

## THE EDITORS' ROLE IN MEDIA INTEGRITY PROTECTION IN KOSOVO

# THE STRUGGLE FOR PROFESIONAL INTEGRITY AMID POOR RULE OF LAW

by ISUF BERISHA

### INTRODUCTION

Kosovo has relatively good media legislation that is generally in line with European and international standards, which provide guarantees of freedom of speech and a free press. However, its poor implementation continues to be a serious problem.<sup>1</sup> As a consequence, journalists and editors are left poorly protected or *de facto* unprotected from a persistent tendency to both political and economic interference and pressure. Kosovar journalists and editors are underpaid even by Kosovo standards, and the majority of them work without employment contracts.<sup>2</sup>

This report presents the findings of a study on the situation of media editors in Kosovo. The role of editors in protecting the integrity of their media was the leading question of this research. The legal, economic and political aspects of the media and the editors' situation have been addressed. The education and professional situation of editors were also considered and analysed. In order to better understand these issues, they have also been placed in historical context. The current situation of Kosovar editors is compared to that during the pre-war one-party system, with special attention to the transitional period of 1989-99, when after abolition of its autonomy, Kosovo was placed under direct Serbian imposed police administration.

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- 1 Ejupi and Abazi, *Liria e shprehjes dhe e ushtrimit të profesionit të gazetarisë në Kosovë - Analizë krahasimore e kornizës ligjore*, 2016. Available at: [http://www.indep.info/documents/19022\\_Liria%20e%20shprehjes%20dhe%20ushtrimit%20te%20profesionit%20te%20gazetarise%20one%20Kosove,%20analize%20krahasuese.pdf](http://www.indep.info/documents/19022_Liria%20e%20shprehjes%20dhe%20ushtrimit%20te%20profesionit%20te%20gazetarise%20one%20Kosove,%20analize%20krahasuese.pdf). Accessed 4 May 2016. See also Koha Ditore, "Zbatimi i legjislacionit në fushën e lirisë së medie, ende problematik," 4 May 2016, p.2.
  - 2 UBO Consulting, *Media Indicators 2015: A thorough study from a journalists' point of view on Kosovo's media freedom and conditions*, p. 12. Commissioned by Kosovo Glocal - Kosovo 2.0, ÇOHU and Kosovo Press Council. 2015. Available at: <http://presscouncil-ks.org/wp-content/uploads/2015/05/Media-Indicators-2015.pdf>. Accessed 15 March 2016.
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This research was conducted in two parts. A survey of and interviews with editors-in-chief of mostly major media were carried out. A questionnaire with 20 questions on relevant aspects of Kosovo media editors' situation was sent to some 60 addresses. Since the response of editors was very low, repeated efforts were made through emails and telephone calls to encourage them to answer the survey questions about their situation. Only after face-to-face individual meetings with the chief editors of the main media outlets did 10 of them respond to the questions on the survey. In order to compensate for this relatively small sample, interviews were conducted with 10 current and former editors of Kosovar media.

This relatively high hesitancy among targeted respondents to participate in this survey cannot be explained only as a result of the familiar busy schedules of editors. As some of the respondents admitted in their interviews, some issues addressed by our research seem to be too delicate to discuss for the majority of Kosovar editors. This fact alone speaks volumes about the current situation of Kosovar editors.

## 1 THE LEGAL SITUATION OF EDITORS

Kosovo media legislation is rather new and generally aligned with European/international standards.<sup>3</sup> First of all, the Constitution of the Republic of Kosovo contains provisions that guarantee freedom of expression (Article 40) and freedom of the media (Article 42).<sup>4</sup>

The Office of Temporary Media Commissioner that was established by UNMIK after the war of 1999 as a provisional regulator dealt with both print and broadcast media.<sup>5</sup> Later on, in a process of transferring responsibility for media development to the Kosovar authorities, self-regulation of print media was promoted through the Press Council of Kosovo (PCK) from 2005.<sup>6</sup> On the other hand,

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3 See Brogi et al., *Freedom of Media in Western Balkans*, European Parliament, p. 32. Commissioned by the Subcommittee on Human Rights of the European Parliament. 2014. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2014/534982/EXPO\\_STU%282014%29534982\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/534982/EXPO_STU%282014%29534982_EN.pdf). Accessed 18 March 2016. See also INDEP, *The State of the Media in Kosovo 2015*, 2015. Available at: [http://www.indep.info/documents/71012\\_INDEP%20-%20The%20State%20of%20the%20Media%20in%20Kosovo%202015.pdf](http://www.indep.info/documents/71012_INDEP%20-%20The%20State%20of%20the%20Media%20in%20Kosovo%202015.pdf). Accessed 18 March 2016.

4 Constitution of the Republic of Kosovo. Available at: <http://www.kuvendikosoves.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf>. Accessed 5 March 2016.

5 UNMIK, Regulation No. 2000/36, On the Licensing and Regulation of Broadcast Media in Kosovo, 17 June 2000. Available at: <http://www.unmikonline.org/regulations/2000/reg36-00.htm>. Accessed 5 March 2016.

6 See OSCE, *OSCE Mission welcomes formation of Kosovo Press Council*, 10 August 2005. Available at: <http://www.osce.org/kosovo/46679>. Accessed 5 March 2016. See also the website of the Press Council of Kosovo. Available at: <http://presscouncil-ks.org/>. Accessed 5 March 2016.

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broadcast media are regulated by the Law on Independent Media Commission.<sup>7</sup> In addition, public service broadcasting is regulated by the Law on *Radio Television of Kosovo (RTK)*.<sup>8</sup> Self-regulation of the print media is based on the Code of Kosovo Print Media.<sup>9</sup> There is also an Independent Media Commission (IMC) Code of Conduct for Audio-visual Media Services in Kosovo.<sup>10</sup>

Kosovo media legislation was seriously challenged in 2012 with the new penal code, which affirmed the criminalisation of defamation (Article 37) and the obligation of journalists and editors to reveal their sources when asked by the court (Article 38).<sup>11</sup> Thanks to a sustained, well organised advocacy campaign by the Kosovar media community and support from international media organisations, these provisions were ultimately removed altogether.<sup>12</sup> Furthermore, as a result of the momentum created by this pressure, in 2013 the Kosovo Assembly adopted the Law on the Protection of Journalism Sources.<sup>13</sup> The Law on Access to Public Documents was praised both for its quality and for being vital to the work of Kosovar journalists and editors.<sup>14</sup>

Current media legislation does not contain specific provisions on the responsibilities and rights of media editors. However, IMC Law does contain provisions that regulate the broadcasting policy of IMC. Article 9 specifies that *“the Broadcasting Policy defined by IMC shall be in accordance with recognized*

7 Law No.04/L-044, On the Independent Media Commission, 2 March 2012. Available at: <http://kpm-ks.org/materiale/dokument/1335250709.2603.pdf>. Accessed 5 March 2016.

8 Law No. 04/L-046, On Radio Television of Kosovo, 29 March 2012. Available at: <http://www.kuvendikosoves.org/common/docs/ligjet/Law%20on%20Radio%20Television%20of%20Kosova.pdf>. Accessed 5 March 2016.

9 PCK, Kodi i Mediave të Shkruara të Kosovës. Available at: [http://www.presscouncil-ks.org/wp-content/uploads/2015/04/Press-Code-for-Kosovo\\_alb.pdf](http://www.presscouncil-ks.org/wp-content/uploads/2015/04/Press-Code-for-Kosovo_alb.pdf). Accessed 5 March 2016.

10 IMC, Code of Conduct for Audiovisual Media Services in Kosovo. Available at: [www.kpm-ks.org/materiale/dokument/1440595669.437.doc](http://www.kpm-ks.org/materiale/dokument/1440595669.437.doc). Accessed 5 March 2016.

11 Code No. 04/L-082, Criminal Code of the Republic of Kosovo, 2012. Available at: <http://www.assembly-kosova.org/common/docs/ligjet/Criminal%20Code.pdf>. Accessed 5 March 2016.

12 See UNDP, *Action Paper on Association of Professional Journalists in Kosovo: Freedom of Expression in the Media and the Role of the Association of Professional Journalists of Kosovo*, 29 March 2012. Available at: [http://www.apjk.org/repository/docs/Action\\_Papers%20Ang.pdf](http://www.apjk.org/repository/docs/Action_Papers%20Ang.pdf). Accessed 6 March 2016. See also Balkanmedia, *Media freedom in Kosovo*. Available at: <http://www.kas.de/wf/en/71.13602/>. Accessed 6 March 2016. See also European Fund for the Balkans, *Media freedom and integrity in the Western Balkans: Recent developments*, Paper series, March 2015. Available at: <http://balkanfund.org/wp-content/uploads/2015/03/Media-freedom-and-integrity-in-the-Western-Balkans-Recent-developments.pdf>. Accessed 5 March 2016. See also Human Rights Watch, “Kosovo: New Law Puts Media Freedom at Risk,” 27 June 2012. Available at: <https://www.hrw.org/news/2012/06/27/kosovo-new-law-puts-media-freedom-risk>. Accessed 5 March 2016.

13 Law No. 04/L-137, On the Protection of Journalism Sources, 2013. Available at: <http://www.kuvendikosoves.org/common/docs/ligjet/Law%20on%20the%20protection%20of%20the%20journalism%20sources.pdf>. Accessed 5 March 2016.

14 Law No.03/L –215, On Access to Public Documents, 2010. Available at: <http://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2724>. Accessed 5 March 2016.

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*international broadcasting and human rights standards, the relevant EU legislation and especially the European Commission Directive AVMS, having full respect for democracy and the rule of law and the protection of the freedom of expression.*<sup>15</sup> In the same manner, Article 18 of the law on *Radio Television of Kosovo* Law contains detailed provisions on the editorial policy and programme content of the public service broadcaster. Paragraph 8 of this article states that the “*editorial policy of RTK shall be independent, fair, professional, objective, balanced and impartial.*”<sup>16</sup> This law also contains provisions on conditions for the appointment and dismissal of RTK management (Article 31).<sup>17</sup> Article 35, which regulates the appointment of RTK management, also contains provisions that specify procedures for appointment and dismissal of the editor-in-chief and other senior editors at the public broadcaster.<sup>18</sup> Paragraph 5 of this article foresees that “*each Chief Editor shall be appointed by the RTK General Director following public job advertisement based on the recommendation of the Director of the TV channel in Albanian language and the director of the TV channel in Serbian language as well as the director of the radio.*”<sup>19</sup> The same paragraph of Article 35 specifies that “*Chief Editor should not have served in the last three (3) years in senior political positions.*”<sup>20</sup> In addition, Paragraph 6 of this article specifies that “*the RTK Chief Editor shall be dismissed by the RTK General Director in accordance with the procedures set forth in the Statute of RTK.*”<sup>21</sup>

Both IMC Law and RTK Law also contain a guarantee of the right to reply. Article 35 of IMC Law provides for the right to correct broadcasted information, or to respond to broadcasted information.<sup>22</sup> In line with this, Article 10 of RTK Law specifies that “*RTK in accordance with the law and the code of conduct for the electronic media, provides each natural and legal person with the right of reply and clarification.*”<sup>23</sup>

ARTICLE 35, WHICH REGULATES THE APPOINTMENT OF RTK MANAGEMENT, ALSO CONTAINS PROVISIONS THAT SPECIFY PROCEDURES FOR APPOINTMENT AND DISMISSAL OF THE EDITOR-IN-CHIEF AND OTHER SENIOR EDITORS AT THE PUBLIC BROADCASTER.

15 Law No.04/L-044, On the Independent Media Commission, 2 March 2012. Available at: <http://kpm-ks.org/materiale/dokument/1335250709.2603.pdf>. Accessed 5 March 2016.

16 Law No. 04/L-046, On Radio Television of Kosovo, 2012. Available at: <http://www.kuvendikosoves.org/common/docs/ligjet/Law%20on%20Radio%20Television%20of%20Kosova.pdf>. Accessed 5 March 2016.

17 Ibid.

18 Ibid.

19 Ibid.

20 Ibid.

21 Ibid.

22 Law No.04/L-044, On the Independent Media Commission, 2 March 2012. Available at: <http://kpm-ks.org/materiale/dokument/1335250709.2603.pdf>. Accessed 5 March 2016.

23 Law No. 04/L-046, On Radio Television of Kosovo, 29 March 2012. Available at: <http://www.kuvendikosoves.org/common/docs/ligjet/Law%20on%20Radio%20Television%20of%20Kosova.pdf>. Accessed 5 March 2016.

Kosovar media owners and their editors refer to other laws when dealing with regulation of their mutual responsibilities and rights; namely, contractual relations between editors and their media organisations are based on Labour Law.<sup>24</sup>

However, the main problem in Kosovo is not a legal vacuum, but poor implementation of existing laws.<sup>25</sup> For example, a significant percentage of Kosovar journalists does not have employment contracts. According to Zekirja Shabani, the representative of the Association of Journalists of Kosovo, some 30 percent of the members of this organisation work without employment contracts.<sup>26</sup> This percentage, according to Shabani, could be even higher if we bear in mind the fact that not all journalists and editors are ready to admit that they are working without contracts.<sup>27</sup> The reason for this hesitation seems to be fear on the part of journalists and editors that if they speak up on this issue they will lose their jobs. Indeed, according to Media Indicators 2015, only 33 percent of 175 journalists that participated in this survey have employment contracts; 45 percent of them declared that they did not have regular employment contracts, while 22 percent did not have that information. This seems to reflect the situation of small, local media and especially of online portals, since all editors at the main broadcasters and daily newspapers that participated in our survey do have employment contracts. Yet some of them reported earlier cases when they had worked for small media outlets and did not have contracts. RTK editors have permanent employment contracts. On the other hand, private media seems to prefer one year contracts even for their editors-in-chief. Another problem is the quality of these contracts. For example, current employment contracts at RTV 21 contain an article that obliges journalists and editors to pay back 6,000 euro if they leave this media outlet to work for another broadcaster.<sup>28</sup>

Poor implementation of the laws also seems to be main reason behind, or at least a part of the serious problems related to the working conditions and safety of journalists. During 2015, for example, there were 27 cases of threats to Kosovar

24 Law No.03/L -212, On Labour, 2010. Available at: <http://www.kuvendikosoves.org/common/docs/ligjet/2010-212-eng.pdf>. Accessed 5 March 2016.

25 OSCE Mission in Kosovo, *Freedom of Media and Safety of Journalists in Kosovo*, June 2014, p. 8. Available at: <http://www.osce.org/kosovo/122390?download=true>. Accessed 12 March 2016. See also Ejupi and Abazi, *Liria e shprehjes dhe e ushtrimit të profesionit të gazetarisë në Kosovë - Analizë krahasimore e kornizës ligjore*, 2016. Available at: [http://www.indep.info/documents/19022\\_Liria%20e%20shprehjes%20dhe%20ushtrimit%20te%20profesionit%20te%20gazetarise%20one%20Kosove,%20analize%20krahasuese.pdf](http://www.indep.info/documents/19022_Liria%20e%20shprehjes%20dhe%20ushtrimit%20te%20profesionit%20te%20gazetarise%20one%20Kosove,%20analize%20krahasuese.pdf). Accessed 4 May 2016. See also Koha Ditore, "Zbatimi i legjislacionit në fushën e lirisë së medieeve, ende problematik," 4 May 2016, p.2.

26 Interview with Zekirja Shabani, chairman of the Association of Journalists of Kosovo and former editor of the daily *Tribuna*, Pristina, 5 April 2016.

27 Ibid.

28 Interview with Agim Binaku, desk chief editor, RTV 21, Pristina, 6 April 2016.

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journalists and editors.<sup>29</sup> Most of these cases were serious threats to life.<sup>30</sup> The number of threats to Kosovar journalists and editors may indeed be even higher, since not all of them report these cases. For example Arbana Xharra, editor-in-chief of the daily *Zëri* stopped submitting cases of frequent threats made to her to the Association of Journalists of Kosovo (AJK).<sup>31</sup> She does not see any point in doing this anymore, since she is dissatisfied with the lack of reaction by this journalists' association to some recent threats against her by Islamic extremists.<sup>32</sup>

Kosovo police claims that it deals with all submitted cases of threats against and attacks on journalists and editors.<sup>33</sup> However, when these cases are then sent to prosecutors and courts, they get lost in their enormous workload.<sup>34</sup> Kosovo courts are overloaded with cases that have been accumulating for years. The Kosovar judiciary simply does not have the capacity to deal within a reasonable period of time with cases that have been waiting for justice. In addition to this, Kosovo police, prosecutors and judges do not have proper training to deal adequately with media cases.<sup>35</sup>

## 2

### THE EDUCATIONAL QUALIFICATIONS OF EDITORS

Since 1999 there have been significant developments in the education of journalists and editors in Kosovo. The Public University of Pristina and a few private colleges have begun to offer journalism studies. In 2005, the Kosovo Institute of Journalism and Communication (KIJAC) started an MA programme in journalism and communication studies.

In addition to these schools for the formal education of journalists, during this post-war period there have been numerous training programmes of all kinds organised for Kosovar journalists and editors by various international organisations, media NGOs, donors and governmental agencies that operated in Kosovo after the war. Almost at the same time as KIJAC, the Kosovo Media Institute was also established, designed to provide in-service training.

A number of Kosovar journalists and editors have had the opportunity to make study visits to the USA and European countries, where they visited well

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29 Interview with Zekirja Shabani, chairman of the Association of Journalists of Kosovo and former editor of the daily *Tribuna*, Pristina, 5 April 2016.

30 Ibid.

31 Interview with Arbana Xharra, editor-in-chief, daily *Zëri*, Pristina, 1 April 2016.

32 Ibid.

33 Xharra and Hamidi, "Balkan journalists under pressure," SEE Media Observatory, 29 January 2016. Available at: <http://mediaobservatory.net/investigative-journalism/balkan-journalists-under-pressure>. Accessed 12 March 2016.

34 Ibid.

35 OSCE Mission in Kosovo, *Freedom of Media and Safety of Journalists in Kosovo*, June 2014. Available at: <http://www.osce.org/kosovo/122390?download=true>. Accessed 12 March 2016.

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known broadcasters and newspapers and other media organisations in order to improve their knowledge and professional skills by learning from best practises.

Needless to say, the quality of both the formal and informal education that was offered to Kosovar journalists and editors by the above mentioned institutions and organisations varied from quick, showy improvisation, to top quality programmes and training. For example, the quality of programmes and teaching at KIJAC, which was established with direct support from its two academic parents, Gimlekollen School of Journalism (Norway) and Cardiff University (UK), which also provided teaching staff, cannot be compared with that of the rapidly improvised study programmes launched by some Kosovar private colleges. However, one could say that young Kosovars after the war had better opportunities to undertake media and journalism studies. Through both formal and informal programmes of study and training, Kosovo journalists and editors have been exposed to information about best international practices and standards of the profession and in media operations.

All 10 editors that responded to our survey had completed bachelor studies. Four of them had also finished an MA in journalism and media studies. Of those who so far had completed only bachelor studies, one had graduated from a school of journalism, two in economics, one in political science and public administration, one in law, and the last one graduated with a degree in English.

When it comes to informal education, all of these editors have participated in various training programmes. While four of these senior editors participated in training courses that were organised in Kosovo and other South East European countries, the remaining six chief editors of the main Kosovar media had the opportunity to make study visits to the USA and west European countries, where they participated in intensive training courses organised by well-known universities, media organisations, broadcasters and other media outlets.

All these editors speak English, except one who responded that French was his main foreign language. The majority of them also speak Serbian/Croatian/Bosnian. Other languages that are spoken by some of these editors include German, Spanish and Italian.

So, one could say that the editors of the major Kosovar media that participated in our survey have adequate or useful formal education and are well trained through informal education for the job they perform.

### 3 THE ECONOMIC SITUATION OF EDITORS

Journalists and editors of Kosovar media are underpaid for the job they do. Only three of the 10 editors that participated in our survey responded that their monthly wages ranged between 1,000 and 1,500 euro. One responded that his salary was 500 euro, while others admitted that their wages were between 500

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and 1,000 euro per month. If we keep in mind that we are talking here about editors-in-chief, desk chief editors and other senior editors of major Kosovar media outlets, one can only imagine the financial situation of other editors and journalists. Even worse is believed to be the situation of journalists and editors working for small local media outlets and online media. For example, one editor admitted that he had once worked for six years as editor-in-chief of a news portal, without contract and for salary of only 250 euro per month. According to another former editor-in-chief, the current salary for young journalists that work for one of the main Kosovar TV channels is only 150 euro.<sup>36</sup> It is believed that the majority of journalists who work for local and online media do not have employment contracts.<sup>37</sup> This is why media owners sometimes do not pay their salaries. For example, in January 2014, the editor-in-chief and 90 percent of the journalists and other staff of the daily *Bota Sot* left this newspaper because they had not been paid for months.<sup>38</sup> Bajrush Morina, former editor-in-chief of *Bota Sot* admits that he and his journalists worked without contracts. Now he and his colleagues are trying to get 13 months of unpaid salary by going through the court.<sup>39</sup>

It should be stressed that almost all the editors who participated in our survey or were interviewed for this research declared that their salaries were their only source of income. Only one of our respondents mentioned that in addition to his role as editor, he was working as a lecturer at a private college. Bearing in mind the prevalence of job insecurity, the fact that the majority of Kosovar journalists and editors work without contracts or at most with one-year contracts,<sup>40</sup> then it is understandable why they hesitate even to talk about their situation. It thus becomes clear why cases of open dissatisfaction with these conditions are rare, and why only in *RTK* where editors have permanent employment contracts have they had the courage to get organised and openly protest against political influence in the public service.

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36 Interview with Bajrush Morina, former editor-in-chief of the daily *Bota Sot*, Pristina, 29 March 2016.

37 UBO Consulting, *Media Indicators 2015: A thorough study from a journalists' point of view on Kosovo's media freedom and conditions*, p. 12. Commissioned by Kosovo Glocal - Kosovo 2.0, ÇOHU and Kosovo Press Council. 2015. Available at: <http://presscouncil-ks.org/wp-content/uploads/2015/05/Media-Indicators-2015.pdf>. Accessed 15 March 2016.

38 Interview with Bajrush Morina, former editor-in-chief of the daily *Bota Sot*, Pristina, 29 March 2016.

39 Ibid.

40 Only journalists and editors who work for the public service *RTK* have permanent employment contracts.

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Editors of Kosovar media do not have their own organisation. However, there are two associations of Kosovar journalists, the Union of Journalists of Kosovo (UJK) and the Association of Journalists of Kosovo (AJK). AJK seems to be more active and visible in public. Four of the 10 editors who participated in our research are members of this association, while two others are members of international associations of journalists. The AJK has been fairly active and visible during the last two or three years. It usually responds by issuing public statements in defence of the profession whenever its members report pressure, threats or attacks related to their work. However, there are people who are not happy with AJK. Arbana Xharra, editor-in-chief of the daily *Zëri*, expressed her disappointment with this association, since it failed to respond to some recent threats made against her by Islamic extremists.<sup>41</sup> Yet, according to the chairman of AJK, this is because the association reacts only when its members submit a formal request for protection or support.<sup>42</sup>

There is no trade union to represent the professional interests and labour rights of all Kosovar journalists. Nevertheless, there are two trade unions that represent the journalists and other workers of *RTK*, the Trade Union of *RTK* Workers and the Independent Trade Union of *RTK* Workers. Last year, the Independent Trade Union of *RTK* Workers was quite active in supporting some 60 *RTK* editors and journalists who protested against management's editorial interventions in the interest of favourable reporting about the activities and officials of the ruling party.

However, *RTK* editors and journalists are not alone in their experience of pressure and interference from both management and/or owners and powerful individuals and groups from outside the media. In response to our question about how much they are able to defend the editorial independence and professional integrity of their journalists, only four out of 10 major media editors who participated in our survey reported that they enjoyed full editorial independence and could defend their journalists from the inevitable pressure; four others responded to this question with "to some extent", one with "very little", while the last one replied "not at all." In-depth interviews with editors confirmed the data from this modest sample and revealed that the situation of the Kosovar media and its editors regarding attempts to influence their editorial policy is even more serious. Only two of these editors and former editors confirmed that they had experience of full editorial independence. However, one of these two chief editors explained that, while there is no tendency or attempt to influence her editorial policy on the part of the owner, various forms of pressure, even including direct threats to

ONE OF THESE TWO CHIEF EDITORS EXPLAINED THAT, WHILE THERE IS NO TENDENCY OR ATTEMPT TO INFLUENCE HER EDITORIAL POLICY ON THE PART OF THE OWNER, VARIOUS FORMS OF PRESSURE, EVEN INCLUDING DIRECT THREATS TO LIFE HAD BECOME AN ALMOST EVERYDAY EXPERIENCE. OTHER EDITORS AND FORMER EDITORS REVEALED THAT THEY EXPERIENCED EDITORIAL INTERVENTIONS BY MEDIA OWNERS ON AN ALMOST DAILY BASIS.

41 Interview with Arbana Xharra, editor-in-chief, daily *Zëri*, Pristina, 1 April 2016.

42 Interview with Zekirja Shabani, chairman of the Association of Journalists of Kosovo and former editor of the daily *Tribuna*, Pristina, 5 April 2016.

life had become an almost everyday experience during the years since she took this job. Other editors and former editors revealed that they experienced editorial interventions by media owners on an almost daily basis. Zekirja Shabani declared that during his previous job as editor of the daily *Tribuna* (2012-2014), he had been subjected to continuous daily pressure and editorial interference from the owner of that newspaper.<sup>43</sup> According to him, this struggle to defend his editorial decisions ended in open conflict, when he was physically assaulted by the owner.<sup>44</sup> This incident was widely reported in the Kosovar media.<sup>45</sup> However, the owner of *Tribuna* denied that this incident had ever taken place.<sup>46</sup>

Similar forms of intimidation and editorial meddling by owners had also been frequently experienced by two other former editors, who resigned in protest against the situation in their media outlets.

A number of observers and researchers have noted and detected a similar tendency towards influencing the editorial policy of Kosovar media either by management/owners or by individuals and groups with political or financial power from outside.<sup>47</sup>

## 5 THE POLITICAL SITUATION OF EDITORS

The political context and its influence over the media have formed the main constraints on media development in Kosovo since 1999. The first few years after the war provided relatively good conditions for free media development. This encouraging environment, together with generous support by numerous donors, triggered an unprecedented developmental boom among Kosovar media providers. Later on, after the responsibility for media development had fallen to the Kosovar authorities, there were setbacks in some key sectors of the media scene. First of all, *RTK* which until then had been one of the most

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43 Ibid.

44 Ibid.

45 For example, see *Gazeta Express*, “Gazetari Zekirja Shabani sulmohet fizikisht nga pronari i gazetës “Tribuna,” 8 December 2014. Available at: <http://www.gazetaexpress.com/lajme/gazetari-zekirja-shabani-sulmohet-fizikisht-nga-pronari-i-i-gazetes-tribuna-65137/?archive=1>. Accessed 15 March 2016. See also *Bota Sot*, “Gazetari Zekirja Shabani sulmohet fizikisht nga pronari i gazetës “Tribuna,” 8 December 2014. Available at: <http://botasot.info/lajme/348313/gazetari-zekirja-shabani-sulmohet-fizikisht-nga-pronari-i-gazetes-tribuna-quot/>. Accessed 15 March 2016.

46 See *Kosova Live*, “Gazetari Shabani thotë se është sulmuar fizikisht nga pronari Demiri, e ky e mohon këtë,” 8 December 2014. Available at: <http://www.kosovalive360.com/gazetari-shabani-thote-se-eshte-sulmuar-fizikisht-nga-pronari-demiri-e-ky-e-mohon-kete.html>. Accessed 18 April 2016.

47 Gashi, “Kosovo”, in *Nations in Transit 2016*, 2016. Available at: <https://freedomhouse.org/report/nations-transit/2016/kosovo>. Accessed 28 April 2016. See also Miftari, “Kosovo’s Media Closer to Sustainability,” 25 June 2015. Available at: <http://themediaproject.org/article/kosovos-media-near-sustainability-despite-weaknesses?page=full>. Accessed 15 March 2016.

successful public broadcasters in South East Europe, was suddenly no longer immune from political pressure by the Kosovo government and other political groups. Slowly but surely, the ruling parties managed to infiltrate their people on to the *RTK* Board, and into its management and senior editorial staff. A similar process was occurring at the Independent Media Commission.

This political influence and pressure on *RTK* were once again confirmed through our survey and interviews with editors from this public broadcaster.

Unfortunately, *RTK* is not the only media outlet that is suffering from political intimidation and instrumentalisation. Private commercial media also have been facing various forms of political pressure. For example, the above mentioned case of continuous, direct pressure exerted by the owner of the daily *Tribuna* on its editor, was, according to Shabani, politically motivated. In fact, according to him, the owner of this newspaper tried to promote an editorial policy that would provide reporting sympathetic to the AKR (The New Kosovo Alliance).<sup>48</sup> A number of other cases of obvious political influence on the Kosovo media have been identified by both foreign and local observers and researchers.<sup>49</sup> Some of these have been briefly mentioned or described in our previous report on media ownership and financing in Kosovo.<sup>50</sup>

## 6 CASE STUDIES

### 6.1 THE CASE OF RTK: FIGHTING FOR MEDIA INTEGRITY IN DESPERATE CONDITIONS

It is a widely shared perception among the media community and the public that for years *RTK* have been a pro-government media platform.<sup>51</sup> When it appeared that there was no immediate hope of improving the situation at this broadcaster, 12 of the *RTK* editors banded together at the beginning of 2015 to oppose political influence and the instrumentalisation of this public service. They

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48 Interview with Zekirja Shabani, chairman of the Association of Journalists of Kosovo and former editor of the daily *Tribuna*, Pristina, 5 April 2016.

49 Gashi, "Kosovo", in *Nations in Transit 2016*, 2016. Available at: <https://freedomhouse.org/report/nations-transit/2016/kosovo>. Accessed 28 April 2016. See also OSCE Mission in Kosovo, *Circulation and Politicization of the Print Media in Kosovo*, 2010. Available at: <http://www.osce.org/kosovo/67790?download=true>. Accessed 4 March 2016.

50 Berisha, *Media ownership and finances in Kosovo: Legal vacuum and lack of transparency*, SEE Media Observatory, 2015. Available at: [http://mediaobservatory.net/sites/default/files/Media%20Ownership%20and%20Finances%20in%20Kosovo\\_o.pdf](http://mediaobservatory.net/sites/default/files/Media%20Ownership%20and%20Finances%20in%20Kosovo_o.pdf). Accessed 3 March 2016.

51 UBO Consulting, *Media Indicators 2015: A thorough study from a journalist's point of view on Kosovo's media freedom and conditions*. Commissioned by Kosovo Glocal - Kosovo 2.0, ÇOHU and Kosovo Press Council. 2015. Available at: <http://presscouncil-ks.org/wp-content/uploads/2015/05/Media-Indicators-2015.pdf>. Accessed 15 March 2016.

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were subsequently joined by about 50 other *RTK* editors and journalists.<sup>52</sup> Their campaign against political instrumentalisation at the public broadcaster was also supported by the Independent Trade Union of *RTK* Workers.<sup>53</sup> They protested against censorship by the editor-in-chief and his deputy and achieved the replacement of the two main editors who were pressuring their colleagues to provide pro-PDK reporting. They also managed to reinstate two protesting editors who had been suspended by management. Rabisha Muhaxhiri, one of the 12 editors who initiated the protest against political pressure at *RTK*, is aware that these were modest achievements.<sup>54</sup> She understands that the tendency persists towards political influence and instrumentalisation at *RTK*. However, according to Muhaxhiri, this protest by the *RTK* editors and journalists also yielded other results. She explains: *“Since then, there has been more debate at RTK. Also, management has been discussing new appointments with editors and journalists. The protest also had an impact on improved quality of the programming and on the professionalism of journalists.”*<sup>55</sup> However, the main result of this campaign may have been that it helped these editors and journalists to understand that one must fight for the integrity of the profession every day, in all circumstances, even when the situation looks desperate. Or, as Muhaxhiri says, *“Our fight for the protection of professionalism continues. We work and oppose interference and intimidation whenever they occur. Our group remains active, and we continue to influence management decision making to some extent.”*<sup>56</sup>

## 6.2

### HALIL MATOSHI – READY TO PAY FOR PROFESSIONAL INTEGRITY

Halil Matoshi is a well-known and outspoken journalist and writer who for many years has been writing without hesitation on most sensitive issues concerning post-war Kosovar society. In 2012, he was even attacked and beaten by three unidentified men in Pristina.<sup>57</sup> His long career as journalist and editor is replete with ‘episodes’ that form graphic examples of the varied problems that Kosovar media and their editors have been facing throughout the post-war period. According to his account, soon after he was appointed editor-in-chief of the then weekly *Zëri* in 2000, his director/owner began to caution him for

52 Koha Ditore, “Gjashtëdhjetë gazetarë e redaktorë të RTK-së kundër drejtorit,” 13 April 2015, p.5.

53 Koha Ditore, “Sindikalistët e RTK-së paralajmërojnë radikalizim të protestës,” 2 April 2015, p.7.

54 Interview with Rabisha Muhaxhiri, editor-in-chief for community programming and chief editor of the news department, *RTK 1*, Pristina, 6 April 2016.

55 Ibid.

56 Ibid.

57 Reporters Without Borders, “Knife attack on leading independent journalist in Pristina,” 11 July 2012. Available at: <https://rsf.org/en/news/knife-attack-leading-independent-journalist-pristina>. Accessed 15 March 2016.

THE MAIN RESULT OF THE CAMPAIGN BY THE RTK EDITORS MAY HAVE BEEN THAT IT HELPED THESE EDITORS AND JOURNALISTS TO UNDERSTAND THAT ONE MUST FIGHT FOR THE INTEGRITY OF THE PROFESSION EVERY DAY, IN ALL CIRCUMSTANCES, EVEN WHEN THE SITUATION LOOKS DESPERATE.

being too critical towards UNMIK.<sup>58</sup> In 2003, the director stopped publishing Matoshi's editorial because he had used the phrase "cultural neo-colonialism" when criticising UNMIK's administrator at the University of Pristina. Matoshi subsequently resigned and in 2004 joined the daily *Lajmi*, again as editor-in-chief. Here he faced even more interference from the owner and also from powerful individuals and groups from outside. When the owner presented him with a list of some 30 companies that *Lajmi* should not criticise, Matoshi again resigned in 2006 and organised a press conference where he explained what had happened. After working for some time as editor at the *Gazeta Express*, in 2009 he joined the *Koha Ditore* (KD) daily as a columnist and editor of the Saturday culture supplement. He was given no restrictions on his column by the management/owner. However, according to Matoshi, following the publication of a review critical of a publication by the Kosovar Academy of Sciences and Arts, in 2011,<sup>59</sup> he was replaced as editor of the Saturday culture supplement. What Matoshi describes as a gesture of compromise in this episode, the newspaper invited him to continue with his column.<sup>60</sup>

### 6.3

#### ZËRI – THE HIGH PRICE OF EDITORIAL INDEPENDENCE

The editor-in-chief of the daily *Zëri* Arbana Xharra has become the icon of this newspaper. She is well known for her writing on sensitive topics related to corruption, politics, politicised Islam, etc. Her articles are usually based on investigative journalism.

According to Xharra, *Zëri* enjoys full editorial independence without any interference from its owners.<sup>61</sup> However, she has been experiencing various forms of intimidation and threats from powerful individuals and groups that were displeased with her writing. More frequent and aggressive are the threats she receives from Islamic extremists whenever she publishes anything related to politicised Islam. She has also had legal cases launched against her by companies that were irritated by Xharra's articles. One of them submitted a legal case against Xharra demanding 700,000 euro compensation. However, the most frequent reaction by business companies unhappy with *Zëri's* reporting is termination of cooperation and withdrawal of advertising from this daily. Xharra is well aware of this. According to her, *Zëri* has been paying very high price for its editorial independence.<sup>62</sup>

58 Interview with Halil Matoshi, former editor-in-chief of the then weekly *Zëri* and the daily *Lajmi*, former editor of *Gazeta Express* and *Koha Ditore*, Pristina, 30 March 2016.

59 Lajmeshqip.com, "Matoshi: Monografia Kosova, me morra," 24 September 2011. Available at: <http://www.lajmeshqip.com/kultura/matoshi-monografia-kosova-me-morra>. Accessed 15 March 2016.

60 Interview with Halil Matoshi, former editor-in-chief of the then weekly *Zëri* and the daily *Lajmi*, former editor of *Gazeta Express* and *Koha Ditore*, Pristina, 30 March 2016.

61 Interview with Arbana Xharra, editor-in-chief, daily *Zëri*, Pristina, 1 April 2016.

62 Ibid.

THE MOST FREQUENT REACTION BY BUSINESS COMPANIES UNHAPPY WITH ZËRI'S REPORTING IS TERMINATION OF COOPERATION AND WITHDRAWAL OF ADVERTISING FROM THIS DAILY. XHARRA IS WELL AWARE OF THIS. ACCORDING TO HER, ZËRI HAS BEEN PAYING VERY HIGH PRICE FOR ITS EDITORIAL INDEPENDENCE.

Kosovo experienced a dramatic and unprecedented development in the media scene after 1999. Both post-war freedom and generous support by numerous donors provided a strong stimulus for rapid media development. Within a year after the end of the war, over 100 media outlets had been launched.<sup>63</sup> All these were new media outlets that started from scratch, since the previous decade of direct Serbian colonial rule over Kosovo that was marked by systematic brutal police repression of Kosovar journalists ended with the closure of all Albanian language media at the beginning of 1999.<sup>64</sup>

These dramatic developments in the Kosovo media scene were directly reflected in the situation of Kosovar journalists and editors. In this post-war context, Kosovar journalists were given new opportunities for both formal and informal in-service education. Through many training courses organised by international organisations and study visits to western media outlets, Kosovar journalists and editors were exposed to information on the international standards of professional journalism and best practices in media operations. More important, Kosovo adopted new media legislation that is relatively good and generally in line with European/international standards for free media development. However, poor implementation of these laws remains a serious challenge for Kosovar media and society in general. As a consequence, Kosovar journalists and editors are insufficiently protected by law enforcement agencies from various forms of intimidation and threats related to their work. It seems that the majority of journalists and editors in Kosovo work without employment contracts. In addition, salaries for Kosovar journalists and editors are far from adequate for the job they do. Only a few editors-in-chief at major media outlets are receiving slightly more than 1,000 euro per month. The salaries of other senior editors at major media providers are significantly lower, while the majority of editors-in-chief of local and online media work for just a few hundred euro per month. One editor revealed that until recently he had worked for six years as editor-in-chief of a news portal for just 250 euro per month, and that without an employment contract.

Overall, one could say that the situation for editors in Kosovo has improved after the war of 1999 in some key respects compared to the state controlled media during the long pre-war period under the one-party system. This is especially the case if the post-war situation of media and editors is compared to that of the transitional period during the last decade of the 20th century, when Kosovar journalists and media were subject to systematic repression and closure by Serbian

63 Berisha, "Kosovo/a", in *Media Ownership and its Impact on Media Independence and Pluralism*, 2004, p.220.

64 Ibid.

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police. Above all, one can cite the achievements of the new legislation providing legal preconditions for freedom of speech and free media development.

However, in some other respects the situation of editors and journalists has suffered setbacks. For example, media editors and journalists in Kosovo did enjoy a much better economic situation under the one-party system, when they received good salaries along with permanent employment contracts, and their profession was much more respected by society.

## 8 RECOMMENDATIONS

1. There is a need for more research based on a larger sample of journalists and editors regarding various aspects of their situation. AJK should take the lead in this regard.
2. Journalists' associations should organise an informed solution-oriented debate on the current unsatisfactory situation of Kosovar journalists and editors.
3. Advocacy campaigns for better implementation of the legislation affecting media operation and the situation of journalists and editors should be organised by journalists' associations.
4. The Kosovo Labour Inspectorate should pay much more attention to the implementation of Labour Law at media organisations.
5. Journalists' associations should organise advocacy and public awareness-raising campaigns to draw attention to the current tendency towards political and economic influence over the media, with the aim of increasing public pressure on those involved to cease such activities.
6. Media associations and civil society should support those RTK editors and journalists who are struggling to defend their professional integrity against political and economic pressure.
7. The European Commission should pay more attention in dialogue with the Kosovo government to the issues of political and economic influence over the media, together with the problem of inadequate implementation of the laws affecting media operations and the situation of Kosovar journalists and editors.

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This report has been produced with the financial assistance of the European Union. The contents of the report are the sole responsibility of the Peace Institute and the author, and can under no circumstances be regarded as reflecting the position of the European Union.

The report has been produced within the project South East European Media Observatory. <http://www.mediaobservatory.net>.

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Contemporary Social and Political Studies, Metelkova 6,  
SI-1000 Ljubljana, Slovenia, <<http://www.mirovni-institut.si>>. DESIGN DAK, Ljubljana, May 2016

THE EDITORS' ROLE IN  
MEDIA INTEGRITY PROTECTION  
IN KOSOVO  
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INTEGRITY AMID POOR RULE OF LAW