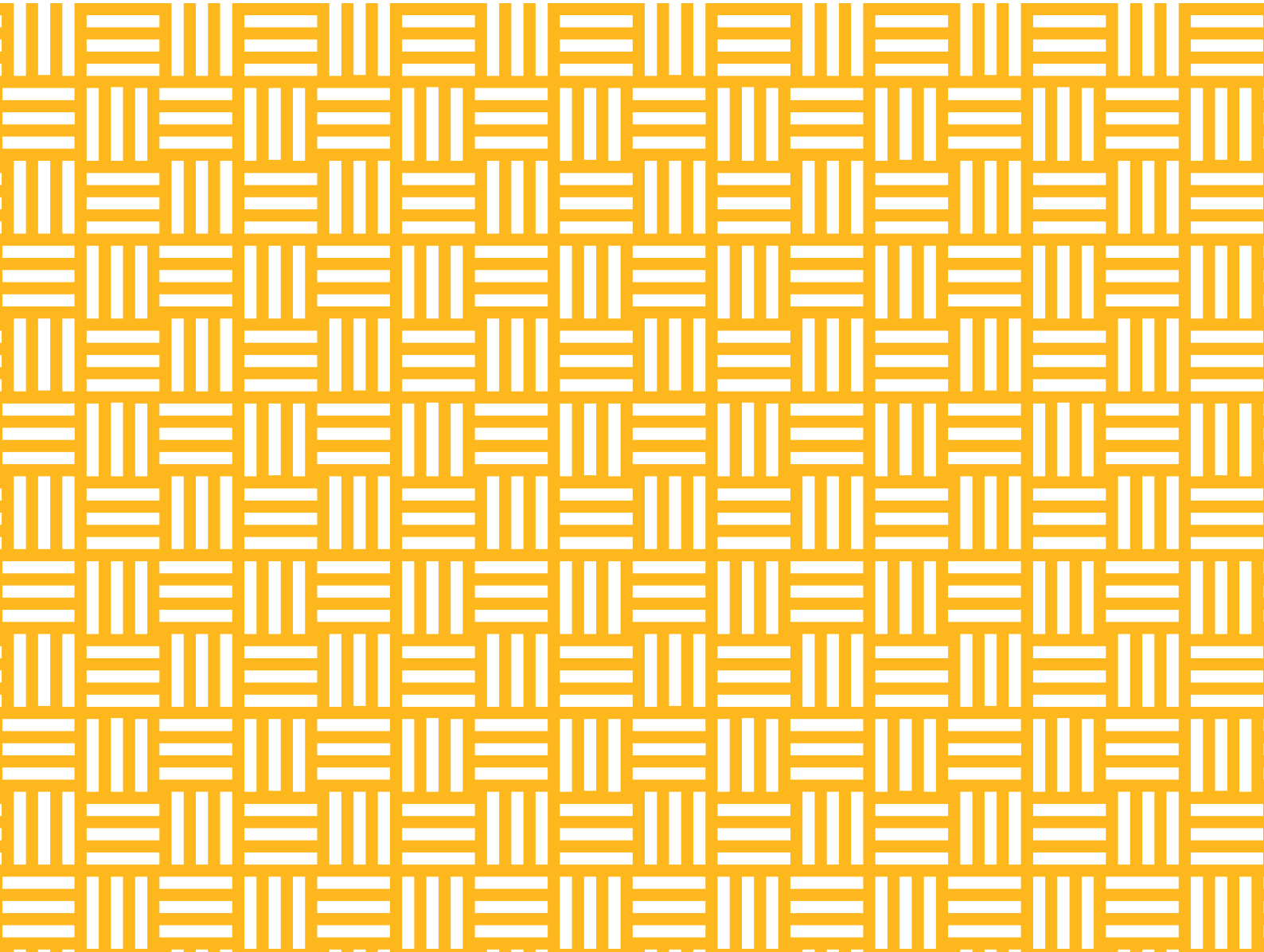




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KOSOVO Indicators on the level of media freedom and journalists' safety 2020



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Project Overview and Scope

It is the fifth year in a row that journalists' associations from the Western Balkan countries (Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo and Serbia), with the support of the European Commission,¹ monitored the development of media freedom and journalists' safety in their countries. In 2020 two more countries will work on such assessments – Albania and Croatia. The research methodology developed in 2016² was fine-tuned over the years to standardize the data collection and analysis and to adjust the research focus to the developments in both traditional and online media environment in the Western Balkan countries. Based on these standardized research tools, journalists' associations assessed the newest developments in their countries and engaged in various advocacy activities to advance the political, legislative, and institutional environment in which the journalists and media work.

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- ¹ In December 2019, the European Commission approved the three-year project [Safejournalists.net](https://www.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 action is supported by the Civil Society Facility and Media Programme 2018-2019, Support to regional thematic networks of civil society organizations, support to a regional network for women's rights and gender equality and support to small scale projects promoting cooperation between communities and citizens from Serbia and Kosovo.
 - ² The fifth adapted edition of the research methodology for this advocacy research project was developed by Snezana Trpevska and by Igor Micevski, research fellows of the Research Institute on Social Development RESIS from North Macedonia (www.resis.mk).

Methodological Note

The research methodology is composed of three groups of indicators developed based on a systematic analysis of various guidelines produced by relevant international organizations.³ In the course of the previous years the originally developed indicators have been tested and refined to address the distinctive socio-political context in this region and to reflect the specific needs and interests of the journalists in the 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 Dren Gërguri as media expert to review the report.

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

Table 1: Indicators about the level of media freedom and journalists' safety

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	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 of information	B.6 Economic position of women journalists	

³ The following documents were taken into consideration while developing the specific research approach for the Western Balkan countries: Council of Europe: Indicators for Media in a Democracy; UNESCO: Media Development Indicators (MDI) and Journalists' Safety Indicators: National level; USAID – IREX: Media Sustainability Index; Freedom House: Freedom of the Press Survey; BBC World Service Trust: African Media Development Initiative; Committee to protect Journalists: Violence against journalists; Reporters without Borders: World Press Freedom Index.



Kosovo is constituted as a unitary parliamentary republic with a government, unicameral legislature and a civil law system. Kosovo functions and is treated as an independent state by a large number of states, even though its statehood is disputed by a minority of UN members. Kosovo is a potential candidate for EU membership and signed a Stabilization Association Agreement with the EU in October 2015 that has been in force since April 2016. Kosovo is demographically diverse with the Kosovo Albanians comprising the overwhelming majority of the population, and Serbs, Bosnians, Turks, Romani, Gorani and others comprising the rest.

The political context in Kosovo has been challenging during 2020 as the governments have swapped due to the fact that the Assembly of Kosovo voted in favour of no confidence motion against the Government of Albin Kurti.⁴ The vote of no-confidence led to a political crisis, notably over the constitutional procedures regarding the formation of a new government. After the Constitutional Court clarified the issue, a new Government led by Prime Minister Avdullah Hoti took office on 3 June 2020.⁵

Economic crisis in Kosovo caused by COVID-19 pandemic had a chain impact on the media sector. Due to the pandemic, the labour market was challenged even more, and it led to poorer economic development of Kosovo, as there already was a slow econom-

4 *European Western Balkans*, "Assembly of Kosovo passes a motion of no confidence in Kurti's Government", Prishtina: 2020, accessed 20.05.2020, <https://europeanwesternbalkans.com/2020/03/26/assembly-of-kosovo-passes-a-motion-of-no-confidence-in-kurtis-government/>

5 European Commission, "Commission Staff Working Document Kosovo 2020 Report", Brussels: 2020, accessed 25.11.2020, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/kosovo_report_2020.pdf

ic diversification and poor growth in export – focused primarily on exports of services. Among the most concerning cases of violation of labour rights and economic consequences in the media sector during COVID-19 pandemic was the layoff of over 20 media employees of the company Zëri.

As of 13 March 2020, when the first case of COVID-19 was reported in the country, journalists, cameramen and photojournalists, with the permission of government authorities, continued to work under conditions of general lockdown, despite the risk of coronavirus infection. The cost of technical preparation, printing and distribution, the complete restriction of movement of citizens and the closure of points of sale in the first months of the pandemic, made the publishers of newspapers stop placement on the market of daily newspapers: Bota Sot, Epoka e Re, Koha Ditore and Zëri.⁶

Based on the coverage, the Kosovo's media landscape consists of two levels: the national media and regional media. According to the Independent Media Commission's (IMC) 2019 Annual Report,⁷ Kosovo has 19 operational television stations, 86 radio stations, 41 distribution operators and 97 providers of audio-visual media services. Among these, there are 13 Albanian-language television broadcasters, including the public broadcaster, five Serbian-language television broadcasters and one that broadcasts in Turkish. Of 86 licensed radio stations, 53 broadcast in Albanian, including two public radio stations, 22 in Serbian, three in the Bosniak language, two in Turkish, two in Gorani, one in Roma language and one multi-ethnic radio station.

Nevertheless, in recent years, Kosovo's media landscape has been enriched with new media and changes in ownership and editorial teams. Gazeta Express, the online portal with the largest number of views, widened its organization to include a television channel (T7), Rrokum TV was sold to Arben Ahmeti by the former owner Migjen Kelmendi, who then established Channel 10.⁸

6 Association of Journalists of Kosovo, "The impact of COVID – 19 pandemic on the economic situation of journalists, cameramen and photojournalists", Prishtina: 2020, accessed 25.11.2020, <http://agjk-ks.org/wp-content/uploads/2020/10/THE-IMPACT-OF-COVID-19-PANDEMIC-ON-THE-ECONOMIC-SITUATION-OF-JOURNALISTS-CAMERAMEN-AND-PHOTOJOURNALISTS.pdf>

7 IMC, "Raporti vjetor i punës për vitin 2019", Prishtina: 2020, accessed 25.11.2020, <https://www.kpm-ks.org/assets/cms/uploads/files/Publikime/Raporti%20Vjetor%202019%20KPM.pdf>

8 SEENPM, Peace Institute, Kosovo 2.0, "Media Landscape In Kosovo: Hate and propaganda influences", Ljubljana: 2020, accessed 19.04.2020, <https://seenpm.org/wp-content/uploads/2020/10/Resilience-research-publication-1-KOS-ENG.pdf>

A1 Legal guarantees for media freedom and their application in practice

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

The Constitution of the Republic of Kosovo guarantees freedom of expression, freedom of information, freedom of media right to access to public documents, as well as the rights of communities and their members to create and use their own media.⁹ Although not explicitly mentioned, these guarantees also encompass the right to access to the internet. The Constitution also stipulates that the right to freedom of expression may be restricted only by law, in case it is necessary to prevent incitement to or provocation of violence on the base of racism, national, ethnic or religious hate.¹⁰ Freedom of expression is also guaranteed through the Civil Law against Defamation and Insult,¹¹ which provides for a balance between the essential role of media as public watchdogs and the individual right to reputation and dignity. Other laws also contain detailed provisions

⁹ Constitution of the Republic of Kosovo, accessed 25.11.2020, <https://www.kpm-ks.org/assets/cms/uploads/files/Legislacioni/1362558264.286.pdf>

¹⁰ *Ibid.* Article 40.

¹¹ Official Gazette of the Republic of Kosovo, Law No. 02/L-65 Civil Law against Defamation and Insult, accessed 25.11.2020, http://www.gazetazytare.com/e-qov/index.php?option=com_content&task=view&id=129&Itemid=28

for the implementation of the constitutional guarantees and the cases in which they may be limited, such as the Law on Independent Media Commission,¹² the Law on Access to Public Documents,¹³ the Law on Protection of Journalists Sources,¹⁴ the Criminal Code (prohibition of incitement of hatred).¹⁵ However, although the guarantees are well formulated in the laws, in some areas their implementation is very poor.¹⁶ In its progress report for 2020, the European Commission stated that although Kosovo has achieved some level of improvement regarding freedom of expression, which is enshrined in the Constitution, there are still some issues of concern such as threats and attacks against journalists, the vulnerability of the public broadcaster to political influence and its financial uncertainty.¹⁷

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

The media legislation applicable in Kosovo has been developed in close cooperation and coordination with internal and external partners, including the professional journalists' associations and media NGOs. Having stated that, it has to be mentioned that from January to December 2020, there was an initiative by the Independent Media Commission to amend the Code of Ethics, but it was suspended after the raised concerns by the Association of Journalists of Kosovo, different NGOs and other media experts and lawyers¹⁸ due to the lack of transparency.

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?

The state authorities in Kosovo do not impose prior and strict requirements to the internet-based media for their registration. These media operate as business entities registered at the Business Registration Agency of

Kosovo and they are by default registered at the Tax Administration of Kosovo.¹⁹ Their performance is monitored by the Press Council of Kosovo, but only in terms of complying with ethical principles of reporting.²⁰

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

The Law on Electronic Communications regulates electronic communication activities based on the principle of technological neutrality and ensures the right to access to adequate communication services.²¹ There are no known or reported attempts by state authorities to restrict the right to internet access or seek to block or filter content published on internet.

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

The Independent Media Commission in Kosovo is legally conceived to be an independent regulatory authority. Nevertheless, 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, but not with the procedures that guarantee independence.²²

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

Based on our findings, the main problem is the non-transparency of institutions in relation to the expenditures they make in the local and national media. However, given that in 2020 no reports on the financial expenditures for public information have been provided by the institutions, based on the 2019 report, which contains the responses sent by 35 institutions at the lo-

12 Law No. 04/L-044.

13 Law No. 03/L-215.

14 Law No. 04/L-137.

15 Criminal Code, Article 147.

16 Flutura Kusari, Expert in media law, interviewed by Getoarë Mulliqi Bojaj, 13.10.2020.

17 European Commission, "Commission Staff Working Document Kosovo 2020 Report", Brussels: 2020, accessed 25.11.2020, [https://ec.europa.eu/neighborhood-enlargement/sites/nea/files/kosovo_report_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/nea/files/kosovo_report_2020.pdf)

18 Association of Journalists of Kosovo, "Following complaints from AJK and civil society, IMC suspends the process of amending the Code of Ethics", accessed 25.11.2020, <http://ajk-ks.org/en/following-complaints-from-ajk-and-civil-society-imc-suspends-the-process-of-amending-the-code-of-ethics/>

19 Ibid.

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

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

22 Flutura Kusari, Expert in media law, interviewed by Getoarë Mulliqi Bojaj, 13.10.2020.

cal and central level, the total media expenditure was 598,917.71 Euros.²³

The state money is usually allocated for announcing job vacancies, tender notices, or public awareness media campaigns on migration, vaccination, etc. While no direct link between the government expenditure in media and its influence on editorial policy has been clearly established, recently there have been some discussions in the media about the risks from the growing Government influence.

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

In Kosovo there have been no media subsidies to support public or private media since 2011, leaving international organizations to offer different funding schemes.

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

There are no separate mechanisms for funding or financially supporting the private or non-profit media that publish content in the languages of different minorities. All other private media outlets, including those of national minorities, which are registered as businesses, should ensure their own income.

The public broadcaster (RTK) is legally obliged to allocate 10% of its own overall budget received from all sources for the channel in Serbian language. RTK shall continue to allocate 10% of its own overall budget for the second channel of RTK in Serbian language after discontinuing financing from the Budget of Kosovo and the Founder.²⁴

23 Association of Journalists of Kosovo, "Raport mbi shpenzimet financiare të institucioneve për informim public", accessed 20.10.2020, <http://gazk-ks.org/wp-content/uploads/2019/05/Asociacioni-i-Gazetar%C3%ABve-f%C3%AB-Kosov%C3%ABs-1.pdf>

24 Official Gazette of Republic of Kosovo, Law on Radio Television of Kosovo, accessed 20.12.2020, <https://gazk.rks-gov.net/ActDetaj.aspx?ActID=2812&fbclid=IwAR2Dps7YS6edpsswOYD1ksIEFmkT7qkFEbcVJbgfOROtYpD7Mj5Rh00YZJA>

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

Although the autonomy and independence of PSB are guaranteed by the Law (No. 04/L-046)²⁵ the public broadcaster faces political pressure and influence due to the fact that it is state-funded.²⁶ RTK remains directly state-funded, with its budget determined annually by the Assembly²⁷ which undermines its editorial independence and leaves it prone to political influence. Therefore, the European Commission emphasized that the RTK Law should be amended in line with the best practice on sustainable funding and so as to ensure the transparent and professional selection of its board members.²⁹ The supervisory body or the Board of RTK is legally conceived to reflect the multi-ethnic and gender character of Kosovo.³⁰

A2 The effects of defamation laws on journalists

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

The Law no.02/L-65 Civil Law on Defamation and Insult³¹ is not overly protective for public officials, but gives a higher degree of leniency to journalists holding

25 Ibid.

26 European Commission, "Kosovo 2019 Report", accessed 20.12.2020, <http://mei-ks.net/repository/docs/kosovo-report.pdf>

27 European Commission, "Commission Staff Working Document Kosovo 2020 Report", accessed 25.11.2020, https://ec.europa.eu/neighbourhood-enlargement/sites/nea/files/kosovo_report_2020.pdf

28 KlanKosova TV, "Hoti: RTK-ja më nuk do të financohet nga Buxheti i Kosovës", accessed 12.12.2020, <https://kiankosova.tv/hoti-rtk-ja-me-nuk-do-te-financohet-nga-buxheti-i-kosoves/>

29 European Commission, "Commission Staff Working Document Kosovo 2020 Report", accessed 25.11.2020, https://ec.europa.eu/neighbourhood-enlargement/sites/nea/files/kosovo_report_2020.pdf

30 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 20.12.2020, <https://gazk.rks-gov.net/ActDetail.aspx?ActID=2812>

31 Official Gazette, Law no.02/L-65 Civil Law on Defamation and Insult, accessed 05.12.2021, http://www.gazetazrtare.com/e-gov/index.php?option=com_content&task=view&id=129&Itemid=28&lang=en

them liable only if they prior knew that the information was false. It bans public authorities from filing a request for compensation of harm for defamation or insult, but public officials may only do so in their personal capacity.³² Additionally, the Constitutional Court has confirmed that deputies of the Kosovo Assembly enjoy only functional immunity, thus if they are involved in any criminal act, they can be sued i.e., they can be subject to public scrutiny and criticism.

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

Due to the fact that there is no database on cases that specifically involve journalists in courts, the number of lawsuits initiated against journalists by state officials and/or politicians is unknown. The data collection by the judicial institutions will be finalized by the end of the first half of 2021.³³ This data collection will help increase transparency and accountability of the legal institutions.

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

Although during the reporting period, no concrete examples on legal provisions being used to silence journalists have been reported, it has been noticed that fines are the most common type of sentence imposed by some judges. The same pattern is used in cases when journalists are the victims of criminal acts, which creates an impression that this approach indirectly encourages attacks toward journalists.³⁴

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 Insult³⁵ recognizes self-regulatory mechanisms, considering 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 ac-

count 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 make an apology or correction before the commencement of action for damages or as soon as they had an opportunity.³⁶ Self-regulating mechanisms serve as an instrument to enhance the level of professionalism and to reconcile the parties that are unsatisfied with the media reporting and the media that are subject to violations. These mechanisms tend to create discipline and to enhance professional performance of the media.³⁷

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

The Defamation law is not considered discouraging by journalists to perform their duties, as they feel that they have sufficient protection when it comes to defamation lawsuits.³⁸ However, journalists consider it as an additional burden due to the fact that the Law sanctions also unintentional inaccurate information which could affect their work.³⁹

32 Flutura Kusari, Expert in media law, interviewed by Getoarbë Mulliqi Bajaj, 13.10.2020.

33 Besnik Ramosaj, Director of Statistics Department at Kosovo Judicial Council, interviewed by Getoarbë Mulliqi Bajaj, 13.01.2021.

34 Betim Musliu and Ehat Miftaraj, representatives of Kosovo Law Institute, interviewed by Getoarbë Mulliqi Bajaj, 20.12.2020.

35 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

36 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).

37 Betim Musliu and Ehat Miftaraj, representatives of Kosovo Law Institute, interviewed by Getoarbë Mulliqi Bajaj, 20.12.2020.

38 Three focus groups with journalists from print, broadcast, NGO's and online media outlets conducted by Getoarbë Mulliqi Bajaj and Vesa Bala on 15.12.2020, 29.12.2020 and 11.01.2021.

39 Shkumbin Kajtazi, investigative journalist, interviewed by Getoarbë Mulliqi Bajaj, 17.01.2021.

A3 Legal protection of political pluralism in the media

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

The Constitution of the Republic of Kosovo provides general guarantees for media pluralism (Art. 42)⁴⁰ and the Law on the Independent Media Commission guarantees the freedom and pluralism of audio-visual media in Kosovo (Art. 5).⁴¹ There are no specific provisions in the media legislation (both for public and private broadcasters) that oblige them to reflect political pluralism during non-election period, besides the IMC Code of conduct which obliges licensed broadcasters and all the other media outlets to uphold to ethical and unbiased reporting.

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

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

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

The Code of Conduct for Audio and Audio-visual Media Service Providers, a legally binding secondary legislation issued by the IMC, sets provisions for balanced and unbiased news coverage. However, the IMC only monitors content during election campaigns, so it is difficult to assess whether the media in Kosovo reflect diverse political views and ideas outside of election campaign.

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

The obligation of all the media under the Law No. 003/L-073 on General Elections is to ensure equitable access and uphold to the Kosovo Press Code,⁴² a Code of Conduct (COC) developed by the Press Council of Kosovo (PCK), which upholds all media to the same ethical standards even during non-election periods. Nonetheless, it has often been reported about the inconsistency in coverage by both print and broadcasting media.

The legal framework in Kosovo also requires audio-visual media to provide fair and equal access to all parties, especially in covering election campaigns.⁴³ Under the Law No. 003/L-073 on General Elections, (Art. 49-53 & 109), the IMC is obliged to monitor political pluralism through 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 complaints (including violations on political pluralism) to the IMC.

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

During 2020, there were no elections. The last monitoring of the general elections in 2019 general elections conducted by the IMC focused on all forms of media presentation of the election campaign such as: news editions, political spots, election chronicles and interviews and debates broadcast from 16:00 to 24:00. Before the elections, based on the provisions of Law on Elections, the IMC issues the Guideline on Elections by which it instructs the licensee on the conduct during the elections period.⁴⁴ Small discrepancies in the representation of political parties in the media have been

⁴⁰ Constitution of the Republic of Kosovo, Article 42s– Freedom of Media (paragraph 1), accessed 03.09.2020, <http://www.kyeministri-ks.net/repository/docs/ConstitutionKosovo.pdf>

⁴¹ Law on the Independent Media Commission, Article 5s– Duties and responsibilities of IMC (paragraph 3), accessed 04.10.2020, https://www.kpm-ks.org/assets/cms/uploads/files/Legjislacioni/1335250709_2603.pdf

⁴² Press Council of Kosovo, accessed 13.10.2020, <http://presscouncil-ks.org/wp-content/uploads/2015/04/Udh%C3%ABzues-p%C3%ABr-Kodin-e-Mediatvet%C3%AB-Shkruara>

⁴³ Law No. 03-L073 on General Elections in the Republic of Kosovo, Chapter VIII – Media during the Electoral Campaign, pgs. 24-27, <https://aceproject.org/ero-en/regions/europe/KS/on-general-elections-in-the-republic-of-kosovo/view>

⁴⁴ Jean-Francois Furnemont and Deirdre Kevin, “Regulation of Political Advertising: A Comparative Study with Reflections on the Situation in Southeast Europe”, EU and Council of Europe, 2020, accessed 04.02.2021, <https://rm.coe.int/study-on-political-advertising-eng-publish/1680a0c4e4>

noticed, with certain parties given specific time before the campaign had officially started.⁴⁵

A4 Freedom of journalists' work and associations– 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?

The state does not require any form of licensing to work as a journalist. Freedom of work and movement is not limited for journalists and other media workers, but they should have with them their IDs issued by the media they work for in order to be able to perform their duties.

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

During 2020 because of the COVID-19 pandemic, the country went on lockdown, hence in order to perform their duties, journalists were required to get permissions to operate freely. However, some journalists have been obstructed while performing their duties.⁴⁶

Due to the Kosovo wide lockdown, that took place based on the COVID-19 prevention measures adopted by the Government of Kosovo, the police prevented journalist Yllka Ahmetxhekaj to perform her duties while reporting from the quarantine centre in Prishtina. However, there are no cases of journalists being refused the right to report from a certain event on the ground of not having an accreditation during 2020.⁴⁷

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

Journalists have the right of association and are free to unionize as is guaranteed by the Constitution, Law No.03/L–212 on Labour,⁴⁸ and the Law No. 04/L-011 for Organizing Trade Union in Kosovo⁴⁹. Currently there are two associations of journalists divided on ethnic grounds, the Association of Journalists of Kosovo (AJK) (420 members) and the Association of Serbian Journalists in Kosovo (120 members). There were no reported pressures on the associations themselves during 2020. When AJK reacts about cases when the rights of journalists are violated, either of its members or those that are not its members, 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.⁵⁰ Anyway, AJK reacts on all cases and it acts as a mediator between the journalists and the institutions.

Are journalists organised 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?

PSB RTK workers are the only ones organized in trade unions, currently in three unions (Independent Trade Union of RTK, Workers' Union of RTK, The Syndicate of Radio Workers). There is no institution that works in an organized manner specifically to protect the labour rights of journalists.⁵¹ 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 rights, for their proper referral, and in some instances has acted as a mediator between the journalist and the institution.⁵²

45 Democracy in Action, "Preliminary Declaration 2019", Prishtina: 2019, pg. 8, accessed 20.10.2020, http://kdi-kosova.org/wp-content/uploads/2019/10/86-FINAL_Deklarata-preliminare-p%C3%ABr-zajedhjet-e-parakohshme-p%C3%ABr-Kuvendin-e-Kosov%C3%ABs_FINAL_Blerita_ENG.pdf

46 AJK, "AJK concerned with the behavior and actions of the police towards the journalist Tatjana Lazarevic", accessed 20.04.2020, <http://gqk-ks.org/gqk-e-shqetesuar-me-sjelljen-dhe-veprimin-e-policise-ndaj-gazetares-tatjana-lazarevic/?bclid=IwAR1q0iQBK-qvWqizPa7BcmSmA-fsmalYksPA7CUDeNqD2pO-ex3nl6sevG0>; AJK, "AJK concerned with the behaviour and actions of the police towards the journalist Yllka Ahmetxhekaj", accessed 15.05.2020, <http://gqk-ks.org/gqk-e-shqetesuar-me-veprimin-e-policise-ndaj-gazetares-yllka-ahmetxhekaj/?bclid=IwAR1cqaIdanvRuupbc-6ZsksM6-fj3Wktq37Sza4p-1NLps3Powt1uuE>

47 AJK, "Other threats to journalists", accessed 15.05.2020, <http://gqk-ks.org/en/rastet/other-threats-to-journalists-yllka-ahmetxhekaj-prishtine-05-05-2020/>

48 Official Gazette of the Republic of Kosovo, "Ligji nr. 03/l-212 i punës (Law no.03/l –212 on labour)", accessed 15.10.2020, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2735>

49 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 15.10.2020, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2754>

50 Gentiana Begolli Pustina, President of the Board of AJK, interviewed by Getoarë Mulliq Bajaj, 17.11.2020

51 Organization for Security and Co-operation in Europe, "Freedom of Media and Safety of Journalists in Kosovo", Prishtina: 2014, accessed 15.12.2020, <https://www.osce.org/Kosovo/122390?download=true>

52 IREX, "Media Sustainability Index", pg. 9, accessed 15.12.2020, <https://www.irex.org/sites/default/files/pdf/media-sustainability-indexeurope-eurasia-2019-kosovo.pdf>

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

The Press Council of Kosovo (PCK) is a self-regulatory body that started working in 2005 with only newspapers under its jurisdiction. However, with the change in the media landscape towards online media outlets, PCK has begun encompassing them as well. PCK is independent from political influences given that the Assembly does not influence the selection of the board. There have been no reported pressures towards the PCK representatives, however, there are registered cases of pressure by the complaining parties, which are not considered as a serious threat.⁵³ Currently 50 newspapers and online media outlets are members of the PCK.

A5 Legal protection of journalists' sources

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

The Law on Protection of Journalists Sources⁵⁴ applies specifically to journalists and guarantees confidentiality of their sources and is supported by the Law no.06/L-085 on the Protection of Whistle-Blowers,⁵⁵ 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.

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?

There were no cases in 2020 of journalists being ordered to disclose their sources. However, the court holds the right to request such information in criminal

cases where there is a threat to the life of person or persons and in case of a threat to the state.

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

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

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

In general, journalists claim that they feel safe to maintain relations with their sources of information. However, some of them claim that there are cases when sources of information do not feel comfortable to cooperate with journalists.⁵⁶

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?

The Law on Access to Public Documents guarantees the right of every person, without discrimination on any grounds, to access public documents produced, received, maintained or controlled by public institutions, as well as the right to re-use the public sector documents.⁵⁷

53 Imer Mushkolaj, Executive Director of PCK, interviewed by Getoarë Mulliqi Bojaj, 20.11.2020.

54 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 15.10.2020, <https://qzk.rks-gov.net/ActDetail.aspx?ActID=8864>.

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

56 Three focus groups with journalists from print, broadcast, NGOs and online media outlets conducted by Getoarë Mulliqi Bojaj and Vesa Bala, 15.12.2020, 29.12.2020 and 11.01.2021.

57 Official Gazette of the Republic of Kosovo, "Ligji nr. 06/L-081 për Qasje Në Dokumente Publike (Law no. 06/L-081 on Access to Public Documents)", accessed 15.10.2020, <https://qzk.rks-gov.net/ActDetail.aspx?ActID=20505>.

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

The journalists are satisfied with the respective law but claim that institutions are not entirely transparent.⁵⁸ Hence, they would recommend further enhancement of public's possibility to hold the Government to account.⁵⁹

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

Journalists are given access to courts sessions in a non-discriminatory fashion, without any limitations, except in court cases of judges orders for protective measures. However, in 2019-2020 there was a tentative to revise the Code of Conduct,⁶⁰ which would limit the ability of journalists to report from court sessions, obliging them to wait until the final verdict. Following concerns raised by the Association of Journalists of Kosovo, and various local and international organizations, this attempt has been suspended by the IMC.⁶¹ There have been no reported cases of journalists not being granted access to open court cases in 2020.

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

Journalists have access to the Assembly and they cover plenary meetings and committees. Moreover, there are more than 400 accredited journalists in the Assembly.⁶² Within the plenary hall, journalists may cover the sessions, whereas cameramen and photojournalists can do that from the gallery (balcony).⁶³ According to the journalists that took part in the focus groups, the Parliament is the most transparent institution in the Republic of Kosovo.⁶⁴ The work of the Assembly is open and transparent. All Assembly sessions, committee meetings and other meetings, are announced in advance in the activities calendar, on the Assembly page on the internet. Information, minutes and transcriptions from the Assembly plenary sessions, as well as other daily work documents, are all published on the Assembly web page.⁶⁵ However, the visitors are required to register in the Directorate for Media and Public Relations a few days before the session.⁶⁶

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

Despite the fact all of the Ministries have developed their webpages, as well as opened Facebook, Instagram, Twitter and YouTube channel, the general opinion is that the Government is the least open institution, due to the fact that the process is either prolonged or the access to the requested information is not given at all.

58 Three focus groups with journalists from print, broadcast, NGOs and online media outlets conducted by Getoarbë Mulliqi Bajaj and Vesa Bala, 15.12.2020, 29.12.2020, 11.01.2021.

59 Gentiana Begolli Pustina, President of the Board of AJK, interviewed by Getoarbë Mulliqi Bajaj, 17.11.2020.

60 Independent Media Commission, "KPM-2010/01 Kodi I sjellës për shërbimet mediale audiovizuale në Republikën e Kosovës [Code of Conduct for Audio-visual Media Services in the Republic of Kosovo]", 13.10.2020, http://kpm-ks.org/assets/cms/uploads/files/Leqjisjacioni/1292592101.0176.pdf?fbclid=IwAR058gwIKGyTSbVArl_12Cx5relkTquLTUQfDHI_Pvhc63KYVYyEwdnPwPeo

61 AJK, "Following complaints from AJK and civil society, IMC suspends the process of amending the Code of Ethics", accessed 11.03.2020, <http://agk-ks.org/en/following-complaints-from-ajk-and-civil-society-imc-suspends-the-process-of-amending-the-code-of-ethics/>

62 NDI, "Kosovo Parliament and Media Work to Better Inform the Public", accessed 15.01.2021, <https://www.ndi.org/our-stories/kosovo-parliament-and-media-work-better-inform-public>

63 Assembly of Republic of Kosovo, "The Role of Media and Public in the Work of the Assembly", accessed 24.02.2021, <https://www.kuvendikosoves.org/eng/about-the-assembly/role-of-media-and-public-in-the-work-of-the-a/>

64 Three focus groups with journalists from print, broadcast, NGOs and online media outlet conducted by Getoarbë Mulliqi Bajaj and Vesa Bala, 15.12.2020, 29.12.2020, 11.01.2021.

65 Assembly of Republic of Kosovo, "The Role of Media and Public in the Work of the Assembly", accessed 24.02.2021.

66 Ibid.

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?

There has been no data on the number of signed contracts since 2019.⁶⁷ AJK was consistently emphasizing the problem of the lack of employment contracts for media employees, considering that this is a violation of the Labour Law and creates a state of financial uncertainty for media employees.⁶⁸ The journalists of the public broadcaster have worked without social security since 2016⁶⁹ and so do most of the media workers in private media where some journalists pay the social security by themselves.⁷⁰ Only the journalists from the public broadcaster and some of the mainstream media are paid regularly, whereas the rest are still facing delays in their payments. There are even cas-

67 Ministry of Labor and Social Welfare, "The situation of media workers in the Republic of Kosovo", accessed 15.02.2021, <https://mpms.rks-qov.net/raportohet-mbi-qendjen-e-punetoreve-medial-ne-kosove/>

68 AJK, "AJK and the Labor Inspectorate with a bi-monthly initiative for the protection of journalists' rights", accessed 15.02.2021, <http://agk-ks.org/agk-dhe-inspektorati-i-punes-me-nisme-dy-mujore-per-mbrojtjen-e-te-dreitave-te-gazetareve/>

69 Three focus groups with journalists from print, broadcast, NGOs and online media outlet conducted by Getoarë Mulliqi Bojaj and Vesa Bala, 15.12.2020, 29.12.2020, 11.01.2021.

70 *Ibid.*

es when some media workers are paid in cash. The average salary of journalists and other media workers is below the country average.⁷¹

Two surveys conducted by AJK in 2020 showed that the pandemic affected more media employees with lower salaries, especially those receiving the minimum wage from 130 to 250 Euro. According to these surveys conducted by AJK for the period before and during the pandemic, 22 out of 120 respondents had answered that their monthly salary ranged from 130 to 250 Euro, while in the subsequent survey their number increased to 38, after the outbreak of the pandemic. Meanwhile also, the number of media employees who declared to have been paid over 250 Euro, after the pandemic has decreased. Out of 24 respondents who said they were paid between 260 and 350 Euro before the pandemic, in the post-pandemic period, their number dropped to 20. The number of media employees paid from 360 to 500 Euros was also reduced, from 35 before the pandemic to 30 after it. 21 respondents stated that before the pandemic they were paid from 500 to 650 Euro, while after the pandemic, their number dropped to 17. Even the number of those paid more than 650 Euro has decreased, from 18 before the pandemic to 15 after it. These figures show that the pandemic affected more media employees with lower salaries, affecting the increase in the number of those receiving the minimum wage from 130 to 250 Euro. A significant number of media employees stated in the survey that the salary reduction was a consequence of the forced reduction of working hours and the financial difficulties of the media where they work.⁷²

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

The main challenges for journalists at their workplaces remain the lack of job security and financial uncertainty which especially worsened in 2020 due to the pandemic. The public broadcaster is also challenged by small working spaces, as they work on a loaned building by the Government, which neither fulfils their needs nor their capacities.⁷³ For journalists from private me-

dia outlets, especially news portals, the high quota of news items to be delivered is among the main challenges they face, as well as the pressure to publish sooner and faster which negatively affects the quality of journalism in the online sector.⁷⁴

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?

Some of the media in the Republic of Kosovo have adopted organisational documents according to which the newsrooms should be kept separate and independent from managers and marketing departments. Nonetheless, this does not mean that the management and marketing sectors do not influence the editorial content, as it is considered that media as businesses are doing the utmost in order to secure their income.⁷⁵

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

When it comes to internal codes of ethics, the private media outlets comply with two codes. The ethical reporting of print media is regulated by the Press Code for Kosovo, which is a general Code of Ethics,⁷⁶ whereas for the audio-visual media services there is another self-regulatory documents— Code of Conduct for Audio-Visual Media Services.⁷⁷

71 Kosovo Agency of Statistics (KAS), "Wage Level in Kosovo, 2019-2020", accessed 15.02.2021, <https://ask.rks.gov.net/en/kosovo-agency-of-statistics/add-news/wage-level-in-kosovo-2012-2019>

72 AJK, "The impact of Covid-19 pandemic on the economic situation of journalists, cameramen and photojournalists", accessed 27.11.2020, <http://agk-ks.org/wp-content/uploads/2020/10/THE-IMPACT-OF-COVID-19-PANDEMIC-ON-THE-ECONOMIC-SITUATION-OF-JOURNALISTS-CAMERAMEN-AND-PHOTOJOURNALISTS.pdf>

73 Three focus groups with journalists from print, broadcast, NGOs and online media outlets conducted by Getoarë Mulliqi Bajaj and Vesa Bala, 15.12.2020, 29.12.2020, 11.01.2021.

74 Ibid.

75 Shkumbin Kajtazi, investigative journalist, interviewed by Getoarë Mulliqi Bajaj, 17.01.2021.

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

77 IMC, "Kodi i Etikës për Ofruesit e Shërbimeve Mediale në Republikën e Kosovës (Code of Conduct for Audio-Visual Media Services in the Republic of Kosovo)", accessed 13.10.2020, https://www.kpm-ks.org/lajmi_i_plot/2297

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

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

When asked about the most common forms of pressure performed by the media owners and managers, some of the journalists who participated in one of the surveys conducted by the AJK, stated that time pressure is the most common, the pressure to be the first ones to publish a story, the pressure not to cover certain businesses and persons, and censorship and interference when covering certain topics.

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

There is no data on illustrative examples of claimed pressure towards journalists during the reporting period.⁷⁸ However, upon the release of the Emergency Fiscal Package by the Government of Kosovo, with the aim to provide short-term financial assistance for crisis management, in the first months after the breakout of the pandemic, there were cases when the coverage of salaries in the amount of 170 euro made media employees accept the reduced monthly salary for the same amount, with the reasoning of employers that the rest will be compensated by the Government.⁷⁹

B3 Editorial independence in the Public Service Broadcaster

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

The professional standards and ethical principles of journalism of the public service broadcaster are regulated by internal documents.⁸⁰ On the other side, the RTK has also a disciplinary committee that is in charge of handling ethical concerns. This Committee is seen as partial by some journalists⁸¹ and, according to them, in some cases has shown biasness and favouritism.⁸² It is important to emphasise that the editors in the PBS argue that the Code of Ethics is respected and the editorial staff is there to ensure that the RTK journalists work in full compliance with the professional standards.⁸³

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

During the reporting period, no pressures have been exerted over the newsrooms or individual journalists of PSB.⁸⁴ The way the RTK operates does not leave much room for pressure from the Government. 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.⁸⁵ According to some journalists, if there is any pressure at all, then it is directed toward the editors and editors-in-chief. However, there are no known cases of Governmental pressure.⁸⁶

78 Three focus groups with journalists from print, broadcast, NGOs and online media outlets conducted by Getoarë Mulliqi Bojaj and Vesa Bala, 15.12.2020, 29.12.2020, 11.01.2021.

79 AJK, "The impact of Covid-19 pandemic on the economic situation of journalists, cameramen and photajournalists", accessed 27.11.2020, <http://aqk-ks.org/wp-content/uploads/2020/10/THE-IMPACT-OF-COVID-19-PANDEMIC-ON-THE-ECONOMIC-SITUATION-OF-JOURNALISTS-CAMERAMEN-AND-PHOTOJOURNALISTS.pdf>

80 Radio Television of Kosovo, "The Professional Standards and Ethical Principles of Journalism in programs of Radio and Television of Kosovo", accessed 20.12.2020, https://www.rtklive.com/pages/files/standardet_profesionale.pdf

81 Three focus groups with journalists from print, broadcast, NGOs and online media outlets conducted by Getoarë Mulliqi Bojaj and Vesa Bala, 15.12.2020, 29.12.2020, 11.01.2021.

82 AJK, "Attacks on media and media organizations, RTK, Prishtina", accessed 11.01.2021, <http://aqk-ks.org/en/rastet/attacks-on-media-and-media-organizations-rtk-prishtina-05-04-2020/>

83 Xhymret Vellu, Editor-in-Chief at RTK1, interviewed by Getoarë Mulliqi Bojaj, 12.01.2021.

84 Three focus groups with journalists from print, broadcast, NGOs and online media outlet conducted by Getoarë Mulliqi Bojaj and Vesa Bala, 15.12.2020, 29.12.2020, 11.01.2021.

85 *Ibid.*

86 Three focus groups with journalists from print, broadcast, NGOs and online media outlet conducted by Getoarë Mulliqi Bojaj and Vesa Bala, 15.12.2020, 29.12.2020, 11.01.2021.

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 small. BIRN,⁸⁷ KOSOVO 2.0⁸⁸ and Çohu,⁸⁹ are the most prominent non-profit online media in Kosovo which have adopted their journalists' code of conduct. Besides the Code of Ethics, BIRN has also developed a Code against sexual harassment and other internal regulations that are covering the performance of employees.⁹⁰ BIRN Hub⁹¹ monitors these regulations and annually performs a security check and an evaluation on threats at work. BIRN has an organisation statute according to which this non-profit media complies.⁹²

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?

There are no data on the pressure over the non-profit media outlet. However, the journalist Jeta Xharra from Jeta në Kosovë TV show, has been a victim of two verbal threats via social media during 2020.⁹³

B5 Freedom of journalists in the news production process

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

The degree of freedom that journalists have in selecting stories is limited to a certain extent. As stated by most of the journalists who participated in the group discussions, in general, they are free to suggest a story. However, when deciding what angle a story will be covered from, then the freedom of journalists is far more limited.⁹⁴ This is especially common for the journalists of private media outlets, when it comes to reporting on persons and/or topics that may be related to the business or other interests of media owners. Journalists, however, think that there is more self-censorship than direct influence of owners or managers on the way a topic should be covered.

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

Due to the fact that mainly the journalists are the ones to pitch a story in both public and private media, they participate in editorial and newsroom coordination. Nonetheless, the traditional media hold editorial meetings on a daily basis, in comparison to investigative media that in some cases hold weekly meetings.⁹⁵

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

The journalists perceive their role primarily as detached observers, and not as critical monitors of the Government and politicians.⁹⁶ The quality of deliverables remains a challenge, as it leaves them with not enough time to conduct proper research that would allow them to cover an issue in a manner that would establish their role as trustworthy and critical watchdogs of those in power. This is mainly an issue for online news portal journalists. However, this is not an issue for investigative journalists,

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

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

89 Çohu, <http://www.cohu.org/>

90 Interview with Kreshnik Gashi, Editor-in-Chief at BIRN Kosovo, interviewed by Getoarë Mulliqi Bajaj, 15.01.2021.

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

92 Kreshnik Gashi, Editor-in-Chief at BIRN Kosovo, interviewed by Getoarë Mulliqi Bajaj, 15.01.2021.

93 AJK, "Other threats to journalists, Jeta Xharra, Xhemajl Rexha and Fidan Jupolli", accessed 20.01.2021, <http://qgk-ks.org/en/rastet/other-threats-to-journalists/jeta-xharra-xhemajl-rexha-and-fidan-jupolli-prishtina-28-03-2020/> and "Verbal threat to journalist, Jeta Xharra", accessed 20.01.2021, <http://qgk-ks.org/en/rastet/verbal-threat-to-journalist-jeta-xharra-pristina-03-07-2020/>

94 Three focus groups with journalists from print, broadcast, NGOs and online media outlets conducted by Getoarë Mulliqi Bajaj and Vesa Bala, 15.12.2020, 29.12.2020 and 11.01.2021

95 Ibid.

96 Three focus groups with journalists from print, broadcast, NGOs and online media outlets conducted by Getoarë Mulliqi Bajaj and Vesa Bala, 15.12.2020, 29.12.2020 and 11.01.2021.

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?

The journalists who participated in the focus group discussions agree that there are different influences in the news production process, but the extent to which they are expressed depends on the medium in question and its editorial policy. It cannot be said, in general, that there is no professionalism or that journalists do not know the ethical and professional rules. It could rather be said that self-censorship is present, i.e. that journalists know in advance which topics they are allowed and which they are not allowed to report on. However, a number of journalists claimed that they are aware of some topics that they cannot cover "... there are some businesses whose performance should not be covered, and the same applies for some persons, all of this due to the editorial policy"⁹⁷. Hence, the journalist would rather not write about a topic, than cover the topic in an unprofessional or biased way.

Hence, self-censorship is deemed as the most present form of influence all of the journalists reported, and not direct pressures from editors, managing bodies, or media owners. For some journalists this does not seem to be a problem, since they claim to have known from the beginning what are the topics they can/will cover while they are a part of a certain media. The senior journalists are mainly the ones to be aware of what the limits are in covering a topic and they simply comply with those limits.⁹⁸

B6 Economic position of women journalists

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

In general, the working conditions of women journalists in the newsroom are not different from those of men journalists. There is no data regarding how many women

and men have signed employment contracts, but according to some assessments, there are noticeably more women journalists in the newsroom.⁹⁹

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

There is no recent statistical data on leading editorial positions in the newsrooms, but women journalists are more prone to hold editorial positions in the newsroom,¹⁰⁰ especially in the mainstream media, whereas the men journalists are more in charge of the managerial sector. Another difference has been observed when it comes to the main media TV shows as most of them are hosted by men and are broadcasted during the prime time.

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

Contracts are not gender discriminative, as the salaries of women journalists are based on their performance and not on gender. Two surveys conducted by AJK in 2020 showed that the average salaries of journalists range from 250 to 350 Euros,¹⁰¹ and the salaries of women journalists are the same as their men colleagues.

Are they subject to specific gender-based pressures?

Gender based pressure is only present in cases when women journalists are pregnant, and/or return to work after the maternity leave. Even though the Labour Law grants women to leave earlier the first year after they get back to work, due to the nature of their profession they are not able to do so.¹⁰²

⁹⁷ *Ibid.*

⁹⁸ *Three focus groups with journalists from print, broadcast, NGOs and online media outlets conducted by Getoarbé Mulliqi Bojaj and Vesa Bala, 15.12.2020, 29.12.2020 and 11.01.2021.*

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ AJK, "The impact of Covid-19 pandemic on the economic situation of journalists, cameramen and photojournalists", pg. 12, accessed 27.05.2021, <http://gqk-ks.org/wp-content/uploads/2020/10/THE-IMPACT-OF-COVID-19-PANDEMIC-ON-THE-ECONOMIC-SITUATION-OF-JOURNALISTS-CAMERAMEN-AND-PHOTOJOURNALISTS.pdf>

¹⁰² *Three focus groups with journalists from print, broadcast, NGOs and online media outlets conducted by Getoarbé Mulliqi Bojaj and Vesa Bala, 15.12.2020, 29.12.2020 and 11.01.2021.*



C1 Safety and impunity statistics

Based on the reported cases during 2020 the safety of journalists in the Republic of Kosovo has not marked any considerable changes compared to the previous years. Moreover, according to the Reporters Without Borders, Kosovo has made a progress in comparison to 2019¹⁰³ and 2018,¹⁰⁴ as in 2020 it has been ranked 70th out of 180 countries in the world rankings.¹⁰⁵

On the other hand, the number of physical attacks and verbal threats in comparison to 2019 has increased by three cases, while in comparison to 2018 the number of cases was almost 30 % lower. In the past three years, AJK has recorded 62 cases of threats towards journalists and other media workers, totalling 17 cases in 2018, 21 cases in 2019, 24 cases in 2020. The situation with the pandemic, as well as the political events during the reporting period were the most significant factors that influenced the safety of journalists negatively. Although the increased number of cases of assaults is worrying, the fact that the journalists are more open to reporting the cases is considered as a positive change.

¹⁰³ Reporters Without Borders, "2019 World Press Freedom Index", accessed 11.01.2021, <https://rsf.org/en/ranking/2019#>

¹⁰⁴ Reporters Without Borders, "2018 World Press Freedom Index", accessed 11.01.2021, <https://rsf.org/en/ranking/2018#>

¹⁰⁵ Reporters Without Borders, "2020 World Press Freedom Index", accessed 11.01.2021, <https://rsf.org/en/kosovo>

Table 2: Number of registered threats and attacks on journalists in 2020

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>	11	<ul style="list-style-type: none"> – The journalist Bekim Kabashi was threatened via Whatsapp by businessman Latif Kryeziu, and his parents were pressured at their home by a person. – Yllka Ahmetxhekaj of Periskopi was obstructed by the police while on duty – Arson attempt towards the journalist Shkumbin Kajtazi's car – Klan Kosova television team was forbidden to enter a sports hall – Journalist Jeta Xharra has been assaulted once solo by Gani Koci – Jeta Xharra has been assaulted as a part of a group of journalists with Xhemajl Rexha and Fidan Jupolli on social media – Arsim Lani of television T7 was threatened via Facebook message by the politician Melihate Tërnkolli – Deputy Minister Enver Dugolli uses offensive language toward journalists – Adriatik Kelmendi, Agron Bajrami and Besnik Krasniqi were threatened via Facebook by Lëvizja Vetëvendosje officials – Fidan Jupolli has received life threatening messages on Facebook – Berat Buzhala of Gazeta Express and Parim Olluri of Insajderi have been verbally attacked by Hysamedin Ferraj
<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. 	6	<ul style="list-style-type: none"> – Berat Buzhala of Gazeta Express was assaulted by some unknown people – RTK team was threatened by some people in uniforms with Serbian logos on their uniforms – Director of TV Dukagjini, Ermal Panduri received a life-threatening comment via Facebook – Naser Gashi broke into the offices of Gazeta Express and threatened the journalists – Bullets were fired toward journalist of Reporteri's car, Shkumbin Kajtazi – Valon Sylja, journalist and owner of Gazeta Metro was physically attacked by a person
<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>	4	<ul style="list-style-type: none"> – Arbresh.info team was attacked by the driver of the Chairman of the Serbian List Party – Journalists Diamant Bajra and Nebi Maxhuni as well as their cameraman Arsim Rexhepi were physically attacked by two people in the Northern Mitrovica – Tatiana Lazarevic was arrested by the police even after she showed them her press ID – Nenad Mikulovic was physically attacked by four masked people
<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	
<p>Threats and attacks on media institutions, organizations, media, and journalists' associations</p> <p>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.</p>	3	<ul style="list-style-type: none"> – Gazeta ZËRI terminated the contracts of over 20 media workers, without prior notice – The Public Broadcaster's leading bodies have taken selective measures against a group of journalists – Unknown people have threatened RTK via phone

Conversely, when it comes to the impunity of the attacks, the situation remains the same, as in the past 20 years the authorities have not properly investigated the cases of missing and killed journalists in the country.

Non-physical threats and harassments

During 2020 there were 11 cases of non-physical threats and harassments towards journalists in Kosovo. Threats and assaults vary from those of businessmen towards journalists and other media workers, to those of state officials, as well as political party high officials. The journalist Bekim Kabashi of Reporteri.net was threatened by businessman Latif Kryeziu.¹⁰⁶ Meanwhile the journalist of the online portal Periskopi, Yllka Ahmetxhekaj was obstructed while on duty, by a member of Kosovo Police during the time she was reporting during the pandemic lock-down.¹⁰⁷ These cases are followed by the harshest example of this nature, the one of the journalist Shkumbin Kajtazi of Reporteri.net, towards whose car there was an arson attempt,¹⁰⁸ as well as the case of Klan Kosova television team, who were prevented to do their job, by being forbidden to enter a sports hall in Gjakova.¹⁰⁹ The rest of the non-physical threats and harassments are connected to the high political officials, who have assaulted journalists mainly through social media. The journalist Jeta Xharra of Jeta në Kosovë has been assaulted twice in the past year; the first case is related to a Facebook post, where Jeta Xharra, Xhemajl Rexha and Fidan Jupolli were called mercenaries of Lëvizja Vetëvendosje political party,¹¹⁰ and the other case was of the high official of the political party PDK, Gani Koci, who calls her a septic tank.¹¹¹

Threats against the lives and physical safety of journalists

There are six cases of threats against lives and physical safety of journalists. The first physical threat of 2020

was towards the journalist Berat Buzhala of the online portal Gazeta Express, who was physically assaulted by some people, while he was waiting on a queue in front of a pharmacy.¹¹² The second threat of 2020 took place in Zubin Potok, where some people in uniforms with Serbian logos on their uniforms threatened the RTK team.¹¹³ Followed by a life threatening comment via Facebook towards the journalists, as well as the director of TV Dukagjini, Ermal Panduri.¹¹⁴ The rest of the cases, which are also very harsh and threaten the climate of doing journalism in Kosovo is firing bullets towards the car of Shkumbin Kajtazi, the journalist of Reporteri.net, in Mitrovica, while he was at a nearby bar in his hometown.¹¹⁵ And, last but not least, the physical attack against Valon Sylja, journalist and owner of the online paper Gazeta Metro, where the journalist was physically attacked by a person, because of some Facebook posts of Sylja's.

Number of actual attacks

During 2020 there was a total of four actual attacks on journalists. The first one was towards the team of the online portal Arbëresh.info, by the driver of the Serbian List Party (Srpska Lista) Chairman, Slavko Simic,¹¹⁶ and meanwhile the other three attacks took place in the Northern Mitrovica. Journalists Diamant Bajra and Nebi Maxhuni, as well as the cameraman of the online portal Arsim Rexhepi, were physically attacked by two people while carrying out a story on the pandemics. The journalist Maxhuni had to receive medical care afterwards.¹¹⁷ The police arrested Tatiana Lazarevic from Kossev portal even after she had shown the police her ID. She was working on the field regarding a story on the Health Care Center in Zvecan. Even though the Kosovo government's decision for the lockdown did not apply to the journalists, nonetheless Lazarevic was taken to the station.¹¹⁸ In addition, the last physical attack was

106 AJK, "Other threats to journalists, Bekim Kabashi, Rahovec", accessed 18.01.2021, <http://agk-ks.org/en/rastet/other-threats-to-journalists-bekim-kabashi-rahovec12-03-2020/>

107 AJK, "Other threats to journalists, Yllka Ahmetxhekaj", accessed 18.02.2021, <http://agk-ks.org/en/rastet/other-threats-to-journalists-yllka-ahmetxhekaj-prishtine-05-05-2020/>

108 AJK, "Threats against the lives and limbs of journalists, Shkumbin Kajtazi", accessed 18.02.2021, <http://agk-ks.org/en/rastet/actual-attack-on-journalist-shkumbin-kajtazi-mitrovica18-10-2020/>

109 AJK, "Obstruction of Klan Kosova team", accessed 18.02.2021, <http://agk-ks.org/en/rastet/obstruction-of-klan-kosova-team-gjakove-12-11-2020/>

110 AJK, "Other threats to journalists Jeta Xharra, Xhemajl Rexha and Fidan Jupolli", accessed 18.02.2021, <http://agk-ks.org/en/rastet/other-threats-to-journalistsjeta-xharra-xhemajl-rexha-and-fidan-jupolli-prishtina-28-03-2020/>

111 AJK, "Verbal threat to journalist Jeta Xharra", accessed 18.02.2021 <http://agk-ks.org/en/rastet/verbal-threat-to-journalist-jeta-xharra-pristina-03-07-2020/>

112 AJK, "Threats against the lives and limbs of journalists, Berat Buzhala", accessed 18.02.2021, <http://agk-ks.org/en/rastet/threats-against-the-lives-and-limbs-of-journalists-berat-buzhala-prishtina-21-03-2020/>

113 AJK, "Obstruction of RTK team", accessed 18.02.2021, <http://agk-ks.org/en/rastet/obstruction-of-rtk-team-zubin-potok-14-08-2020/>

114 AJK, "Other threats towards journalist Ermal Panduri", accessed 18.02.2021, <http://agk-ks.org/en/rastet/other-threats-towards-journalist-ermal-panduri-08-09-2020/>

115 AJK, "Threats against the lives and limbs of journalists, Shkumbin Kajtazi", accessed 18.02.2021, <http://agk-ks.org/en/rastet/actual-attack-on-journalist-shkumbin-kajtazi-mitrovica18-10-2020/>

116 AJK, "Actual attacks on journalists, arbresh.info team", accessed 18.02.2021, <http://agk-ks.org/en/rastet/actual-attacks-on-journalists-arbresh-info-team-vucitrin10-01-2020/>

117 AJK, "Actual attacks on journalists, Diamant Bajra, Nebi Maxhuni, and Arsim Rexhepi", accessed 18.02.2021, <http://agk-ks.org/en/rastet/actual-attacks-on-journalists-diamant-bajra-nebi-maxhuni-and-arsim-rexhepi-north-mitrovica-23-03-2020/>

118 AJK, "Actual attacks on journalists", accessed 18.02.2021, <http://agk-ks.org/en/rastet/actual-attacks-on-journalists-tatiana-lazarevic-mitrovica-12-04-2020/>

towards Nenad Mikulovic, next to his apartment by four masked people. Journalist and owner of Television Plus received medical treatment due to his body injuries.¹¹⁹

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

In the AJK's database, over the last year period, there have been three cases registered as threats and attacks on media institutions, organizations, media and journalists' associations. The first case is related to the economic crisis caused by the COVID-19 pandemic in the Republic of Kosovo as a result of which the management of Gazeta ZËRI has released 20 workers from duty, three journalists and one editor, out of whom two journalists who were pregnant, without prior notice. The termination of the employment contract by the employer, also condemned by the AJK,¹²⁰ has been a direct violation of the Kosovo Labour Law.¹²¹ The next two cases are related to the Public Broadcaster RTK. The first case took place at the beginning of the pandemic outbreak in Kosovo and it involved the RTK, the public broadcaster, whose leading bodies have taken selective disciplinary measures against a group of journalists who expressed their dissatisfaction.¹²² Meanwhile, the last case is regarding a threat that has been made by unknown people. The police has been notified regarding this case and they have taken the necessary steps.¹²³

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 the one of the Criminal Code of the Republic of Kosovo (in force from 14 April 2019), that protect every person who due to work may be a victim of a criminal offense. There is also Law no.04 / L-137 on the protection of journalists' sources, dated 31 July 2013.¹²⁴ However, there are no specific policies developed by the state institutions that protect journalists in particular. In 2019, the AJK signed a Memorandum of Understanding with the Kosovo Bar Association (KBA), in order for AJK members to receive free legal aid. In 2020, the KBA withdrew from this MoU unilaterally, by leaving the journalists and other media workers unprotected, especially during the pandemic.¹²⁵

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?

The Kosovo Police (KP) has assigned a Coordinator who monitors and follows 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. Regarding the safety of journalists, the Prosecutors and the Basic Court of Prishtina have also appointed coordinators to collect data on cases involving journalists.¹²⁶

119 AJK, "Actual attacks on journalists, Nenad Milenkovic", 18.02.2021, <http://agk-ks.org/en/rastet/actual-attacks-on-journalists-nenad-milenkovic-northern-mitrovica-28-04-2020/>

120 AJK, "AJK: The laying off of media workers from Zeri Newspaper is unacceptable", accessed 18.02.2021, <http://agk-ks.org/en/ajk-the-laying-off-of-media-workers-from-zeri-newspaper-is-unacceptable/>

121 Official Gazette of the Republic of Kosovo, The Law No.03/L –212 on labor, accessed 18.02.2021, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2735>

122 AJK, "Attacks on media and media organizations, RTK", accessed 18.02.2021, <http://agk-ks.org/en/rastet/attacks-on-media-and-media-organizations-rtk-prishtina-05-04-2020/>

123 AJK, "Verbal threat towards RTK", accessed 18.02.2021, <http://agk-ks.org/en/rastet/verbal-threat-towards-rtk-prishtina-05-09-2020/>

124 Besim Kelmendi, State Prosecutor, the Office of Chief State Prosecutor of the Republic of Kosovo, interviewed by Gëtoarbë Mulliqaj Bojaj, 12.01.2021.

125 AJK, "KBA unilaterally withdrawals from the MoU with AJK, leaving the journalists without legal protection", accessed 18.02.2021, <http://agk-ks.org/en/kba-unilaterally-withdrawals-from-the-mou-with-ajk-leaving-the-journalists-without-legal-protection/>

126 Koha.net, "The Basic Court in Prishtina appoints a coordinator for journalists' cases", accessed 18.02.2021, <https://www.koha.net/arberi/99940/qjykata-themlore-ne-prishtine-emeron-koordinator-per-rastet-e-gazetareve/>

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?

There is a lack of state mechanisms for monitoring and collecting data on threats and attacks on journalists and media organisations. Currently, the judicial system is undergoing a transition through the development of a Case Management Informative System (CMIS), which will consolidate the data and provide tracking of court cases. However, whether the CMIS will consolidate data from the police is unclear. On the other hand, the KP, based on its internal procedures, reports and publishes on a daily basis on all cases, including those that involve journalists. However, the digitalisation of the database is in process through which the information will be generated based on the occupation of the parties to proceedings.¹²⁷ Cases of attacks on journalists are reported to the AJK, which advocates on their behalf, as well as to the Police and Prosecution who take the necessary measures to investigate these cases.

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

The Government institutions recognize attacks on the safety of journalists as a breach of freedom of expression, human rights law and criminal law, but public officials refrain from making statements, unless there are physical attacks on journalists and/or reactions from the journalists' association, civil society organisations or international media freedom watchdogs.

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

Based on the importance of cooperation between the KP and the AJK, which ultimately contributes to the protection of journalists while performing their work, it was deemed as necessary by both parties to develop a cooperation agreement, which would enhance the efficiency of these two entities.¹²⁸ This agreement

would directly contribute to the prevention of attacks on journalists as well as the proceeding of cases.¹²⁹

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

Electronic surveillance in Kosovo is permitted through the Penal Code¹³⁰ and the Criminal Procedure Code,¹³¹ provided a warrant is secured. This warrant is only given for high threat cases. During the reporting period, there are no available data related to the electronic surveillance cases of journalists in Kosovo.

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

Are there specific units within the institutions of the civil justice system dedicated to investigations and prosecutions of threats and acts of violence against journalists?

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

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?

The relevant state institutions do not provide adequate resources to cover investigations, and the measures of protection provided to journalists are inadequate. However, within the Kosovo Law Institute (KLI) programmes they develop professional capacity building projects for journalists within a "media section".

¹²⁷ Besnik Ramosaj, Director of Statistics Department at Kosovo Judicial Council, interviewed by Getoarbé Mulliqi Bojaj, 13.01.2021.

¹²⁸ Gentiana Begolli Pustina, President of the Board of AJK, interviewed by Getoarbé Mulliqi Bojaj, 17.11. 2020.

¹²⁹ The MoU drafted and shared with the KP press and public information office. The memorandum of understanding between AJK and the KP to be signed as soon as the document is cleared by the legal offices of the two entities.

¹³⁰ Official Gazette of the Republic of Kosovo, Criminal Code of the Republic of Kosovo, accessed 13.01.2021, <https://md.rks-gov.net/desk/inc/media/A5713395-507E-4538-BED6-2FA2510F3FCD.pdf>

¹³¹ Ibid.

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 reactions in cases involving journalists.¹³² The cases related to the attacks and threats toward journalists are covered through the articles of specific laws that do not specify the occupation of the victim.¹³³ The KP has taken measures in order to protect physical integrity of threatened journalists by providing even the close protection in certain cases.¹³⁴ The Prosecution has appointed a Prosecutor for cases of threats and attacks toward journalists, also a database where these cases are classified. However, these cases are usually prolonged and are not investigated right away. The later practices in regards to the reaction of other institutions, except for Kosovo Police toward the cases of threats and attacks toward journalists, and not providing the necessary protection granted by law, aggravates the situation of journalists.¹³⁵ However, cases that receive high media attention tend to be taken more seriously and investigated quickly, as is the case of the former Minister of Trade and Industry who physically attacked a journalist in 2019.¹³⁶

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

In cases of final verdict, the decisions are made based on the evidence and do apply to both, the perpetrator and/or the mastermind.¹³⁷

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?

The Justice Academy throughout the year organises trainings for prosecutors and judges regarding the freedom of speech. The KLI during the reporting period has held trainings for layers, judges and prosecutors related to freedom of speech, freedom of media, as well as the rights and protection of whistle-blowers.¹³⁸ 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. Certain prosecutors and coordinators, spokespersons, prosecutors' administrators, professional associates and other officials, have attended media relations trainings, mainly supported by the OSCE Mission in Kosovo, although there is still a need for further trainings.¹³⁹

¹³² Betim Musliu and Ehat Miftaraj, representatives of Kosovo Law Institute, interviewed by Getoarbë Mulliqi Bojaj, 20.12.2020.

¹³³ Besnik Ramosaj, Director of Statistics Department at Kosovo Judicial Council, interviewed by Getoarbë Mulliqi Bojaj, 13.01.2021.

¹³⁴ Shkumbin Kajtazi, investigative journalist, interviewed by Getoarbë Mulliqi Bojaj, 17.01.2021.

¹³⁵ Betim Musliu and Ehat Miftaraj, representatives of Kosovo Law Institute, interviewed by Getoarbë Mulliqi Bojaj, 20.12.2020.

¹³⁶ AJK, "Actual attacks on journalists, Ensar Ramadani, Prishtinë, 17.12.2019", accessed 14.04.2021. <http://agk-ks.org/en/rastet/actual-attacks-on-journalists-ensar-ramadani-prishtine17-12-2019/>

¹³⁷ Besnik Ramosaj, Director of Statistics Department at Kosovo Judicial Council, interviewed by Getoarbë Mulliqi Bojaj, 13.01.2021.

¹³⁸ Betim Musliu and Ehat Miftaraj, representatives of Kosovo Law Institute, interviewed by Getoarbë Mulliqi Bojaj, 20.12.2020.

¹³⁹ Besim Kelmendi, State Prosecutor, the Office of Chief State Prosecutor of the Republic of Kosovo, interviewed by Getoarbë Mulliqi Bojaj, 12.01.2021.

Table 3: Chronicle of court cases against journalists

Case	Year 2016	2017	2018	2019	2020
1. Physical assault on Ensar Ramadani (17.12.2019)				<p>18.12.2019 – State Prosecution has opened investigation on the case.</p> <p>10.02.2020s – The attacker has been indicted for assault by the Basic Prosecution in Prishtina.</p>	
2. Threats to Bujar Vitija, reporter on portal Shneta				<p>08.10.2019s – The Basic Court of Prishtina fined the offender 200 Euros.</p>	
3. Threats to Taulant Osmani reporter of Kallxo.com (11.11.2017)		<p>13.11.2017 – Basic Court in Gjilan put a restraining order on M.N. for threatening the journalist.</p>			
4. On 02.04.2019 a journalist was threatened by an imam in Peja				<ul style="list-style-type: none"> – 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.					<p>22.03.2021 –The basic Court in Mitrovica has charged the offender with 10 months of effective imprisonment and 20 Euros for court expenses</p>
6. On 18.10.2020 the car of Shkumbin Kajtazi was shot at with a firearm.					<ul style="list-style-type: none"> – Crime reported – Prosecution received the case – The case is under the investigation
7. On 22.12.2020 journalist Valon Sylva was physically attacked.					<p>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.</p>

Conclusions and Recommendations

This research sought to explore the media landscape in regards to the freedom and safety of the journalists in Kosovo and whether the socio-economic and political context within the country provides a favorable environment for the sustainable development of the media sector in these regards. The report covers the issues from the context of 2020 and builds itself from the previous reports conducted on this topic.

The findings show that there has been no progress made, as the legislative framework is considered quite comprehensive, for it is also structured to support the development of the media sector and the journalists. The research found that challenges remain in regards to implementation. The regulatory body IMC, and self-regulatory body PCK, are generally perceived as functioning effectively, but the enforcement of their mandate is challenged in the absence of adequate resources. Data collection mechanisms for adequate monitoring and referral of libel and defamation cases is lacking proper tracking of the effectiveness of the judicial institutions to register cases brought to them. This due to the unavailability of a proper mechanism, to be established through the CMIS which is about to be functionalized. CMIS will enable the segregation and chronological tracking. Journalists are guaranteed the right of association and freedom to unionize. They are represented by two Associations, AJK and ASJK, but there are currently only three unions and all within the PSB. The lack of a union representing the interests of all journalists to protect the labor rights in Kosovo has led to AJK generally serving as the primary advocating body for protecting journalists' rights.

There was a fairly unilateral agreement on the journalists' poor economic conditions, such as a general lack of contracts or short-term contracts, low wages and their infrequent payment, poor working conditions, to name a few, and the utilization of these conditions to enforce pressure on the journalists. Women journalists are far less represented in prime time shows, as well as managerial positions in the newsroom. The pressure from daily quotas is resulting in unverified reporting and spreading of misinformation while simultaneously, self-censorship was considered one of the greatest indirect influences. Still some private media outlets lack the code of conduct. Editorial independence is itself at some levels affected by self-censorship. While journalists reported that they are free to choose stories, they are conscious to the angles that it can be presented.

During 2020 there was an increase in the number of threats and attacks toward journalists with the number raised to 24 reported cases. In 2018 there were 17 reported cases, meanwhile in 2019 there were 21 cases. However, the increase in reporting can be interpreted as a step towards a positive change as journalists feel safer to report cases of threats and attacks. While the number of reported attacks has increased, the research found that state institutions and political actors still lack the necessary resources to tackle the situation of journalists in the court systems. Despite this, efforts towards the improvement of the situation are evident, such as, the appointment of coordinators to collect data on cases of journalists by the Prosecutors and the Basic Court of Prishtina, and the development of the CMIS which is underway and will enable the monitoring, referral, and segregation as well as chronological tracking of cases.

RECOMMENDATIONS

Media Legislation is generally – with some room for improvements– considered as encompassing of the versatility required for it to enable the development and functioning of the media sector and its mechanisms. Environment that permits its implementation is falling short and must be strengthened. The recommendations that emerged from this research are the following:

- Secure the sustainability and accountability of PSB to increase impartiality, reduce political influence and preserve its independence in accordance with its status.
- Financial stability: RTK should be treated as a public institution and proper methods of funding should be identified.
- The appointment of the Board of RTK: Political impartiality needs to be strengthened within RTK. Another form of appointment of the board should be in place as the current relies solely on the Kosovo Assembly's appointed committee and as such increases chances of subjectivity and political influence.
- The appointment of the Board of IMC: needs to be re-evaluated to reduce risks of subjectivity and political influence, and stricter rules to the board members' political affiliations needs to be put in place.
- Increase the competencies of the self-regulatory bodies. An important aspect that is relevant to increasing transparency and ensuring greater accountability of media outlets is securing methods of demanding data from the media outlets, such as media ownership. Another aspect is including the online media outlets within their scope.
- Assuring greater editorial independence from all forms of pressure. Media outlets should have proper procedures and regulations as well as disciplinary committees integrated within their institution to reduce the interference of media owners, managers, and political bodies, and the hierarchical chain should not be immune to these procedures. These policies should clearly state editorial limits and what constitutes interference. Increasing compliance with professional standards through adoption of Code of Conducts. Media outlets should be encouraged to develop their code of conducts or adopt that of the self-regulatory bodies and ensure that proper mechanisms are set in place within each media outlet to ensure it is upheld. There should be a firmer upholding to sanctions on biasness in reporting and spreading of misinformation. AJK along with EFJ, UN Women, NDI, OSCE, CE and other international and national stakeholders are implementing trainings for journalists on proper approaches to reporting news.
- Proper mechanisms should be in place so that implementation of legislation is upheld. The process of how a request on public access to documents is handled should be reviewed and development of clear guidelines that would help the process and enforce the legislation.
- Strengthen the economic position of journalists and strengthen the role of Unions. Regulation of employment procedures for journalists should be developed and enforced through the Labor Inspection which will require improvement in their efficiency in handling violations of labor rights for journalists. Further, the role of Unions should be strengthened and environments enabling for their development within the private media section must be encouraged to ensure better working conditions for journalists.
- AJK is supporting journalists in their demands for improved work conditions through advocacy, representation in parliamentary working groups where legislation regarding media is discussed and will continue defending journalists' rights when they are not upheld.

