is assessed that journalists have changed their work-place more frequently since after the pandemic and according to journalists this has to do with the fact that new media are the ones to offer better working conditions, including higher salaries, better working-spaces, as well improved working conditions.

Based on the coverage, the Kosovo's media landscape consists of two levels: the national media and regional¹¹ media. Kosovo has 19 licenced television stations, out of which five (5) provide television broadcast services in the Serbian language. On the other hand, there are 89 radio stations, out of which 22 are broadcasting in Serbian, three (3) in Bosnian, and two (2) in Gorani and one (1) in Turkish. Moreover, during the last couple of years there have been new televisions established. ATV was established in 2021, whilst TëVë1 was established in early 2022.

The board members of Radio Television of Kosovo (RTK) and the members of the Independent Media Commission (IMC) are elected by the Parliament and are in charge over the management of these institutions.¹² During 2022 the newly elected board of RTK, appointed journalist Shkumbin Ahmetxhekaj as the General Director of Kosovo's Public Service Broadcaster. At the same period, Besnik Berisha, Jeton Mehmeti dhe Fatih Basha were elected as Independent Media Commission's new board members enabling the functioning of this institution which had lacked voting quorum for several months.

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- 7 AJK, Press release: "THE FIRST UKRAINIAN JOURNALIST HAS ARRIVED IN KOSOVO, 17.04.2022" accessed 03.11.2022, <http://gqk-ks.org/en/news/gazetaria-e-pare-nga-ukraina-mberrijn-ne-kosove/>
 - 8 Interview with RabijeHyseni, Online Communication Officer at AJK, interviewed by Getoarë Mulliqi Bojaj 10.11.2022
 - 9 ECPMF, , Press release "ECPMF and EFJ welcome support of the Republic of Kosovo for sheltering Ukrainian journalists, 01.03.2022", accessed 03.11.2022, <https://www.ecpmf.eu/ecpmf-and-efj-welcome-support-of-the-republic-of-kosovo-for-sheltering-ukrainian-journalists/>
 - 10 EFJ, , Press release "Kosovo to shelter 20 Ukrainian journalists: which state will be next, 01.03.2022" accessed 03.11.2022, <https://europeanjournalists.org/blog/2022/03/01/kosovo-to-shelter-20-ukrainian-journalists-which-state-will-be-next/>

¹¹ Kosovo has 5 administrative regions.

¹² IREX, "Kosovo Vibrant Information Barometer – 2022 ", accessed 22.11.2022, [https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20\(1\).pdf](https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20(1).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?

Freedom of expression, freedom of information, freedom of the press, are the rights guaranteed by the Constitution of the Republic of Kosovo and the relevant media laws. The right to internet access, even though it is not explicitly mentioned, is also subject to these legal safeguards. In addition, the right of communities and their members to establish and use their own media¹³ is also guaranteed. The right to freedom of expression may only be limited by law if it is necessary to protect legitimate and overriding interests: to avoid incitement to or instigation of violence based on racism, national, ethnic, or religious hatred.¹⁴ Freedom of expression is protected by Civil Law against Defamation and Insult, as it provides a balance between the essential role of media as public watchdogs and the individual right to reputation and dignity.¹⁵

¹³ Constitution of the Republic of Kosovo, accessed 10.01.2022, <https://www.kpm-ks.org/assets/cms/uploads/files/Legislacioni/1362558264.286.pdf>

¹⁴ *Ibid.* Article 40.

¹⁵ Official Gazette of the Republic of Kosovo, Law No. 02/L-65 Civil Law against Defamation and Insult, accessed 23.11.2022, http://www.gazetazyrtare.com/e-qov/index.php?option=com_content&task=view&id=129&Itemid=28

Other laws, such as The Law on Independent Media Commission,¹⁶ the Law on Access to Public Documents,¹⁷ the Law on Protection of Journalists Sources,¹⁸ the Criminal Code (prohibition of incitement of hatred)¹⁹ also contain detailed provisions for the implementation of the constitutional guarantees and define the cases in which they may be limited. Nonetheless, it is perceived by the expert public that even though these guarantees are well formulated, in general they lack practical application. The European Commission in its progress report for 2022 stated that Kosovo has some level of preparation regarding the freedom of expression and that in general, media laws, including the laws on defamation and access to information are in line with the standards of the Council of Europe and the case law of the European Court on Human Rights.²⁰ Kosovo benefits from a lively and pluralistic media environment.²¹

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

In the past media policy cycles, media legislation in Kosovo has been drafted in close cooperation and collaboration with the international bodies, as well as with local NGOs. The Association of Journalists of Kosovo (AJK) has been a crucial actor in media legislation development. However, during 2021 some initiatives were taken by the Kosovo National Assembly behind closed doors which foresaw amendments for the Law on Independent Media Commission (IMC).²² According to the IMC, it was foreseen to incorporate the Audiovisual Media Services Directive²³ in the national legislation, which also includes amendments that will ensure functional independence of the media regulator.²⁴ The draft amendments were postponed for legislative agen-

da for 2022 to be approved in September 2022,²⁵ but no draft has been circulated nor discussed in public until the end of the year.

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?

Since 2020, all newspapers in Kosovo ceased to print and transformed into online newspapers, i.e. news portals. Apart from Koha Ditore which still works on the paid access for subscribers, the rest of the news portals provide free access to their readers but maintained some degree of advertising as well. In the past years, the state authorities in Kosovo have not imposed any strict requirements for the establishment or regulation of internet-based news media. The content of Internet based media is actually subject to self-regulation, through the Kosovo Press Council. However, in 2022 a proposal emerged in public with the aim to initiate registration of online media and their content regulation. Such initiative has been condemned by both the Press Council of Kosovo (PCK) and the Association of Journalists of Kosovo (AJK) with the argument that this would risk independent journalism and impede working conditions for journalists. Currently, Media in Kosovo are already registered at the Business Registration Agency of and they are by default registered at the Tax Administration of Kosovo. In addition to the registration, online media is also registered with the PCK and subscribes to the Code of Ethics²⁶ voluntarily.

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

In 2022 the Government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports documenting that the Government monitored private online communications without appropriate legal authority.²⁷ The law on Electronic Communications in Kosovo regulates the activities of electronic communication which are based on the principle of technological neutrality. Due to the lack of infrastructure and adequate resources Kosovo is un-

16 Law No. 04/L-044.

17 Law No. 03/L-215.

18 Law No. 04/L-137.

19 Criminal Code, Article 147.

20 European commission, "COMMISSION STAFF WORKING DOCUMENT Kosovo* 2022 Report", Brussels, accessed 01.12.2022, <file:///C:/Users/admin/Downloads/Kosovo%20Report%202022.pdf>

21 Ibid

22 Official Gazette of the Republic of Kosovo, LEGISLATIVE PROGRAMME FOR THE YEAR 2021, accessed 14.02.2022, file:///C:/Users/admin/Downloads/Final_Program%20Legjislativ%20p%C3%ABr%20vitin%202021_12.05.2021.pdf

23 Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)

24 Granit Musliu, IMC – Vice Chair, 08.03.2022, e-mail communication

25 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 07.05.2021.

26 PCK, <https://presscouncil-ks.org/about-us/?lang=en>

27 U.S. Department of State, KOSOVO 2021 HUMAN RIGHTS REPORT, accessed 13.04.2022, https://www.state.gov/wp-content/uploads/2022/02/313615_KOSOVO-2021-HUMAN-RIGHTS-REPORT.pdf

able to perform major limitations to internet access. The Law guarantees the right to access to adequate communication services²⁸ and there are no technological abilities to restrict the right to internet access or seek to block or filter the content published on internet.

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

The Independent Media Commission (IMC) in Kosovo is an independent regulatory authority. Members of the board are nominated by either civil society or media, although, this rarely happens and the selection of members of the board leaves much to desire. In 2022, the board members of the IMC continue to operate as in the previous year. In 2021, it was reported that board member appointments are highly politicized, serving only the interest of parties in power,²⁹ 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. It is worth noting that board members of IMC have 2, 3 and 4 years mandate appointed on the basis of drawing tickets in the parliamentary commission where “luck” plays an important role. The EU Progress report criticizes IMC for the inability to make progress, non-transparent decision making and also lack of resources³⁰.

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?

Similarly, to 2021, the main problem in 2022 is again the non-transparency of institutions in relation to the expenditures they make in the local and national media.

According to IREX wellbeing of smaller media outlets, especially local radio and televisions that rely mostly on

advertising from local businesses and funding from international donors, the only media with a secure funding is public media that receives the budget from the state.³¹ It is unknown what budgets were spent during 2022 in advertisement by the government institutions for announcing job vacancies, open calls for tenders, or public awareness media campaigns on different trending topics. The government institutions do not publish data on the amounts allocated to media.

Are there any types of media subsidies or funds for the production of media content of public interest and how are they implemented in practice? What are the mechanisms for financing media in the languages of national minorities?

Since 2011 there have been no media subsidies to support public or private media in Kosovo. Therefore, Association of Journalists of Kosovo (AJK) has advocated in the past years to amend the Law on the Independent Media Commission in order to establish an independent fund aimed at supporting local and minority media that cannot attract sufficient sources from advertising.³² The AJK has also reiterated its position of 2021 that having in consideration the political environment in Kosovo any kind of state-owned funding to help media would impact them politically.³³ Due to the lack of funding, most of the media are going through very difficult times and as a result all print media in the country are closed. The functioning of local media, with the emphasis on non-majority language media, is harshened. Thereof, the support of AJK in collaboration with the IMC in order to implement a decision from some 10 years ago, according to which the license tax of the media is shared as funding for the local media, is really necessary. Since there have to be some changes in the current law, AJK is advocating with the MPs from all political parties to make that happen.³⁴ According to IREX, most media (private and local) are adjusting to the new technological changes by generating income from YouTube and Google, because there are no government subsidies for local and community media.³⁵

Most Serbian-language media are registered as non-profit organizations, with international and local donors providing their operational funds.³⁶ This is also supported by the Association of Journalists of Kosovo (AJK)

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

29 IREX, “Media Sustainability Index”, accessed 12.02.2022, https://www.irex.org/VIBE_2022_Kosovo

30 European commission, “COMMISSION STAFF WORKING DOCUMENT Kosovo* 2022 Report” <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Kosovo%20Report%202022.pdf>

31 IREX, “Kosovo Vibrant Information Barometer – 2022”, accessed 08.12.2022, [https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20\(1\).pdf](https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20(1).pdf)

32 AJK, “Mechanisms for Media Funding in Ethnic Minority Language”, accessed 08.11.2022, http://agk-ks.org/site/assets/files/2837/mechanisms_for_media_funding_in_ethnic_minority_language.pdf

33 Interview with Xhemajl Rexha, Chairman of the Board of Association of Journalists of Kosovo, interviewed by Getoarë Mulliqi Bojaj, 12.10.2022

34 Ibid.

35 IREX, “Kosovo Vibrant Information Barometer – 2022”, accessed 08.12.2022, [https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20\(1\).pdf](https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20(1).pdf)

36 IREX, “Media Sustainability Index”, accessed 12.02.2022, <https://www.irex.org/sites/default/files/pdf/vibe-kosovo-2021.pdf>

in a joint venture with the Council of Europe³⁷ 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 languages.

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?

RTK is the Public Broadcaster by law in Kosovo. Although its autonomy and independence are guaranteed by the Law (No. 04/L-046), RTK has been criticized in previous years of being a part of political agenda and serving as propaganda mouthpiece for the government³⁸. In 2022, RTK was evaluated by the EU Progress Report to have progressed due to open, transparent and merit-based process of election of the board of RTK. Consequently, latest changes in the management of RTK were welcomed.

IREX Kosovo Vibrant Information Barometer report claims that RTK is not fully independent, as it is largely financed by the state.³⁹ This report further adds that RTK editorial independence and long-term financial sustainability is weakened by its reliance on direct state funding, with its budget determined annually by the Assembly.⁴⁰ 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, as the new board was appointed which according to the progress report was merit-based, transparent and professional, with equal gender representation.⁴¹ The supervisory

body or the Board of RTK is legally obliged to reflect the multi-ethnic and gender character of Kosovo.⁴²

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?

Even-though defamation is decriminalized in Kosovo and the Law no.02/L-65 Civil Law on Defamation and Insult⁴³ bans public authorities from filing a request for compensation of harm for defamation or insult, public officials still may do so in their personal capacity. This is perceived threatening to journalists' freedom of expression as it only prevents them from being sued for compensation of harm but encourages civil suits. Cases as such have happened before and with Kosovo's Judiciary, these processes may take years leaving journalists in a waiting list for a court process. The law equally treats state officials and journalists in the cases during the court proceedings for defamation or insult.

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

The exact number of lawsuits against journalists is unknown. The body in charge of the collection of statistical data from Kosovo courts is Kosovo Judicial Council (KJC). During a meeting organised for the purposes of this report, representatives of KJC stated that they are unable to provide official data on number of lawsuits against journalists. KJC's database has not allowed yet to filter cases based on the profession of the subjects, a concern that has been regularly raised to judicial authorities by Association of Journalists of Kosovo (AJK). KJC has promised over the years to improve the collection of data, but it has not delivered it yet.⁴⁴

37 Council of Europe, "Mechanisms for Media Financing in Ethnic Minority Language", accessed 04.12.2022, https://www.coe.int/en/web/pristina/news/-/asset_publisher/6nYkXKBhoA6d/content/mechanisms-for-media-financing-in-ethnic-minority-language?inherifRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fpristina%2Fnews%3Fp_id%3D101_INSTANCE_6nYkXKBhoA6d%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1

38 European Parliament, "Mapping Fake News and Disinformation in the Western Balkans and Identifying Ways to Effectively Counter Them#", accessed 08.12.2022, [www.europarl.europa.eu/RegData/etudes/STUD/2020/653621/EXPO_STU\(2020\)653621_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2020/653621/EXPO_STU(2020)653621_EN.pdf)

39 IREX, "Kosovo Vibrant Information Barometer – 2022", accessed 08.12.2022, [https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20\(1\).pdf](https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20(1).pdf)

40 European commission, "COMMISSION STAFF WORKING DOCUMENT Kosovo* 2022 Report", Brussels, accessed 01.12.2022, <file:///C:/Users/admin/Downloads/Kosovo%20Report%202022.pdf>

41 Ibid.

42 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 29.10.2022, <https://qzkrks-gov.net/ActDetail.aspx?ActID=2812>

43 Official Gazette, Law no.02/L-65 Civil Law on Defamation and Insult, accessed 15.11.2022, http://www.gazetazrtare.com/e-gov/index.php?option=com_content&task=view&id=129&Itemid=28&lang=en

44 Meeting with Judicial Council of Kosovo representatives, 08.09.2022

According to AJK's findings there is one case of lawsuit initiated against journalists by state officials and/or politicians during 2022. Journalist Irfan Maliqi of Plus TV in the region of Vitia at first was verbally intimidated by two officials of the municipality in late September. Couple of weeks after that he received a lawsuit initiated by one of the HR officials of the municipality of Vitia.⁴⁵ The plaintiff, Mr. Hysen Ymeri, Head of the Human Resources Unit, in Vitia Municipality submitted the lawsuit in Basic Court of Gjilan, Vitia branch, against the journalist of PLUS TV medium in Vitia, according to the civil law against defamation and insult.

At first, cases of SLAPPs were initiated by international and national companies working on hydro energy sector, but there is no database organized in institutional level neither by Kosovo Judicial Council nor courts with regards to SLAPP suits. Media Law Expert, Flutura Kusari is the only person to recognize and deal with SLAPPs in Kosovo. This year, a singer Asdren Gjickolli known as Gjiko⁴⁶, through his representative law firm "Kërveshi & Partners" has filed a defamation suit against Lavdim Hamidi, requesting temporary measures for the removal of a Facebook status which consists of the Prosecution's charges, as well as seeking retribution of 5,100 euros. He has also requested of Enis Veliu to remove his Facebook status regarding the judicial process underway against him. This case was perceived as a case of SLAPP by the CSOs in Kosovo.⁴⁷ However, even though some journalists and media have been SLAPP/suited, they do not come forward due to the stigma and fear of retaliation⁴⁸. On April 17, 2020 politics analyst at GAP Institute, Agron Demi was SLAPP sued by the former management of the PSB, RTK.⁴⁹ Acting General Director of RTK, Shkumbin Ahmetxhekaj (now General Director) upon his election, in January 2022 withdrew the strategic lawsuit towards Agron Demi.⁵⁰ The withdraw of

this SLAPP suit was welcomed by the Kosovo Initiative Against SLAPPs.⁵¹

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

Although no specific instances of legislative provisions being utilized to silence journalists were documented during the reporting period, it has been noted that fines are often the most common sort of penalty given by judges. It has been noted that this strategy inadvertently increases attacks on journalists because the same method is applied when journalists are the victims of criminal acts. The applicable legislation in Kosovo decriminalized offenses against journalists while performing their duties; however, there is an increase in the number of lawsuits against journalists related to their reporting. Such legal cases have influenced journalistic work indirectly. This has led to a culture of silence amongst journalists and media as they fear of being accused for justice obstruction.

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 Insult⁵² 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 mitigation of damages should they prove that they had made or offered to publicize an apology or correction before the commencement of action for damages or as soon as they had an opportunity.⁵³ Self-regulating mechanisms serve as an instrument

45 AJK has offered legal support to Irfan Maliqi through Yll Zekaj – Legal Adviser of the Organization.

46 AJK, press release: "AJK condemns attempts to intimidate Front Online journalists through a lawsuit by Gjiko" 10.04.2022 accessed 12.11.2022, <http://gak-ks.org/en/news/gak-ja-denon-perpjekjet-per-frikesim-me-pajl-ndaj-gazetareve-te-frontonline-nga-gjiko/>

47 FOL "Asdren Gjickolli (Gjiko) to withdraw his SLAPP suit towards "Front Online" journalists" 20.04.2022, accessed 12.12.2022, <https://levizjafol.org/asdren-gjickolli-gjiko-te-terheqe-padine-slapp-kunder-gazetareve-te-frontonline/>

48 Flutura Kusari, expert in media law, interviewed by Getoarë Mulliq Bajaj 12.12.2022

49 Mediana Halili, "Agron Demi is sued by RTK, as the later claims that his Facebook post has denigrated its integrity", KALLXO.COM, 13.10.2021, accessed 12.11.2022, <https://kallxo.com/lajm/agron-demi-paditet-nga-rtk-kjo-e-fundit-pretendon-se-ja-ka-demtuar-imazhin-me-nje-postim-ne-facebook/>

50 Vallon Fana, "RTK withdraws the lawsuit towards Agron Demi", KALLXO.COM, 31.01.2022 accessed on 13.12.2022, <https://kallxo.com/lajm/rtk-terheq-padine-ndaj-agron-demit/>

51 Iniciativa Kosovare Kundër Padive SLAPP / Kosovo Initiative Against SLAPPs, "RTK withdraws the SLAPP suit towards Agron Demi, 31.01.2022" accessed on 13.12.2022, <https://www.facebook.com/KosovoSLAPPs/photos/a.282276280637075/282273867303983/?type=3>

52 Official Gazette, Law no.02/L-65 Civil Law on Defamation and Insult, accessed 05.01.2021, http://www.gazetazrytare.com/e-gov/index.php?option=com_content&task=view&id=129&Itemid=28&lang=en

53 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).

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.⁵⁴

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

Journalists and editors, respondents in AJK's survey⁵⁵ unanimously responded that they do not feel discouraged to investigate, nor write critically. Furthermore, they claim to have sufficient protection when it comes to defamation lawsuit. According to journalists, investigative media journalists are the ones to be exposed the most to lawsuits. However, there is an understanding amongst journalists that there is a professional bias when it comes to defamation and lawsuits. Although journalists are impeded in their work by such actions, they hesitate to admit as they would either appear weak or it will jeopardize their work with sources and at times with employers as well.

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)⁵⁶ and the Law on the Independent Media Commission guarantees the freedom and pluralism of audio-visual media in Kosovo (Art. 5).⁵⁷ Both public and private broadcasters are not obliged to reflect political pluralism during non-election period as there are no specific provisions in the media legislation. Nonetheless, licensed

broadcasters and all the other media outlets are obligated by the Independent Media Commission's Code of Conduct to uphold to balanced and unbiased reporting. According to the summary of the discussion on Legal Protection of Political Pluralism in Media⁵⁸, conducted by Association of Journalists of Kosovo (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 outside the electoral processes, but this is difficult to achieve in practice; there is a risk of concentration of media ownership in the hands of the oligarchs and consequently, the 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 the coverage of the local election campaign is more difficult because of the number of candidates.⁵⁹

Is the regulatory authority obliged to monitor and protect political pluralism outside the election processes? What are the legal obligations of the media during the 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?

A legally binding secondary legislation issued by the Independent Media Commission (IMC), the Code of Conduct for Audio and Audio-visual Media Service Providers, sets provisions for balanced and unbiased news coverage. To determine whether Kosovo's media represents a range of political viewpoints and ideas outside of the election campaigns, however, is challenging because the IMC only regulates the content during the election campaigns. 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

54 Ehat Miftaraj and Yll Zekaj, *Representatives of Kosovo Law Institute, interviewed by Getoarë Mulliqaj Bajaj, 15.02.2022.*

55 Getoarë Mulliqaj Bajaj, *(Survey with Kosovar journalists, 2022)*

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

57 Law on the Independent Media Commission, Article 5 – Duties and responsibilities of IMC (paragraph 3), accessed 03.01.2022, <https://www.kpm-ks.org/assets/cms/uploads/files/Leqjislacioni/1335250709.2603.pdf>

58 AJK "Summary: Legal Protection of Political Pluralism in Media", 22.12.2022, accessed 11.01.2023, <https://www.agk-ks.org/en/publications/raport-pas-tryezes-mbrojtja-liajore-e-pluralizmit-politik-ne-media/>

59 AJK, "Legal Protection of Political Pluralism in Media in Kosovo", accessed 30.11.2022 http://agk-ks.org/site/assets/files/2795/raport_pas_tryezes_mbrojtja_liajore_e_pluralizmit_politik_ne_media.pdf

the elections by media⁶⁰; nonetheless, IMC monitors political pluralism in media only during elections. In addition, IMC's monitoring is quantitative monitoring and not systematic, as it is also not done outside the elections campaign.

What are the legal obligations of the media during the 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,⁶¹ a Code of Conduct 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 the coverage by both print (at the time) and broadcasting media.

When it comes to covering the election campaigns, the legal framework in Kosovo also requires audio-visual media to provide fair and equal access to all parties.⁶² Under the Law No. 003/L-073 on General Elections, (Art. 49-53& 109), the Independent Media Commission (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 the 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 coverage of the election campaign such as: news editions, political adverts, election chronicles and interviews as well as electoral debates broadcast from 16:00 to 24:00. During the local election peri-

od, the IMC addressed four (4) complaints⁶³ meanwhile, during the period of Early Elections for the Assembly of the Republic of Kosovo no complaints have been filed in the IMC.⁶⁴ There were no elections during 2022 neither in local level nor national level.

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 of media to be biased towards the political parties in their journalistic work to various political developments. The coverage of the local election campaign is more difficult because of the large 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 gender balance is not monitored specifically which makes it difficult to report fair and equal access of genders.

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 year to introduce licenses by the state?

Journalists do not have to be licensed by the state to perform their professional duties, while the state does not impose any form of licensing. The freedom of work or the freedom of movement are not limited for journalists and other media workers; nonetheless, they are encouraged to have with them their IDs issued by the media they work for in order to report from certain events. There have been no attempts to introduce licence by the state in the previous years, as there have not been during the reporting period.

⁶⁰ Ibid.

⁶¹ PCK, "Code of Conduct", 27.10.2022., accessed 30.11.2022, <http://presscouncil-ks.org/wp-content/uploads/2015/04/Udh%C3%ABzues-p%C3%ABr-Kodine-Mediavet%C3%AB-Shkruar>

⁶² Law No. 03-L073 on General Elections in the Republic of Kosovo, Chapter VIII – Media during the Electoral Campaign, pgs. 24-27, accessed 30.11.2022 <https://aceproject.org/ero-en/regions/europe/KS/on-general-elections-in-the-republic-of-kosovo/view>

⁶³ IMC, "Monitoring Report of Audio-Visual Media Service Providers during the local elections campaign in the Republic of Kosovo", page 6, LOCAL accessed 30.11.2022, <https://kpm-ks.org/assets/cms/uploads/files/Raport%20Monitorimi%20OSHMA-t%C3%AB%20qjat%C3%AB%20Zqjedhjeve%20Lokaile%202021.pdf>

⁶⁴ 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, pg. 14, Accessed on 30.11.2022, <https://www.kpm-ks.org/assets/cms/uploads/files/Raport%20Monitorimi%20-%20OSHMA-t%C3%AB%20qjat%C3%AB%20fushat%C3%AB%20Zqjedhore%20p%C3%AB%20Zqjedhjet%20e%20parakoh%C3%ABshme%202021.pdf>

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

There are no cases of journalists being refused the right to report from certain events of not having an accreditation, during the reporting period. However, a journalist has been obstructed while performing her professional duties.

During 2022, journalist Edmonda Avdija – a journalist of TV Syri (local media in Gjakova) was not allowed to enter the Department of the Blood Transfusion at “Isa Grezda” Hospital, in Gjakovë, by the head of this department, Kreshnik Abrashi, on the grounds that she has published him on the portals when he was arrested. He closed the door with rude behavior and said that as long as he is the head of that department, they won’t be allowed there.⁶⁵

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 it is guaranteed by the Constitution, Law No.03/L–212 on Labour,⁶⁶ and the Law No. 04/L-011 for Organizing Trade Union in Kosovo.⁶⁷

At present, there are two associations of journalists divided on ethnic grounds, the Association of Journalists of Kosovo (AJK) (900 members) and the Association of Serbian Journalists in Kosovo (120 members). Even though no direct cases of threats towards AJK have taken place during 2022, whenever AJK reacted 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. Despite that, AJK remains professional and 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?

Currently there are three unions (Independent Trade Union of RTK, Workers’ Union of RTK, The Syndicate of Radio Workers) within the PSB RTK and to this date the RTK journalists are the only ones to be organized in unions. However, there is not an all-inclusive union that would protect the rights of all media workers. Moreover, there is no institution that works in an organized manner specifically to protect the labour rights of journalists.⁶⁸ 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 it has acted as a mediator between the journalist and the institution. During 2022, AJK has hired a Legal Adviser who has assisted one journalist⁶⁹ to mediate with the Inspectorate of Work in Kosovo, as well as the rest of the legal proceedings towards the media this journalist used to work for.

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

Established in 2005 the Press Council of Kosovo (PCK) is a self-regulatory body that started operating with only newspapers under its jurisdiction. Having in mind the increment within the number of online media outlets, PCK has started enveloping them as well. PCK is independent from political influences given that the Assembly does not influence the selection of the board, it is assessed that PCK does not perform its duties as politically influenced. Currently 45 newspapers and online media outlets are members of the PCK. PCK in Kosovo is somewhat a weak functioning institution as it follows a voluntary membership and imposes non-financial fines for its members upon complains by the parties.

65 AJK, Press release: “TV SYRI’s team obstructed while performing their duties, Gjakova, 14.06.2022”, accessed 14.11.2022, <http://agk-ks.org/en/news/pengohet-ekipi-tv-syri-nga-shefi-i-repartit-te-transfuzionit-te-gjakut-ne-gjakove/>

66 Official Gazette of the Republic of Kosovo, “Ligji nr. 03/l-212 i punës (Law no.03/l –212 on labour)”, accessed 30.11.2022, <https://qzk.rks-gov.net/ActDetail.aspx?ActID=2735>

67 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 30.11.2022, <https://qzk.rks-gov.net/ActDetail.aspx?ActID=2754>

68 Organization for Security and Co-operation in Europe, “Freedom of Media and Safety of Journalists in Kosovo”, Prishtina: 2014, accessed 30.11.2022, <https://www.osce.org/Kosovo/122390?download=true>

69 Due to the fact that the process is ongoing the journalists preferred to remain anonymous.

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 the Protection of Journalists Sources⁷⁰ applies specifically to journalists and guarantees confidentiality of their sources. It is also supported by the Law no.06/L-085 on the Protection of Whistle-Blowers,⁷¹ 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's laws protecting whistle-blowers and the confidentiality of sources are very well put on paper, but the problem as perceived by the community is their implementation. According to EU Progress Report for 2022 the Law on the Protection of whistle-blowers is in line with the latest EU legislation in this area and that secondary legislation determining the procedure for receiving and handling the cases of whistleblowing is in place. Strengthened whistle-blowing mechanisms and protection requirements still need to be implemented.⁷²

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?

During 2022 there have been no cases of journalists being ordered to disclose their sources registered in AJK's database. Nonetheless, 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 the court holds the right to request such information.

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

According to the journalists' respondents of the survey⁷³ there is no evidence of official sanctions imposed on them nor their colleagues during 2022 for non-disclosing the identity of the source of information. However, different kind of sanctions are applied against media and journalists. The government institutions very rarely talk to local media, and very often they refuse to answer journalist's questions. This kind of sanctioning of media in the form of a boycott by the governmental institutions is new in Kosovo.

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

Kosovo journalists are facing new types of challenges. Physical threats and violence against journalists in Kosovo are indeed in decline but hate narratives and intimidation are in incline. During 2022, AJK reported the cases of senior government officials intimidating media. Latest HRW report⁷⁴ also reports that in February, Prindon Sadriu, the husband of Kosovo's President and a high ranking official in the Ministry of Foreign Affairs, in a Facebook post labelled journalists and media in Kosovo as "a joint criminal enterprise." In March, the Prime Minister's Chief of Staff, Luan Dalipi, in a Facebook post, connected Kosovo's media to "criminal businesses" and called on citizens to boycott them. Such statements risk undermining public confidence in media and creating a hostile environment for journalists. These cases harm the relationship between the media and the government also by worsening their working conditions.

Journalists claim that they feel free to seek access to sources of information. Furthermore, newly established platform NACIONAL is the first to open a Viber Group where citizens besides getting informed real-time, can share information in regard to "trending" events. This practice is being followed by most of the media, and they are using Facebook closed groups to interact with citizens.

Based on the Kosovo Law Institute report, Kosovo adopted a very advanced legislation regarding the protection of whistle-blowers and strict provisions that retaliation against the whistle blowers is not allowed, such legislation is not properly implemented, or it is in very early stage of its implementation.

70 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 30.11.2022, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8864>

71 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 30.11.2022, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=1830>

72 European commission, "COMMISSION STAFF WORKING DOCUMENT Kosovo* 2022 Report", Brussels.; access 01.12.2022, <file:///C:/Users/admin/Downloads/Kosovo%20Report%202022.pdf>

73 Getoarbë Mulliqi Bajaj, (Survey with Kosovar journalists, 2022)

74 HRW, "World Report 2023", <https://www.hrw.org/world-report/2023>

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.⁷⁵

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 preferentially politically friendly media?

According to the State Department's Human Rights' Report on Kosovo, it has been concluded by the Ombudsperson Institution that public institutions lacked 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 access⁷⁶ to information or to provide information regarding cases as per requests of journalists. Furthermore, there are reports of institutions being closed and irresponsible withholding information from the media. The Kosovo MFA was fined by the Agency for Information and Privacy to the Ministry of Justice in the amount of 13 thousand euros after refusing to provide access to the diplomat's expense invoices, the husband of the President Osmani, Prindon Sadriu.

Journalists during a meeting with international stakeholders and local CSO representatives claim to be satisfied with the respective legal framework, but point out that institutions are not entirely transparent⁷⁷ with particular emphasis on the Government, Ministry of Health, as well as Ministry of Finances and Transfers. Moreover, the Ombudsperson Institution was investigating 26 complaints from the media, civil society organizations, and individual citizens concerning alleged violations of the right of access to public documents⁷⁸ during 2022.

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 an attempt to revise the Code of Conduct,⁷⁹ 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 Independent Media Commission (IMC).⁸⁰ During reporting period for 2022, there have been no reported cases of journalists not being granted access to open court cases.

75 Official Gazette of the Republic of Kosovo, Law no. 06/1-081 on Access to Public Documents, accessed 30.11.2022, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=20505>

76 U.S. Department of State, "KOSOVO 2021 HUMAN RIGHTS REPORT", accessed 13.04.2022, https://www.state.gov/wp-content/uploads/2022/02/313615_KOSOVO-2021-HUMAN-RIGHTS-REPORT.pdf

77 Meeting with journalists, CSO representatives and international stakeholders – 15.11.2022.

78 U.S. Department of State, "KOSOVO 2021 HUMAN RIGHTS REPORT", accessed 13.04.2022, https://www.state.gov/wp-content/uploads/2022/02/313615_KOSOVO-2021-HUMAN-RIGHTS-REPORT.pdf

79 IMC, "Code of Conduct for Audio-visual Media Services in the Republic of Kosovo", Prishtina:2010, accessed 20.12.2021, http://kpm-ks.org/assets/cms/uploads/files/Leqjisilacioni/1292592101.0176.pdf?fbclid=IwAR058awIKGyTSbvAri_I2Cx5relkTqULTUQfDHL_Pwhc63KYVvEwdnPwPeo

80 AJK, Prss release: "Following complaints from AJK and civil society, IMC suspends the process of amending the Code of Ethics", 11.02.2020, accessed 11.12.2022, <http://agk-ks.org/en/following-complaints-from-ajk-and-civil-society-imc-suspends-the-process-of-amending-the-code-of-ethics/>

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

Journalists have access to the Assembly; they cover plenary meetings and committee meetings. Moreover, there are more than 400 accredited journalists in the Assembly.⁸¹ Within the plenary hall, journalists may cover the sessions, whereas cameramen and photojournalists can do that from the gallery (balcony).⁸² The Parliament is the most transparent institution in the Republic of Kosovo.⁸³ The work of the Assembly is perceived as 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 transcriptions from the Assembly plenary sessions, as well as other daily work documents, are all published on the Assembly web page.⁸⁴ However, the visitors are required to register in the Directorate for Media and Public Relations a few days before the session.⁸⁵

One issue that has been raised by the journalists during the meetings with AJK⁸⁶ is the lack of space to accommodate all journalists at the National Assembly. Audio and video journalists require more space and more equipment and therefore demand better reporting conditions. Lists of accredited journalists are not updated by the National Assembly, and this creates an unnecessary culprits and unhealthy working conditions for journalists.

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

The general perception 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. Journalists encountered difficulties in obtaining information from the government and public institutions, notwithstanding laws providing access to public documents.⁸⁷ The Agency for Information and Privacy has fined the Foreign Affairs and Diaspora Ministry for releasing information on expenses of public officials to Insajderi.org portal. MFAD of Kosovo has been fined 13.000 Euros by this Agency.⁸⁸ The Agency for Information and Privacy is a well-respected institution by the journalist community in Kosovo.⁸⁹

81 National Democratic Institute (NDI), "Kosovo Parliament and Media Work to Better Inform the Public", 16.12.2019, accessed 30.11.2021, <https://www.ndi.org/our-stories/kosovo-parliament-and-media-work-better-inform-public>

82 Assembly of Republic of Kosovo, "The Role of Media and Public in the Work of the Assembly", accessed 12.12.2022, <https://www.kuvendikosoves.org/eng/about-the-assembly/role-of-media-and-public-in-the-work-of-the-a/>

83 Meeting with journalists, CSO representatives and international stakeholders – 15.11.2022.

84 Assembly of Republic of Kosovo, "The Role of Media and Public in the Work of the Assembly", accessed 08.12.2022.

85 Ibid.

86 Meeting with journalists, CSO representatives and international stakeholders – 15.11.2022.

87 U.S. Department of State, "KOSOVO 2021 HUMAN RIGHTS REPORT", accessed 13.04.2022, https://www.state.gov/wp-content/uploads/2022/02/313615_KOSOVO-2021-HUMAN-RIGHTS-REPORT.pdf

88 Liridona Hyseni & Mira Avdimetaj, "Four month long battle of Insajderi and MFA – Favouring Prindon Sadriu damages their budget by 13 thousand Euros", *Insajderi.org*, 22.04.2022 accessed 12.11.2022 <https://insajderi.org/beteja-4-mujore-e-insajderit-me-mojne-favori-ndaj-prindon-sadriut-demton-buxhetin-per-13-mije-euro/>

89 Meeting with journalists, CSO representatives and international stakeholders – 15.11.2022.

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?

According to AJK's database at least 700 journalists and camera operators have signed employment contracts in both central and local level.⁹⁰ Freelancers and photo reporters working independently are not part of the list. In 2016, some 85% of journalists had short term contracts covering 6 months to one year⁹¹ while the rest had permanent / indefinite contracts. The situation remains similar although no specific information is available yet for 2022.⁹² Since November 15th, 2016 journalists of the public broadcaster are working without social security, even-though PSB had a contract with one of the insurance companies previously.⁹³ The situation remains similar with media workers in the private sector.

90 Interview with Rabije Hyseni, Online Communication Officer at AJK, interviewed by Getoarbë Mulliqi Bojaj 10.11.2022

91 *Worlds of Journalism*, "Country Report: Journalists in Kosovo" 22.12.2016, accessed 18.12.2022, [Journalists in Kosovo \(uni-muenchen.de\)](https://www.uni-muenchen.de/journalists-in-kosovo/)

92 Interview with Rabije Hyseni, Online Communication Officer at AJK, interviewed by Getoarbë Mulliqi Bojaj 10.11.2022

93 Periskopi "The Prosecution is called to investigate the contract of RTK in regards to social security, 02.12.2016", accessed 12.12.2022, <https://www.periskopi.com/ftohet-prokuroria-qe-te-hetoje-kontraten-e-rtk-se-per-sigurime-shendetesore/>

According to the majority of the respondents of the survey⁹⁴ conducted by the AJK, the situation in regard to social security has improved in the private sector, as recently some private media outlets offer social security, whereas some other journalists from different media pay the social security by themselves. Although there is no precise information, nor data on the regularity of media outlet staff payments, it is reported that, aside from PSB journalists, some of the media journalists do not receive salaries on regular basis due to financial constraints. According to journalists' responses in the survey,⁹⁵ it has been assessed that journalists' financial conditions have improved mainly when they change or join newly established media as they are more prone to offering better working conditions. Nonetheless, there are still some cases when some media workers are paid in cash, or combined bank and cash which implies that they are operating in grey area. Respondents claim that this happens to avoid paying contributions (taxes, trust fund). According to the data published in the Worlds of Journalism Study in 2016, in Kosovo less than half the employed journalists (25%) have permanent contracts but this includes PSB employees who make up the largest part of the pool of journalists with permanent contracts.⁹⁶ The majority of the respondents answered that their salary remains the same as in the previous year; while a small part of the respondents answered that their salaries have slightly increased. However, most journalists' salaries are not sufficient, especially across the local media.⁹⁷

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

Challenges of journalists in Kosovo remain the same as in the previous years. To this day journalists mainly perform their duties in very hard conditions, as they continue to face struggles such as being paid in cash and/or combined schemes, as well as long working hours without compensation, and/or the feeling of non-stability due to the lack of permanent contracts. On top of this, physical threats have increased especially in the northern Kosovo in lieu of developments on the fourth quarter of 2022. Within four weeks, five cases of direct threats against journalists in north of Mitrovica have been recorded. The public broadcaster still continues to be challenged by small working spaces, as they work in a loaned building by the Government, which neither fulfils their needs nor their capacities.⁹⁸ It has been assessed

that pressure mainly falls upon journalists who work on portals, because of the high number of articles they are asked to deliver on daily basis, as well as the pressure to be the first and the fastest in publishing their stories. According to a survey conducted by the AJK, journalists are asked for the quantity of articles and compromises on the quality by the media ownership and editorial managers.⁹⁹ Journalists also report that there is no standardization in incomes amongst journalists and discrepancies between celebrity journalists and experienced and quality journalists are large which is an indication of prioritization of quantity over quality as well as sign of celebritytization and sensationalization of news reporting.

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 media owners and managing bodies? Are those rules respected?

It is assessed that traditional media and the majority of online newspapers in the Republic of Kosovo have adopted organisational documents according to which the newsrooms should be kept separate and independent from managers and marketing departments. According to IREX news content overall is editorially independent,¹⁰⁰ nonetheless, it is perceived that the management and marketing sectors may influence the editorial content as some of the respondents answered.¹⁰¹ Moreover, according to the Human Rights' Report of the State Department for 2021, 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 funders' interests.¹⁰²

94 Getoarbë Mulliqi Bajaj, (Survey with Kosovar Journalists, 2022)

95 Ibid.

96 Hanitzsch, T., Hanusch, F., Beer, A. D., & Ramaprasad, J. (2019). *Worlds of Journalism: Journalistic Cultures Around the Globe*. Columbia University Press.

97 IREX, "Kosovo Vibrant Information Barometer – 2022 ", accessed 08.12.2022, [https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20\(1\).pdf](https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20(1).pdf)

98 Ibid.

99 Regional Cooperation Council, "PERFORMANCE OF WESTERN BALKAN ECONOMIES REGARDING THE EUROPEAN PILLAR OF SOCIAL RIGHTS 2021 review on Kosovo" accessed 12.11.2022, <file:///C:/Users/admin/Downloads/ESAP-Social-Rights-Pillar-Report-Kosovo.pdf>

100 IREX, "Kosovo Vibrant Information Barometer – 2022 ", accessed 08.12.2022, [https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20\(1\).pdf](https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20(1).pdf)

101 Getoarbë Mulliqi Bajaj, (Survey with Kosovar Journalists, 2022)

102 U.S. Department of State, "KOSOVO 2021 HUMAN RIGHTS REPORT", accessed 13.04.2022, https://www.state.gov/wp-content/uploads/2022/02/313615_KOSOVO-2021-HUMAN-RIGHTS-REPORT.pdf

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 Code of Ethics for Media Service Providers in Kosovo was adopted in 2016 by the Independent Media Commission (IMC)¹⁰³ and the Code of Print Media¹⁰⁴ adopted by the Kosovo Press Council includes specific regulations against hate speech and disinformation. The ethical reporting of print media is regulated by the Press Council of Kosovo (PCK), whereas the audio-visual media services are regulated by IMC.

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

According to journalists' assessments during the meeting, it is perceived that journalists from online portals are the ones to experience pressure the most.¹⁰⁵ The 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.

Some of the journalists, who participated in the survey¹⁰⁶ conducted by the AJK, stated that time pressure remains as the most common form of pressure. Also pressure to be the first ones to publish a story, the pressure not to cover certain businesses and persons, and self-censorship when covering certain topics. Self-censorship was also identified by IREX, as it is very common, especially when reporting about large companies that own media outlets.¹⁰⁷

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?

According to AJK's database, as well as assessments from discussion and the survey, there are no known

cases of pressure exerted by media owners or managers neither on the entire newsroom, nor on individual journalist during 2022. Nonetheless, according to IREX panellists for Vibrant Information Barometer for Kosovo, there is no clear division between editorial functions, and the management of most media outlets, and they believe that media owners and managers frequently interfere in newsroom matters and editorial decisions.¹⁰⁸

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 public service broadcaster regulates its professional standards and ethical principles of journalism by internal documents.¹⁰⁹ On the other side, the RTK has also a disciplinary committee that is in charge of handling ethical concerns. PSB journalists are familiar with the code of ethics and they claim to comply with it.

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. According to PSB respondents of the survey¹¹⁰ conducted by the AJK the pressure does not fall upon journalists, should there be any pressure. According to one respondent there may be pressure towards managing bodies, due to the fact that RTK is directly funded by the state money¹¹¹. According to IREX there is no evidence that the government overtly or covertly censors media or pressures ICT providers to censor media.¹¹² 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. Furthermore, during 2022 there are no reported visible cases of

103 IMC, "Code of Conduct for Audio-Visual Media Services in the Republic of Kosovo", accessed 13.12.2021, https://www.kpm-ks.org/ajkmj_1_plot/2297

104 PCK, "Press code for Kosovo Media", accessed 13.10.2020, <http://presscouncil-ks.org/wp-content/uploads/2018/11/Press-Code-for-Kosovo-eng.pdf>

105 Meeting with journalists, CSO representatives and international stakeholders – 15.11.2022.

106 Getoarë Mulliqi Bojaj, (Survey with Kosovar journalists, 2022)

107 IREX, "Kosovo Vibrant Information Barometer – 2022", accessed 08.12.2022, [https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20\(1\).pdf](https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20(1).pdf)

108 Ibid.

109 RTK, "The Professional Standards and Ethical Principles of Journalism in programs of Radio and Television of Kosovo", accessed 13.12.2022, https://www.rtklive.com/pages/files/standardet_profesionale.pdf

110 Getoarë Mulliqi Bojaj, (Survey with Kosovar journalists, 2022)

111 Ibid.

112 IREX, "Kosovo Vibrant Information Barometer – 2022", accessed 08.12.2022, [https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20\(1\).pdf](https://www.irex.org/sites/default/files/VIBE_2022_Kosovo%20(1).pdf)

Governmental pressure; however, according to the current board the allocated budget for RTK for 2023 is the lowest in the last decade.¹¹³

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 the private sector. BIRN¹¹⁴ and KOSOVO 2.0¹¹⁵ are the most prominent non-profit online media in Kosovo. It is common for the non-profit media to have adopted their journalists' code of conduct. Besides the Code of Ethics, BIRN has also developed a Code against sexual harassment, Safety of Journalists and other internal regulations that are covering the employees' performance.¹¹⁶ BIRN Hub¹¹⁷ monitors these regulations and annually performs a security check and an evaluation on threats at work. KOSOVO 2.0 besides the general Code of Ethics has its own manual within HR.¹¹⁸

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?

No cases of pressure over the non-profit media outlets have been reported during 2022.

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?

Journalists claim to experience limitations when it comes to selecting stories to cover. This limitation is mainly perceived as self-censorship. When asked about proposing new topics, the majority of respondents claimed to doing it. However, they would rather not proceed with certain topics and not report about them professionally. In addition, this is not the case with investigative journalists. They claim not to be self-censored and in general they cover all of the topics that interest the audience. Self-censorship is manifested amongst journalists on the occasions of joining particular media under the impression of leaning to a political party and also significantly increasing the phenomenon of economic self-censorship when journalists work for media owned by corporates with multifaceted businesses. Journalists report self-censorship on topics that would negatively cover the company that owns the media where they work.

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

According to the respondents,¹¹⁹ most of the media hold editorial meetings and journalists are asked to take part in them although these meetings are not formal and structured. Traditional media holds these meetings more frequently, whereas the new media tend to do it even online via different social platforms. Investigative journalists who responded to the survey¹²⁰ conducted by AJK, claim that the editorial meetings are not mandatory. Besides editorial meetings and one-in-one meetings between journalists and editors and/or editors-in-chief, the staff holds brainstorm meetings, not only related to the news production.¹²¹

113 Mediana Halili, "RTK Board: The allocated budget towards RTK for 2023 is the lowest in the last decade", KALLXO.COM, 18.11.2022, accessed 20.11.2022, <https://kallxo.com/lajm/bord-i-rtk-se-buxheti-i-ndare-per-rtk-ne-ne-vitin-2023-eshite-me-i-voqll-ne-10-vitet-e-fundit/>

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

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

116 Interview with Kreshnik Gashi, Editor-in-Chief at BIRN Kosovo, interviewed by Getoarë Mulliqi Bojaj, 13.12.2022.

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

118 Interview with Dafina Halili, Editor in KOSOVO 2.0, interviewed by Getoarë Mulliqi Bojaj, 13.12.2022

119 Getoarë Mulliqi Bojaj, (Survey with Kosovar journalists, 2022)

120 Ibid.

121 Interview with Dafina Halili, Editor in KOSOVO 2.0, interviewed by Getoarë Mulliqi Bojaj, 13.12.2022

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

The main concern of journalists that was expressed during the discussion¹²² and as a general assessment is 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 exclusively 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?

All of the journalists reported that self-censorship is deemed as the most present form of influence, and not direct pressures from editors, managing bodies, or media owners. In comparison to the previous years, it has been assessed that due to the high number of media (traditional and new) the majority of journalists claimed that they would rather change the workplace than cover a topic unprofessionally or in a biased way.

B6 Economic position of women journalists

Are women journalists working under worse working conditions in comparison to their male colleagues? Do they sign 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 officially confirmed 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. Furthermore, according to AJK's database, which consists of 900 journalists, editors, cameramen and photojournalists, there are over 550 journalists and editors, over 300 of whom are women.¹²³

122 Meeting with journalists, CSO representatives and international stakeholders – 15.11.2022.

123 Interview with Rabije Hyseni, Online Communication Officer at AJK, interviewed by Getoarë Mulliqaj Bojaj 10.11.2022

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

Even though there are noticeably more women journalists and editors in the newsroom, most of the managerial positions are held by men. Moreover, it 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. According to the last year's report of the IREX Media Sustainability Index, Kosovo has a shortage of female analysts and commentators on everyday issues¹²⁴ and it was noticed during the electoral campaigns and debates during the elections of 2021. However, according to the Progress Report on Kosovo the selection process of the members of the RTK Board was merit-based, transparent and professional, with equal gender representation.¹²⁵

How high are their salaries in comparison to men's salaries?

Journalists in general claim that 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.

Are they subject to specific gender-based pressures?

Even though it is regulated by law, women journalists employed in the private sector still face gender based pressure when it comes to pregnancy and/or maternity leave. The Labour Law grants women to leave earlier the first year after they get back to work; however, due to the nature of their profession they are not able to do so. Furthermore, more than half of the cases of attacks towards journalists reported at the AJK are toward women journalists – especially insults, online threats and smear campaigns.^{126 127}

124 IREX, "Media Sustainability Index", accessed 12.02.2022, <https://www.irex.org/sites/default/files/pdf/vibe-kosovo-2021.pdf>

125 European commission, "COMMISSION STAFF WORKING DOCUMENT Kosovo* 2022 Report", Brussels, accessed 01.12.2022, <file:///C:/Users/admin/Downloads/Kosovo%20Report%202022.pdf>

126 AJK, Cases, Gender: FEMALE, 2022, accessed 12.12.2022 <https://gjk-ks.org/rastet-kerko/?keywords=&city=&ngakush=&gjinia=Fem%C3%ABr&year=2022&llojijmedias=&llojiiincidentit=&ppublik=&gjqesor=&pligjor=&search=>

127 AJK, Cases, Gender: GROUP, 2022, accessed 12.12.2022 <https://gjk-ks.org/rastet-kerko/?keywords=&city=&ngakush=&gjinia=Grup&year=2022&llojijmedias=&llojiiincidentit=&ppublik=&gjqesor=&pligjor=&search=>

C1 Safety and impunity statistics

A slight increase in the number of cases of attacks, threats and harassments has taken place during 2022. In comparison to 29 cases during 2021, this year 33 cases have been reported to the AJK. Reports indicate that the Republic of Kosovo has a negative trend compared to the previous years. According to the Reporters Without Borders, Kosovo in 2022 has been ranked 61st out of 180 countries in the world rankings,¹²⁸ i.e. it has ranked 17 scales higher than the previous year, even though the situation in Kosovo has not improved exclusively.

In the past five years, AJK has recorded 120 cases of threats towards journalists and other media workers, totalling with 17 cases in 2018, 21 cases in 2019, 24 cases in 2020, 29 cases in 2021 and 33 cases during 2022. The political events during the reporting period were the most significant factors that influenced the safety of journalists negatively, with the emphasis on Kosovo-Serbia dialogue. Although the number of cases of assaults has slightly increased, this does not mean that the number of cases reported at the AJK reflects the reality – journalists still refrain from reporting cases of their rights being violated at their workplace, and they do not take verbal threats seriously, especially those online.

¹²⁸ Reporters Without Borders, "2022 World Press Freedom Index", accessed 11.11.2022, <https://rsf.org/en/index>

When it comes to the impunity of the attacks, the situation remains the same, as in the past 30 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 don't get solved. In regard to other cases of assaults, threats, harassments and other forms of violence toward journalists, that took place during 2022 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.

Non-physical threats and harassments

During 2022 the number of non-physical threats and harassments towards journalists and other media workers has increased in comparison to 2021. Two cases out of 18 non-physical threats, which include aggressive declarations, insults, verbal threats and denigrating language, include public officials, high officials and impactful people in Kosovo. In April 2022 the Minister of Interior, Xhelal Sveçla after being asked about his sister's employment by the Ministry of Agriculture, referred to Besarta Hoti's question as "stupidity".¹²⁹ Chief of Staff of PM Kurti, Luan Dalipi through a Facebook post on March 3, 2022 unprecedentedly attacked Kosovo's media by linking them to "criminal businesses", and calling on those he distinguishes as "dignified citizens" to boycott them.¹³⁰ Moreover, First Gentleman of Kosovo, Prindon Sadriu labeled journalists as "a joint criminal enterprise". The President's husband is also a high ranking diplomat with the Ministry of Foreign Affairs.¹³¹ As well as the case of journalist, Bojan Tomic of RTK2, towards whom the mayor of the Municipality of Shtërpce, Dalibor Jevtiq, has used denigrating language. Furthermore, he was refused to be answered to and was insulted in front of other journalists.¹³² The rest of the cases mainly consist of verbal attacks, verbal and online threats, such as the case of journalist Diamant Bajra of Gazeta Blic, who received intimidating and threatening messages on his TikTok account.¹³³ Moreover, journalist of Kallxo.com,

Arjana Berisha, was threatened via phone by a bus driver after her reporting on his driving. Journalist Berisha received a video from the passengers of this line, and once she published it she received a threatening phone call, consisting of swearing and insults – which was recorded.¹³⁴ Last case of denigrating language from public figures that took place during 2022 is towards Arsim Lani of T7 and Leonard Kërquki of T7 and Gazeta Express. Sali Zyba, ruling party MP via a Facebook post on his personal profile edited a video by comparing and compiling two videos – one from 2016 and the other from 2022, which he published to denigrate the above mentioned journalists.¹³⁵ Last case to take place during 2022 was that of Saranda Ramaj, the journalist of Koha Group who was threatened by Kimete Gashi, procurement member of the Commission for Budget and Transfers within the Kosovo Assembly because of her reporting on irregularities on medical drugs contracting. Furthermore she called Ramaj "a loud and extremely misinforming journalist".¹³⁶

Number of actual attacks

During 2022 in Kosovo there were 7 cases of actual attacks towards the journalists, five of which happened within four weeks in the north of Kosovo. On November 17, Insajderi portal cameraman, Jetmir Muji was physically assaulted by a group of locals,¹³⁷ who have not been identified. Then on 9th and 10th of December Kallxo.com team and RTV Dukagjini team were attacked. Kallxo.com¹³⁸ team was approached by a group of masked people while they were driving, while RTV Dukagjini's team was thrown at with an explosive while reporting live – the explosive went off a couple of meters away from the crew.¹³⁹ Klan Kosova's team consisting of journalist Haris Ademi and camera operator Elsad Sinani while reporting near Çabër village of Zubin Potok municipality were thrown at with stones, as well as offend-

129 AJK, Cases: Denigrating language towards journalist Besarta Hoti, Pristina, 15.04.2022, accessed 15.12.2022, <http://agk-ks.org/en/cases/gjuhe-nencmuese-ndaj-gazetares-besarta-hoti-prishtine-15.04.2022/>

130 AJK, Cases: Denigrating language towards journalists, Pristina, 21.03.2022, accessed 15.12.2022, <http://agk-ks.org/en/cases/gjuhe-lincuese-ndaj-gazetares-prishtine-21.03.2022/>

131 AJK, Cases: AJK condemns attacks of Kosovo's First Gentleman towards journalists and media in Kosovo 09.02.2022, accessed on 15.12.2022, <https://agk-ks.org/en/news/agk-ja-demon-sulmet-e-bashkeshorit-te-presidentes-osmani-ndaj-gazetares/>

132 AJK, Cases: Denigrating language toward Bojan Tomic, Shtërpce, 08.07.2022, accessed on 15.12.2022, <http://agk-ks.org/en/cases/gjuhe-ofenduese-ndaj-gazetarit-bojan-tomic-shterpc-08.07.2022/>

133 AJK, Cases: Assault toward journalist Diamant Bajra, Pristina, 04.04.2022, accessed 15.12.2022, <http://agk-ks.org/en/cases/kanosje-ndaj-gazetarit-diamant-bajra-prishtine-04.04.2022/>

134 AJK, Cases: Threats toward journalist, Arjana Berisha, Pristina, 19.09.2022, accessed 15.12.2022, <http://agk-ks.org/en/cases/kercenim-ndaj-gazetares-arjana-berisha-prishtine-19.09.2022/>

135 AJK, Cases: Denigrating language towards journalists Arsim Lani and Leonard Kërquki, Pristina, 05.10.2022, accessed 15.12.2022, <http://agk-ks.org/en/cases/lincim-ndaj-arsim-lani-dhe-leonard-kerquki-prishtine-05.10.2022/>

136 AJK, Cases: Denigrating language toward journalist Saranda Ramaj, Pristina, 23.12.2022, accessed 25.12.2022, <http://agk-ks.org/rastet/sulm-ndaj-gazetares-saranda-ramaj-prishtine-23.12.2022/>

137 AJK, Cases: Physical attack towards cameraman Jetmir Muri, north Mitrovica 17.11.2022, accessed 15.12.2022, <http://agk-ks.org/en/cases/sulm-fizik-ndaj-kameramanit-jetmir-muji-17.11.2022-mitrovice/>

138 AJK, Cases: Attack toward Kallxo's team, north Mitrovica, 09.12.2022, accessed 15.12.2022, <http://agk-ks.org/en/cases/sulm-ndaj-ekipit-te-rtv-dukagjinit-mitrovice-e-veriut-10.12.2022/>

139 AJK, Cases: Attack toward RTV Dukagjini's team, north Mitrovica, 10.12.2022, accessed 15.12.2022, <http://agk-ks.org/en/cases/sulm-ndaj-ekipit-te-rtv-dukagjinit-mitrovice-e-veriut-10.12.2022/>

Table 2: Number of registered threats and attacks on journalists and media in 2022

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>	19	<ul style="list-style-type: none"> – Kosovo Police arrested the cameraman of the news agency, Ekonomia Online, Albion Selitaj in Suhareka – Kosovo’s First Gentleman, Prindon Sadriu, used denigrating language towards journalists and media in Kosovo, labelling them “a joint criminal enterprise” – Luan Dalipi – Chief of Staff of Prime Minister Kurti, through a Facebook post attacked Kosovo’s media by linking them to “criminal businesses” – Gazeta Blic journalist, Diamat Bajra received threatening messages after he published sequences of his show in his TikTok account – The Football Federation of Kosovo has decided to close the proceedings of the Electoral Assembly to journalists and media – Prosecutor Remzush Latifi from the Basic Prosecution Office in Prishtina pressured journalists of Infokusi – Singer Asdren Gjikolli known as Gjiko SLAPP sued Front Online journalists, Lavdim Hamidi and Enis Veliu – Minister of Internal Affairs, Xhelal Sveçla, claimed the question addressed from the journalist Besarta Hoti to be “stupidity” – Denigratory language toward Koha Group journalist, Agim Ademi – Judge Mervan Bejtullahu threatened journalist Arlind Sadiku – Edmonda Avdija of TV Syri was not allowed to report from Blood Transfusion unit in Gjakova – Mayor of Strpca, uses offensive language towards journalists of RTK2, Bojan Tomic – The head of Radio Gorazhdveci, Milic Petrovic, was verbally threatened today by the son of the employee of the local police station Momir Bulatović – Di Passio Tour bus line driver threatened journalists Arjana Berisha of Kallxo.com, through phone – Ambulance Driver of Mitrovica, threatened journalist of portal Gazeta Shneta, Diellza Luzha – Irfan Maliqi of local television, PLUS TV was threatened by Vitia Municipality high officials – Sali Zyba, ruling party’s MP uses denigrating language toward Arsim Lani (T7) and Leonard Kerquki (T7 and Gazeta Express) – Journalist Saranda Ramaj of Koha Group threatened by Kimete Gashi , procurement member of the Commission for Budget and Transfers within the Kosovo Assembly – Denigratory language towards journalist of Koha, Agim Ademi, by Shtime Municipality Mayor, Qemajl Aliu
<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. 	0	<ul style="list-style-type: none"> – No killings of journalists occurred in Kosovo during 2022 and furthermore, no journalist was harmed, threatened with physical harm.
<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>	8	<ul style="list-style-type: none"> – NJournalist Liridon Llozani and cameraman Diamant Maxharraj of RTV Dukagjini were physically attacked while reporting for the declaration of revenues at Tax Administration of Kosovo – RTK team consisting of Qëndresa Duraku – journalist, and Besnik Latifi – cameraman, as well as AJK board member, were attacked by the Green Market – Cameraman Jetmir Muji attacked in north of Mitrovica by a group of local Serbs – Kallxo.com team attacked in north of Mitrovica – RTV Dukagjini’s team thrown with explosive while reporting in the north – Klan Kosovo team was attacked while reporting in Zubin Potok – TëVë1 team attacked while reporting from northern Kosovo – Klan Kosova team attacked in Zubin Potok – journalist and driver heavily injured by glass bits caused by stones thrown at the car
<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"> – Cyber-attack towards “Buletini Ekonomik”, and “Buletini Newsletter” – Cyber-attack towards NACIONALE – Former Prime minister, Ramush Haradinaj, MP of Kosovo Assembly at present, refers to the media in Kosovo and Albania as “mercenaries” and “sold” – Former political adviser of PM Kurti, Hysamedin Ferraj and former VV MP, Sadri Ramabaja used denigrating language toward NACIONALE – VV MP, Fitore Pacolli proposed online media regulation – Klan Kosova television threatened by acting Finance Director of Post-telecom

ed by a group of locals,¹⁴⁰ whilst the very next day in the Bosniaks' Neighbourhood in the north Mitrovica Gojart Jashari, journalist and Rron Agolli camera operator, were thrown at with explosive materials while reporting for their media, Tëvël.¹⁴¹

RTV Dukagjini's other crew was attacked in the beginning of the year while reporting in Pristina for the declaration of revenues at Tax Administration of Kosovo.¹⁴² while PSBs journalist Qëndresa Duraku and cameraman Besnik Latifi, who at the same time is an AJK's board member, were attacked by one of the tradesmen at the open market (Tregu i Gjelbër) while they were reporting live.¹⁴³

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

In comparison to the previous year, this year the number of attacks on media institutions, organization, media and journalists' associations, has doubled. In 2021 there were 3 cases, whilst during 2022 there were 6 cases. Two out of these cases were cyber-attacks towards online media; the first one towards “Buletini Ekonomik”¹⁴⁴ and the second one towards NACIONALE.¹⁴⁵ The rest of the cases are mainly related to politicians who do not refrain from making statements against media, such as the case of the former Prime Minister, Ramush Haradinaj, MP

of Kosovo Assembly at present, who refers to the media in Kosovo and Albania as “mercenaries” and “sold”.¹⁴⁶ Also the case of the former political adviser of PM Kurti, Hysamedin Ferraj and former VV MP, Sadri Ramabaja who used denigrating language toward NACIONALE in regards to the latter's reporting about teachers' strike,¹⁴⁷ as well as the last case during late December where Klan Kosova television was threatened by Finance Director of Post-Telecommunications (public enterprise).¹⁴⁸ One of the most severe cases was towards all online media, after ruling party's MP, Fitore Pacolli called for a governmental regulation of the media, especially online portals, towards which AJK reacted and emphasized the fact that in Kosovo, most of the media are registered as businesses within the Kosovo's Business Registration Agency -KBRA, while the rest of the media are registered as NGOs. Media in Kosovo regulate their activity throughout the applicable laws and the regulations, as well as Code of Conduct of the Independent Media Commission and Press Council of Kosovo.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

¹⁴⁰ AJK, Cases: Attack towards Klan Kosova team, Zubin Potok, 19.12.2022, accessed 25.12.2022, <http://agk-ks.org/rastet/sulm-ndaj-ekipit-te-klan-kosoves-zubin-potok-19.12.2022/>

¹⁴¹ AJK, Cases: Attack toward TeVei team, Mitrovica, 20.12.2022, accessed 25.12.2022, <http://agk-ks.org/rastet/sulm-ndaj-ekipit-televiziv-tevel-mitrovica-20.12.2022/>

¹⁴² AJK, Cases: Actual attacks on journalists, RTV Dukagjini, Pristina, 21.02.2022, accessed 15.12.2022, <http://agk-ks.org/en/cases/sulm-ndaj-gazetareve-te-rtv-dukagjini-21.02.2022-prishtine/>

¹⁴³ AJK, Cases: Physical attack towards RTK's team, Pristina, 11.07.2022, accessed 15.12.2022, <http://agk-ks.org/en/cases/sulm-fizik-ndaj-ekipit-te-rtk-se-prishtine-11.07.2022/>

¹⁴⁴ AJK, Cases: Cyber-attack toward Buletini Ekonomik, 26.02.2022, Pristina, accessed 15.12.2022, <http://agk-ks.org/en/cases/sulm-ndaj-medieve-26.02.2022-prishtine/>

¹⁴⁵ AJK, Cases: Cyber attack toward Nacionale, 11.07.2022, Pristina, accessed 15.12.2022, <http://agk-ks.org/en/cases/sulm-kibernetik-ndaj-portalit-nacionale-11.07.2022/>

¹⁴⁶ AJK, Cases: Denigrating language towards journalists, Pristina, 08.04.2022, accessed 15.12.2022, <http://agk-ks.org/en/cases/gjuhe-deniqruese-ndaj-gazetareve-prishtine-09.04.2022/>

¹⁴⁷ AJK, Cases: Attack towards media, Pristina, 03.09.2022, accessed 15.12.2022, <http://agk-ks.org/en/cases/sulm-ndaj-medieve-prishtine-03.09.2022/>

¹⁴⁸ AJK, Cases: Threatening language towards Klan Kosova's team, Pristina, 14.12.2022, accessed 15.12.2022, <http://agk-ks.org/en/cases/gjuhe-kercenuese-ndaj-ekipit-te-klan-kosoves-prishtine-14.12.2022/>

¹⁴⁹ AJK, Cases: Threats against media, Pristina, 14.07.2022, accessed 15.12.2022, <http://agk-ks.org/en/cases/kercenim-ndaj-medieve-prishtine-14.07.2022/>

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 cases remains slow which is leading to dissatisfaction in 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?

Within the Kosovo Police – KP, there has been a coordinator appointed to monitor and follow up on all cases which involve journalists. All actions taken by this security institution are carried out in close cooperation and coordination with other competent bodies. To this date, there are no standard operation procedures neither within the Police nor the Prosecution when it comes to the protection of journalists in cases when they are subject of criminal offense or intimidation.¹⁵¹

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

AJK is the main address of journalists to report their cases of attacks, threats, intimidations and harassment towards them, as the organization advocates on their behalf. In addition, journalists report their cases by the Police and Prosecution who undertake the necessary measures to investigate these cases.

For some time now, the judicial system has been undergoing a transition through the development of a Case Management Informative System (CMIS), which will consolidate the data and provide the tracking of court cases. During a meeting organised for the purposes of this report, representatives of KJC stated that they are un-

able to provide official data on cases concerning journalists.¹⁵²

Based on its internal procedures, the KP, 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. As media lawyers and media experts assessed, CMIS has not been of help in regards to cases that involve journalists. Nonetheless, AJK with the assistance of its Legal Adviser has created a modality, through which some of the data will be gathered from the Courts.¹⁵³

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?

Public officials refrain from making statements, unless physical attacks toward journalists, take place. These statements are not a 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. Furthermore, the Government institutions recognize the attacks on the safety of journalists as a breach of freedom of expression, human rights law and criminal law but little is done to offer public support for journalists. Furthermore, little is done by the government side on countering anti-journalist narratives.

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

The most cooperative institution in terms of journalists' safety to assist AJK is KP. Furthermore, AJK encourages all of the journalists to report their cases by the relevant institutions and monitors those cases regularly. It has been assessed that journalists tend to have more faith in KP, and to some extent in Prosecution; however, when it comes to courts, journalists claim that they are not cooperative, and/or perform in accordance with the laws, when it comes to cases concerning journalists' safety. Although, the Criminal Code of Kosovo foresees imprisonment from 6 months to 5 years, in case of threat or intimidation, in case of physical violence, according to this code the sentences vary from 3 months to 10 years in prison. Furthermore, even when these cases come

¹⁵⁰ Besim Kelmendi, State Prosecutor, the Office of Chief State Prosecutor of the Republic of Kosovo, interviewed by Getoarë Mulliqaj Bojaj, 12.02.2022.

¹⁵¹ Ehat Miftaraj and Yll Zekaj, Representatives of Kosovo Law Institute, interviewed by Getoarë Mulliqaj Bojaj, 15.02.2022.

¹⁵² Meeting with Judicial Council of Kosovo representatives, 08.09.2022
¹⁵³ Ibid.

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.¹⁵⁴

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?

There are no cases of electronic surveillance of journalists during 2022 in Kosovo. However, before electronic surveillance can be conducted, a court warrant is needed, as permitted by the Penal Code¹⁵⁵ and the Criminal Procedure Code¹⁵⁶ as this warrant is only given for high threat cases. However, according to Kosovo's cyber security experts Kosovo should be alerted when it comes to the risk of people's privacy as the national surveillance system builds up.¹⁵⁷ According to the European Commission Progress Report on Kosovo for 2022, the legislation on cybercrime is generally in line with the EU acquis.¹⁵⁸

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?

Regarding the safety of journalists, the Prosecutors and the Basic Court of Prishtina have also appointed coordi-

ators to collect data on cases involving journalists.¹⁵⁹ However, 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. Furthermore, the role of coordinators within Prosecution and Courts is mainly to coordinate and monitor the work of prosecutors regarding their cases against journalists.¹⁶⁰

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?

According to the Kosovo Law Institute, "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".¹⁶¹ Neither the Police, the Ministry of Internal Affairs, the Prosecution nor Courts have in their strategic documents any objectives or activities related to the training of police, prosecutors or judges regarding the treatment of cases against journalists.

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.¹⁶² The articles of specific statutes that do not identify the victim's line of work cover the incidents involving assaults and threats against journalists.¹⁶³

During 2022, 18 cases were reported at KP, whereas 27 at AJK. AJK's and KP's databases have discrepancies to this date, because journalists tend not to report all of the cases to both, AJK and KP. There are cases which AJK was not notified about, as the journalists chose to

154 Dafina Lata, "Attacks and threats against journalists are an attack on freedom of speech", KALLXO.COM, accessed 12.12.2022, <https://kallxo.com/gjate/mendime/sulmet-dhe-kercenimet-ndaj-gazetareve-jane-sulm-ndaj-lirise-se-fjales/>

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

156 Ibid.

157 BalkanInsight "Kosovo Surveillance Build-up Raises Privacy Concerns", accessed 12.12.2022, <https://balkaninsight.com/2021/12/31/kosovo-surveillance-build-up-raises-privacy-concerns/>

158 European Commission, "Commission Staff Working Document Kosovo 2020 Report", Brussels: 2020, accessed 15.04.2022, https://ec.europa.eu/neighborhood-enlargement/system/files/2020-10/kosovo_report_2020.pdf

159 Koha.net, "The Basic Court in Prishtina appoints a coordinator for journalists' cases", accessed 12.12.2022, <https://www.koha.net/arberi/99940/gjykata-themelore-ne-prishtine-emeron-koordinator-per-rastet-e-gazetareve/>

160 Yll Zekaj, Legal Expert and Legal Adviser at AJK, interviewed by Getoarë Mulliqi Bajaj, 11.10.2022.

161 Ibid.

162 Meeting with journalists, CSO representatives and international stakeholders – 15.11.2022.

163 Meeting with Judicial Council of Kosovo representatives, 08.09.2022

remain anonymous. In addition, there are 6 cases still under investigation according to KP's database. The remaining cases have been referred to the Prosecution. In the past, threatened journalists have been provided close protection by the KP.

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 regard 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 in which journalists have to do their job.

Courts are not perceived as efficient due to the fact that the cases are not solved, and usually are prolonged, therefore journalists claim that they hesitate to report all of the cases.¹⁶⁴ 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 the status of the case in Courts, or by media. 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 2019¹⁶⁵ this was not the case when Visar Duriqi was physically assaulted in February 2021, as no one has been brought to justice yet.

Kosovo police in general has reacted in a timely manner regarding cases of violence and threats to journalists during 2022, as well as in the past. 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?

From 2017 until 2022, 146 cases of threats, assaults, harassment and other forms of pressure towards journalists have been reported; however, only a couple of cases have been solved. The sentences are mainly 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. In addition, it is presumed that only in cases of physical attacks and/or cases where politicians (case of Ensar Ramadani) are involved, the perpetrators are found and brought to justice, while the remaining cases are so drawn out that victims (journalists) have given up looking for justice. It is assessed that journalists hesitate to report their cases by the relevant institutions due to the fact that those cases are usually prolonged or not solved at all.¹⁶⁶

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

Throughout the years the Justice Academy organises trainings for prosecutors and judges regarding the freedom of speech. The Kosovo Law Institute (KLI) during the reporting period has held trainings for layers, judges and prosecutors related to freedom of speech, freedom of media, as well as the rights and protection of whistle-blowers. Mainly KP has organized media relation trainings with the participation of a number of police officers, through which it has increased its internal capacities for competent work with the media.¹⁶⁷ Certain prosecutors and coordinators, spokespersons, prosecutors' administrators, professional associates and other officials, have attended media relations trainings, mainly supported by CoE, some of which have been implemented in cooperation with AJK, whilst Department for Security and Public Safety within the OSCE Mission in Kosovo¹⁶⁸ has organized, supported and financed several trainings for police officers in all regions in Kosovo. It has been assessed that there is still a need for further trainings.¹⁶⁹

¹⁶⁴ Meeting with journalists, CSO representatives and international stakeholders – 15.11.2022.

¹⁶⁵ AJK, "Actual attacks on journalists, Ensar Ramadani, Prishtine,17.12.2019", accessed 14.01.2023. <https://agks.org/en/cases/actual-attacks-on-journalists-ensar-ramadani-prishtine-17.12.2019/>

¹⁶⁶ Meeting with journalists, CSO representatives and international stakeholders – 15.11.2022.

¹⁶⁷ OSCE Mission in Kosovo, Press release: "OSCE Mission, ODHR train Kosovo Police and civil society organizations on hate crime", 29.12.2022, accessed 12.12.2022 [https://www.osce.org/press-releases?filters=+im_taxonomy_vid_1\(12\)](https://www.osce.org/press-releases?filters=+im_taxonomy_vid_1(12))

¹⁶⁸ OSCE Mission in Kosovo – Facebook page, "Five-day hands-on training for communication officers of the Ministry of Internal Affairs and public safety institutions on crisis communication management." Posted on 09.10.2022, accessed 14.12.2022, <https://sv-se.facebook.com/oscekosovo/>

¹⁶⁹ Meeting with Prosecutorial Council of Kosovo representatives, 09.12.2022

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

Case	Year 2018.	2019.	2020.	2021.	20212
1. Physical assault on Ensar Ramadani (17.12.2019)		18.12.2019 – State Prosecution has opened investigation on the case. 10.02.2020 – The attacker has been indicted for assault by The Basic Prosecution in Prishtina.			
2.Threats to Bujar Vitija, reporter on portal Shneta		08.10.2019 – The Basic Court of Prishtina fined the offender 200 Euros.			
3.Threats to Taulant Osmani reporter of Kallxo.com (11.11.2017)					
4. On 02.04.2019 a journalist was threatened by an imam in Peja			Crime reported Prosecution received the case Prosecution sends it to court Court approved the request Court initiated investigative measures		
5. 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.		
6. 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		
7. On 22.12.2020 journalist Valon Sylva was physically attacked.			The Basic Court of 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.		
8. On 25.02.2021 journalist Visar Duriqi physically assaulted				Crime reported Prosecution received the case The case is under the investigation	
9. 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.	

Conslusions and Recomendations

CONCLUSIONS

This research sought to explore the media landscape in regard 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.

According to the findings based on research and discussions with journalists and other media freedom relevant actors, during 2022 the situation has aggravated in terms of journalists' safety and media freedom. Same as in the previous year's assessments, journalists claim that as much as legal media framework can be compared to advanced democracies, implementation of the law remains a big challenge to them. It has been assessed that there is an immediate need to enforce self-regulatory body, PCK, while the regulatory body is not perceived as very effective, due to the election of the new board prolonging. Furthermore, Kosovo's PSB is still challenged with finances, as it continues to receive its funding solely by the Government.

Journalists are guaranteed the right of association, as well as the freedom to unionize, however no initiatives have been taken in order to establish an all-inclusive union that would represent the private sector media workers. To this date journalists and other media workers in Kosovo are not represented by an all-inclusive union, although there are three Unions within the PSB. Having that in consideration, AJK is the only address

for journalists to report cases of violations of their right by their employer.

There is an increase in verbal attacks and denigrating campaigns led by influential people towards journalists, and the representing organization of journalists is also no exception. During 2022 AJK received the support of the European Federation of Journalists over three times, since smear campaigns towards journalists were channelled in AJK's direction after its reactions and condemnations to these threats. Besides these challenges, journalists' economic conditions, as well as their working conditions remain the same. It is perceived that journalists are switching workplaces mainly because of the income, as they continue to be underpaid. Journalists from online portals are pressured by their employers to report more, rather than to report professionally, whilst the general opinion of private sector workers is that they do not feel censored, yet there are certain topics they would rather not cover if they were not to do it professionally. Editorial independence is itself at some levels affected by self-censorship. While journalists reported that they are free to choose and cover stories, they are aware to the angles that it can be presented. Even though women journalists are far more in number as it has been assessed during the reporting from the field, their representation in prime-time shows is not proportional, as they are far less present – even as analysts. The number of members who joined AJK has increased by over 15 percent during 2022, which indicates that AJK is the only trustworthy address for media workers.

Number of cases of attacks towards journalists' trend of increasing has continued in 2022 as well. In 2019 there were 21 reported cases, in 2020 24 cases were reported, in 2021 this number increased to 29, whilst for 2022 the number of those attacks, harassments and threats has marked 33 – this is the highest number of attacks towards journalists in 20 years of AJK's existence.

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.

RECOMMENDATIONS

Media Legal framework in general is considered as encompassing of the versatility required for it to enable the development and functioning of the media sector and its mechanisms. The 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

- In order to increase impartiality of the PSB RTK, its legal and financial sustainability should be secured: Secure the accountability of PSB in accordance with its status, as well as identify proper methods of funding.
- The nomination and appointment of PSB board members should be apolitical, as the current way relies solely on Kosovo Assembly's appointed members. Such practice can increase chances of political influence.
- Increasing of competencies of self-regulatory body: Re-evaluation of the appointment of IMC board to reduce risk of subjectivity and any political influence. Moreover, stricter rules to the board members' political affiliations need to be put in place.
- Increase the competencies of the self-regulatory body PCK, especially in terms of online media publications.
- Modalities to be found by Kosovo Judicial Council in segregating the cases of defamation lawsuits against journalists.
- SLAPPs to be recognized.

B. Position of the 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.
- Increasing compliance with professional standards through the adoption of Code of Conducts. AJK along with EFJ, UN Women, NDI, OSCE, CoE and other international and national stakeholders are implementing trainings for journalists on proper approaches to reporting news.
- Media should be encouraged to develop their code of conducts and/or adopt that of the self-regulatory.
- Media should increase their capacities in order to better verify news, emphasis on combating disinformation. Media hierarchy to be followed, as media managers should assure greater editorial independence.
- Safety mechanisms that prioritize physical, economic and psychological safety for journalists should be prioritized by media ownership to serve long term wellbeing of journalists. An all-inclusive Trade Union for journalists should be founded.
- 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. Further, the role of Unions (the three existing ones within the PSB, as well as the one that should be established) should be strengthened 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

- The government of Kosovo should ensure safer environment for journalists in Kosovo by providing access, friendly approach, transparency and above all, protection for journalists in their duty.
- Cases of threats and attacks against journalists should be treated with priority by the courts in Kosovo. Special policies that protect journalists in particular should be developed by the rule of law, judiciary institutions in collaboration with regulatory bodies and AGK.
- Courts should establish a specific line of data collection in regard to journalists' safety cases.
- Specific unit/units within the rule of law and judiciary institutions dedicated to ensure the safety of journalists should be established.

