

AN INVESTIGATION

KOSOVO STILL NOT TOO LATE FOR PRESS FREEDOM...



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**REPORTERS
WITHOUT BORDERS**
FOR PRESS FREEDOM



AFP photo / Jack Guez

More than two years after declaring independence, on 17 February 2008, Kosovo is facing a host of challenges in all major sectors of activity. Alongside unemployment, the absence of health and social insurance, a dilapidated electricity and water system and inefficiency in medical treatment, freedom of the press looks like a secondary problem, almost a luxury.

However it has become more urgent than ever for the ills that are undermining Kosovo to be explained and exposed. Only a few journalists have managed to report on the endemic corruption in the administration and the uncontrollable penetration of organised crime into most areas of the economy. And yet the people need the media to act as safeguard.

Few countries are home to such a large number of international institutions: More than a score have or have had offices in Pristina: The United Nations, Nato, the Organisation for Security and Cooperation in Europe (OSCE), the European Union, as a delegation, but also through its new mission, Eulex. But even in this environment and despite the sums invested in re-launching the media, freedom of the press is struggling to develop. Neither financial nor editorial independence is yet guaranteed. There is still no press centre in the capital to serve as an influential reference free press point and provide a location for improving ethics and professionalism through meetings and exchanges.

The Prime Minister, Hashim Thaçi has prioritised joining the European Union. And this will only be achieved by observing certain criteria, including having a free and independent press. Even though the prime minister has made frequent positive statements on the issue, government policy has so often conflicted with this. His influence and that of his party Partia Demokratike e Kosovës (Democratic Party of Kosovo - PDK) are obvious and increasing, particularly in public television which remains the country's leading media both in terms of its sheer size and the influence it has over the population. Although a fledgling Internet sector does offer opportunities for independence and pluralism, as elsewhere in the world, this sector is still financially fragile.

« Kosovo is a small country with a very closed market for journalists. The government has put its stamp on a large section of the profession and thus feels comfortable. The few remaining independent journalists are seen as a minor irritations that can be dealt with through financial pressure or simply by bidding their time and relying on the fact that, as they believe, everyone has their price”, said one freelance journalist, who requested anonymity so as “not to close off the very few chances that remain open to him”.

ACCESS TO PUBLIC INFORMATION IS NOT ALWAYS GUARANTEED

In the eyes of the law, access to public information is guaranteed without any registration or restrictions, aside from information that is genuinely sensitive (as practised across Europe). But in practice, the public is not informed of more than 1% of the real substance and reliability of the data.

“In an apparent show of transparency, the authorities say they want to ‘provide a service to the press’ and ‘show their goodwill’, by providing us with a whole range of unverifiable data. None of these documents can be used in a reliable way except by a certain section of the press that does not go to much trouble to make any checks”, said one journalist, who asked for anonymity.

So journalists seeking access to public information such as what make of vehicle is used by a particular town hall, how tendering is carried out, allocation of budget etc. rarely get any reply. Financial data, water management, electricity, land development, building permits, new business premises are all areas that are completely closed

The reasons for this mercenary journalism can be found in the particularly precarious nature of journalism. Most of them work without any employment contracts and without insurance coverage and thus without legal rights. Koha Ditore is the only paper that sets out working conditions with two days off and insurance cover. Zëri also does its best to provide decent contracts. Journalists are however for the most part badly or not paid and thus open to exploitation.

In Europe’s poorest country, professional standing is more often measured by cars, apartments and lifestyle than by the quality of work or independence. Many journalists also begin an apparent career in the media as a stepping stone towards administrative or diplomatic careers. They have their eye on advisory and ambassadorial positions that they hope to see opening up around the world. The political class also has a tendency to offer opportunities for government press attaché positions, but open only to those journalists who have demonstrated their allegiance.

“PRESS FREEDOM EXISTS BECAUSE IT IS IN THE CONSTITUTION”

Kosovo’s constitution safeguards press freedom, through articles 40 and 42 that guarantee “freedom of the press and media pluralism. Censorship is banned. Nobody can block the right of each person to receive, research and disseminate news and information.” Press freedom

can however be limited by law in cases where it would encourage violence and hostility linked to race, nationality, ethnicity or religion. Kosovo does not have a media law.

However the justice system does not have the means it requires to operate properly. Judges, who have little or no training in media problems, are badly paid and with little independence, are not inclined to introduce jurisprudence into national law that would protect the press from widespread pressure. The political class which has real influence over the magistracy has transmitted to it the low regard in which it holds the press. Judges also know that some journalists can make or wreck their careers with articles “commissioned” from various powerful quarters. Caught between long established corruption and absolute patronage, the independence of judges on press issues, is questioned by almost all the profession.

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off to inquiry in direct violation of the promises made by the current government.

WIDESPREAD CORRUPTION THAT ALSO IMPACTS ON THE PRESS

The media world is not spared corruption. Although Kosovo does have some good journalists, a section of the profession has given itself over to a mercenary journalism by writing to order or from a particular viewpoint. They are commissioned not so much for a political party, business or individual to secure positive coverage of their activities but rather to provide the most negative coverage possible of their enemies. This can prove particularly profitable. Since the average journalist’s salary stand at around 250 euros a month, it is difficult to explain how some of them, ordinary editors or department heads, drive luxury cars or live in apartments in Pristina’s most pricey neighbourhoods.

CALLS AND RECOMMENDATIONS FROM REPORTERS WITHOUT BORDERS:

REPORTERS WITHOUT BORDERS URGES:

1. hat access to public information guaranteed in Article 41 of the Constitution be effectively offered to all journalists, without administrative or protocol obstacles, with direct physical access to news sources;
2. That Parliament initiates a draft law guaranteeing protection of sources to all journalists based on European standards;
3. That the EULEX mission includes in training of judges information about the major challenges linked to specific rights of the press and of new media;
4. That members of the executive should not be engaged in the process of appointment of members of RTK's management board. This process should be the responsibility of parliament alone. The committee responsible for appointments should also include representatives of the written press, web radio and television, as well as individuals from the academic world, recognised for their professionalism and independence. The ideal situation would be if the half of the committee for appointment comes from media and civil society;
5. That digitalisation should be speeded up and carried out with greater transparency, with consistent follow-up information for all those involved whatever their status or their size. We call on the international community to keep a close watch on this process and to guarantee that it is carried out with full respect for international norms, ensuring fair chances to all;
6. That private and institutional advertising market be liberalised and that the rules of this liberalisation be established in partnership with all sectors of the media including new media;
7. That all institutional advertising be shared out in a fair and transparent manner across television, radio, the written press and news websites, whether public or privately owned. We call on the Kosovar government to provide a public monthly report on the share-out of institutional campaigns that they put in the press specifying the price and the titles that benefited;
8. That the two analogue licences still available in Pristina be compulsorily and quickly made the subject of public tendering clearly defined and open to all. We ask that the international community should be able to observe the allocation process of these two licences which should be done with the utmost transparency;

9. That the government ensures that legislation is drawn up that is clearer and more permissive on radio and television transmission on cable. Web-TV and Web-Radio should not in any case be subjected to licensing and should be encouraged in the process of starting up and transmitting;

10. That a press centre be opened as quickly as possible in Pristina. We urge the international community to switch part of the funds it spends on campaigns promoting their activities in Kosovo to a fund set aside for this project;

REPORTERS WITHOUT BORDERS RECOMMENDS:

1. That political representatives, starting with government members, stop accusing the press of "espionage" or "attacking national identity", when it is not favourable to them or when they carry out reporting that serves the public interest. We call on the political class to take greater responsibility and not to add to the already charged climate in which journalists must work;
2. That journalists take all the necessary steps to re-launch a professional organisation capable of serving as an interlocutor with national and international institutions.

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REPORTERS WITHOUT BORDERS is an international press freedom organisation. It monitors and reports violations of media freedom throughout the world. Consisting of a team of 12 journalists and a network of 140 correspondents worldwide, Reporters Without Borders analyses the information it obtains and uses press releases, letters, investigative reports and recommendations to alert public opinion to abuses against journalists and violations of free expression, and to put pressure on politicians and government officials.

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