

2015/04

The state of the Media in Kosovo 2015



This report was published with the kind support of Free Press Unlimited.

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The Institute for Development Policy (INDEP)

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Bashkëpunimi Rajonal
Regional Cooperation



Zhvillimi i Qëndrueshëm
Sustainable Development



Qeverisja Demokratike
Democratic Governance

I. INTRODUCTION

The State of the Media in Kosovo is a yearly report released by the Institute for Development Policy since 2012. The report analyzes the persistent issues affecting the freedom of speech and the media sector in Kosovo specifically. Year on year, the report evidences advances that have been made on the most pressing issues in the country during the year and continuing and new issues. Additionally, the report qualitatively assesses trends identified by other more widely focused reports on the freedom of the media globally.

For 2014, international media reports covering the freedom of media in Kosovo indicate a slight improvement of the overall score and performance. These improvements are mainly attributed to the tendency of the Kosovo legislative bodies to patch the missing pieces of the legislation on media in Kosovo. This is also fuelled by the advocacy efforts of local and international organizations present in Kosovo. Kosovo also is performing better than the region's other countries in terms of the severity of the issues analyzed, something not reflected in the scores.

Despite the improvements noted above, a series of challenges remain. Primarily, Kosovo media regulatory agencies are failing to meet their mandates. The IMC has not made any serious advances in the process of digitalization in Kosovo for the 6th year in a row and comes short of ensuring full adherence to codes of conduct. The institution is also subject to recurring political interference that have paralyzed it. The Kosovo Press Council on the other hand is unable to ensure its own financial sustainability through the processes foreseen in its Statute. The institution also has no executive power or legal support in ensuring the implementation of its statutes or decisions.

The Radio Television of Kosovo continues to be presented with challenges regarding its financing, management and political interference. Primarily, the institution still hasn't resolved the issue of independent financing. Secondly, accusations of political interference in the public broadcaster have increased steadily through the year. Finally, the institution has been subject to internal managerial issues that have been the subject of public controversy and protest. These issues are eroding the public's trust in the broadcaster.

A crucial persistent problem remains pressure against journalists and editors in all forms. Primarily, physical attacks are a recurrent issue and the persistence of impunity among the attackers is scarcely being dealt with by authorities. Secondly, threats are not taken seriously whereas there is a lack of development of public conscientiousness regarding the profession. Third, financial pressures from struggling media and lack of implementation of laws remain serious issues.

Finally, the media in Kosovo remain largely uncompetitive both in terms of their internal capacities and more advanced media business management techniques. This is affecting the ability of the media to draw advertising revenues and integrate vertically therefore creating a largely fragmented media system. This further affects the ability to attract and incite the development of an advertising market.

This year's report focuses on the aforementioned issues, causes and potential solutions to the problems with an aim to address these issues in the long term.

II. METHODOLOGY

Through this report, INDEP aimed to identify the policy processes driving the most common and persistent issues affecting the media sector as identified by international reports. In order to do so, INDEP applied multiple methods of inquiry and has enriched the comparative analysis of the international report with own insights. The main aim of the State of the Media report is to serve as the main outlook for the media sector in Kosovo. .

Four different sets of yearly, in-depth, international publications that analyze the state of the media in Kosovo were chosen. The reports were selected according to – not in order of importance – prominence, developed and proven method of evaluation, consistence, independence, diversity of donors and professionalism. These reports were subsequently analyzed for the following information: any and all scoring factors pertaining to the media sphere and all conclusions, positive or negative, pertaining to the media sphere for all years that reports were published on Kosovo.

INDEP used all scoring data to quantify an overall curve of performance over time of the media sector in Kosovo. All graphs in this paper are generated by INDEP, unless otherwise specified, using data publically available from Freedom House Nations in Transit, Reporters Without Borders Media Freedom Index, European Commission Country Progress Reports, IREX Media Sustainability Index.

Regarding common and persistent issues – a persistent issue was considered any issue identified for three or more years. Common issues were regarded those that were identified in at least three of the aforementioned international reports for three or more consecutive years. Negative issues that fit both categories but were identified as solved and not repeated again were discarded from in-depth consideration. As a result, INDEP concluded that there were four major issues that were both recurring and common among the reports, and are analyzed in detail in the end of this paper. The subsequent analysis is qualitative, with an evaluation of the legal framework, policies and practices for all the issues.

INDEP also assessed the findings according to The State of the Media in Kosovo 2013 report, checking the improvement on the persistent issues isolated in that report and the state of implementation of the recommendations.¹ All persistent issues analyzed last year have also been followed up in this edition if no resolution has been achieved in them.

The analysis contained herein has been based on facts and policies that were correct to the best knowledge of the authors at the time of publication.

III. INTERNATIONAL REPORT ANALYSIS

Kosovo continues to be the target international organization reports covering the progress of several key issues concerning freedom worldwide and in Europe. The reports track the progress of countries transiting from non-democratic systems of government and often focus on the freedom of speech and as a consequence the freedom of media. These evaluations are generally conducted

¹ Qavdarbasha, S. State of the Media in Kosovo 2013, The Institute for Development Policy (INDEP): Prishtina: 2014.

based on specific methodologies for each report. The reports draw on the UN principles of freedom of speech and media and their evaluation criteria are based on best journalistic practices.

The Institute for Development Policy (INDEP) assessed the main issues that concern the freedom of the media in Kosovo according to these reports. This study assess the period running from March 2014 to March 2015.² The findings for 2014 seem to indicate that while there has been progress in ensuring an overall appropriate legal system, no advances have been made to address the basic issues facing journalists in their day-to-day work.

III.i The European Commission – Progress Report.

One of the primary external sources of assessment for Kosovo's overall progress remains the yearly Progress Report by the European Commission (EC). These reports are issued for all countries aspiring to join the European Union (EU) and evaluate progress toward implementing a set of legal requirement and other best practices. Published since 2005, these reports also include considerable detail concerning the media sector in Kosovo, both from a legal and practices perspective. Due to a lack of consistency of year-on-year reporting by the EC regarding progress reports, it is no longer feasible to quantify with confidence progress/regress regarding the issue of freedom of the media. As a result, Progress Report data is reported qualitatively herein, recording lack of mention of issues identified in previous years as an improvement on those issues.

The Progress Report on Kosovo for the year 2014 – 2014 remains focus on the issue of the enforcement of the legal framework in order to ensure the freedom of journalists. The report marks as an improvement the fact the Independent Media Commission again has an operating Board of five out of seven members, enough to constitute a quorum.³ Despite this, the report does point out that appointments favored political affiliation rather than independence. However, the report continues to consider that attacks against journalists remain an issue, especially when concerning LGBTI reporting. Attacks against journalists have been a recurring issue identified in previous Progress Reports and other international and local reports concerning the media.

Continuing with past trends, the report focuses on the legislative and institutional framework concerning media regulative bodies in the country. The primary issues the report identifies concern the autonomy of journalists, lack of protection of professional standards and the right of the public for correction of incorrect information. Additionally, the report makes a claim about the lack of the right of conscientious objection for journalists. Nonetheless, it is unclear what the drafters of the reports were referring to, seeing as military service in Kosovo is purely voluntary. Finally, the report identifies the issue of the lack of sustainability for the media in Kosovo, both public and private, as well as increasing concentration.⁴ Finally, a recurring problem with some instances of hate speech, mainly in online portals, is identified.

² At the time of publication of this paper, not all international reports addressed in the Methodology section of this study have been published for 2014. INDEP will publish an updated version of this study as soon as all reports become available.

³ European Commission, "Commission staff working document - Kosovo* 2014 Progress Report," p.3. Accessed on April 13, 2015: http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-kosovo-progress-report_en.pdf

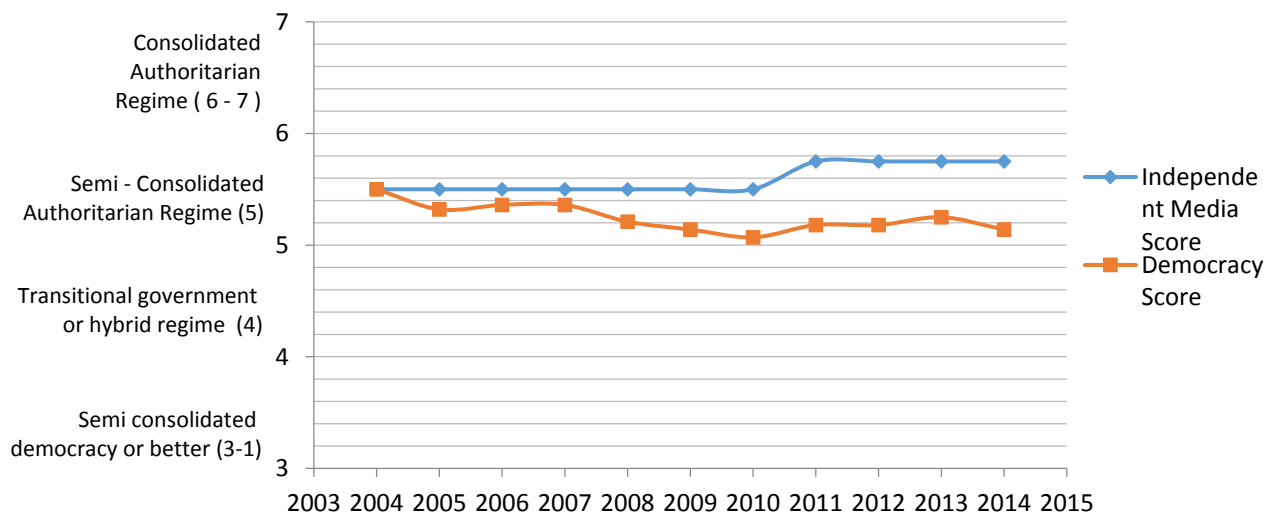
⁴ Ibid, p.17.

Compared to previous years, according to the European Commission, Kosovo has made some progress in ensuring a suitable legal framework for the protection of journalists and editors. Additionally, progress has been marked by the prosecution of the assault on an event intended to promote a magazine issue on sex, sexual orientation, gender identity, etc. However, issues still remain with regulatory bodies and the respective regulatory framework. Moreover so, the media's continued lack of economic sustainability and concentration of ownership is a problem, particularly due to lack of rules concerning media ownership transparency. Finally, assaults against journalists are persistently seen as a problem.

Freedom House – Nations in transit

Another key report focusing on Kosovo's overall development is the Nations in Transit (NiT) report by Freedom House (FH). The report is a comprehensive yearly study of the progress in reforms of countries with a communist past in Europe and Eurasia. Two approaches are used to evaluate progress in countries, primarily by employing sector-specific experts in the qualitative assessment of development as well as the usage of numbered ratings to track progress. Despite the fact that the numbered ratings are coherent throughout the years and are given based on an established methodology there are some issues with cross-country similarity in judgment. What constitutes grounds for a deteriorating or improvement of the score in one country do not seem to be significant for another. This puts into question the reliability of the scored component of the study. However, the qualitative assessment is substantial, sourced and thoroughly edited and therefore stands in terms of credibility. As can be seen for the graph, no substantial improvement in to the independent media score has been noted for 2014.

Freedom House - Nations in Transit Scores



Primarily, negative developments have focused around the complicated legal system in place to regulate the media sector and ensure the freedom of media and journalists. With a total of 15 laws, the legal system has been considered to be overlapping with implementation remaining a serious

problem.⁵ The advertising market in Kosovo is also considered to be insufficient to fund all the current number of media in the market in the country, affecting the remuneration for journalists. Additionally, the report cites the lack of contracts between journalists and their employers as an issue. According to FH, there is continued government interference in the work of traditional media, with the Radio Television of Kosovo being a serious problem.

Issues are also identified in the media regulators. Similar to the Progress Report, FH focuses on the issue of political interference in the Independent Media Commission (IMC), especially due to the politicization of appointments. This has caused several issues with the regulatory duties of the IMC, such as the digitalization of transmission in Kosovo, the regulation of cable television providers, etc.

The report continues to consider, as per previous years, that the Law on Access to Public Documents is lacking both in terms of provisions and implementation. Finally, the report states that while journalists are allowed to freely assemble, the current organizations in the sphere are not fully functional.

Positive developments revolve around the fact that internet penetration in the country is high and it continues to expand. Additionally, there are no efforts or measures in place to limit the freedom of the net and there is a considerable proliferation of internet-based portals.

Overall, the Nations in Transit report paints a bleak picture of the media in Kosovo. Compared to previous years there seems to be a slight improvement concerning the legal framework regarding the freedom of the media, with the provisions currently in existence thought to be better than in the past. Nonetheless, the laws are too spread out and overlapping and concentration of media ownership is a problem, according to NiT. Additionally, as in the previous years, the media regulatory bodies are continually thought to be ineffective and government meddling in the public broadcaster is said to persist. Finally, while FH states that violence against journalists has culled, prosecution of cases of violence against journalists are low.

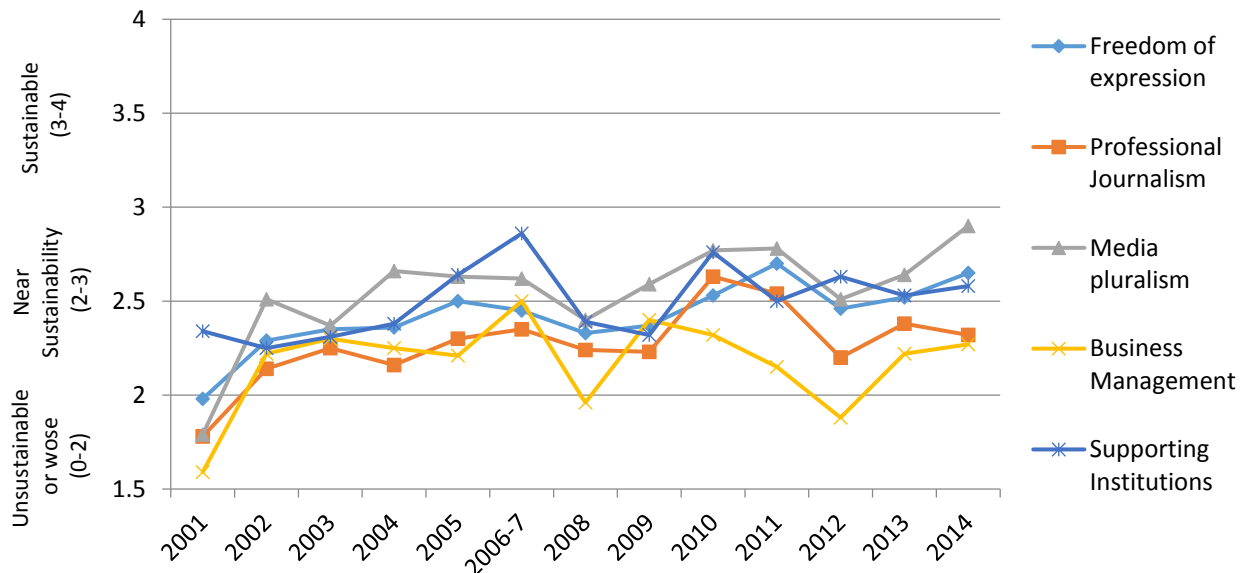
IREX – Media Sustainability Index (2014)

The Media Sustainability Index by IREX is one of the most comprehensive media assessment reports available for Kosovo. Published year-on-year since 2005, IREX focuses a comprehensive assessment of all media-related issues concerning each country under its monitoring program, including financial sustainability, legal framework, etc.

For the 2013 period, IREX has changed its stance on reporting in Kosovo, marking a significant improvement, as can be seen by the graph below. In their 2014 report, IREX claims that pressure against journalists is not as prominent as in the past, a statement reflected in the Freedom House report as well. However, the report stresses that self-censure continues to be an issue, especially considering the pressure emanating from businesses toward the editorial boards of media. The report also marks the adoption of a law aiming to protect journalist sources as a considerable advancement in the legal framework. However, the lack of proper implementation of the Law on Access to Public Documents continues to be labelled as a problem, similar to FH findings.

⁵ Freedom House, *Nations in Transit: Kosovo*, 2015. Accessed on April 18, 2015: <https://freedomhouse.org/report/nations-transit/2014/kosovo#.VTLelyHBzRY>

IREX - Media Sustainability Index - Kosovo



The issues with the IMC are considered as persisting in the IREX report, focusing on the lack of appointment of members to the board of the IMC and the political interference in this institution as an issue.⁶ Additionally, as with all previous reports, the financing of the public broadcaster, the Radio Television of Kosovo (RTK) is thought to be highly problematic and conducive to political interference in the broadcaster. Finally, business management and continued economic sustainability of the media sector in Kosovo is lacking according to the report.

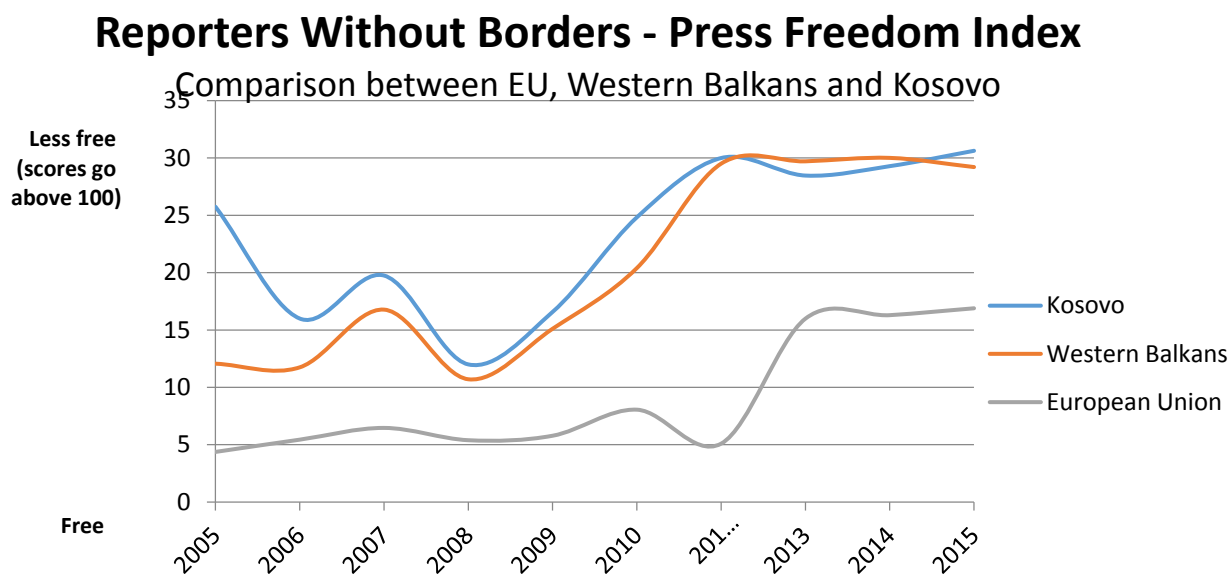
Overall, the Media Sustainability Index marks an improvement of the media sector in Kosovo as compared to the past. However, there are serious persistent issues according to the report, not the least of which focused around the issues with economic sustainability of the media. Moreover so, the report indicates that the persistence of economic pressure on journalist is a problem that affects the freedom of expression. As with the FH report, one of the key issue remains the lack of coherent contractual relations between journalists and their employing media, which puts unnecessary pressure on the journalists. Finally, the lack of systems to ensure professional journalism standards is also considered to be problematic and has been reflected in the slight decline of the score on professional journalism.

Reporters Without Borders - World Press Freedom Index 2014

Reporters Without Borders publishes a yearly ranking of countries according to their evaluation of the state of the freedom of speech and the media in these countries. Kosovo's track record for the past few years has remained relatively in the same range without much variation. As can be seen from the graph below, the country's score remains in the same range as the average score for the

⁶ This information is slightly dated, seeing as the IMC currently has a partly appointed board as stated in the "European Commission – Progress Report" section in this study. However, the issues with the political interference are persistent and therefore the inclusion of this information has been deemed necessary.

rest of the Western Balkans. When compared to last year, Kosovo has marked a slight increase of its score, which is indicative of deterioration. Nonetheless, no written report is available for Kosovo from the RWB about their choice to score down the country and therefore no qualitative statements can be made.



V. PERSISTENT CHALLENGES

IV.1 – Pressure against journalists

Pressure against journalists seems to be a continuing trend in Kosovo, although it is the reflection of certain reports that direct attacks have been diminishing. The Association of Professional Journalists of Kosovo (APJK), has been present at least 11 times in the media during 2014 with accusations.⁷

Throughout the years, this persistent challenge has remained largely unaltered in form, although there is a seemingly decreasing trend of direct violence against journalists.⁸ Primarily, the issue of persistence of violence against journalists continues to be largely due to the impunity of the people who perpetrate such actions. As reported in previous years in the State of Media reports, the prosecution of crimes against journalists continues to be unsatisfactory.⁹ Kosovo's current judicial systems continues to battle a continuous case backlog which as of 2014 stood at 466,255 pending cases.¹⁰ Despite a clearing rate of 80.3%, the judicial is currently underfunded, understaffed and a subject to continuous political interference.¹¹ Considering the aforementioned information, it becomes clear that there is no concerted efforts to deal with the issue of threats against journalists, both due to systemic failure and due to a reported lack of interest in doing so.

However, some progress has been marked. In 2012, the quarterly magazine, Kosovo 2.0 was the victim of an attack during the publication of their latest issue dealing with sex, gender identity and sexual orientation. A group of individuals entered the premises destroying property and attacking some of the staff. Two years after the ordeal, three sentences have been issued to some individuals associated with the attack whereas the other attackers remain at large. Nonetheless, whether such a resolution would have been achieved without the presence of international rule of law institutions and pressure from local and international organizations in Kosovo is unknown.

Despite the aforementioned progress, and the fact that defamation and insult lawsuits seem to be unsuccessful against journalists, journalists do feel increasing hostility in their profession.¹² Threats against journalists and editors seem to be on the rise overall, with the police and the judicial also

⁷ This is a survey of the electronic media regarding mentions of APJK and their statements regarding attacks or threats against journalists. Neither the APJK nor the Kosovo Police have responded to requests for disclosure of statistics regarding attacks and/or threats toward journalists as of the date of this publication.

⁸ Identifying an accurate trend of threats and violence against journalists is a challenging endeavor seeing as many journalists do not report cases of threats and when reported many of them request that the issue not be made public. As a result, the claims are made based on public statistic and the overall belief of journalists regarding their profession.

⁹ Qavdarbasha, S. State of the Media in Kosovo 2012, The Institute for Development Policy (INDEP): Prishtina: 2013. p.12

¹⁰ European Commission, "Commission staff working document - Kosovo* 2014 Progress Report," p.3. Accessed on April 13, 2015: http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-kosovo-progress-report_en.pdf p.14

¹¹ Freedom House, *Nations in Transit: Kosovo*, 2015. Accessed on April 18, 2015: <https://freedomhouse.org/report/nations-transit/2014/kosovo#.VTLelyHBzRY>

¹² Zhuniqi, J., "Numri i kërcënimeve ndaj gazetarëve është në rritje," Kosova Press 5 OCT 2014. Accessed on April 19, 2015: <http://www.kosovapress.com/sq/nacionale/numri-i-kercenimeve-ndaj-gazetareve-eshte-ne-rritje-26242/>

participating.¹³ These trends seem to fall under three main categories: threats from government institutions, threats from businesses and individual threats.

The public sector continues to remain the largest employer and contractor in Kosovo.¹⁴ As a result, the Kosovo Government is also one of the largest generator of business revenues in the country, prompting close ties between the business and government sector. This centralization of economic power has also affected the media sector through a lack of transparency of ownership in the media and an increasing concentration of media ownership. As a result, overall independence of the media sector, despite a populated media scene, remains an issue.

The increasing concentration of media ownership and the proximity of media owners, business interest and governmental representatives has serious repercussions on journalist and editors. In late 2014, a journalist in one of the Kosovo dailies and the director of the APJK was physically attacked by the managing director of the daily.¹⁵ The physical attack came as a result of the request of the victim to be paid the regular salary and informing their employer of intent to sue on the event of non-payment. There is no indication of prosecution of the employer until now and no charges have been filed.

Similarly, the continuing threat from businesses toward journalists are best shown through the case of the public smear campaign launched against editor of Gazeta Express, Berat Buzhala. Mr. Buzhala's online news portal had conducted an investigation into the operations of one of the largest business groups in the country, the Devolli Corporation. Under their investigation, the newspaper claimed that Devolli Corporation had been selling animal grade wheat for human consumption in Kosovo. Following the publication of the story, numerous posters went up across Devolli's base of operation in western Kosovo, personally attacking Mr. Buzhala. The actions were denounced by several international and local media organizations and seen as an attempt to exert pressure against the investigations. To this date no impactful action has been taken to deal with the smear campaign.

These aforementioned trends are also indicative of a more challenging form of pressure against journalists. Despite the fact that five years have passed since the adoption of the Law on Labor, which requests contractual agreements between employers and employees, numerous media still fail to provide such relations.¹⁶ To thwart this requirement, median opt to sign consultancy contracts with journalists, who, due to the lack of a union or other protection mechanisms, are forced to accept the conditions.¹⁷ This problem has been recurring for several years, and is one with serious implications on the job security and as a result quality of work expected from journalists. Additionally, due to problems with financing discussed further in this study, many media fail to make on time payments, further deteriorating the situation of the journalists.

¹³ European Commission, "Commission staff working document - Kosovo* 2014 Progress Report," p.3. Accessed on April 13, 2015: http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-kosovo-progress-report_en.pdf p.17

¹⁴ Freedom House, *Nations in Transit*, 2015

¹⁵ Gazeta Express,. "OSBE në Kosovë e shqetësuar me sulmin ndaj gazetarit Zekria Shabani," Gazeta Express, DEC 10, 2014. Accessed on April 19, 2015: <http://www.gazetaexpress.com/lajme/shefi-i-osbese-ne-kosove-schlumberger-i-shqetesuar-me-sulmin-ndaj-gazetarit-zekria-shabani-65724/?archive=1>

¹⁶ Law No. 03/L-212 on Labor, November 1, 2010: <http://www.kuvendikosoves.org/common/docs/ligjet/2010-212-alb.pdf>

¹⁷ Freedom House, *Nations in Transit*, 2015.

Currently, few media houses in Kosovo offers dedicated legal protection services for their reporters. Due to the nature of the work and the continuing trend of threats and attacks against journalist and editorial boards, in-house legal protection against journalists is a bare necessity for their work in the country. However, with lacking financial sustainability and a distinct lack of professional business management, no efforts to ensure such protection have been taken.

The aforementioned persistent problems and channels of exerting pressure against journalists have several ramifications. Primarily, with lack of contractual relations and a track record of non-payment, the profession sees considerable turnover in Kosovo. As a result, there is a distinct lack of journalists with a long standing track record of sector focus, especially when it comes to coverage of the economy.¹⁸ This clearly indicates that there is a lack of specialized reporters in Kosovo, unless this reporting is focused on politics. This has proven to be a problem both from the perspective of the necessity to inform the public and also due to the fact that there is no upward mobility that would ensure maintaining institutional memory in media and the buildup of coverage experience.

Moreover so, few media have internal reporting standards handbooks, ethical codes or stylebooks. As a result, reporting is inconsistent and heterogeneous, further preventing the formation of any long-term competitive advantage. This affects the ability of these media to attract sustainable returns in the long term.

IV.2 Professional Business Management

The issue with the long term financial sustainability of the media sector in Kosovo is one that has been persistent since the end of the war. Primarily, with a population of 1.8 million people and a Gross National Income per capita of \$3,940, the advertising market is thought to be too small to be able to sustain a large number of media.¹⁹ This is especially true considering that as of 2013, Kosovo boasts 83 radio stations, 21 television stations, seven national newspapers, 32 cable-only operators and 53 Programming Services Providers.²⁰ Adding to the above, the country currently also has a large number of local-focused online only news portals which attract classifieds.²¹ This high number of media outlets provides for a serious dispersion of potential advertising revenues, preventing the formation of a group of highly professional and profitable organizations.

¹⁸ Qavdarbasha, Sh., Gashi, K., Print Media and the Economy in Kosovo: An analysis of the coverage. Prishtina: Kosovo (2014). p.11

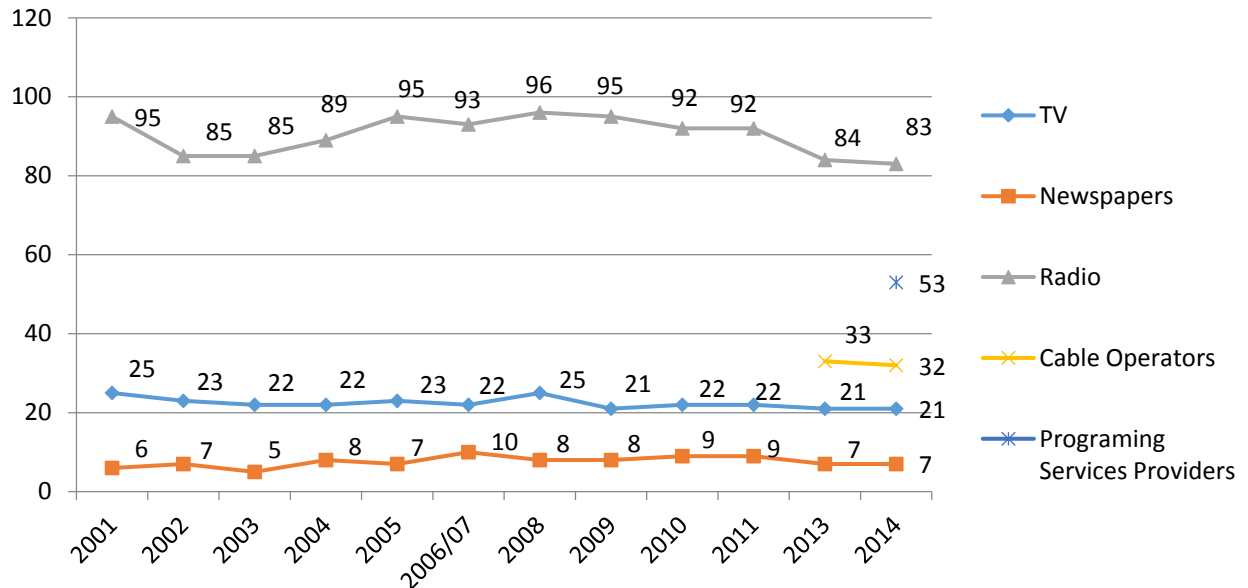
¹⁹ Kosovo, Kosovo Statistics Agency, Estimation of Kosovo Population 2012, Prishtinë, 2013, p.8.

²⁰ Independent Media Commission, Yearly Report of the Independent Media Commission (2014). P.5

²¹ Classifieds are considered to be advertising revenue not generated through third party advertising services such as Google Ads but rather directly paid to the media by the advertisers themselves. This indicates that the advertisers are Kosovo-based and not international.

Number of Outlets in Kosovo

Source: IMC



Furthermore, there are no clear indicators of the use of advanced marketing and data-based decision making tools for expansion strategies for these media. This is best demonstrated by four phenomena characteristic of an undeveloped business management arm in these organizations. Primarily, the marketing research business sector in Kosovo remains largely undeveloped as a whole, indicating an overall lack of revenues. Second, there is virtually no quantitative data as to the size of the advertising market, ratings and viewership and market circulation numbers for any of the media in the country. There is also no third party organization that provides in any shape or form data of the kind. The lack of existence of reliable third party data that is the basis for any form of business decision making in the sector clearly damages the state of the sector overall.

Additionally, there is a lack of clear specialization of any of the outlets currently transmitting in Kosovo, with the exception of the public broadcaster who is bound by a public contract. All outlets fit a generalist broadcasting and reporting program, even in their entertainment programming. This has been a recurring issue over the past ten years for most major outlets, with few specialized but short lived assets overall.

Additionally, no current media, excluding the public broadcaster, have a clear distinction between their business arms and their editorial and journalistic arms. This is even more problematic considering that no official non-journalistic and editorial hiring schemes exist for these outlets, indicating the lack of a coherent long-term oriented strategy of development. Additionally, excluding a few outlets, the high turnover of media in Kosovo coupled with the high turnover of staff in these media clearly indicate a lack of sustainability.²²

Finally, the most indicative issue with the lack of sustainable approaches toward the business management of the media in Kosovo remains the utter lack of data. Excluding circumstantial data

²² The high turnover of media means the overall number of changing outlets during a year.

generated by non-governmental organizations with a focus in media, there is an utter lack of availability of business data in the country and a trend of reporting on these businesses. As a result, this persistent issue continues to plague over businesses in the country and will be a major source of problems in the future.

IV.3 The Public Broadcaster and Media Regulators.

Kosovo currently boasts two media regulators, both of which with different scopes and coverage extents. Primarily, the broadcasting system, both terrestrial and electronic is monitored by the Independent Media Commission. The print media is self-regulated through a body called the Press Council of Kosovo (PCK).

The IMC is a body established by the Constitution of Kosovo with the purpose of regulating and monitoring the broadcast system of Kosovo. The IMC is an independent agency, meaning that as an institution it's responsible for its own revenue generation and self-regulation but it reports to the Assembly of Kosovo. The IMC's revenue generation streams come from licensing fees issued for the use of public frequencies by terrestrial broadcasters and other electronic broadcasters. The IMC plays a key role in designing the code of conduct and transmission for audiovisual spectrum, monitoring and enforcing these codes as well as being responsible for managing and developing the audiovisual policy spectrum in Kosovo.

Primarily, the IMC failed to complete, for a fifth year in a row, the digitalization of transmission in Kosovo. This has caused the audio visual transmission spectrum to lag behind in the country. Primarily, the lack of digitalization affects the ability of broadcasters to encrypt transmissions and therefore pursue other revenue stream methods such as pay-per-view, etc. Secondly, quality of transmission through landlines does suffer and this causes several problems when reaching farther sections of the country in terms of transmissions. Finally, digital transmission would enable the development of third party services providers for broadcasters which would also potentially enable the inexpensive generation of third party data services.

The IMC's important role in ensuring a free and professional media in the country has made it a target of political processes, and this is a problem that has been exacerbated since 2007. The IMC operates through its Board of Directors, which is a group of seven individuals elected in the board by public nomination and vote held at the Assembly of Kosovo. The Board is responsible for a number of decisions, such as setting the overall strategy of the institution, overseeing the function of the executive branches of the institution and judging on cases of breach of its standards of broadcast. In order to be fully functioning, the board of the IMC requires a quorum of at least five of the seven appointed positions. However, since its inception as an institution government by the newly formed Kosovo public institutions, the IMC's board has been heavily politicized and often incapacitated. In the latest iteration of troubles that have been affected this institution, the director and one of the members was fired due to legal breaches, another one of the members of the board resigned, while yet a third member's mandate expired. After this wave of events in late 2013, the Assembly of Kosovo failed to make new appointees due to issues with elections and appointment of a new ruling coalition. When the new members were finally appointed, severe allegation of political

interference and political affiliation of the new board members remained as an issue.²³ This lack of functionality of the Independent Media Commission has several ramifications on the media sphere in Kosovo.

Additionally, without a board, the IMC is neither able to react to breaches of the codes of conduct for media under its licensing agreements and nor is it able to update these codes of conduct. This is all the more problematic when considering the overpopulated media scene in Kosovo and the explosion of cable broadcasters. Moreover so, the lack of a leading body for the organization and the continuous political interference has disabled this institution from developing its internal capacities and successfully monitoring a yet third crucial institution, namely the public broadcaster.

The Radio Television of Kosovo has been the subject of a number of controversies in the last years and has been considerable recurring problem of the media sector in Kosovo. In April 2015, the managerial board of the RTK decided to fire the newsroom editor Arsim Halili as well as the President of the Union of the RTK, Fadil Hoxha for “allegedly posing a “threat” to RTK and causing “serious damage” to its image.”²⁴ These dismissals are largely thought to be the result of several statements by these individuals regarding alleged cases of censorship and other breaches of professionalism by the RTK. Additionally, the RTK has been accused of intentionally avoiding coverage of key issues in the country as well as misstatement of financial information. Finally, the RTK has been recently a subject of a parliamentary debate. Additionally, recent protests by opposition groups in Kosovo have made official requests for the end of political interference on the public broadcaster.

Up until 2012, the broadcaster was financed through a budget approved by the Assembly of Kosovo. This financing mechanism has enabled the political interference and control of the public broadcaster by the political party with the majority of votes in the Assembly. As a result, political interference and political appointments in the decision making and editorial positions at this institutions have plagued the broadcaster for the past years.

In 2012, the new law on the broadcaster foresaw a continuation of financing from the Budget of Kosovo for another three years, after which period the public broadcaster was expected to find an independent financing mechanism. However, no such efforts have currently been made and the RTK continues to be state funded, which poses serious problems to its independence.

Being the most watched television channel in the country, the public broadcaster has the largest impact on the opinion of the public. However, with a consistent track record of lack of professional journalism, political interference, bias and other endemic problems, it no longer serves its purpose. This is further exacerbated by the lack of oversight by a crippled IMC.

On the print side of the spectrum, the KPC continues to consistently be incapable of ensuring its own survival. The KPC is established as a non-governmental organization comprised of a decision making board of voluntarily participating media outlets. This board is tasked with the duty of issuing

²³ European Commission, “Commission staff working document - Kosovo* 2014 Progress Report,” p.3. Accessed on April 13, 2015: http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-kosovo-progress-report_en.pdf

²⁴ Reporters Without Borders, “Concern about state broadcaster’s decision to fire two employees,” 4 April 2015. Accessed on April 19, 2015: <http://en.rsf.org/kosovo-concern-about-state-broadcaster-s-04-04-2015,47757.html>

opinions on the validity of complaints received by third parties concerning coverage by print media. The KPC is supposed to be funded by the voluntarily participating media who in the past have shown no readiness to do so. On top of the capacity and financing related problems, the KPC also suffers from a lack of a binding mechanism toward of its verdicts which put no weight on the participating media. As a result, the organization is seen as largely dysfunctional and without a serious impact in the quality of reporting and the adherence to professional journalism standards.

The aforementioned dysfunctionality of the triangle between the regulators, the media and the public broadcaster has been a recurring issue for over five years. Despite numerous efforts by parties external to the Kosovo institutions to ensure at least a partial implementation of the legal provisions targeted at ensuring their independence and functionality, little success has been achieved. This has caused a significant negative impact that these regulators have on ensuring that media, for their part, adhere to journalistic standards at least when reporting on the news. This has had serious ramifications on the trust of the public on the media and as a result on the ability of the public to stay informed with reliable information.

V. CONCLUSIONS

Kosovo's media scene in 2014 was characterized by shifts along two categories. Overall in the legislative aspect of the issue of media freedom, there have been serious advances. The country has patched virtually all legal aspects of ensuring that freedom of speech and media is protected legislatively. Some concerns of the fragmentation of the legal framework for regulating the media sector remain, especially when considering overlap. Additionally, there are issues concerning the protection of the autonomy of journalists and editors as well as the lack of mechanisms to ensure binding obligations of the judgments of non-governmental regulators.

These problems can be solved by pursuing two courses of action. Primarily, the Government of Kosovo, with a special focus on the Office of the Prime Minister of Kosovo should initiate a review of all the legal frameworks concerning the media in the country. The Prime Minister's Office can make use of the expertise of local and international organizations to evaluate the current overall framework and offer proposals for its adjustment or the creation of an umbrella legal framework. This would ensure that at least from the legislative perspectives appropriate measures for the freedom of media have been taken.

Secondarily, a comprehensive analysis of the areas that are lacking when concerning protection of the freedoms of media should be taken. These efforts can be undertaken by the Ministry for European Integration as well as the Parliamentary Committee for European Integration in accordance with their duties in ensuring implementation of EU Acquis. As previously mentioned, these bodies can make use of the already established body of knowledge of local and international expertise on the media in Kosovo.

The aforementioned advances, however, come short of ensuring consistent action taken to implement the framework in more than one aspect. Primarily, pressure against journalists continues to be a serious issue, with threats against the lives of journalists and actual violence being a recurring problem. This problem needs to be addressed by the triangle of the judiciary, police and judiciary oversight and training institutions.

The Kosovo Judicial Institute (KJI) needs to create an ad-hoc commission tasked with the oversight of cases of violence or threats against journalists. The ad-hoc commission should take the form of a cross-disciplinary body inclusive of non-Kosovo institution representatives. The body should focus on developing a data collection and analysis process that feeds automatically in the training and judge preparation material processes of the KJI. The oversight would be focused on drawing lessons from the shortcoming of the current judges in dealing with cases of threats and violence against journalists. The KJI can enlist the help of third parties regarding the development of mechanisms for oversight of these cases and methods of developing lessons and future training mechanisms. The Kosovo Police also needs to develop an internal monitoring mechanism tasked with ensuring that cases of violence and threats against journalists aren't being willfully ignored and that KP members are not perpetrators of such cases themselves. This is especially important considering that cases of Kosovo Police violence against journalists covering recent protests in Kosovo have been increasing.

The issue of pressure toward journalists deriving from their own outlets has also been a serious recurring problem. This problem, unfortunately, will necessitate a larger effort by Kosovo media to create a more sustainable economic future for themselves. To do so, these media need to create coherent and long term strategies of investment. Media houses, both public and private, should as a base scenario, solicit the help of third parties in order to draw a roadmap of their long term planning needs. Additionally, they should create coherent staffing practices that enable them to retain talent in the long term and that would enable them to develop growth strategies. At the very least, in the short term these organizations can ensure considerable gains by simply employing professional marketing and strategic planning services either through hiring or through contracting and committing to investment.

In the meantime, journalists should use current third party organizations to ensure that they have some form of protection. The APJK provides for a good starting point, despite the recent problem with the election of the board and its functioning. The members of this organization need to recall an election of their elective bodies and form a coherent group of representatives that would be able to properly represent their priorities to other organizations. In the medium term, the Association should follow the goals outlined in its strategic plan in order to generate at least the minimum internal capacities it needs to operate. This will ensure that the APJK can provide pro-bono legal services to journalists as envisioned in their strategy.

Kosovo's media regulators continue to be incapacitated both by a lack of general capacities and also by continuous political interference with their work. This is a recurring issue with these institutions that requires at least some form of good will by legislators and the executive in order to resolve. However, with the track record of the parties or coalitions with the majority votes in the Assembly, a resolution of these issues is unlikely to develop. The status quo regarding these institutions will likely continue to remain and without any change in the political status quo no improvement is likely to be seen. Currently, only a mounting public pressure on the decision making institutions would ensure some reaction. This mounting pressure could either come in the form of political opposition parties, non-governmental organization or a combination of both.

Finally, the Radio Television of Kosovo continues to be subject to political interference as well as lack of editorial independence of its coverage. Political pressure and the impact it has on the management have caused several internal stresses in the public broadcaster. The political pressure,

negative publicity, internal conflicts and lack of professional and impartial reporting are severely eroding trust in the institution, risking the erosion of public trust as well. The public broadcaster also has no long term independent financing plan, which is a serious cause for concern. All parties in Kosovo should request an immediate implementation of the Law on the Public Broadcaster as adopted in 2012, which requires the establishment of an independent financing method for the broadcaster. This will at least ensure that a serious political level, namely financing, is removed from the broadcaster's operations. The legal provisions governing the broadcaster need to urgently ensure an oversight mechanism completely independent from governmental institutions if Kosovo is to remain with a key impartial medium.

