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KOSOVO

At first, the results of the 2014 national elections in June seemed to promise little disruption to the political status quo, as the Democratic Party (PDK) won the elections for a third time in a row. Yet, a very surprising turn ensued. Four major parliamentary parties (LDK, AAK, NISMA, and VV) joined in a post-election coalition bloc, creating a parliamentary majority to form the government and undermine PDK. On July 17, the coalition parties appointed Isa Mustafa, the leader of LDK, as the speaker of the national Assembly, in a session that PDK boycotted. The Constitutional Court later struck down the appointment, on the grounds that the largest parliamentary group should propose the candidate, as the constitution stipulates. A political deadlock followed, dragging on for six months. Finally, in December, PDK and LDK reached a new power-sharing agreement, and eventually the Assembly appointed Mustafa the new prime minister.

The political deadlock that started on May 7, when the Assembly was dissolved, and ended when the new government was appointed greatly affected other political developments in Kosovo, including the delay of certain key reforms toward EU integration. The European Commission Office and the European Union Rule of Law Mission in Kosovo (EULEX) represents the EU in Kosovo. The Mission, which is supposed to fight corruption, became a target of a corruption scandal itself. The scandal erupted when the Kosovo daily *Koha Ditore* published a story—based on leaked information—about top EULEX officials taking bribes to block prosecutions, colluding with criminal suspects, and giving classified information to Serbian intelligence service, among others. EULEX suspended one of its prosecutors, Maria Bamieh, on the grounds that she leaked the information to the newspaper—a charge that both the newspaper and Bamieh denied. Although the reporter did not reveal his source, testing the recently adopted Law on the Protection of Journalism Sources, he nevertheless faced enormous pressure by EULEX not to publish the story.

Sinking MSI scores demonstrate the deterioration of Kosovo's media sustainability in 2014. The year proved dangerous for journalists, too; the Association of Kosovo Journalists (AGK) registered about 25 attacks on journalists and declared 2014 the worst year for journalists on record. One journalist nearly died after a man entered his office and attacked him with a knife. The panelists detailed a number of threats to the safety of journalists in Kosovo.

Although Kosovo has done quite well developing the legal and social protections of free speech, ensuring the basic pluralism of the media landscape, and creating independent media regulatory bodies, the journalists' well being leaves a lot to be desired. Although a number of indicators across the five objectives suffered losses this year, by far the biggest was indicator 4 (attacks on journalists) in Objective 1; it dropped by more than a point and is a big part of the loss of 0.27 in overall score, down to 2.27 compared with last year's 2.54.

# KOSOVO at a glance

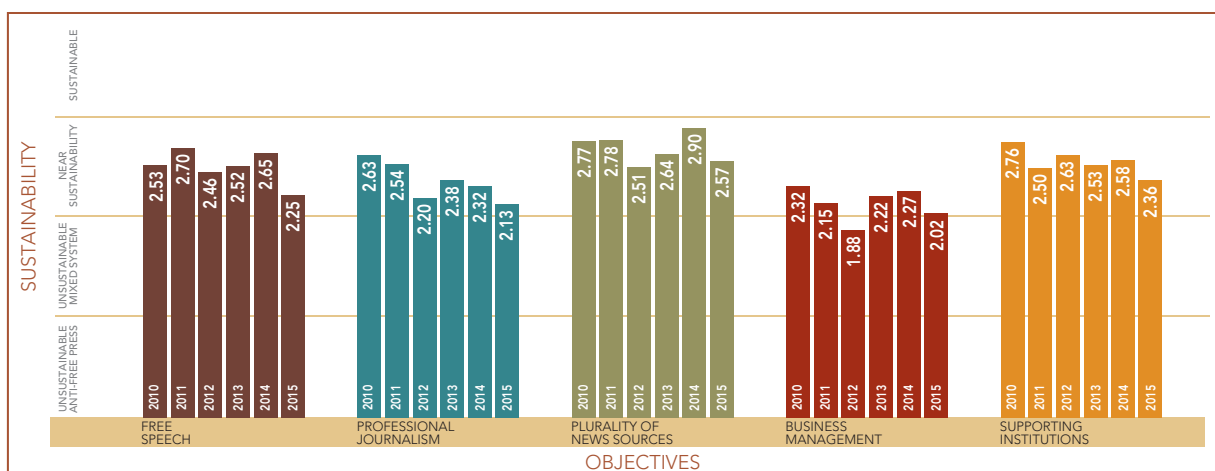
## GENERAL

- > Population: 1,859,203 (July 2014 est. *CIA World Factbook*)
- > Capital city: Pristina
- > Ethnic groups (% of population): Albanians 92%, Other 8% (Serb, Bosniak, Gorani, Roma, Turk, Ashkali, Egyptian) (*CIA World Factbook*)
- > Religions: Muslim, Serbian Orthodox, Roman Catholic (*CIA World Factbook*)
- > Languages: Albanian, Serbian, Bosnian, Turkish, Roma (*CIA World Factbook*)
- > GNI (2013-Atlas): \$7.193 billion (World Bank Development Indicators, 2014)
- > GNI per capita (2013-Atlas): \$9,090 (World Bank Development Indicators, 2014)
- > Literacy rate: 91.9%; male 96.6%, female 87.5% (2007 census, *CIA World Factbook*)
- > President or top authority: President Atifete Jahjaga (since April 7, 2011)

## MEDIA-SPECIFIC

- > Number of print outlets, radio stations, television stations: Print: 9 daily newspapers; Radio Stations: 92; Television Stations: 22 (Independent Media Commission, 2009)
- > Newspaper Circulation Statistics: *Koha Ditore* is the leading newspaper, followed by *Kosova Sot* (Index Kosova, November 2014)
- > Broadcast Ratings: RTK 22%, KTV 24%, RTV21 30%; Radio Dukagjini 29%, Radio Vizioni 10%, Radio Kosova 8% (Index Kosova, November 2014)
- > Annual advertising revenue in the media sector: N/A
- > News agencies: Kosovo Live, Kosovo Press
- > Internet usage: 85% of households have Internet access (INDEX Kosova, November 2014)

## MEDIA SUSTAINABILITY INDEX: KOSOVO



## MEDIA SUSTAINABILITY INDEX 2015: OVERALL AVERAGE SCORES



### CHANGE SINCE 2014

▲ (increase greater than .10) □ (little or no change) ▼ (.10 decrease greater than .10)

**Unsustainable, Anti-Free Press (0-1):** Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

**Unsustainable Mixed System (1-2):** Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

**Near Sustainability (2-3):** Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

**Sustainable (3-4):** Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

Scores for all years may be found online at [http://www.irex.org/system/files/EE\\_msiscorers.xls](http://www.irex.org/system/files/EE_msiscorers.xls)

## OBJECTIVE 1: FREEDOM OF SPEECH

Kosovo Objective Score: 2.25

Freedom of expression in Kosovo is firmly guaranteed, from a legal perspective. Fisnik Korenica, a legal expert and executive director of a Kosovo CSO, Group for Legal and Political Studies, backed up the notion that there is a solid legal basis that guarantees free speech and protects media organizations. The licensing and registration process of media is fairly regulated, since there are no legal restrictions for media organizations to enter the market. Even more, media organizations enjoy certain tax privileges, compared with other non-media businesses.

What really concerns the panelists is journalists' safety. Although no journalist has been killed recently, the panelists said threats and physical assaults are escalating. Such crimes against journalists come mostly from businesspeople and rarely from government officials directly.

Apart from the constitutional guarantees of freedom of expression, other laws significant to the journalism field include the law on access to public documents; the law on protecting news sources, copyright, and related rights; the law on prohibition of defamation and insult; and more. In addition, there are specific laws regulating the media working environment, such as the law on the public broadcaster and the law on the Independent Media

### LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

#### FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing or registration of media protects a public interest and is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against media professionals, citizen reporters, and media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > The law protects the editorial independence of state of public media.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily available; right of access to information is equally enforced for all media, journalists, and citizens.
- > Media outlets' access to and use of local and international news and news sources is not restricted by law.
- > Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists.

Commission (IMC). However, as some panelists pointed out, there is still no law on media, although they could not clearly articulate what such a law should address. Anamari Ragic, from public television (RTK), said that while the legislation is sound overall, it lacks mechanisms for implementation—especially with the many threats to the freedom of speech from politicians, businesspeople, and others.

The law on protecting news sources, adopted in 2013, emboldened a daily newspaper reporter to take a stand to protect his sources this year in the infamous EULEX case.<sup>1</sup> EULEX, the EU's largest crisis mission, includes a staff of over 1,600 policemen, judges, and prosecutors. In this case, Vehbi Kajtazi, a *Koha Ditore* investigative reporter, refused to reveal his sources despite intense pressure from EULEX officials. The newspaper's editor-in-chief said later that the officials threatened Kajtazi, warning, "Life could become difficult for him" and that he could face criminal prosecution if he published the story. Kajtazi's story, involving allegations that a high-level EULEX official took a bribe, became a major investigative case within EULEX and a topic of discussion in the European parliament. AGK later awarded Kajtazi its top honors for his anti-corruption article and publicly condemned such threats against journalists.

The body in charge of licensing broadcast media is the IMC. Appointments to the IMC board, which is composed of officials who are appointed by members of the Assembly, is finally complete. The IMC board had been without a quorum since last year, when the Assembly fired three IMC members. The panelists expressed their concern that some of the newly appointed members came in as back door appointments, which questions the whole institution's independence of political control.

Online media, on the other hand, do not have to pass any licensing procedure, and the number of news portals has increased. Besa Luci, editor-in-chief of the blog Kosovo 2.0, believes that many people have created websites and presented them as media but at the same time do not abide by any professional standards at all. Although they should be free to register, there should be some mechanism to encourage such media to apply journalistic ethics, Luci added. Many of those news portals publish materials in a copy-paste model, often violating copyrights.

Media organizations are registered as businesses, and market entry is free under the law. Imported media and working materials are exempt from the value-added tax.

<sup>1</sup> For more information on the case, see a partial version of the newspaper article in question here: <http://koha.net/?id=27&l=30922> (it was not published fully in the online version; it was published as a series of articles). More information is also available at, e.g., <http://www.hrw.org/news/2014/12/15/letter-high-representative-eu-foreign-affairs-and-security-policy-and-vice-president>.

In this case, Vehbi Kajtazi, a *Koha Ditore* investigative reporter, refused to reveal his sources despite intense pressure from EULEX officials. The newspaper's editor-in-chief said later that the officials threatened Kajtazi, warning, "Life could become difficult for him" and that he could face criminal prosecution if he published the story.

Private media are registered as businesses at the Kosovo Agency for Businesses, where owner names are listed, but the challenge is determining who really stands behind the owners, according to the panelists.

Media owners tend not to treat journalists very well, and poor implementation of the labor law across all sectors is common. Zekirja Shabani, president of the Association of Professional Journalists of Kosovo, said that a large number of journalists work without any written contracts (which is against the law) and their rights are not fully respected. This is also a result of the inefficiency of the labor inspectorate, Shabani said.

There is a specific law that regulates Radio Television of Kosovo (RTK), the public broadcaster in Kosovo. As requested by the law, RTK now operates with four television channels, including the Serbian-language RTK 2, which launched in 2013. Currently, RTK 2 is only available on cable and does not reach all of the Kosovo Serb population, especially in the North. Here cable providers have refused to include RTK 2, because they consider it a Kosovo government product and many in the Serb population are uninterested in it. Ropic blames the IMC for failing to ensure that RTK 2 broadcasting, as a public medium, spans the entire territory of Kosovo.

The state financing of the public broadcaster jeopardizes its editorial independence, the panelists believe. According to the law, a new model, whereby citizens would pay directly for the public broadcaster, should be implemented by 2015. RTK also provides programs in the language of minorities, such as Serbian, Turkish, Bosnian, and Roma, as specified by the law.

Gazmend Sylja, editor-in-chief of TV KLAN Kosova, said that the law favors the public television station over commercial television stations for the exclusive right to broadcast live Assembly sessions. Other stations can broadcast this content only with the RTK logo, said Sylja. RTK board members are appointed by Assembly members, and there is a wide

perception that board members are politically influenced—an impression shared by some of the panelists about the top management level of RTK.

The panelists agreed that 2014 was a difficult year for Kosovo reporters, who faced persistent threats, ranging from political pressure to physical threats, assaults, and attempted murders. AGK alone listed over 25 cases of assaults and threats against journalists; for example, two reporters were attacked by people protesting against plans for a "park" that would essentially function as an ethnic barricade at the main bridge across the Iber River in Mitrovica.

Yet, there are no clear statistics to facilitate a comparison of cases during the years, assess the reaction of institutions to attacks against journalists, or evaluate the prosecution of journalists.

The attempted murder of TV KLAN Kosova reporter Milot Hasimja was the most serious crime of 2014. Hasimja was repeatedly stabbed in the head and neck while he was sitting at his desk. The perpetrator, Sovran Sylja, attacked him over a story Hasimja wrote four years ago on the topic of Viagra use. Sylja later asked Hasimja to remove the story from YouTube, and Hasimja's refusal angered Sylja. Sylja was later arrested and is serving his jail time. Local and international journalists and human-rights associations, as well as the Kosovo government, condemned the attack. After this case, AGK organized a peaceful demonstration demanding a safer environment for journalists and better protection from law enforcement, especially the judiciary, which tends to prolong cases involving threats against journalists. Gazmend Sylja, the news editor at TV KLAN Kosova, expressed appreciation, however, for the wide solidarity that the public showed for his reporter.

In another attack on a journalist, the owner of *Tribuna* physically assaulted his former employee, Shabani. The assault came after Shabani publicly threatened to sue his newspaper for violating his work contract and delaying his salary for months.

Journalists who have criticized religious leaders also reported threats from religious extremists in the past year. In 2014, over 40 people and 12 imams have been arrested for participating, recruiting, or encouraging Kosovo citizens to fight alongside ISIS, although the law does not expressly prohibit such things. One journalist claimed that he received anonymous beheading threats for his critical tone against religious groups.

Libel is regulated by the civil code in Kosovo and not punishable with prison terms. According to Kosovo's legal standards, though, the burden of proof falls on the defendant. Kreshnik Gashi, a journalist with the Balkan

Investigative Research Network (BIRN), said that so far no journalist has been found guilty of libel and no notable cases went forward last year. It is typical for politicians/businessmen to threaten to sue the media when they are accused of corruption, but they rarely move forward with an actual lawsuit. Journalists may also be sued for defamation by judges and prosecutors.

Trial processing is very slow and inefficient and fails to project a clear message that the rule of law is guaranteed in cases of intimidation of journalists and media employees. Remzie Shahini-Hoxhaj, a journalism lecturer at the University of Prishtina, believes that due to the high volume of cases submitted to the courts and the long time that it takes cases to be processed, many people are discouraged from suing someone when affected by libel.

The law guarantees access to public information; its implementation, however, leaves a lot to be desired. In a recent study, BIRN<sup>2</sup> noted that out of 300 requests for public information, only 30 percent received a full answer, Ropic said. Ardian Collaku, from Gazeta Blic, said that access to more sensitive public documents is simply not possible. He said Gazeta Blic had sent more than 10 different requests to various institutions and never received a response. He mentioned cases involving two major government tenders, involving construction of the national highway and that of selling the energy network and supply. In both cases, the government never provided the media access to review the contracts.

Luci also expressed concern that a large number of journalists lack awareness of this law, which is used mostly by investigative reporters. Gashi added that the law on the protection of personal data has created some confusion and problems for journalists attempting to gain access to public documents, as some public officials, citing this law, have refused to provide certain information to journalists. But in cases when the Agency for Protection of Personal Data has been consulted, it has confirmed that the law does not prohibit the publication of such information, said Gashi.

The panelists pointed to the government's failure to designate an official spokesperson for the past four years as another problem that may be leaving it in contempt of its obligations to the public. Bloggers and reporters from local media outlets face even more difficulty in accessing official information, because public officials face few consequences for refusing to collaborate with them, according to Luci. However, public officials regularly use Facebook and Twitter.

<sup>2</sup> Balkans Investigative Reporting Network (BIRN). Report on Access to Public Documents 2013-2014. June 2014. Available at [http://www.drejtisianekosove.com/repository/docs/report\\_on\\_access\\_to\\_public\\_documents\\_2013-2014\\_824655.pdf](http://www.drejtisianekosove.com/repository/docs/report_on_access_to_public_documents_2013-2014_824655.pdf) (accessed March 4, 2015).

In 2014, Twiplomacy ranked the former foreign minister of Kosovo, Enver Hoxhaj, among the top 25 world leaders most active on Twitter. Politicians also use Facebook frequently to communicate with the media and public.

Nevertheless, the law does not restrict access to or use of local and international news and news sources, and entry into the journalism profession is free. The government imposes no restrictions or licensing requirements upon individuals practicing journalism.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kosovo Objective Score: 2.13

The overall score for Objective 2 shows that, like freedom of speech, the level of professional journalism has deteriorated. The panelists pointed out a number of issues related to professional standards; for instance, while reporting generally appears to be fair and objective, there are many stories based on anonymous sources. A code of ethical standards is in place, yet media organizations do not effectively enforce them. As online news portals remain unregulated—and regularly breach copyright standards—they detract from media professionalism. Self-censorship is practiced mostly at the editorial level and stems mostly from the perceived fear of losing commercial benefits. Pay levels for journalists remain low, especially in the print and local media. However, journalists tend to cover key events and issues, technical facilities for gathering and distributing news are quite efficient, and entertainment programming does not eclipse news and information programming.

### JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

#### PROFESSIONAL JOURNALISM INDICATORS:

- > Reporting is fair, objective, and well-sourced.
- > Journalists follow recognized and accepted ethical standards.
- > Journalists and editors do not practice self-censorship.
- > Journalists cover key events and issues.
- > Pay levels for journalists and other media professionals are sufficiently high to discourage corruption and retain qualified personnel within the media profession.
- > Entertainment programming does not eclipse news and information programming.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exist (investigative, economics/business, local, political).

Another piece revealed corruption among some cardiologists, including mistreating patients and re-routing patients from public hospitals to their private clinics for profit, and led to the arrest of some of the doctors.

Reporting in general is fair and objective. Most reporters adhere to professional standards in terms of respecting key principles, such as fact checking all information they present, consulting different sources, and including comments from experts. However, reporters sometimes lapse and draw criticism from the Press Council of Kosovo—a self-regulatory media body to which most newspapers, news agencies, and news portals subscribe. In 2014, investigative reporting produced certain changes. Many stories in the print media contributed to some changes; for example, a story about plagiarism at the University of Pristina led to the resignation of the rector. Another piece revealed corruption among some cardiologists, including mistreating patients and re-routing patients from public hospitals to their private clinics for profit, and led to the arrest of some of the doctors. Another example of investigative work involved stories about Kosovars fighting in Syria, which led to the arrest of alleged recruiters.

Most media organization adhere to ethical standards put forward either by journalists' organizations or individual media outlets. The Press Council's code is considered the most advanced, according to Gashi. Gashi explained that his media organization strictly prohibits reporters from accepting any gifts—or even a drink—from people related to their story. RTK has its own code of ethics, while IMC regulations also speak about ethical standards for broadcast media.

However, the panelists expressed serious concern about the hate speech disseminated by online portals, either through the reporting itself or uncensored, un-moderated, anonymous comments by readers. The panelists see the deterioration of journalism professional standards as a result of the rapid rise of online news portals, which are not legally regulated and remain outside the control of state regulatory media bodies, like the IMC. Some portals are controlled by business companies or political groups and are used to advance their own interests, said Shabani. The emergence of many portals, according to the panelists, has created a chaotic situation. However, it is the market that will determine which survive and which drop out. Shahini-Hoxhaj pointed out another dangerous trend used

by many portals: making headlines from the Facebook or Twitter status of a politician, without bothering to further investigate such topics.

Self-censorship among journalists and editors persists. While journalists tend to self-censor because they fear for their safety, on the management level the main reason tends to be a fear of losing certain business interests. Some media organizations are linked with certain types of businesses, but it is difficult to get clear information about this influence because no media publicly acknowledge that they draw support from business interests. The panelists said that self-censorship is also practiced in such cases where people with high-profile media jobs, such as publishers or editors-in-chief, join a political party. For example, the owner of the daily *Kosova Sot*, Margarita Kadriu, left the newspaper last year to join PDK, the largest and then the ruling political party. In such cases, reporters are afraid to (negatively) report on their former boss.

Pay levels for journalists are low in general, except for those working for the public media or international media. The average reporter does not earn enough to make a decent living, according to the panelists. Furthermore, most reporters work long hours, and most media outlets do not provide paid maternity leave for their female reporters—despite the fact that the labor law guarantees this right. Such working conditions render this profession unattractive, and this is the reason why many journalists leave for other positions, such as government jobs.

A new trend is the outflow of journalists from private to public media, mainly due to better salaries and benefits. In commercial television, only close relatives of the owner or the star journalists enjoy relatively good salaries. In most cases, interns are not paid, and the probation period for beginners may last several months—and they may not be paid at all. Salaries in commercial media are non-competitive. Some private media pay reporters as low as €150 per month.

Despite this, journalists cover key events and issues. Covering protests remains a challenge, though, as seen in the attack on two reporters during a protest in Mitrovica (mentioned above). In that case, the police still have not managed to identify the perpetrators.

Entertainment programming does not eclipse news and information programming, and with the advancement of cable and online media, people can get information when they need it. Informative programs have their audience, especially the evening news edition, but Turkish television series are almost equally popular. Facilities for gathering, producing, and distributing news are modern to an extent. Digitization poses some challenges in terms of equipment,

though. Local media are in a less favorable position to buy the newest technology. Given the fact that the media are preparing for digitalization, most resources are directed toward it, at the expense of program content.

Investigative reporting is evident in the mainstream media, and there are media that specialize entirely in it, such as BIRN. However, the panelists highlighted the need for more extensive specialized training of journalists. Gazmend Sylja said that editors and publishers do not sponsor many investigative reports, due to the long time commitments involved. Low salaries are another reason why reporters refrain from engaging in such activities. Most newspapers lack specialized editors, as well as specialized reporters in specific fields; most reporters are generalists.

### OBJECTIVE 3: PLURALITY OF NEWS

Kosovo Objective Score: 2.57

Objective 3 has typically received the highest score from the panelists. Although the overall score dipped a little from last year, possibly because another newspaper closed due to financial constraints, the panelists emphasize that there is still a plurality of public and private news sources. With regard to public media, RTK has further increased its channel offerings, from two to four. Private television also contributes to the multiple viewpoints, especially for stories against governmental practices, where the public media tend to hold back. With expansive Internet offerings

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE, OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > Plurality of public and private news sources (e.g., print, broadcast, Internet, mobile) exist and offer multiple viewpoints.
- > Citizens' access to domestic or international media is not restricted by law, economics, or other means.
- > State or public media reflect the views of the political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for media outlets.
- > Private media produce their own news.
- > Transparency of media ownership allows consumers to judge the objectivity of news; media ownership is not concentrated in a few conglomerates.
- > A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources
- > The media provide news coverage and information about local, national, and international issues.

Ardita Zejnullahu, executive director of the Association of Kosovo Independent Electronic Media, mentioned the evaluation of the European Observation Mission, which stated that during the pre-campaign period in the national election, RTK gave more coverage to PDK (ruling party) in the evening news edition.

as well as cable services, citizens' access to domestic and international media has widened, too. Independent news agencies gather and distribute news for media outlets according to subscription agreements, although private media usually also produce their own news. The question of the public media's independence from government influence, as well as that of new media ownership transparency, represent two challenges identified by the panelists, as elaborated below.

There are many news sources—television stations, newspapers, radio stations, and online media—that offer opportunities to check one source against another. Overall, the media cover the various political viewpoints. The number of private media, especially online media, has been increasing over the years. Kosovo is seeing the opposite trend with newspapers, though, as almost every year another newspaper cuts out its print version. In 2014 it was *Tribuna*, which is now only an online news portal. Its closure left most of its reporters and editors jobless.

News portals rarely produce their own news anymore. They simply copy-paste news from newspapers and television stations. The content of online portals differs from that of websites of established television stations, newspapers, or news agencies, which produce their own news.

Social networks are also a news source, but blogs are not very popular. Foreign media are available, and the Internet and cable networks broadcast a wider range of media (national, regional, and international). The problem is for people living in rural areas, which do not receive terrestrial broadcast signals, forcing residents to pay for cable services.

The law does not restrict citizens' access to domestic or international media. However, to some degree, people's income levels affect their ability to buy newspapers. The most expensive newspaper costs €0.50, while cable and the Internet are not very cheap, either. Lately, cable and the Internet also have spread heavily across villages



and smaller towns. With the advance of cable, satellite is less and less common. Cable providers offer various local and international channels in all languages of Kosovo communities.

The panelists expressed concern that direct financing of the public media from the state budget is jeopardizing their editorial independence. Ardita Zejnullahu, executive director of the Association of Kosovo Independent Electronic Media, mentioned the evaluation of the European Observation Mission, which stated that during the pre-campaign period in the national election, RTK gave more coverage to PDK (ruling party) in the evening news edition. RTK is well favored, compared with other private television stations, because it has the right to generate its own profit from advertising, apart from the state budget. However, it is restricted to six minutes per hour, compared with the 12 minutes allotted to commercial television stations. According to Ragic, the public media are, by law, forced to be independent of influence, and so far they are fulfilling their mission. Public media are open to different viewpoints, but nonetheless they are still often accused of pro-government bias and are insufficiently critical, said Ragic. Collaku also believes that public television spends a predominant amount of time reporting on government activities. Since 2008, when PDK came to power, most of the information time was dedicated to this party. Also, even when there were more important daily stories, RTK's first stories in its news edition were about the prime minister, Collaku said.

Public media are legally obligated to provide educational and cultural programming. However, when comparing programming, it is difficult to tell whether public media provide better-quality or more in-depth reporting than private media.

News agencies, like Kosovapress, also serve as a good source of information for Kosovo media. There is no selective distribution of news from the news agencies; it all depends on subscription agreements. Gent Efendia, editor-in-chief of Kosovapress, explains that the monthly subscription for Kosovo media is €250. There are some online portals that do not subscribe but still take Kosovapress stories and publish them as their own news. Efendia said that they have sued some of those outlets. Kosovapress employs over 70 people. National media can afford to buy news content from international news agencies, such as AP, Reuters, and AFP, but that is out of reach for local television stations because their financial situation is not strong enough. Private media and community media produce their own news.

Transparency of media ownership is well regulated for broadcast media; however, newspapers and online portals are less transparent.

The mainstream media support a wide range of social interests, but not consistently. For example, the Roma community does not attract much media attention. Minority media exist within RTK and as local private media, too; they are available to all citizens since most of them are included in cable packages.

Local television stations provide enough news about their hometown, as well as national and international news. Nexhmedin Spahiu, the owner of local television station TV Mitrovica, said that his station constantly reports about minority groups. Local television stations tend to provide more in-depth reporting about local news, compared with national media television stations, which report only the most important stories related to rural areas. Local blogging is not developed in rural areas, while SMS alerts do not exist. Citizen reporters nowadays provide a good source of information, thanks to the widespread use of smart phones and 3G Internet coverage.

## OBJECTIVE 4: BUSINESS MANAGEMENT

Kosovo Objective Score: 2.02

Objective 4 traditionally receives the lowest score of all objectives, and this year, too, the panelists agreed that Kosovo's media are not very well-managed enterprises. The poor financial climate for local media, the public media's inability to secure financing apart from the state coffers, the lack of market research, and the lack of credible broadcast rating and circulation figures all conspire to keep the scores down.

### MEDIA ARE WELL-MANAGED ENTERPRISES, ALLOWING EDITORIAL INDEPENDENCE.

#### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets operate as efficient and self-sustaining enterprises.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards.
- > Government subsidies and advertising are distributed fairly, governed by law, and neither subvert editorial independence nor distort the market.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor the product to the needs and interests of the audience.
- > Broadcast ratings, circulation figures, and Internet statistics are reliably and independently produced.

The panelists said that some media are facing large sums of debts or are on the verge of bankruptcy. Some can barely meet their annual expenditures or pay the salaries of their staff. Most media hire specialized staff for accounting and marketing, but most have no business plans or strategic plans for growing their business. Despite the financial challenges, national and local television stations have managed to stay in the market for over 15 years now.

There are exceptions. The largest media organizations, which include the national television stations, some private television stations, and most newspapers, operate as efficient and well-managed media. They prepare and follow business plans that help them secure financing. The public media are in a better financial position than others, mainly due to the security that comes with state funding. Minority media, in contrast, face the most difficult situation—they are neglected by advertisers, who tend to concentrate on the national media.

Most media, including local media, rely primarily on advertising, while subscriptions work only for cable providers and some magazines. Companies that use advertising, which is sometimes the only source of revenue for the media, have increased, but not significantly.

Commercial banks, telephone companies, supermarkets, and private universities are some of the biggest advertisers. Due to the small overall advertising market, the price that advertisers will pay has declined. However, the advertising companies do a reasonably good job, as ads are generally quite professional, the panelists agreed. The government is another advertiser. Although it tends to be selective, according to the law the government must give priority of advertising to those media with the highest viewership/circulation. But the lack of reliable data on such figures has given the government more flexibility to advertise in various media. The law restricts public media advertising to half of the time allowed for private media, so as to not impede the development of the commercial media sector. Private media oppose this practice, because public media already have secure funding and therefore should not take away advertising opportunities from other media, some panelists commented.

Media outlets have discovered that soap operas attract large audiences, thus helping to boost the volume of advertising when they are part of the strategy. In general, news and information content does not get lost at the expense of

Market research is rarely used to formulate strategic plans or enhance advertising revenue. Although there are companies that conduct market research, most media organizations simply cannot afford their services.

advertising. However, the situation changes during the election campaign period. Political marketing is prohibited; it exists only during the election campaign. Gazmend Sylja said that during election campaigns, though, the large number of ads and promotional activities of political parties usually change programming schemes. The panelists pointed out that some private media have a private company behind them, which secures the basic funding, and then they use advertising time to promote their products. Since most of the media are also online, they have created opportunities for online advertising.

Public institutions often punish media that report against their activities. Collaku mentioned the case of Gazeta Blic and the Ministry of Agriculture. Gazeta Blic uncovered a scandal at the Ministry, which allegedly bought a tractor to give to a farmer in the form of a subsidy at double the market price. The Ministry reacted by buying ad space in all the rest of the media, hoping to stop them from further investigating or reporting on the scandal. Gazeta Blic was left out, said Collaku.

The government has stopped providing subsidies to local and community media, yet it remains an important advertiser. In the past, both the government and businesses have stopped advertising with a media outlet that has been critical.

Market research is rarely used to formulate strategic plans or enhance advertising revenue. Although there are companies that conduct market research, most media organizations simply cannot afford their services. A related problem is the lack of reliable broadcasting rates or circulation figures. In some cases, individual media have sponsored such research, and they secured the top spot. This has damaged the credibility of such ratings. (Anecdotally, for years it has been widely perceived that soap operas are the most watched programs in the evenings and that RTK's evening news is the most watched of all news editions.)

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kosovo Objective Score: 2.36

The panelists have praised the existence of supporting institutions. Trade associations are very active in representing and promoting private media owners' interests. Journalists have their own professional associations, too, which in 2014 were very active. The relationship between NGOs and media organizations is fairly strong, as the former always support the principle of free speech. The number of journalism degree programs has increased, but their quality remains a challenge. Sources of media equipment, such as newsprint and printing facilities, are apolitical and not monopolized.

The Association of Independent Electronic Media of Kosovo (AMPEK) represents private television stations, and in 2014 AMPEK actively provided input on the new national strategy for digitalization, an IMC initiative. Zejnullahu, who represents AMPEK, mentioned some of its key lobbying activities recently to protect the interests of private broadcasters. She said AMPEK lobbied the Assembly to fire three IMC members for violating the law. It also stopped the bill on digitalization because its content could jeopardize the diversity and freedom of media in Kosovo and it managed to suspend a new IMC regulation that would have increased the licensing fee for Kosovo broadcast media.

The public broadcaster is part of the Regional Association of Public Broadcasters, in cooperation with the European Broadcasting Union (EBU). Journalists working for RTK

have their own trade union. The Association of Kosovo Journalists (AGK) is the largest professional organization that represents Kosovo journalists, including reporters, photographers, and cameramen. AGK's reputation suffered a blow after some of its board members resigned in a show of disagreement with the policies of its chief. Eventually, the head of the organization resigned as well. Shabani, who is the new head of the organization, said that AGK has been very active in promoting journalists' rights and has even organized a protest in the case of the attempted murder of Milot Hasimja. The panelists praised Shabani's courage for publicly condemning his own media for delaying his salary, suing it for breach of contract, and calling on all media employers to pay their staff's salaries.

However, Kosovo journalists have not managed to create a trade union that would lobby for their labor rights. Trade unions exist only with the public broadcaster. There are no legal restrictions on the registration of associations, as long as unions respect the law on trade unions. Journalists' associations also provide training and free legal assistance for their members. AGK includes all sorts of journalists—investigative reporters, bloggers, economic reporters, etc. Membership is free, so AGK's activities depend heavily on the funding provided by foreign donors. The new leadership now is in the process of updating its membership list. Another, less active, association is the Union of Kosovo Journalists.

Some media organizations organize in-house training for their staff. Gashi said that almost every month BIRN organizes a training on specific topics, such as covering demonstrations, reading financial tables, reporting from the court, etc.

NGOs actively support the media and freedom of speech, but few NGOs deal directly with media issues; they are more oriented toward good governance, protection of human rights, and public policy. However, local NGOs always react to freedom-of-speech violations, they protest if there is an attack on journalists, and they participate in drafting laws that relate to the media. GAP Institute, GLPS, Indep, and BIRN are all local NGOs that are very active during the drafting of media legislation. Other NGOs supported the protest organized by the AGK to demand a safer environment for journalists after the Milot Hasimja case. Registration of NGOs is very simple and cheap.

The panelists praised the existence of journalism degree programs, offered both by the public and private universities, but expressed concerns about their quality. They said that the programs do not provide sufficient practice-oriented training. Overall, the number of graduates at the state level exceeds the market demand.

### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

#### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of media owners and managers and provide member services.
- > Professional associations work to protect journalists' rights and promote quality journalism.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs exist providing substantial practical experience.
- > Short-term training and in-service training institutions and programs allow journalists to upgrade skills or acquire new skills.
- > Sources of media equipment, newsprint, and printing facilities are apolitical, not monopolized, and not restricted.
- > Channels of media distribution (kiosks, transmitters, cable, Internet, mobile) are apolitical, not monopolized, and not restricted.
- > Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

There are many opportunities for students to study journalism abroad. Mainly foreign organizations or foreign state governments provide such scholarships. USAID, for example, offers 185 scholarships for master's degrees and 160 certificate scholarships, including journalism. However, the volume of opportunities to send Kosovo journalists abroad for training has slowed in comparison with the years right after the war, when many donors supported such trainings. Nowadays, the media themselves appear to be reluctant to send their staff away for a few days because it creates a vacuum at home.

There are no government restrictions on media to import media equipment or commodities, such as newsprint, video cameras, or transmission equipment. On the contrary, the government has exempted the media from customs duties when importing such equipment. Printing houses are privately owned companies, and they provide equal opportunities for all media outlets. The government does not interfere with the channels of media distribution, such as kiosks, cable, and the Internet. Such services are not apolitical, not monopolized, and not restricted.

The current ICT infrastructure meets the needs of the media industry. However, with the digitalization process (which is expected to start in 2015), there will be a need to upgrade the technology. Kosovo is late with digitization, and thus the whole infrastructure is in question. The panelists believe that this will be a challenge for local television stations and that the government's intervention in the form of subsidies will be necessary.

## List of Panel Participants

**Kreshnik Gashi**, journalist, Balkan Investigative Research Network, Pristina

**Zekirja Shabani**, president, Association of Professional Journalists of Kosovo, Pristina

**Besa Luci**, editor-in-chief, Kosovo 2.0 Blog, Pristina

**Ardita Zejnullahu**, executive director, Association of Kosovo Independent Electronic Media, Pristina

**Fisnik Korenica**, legal expert and executive director, Group for Legal and Political Studies, Pristina

**Gent Efendia**, editor-in-chief, KosovaPress, Pristina

**Ardian Collaku**, editor-in-chief, Gazeta Blic online news portal, Pristina

**Gazmend Sylja**, editor-in-chief, KLAN Kosova Television, Pristina

**Anamari Repic**, deputy director, Radio Television of Kosovo (RTK2), Pristina

**Nexhmedin Spahiu**, general director, Radio Television Mitrovica, Mitrovica

**Remzije Shahini-Hoxhaj**, professor of journalism, University of Prishtina, Pristina

## Moderators

**Antigona Berisha-Lucaj**, researcher, GAP Institute for Advanced Studies, Pristina

**Jeton Mehmeti**, research director, GAP Institute for Advanced Studies; lecturer of journalism, University of Pristina, Pristina

## Author

**Jeton Mehmeti**, research director, GAP Institute for Advanced Studies; lecturer of journalism, University of Pristina, Pristina

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