

## MEDIA FREEDOM - A CHALLENGE IN KOSOVO'S EUROPEAN INTEGRATION PROCESS

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### **Abstract**

Kosovo, like all EU members as well as those aspiring to join the EU, is fighting on different "fronts" aiming to attain EU and international standards. Among these standards, media freedom represents without any doubt one of the most difficult challenges as the country aspires to be democratic and transparent, as well as to respect human rights and fundamental freedoms. Having this in mind, the Kosovo Government is trying to accelerate the integration process by supporting the idea of free and transparent media as a precondition to EU membership. Such an objective has become an obligatory part of many documents deriving from the Kosovo constitution as well as other plans and strategies like the National Strategy for European Integration "Kosovo 2020". In Kosovo's integration process, there are several other obstacles, specifically with the opposition of some EU members to recognize the authority of the Republic of Kosovo, but with no doubt, media freedom is among the basic and fundamental ones. Thus, this paper attempts to present and analyse the approaches that the Kosovo institutions are using to improve the process of having a free, transparent and democratic media as an important component of the integration process and EU membership.

### **Keywords**

Democratic Media; EU Integration; EU Membership; Free Media; Progress Report; Transparent Media

## 1. INTRODUCTION

The “power” of media is very important in the process of European integration for all countries, thus is the same for the Republic of Kosovo. The media are the main source of information for the citizens on a wide range of issues related to this process and beyond it. It plays a major role in informing the public on all aspects of EU integration, which it has to do correctly, fairly, in a balanced way and in a timely manner. Continuous and fair information minimizes bias and ignorance of the general public about the process of integration and prepares it to support the country on its way to EU membership. But in view of providing objective information and completely fulfil its mission, the media should be free. Therefore, today, media freedom is an important challenge for any country that aspires to join the EU, not only because freedom of the press is a fundamental right and one of the values of the European Union, but also because freedom of the media is considered an indicator of a country’s democracy. The media play an important role in the functioning of democracy through providing the right information, creating transparency and making the public “the supervisor” of the work of government and political institutions - namely, by fulfilling the role of journalism as a "watchdog", especially through what is called investigative journalism. These are the values on which the European Union is based, “the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law” (European Union 2010).

Ensuring media freedom is one of the challenges that Kosovo is currently facing. The number of media outlets in Kosovo is growing, while the institutions which must ensure the preservation of media freedom are not lagging behind. Cooperation between the media and state institutions and the strengthening of the justice system are fundamental factors for advancing the EU integration process. The issue of media freedom as a matter of concern for media workers, and not only, plays an important role in the integration process and is one of the basic criteria that Kosovo must meet in order to join the EU. Regarding the current legislation, Kosovo is quite good according to international organizations like IREX, which stipulates that “freedom of expression in Kosovo is firmly guaranteed, from a legal perspective” (IREX MSI Kosovo report 2015, 59), or KAS Media Program South East Europe, which concludes in a report published on its website that “from the strictly legal perspective, the constitution and specific laws adequately safeguard media freedom” (KAS 2015).

The Kosovo Constitution ensures the protection of the freedom of media (Constitution of the Republic of Kosovo Art. 42) and also guarantees the implementation of the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR) (Constitution of the Republic of Kosovo Art. 22). Therefore, it is crucial to focus on the aspects of improving the situation on the ground, a problem noted also by the Organization for Security and Cooperation in Europe (OSCE), in a report for Freedom of Media and Safety of Journalists in Kosovo where is stated that “despite new legislation being in place, its implementation and enforcement continues to be problematic” (OSCE mission in Kosovo 2014, 11).

The media, as an important actor in the process of European integration of Kosovo, occupies an important place in the National Strategy for European Integration "KOSOVO 2020", prepared by the National Council for European Integration. “Constructive cooperation and partnership between the policy makers and media still needs to be developed. Such partnership is crucial as it can lead to better public information and more transparent public policy” (National Council for European Integration 2013, 55). The national strategy identifies key priorities to achieve the main goal of the strategy, the better preparation of Kosovo for European Integration by 2020:

- Governance effectiveness;
- Fight against corruption and organised crime;
- Economic development;
- Engagement of stakeholders;
- Advanced (contractual) relations with the European Union (National Council for European Integration 2013, 9).

## **2. MEDIA LEGAL FRAMEWORK IN KOSOVO 1999 – 2015**

The period after the war in Kosovo was characterized by different and difficult processes like democratic transition, negation of status, institution building, the Stabilisation and Association process, etc. Among them is the creation of the proper environment for free media. After 1999 the creation of democratic institutions in the country triggered the need to protect media freedom as an important factor evolving in Kosovo, in the context of developments and issues related to the transition of other post-communist countries in the Western Balkans. Bajomi-Lazar correctly showed that “Media

scholars looking into the relationship between political and media systems in the former communist countries have often focused on media freedom and pluralism and worked on the assumption that many of the political parties were seeking control over the media in order to suppress critical voices and to earn favourable coverage so that they could influence public opinion and voting behaviour, but have barely explored political actors' other possible motivations" (Bajomi-Lazar 2015, 59).

After the war in Kosovo, two main pre-war mediums, namely Radio Television of Pristina (RTP) and the newspaper "Rilindja" did not obtain the right to continue broadcasting on behalf of two public mediums. Instead, in the second half of 1999 Radio Television of Kosovo (RTK) began broadcasting, originally with only a two-hour program. Meanwhile, since 1999, in addition to Pristina, multiple media have been established in other cities of Kosovo like Prizren, Mitrovica, Peja, Ferizaj, Gjilan, etc. In 1999-2002, the media in Kosovo was under the constant control of the Temporary Media Commissioner (TMC), while the Media Hearing Board had extensive powers. Moreover, the freedom of the media was limited by media regulations themselves. Thus, Regulation no. 2000/37 on Printed Media and Regulation for Licensing and Regulating the Broadcast Media no. 2000/36, which standardised the functioning of the media, were seen as restrictive measures against the media by journalists and editors themselves. Besides these general regulations, the OSCE issued some specific regulations that defined in more detail the scope of media freedom and behaviour, especially during election campaigns. These regulations have not helped in creating a free climate and more favourable environment for the media, and in some cases, they proved the contrary, conflicting with the Code of Rights of Journalists. Under this code, journalists were entitled "to publish or broadcast materials freely, without any mixture of government or other public authorities. Write critically about all those who are in state or public functions" (Dauti 2001, 18).

Over the years, in different fields in Kosovo including the media the process of transferring responsibilities from the internationals to the kosovars began. Since 2005, the Independent Media Commission (IMC) has not had any authority to regulate printed media as the Press Council was established, and a year later, it went through a transition from the Temporary Media Commissioner to the Independent Media Commission. On 17 February 2008, Kosovo declared independence while its highest legal act, the Constitution ensured, among others, the protection of the freedom of the media. Article 22 of the Constitution stipulates as in the following:

“1. Freedom and pluralism of media is guaranteed.

2. Censorship is forbidden. No one shall prevent the dissemination of information or ideas through media, except if it is necessary to prevent encouragement or provocation of violence and hostility on grounds of race, nationality, ethnicity or religion.

3. Everyone has the right to correct untrue, incomplete and inaccurate published information, if it violates her/his rights and interests in accordance with the law” (Constitution of the Republic of Kosovo Art.42).

Simultaneously, the Kosovo Constitution guarantees the implementation of the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR) (Constitution of the Republic of Kosovo Art.22).

Currently, in Kosovo there are two independent regulators for the media: the IMC, which handles broadcasting licenses and promotes ethical, technical and professional standards, and the Press Council of Kosovo, which focuses on the written media and the protection of the freedom of expression.

### 3. EU LEGAL FRAMEWORK

Many researchers support the idea that media legislation has a great impact on the role of media in a democratic country, hence “...the role of the law, whether libertarian or authoritarian, in shaping or being shaped by journalism is undeniable” (Youm 2008, 290).

Article 11 of the Charter of Fundamental Rights of the European Union stipulates that “The freedom and pluralism of the media shall be respected” (Charter of Fundamental Rights of the European Union, Art. 11). This means that the EU must defend the freedom of the media as a fundamental democratic value and consistently convey the need to respect this article by Member States and candidate countries for membership. “Media freedom and media pluralism are part of the rights, freedoms and principles enshrined in the Charter and in the ECHR and firmly rooted in the national constitutional traditions of the Member States, and, as such, form a normative corpus that already had and will potentially have a role in the interpretation and application of European law” (Brogi and Gori 2012, 67).

The European Union, through Article 6 of the Treaty on European Union (TEU), gives the Charter of Fundamental Rights the same legal value as the Treaties. “The institutional and judicial approval of the EU Charter has

given it an ongoing salience even though its ultimate legal status remained undetermined” (Craig and de Burca 2008, 426). In the first paragraph of Article 6 of the TEU, the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adopted in Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties. With the second paragraph of the same article of the TEU, the EU guarantees the implementation of the ECHR: “The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties” (Treaty on European Union, Art. 6). Starting 25 May 2009, media freedom has been defended also by the European Charter on Freedom of the Press. In the recent years, in order to guarantee freedom of the media the European Union intensified its efforts to show that member states have to increase their degree of freedom of the media and become an example for the candidate countries for EU membership.

Recently, the debates in the EU on media freedom have increased, especially after the deterioration of media freedom in some member states of the EU, such as Italy, Greece, Bulgaria, etc., as revealed by the 2015 Press Freedom Index of Reporters without Borders and the report of Freedom House in 2015. In 2011, the EU created the Centre for Media Pluralism and Media Freedom in Florence. A project named “MEDIADDEM” functioned for three years. The EU is trying to improve freedom of the media in the Western Balkan countries through the so-called “Speak-Up!” and “Speak-Up2!” conferences, in which topics such as the media in these countries and the forms of assistance that the EU can give to improve media freedom there are discussed. The European Commission will use instruments at its disposal (the annual Enlargement Strategy Paper and Progress Reports) to implement the Speak-up!2 conference conclusions. “Ensuring freedom of expression and of the media is one of the main challenges facing enlargement countries. Political interference in the media, economic concerns such as media concentration and various forms of harassment, including threats and violence against journalists, are issues of concern in the Western Balkans and Turkey” (Speak-up!2 conference conclusions, 1).

After the first two conferences some progress has been achieved by the aspiring countries in the implementation of the European Convention on Human Rights (the former Yugoslav Republic of Macedonia, Montenegro), regarding the transparency of media ownership and limitations to media concentration in order to secure media pluralism (besides Kosovo, in other

states the situation has improved), in strengthening the legal framework, through a review of legislation which affects the media's ability to report freely, etc. (Implementation of the Speak Up! conclusions, 1-3). The EU is considering the possibility to organise the third edition of the conference under the name "Speak-Up3!" and to continue its involvement in improving media freedom in the Western Balkans.

#### **4. MEDIA FREEDOM - FROM THE LEGAL PERSPECTIVE TO THE PRACTICAL ASPECTS ON THE GROUND**

The progress in the integration process of the Western Balkan countries is not equal as some of them have already achieved the status of candidate country and others are still seeking for it. However, in terms of media freedom all Western Balkan countries generally face the same problems but with different intensity. The main concerns are political interference and economic instability. Kosovo is in the course of fulfilling the obligations deriving from the Stabilisation and Association Agreement. Among the issues and areas where progress must be shown, freedom of the media is a bridge between politics and citizens. Only free media guarantees the realization and fulfilment of the right of citizens to be informed correctly.

After the problems with the new Criminal Code in which articles 37 and 38 were considered as restricting the freedom of the press, the country completed the parliamentary procedure of amending the Criminal Code regarding the Criminal Responsibility of the Media and Protection of Journalists' Sources. Despite the fact that the Constitution of the Republic of Kosovo guarantees media freedom, various international organizations have published many reports reflecting the negative aspects of the situation in this field in Kosovo, drawing attention to the pressures on the media and journalists, which threaten the progress and the establishment of democracy and an open society in Kosovo. Based on the Progress Report of the European Commission, which measures annually the pre-accession and candidate countries' progress and represents the most important document for countries that seek integration into the European Union, we can easily conclude that Kosovo needs more time to apply all those observations made by the European Commission, in order to ensure that the media is in the service of society and democracy, rather than serving the interests of certain groups.

The Progress Report of 2014 shows that Kosovo must have the highest implementation of the legal framework for media freedom, and to avoid excessive fragmentation of media laws. "Issues such as the autonomy of journalists and editors, protection of professional standards in journalism, the right to conscientious objection for journalists, and the right to reply and correction for the public remain unregulated by law. Editorial codes of conduct at individual media outlets would also be helpful in this regard. Threats and attacks, also from the police and public officials, on journalists persist" (Kosovo Progress Report 2014, 17). The report also points out the economic problems that sometimes constrain media independence. "Economic sustainability of the media is not ensured. Kosovo does not have effective rules for media ownership transparency. This results in excessive concentration and breaches of independence. Government advertisements have had an impact on the editorial policies of some of the media. The long-term financial sustainability of Kosovo's public broadcaster (RTK) continues to be uncertain. Its current funding comes predominantly from the state budget, which undermines its editorial independence" (Kosovo Progress Report 2014, 17). The Progress report notes some improvements, such as the approval in the Parliament of the law on the protection of journalistic sources and the re-launching of the Independent Media Commission (with the four new members its board already has a quorum).

Meanwhile, the organization "Freedom House", in its report "Freedom of the Press 2015" places Kosovo among the countries with partly free media and ranks it as the 97<sup>th</sup> with a total score of 49 points, the classification being from 0 (free) to 100 (not free). In both reports of "Freedom House" in 2014, "Nations in Transit" and "Freedom of the Press", again in the spotlight are the same problems like political interference and pressure in the media. "While Kosovo's Constitution and legal framework provide for freedom of expression and freedom of the press, the media environment is affected by political interference, corruption, and financial pressure. A judiciary that is not considered to be fully independent and an underdeveloped civil society present further obstacles to media freedom" (Freedom of the Press 2015).

The newest report "Nations in Transit" 2015 shows that the independence of media in Kosovo has improved in comparison with the four previous reports. From grade 1 representing the highest level of democratic progress to 7 as the lowest, Kosovo is estimated at 5.50 as a Semi-Consolidated Authoritarian Regime, with a 0.25 increase over the last four years. In general, this is the only improvement within this category. This report ranks Kosovo

worse than other Balkan states as well as Central European states, but better than some Eurasian states, granting Kosovo 5.14 in the pillar of Democracy Score. “Kosovo has recently benefited from an increase in independent news outlets and investigative journalism online, but media in the country continues to suffer from problems common to most of its neighbours, particularly progovernment bias at public broadcasters, self-censorship caused by editorial pressure from political leaders and private owners, and harassment or attacks on journalists that usually go unpunished” (Nations in Transit 2015, 7). This can be shown in the figure below.

**Figure no. 1.** Freedom House, Nations in Transit 2015: Overview of ratings changes

	COUNTRY	DS 2015 (DS 2014)	EP	CS	IM	NDG	LDG	JFI	CO
<b>BALKANS</b>	Albania	4.14 (4.18)				↑			
	Bosnia and H.	4.46 (4.43)						↓	
	Croatia	3.68							
	Kosovo	5.14			↑			↓	
	Macedonia	4.07 (4.00)	↓	↓					
	Montenegro	3.89 (3.86)			↓				
	Serbia	3.68 (3.64)			↓				
<b>CENTRAL EUROPE</b>	Bulgaria	3.29 (3.25)						↓	
	Czech Rep.	2.21 (2.25)				↑			
	Estonia	1.96							
	Hungary	3.18 (2.96)	↓	↓	↓		↓	↓	
	Latvia	2.07							
	Lithuania	2.36							
	Poland	2.21 (2.18)	↓						
	Romania	3.46	↓						↑
	Slovakia	2.64 (2.61)			↓				
Slovenia	1.93								
<b>EURASIA</b>	Armenia	5.36							
	Azerbaijan	6.75 (6.68)		↓				↓	
	Belarus	6.71							
	Georgia	4.64 (4.68)					↑		
	Kazakhstan	6.61							
	Kyrgyzstan	5.93 (5.89)		↓					
	Moldova	4.86							
	Russia	6.46 (6.29)		↓	↓	↓	↓	↓	↓
	Tajikistan	6.39 (6.32)		↓				↓	
	Turkmenistan	6.93							
	Ukraine	4.75 (4.93)	↑	↑	↑				↑
Uzbekistan	6.93								

↑ Improvement ↓ Decline □ Unchanged  
 Categories: EP – Electoral Process, CS – Civil Society, IM – Independent Media,  
 NDG – National Democratic Governance, LDG – Local Democratic Governance,  
 JFI – Judicial Framework and Independence, CO – Corruption, DS – Democracy Score

Source: Author's own compilation

Data source: [https://freedomhouse.org/sites/default/files/FH\\_NIT2015\\_06.06.15\\_FINAL.pdf](https://freedomhouse.org/sites/default/files/FH_NIT2015_06.06.15_FINAL.pdf)  
 [Accessed:24 July 2015]

Every year, reports are published also by "Reporters without Borders". According to the 2015 Press Freedom Index, Kosovo is ranked 87<sup>th</sup>, meaning seven positions lower than in the previous report. However, Kosovo remains before other Western Balkan countries like Croatia, Montenegro or Macedonia where the media situation continues to deteriorate, or even higher than some European Union member states, such as Greece or Bulgaria. The following figure reflects the data discussed above.

Figure no. 2. Reporters without Borders, Press Freedom Index 2005-2015

State	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Kosovo	100	70	60	58	75	92	86	85	85	80	87
Albania	62	80	87	79	88	80	96	102	102	85	82
Bosnia & H.	33	19	34	36	39	47	58	68	68	66	66
Croatia	56	53	41	45	78	62	68	64	64	65	58
Macedonia	43	45	36	42	34	68	94	116	116	123	117
Montenegro	65	45	58	53	77	104	107	113	113	114	114
Serbia	65	45	67	64	62	85	80	63	63	54	67
Turkey	98	98	101	102	122	138	148	154	154	154	149

Source: Author's own compilation

The Media Sustainability Index of the IREX organisation (MSI) assesses the level of providing objective information by the media by measuring the indicators of freedom of speech, professional journalism, the plurality of news, business management and supporting institutions. Unlike the 2014 MSI report which reported an improvement of the situation in terms of pressure on journalists, the 2015 report notes the deterioration of Kosovo's media sustainability. Self-censorship continues to be a serious concern to the media and media workers in Kosovo, according to the two latest MSI reports. In the 2015 MSI report media ranged from unsustainable/against freedom of the press, to sustainable, while Kosovo is ranked among the countries with media that are close to stability, the overall result being 2.27, near

sustainability (IREX MSI Kosovo report 2015, 60). Out of the five objectives, the biggest deterioration occurred in the freedom of expression. In this category, Kosovo now has the result of 2.25 while in the last year's report it was 2.65. "What really concerns the panelists is journalists' safety. Although no journalist has been killed recently, the panelists said threats and physical assaults are escalating. Such crimes against journalists come mostly from business people and rarely from government officials directly" (IREX MSI Kosovo report 2015, 61). In the following figure Kosovo's progress during the years in freedom of speech, professional journalism, the plurality of news, business management and supporting institutions is shown.

Figure no. 3. MSI Kosovo 2015

SUSTAINABILITY					
OBJECTIVES		Unsustainable anti-free press	Unsustainable mixed system	Near sustainability	Sustainable
	Free speech			2.25	
	Professional journalism			2.13	
	Plurality of news sources			2.57	
	Business management			2.02	
	Supporting institutions			2.36	

Source: Author's own compilation

Data source: [https://www.irex.org/sites/default/files/u105/EE\\_MSI\\_2015\\_Kosovo.pdf](https://www.irex.org/sites/default/files/u105/EE_MSI_2015_Kosovo.pdf)  
[Accessed: 31 July 2015]

The issue of the freedom of media and media workers as well as the problems reflected in their workplaces are analysed also in the Human Rights Watch 2015 report. Among other measures mentioned in the report, it calls the ombudsperson to protect journalists. "The ombudsperson condemned threats against journalists and called on media, prosecutors, and police to act within the full scope of their mandates and not use methods that violate people's privacy and dignity" (Human Rights Watch - World Report 2015, 475).

## 5. EU MEDIA FREEDOM AS REFERENCE

Since there is a group of countries within the EU with partly free media, this pushed the EU to deal more with media freedom. While six member states are among the top 10 states with the highest degree of free press in the world, six other states are categorized as having “noticeable problems” (Reporters Without Borders 2015). Today, Europe is facing an increasing gap between Northern countries, who are distinguished for their high level of media freedom and the Southern states that have degrees of media freedom similar to countries like Burkina Faso or Nicaragua.

Concerns about media freedom in the EU were also raised by the former Vice-President of the European Commission responsible for the Digital Agenda, Neelie Kroes, who stated that “challenges to media freedom and pluralism are neither a recent phenomenon, nor one confined to just one or two Member States. But recent cases have been high profile and significant” (Kroes 2012). In the following figure the positioning related to media freedom of the world’s regions are shown.

**Figure no. 4.** Reporters without Borders, World Press Freedom Index 2015

	2013	2014	2015	Diff. 2014/2015
European Union and the Balkans	17,5	17,6	18,6	+5.6%
Americas	30	30,3	30,8	+1.6%
Africa	34,3	35,6	35,9	+0.8%
Asia-Pacific	42,2	42,2	42,6	+0.9%
Eastern Europe & Central Asia	45,3	45,5	48,1	+1.3%
North Africa & Middle East	48,5	48,7	49,2	+1.0%
<b>Global Indicator</b>	<b>3395</b>	<b>3456</b>	<b>3719</b>	<b>+7.6%</b>

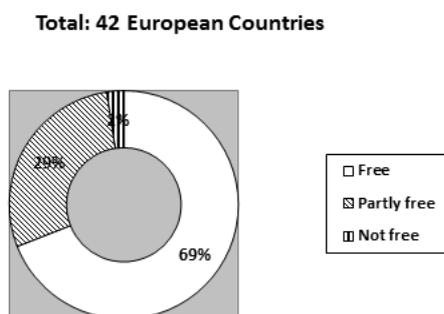
Source: <https://index.rsf.org/#!/presentation>  
[Accessed: 28 March 2015]

This figure shows that globally, media freedom is respected more in the European Union and the Balkan states. However, last year's report shows that this region had the largest decline. “This disturbing trend reflects a two-

fold phenomenon: the excesses of some member countries on the one hand and the inability of EU mechanisms to contain them on the other”, Reporters without Borders showed in the 2015 report published on their website (Reporters without orders 2015). In the EU, the 2015 report of Reporters without Borders shows the deterioration of media freedom in two countries in particular, Italy and Bulgaria. Italy descended from the 49<sup>th</sup> place in 2014 to the 73<sup>th</sup> in 2015. Bulgaria dropped from the 100<sup>th</sup> to the 106<sup>th</sup>. Andorra sank from the 5<sup>th</sup> to the 32<sup>th</sup>, Liechtenstein from the 6<sup>th</sup> to the 27<sup>th</sup>, Luxembourg from the 4<sup>th</sup> to the 19<sup>th</sup>. The three worst ranked EU countries are Italy, on the 73<sup>rd</sup> place sharing this position with Nicaragua, Greece on the 91<sup>st</sup> and Bulgaria on the 106<sup>th</sup>. The six EU countries in the top ten countries ensuring press freedom are Finland, Denmark, the Netherlands, Sweden, Austria and Estonia.

Freedom House has also written about the increasing problems in some of the EU countries in its "Freedom of the Press 2015" report, which highlighted the decreasing level of freedom at the regional level for the second consecutive year. “Over the past decade, incremental erosion of the legal and economic environments, as well as interference with the ability of journalists to cover the news in person, have given Europe the world’s second-largest net decline since 2004, after Eurasia” (Freedom of the Press 2015, 14).

**Figure no. 5.** Media status in European countries



Source: Author's own compilation

Data source: Freedom House, Freedom of the Press 2015, p.14

[https://freedomhouse.org/sites/default/files/FreedomofthePress\\_2015\\_FINAL.pdf](https://freedomhouse.org/sites/default/files/FreedomofthePress_2015_FINAL.pdf) [Accessed: 14 May 2015]

## 6. CURRENT SITUATION AND CHALLENGES AHEAD

The power of the media in Kosovo is greater today than it used to be in the past. Therefore, media became much more important in general while in particular is important for the protection of human rights. "There are many examples where the misuses of power, corruption, discrimination and even torture have come to light because of the work of investigative journalists. Making the facts known to the public is often the first, essential step in redressing human rights violations and holding those in power accountable" (Council of Europe 2011, 7). The media in Kosovo is continuously facing various challenges. The main problem is its freedom, which according to the Association of Professional Journalists of Kosovo is in a poor position. "22 cases of physical violence and threats against journalists in Kosovo occurred between January - November 2014 - according to the Association of Professional Journalists of Kosovo" (Human Rights Watch 2015, 2). The statistics presented above show the increasing threats and violence against journalist comparing to year 2013.

There are four main issues affecting the freedom of media in Kosovo.

First, the lack of implementation of the law: As pointed out in the report of the European Commission (Kosovo Progress Report 2014, 14), Kosovo needs to focus in particular on improving the independence, effectiveness, accountability and impartiality of the judiciary. This relates to the freedom of the press, because only a strong system of justice can defend freedom of expression and the media. From a legal perspective, we mentioned already that media freedom is a constitutional right, guaranteed by law, but this has proved insufficient if there is no respect in practice, and unless there is a proper functioning of the judiciary to apply it. "Media freedom is truly effective only in an environment where other fundamental rights are protected; the judiciary and public bodies act in a genuinely independent way, and government authorities are accountable to the public through free and fair elections" (Horsley 2012, 25).

Second, political pressure: Political pressure is another problem of media in Kosovo and in many cases it limits the freedom of the press. This is emphasized in the report of the Freedom House "Freedom of the Press 2014": "Editors frequently bar their reporters from publishing or broadcasting stories that are critical of the government or of particular officials due to the outlets' political leanings" (The United States Department of Justice, 2). Politicians use different tools to approach the media, such as their links to media owners,

editors or journalists; they can prepare personnel and their infiltration in the media, exert economic pressure on the media, condition donations in order to avoid criticism, etc. Human Rights Watch qualifies political interference / pressure as a serious problem in a report on media freedom in the Western Balkans: "Journalists told Human Rights Watch that in some cases politicians pressured owners and editors to drop critical stories" (Human Right Watch 2015, 3).

Third, economic pressure: A separate challenge is the pressure on journalists by the media owners because of the media's own financial dependency. The journalists' rights might be violated and their safety put at risk if they do not respect the "rules of the game" imposed by those who manage the media in Kosovo. This dependency factor has a double character: the more the society is economically developed, the more powerful and democratic the media will be; on the contrary, with less economic development of society, there come media dependency, control and undemocratic character. The Kosovo government continues to be the main employer and biggest contractor for the advertising media business. This position allows the government to exert economic pressure on certain media outlets, punishing them through the non-delivery of advertising if they publish/broadcast a critical report on the work of government institutions. This has been highlighted also by an OSCE report on the situation of media freedom in Kosovo. The report, based on an anonymous survey of Kosovar journalists' notes, showed that financial/economic pressure from the government on the media can happen in two main ways - by advertising and funding (OSCE mission in Kosovo 2014, 13). This shows that local as well as central institutions in Kosovo tend to control the editorial content of newspapers/radio/TV by favouring them when it comes to the publication of government-sponsored advertising.

Fourth, but not less important, economic sustainability: Economic sustainability is a global challenge for the media and media in Kosovo is not excluded. Despite the improved legal framework, journalists facing financial problems are subject to self-censorship. This is due to their survival concerns, while professionalism is to be converted into the service of others. According to the Media Sustainability Index of the IREX organisation, the salaries of employees in the Kosovo media are not considered sufficient to provide the necessary financial stability. An investigation on press freedom in Kosovo by Reporters without Borders in 2010 found that "many journalists begin an apparent career in the media as a stepping stone towards administrative or

diplomatic careers” (Basile 2010, 4), because they do not see the work in the media as comfortable in financial terms. This is proved also by the suggestions of the European Commission’s Progress Report of 2014, which states, among others, that there has been limited progress in the improvement of ensuring economic sustainability of the media. This indicates that the situation has not changed for the better.

## 7. CONCLUSIONS

The right to a free press is a constitutional right in all democratic countries all over the world. Legislators and senior institutional officials cannot issue, approve and apply laws that limit the freedom of journalists and the media in providing information. Restrictions on the press and media in general are justified in cases dealing with national security only. These restrictions should be closely examined by the courts. Freedom from censorship or any other form of intervention in the collection and dissemination of information is the essence of the definition of freedom of the press. But, press freedom does not mean that journalists, consciously or not, can publish lies, half-truths, slander, etc., for which they could be charged and have to be accountable to the public and justice. Kosovo's integration process as well as the debate on it requires the full engagement of the media in order to succeed. Media should not limit itself to reporting only the titles of the decisions made or the national political reactions, but must analyse those decisions, explain the technical side and inform citizens about the country’s progress and political response to the demands of the EU.

However, we can conclude that ensuring the freedom of media in Kosovo with its fragility, or “partial freedom”, as described by relevant local and international organizations and agencies’ reports, remains a difficult but not insurmountable challenge for the coming years.

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