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29th of March 2012

# Action Paper on Association of Professional Journalists in Kosovo

Freedom of Expression in the Media and the Role of the Association of Professional Journalists of Kosovo

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## LIST OF ACRONYMS

<b>AMPEK</b>	Association of Independent Electronic Media of Kosovo
<b>APJK</b>	Association of Professional Journalists in Kosovo
<b>BIRN</b>	Balkan Investigative Reporting Network
<b>EC</b>	European Commission
<b>ECHR</b>	The European Convention for the Protection of Human Rights and Fundamental Freedoms
<b>ICCPR</b>	Protocols and the International Covenant on Civil and Political Rights
<b>IMC</b>	Independent Media Commission
<b>IREX</b>	International Research and Exchanges Board
<b>KTV</b>	Kohavision
<b>RTK</b>	Radio Television of Kosovo
<b>RTV21</b>	Radio Television 21
<b>PCC</b>	Press Council of Kosovo
<b>UNDEF</b>	United Nations Democracy Fund
<b>UNDP</b>	United Nations Development Programme
<b>UDH</b>	Universal Declaration of Human Rights

# I. Introduction

In 2010 UNDP began implementation of the Public Pulse Project, which builds on years-long experience of publishing Kosovo Early Warning Reports, continues to research and analyse pertinent issues in Kosovo with a view to promoting increased dialogue between government institutions and citizens at large. Public Pulse Report expands the analysis from early warning and conflict prevention, to focus more on democratic dialogue and monitoring of institutional stability. Through a biannual analysis and follow-up debate, the Report and data from the survey, on which the reports are based, also serve as a basis for identifying the most pertinent issues of interest and concern to the public and gaging its opinion. A new element in the Public Pulse project is the preparation of Action Papers, which focus on one selected trend or issue that emerges as of particular concern to the public. UNDP identifies a specific institution for target analysis, and in partnership with that institution, engages in further reflection to draft the Action Paper that digs deeper into that issue. The Paper serves as a follow-up mechanism to provide ideas for actions towards addressing the issue at hand. According to the 2011 Public Pulse Project findings, the majority of Kosovans (60%) think that Kosovo Media does not enjoy freedom of expression; moreover, 50% of citizens form their opinions about pertinent issues facing Kosovo through the media – even though their perception is that the media in Kosovo does not enjoy freedom of expression. Taking into consideration the crucial role of journalists for this Action Paper, UNDP selected the Association of Professional Journalists in Kosovo (APJK) as the institution for further analysis.

This Action Paper thus provides an overview of the media landscape and legal framework on freedom of expression in Kosovo. It identifies patterns and main challenges to free expression practices in the media, examines the reasons behind the decline of trust in public perception, assesses the mission and role of the APJK and offers recommendations for improvement. The aim of this Action Paper is to contribute towards enhancing communication and collaboration among the stakeholders (media, journalists and the public), by ensuring that APJK as the target institution will subsequently engage in enhancing practices and improving conditions on the ground. This Action Paper is limited in scope; its intention is not to be an overarching document that encompasses all issues and challenges the media faces. The Paper aims to examine the issues that influence the negative public perception about freedom of expression in Kosovo, and to offer some recommendations and remedies that both in the short and the long term may contribute to positive developments in this sector.

## II. Media landscape

### 2.1 Brief overview of media outlets and regulative media bodies

Kosovo's media landscape is comprised of print, broadcast and electronic media. There are eight national daily newspapers. According to newspaper circulation statistics, *Koha Ditore* is the leading newspaper, followed by *Kosova Sot*<sup>1</sup>. All eight newspapers have a daily circulation between 25,000 and 35,000 copies<sup>2</sup>. There are 22 television stations: four nation-wide TV stations, public broadcaster Radio Television of Kosovo (RTK) and privately owned Radio Television 21 (RTV21), Kohavision (KTV) and Klan Kosova. Currently, about 92 radio stations operate in Kosovo: four nation-wide radio stations that include two public, Radio Kosova and Radio Blue Sky, and two private, Radio 21 and Radio Dukagjini<sup>3</sup>. Broadcast ratings indicate the following percentages: RTK 52 %, KTV 28 %, RTV21 49 %, radio Dukagjini 8 %, radio Kosova 5 %, radio 21.2 %<sup>4</sup>. There is no data on annual advertising revenue in the media sector. Among the news agencies and information portals are Kosova Live, Kosova press, Telegrafi, Indeks online etc. Moreover, the majority of newspapers also have their online editions. Meanwhile, Internet usage statistics indicate that 53% of households have Internet access<sup>5</sup>. However, there is no statistics on online media readership. In a survey conducted by Index Kosova, 86% of the respondents said they receive news from TV, 7% from the press and some 5% from radio<sup>6</sup>.

The main regulative media bodies are the Independent Media Commission (IMC) and the Press Council of Kosovo (PCC). The IMC regulates Kosovo's broadcast media, which is determined by Article 131 of the Constitution of the Republic of Kosovo and is established by the Law No.02/L-15 on Independent Media Commission and Broadcasting<sup>7</sup>. The Association of Independence Electronic Media of Kosovo, which represents about 70% of electronic media, works closely with the IMC, particularly in the digitalization process<sup>8</sup>. However, the independence of IMC has not been fully secured, as by the end up 2011, two board vacancies by the Assembly went unfilled due to political interference. Also, adequate amendment of the IMC law has yet to be finalized by the government. Besides offering licenses, the IMC is also responsible ensuring quality of TV programs and issuing fines when necessary, although as a procedure it not practiced by the IMC. The IMC also does not offer adequate space and reserve importance to receiving citizen complaints. While in 2011, IMC approved 12 new long-term broadcast licenses<sup>9</sup>, the editorial independence of the public broadcaster RTK, as the most nationally-watched broadcaster, has not been guaranteed<sup>10</sup>. According to Public Pulse findings, from all public services Kosovans were mostly satisfied with the RTK (40%); however, compared to data from previous years, satisfaction with this institution has also declined (see figure 1).

1 INDEX Kosova, "Media Picture in Kosovo." December 9, 2008. Last retrieved on March 25, 2012. [http://www.indexkosova.com/docs/doc2\\_7.pdf](http://www.indexkosova.com/docs/doc2_7.pdf)

2 Kosovan Institute for Policy Research and Development (KIPRED), "Circulation and Politicization of the Print Media in Kosovo." March 2010. Last retrieved on March 25, 2012. [http://www.kipred.net/web/upload/Circulation\\_and\\_Politicization\\_of\\_the\\_Print.pdf](http://www.kipred.net/web/upload/Circulation_and_Politicization_of_the_Print.pdf)

3 Independent Media Commission of Kosovo. "Directory of Licensed Broadcasters in Kosovo." Last retrieved on 25 March, 2012. <http://www.imc-ko.org/IMG/pdf/220.pdf>

4 Ibid 1.

5 Ibid 1.

6 Ibid 2.

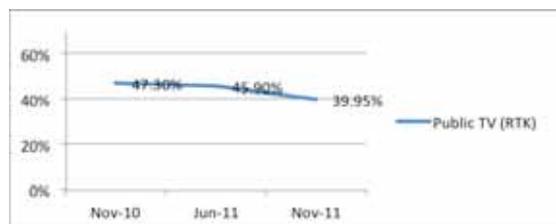
7 Independent Media Commission of Kosovo, official website. Last retrieved 25 March, 2012. <http://kpm-ks.org/?faq=141&gjuha=3>

8 IREX. "Media Sustainability Index 2011." Last retrieved on 25 March, 2012. [http://www.irex.org/sites/default/files/EE\\_MSI\\_2011\\_Kosovo.pdf](http://www.irex.org/sites/default/files/EE_MSI_2011_Kosovo.pdf)

9 Freedom House. "Freedom of the Press, Kosovo. 2011." Last retrieved on 25 March, 2012. <http://www.freedomhouse.org/report/freedom-press/2011/kosovo>

10 European Commission progress report Kosovo, 2011. Last retrieved on 25 March, 2012. [http://ec.europa.eu/enlargement/pdf/key\\_documents/2011/package/ks\\_rapport\\_2011\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/ks_rapport_2011_en.pdf)

**Figure 1. Kosovans Satisfaction with Radio Television of Kosovo**



The Press Council of Kosovo (PCC) regulates the print media, and it is a self-regulatory body for and by the print media sector in Kosovo. It is comprised of the chief editors of Kosovo's print media and functions according to its established Journalism Code of Ethics.<sup>11</sup> The PCC's decisions no longer require outlets to pay fines; rather, they can require newspapers to publish the text of judgments against them. Some of the PCC's challenges have included failure for all members to pay membership fees, lack of human resources for further developing the organization, lack of funding etc.

Meanwhile, Kosovo also has professional associations and institutes. The Kosovo Media Institute, as a non-for-profit and non-governmental organization, is responsible for training and serving as a media advocacy center, the establishment of which came upon the request of Kosovo media outlets themselves. Other groups include the Journalists' Union of Kosovo and the Association of Professional Journalists of Kosovo (APJK). Both organizations are known for reacting upon freedom of expression violations, organizing journalism seminars and advocating for higher professional standards.

## 2.2 Association of Professional Journalists of Kosovo, APJK

The Association of Professional Journalists of Kosovo is a not-for-profit and non-governmental organization founded in 2002. The main mission of APJK is to promote and improve the role of journalists, advance high professional standards, as well as advocate for the rights of journalists and ensure secure working environments. Most importantly, APJK was established in order to help improve freedom of speech and expression in Kosovo.

The APJK ceased to function for a year, between 2010 and early 2011, due to mismanagement of operational protocols and finances by boards that favored policies of certain media groups<sup>12</sup>. Not only did this lead to a disengagement of journalists from the organization; it also damaged the organization's overall image in the eye of the public. However, as of March 2011, APJK underwent organizational and leadership restructuring. APJK has a new Board of Directors and Executive Staff, which is comprised of an Executive Director and an Assistant. The organization's assembly consists of around 100 members, who are all APJK registered journalists. APJK is currently conducting a re-registration process in order to refresh the list. To date, membership has been on a free basis. APJK has yet to establish clear preconditions and defined responsibilities for journalists seeking membership, with a set symbolic monetary value, in return offer services, such as a card from the International Federation of Journalists<sup>13</sup>.

In 2011, the APJK also began to implement a two-year project supported by the United Nations Democracy Fund (UNDEF), which focuses on capacity development, promoting freedom of expression and information, and building capacities for a free, independent and pluralistic media. APJK also developed a Development Strategy for

<sup>11</sup> Press Council of Kosovo, official website. Last retrieved on 25 March, 2012. <http://www.presscouncil-ks.org/?cid=2,2>

<sup>12</sup> Association of Professional Journalists of Kosovo. "Development Strategy 2012-2015."

<sup>13</sup> Ibid 12.

2012-2015, which focuses on achievement of a set of Strategic Objectives aimed at professionalizing its structures, including articulation of duties and responsibilities of members, director, board, assembly, a vision for internal development pertaining to human resources and financial planning, relations with its members and public, as well as plans to develop long-term initiatives and partnerships, such as a media center, trainings and mechanisms for protecting journalists and securing memberships in international organizations.

During 2011 APJK was engaged in organizing conferences and discussions, recognitions of professional journalism and public reactions, issuing of statements on policies and actions that hindered free and independent journalism, such as infringement of journalists' rights, detrimental legislative changes, etc<sup>14</sup>. However, little information can be found on the official website of the organization about the flow and processes of such events in general, the extent to which its activities have continuity, or the relationship between the APJK and its members. The website also lacks manuals, reports and journalism handbooks that could serve as a reference guide to journalists and help address their issues of concern. The APJK also does not offer basic judicial services, such as guidance or trainings with preparing access to official documents forms.

While the APJK has made significant progress in improving its legal status and raising its profile and entering into a number of partnerships, it needs to further develop internal capacities of the organization in order to secure daily operations and management of the office, which will consequently lead to a more consistent relationship with its members, who in turn will become more engaged and contribute toward efforts to improve the challenged they face, such as freedom of expression.

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<sup>14</sup> For example, a roundtable discussion on May 3rd Press Freedom Day, and a series of journalism awards, such as annual Journalism and Freedom of Expression Contest, Poverty Prize, Journalism Week, Transparency and Anti-Corruption Award, and Journalists of the Year Awards. In December 2011, APJK also held seminar sessions for the Week of Journalism, in topics including: the position of journalists in Kosovo, ethics and comments on portals, access to official documents, reporting on human rights, reporting on the judiciary, reporting on corruption.

### III. Public Pulse findings

Public Pulse findings							
Does media in Kosovo enjoys the freedom of expression?		Male	Female	Total	Urban	Rural	Total
Nov 2010	No	68.9%	67.9%	68.4%	72.0%	64.5%	68.4%
	Yes	31.2%	32.1%	31.7%	27.9%	35.6%	31.7%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
June 2011	No	62.2%	64.1%	63.1%	65.5%	60.3%	63.1%
	Yes	37.9%	35.9%	37.0%	34.5%	39.0%	37.0%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Nov 2011	No	68.0%	59.7%	64.0%	68.8%	58.9%	64.0%
	Yes	32.0%	40.2%	36.0%	31.3%	41.1%	36.0%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**Figure 2. Kosovans perception on freedom of expression in Kosovo’s media.**

The latest Public Pulse findings show a general decline in the public’s satisfaction with the work of Kosovo’s key executive, legislative and judiciary; the overall democratization index was at 0.92, indicating that most people do not perceive that democratization process are going in the right direction. The main responsibility for Kosovo’s present political situation was placed upon the Government of Kosovo (54%), followed by political parties (17%), and EULEX (9%). Meanwhile, Kosovans indicated unemployment (30%), poverty (29%) and corruption (11%) as the main problems they face. Moreover, indicators of democratization demonstrated that only about one-third of Kosovans believe that the Kosovo Constitution and Kosovo laws are democratic and respect human rights, that the municipal governments work according to priorities of their residents, that the media enjoys the freedom of expression, and that the elections are democratic and in accordance with the international standards<sup>15</sup>.

Amongst such viewpoints on democratization, public perception of freedom of expression in the media has remained low throughout 2010 and 2011. June 2011 points to the greatest decline in public perception that media in Kosovo enjoy freedom of expression. As evident in Figure 2, throughout this entire time period, more than half of the respondents continued to believe that media in Kosovo does not enjoy freedom of expression. Results show that only one third of Kosovans agree that media in Kosovo enjoy freedom of expression, this percentage is higher among women (40.2%) as compared to men. Similarly respondents living in rural areas are more inclined to believe in freedom of expression of Kosovo media (41.1%) as compared to respondents living in urban areas (31.3%).

Important to note is that the highest decline of public perception in June-2011, is recorded in the aftermath of extensive public debate on December 2010 about election fraud; it also coincides with the Assembly’s discussion on the lack of transparency for the Pristina-Belgrade EU-sponsored technical talks. Moreover, by November 2011, extensive discussion and exposure was given to lack of access and information on the Kosovo government’s July-intervention in the North of Kosovo. Ultimately, the

<sup>15</sup> UNDP Kosovo. "Public Pulse Report 1." March 2011. Last retrieved on 25 March, 2012. <http://www.kosovo.undp.org/repository/docs/public-pulseenglish-web.pdf>

European Commission (EC) 2011 progress report for Kosovo noted limited progress in governance and economic reforms, as well as channels and mechanisms for freedom of expression.

Nevertheless, the media continues to be the main source of information in Kosovo. Public Pulse findings indicate that media is the main information source on the presence of corruption (54.9%) and organized crime (69.5%) in Kosovo. As such, public opinion is predominantly formed and shaped by information through the media, rather than based on people's personal experience with corruptive behavior. (See figure 3).

On one hand, the public's perception about widespread prevalence of corruption and organized crime is based on information through the media. On the other hand however, there appears to be a decline in the belief that media enjoy freedom of expression. As such, despite the mid-2011 political developments mentioned above, which could have impacted such perceptions, another important factor that deserves consideration is the extent to which the media have been able and have followed-up on more sensitive, high-level cases. It may be that the public believes that while the media succeeded in initially reporting about serious cases, discerning trends or pointing out main political and economic challenges, it provided news largely be in the form of superficial reporting rather than through in-depth investigative journalism – thus, failing to cover such issues through more in-depth evidence based analysis whether due to outside/government pressures or auto-censorship. Nevertheless, it should also be acknowledged that even the best of media coverage can only go so far in revealing misconduct and irregularities; the institutional chain of addressing cases continues with the police and judiciary.

## IV. Legislative framework of freedom of expression

### 4.1 Summary of existing legislation and implementation

Freedom of Expression and Freedom of Media are guaranteed by the Constitution of Kosovo. According to article 40, "Freedom of expression is guaranteed. Freedom of expression includes the right to express oneself, to disseminate and receive information, opinions and other messages without impediment." Meanwhile, Article 42 pertains specifically to Freedom of Media: "Freedom and pluralism of media is guaranteed [...] Censorship is forbidden. No one shall prevent the dissemination of information or ideas through media, except if it is necessary to prevent encouragement or provocation of violence and hostility on grounds of race, nationality, ethnicity or religion." Moreover, through the Constitution, the Republic of Kosovo guarantees the rights guaranteed by the Universal Declaration of Human Rights (UDHR), the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its Protocols and the International Covenant on Civil and Political Rights (ICCPR) and its Protocols. These all include clauses on Freedom of Expression<sup>16</sup>.

However, modern legislative framework does not necessarily guarantee and translate into respect and implementation of laws. In Kosovo, freedom of expression and freedom of media is threatened by weak implementation of legislation, dysfunctional judiciary and police service<sup>17</sup>, as well as highly

politicized public institutions and editorial newsrooms that lack independence and are subject to political and business-vested interests. Lack of Labor Law implementation has also affected freedom of expression for journalists, who due to irregular contracts have become vulnerable to internal media pressures<sup>18</sup>. These factors have become evident in different international reports and in-country surveys that annually measure developments and progress with regard to freedom of expression.

### 4.2 2012 foreseen legislative changes and potential consequences on freedom of expression

Currently, Kosovo enjoys a Civil Law on Defamation and Insult<sup>19</sup>, which should regulate civil liability for defamation and insult. However, the Penal Code, which includes an article on defamation stipulating that persons can be charged with prison up to three months, is being implemented. Moreover, in 2011, a new draft penal code was proposed by the Assembly Committee on Legislation, which includes two articles that could potentially hinder journalistic practices with regard to freedom of expression – Article 37 and Article 38.

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equal before the law. Everyone enjoys the right to equal legal protection without discrimination." Article 31 guarantees "[...] equal protection of rights in the proceedings before courts, other state authorities and holders of public powers. [...] Everyone is entitled to a fair and impartial public hearing as to the determination of one's rights and obligations or as to any criminal charges within a reasonable time by an independent and impartial tribunal established by law." However, legislation in itself does not guarantee implementation, and journalists in Kosovo face continues to face countless obstacles in practicing their daily profession. Last retrieved on 25 March, 2010.  
<http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf>

16 Articles guaranteeing Freedom of Expression include article 19 of the UDHR, article 10 of the ECHR, article 19 of the ICCPR. Last retrieved on 25 March, 2012.  
<http://www.un.org/en/documents/udhr/>  
<http://www.hri.org/docs/ECHR50.html>  
<http://www2.ohchr.org/english/law/ccpr.htm>

17 Kosovo Assembly.. According to article 54 of the Constitution, "Everyone enjoys the right of judicial protection if any right guaranteed by this Constitution or by law has been violated or denied and has the right to an effective legal remedy if found that such right has been violated." Article 24 states that "All are

18 On 1 March, 2012, UNDP organized a focus group meeting with 10 member journalists of the APJK.

19 Kosovo Assembly. Law No. 02/L-65 "Civil Law Against Defamation and Insult." Last retrieved on 25 March, 2012.  
[http://www.assembly-kosova.org/common/docs/ligjet/2006\\_02-L65\\_en.pdf](http://www.assembly-kosova.org/common/docs/ligjet/2006_02-L65_en.pdf)

Respectively, Article 37 would regulate the liability of authors, chief editors, publishers and others, for a criminal offence that is not determined by the Penal Code itself – even though the liability of judicial persons is regulated by a specific law, the Law on the Criminal Liability of Legal People. Therefore, it excludes the need for an additional criminal liability only for the media since such a liability might be misused through the judiciary's channels. Meanwhile, through Article 38 for protection of sources the Kosovo courts may ask journalists to reveal their sources when reporting criminal offenses pertaining to degradation of sexual integrity, offering pornographic material to persons under the age of sixteen years, misappropriation in office, accepting bribes and giving bribes<sup>20</sup>.

As a reaction, in a letter dated February 6, 2012, APJK sent recommendations to the members of the Committee for Legislation of the Assembly of Kosovo, calling for the removal of Article 37 and changing Article 38 so that revealing sources can be requested only when the life of people might be at risk. The same has been sought by the Balkan Investigative Reporting Network (BIRN) on February 13, 2012. In a response to APJK, on February 3, 2012, the Ministry of Justice as the sponsor of the Draft Penal Code has proposed the removal of articles 37 and 38, or recommended for appropriate amendments to fall in line with European practices. However, monitoring of the above-mentioned laws should remain a priority for media and journalists this year in order to secure that the necessary measures have been undertaken.

Another prevailing concern has been the new Regulation on Media Access to the Assembly, according to which journalists were designated a media corner rather than having access to the Assembly hall from whether they'd previously collect deputy statements. In mid-2011 journalists participated in the drafting of the regulation within the official Working Group. However the draft was changed and adopted by excluding their comments by the Assembly Secretariat. Although now journalists have been granted access to the Assembly hall, necessary checks and balances on developments regarding these policies should persist, particularly from journalist associations, such as the APJK. The same follows for the law on the IMC and RTK, which are at the latest stage of being approved by the Assembly. The main hindrance has remained the fact that the laws have failed to meet European standards, as required by the European Commission Liaison Office in Kosovo.

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20 Kosovo Assembly. "Draft Criminal Code." Last retrieved on 25 March, 2012.  
<http://www.assembly-kosova.org/common/docs/ligjet/Draftcriminal%20code%20of%20Kosovo.pdf>

# V. Kosovo in the Freedom of Expression Index

## 5.1 International reports

The Media Sustainability Index, launched by IREX in 2001, provides thorough analysis of the conditions for independent media in around 80 countries across the world, and evaluates the extent to which media provides objective information by measuring indicators of freedom of speech, professional journalism, plurality of news, business management and supporting institutions<sup>21</sup>. The media ranking ranges in Unsustainable, Anti-Free Press (0-1), Unsustainable Mixed System (1-2), Near Sustainability (2-3), and Sustainable (3-4). According to its 2011 Kosovo MSI report, freedom of speech earned the highest score from 2.53 to 2.70. Improvement was attributed to better score for indicator 3-market entry and indicator 5- legal guarantees of editorial independence for public media. However, the study noted that these improvements were counteracted by the fact that there were slightly lower scores for indicator 4-attacks on journalists, indicator 7-access to information, and indicator 8-media access to domestic and international news sources<sup>22</sup>. Indicators 4, 6-libel laws, and 7 continue to lag behind in the freedom of expression indicator score by nearly three-quarters of a point. Indicators 8 and 9-free entry into the journalism profession both scored about a point higher<sup>23</sup>.

Meanwhile, the Freedom House annual report, which assesses freedom in the world with reference to global political rights and civil liberties, ranked Kosovo as partly free in 2011 - noting no change from previous years. The report notes that "freedom of information legislation has not been properly implemented" and greatly emphasizes the fact that "security remains a serious concern for media workers, and there were several reported incidents of violence in 2010."<sup>24</sup>

The yearly European Commission progress report for candidate or potential candidate EU members - which summarizes the main challenges and accomplishments that serve as an essential mechanism in measuring and evaluating a country's progress - has also been critical in relation to freedom of expression in Kosovo, evident in the report since 2007. Examples noted in the report throughout the years include: "Political will to support freedom of expression remains low" (2007); "The media continue to be vulnerable to political intimidation" (2008); "Cases of political intimidation call for more robust measures by the Kosovo authorities" (2009); "Journalists continue to receive pressure, including from elected officials, in reaction to their reporting" (2010); "Journalists continue to face political pressure and intimidation, which is threatening the still fragile investigative journalism" (2011). Some of the reoccurring assertions have referred to amending the Criminal Code so as to put an end to defamation as a criminal offence. The latter was included in 2012 as a high necessity for adoption.

The three latter reports are extremely significant in annually measuring conditions to freedom of expression within media and society in Kosovo. Their indicators and results directly speak to the obstacles journalists in Kosovo continuously reiterate; they also point to the main factors that have an impact on the relation of the public with institutions, elected officials, civil society and media. The latter relationship has influenced public perception showing low belief that media in Kosovo enjoy freedom of expression, low trust in civil society for acting as watchdog to democratic processes, and high dissatisfaction with government and political parties in pushing forward democratic processes in Kosovo.

21 Ibid 8.

22 Ibid 8.

23 Ibid 8.

24 Ibid 9.

## 5.2 Insight and assessment by Kosovan media and journalists

Meanwhile, within the Kosovan media, journalists have become increasingly outspoken on obstacles faced in their profession, identifying challenges in legislation and in context of work in the field, as well as recognizing the need for additional capacity-building and information sharing. In May 2011, a period when public perception that media enjoy freedom of expression was beginning to decline, APJK conducted a survey with around 100 journalists on freedom of the press in Kosovo. The main findings point to journalists' belief that the government is the greatest censor to freedom of expression, followed by political parties, and the judiciary. These findings coincide with the Public Pulse findings that the public views the government and political parties as the main bodies responsible for current political and economical situation.

The survey drew attention to the fact that financial reliance of the media has suffocated freedom of the press. The Kosovan government still remains the biggest employer and business contractor. Consequently it is also the main and largest advertiser in the media. Therefore, central and local government exercise a great degree of influence on the media's sustainability and financial success or difficulties. Kosovan institutions have been known to condition positive reporting in exchange for advertisement. Over the past three years, government authorities have been accused of indirectly supporting media outlets that offer favorable exposure, while trying to damage financially more critical voices by withdrawing advertising revenue. Meanwhile, media outlets that are owned by larger business companies have also been subject to political pressure as potential business ties and contracts with the government might be jeopardized.

As such, journalists are auto-critics, but also auto-censors due to several layers of influence. The majority of journalists in APJK's survey stated that their auto-censorship contributes toward an environment where

freedom of the press is restricted<sup>25</sup>. Such control is without doubt reflected on the daily endeavors of individual journalists to conduct and practice their profession. In a UNDP-organized focus group with Kosovan journalists held on March 2012, journalists differentiated between influence coming from government or political groups, and influence from chief editors/media owners who have vested political or business interests. The restrictions in the editorial newsrooms are evident through political leanings and affiliations of chief editors, which often prevail over independent, ethical standards. As such, journalists lose professional goodwill and impartiality, as they lack necessary support from their respective outlets and often risk losing their jobs if they fail to meet editorial expectations. Furthermore, journalists also differentiate between an older, more experienced generation of journalists, versus young, newcomers to the journalism profession who tend to be more prone to pressure and intimidation. Consequently, they become discouraged from undertaking an objective, professional and ethical approach.

In this regard, a major impediment has been lack of security, particularly pertaining to intimidation, attacks, and an increase in the number of court cases. During 2011, the APJK reacted on 27 cases related to violations of journalists' rights, out of which nine included physical violence and seven were verbal threats. A year earlier in 2010, APJK reacted on behalf of 32 cases. APJK states that despite a decrease in number of overall cases reported, in 2011 the cases recorded show an increase in the number of physical attacks. Threats to journalists occur either indirectly through intimidation and pressures exercised by those in position of authority or power, or even directly as has been the case last year of physical violence. In general, perpetrators go unpunished due to weak and inefficient law and order enforcement, thus making journalists vulnerable and often even retreat from vigorous reporting. Such factors have without doubt contributed toward an environment where journalists feel unsafe and unsupported in their daily endeavors to report on the challenging democratization process facing Kosovo. This has also resulted

25 APJK, "Report on Freedom of the Press in Kosovo," May 2011.

in a new generation of journalists lacking incentive and determination to conduct and embark on a more rigorous investigative reporting trail.

During the UNDP focus group meeting with journalists, they expressed a view that public trust in journalism as an institution had increased, predominantly due to the increased coverage of human-interest stories, social issues and problems, citizen call-ins/walk-ins into the newsrooms, exposure of journalists in broadcast media who in return have created credibility and sustainable relationships with their audience<sup>26</sup>. However, as the Public Pulse findings showed, during the past two years, the majority of Kosovans (60%) think that Kosovo Media does not enjoy full freedom of expression. The discrepancy of perceptions between the journalists (acting on behalf of the fourth estate) and the public (as the informed citizenry that participates in democratic channels), is another indicator that the hindrances journalists face in their daily work need to be addressed before free flow of information and expression can become the foundation for the relationship between the media and public.

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<sup>26</sup> Ibid 18.

## VI. Recommendations and follow up

The following recommendations aim to address some of these factors by suggesting ways and tools for the APJK to utilize in its current and long-term plans and activities in order to improve the working environment with regard to freedom of expression for journalists, as well as the relationship between the media and the public.

1. Adopt the APJK 2012-2015 Development Strategy through the Board of Directors immediately, and implement operational structuring of the organization in line with the objectives and timeline set in the strategy.
2. Complete the membership re-registration process by also setting up a professional and merit-based assessment of members in the next three months, and create a consistent mechanism for keeping tabs with its members (besides APJK-organized conferences), such as by sending them monthly briefs on past month's activities and upcoming initiatives for the following month, which would could result in greater interest, feedback and involvement from its members as well.
3. Create a paper and online archive of documents related to its activities and operations, such as: annual reports that include summary of activities, projects, audit report, financial report (which would increase transparency), and journalism manuals, APJK reports, conference transcripts and report summaries. These would all serve as a reference guide to journalists and help address their issues of concern. In the next three months, the APJK should identify five individual members that would help prepare such documents.
4. Continue with public reactions on cases related to protection of journalists, publicizing and advocating for secure working environment for journalists through press conferences on need basis, which have proven successful in attracting public attention. But in three-month time, also create a platform within its website where journalist can post complains of pressures received from institutions in reaction to their reporting.
5. Offer quarterly basic judicial services, such as guidance or trainings with preparing access to official documents forms by organizing quarterly trainings at APJK premises, and also provide a section online with the same information and easy-downloadable forms to be filled out.
6. Create a direct liaison phone line with Kosovo Police to increase the security, which would contribute toward strengthening methods and mechanisms to help protect journalists and freedom of expression in the media. In three-month time, examine the necessary structural and technical issues to set up such a mechanism.
7. Considering that young journalists are most prone to falling victim to intimidation, threats and pressures, APJK should establish an internship program application, through which journalism students from University of Prishtina and private universities can gain hands-on experience. In three-month time, establish collaboration with UP and create the guidelines for the internship.
8. Become a member of international associations of journalists and academic journalism departments, such as International Federation of Journalists and Federation of European Journalists,
9. Establish legal departments within the organization, which will offer legal assistance and advice to journalists on need basis, assist threatened journalists, and help journalists with court representation – an important request emphasized by journalists in different surveys as well as

during UNDP's focus group. Identify and hire a lawyer in three-month time, who would then take the lead in organizing the department.

10. Push media employers to implement the Labor Law in order to ensure regular contracts for journalists and reduce internal media pressures. Therefore, in three-month time, organize a conference where journalists and media employers would participate, to discuss the need for implementation.
11. Continue with its Forum discussions, with representatives from media, journalists, civil society organizations, government and international community, as an annual event discussing achievement and drawbacks to an environment where freedom of expression prevails. The first this year could be organized following the release of this Action Paper.

