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The Western Balkans Journalists' Safety Index

2022 Narrative Report – Kosovo

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Introduction

The Western Balkans Journalists' Safety Index (Index) is a research-based tool designed to measure and monitor changes in the respective social and political environments of the Western Balkan countries that have a direct or indirect impact on the safety of journalists and media professionals while practicing their profession. The index relies on the research data collected and analysed by the partners of the [SafeJournalists.net](https://www.safejournalists.net) based on a rigorous research procedure. The collected data on different dimensions of the complex concept of "journalists' safety" are quantified and aggregated into a composite indicator – Journalists' Safety Index, in order to measure the changes across the seven countries of the Western Balkans over time. Based on the research data, nine members of the Advisory Panel in each country¹ assessed the situation and assigned scores for each of the 19 indicators within the following dimensions:

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

The index was jointly developed by the researchers of the RESIS Institute² based in Skopje and the partners of the Safejournalists.net platform: the Independent Association of Journalists of Serbia, the BH Journalists Association,

¹ The advisory panel in Kosovo consists of: Bojan Tomic, Dafina Halili, Imer Mushkolaj, Labinot Leposhtica, Lavdim Mekshana, Meneta Zekaj, Naile Dema Selmani, Nora Gjuzi, and Teuta Arifaj..

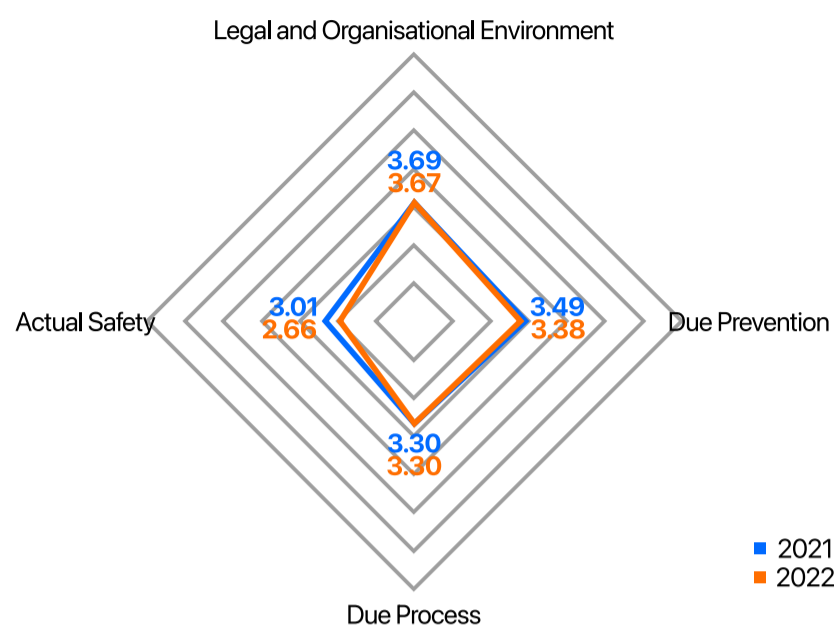
² The researchers of the RESIS Institute (www.resis.mk), Snezana Trpevska, Igor Micevski and Ljubinka Popovska Tosheva have developed the conceptual framework for the Index and the model of its evaluation, weighing and calculation.

the Trade Union of Media of Montenegro, the Association of Journalists of Macedonia, the Association of Journalists of Kosovo, the Croatian Journalists' Association and an independent researcher from Albania³. Hence, the Index is the result of the joint effort of the Safejournalists.net Platform and it covers all the specific issues that the local partners have deemed relevant to their country's context.

The first (pilot) year for the development of the conceptual framework and methodology for the assessment, collection and calculation of the index was 2020. This report refers to the situation in North Macedonia in 2022 and presents the improvement or deterioration of the situation for each of the four dimensions, taking into account the assessment for 2021 as a reference year. More details about the theoretical framework and the procedure for developing and calculating the Index, as well as all the reports for the countries of the Western Balkans can be found at: (<https://safejournalists.net/safety-index/>).

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

JOURNALISTS' SAFETY INDEX



	2021	2022		Main new developments in each dimension
1. Legal and Organisational Environment	3.69	3.67	↓	The media legal framework in Kosovo aligns with advanced democracies, but implementation remains a challenge. Defamation proceedings against journalists are not properly tracked, hindering assessment of their impact. Journalists' source confidentiality is respected, but SLAPP lawsuits are on the rise, used to silence journalists and activists. Journalists do not require licenses, but a comprehensive union for private sector media workers is needed.
2. Due Prevention	3.49	3.38	↓	Access to immediate protective measures for threatened journalists remains unchanged. Cases of attacks and threats against women journalists doubled in 2022. Verbal attacks by public officials increased, while police obstruction of media workers decreased.
3. Due Process	3.30	3.30		Kosovo's approach to cases involving journalists improved in 2022, but lack of professionalism and expertise hinders proper application of legal safeguards. Investigations into attacks remains slow, and online attacks persist. Courts and justice institution lack transparency and specific data on journalist cases.
4. Actual Safety	3.01	2.66	↓	In comparison to 2021, 4 more cases of attacks, threats, harassments and assaults took place toward journalists during 2022. In addition, these attacks were harsher as they mainly came from high official and impactful people.
Journalists' Safety Index	3.24	3.05	↓	

— SUMMARY

I. LEGAL AND ORGANIZATIONAL ENVIRONMENT

- Media legal framework in Kosovo remains in line with advanced democracies' standards, nonetheless to this day the implementation of this law remains a struggle. An issue that seriously affects the situation in terms of this indicator is the fact that the courts do not have the data on the number of defamation proceedings against journalists, and the journalistic association does not have the capacity to collect this data and assess the negative impact of defamation proceedings on journalists. However, in comparison to the previous years, Kosovo judicial Council has been more open in establishing new practices on the identification of the cases concerning journalists.
- The situation in Kosovo, in terms of confidentiality of journalists' sources being guaranteed by the legislation

and respected by the authorities, remains the same as in the previous years. Since 2018 there have been no known cases where journalists were asked to disclose their sources, thus no sanctions took place. Journalistic sources' protection is regulated by law; hence they are provided with good protection.

- Due to the lack of data, there are no statistics from the previous years in regard to SLAPPs and/or other suits towards journalists. Furthermore, to this day, there is no mechanism that protects journalists from SLAPP lawsuits. However, during 2022 there has been a tendency to use SLAPPs more frequently (as well as publish them) in order to silence journalists, as well as activists. In comparison to the previous years, more cases have become known to the public, such as the case of the singer Gjiko towards Front Online, and the current General Director of PSB withdrawing of the strategic lawsuit towards Agron Demi that was initiated towards by the former managerial bodies of the PSB. The situation has deteriorated due to the celebrityization of these kinds of suits, which influential people have come to recognize and use to silence the journalists.
- Similarly, to the previous years, journalists do not need a license to perform their professional duties. Nonetheless, AJK still has to play the role of the trade union, despite the fact that it is crucial for an all-inclusive union to be established for the private sector media workers.

II. DUE PREVENTION

- The situation in the terms of journalists and media actors having access to immediate and effective protective measures when they are threatened while performing the duties remains the same in comparison to 2021. Both the Police and the Prosecution have appointed a coordinator to deal with the cases of attacks and threats against journalists. Journalists report cases in the same way as any other citizen, but AJK is the main address where the journalists report their cases. AJK and KP's databases have discrepancies because some cases are not reported to both institutions, respectively. KP is effective in investigating cases of intimidation and violence against journalists, with no known cases of authorities not responding or not processing the reports from the journalists or media outlets.
- Legal provisions, such as the Criminal Code of the Republic of Kosovo that protect any person who may be a victim of criminal offenses due to his/her work, are also applicable in cases concerning journalists, as there are no legal provisions that protect journalists more than the other citizens.

- In comparison to 2021 where there were three cases of attacks, threats and harassment toward women journalists reported to the AJK, during 2022 the number of cases doubled. During 2022 besides 6 cases towards women journalists, there are 15 cases of attacks, one group out of which include women journalists. Kosovo adopted the Istanbul Convention in September 2020, making it as a part of the constitutional law. Gender-based violence is recognized as a form of discrimination only under the Law on Gender Equality. Forms of gender-based violence are criminalized within the Kosovo Criminal Code. However, Kosovo lacks a comprehensive and holistic definition of gender-based violence. There is no special legal support offered to female journalists in reporting cases of harassment and discrimination. Harassment and discrimination can be presented to relevant institutions. Kosovo has established the mechanisms for dealing with cases of gender-based violence, including the State Prosecutor's Office and the Agency for Free Legal Aid.
- "During 2022, there has been an increase in the number of cases where public officials used denigrating language towards the journalists. AJK has registered 11 cases including public officials, whilst 5 other cases were directed by public persons. The government institutions recognize attacks on journalists as violations of freedom of expression and human rights, but they only make statements in the cases of physical attacks. These statements call for the punishment of perpetrators, but do not address cases of denigrating language from politicians or officials. There is little public support for journalists, and the trend of verbal attacks on them is increasing. AJK calls for officials to refrain from such language as it endangers journalists' safety, and this language usually leads to more threats and lynching by their followers, especially online."
- In comparison to 2021 the number of cases where police obstructed media workers decreased to one. In general, Police respect the profession of journalists and tend not to stop them from doing their job.

III. DUE PROCESS

- During 2022 there has been a more positive approach of KJC towards the cases concerning journalists and media freedom in Kosovo. However, even though the Police, Prosecution and Courts have appointed the coordinators that deal with the cases of threats, attacks and harassment toward journalists, the practice shows that they do not have the needed professionalism nor the proper expertise regarding the applicable legal safeguards provided by the applicable legislation in Kosovo.
- Same as in 2021, the situation with investigations of some cases appears to be slow and ineffective, since some of

the attacks (such as Shkumbin Kajtazi's case when his car has been shot at with bullets and the case of the physical assault towards Visar Duriqi) are still under investigation and they have not been solved yet. Nonetheless, the first reaction of Police and Prosecution in most of the cases is urgent and is taken with priority; however, the judicial proceedings that follow are not treated with priority neither by the prosecution nor by the courts.

- Over the past year, journalists in Kosovo were subject to 9 online attacks, intimidations, threats and insults, in comparison to last year where the number of these kind of attacks was 8. Due to the slow reaction of the justice institutions and the lack of efficiency of treating cases against journalists in criminal and civil proceedings, the applicable legal measures were almost ineffective.
- Courts fail to provide data for the cases of journalists; however, Kosovo's Judicial Council is open to establish modalities to gather this data that affect journalists' safety index. Transparency, in the way court proceedings related to attacks on journalists and the media are conducted, is not satisfactory.
- The police, prosecutors, and courts publish annual statistical reports that are accessible to the public. However, this data is quite general, it does not provide specific information, statistics or data only for the cases of journalists who are the victims of criminal offenses.

IV. ACTUAL SAFETY

- In comparison to 2021 where 13 cases of non-physical threats and harassments took place, during 2022 this number increased to 19. The situation has deteriorated especially because most of those threats towards journalists come from influential people, such as the First Gentleman, the Minister of Internal Affairs, the Prime Minister's Chief of Staff, and other high officials in Kosovo.
- In comparison to 2020 and 2021, during 2022 there were no cases of threats against lives and physical safety of journalists.
- The number of cases of actual attacks on journalists increased by four compared to last year. Furthermore, the security of journalists was even more endangered than previously because these cases were intensified and most of the cases took place in the northern part of Kosovo, where Kosovo Police, KFOR and EULEX police had limited access to.
- The number of cases of attacks on media outlets and journalists' associations doubled in comparison to the previous years. There were 3 cases in each of the previous year; however, in 2022 this number has come up to 6.

Legal and Organizational Environment

3.67

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

3.50

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

4.61

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

3.06

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

3.98

Journalists' job position is stable and protected at the workplace

3.20

1.00
2.00
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By Law and in practice, there is absolutely no protection of journalists' working position, their sources and their organizations, thereby producing an extreme chilling effect.

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

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

Score for 2021: 3.50 / Score for 2022: 3.50

Media legal framework in Kosovo remains in line with advanced democracies' standards, nonetheless to this day the implementation of this law remains a struggle. An issue that still seriously affects the situation in the terms of this indicator is the fact that the courts do not have the data on the number of defamation proceedings against journalists, and the journalistic association does not have the capacity to collect this data and assess the negative impact of defamation proceedings on journalists. However, in comparison to the previous years Kosovo Judicial Council has been more open in establishing new practices on the identification of the cases concerning journalists.

Insults have been decriminalized with the legal framework in Kosovo; therefore, journalists cannot be subject to criminal investigations. Furthermore, the Law against Defamation and Insults defines civil liability against citizens or journalists. Thus, journalists cannot be subject to criminal investigation for their reports or opinions.

The law on civil aspects against defamation and insult is designed to be implemented and interpreted in accordance with the practices of the European Court of Human Rights as a guarantee for the promotion of freedom of expression and opinion. However, the lack of knowledge and expertise on the part of judges for the implementation of the practices of the ECHR constitutes an obstacle to the promotion of the rights of journalists and media in Kosovo.

The Law on Defamation and Insult does not stipulate penalties; the law stipulates the obligation to compensate for damage caused by the accused's defamatory or insulting acts. The indemnification imposed by the court shall be proportional to the damage caused and shall be determined only for the purpose of repairing the damage caused to the person's reputation or to compensate for any financial damage.

— INDICATOR 1.1

Public officials may file suits for defamation or insult privately and exclusively in their personal capacity. There have been a number of SLAPP indictments brought about when an international company operating in Kosovo filed a lawsuit against a Kosovo civil activist and other cases when politicians filed indictments.

According to the data AJK gathered from in-depth interviews with media executives and journalists during 2022, there are no cases in which the plaintiff was an influential politician; nonetheless, SLAPPs toward journalists and activists have been initiated by powerful corporate actors.

One problem that severely affects this index is that courts do not have data on the number of defamation lawsuits against journalists, and journalists' associations must collect this data through different channels, such as partner organizations, the media and/or the journalists themselves. The exact number of lawsuits against journalists is unknown. The body in charge of collecting the statistical data from Kosovo courts is Kosovo Judicial Council (KJC). Representatives of KJC during an in-depth meeting in regard to this issue stated that they are unable to provide official data on number of lawsuits against journalists. KJC's database has not allowed yet to filter cases based on the profession of the subjects, a concern that has regularly been raised by AJK to judicial authorities. KJC has promised over the years to improve the collection of data but has not delivered anything yet. Having this in consideration, journalists do not claim to feel self-censored, and they do not self-censor as well, due to the applicable laws.

According to the journalists' answers during a group discussion, the defamation law is not considered discouraging. Investigative journalists claim to feel free to investigate and be critical in their reports.

The practice of courts to sentence those who commit criminal offences against journalists with fines or suspended sentences, has a very strong negative impact against journalists. Such an approach is considered very encouraging by the potential perpetrators into committing such offences again in the future.

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

Score for 2021: 4.61 / Score for 2022: 4.61

The situation in Kosovo in terms of confidentiality of journalists' sources being guaranteed by the legislation and respected by the authorities, remains the same as in the previous years. Since 2018 there have been no known cases where journalists were asked to disclose their sources, thus no sanctions took place. Journalistic sources' protection is regulated by law; hence they are provided with good protection.

The protection of journalists' sources is guaranteed by the applicable legislation in Kosovo. In order to prevent a serious threat to physical integrity that could result in the death of one or more people, journalists and other media professionals are only required to reveal the source of information upon the request of the appropriate court.

The Law on the Protection of Journalistic Sources, applicable in Kosovo, has established standards and security for journalists, restricting their obligation to disclose anonymous sources to those that have been authorized by the court. This law has limited the ability of Kosovo police, prosecution, and other law enforcement agencies to ask for the revelation of journalists' anonymous sources without a ruling.

During 2022 there have been no cases reported where state authorities have ordered journalists to hand over their working equipment, such as cell phone or camera. Such cases have not been reported to the AJK since the case of the journalist Saranda Ramaj, on December 28, 2018, when she was taken out of the courtroom on the hearing in the case of the organization "Syri i Popullit", while the President of the country, Hashim Thaçi, was testifying. Her phone was taken by the police unit in charge of President Thaçi's close protection.

Journalists unanimously responded that they feel free to work on topics covering corruption, and they also feel free to seek access and maintain contacts with their sources of information. This due to the fact that these guarantees are generally respected by the authorities.

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

Score for 2021: 3.14 / Score for 2022: 3.06

Due to the lack of data, there are no statistics from the previous years in regard to SLAPPs and/or other suits towards journalists. Furthermore, to this day, there is no mechanism that protects journalists from SLAPP lawsuits. However, during 2022 there has been a tendency to use SLAPPs more frequently (as well as publish them) in order to silence the journalists, as well as activists. In comparison to the previous years, more cases have become known to the public, such as the case of the singer Gjiko towards Front Online, and the current General Director of PSB withdrawing of the strategic lawsuit towards Agron Demi that was initiated towards by the former managerial bodies of the PSB. The situation has deteriorated due to the celebritization of these kind of suits, which influential people have come to recognize and use to silence the journalists.

During 2022 cameraman of the news agency Ekonomika Online, Albion Selitaj, has been arrested by police. The number of cases decreased by two in comparison to 2021. Moreover, 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 2022.

The MP from the ruling party, Vetëvendosje, Fitore Pacolli, called for the governmental regulation of the media, especially of the online portals. AJK and Press Council of Kosovo reacted towards this narrative as the Media in Kosovo regulate their activity throughout the applicable laws and the regulations, as well as the Code of Conduct of the Independent Media Commission and Press Council of Kosovo.

There is no mechanism that protects journalists from SLAPP lawsuits, nor does the Agency for Free Legal Aid as a public legal aid agency, categorize journalists as beneficiaries of legal aid in cases where they face SLAPP lawsuits.

— INDICATOR 1.3

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

There have been no cases of journalists being stopped from reporting on protests; however, during 2022 due to the barricades in the north of Kosovo, 6 cases of attacks have taken place during their reporting from this region.

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

Score for 2021: 4.01 / Score for 2022: 3.98

Similarly, to the previous years, journalists do not need a license to perform their professional duties. Nonetheless, AJK still has to play the role of the trade union, despite the fact that it is crucial for an all-inclusive union to be established for the private sector media workers..

Journalists in Kosovo do not need to be licensed by the state to practice their profession, and no efforts were made to license them during the reporting period.

There are no cases of journalists being refused the right to report from certain events because of not having an accreditation, during the reporting period. However, a journalist has been obstructed while performing her professional duties. During 2022, Edmonda Avdija the journalist of TV Syri (local media in Gjakova) was not allowed to enter the Department of the Blood Transfusion at "Isa Grezda" Hospital, in Gjakovë, by the head of this department, Kreshnik Abrashi, on the grounds that she had published him on the portals when he was arrested.

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 2022.

Journalists have the right to the association and the freedom to form unions. They are represented by two associations; AJK and ASJK.

There were no pressures placed on journalists to join associations that represent their interests during the reporting period.

Neither our Association nor the community of journalists are aware of any parallel or false media entities.

Journalists' job position is stable and protected in the workplace

Score for 2021: 3.20 / Score for 2022: 3.20

"During 2022 the number of members of AJK has increased. AJK's database consists of 900 members, with over 550 journalists out of whom 65% are women. Journalists' working conditions remain challenging, but there is no gender-based pressure or discrimination. Journalists are afraid of filing lawsuits for mobbing or disrespecting labour rights and of establishing unions in the private media. Conditions of freelance journalists remain very concerning, as their position is more delicate due to the lack of stability; the financial stability, respectively.

According to AJK's database at least 700 journalists and camera operators have signed employment contracts in both central and local levels. In 2016, some 85% of journalists had short term contracts covering 6 months to one year while the rest had permanent / indefinite contracts. The situation remains similar although no specific information is available yet for 2022. Since November 15th, 2016 journalists of the public broadcaster have been working without social security, even though PSB had a contract with one of the insurance companies previously. The situation remains similar with media workers in the private sector.

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

Overall, the working conditions of women journalists in the newsroom are not different from those of their men colleagues. There is no officially confirmed data regarding how

— INDICATOR 1.5

many women and men have signed employment contracts but according to some assessments, there are noticeably more women journalists in the newsrooms. Furthermore, according to AJK's database, which consists of 900 journalists, editors, cameramen and photojournalists, there are over 550 journalists and editors, over 300 of whom are women.

According to AJK's database there are over 30 members who are freelancers and work independently mainly for international media agencies, as well as NGO (local) media. Their position is more delicate due to the fact that they do not have contracts nor regular income, and these factors indicate instability.

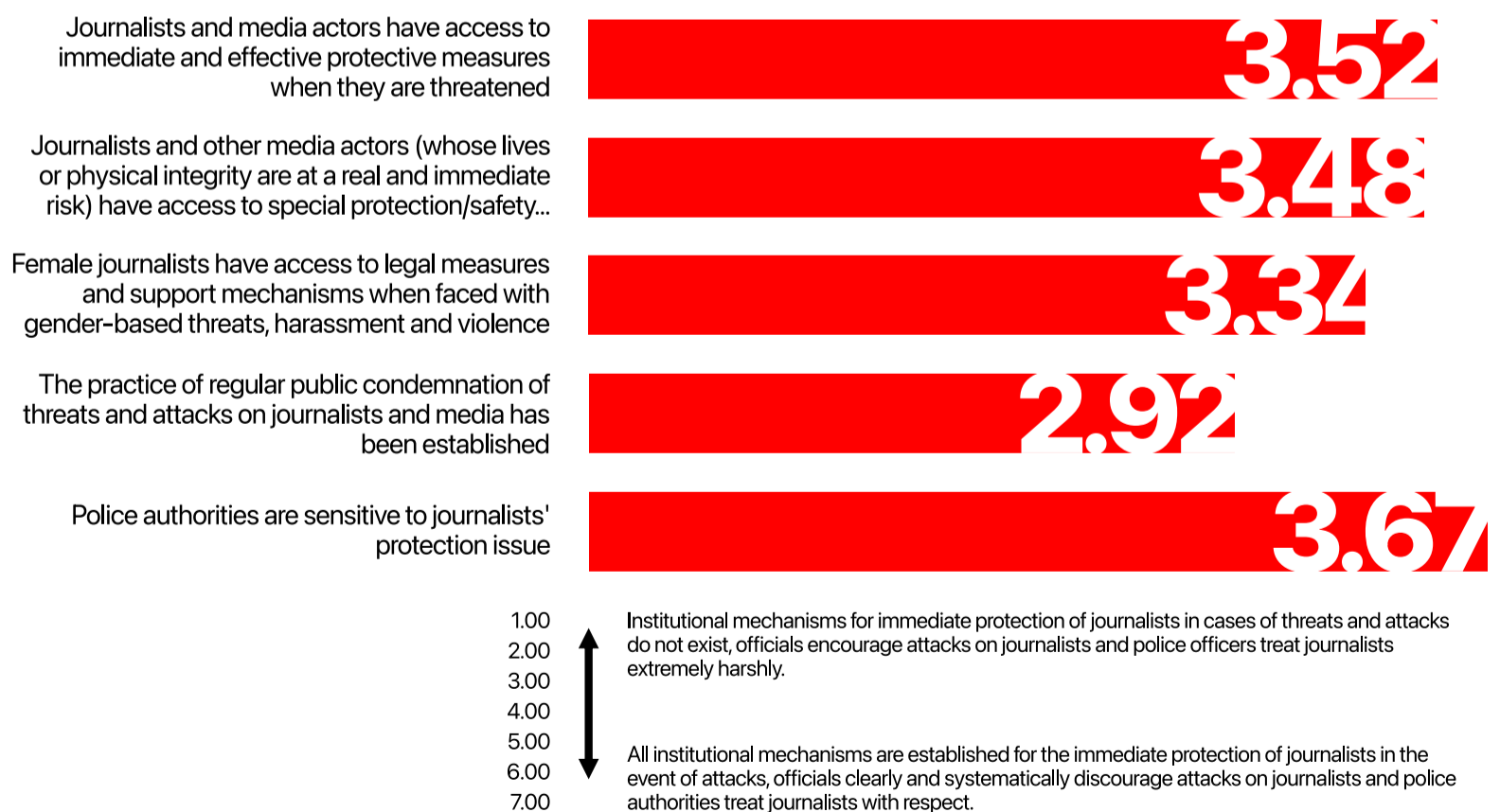
To this date, there are no all-inclusive trade unions in Kosovo. However, there are currently three, all of which are part of the PSB. In this case, AJK plays the role of a Union, and protects journalists and other media workers' rights at their work place. Having stated that, in Kosovo there are no collective agreements signed for the protection of labour rights of journalists and other media workers' in neither public nor private sectors.

In most of the cases journalists are not provided free legal aid by the media outlet where they are employed. There are a hand-full of media in Kosovo that provide such service. Hence, OSCE Mission in Kosovo has provided AJK with a Legal Advisor who will represent AJK and its members in cases when they are subject to criminal or civil proceedings due to their reports.



Due Prevention

3.38



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

Score for 2021: 3.39 / Score for 2022: 3.52

The situation in the terms of journalists and media actors having access to immediate and effective protective measures when they are threatened while performing the duties remains the same in comparison to 2021. Both the Police and the Prosecution have appointed a coordinator to deal with the cases of attacks and threats against journalists. Journalists report cases in the same way as any other citizen, but AJK is the main address for journalists to report their cases to. AJK and KP's databases have discrepancies because some cases are not reported to both institutions, respectively. KP is effective in investigating cases of intimidation and violence against journalists, with no known cases of authorities not responding or not processing the reports from the journalists or media outlets.

Both the Police and the Prosecution have appointed a competent coordinator to deal with cases of attacks and threats against journalists. Within the police and the prosecution, there are no contact persons and special numbers in order for journalists to report their cases. Journalists report the cases in the same way as any other citizen, while the coordinators within these institutions are assigned to deal with the cases after their reporting either to the police, to the prosecutor or to the courts.

AJK is the main address for journalists to report their cases of attacks, threats, intimidations and harassment towards them, as the organization advocates on their behalf. In addition, journalists report their cases by the Police and Prosecution who undertake the necessary measures to investigate these cases - Journalists During 2022, 18 cases were reported at KP.

AJK's and KP's databases have discrepancies to this date, because journalists tend not to report all of the cases to both, AJK and KP. There are cases which AjK was not notified about, as the journalists chose to remain anonymous. In addition, there

— INDICATOR 2.1

are 6 cases still under investigation according to KP's database. The remaining cases have been referred to the Prosecution.

KP is the most effective institution in investigating cases of intimidation and violence against journalists. There are no known cases of relevant authorities not responding at all or not processing/accepting reports from journalists or media outlets regarding the rights violations.

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

Score for 2021: 3.59 / Score for 2022: 3.48

Legal provisions, such as the Criminal Code of the Republic of Kosovo, that protect any person who may be a victim of criminal offenses due to his/her work are also applicable in cases concerning the journalists, as there are no legal provisions that protect journalists more than the other citizens.

There are no specific policies or other mechanisms developed by the state institutions to support journalists' safety in particular. Nonetheless, there are legal provisions, such as those of the Criminal Code of the Republic of Kosovo (in force as of April, 14 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.

Kosovo's legal system does not have a risk assessment mechanism that distinguishes journalists from other citizens.

In 2019, AJK signed a Memorandum of Understanding with the Kosovo Bar Association (KBA) for AJK members to receive free legal assistance. In 2020, the KBA unilaterally withdrew this memorandum of understanding, leaving journalists and other media workers vulnerable, especially during the pandemic.

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

Score for 2021: 3.57 / Score for 2022: 3.34

In comparison to 2021 where there were three cases of attacks, threats and harassment towards women as the journalists reported to the AJK, during 2022 the number of cases doubled. During 2022 besides 6 cases towards women journalists, there are 15 cases of attacks, one group out of which include women journalists.. Kosovo adopted the Istanbul Convention in September 2020, making it as a part of the constitutional law. Gender-based violence is recognized as a form of discrimination only under the Law on Gender Equality. Forms of gender-based violence are criminalized within the Kosovo Criminal Code. However, Kosovo lacks a comprehensive and holistic definition of gender-based violence. There is no special legal support offered to female journalists in reporting cases of harassment and discrimination. Harassment and discrimination can be presented to relevant institutions. Kosovo has established the mechanisms for dealing with cases of gender-based violence, including the State Prosecutor's Office and the Agency for Free Legal Aid.

Procedures for the adoption of the Istanbul Convention within the legislation of Kosovo began in April 2019. The Convention was adopted in September 2020. The Istanbul Convention is now a part of the constitutional law in Kosovo, and under this commitment, institutions are obliged to take legal and institutional action to meet the obligations arising from the Istanbul Convention. At the local level, the Constitution of the Republic of Kosovo guarantees gender equality as a fundamental value. Gender-based violence is recognized as a form of discrimination only under the Law on Gender Equality.

Kosovo Law on Protection from Domestic Violence provides a definition of domestic violence in civil proceedings, thus

— INDICATOR 2.3

establishing the basis for issuing protection measures through protection orders. Women journalists who are victims of harassment, threats and / or attacks are not provided additional assistance by relevant institutions in relation to their male colleagues. Forms of gender-based violence are criminalized within the Kosovo Criminal Code, including rape, sexual assault, and abuse. Despite the legal framework covering some acts of gender-based violence, the lack of a comprehensive and holistic definition of gender-based violence, as provided for in the Istanbul Convention, also affects the effective prosecution and punishment of gender-based violence in Kosovo. However, Kosovo still lacks a definition of gender-based violence within its criminal and civil proceedings. Kosovo has also adopted a Law on Protection against Discrimination, which applies to all actions or omissions of all state and local institutions, natural and legal persons, public and private sector, which violate, have violated or may violate the rights of any person or natural and legal persons, in all areas of life. During 2021, there is no data on reported cases of gender-based discrimination.

Institutions have established mechanisms for dealing with cases of gender-based violence. Within the State Prosecutor's Office there is an Office for Victim Protection which also represents cases of gender-based violence, while within the Agency for Free Legal Aid, free legal aid is provided to victims of gender-based violence when victims are unable to pay for it. There is no special mechanism in place that would specifically address gender-based violence when female journalists are victims.

There is no special legal support offered to female journalists in reporting these cases. However, journalists with poor economic conditions can request legal representation from the Agency for Free Legal Aid, as finances are one of the main criteria for this provision.

Harassment falls into the category of criminal offenses and is regulated by the Criminal Code of Kosovo, while discrimination is regulated by a special law, the Law on Protection against Discrimination. In both cases of harassment and discrimination, female journalists can present their cases to relevant institutions.

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

Score for 2021: 3.08 / Score for 2022: 2.92

"During 2022, there has been an increase in the number of cases where public officials use denigrating language towards the journalists. AJK has registered 11 cases including public officials, whilst 5 other cases were directed by public persons. Government institutions recognize the attacks on journalists' as violations of freedom of expression and human rights, but they only make statements in the cases of physical attacks. These statements call for the punishment of the perpetrators, but do not address cases of denigrating language from politicians or officials. There is little public support for journalists, and the trend of verbal attacks on them is increasing. AJK calls for the officials to refrain from such language as it endangers journalists' safety, and this language usually leads to more threats and lynching by their followers, especially online."

Even though the government institutions recognize attacks on journalists' safety as violations of freedom of expression, violation of human rights and criminal law, the public officials refrain from making statements, unless, physical attacks toward journalists take place. These statements are not a part of their daily discourse, but only in cases where these attacks occur.

Their statements call for the punishment of perpetrators, but do not respond to cases of denigrating language by politicians or public/state officials. Furthermore, the Government institutions recognize the attacks on the safety of journalists as a breach of freedom of expression, human rights law and criminal law but little is done to offer public support for journalists.

Nonetheless, little is done by the government side on countering anti-journalist narratives.

The trend of politicians and public officials verbally attacking journalists is increasing yearly. During 2022

— INDICATOR 2.4

solely, there have been 11 cases of public officials using denigrating language towards journalists, whilst 5 other cases were directed by public persons.

AJK continuously calls upon them to refrain from making such statements because it is endangering journalists' safety, as they are inviting their followers (and/or voters) to attack journalists and other media workers as well.

Police authorities are sensitive to journalists' protection issue

Score for 2021: 3.85 / Score for 2022: 3.67

In comparison to 2021 the number of cases where police obstructed media workers decreased to one. In general, Police respect the profession of journalists and tend not to stop them from doing their job.

Neither the Police, nor the Ministry of Internal Affairs have in their strategic documents any objectives or activities related to training their officials regarding the treatment of cases against journalists.

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

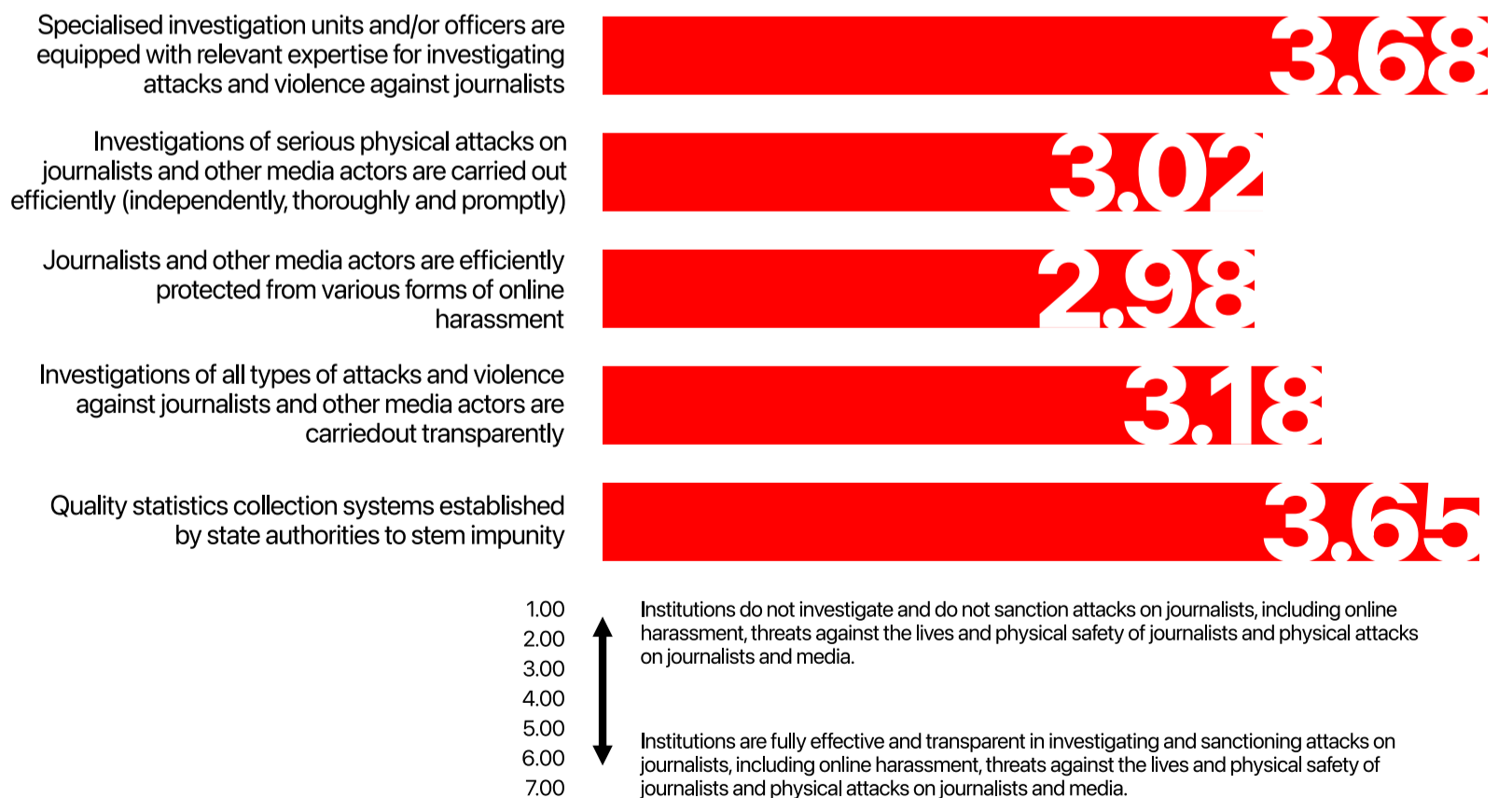
The Kosovo police have developed a special database for the cases of journalists and are in close contact with AJK, the body that oversees the cases. KP is one of the most cooperative institutions with the Association of Journalists of Kosovo.

During 2022 there has been one case where police obstructed cameraman of the news agency Ekonomia Online, Albion Selitaj, while he was performing his professional duties. The number of cases where police obstructed media workers during 2022 has decreased by two, in comparison to 2021.



Due Process

3.30



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

Score for 2021: 3.61 / Score for 2022: 3.68

During 2022 there has been a more positive approach of KJC towards the cases concerning journalists and media freedom in Kosovo. However, even though the Police, Prosecution and Courts have appointed the coordinators who deal with cases of threats, attacks and harassment toward journalists, the practice shows that they do not have the needed professionalism nor the proper expertise regarding the applicable legal safeguards provided by the applicable legislation in Kosovo.

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

Cases against journalists are treated by the police and prosecution in the same manner as other criminal offences. Office of the State Prosecutor appointed a national coordinator to monitor and supervise attacks and intimidation against journalists. Furthermore, the practice shows that police and prosecution do not have the needed professionalism nor the proper expertise regarding the applicable legal safeguards provided by the applicable legislation in Kosovo. In addition, there are no guidance nor policies adopted neither by prosecutorial system or Police to treat such cases.

When it comes to safety of journalists, the Police and the Prosecution are the most collaborative in comparison to the other institutions. During 2022 Kosovo Judicial Council has shown interest in finding modalities to collaborate more with the AJK. Nonetheless to this day, the Courts and their decisions, remain the reason why journalists are reluctant to proceed further with their cases.

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

Score for 2021: 3.02 / Score for 2022: 3.02

Same as in 2021, the situation with investigations of some cases appears to be slow and ineffective, since some of the attacks (such as Shkumbin Kajtazi's case when his car has been shot at with bullets and the case of the physical assault towards Visar Duriqi) are still under investigation and they have not been solved yet. Nonetheless, the first reaction of Police and Prosecution in most of the cases is urgent and is taken with priority; however, the judicial proceedings that follow are not treated with priority neither by the prosecution nor by the courts.

In general, it is perceived that the investigations against journalist perpetrators are independent. However, such cases are followed by the lack of professionalism and expertise in investigations, prosecution and adjudication of cases against journalists. According to some assessments of civil society organizations that also monitor the cases against journalists, the investigation is not based on a comprehensive approach, but it is mainly focused on the criminal offences of assault and threats against journalists. However, no case to date was promptly investigated or prosecuted in relation to any political motivation or any other link towards group of interest against journalists.

The investigation, prosecution and trial of cases of journalists who are victims of criminal acts must follow the dual approach of state institutions. The first response of the police and prosecutors in most cases is urgent and prioritized within the first days of the attack, also due to the public response of the Association of Journalists, of Media, as well as of Civil Society Organizations. However, subsequent proceedings

are not considered a priority by the prosecutor's office or the court. The legal deadline for the investigative procedure is strict, and within 24 months the prosecutor must file an indictment or close the criminal case without further action.

The legal deadlines within courts are not respected. This impacts the cases against journalists to be prolonged above the principle to treat the case within a reasonable time. Most of the cases against journalists are qualified as criminal offences of attack or assault. The profession of journalism based on the safeguards provided by applicable legislation is treated as a profession of public interest.

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

Score for 2021: 3.04 / Score for 2022: 2.98

Over the past year, journalists in Kosovo were subject to 9 online attacks, intimidations, threats and insults, in comparison to last year where the number of these kind of attacks was 8. Due to the slow reaction of the justice institutions and the lack of efficiency of treating cases against journalists in criminal and civil proceedings, the applicable legal measures were almost ineffective.

Criminal Code of Kosovo incriminates criminally online harassment. Nonetheless, the Criminal Code doesn't provide specific criminal offence of harassment against journalist and its provisions also apply for journalist when they are victim of such crime.

During 2022 journalists in Kosovo were subject to 9 online attacks, intimidations, threats, insults, whilst 2 media were cyber attacked (Nacionale and BuletiniEkonomik). These threats come from public persons and persons related to ruling party, as well as citizens.

In February, Prindon Sadriu, the husband of Kosovo's President and a high ranking official in the Ministry of Foreign Affairs, in a Facebook post labelled journalists and media in Kosovo as "a joint criminal enterprise." In March, the Prime Minister's Chief of Staff, Luan Dalipi, in a Facebook post, connected Kosovo's media to "criminal businesses" and called on citizens to boycott them. Such statements risk undermining public confidence in media and creating a hostile environment for journalists.

Due to the slow reaction of the justice institutions and lack of efficiency of treating cases against journalists in criminal and civil proceedings, the applicable legal measures were almost ineffective.

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

Score for 2021: 3.18 / Score for 2022: 3.18

Courts fail to provide data for the cases of journalists. However, Kosovo's Judicial Council is open to establish modalities to gather this data that affect journalists' safety index. Transparency in the way court proceedings related to attacks on journalists and the media are conducted, is not satisfactory.

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

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

Journalists are given access to court sessions in a non-discriminatory fashion, without any limitations, except in court cases of judge's orders for protective measures. However, in 2019-2020 there was a tendency to revise the Code of Conduct, which would limit the ability of journalists to report from court sessions, obliging them to wait until the final verdict. Following the concerns raised by the Association

— INDICATOR 3.4

of Journalists of Kosovo, and various local and international organizations, this attempt has been suspended by the IMC. There have been no reported cases of journalists not being granted access to open court cases in 2022.

Courts fail to provide data for the cases of journalists; however, Kosovo's Judicial Council is open to establish modalities to gather this data that affect journalists' safety index. Transparency, in the way court proceedings related to attacks on journalists and the media are conducted, is not satisfactory.

Quality statistics collection systems established by state authorities to stem impunity

Score for 2021: 3.65 / Score for 2022: 3.65

The police, prosecutors, and courts publish annual statistical reports that are accessible to the public. However, this data is quite general, it does not provide specific information, statistics or data only for the cases of journalists who are the victims of criminal offences.

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

Even though the Judicial and Prosecutorial systems are in process of functionalizing the case management information system, this system will not consolidate data and statistics in regard to journalistic profession.

IV

Actual Safety

2.66



1.00
2.00
3.00
4.00
5.00
6.00
7.00



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

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

Threats and harassment that are not related to physical safety

Score for 2021: 2.64 / Score for 2022: 2.17

In comparison to 2021 where 13 cases of non-physical threats and harassments took place, during 2022 this number increased to 19. The situation has deteriorated especially because most of those threats towards journalists come from influential people, such as the First Gentleman, the Minister of Internal Affairs, the Prime Minister's Chief of Staff, and other high officials in Kosovo.

During 2022 the number of non-physical threats and harassments towards journalists and other media workers has increased in comparison to 2021. Two cases out of 19 non-physical threats, which include aggressive declarations, insults, verbal threats and denigrating language, include public officials, high officials and impactful people in Kosovo. In April 2022 the Minister of Internal Affairs, Xhelal Sveçla after being asked about his sister's employment by the Ministry of Agriculture, referred to Besarta Hoti's question as "stupidity". Chief of Staff of PM Kurti, Luan Dalipi through a Facebook post on March 3, 2022 unprecedentedly attacked Kosovo's media by linking them to "criminal businesses", and calling on those he distinguishes as "dignified citizens" to boycott them. Moreover, the First Gentleman of Kosovo, Prindon Sadriu labelled journalists as "a joint criminal enterprise". The President's husband is also a high-ranking diplomat with the Ministry of Foreign Affairs. As well as the case of the journalist, Bojan Tomic of RTK2, towards whom the mayor of the Municipality of Shtërpce, Dalibor Jevtiq, has used denigrating language. Furthermore, he was refused to be answered to and was insulted in front of other journalists. The rest of the cases mainly consist of verbal attacks, verbal and online threats, such as the case of the journalist Diamant Bajra of Gazeta Blic, who received intimidating and threatening messages on his TikTok account. Moreover, the journalist of Kallxo.com, Arjana Berisha, was threatened via phone by a bus driver after her reporting on his driving. The journalist Berisha received a video from the passengers of this line, and once she published it she received a threatening phone call, consisting of swearing and insults - which was recorded. Last case of denigrating language from public figures that took place during 2022 is towards Arsim Lani of T7 and Leonard Kërquki of T7 and Gazeta Express. Sali Zyba, ruling party MP via a Facebook post on his personal profile edited a video by comparing and compiling two videos - one from 2016 and the other from 2022, which he

— INDICATOR 4.1

published to denigrate the abovementioned journalists. Last case to take place during 2022 was that of Saranda Ramaj, the journalist of Koha Group who was threatened by Kimete Gashi, procurement member of the Commission for Budget and Transfers within the Kosovo Assembly because of her reporting on irregularities on contracted medical drugs. Furthermore, she called Ramaj “a loud and extremely misinforming journalist”.

— INDICATOR 4.2

Threats against the lives and physical safety of journalists

Score for 2021: 2.54 / Score for 2022: 2.54

In comparison to 2020 and 2021, during 2022 there were no cases of threats against lives and physical safety of journalists.

No killings of journalists occurred in Kosovo during 2022.

Actual attacks

Score for 2021: 3.40 / Score for 2022: 2.98

The number of cases of actual attacks on journalists increased by four compared to last year. Furthermore, the security of journalists was even more endangered than previously because these cases were intensified and most of the cases took place in the northern part of Kosovo, where Kosovo Police, KFOR and EULEX police had limited access to.

During 2022 in Kosovo, there were 8 cases of actual attacks towards the journalists, five of which happened within four weeks in the northern part of Kosovo. On November 17, Insajderi portal cameraman, Jetmir Muji was physically assaulted by a group of locals, who have not been identified. Then on 9th and 10th of December Kallxo.com team and RTV Dukagjini team were attacked. Kallxo.com team was approached by a group of masked people while they were driving, while RTV Dukagjini's team was thrown at with an explosive while reporting live – the explosive went off a couple of meters away from the crew. Klan Kosova's team consisting of the journalist Haris Ademi and camera operator Elsad Sinani while reporting near Çabër village of Zubin Potok municipality were thrown at with stones, as well as offended by a group of locals, whilst the very next day in the Bosniaks' Neighbourhood in the north Mitrovica Gojart Jashari, journalist and Rron Agolli camera operator, were thrown at with explosive materials while reporting for their media, Tëvë1.

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

Threats and attacks on media outlets and journalists associations

Score for 2021: 3.46 / Score for 2022: 2.97

In comparison to the previous year, this year the number of attacks on media institutions, organizations, media and journalists' associations, has doubled. In 2021 there were 3 cases, whilst during 2022 there were 6 cases.

Two out of these cases were cyber-attacks towards online media; the first one towards “Buletini Ekonomik” and the second one towards NACIONAL. The rest of the cases are mainly related to politicians who do not refrain from making statements against media, such as the case of the former Prime Minister, Ramush Haradinaj, MP of Kosovo Assembly at present, who refers to the media in Kosovo and Albania as “mercenaries” and “sold”. Also, the case of the former political adviser of PM Kurti, Hysamedin Ferraj and former VV MP, Sadri Ramabaja who used denigrating language toward NACIONAL in regards to the latter’s reporting about teachers’ strike; as well as the last case during late December where Klan Kosova television was threatened by Finance Director of Post-Telecommunications (public enterprise). One of the most severe cases was towards all online media, after ruling party’s MP, Fitore Pacolli called for a governmental regulation of the media, especially online portals, towards which AJK reacted and emphasized the fact that in Kosovo, most of the media are registered as businesses within the Kosovo’s Business Registration Agency -KBRA, while the rest of the media are registered as NGOs. Media in Kosovo regulate their activity throughout the applicable laws and the regulations, as well as the Code of Conduct of the Independent Media Commission and Press Council of Kosovo.

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