Freedom of the Press 2015 - Kosovo

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2015 Scores

Press Status: Partly Free
Press Freedom Score (0 = best, 100 = worst): 49
Legal Environment (0 = best, 30 = worst): 14
Political Environment (0 = best, 40 = worst): 18
Economic Environment (0 = best, 30 = worst): 17

While Kosovo's constitution and legal framework provide for freedom of expression and of the press, the media environment is affected by political interference, financial pressure, and a high degree of ownership concentration.

Legal Environment

Defamation is a civil offense punishable by fines. A few defamation cases reached the courts in 2014, though all ended in acquittal. Journalists note that defamation suits can be onerous because the burden of proof falls on the defendant. A 2013 law mandates that journalists cannot be obliged to reveal their sources without a court order, and protects journalists and media outlets from property searches.

While Kosovo's media laws are broadly in line with European Union (EU) standards, such laws are not implemented consistently. Both the police and the judiciary lack experience and training in addressing threats against the media. Judges and prosecutors have difficulty interpreting Kosovo's ever-expanding body of laws.

A Law on Access to Official Documents was enacted in 2010. By 2012, each government ministry had appointed an official specifically tasked with handling requests for documents. However, full implementation is lacking, and the courts are slow to respond to complaints due to persistent backlogs in the judicial system.

Officially, media outlets can enter Kosovo's market without encountering legal hurdles. However, the Independent Media Commission (IMC), which issues broadcast licenses and is charged with promoting ethical, technical, and professional standards in the broadcast sector, is widely considered to be politicized. In 2014, an IMC proposal to increase Kosovo's broadcasting license fee was suspended, with a trade group representing private television stations claiming responsibility for the effort to defeat it. Two IMC board members were dismissed in December 2013 because their involvement in politics rendered their membership illegal. The dismissals left the body short of the necessary quorum, and it was thus nonoperational for the first few months of 2014. The IMC began operating again in the spring, following the appointment of new board members. However, as in the past, the appointment process was colored by the political affiliation of the appointees. Print media and news agencies do not require operating licenses. The Press Council of Kosovo (PCK) is a self-regulatory body for the print media. However, it lacks power to implement its own rulings, and has experienced difficulty raising funds under the provisions outlined in its statute.

Political Environment

Political interference, direct and indirect, remains a concern for the public broadcaster, Radio Television of Kosovo (RTK), and private media outlets. RTK, which is financed by taxpayers and governed by a board appointed by parliament, is seen as a mouthpiece of the government. The Association of Journalists of Kosovo (AGK) alleged that government officials, business interests, and media owners have issued verbal threats against journalists and their employers, and have otherwise obstructed reporters' work. In October 2014, an investigative reporter with the *Koha Ditore* newspaper claimed that officials with the EU Rule of Law Mission in Kosovo (EULEX) threatened to have him prosecuted after he refused to hand over documents informing a series of articles that implicated EULEX officials in corrupt activity. The AGK itself has experienced politically tinged controversy within its own ranks. Its chairwoman resigned in May 2014 amid allegations of improper links with the then ruling Democratic Party of Kosovo (PDK), and a new AGK head was later elected.

Journalists who criticize public officials are often denounced, sometimes as traitors or Serbian sympathizers. Editors have barred their reporters from publishing or broadcasting stories that are critical of the government or of particular officials due to the outlets' political leanings. In some cases, editors have allegedly threatened to fire reporters if they continued to produce such stories. Newspapers that are not aligned with the government or ruling parties have been subject to intimidation through tax investigations, or blocked from accessing public information.

Most print media outlets neglect coverage of news relevant to Kosovo's minority populations. However, according to a 2013 study by the Institute for Development Policy, a Pristina-based think tank, print media outlets that do cover minority issues generally do so in an unbiased manner. Most such outlets are operated by members of the Serb minority, who focus their coverage on events in northern Kosovo, ongoing normalization talks between Kosovo and Serbia, and interethnic relations. A 2012 law allowed RTK – which mainly carries content in Albanian – to establish a second, Serbian-language channel to serve members of Kosovo's ethnic Serb minority. The channel's establishment was criticized by several Serb journalists who claimed that the legislation placed decisions regarding the channel's leadership and finances in the hands of members of Kosovo's ethnic Albanian majority. The channel, RTK2, began broadcasting in June 2013;

however, it is available only via cable because it lacks permission to broadcast over a terrestrial frequency.

Journalists and media outlets continue to report threats and physical attacks related to their work. The AGK documented more than 25 attacks and threats against media workers in 2014. Among the worst such instances was an October attack in which an assailant entered the offices of the television station Klan Kosova and repeatedly stabbed an editor there; the editor, Milot Hasimja, survived the attack. The attacker was arrested, but had not been charged at year's end. In another incident in June, a reporter with the Serbian public broadcaster said he was arrested in connection with minor traffic violations as he prepared to cover a festival at Gracanica monastery, and sustained injuries after being manhandled while in police custody. A journalist specializing in political Islam received death threats after a radical group accused him of apostasy in August. In December, newly elected AGK head Zekirja Shabani was physically attacked by his employer, *Tribuna* owner Sejdi Demiri, who subsequently fired Shabani from the publication; the episode took place after Shabani announced that he was suing Demiri for failure to pay wages to *Tribuna* staff.

Successful criminal prosecutions of attacks and threats against journalists are rare. In March 2014, a court delivered a verdict in a high-profile case involving *Kosovo 2.0* magazine, in which a crowd of some 30 people had stormed the launch party of an issue that highlighted LGBT (lesbian, gay, bisexual, and transgender) and gender-identity issues. Three men were convicted of violating the equal rights of residents of Kosovo, preventing or hindering a meeting, and property damage; they were given suspended sentences for two years. Journalists have also reported pressure from police to report attacks and incidents of intimidation as personal rather than related to their profession.

Economic Environment

Kosovo has a large number of media outlets representing a variety of political viewpoints. There are 7 daily newspapers, 83 radio stations, and 21 television stations. Three of the television broadcasters have national reach, including RTK. Newspaper readership is low, and television remains the main source of information for most residents. About 84 percent of the population had access to the internet in 2014, according to Internet World Stats, and the government does not restrict access.

Private broadcast and print outlets are required to register with the Kosovo Business Registration Agency, a process that involves disclosing the names of their owners. Broadcasters must also obtain a license from the IMC, which is required by law to make its license registry public. Journalists say that while ownership transparency rules for the broadcasting sector are effective, it is difficult to determine who is truly backing many print media operations. Online media outlets remain unregulated, making it difficult to determine ownership. According to the 2014 European Commission progress report and many other sources, media ownership in Kosovo is highly concentrated.

Kosovo lacks a strong private advertising industry that could support the growth of private media. As a result, private broadcasters have been dependent on international donors. In 2013, the government decided to exempt broadcast media from the value-added tax. While some outlets have started to rely more on their own revenues from advertising, most remain financially unstable, and very few are able to operate without support from the government or businesses associated with public officials. The government is the country's largest employer and public entities provide the largest amount of advertising revenue. The prospect of securing advertising contracts from public entities has been known to influence editorial policies.

Journalists have few professional rights, earn low wages, and often work without contracts, leaving them vulnerable to corruption and prone to self-censorship. While a number of journalists' associations exist, there is no official journalists' trade union.