

Kosovo



Setting media standards

Public awareness and effectiveness of the
Independent Media Commission and the
Press Council of Kosovo

An EU-funded project managed by the European Union Office in Kosovo

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Journalists in the
KFOR field camp
in Prizren, Kosovo

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FOREWORD BY
BETTINA PETERS

Setting media standards

The “Setting Standards – Public Awareness and Effectiveness of the Independent Media Commission and Press Council of Kosovo” was carried out by Thomson Foundation media expert Bill Taylor in September 2014 with follow up discussions in November and December 2014. It focuses on assessing the public profile of the work of the Press Council of Kosovo and the Independent Media Commission and proposes several conclusions and recommendations for future work.

The study is part of the “Media For All – Strengthening Media Self-Regulation, Media Law and Media Freedom in Kosovo” project that is funded by the European Union, managed by the EU office in Kosovo and implemented by the Thomson Foundation. Its main aim is to increase capacity and standing of the Independent Media Commission (IMC) and the Press Council of Kosovo (PCK) and to improve understanding and knowledge of the role of self-regulation and regulation in media by editors, journalists and the legal community through cooperation with the Kosovo Judicial Institute (KJI).

Jan '15



It does not focus on increasing control of journalists, but rather to strengthen a media environment that produces quality journalism that is relevant, timely and accurate, challenging and responsible. Self-regulation and broadcast regulation should be seen as setting standards and assisting in creating high quality within a media environment defined by freedom and integrity and based on the standards of the European Convention of Human Rights and European Court of Human Rights decisions. The findings and conclusions of the study will guide the work of the project in the months to come with the aim to achieve.

- ★ Improved engagement with the public by IMC and PCK
- ★ Increased knowledge of IMC and PCK mechanisms by the public
- ★ More support to PCK and IMC from their members
- ★ Enhanced capacity to promote press freedom by PCK, IMC.

More information about the project and the study can be obtained from the Thomson Foundation office in Kosovo by contacting project coordinator Artan Mustafa: ArtanM@thomsonfoundation.org.

Bettina Peters, Director of Development
Thomson Foundation

The study is part of the “Media For All – Strengthening Media Self-Regulation, Media Law and Media Freedom in Kosovo” project that is funded by the European Union and implemented by the Thomson Foundation



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Bill Taylor is a consultant and coach specialising in journalism, broadcasting and communications. From newsroom to boardroom, he brings high-level leadership experience of producing TV news programmes, launching TV channels and leading national change projects in broadcasting



EXECUTIVE SUMMARY



Within a few short years, the Press Council of Kosovo (PCK) and the Independent Media Commission (IMC) have successfully established a model of media regulation and self-regulation familiar to Western democracies. This follows a historic period of state or partisan influence in print media and broadcasting. The achievements of the IMC and PCK should not be underestimated.

Three of Kosovo's architectural styles reflected in one image taken in downtown Pristina

However, both organisations now face a series of significant challenges. All leaders of the media industry and civil society interviewed for this study believe public awareness of the Press Council of Kosovo and the Independent Media Commission is poor, especially in the case of the IMC. Continual funding crises limit their effectiveness and capacity for future development.

Both the PCK and the IMC, in common with media regulators and self-regulators all over Europe and beyond, are at the centre of a very live debate about how to improve content standards and accountability in internet news portals. For the growing and young audience who choose internet portals as their first and primary source of news, both organisations may be perceived to be irrelevant or powerless or both – if, indeed, they are known at all.

The IMC faces a difficult task to persuade thought leaders and the general public in Kosovo that its new board and therefore the organisation as a whole are truly independent and free of political influence and control. The leadership of the Independent Media Commission agree there is now a need for more public-facing campaigns to raise the profile of their work. To a lesser extent, this is also true of the Press Council of Kosovo. Kosovo as a whole faces a daunting task in achieving successful switchover to digital only television by the due date of June 2015.

Both the IMC and the PCK are young organisations still in the process of establishing their effectiveness in the eyes of political leaders, civil society, the media industry and – crucially – the public of Kosovo. The door is now open to both institutions to increase their profile as defenders of media freedom and to increase public awareness of their role. This reforming work cannot be done without the engagement of Kosovo's political and legal community or without promotion of better ethical practices within the media industry itself.

Kosovo as a whole faces a daunting task in achieving successful switchover to digital-only television by the due date of June 2015



"In Kosovo, free media contributed to our becoming a democratic country...
The media are friends of Kosovo"
Lavdim Hamidi, deputy editor in chief, Zeri



INTRODUCTION

This review, carried out by Thomson Foundation as part of the Media For All project financed by the European Union, explores how Kosovo's two media regulators are perceived by leaders of the country's media industry and civil society.

Our findings are based on a series of formal interviews with leading figures in TV and radio broadcasting, print media and internet news portals. We also met executives and board members from the Press Council of Kosovo and the Independent Media Commission, which regulates broadcasting, as well as thought leaders from NGOs, civil society, political life and the civil service.

Everyone we interviewed was completely open in sharing thoughts, beliefs, concerns and ideas for the development of a better media culture in Kosovo. We met no resistance of any kind in discussing the very considerable challenges facing media regulation in Kosovo.

Some of these challenges are common to Western democracies: how to regulate internet content, for example, or how to deal with extremist threats of violence in print and broadcast media. However, there is a particularly Kosovar historical dimension running through all the ideas that follow.

A more mature media culture for the future

"Ten years ago, we didn't have a media regulator," said Ismet Cakiqi, a former journalist who is now head of public communications in the Prime Minister's Office. "We came from a very different system of media and now we're in a transition phase. From 2000 to the present, we have seen drastic changes. In the next five to ten years, I think we will see more dramatic change in a positive sense."

The delicate balance between media regulation and free speech has a special, living resonance for all Kosovars today. "In Kosovo, free media contributed to our becoming a democratic country," said Lavdim Hamidi, deputy editor in chief of the daily newspaper Zeri. "The media are friends of Kosovo."

According to civil rights workers, that is all the more reason for a constant campaign to protect and improve media standards. "To say Kosovo is a young democracy can never be a justification for bad practice," said Petrit Zogaj, executive director of FOL, a non-governmental organisation set up in 2008 to fight corruption and monitor the open-ness and accountability of government and public institutions.

Given this historical context, the often explicit opinions contained in this study are not intended in any way as a one-sided criticism of Kosovo's media regulators, but rather as a possible basis on which to co-create a more mature media culture for the future.

At its heart, this Thomson Foundation review asked two fundamental questions:

- ★ How well known and understood are the Press Council of Kosovo and the Independent Media Commission?
- ★ How effective are they in carrying out their work?

There was remarkable agreement across all of the media industry and civil society about the nature of the challenges facing both organisations. Inevitably, we found not such a great consensus about possible solutions. ▷



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Ismet Cakiqi, head of public communications, Prime Minister's Office



“We are funded by Kosovo’s budget, but we have budget cuts every year. I don’t know how we will end this year. We may be paralysed. We are professional but cannot be fully functional without a budget. There is a risk the IMC might grind to a halt” **Naile Krasniqi, executive director, IMC**



RECENT HISTORY OF MEDIA REGULATION IN KOSOVO

“Moral fines”

The Press Council of Kosovo and the Independent Media Commission were established in their present form in 2005-2006. Both regulators had started life as part of the Temporary Media Commission, which was set up by the United Nations Mission in Kosovo in the immediate aftermath of war. When they became separate organisations, the regulators took a very different path.

The IMC is an independent institution of the State of Kosovo, funded entirely by the Budget of Kosovo. It has a legal responsibility to licence TV and radio stations, to regulate the broadcast spectrum, to ensure fair and open access to the broadcasting market place and to uphold a code of ethics for the content of TV and radio programmes. It also has the power to punish broadcasters who breach the code of ethics.



By contrast, the Press Council of Kosovo is now a non-governmental organisation funded by donations from international organisations. It operates a system of self-regulation for print media and internet news portals who choose to become members. It has no power to investigate, punish or exclude members who breach its code of ethics. Neither does it have the power to compel any news organisation to sign up to its code of ethics. Instead, it operates a culture of naming and shaming journalists and news organisations who breach agreed content standards – a system it describes as “moral fines”.

FUNDING DIFFICULTIES

For both organisations, financial pressures lie at the heart of the very significant obstacles they face, albeit on a very different scale. Although the IMC is financed directly by the state, recent political instability has undermined the effectiveness of the organisation. “We are funded by Kosovo’s budget, but we have budget cuts every year,” said Naile Krasniqi, executive director of the IMC. “I don’t know how we will end this year. We may be paralysed. We are professional but cannot be fully functional without a budget. There is a risk the IMC might grind to a halt. We might end up not being able to do our work.”

Driton Qeriqi, elected vice-president of the regulator’s ruling board, agrees: “Budget cuts harm our activities. Operational funds are in a critical situation and this jeopardises our role. The financial constraints are a major problem.” However, the IMC has 31 specialist staff (excluding the board and appeals board) operating from a modern office headquarters in the Pejton district of the capital Pristina (Prishtinë/Priština). The Press Council of Kosovo has a paid staff of just three people squeezed into a tiny, cramped office in the city centre. Its budget is miniscule by comparison and dependent entirely on the continued support of international donor organisations. To Nehat Islami, executive director of the Press Council, the Independent Media Commission live “like royalty”.

Whatever the differences in style and scale, continual funding crises severely limit the potential effectiveness, reputation and future development of both regulators.

The Press Council of Kosovo has a paid staff of just three people squeezed into a tiny, cramped office in the city centre. Its budget is miniscule and dependent entirely on the continued support of international donor organisations





“There are more than 200 public officials who have a direct link to political parties. In Kosovo, we have a culture of patronage, nepotism and ‘clientelism’. As long as we have this culture, we will never create independent institutions”

Lorik Bajrami, editor, Cohu



PERCEPTIONS OF POLITICAL INFLUENCE AND BIAS

“Our integrity is being tested”

From all across media culture and civil society in Kosovo, we hear the complaint that the ruling board of the Independent Media Commission is perceived to be politically biased and too close to political parties in the Kosovo Assembly. Petrit Collaku from the internationally respected Balkan Investigative Reporting Network (BIRN) said: “There are political appointments to the board. It gives the impression they’re not the right people to be unbiased and independent in dealing with complaints. We should take away from the Assembly the right to appoint the IMC board. They need a new constitution with complete independence.”

Alma Lama, a former TV journalist now serving as a deputy in the Kosovo Assembly, is more direct. “Selection for the IMC commission is shameful. People with professional integrity and right knowledge are eliminated from the selection process. Public pressure for change is just not there.” Lorik Bajrami, editor at the investigative journalism portal Cohu, thinks this is part of a wider social reality in Kosovan public life. “There are more than two hundred public officials who have a direct link to political parties. In Kosovo, we have a culture of patronage, nepotism and ‘clientelism’. As long as we have this culture, we will never create independent institutions. Until recently, the IMC was run by people directly related to politics. Public perception is that decisions are politically motivated.”

However, Driton Qeriqi, the new vice-president of the IMC board, says reform is on the way. “Yes, maybe in the past there was political pressure. But compared to previous boards, things are changing. Our integrity is being tested. This new board is not ready to be pressured. We must make our own way forward.”

Support for this view comes – unusually – from Eugen Saracini, marketing director of the national commercial station Radio Television 21. He has not always been an admirer of IMC leadership. “We weren’t satisfied with the last head of the IMC. He was a pure politician. But the new commission is much better. The new chairman of the board is co-operative and we can work together. If we don’t do that, we’ll have a lot of problems.”

The Press Council of Kosovo seems to be free of allegations of political patronage. “The PCK works partly because it is independent of the existence of politics,” said Arben Hajredinaj of the OSCE Mission in Kosovo. “It is an NGO sponsored by international donors. It functions well because they decided to be a good organisation accountable to the media and to readers. They still try to do a good job. At the same time they’re a toothless tiger only able to name and shame.”

The Press Council’s executive director Nehat Islami says the independence of his organisation is now firmly established as a reality. “We work with the facts. The PCK has a reputation for being unbiased and independent. The members of the Press Council of Kosovo are known to be unbiased professional journalists. This is not a fake modesty.

“Newspapers are just like people. If the Press Council imposes a moral ‘fine’ on a newspaper and that decision is published in different print and online media, then that is greater than punishing through fines. The newspaper concerned risks losing public trust. The IMC would be different led by journalists – that’s the essence of it.”

The truth is almost certainly more complex. The Independent Media Commission has a much greater remit and legal responsibility than the Press Council and faces the enormous challenge of preparing Kosovo for full switchover to digital-only terrestrial television, scheduled at the moment for June 2015. ▷



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Nehat Islami,
executive director,
Press Council of
Kosovo

Protestors gather outside the Royal Courts of Justice to demonstrate against Rupert Murdoch's News International, which was involved in a trial relating to phone hacking charges in 2011 in London



The truth is almost certainly more complex. The Independent Media Commission has a much greater remit and legal responsibility than the Press Council and faces the enormous challenge of preparing Kosovo for full switchover to digital-only terrestrial television, scheduled at the moment for June 2015.

In addition, the idea that journalist members of any Press Council are always capable of regulating their own industry simply through a voluntary commitment to a moral and ethical code of standards will seem questionable to many members of the public in Europe following the Leveson Inquiry and the illegal phone hacking scandal involving leading newspapers in the United Kingdom.

The Press Council of Kosovo, while apparently free of direct political pressure, does not have enough money or power to do its job as well as it wants to or should. It is severely limited by financial pressures. At the same time, the Independent Media Commission faces a tough task to persuade the public and civil society in Kosovo that it is becoming a truly independent regulator free of political influence and control. It also faces extreme financial and organisational problems unique to its own sector.

Ethical code of standards will seem questionable to many members of the public in Europe following the Leveson Inquiry and the illegal phone hacking scandal involving leading newspapers in the United Kingdom



REGULATION OF INTERNET NEWS PORTALS

“Portals are a mess”

Both the PCK and the IMC, in common with media and telecoms regulators all over the Western world, are engaged in the very live ethical debate about how to regulate internet content and improve standards and accountability on internet news portals.

Some news portals in Kosovo are voluntary members of the PCK, but by no means all. The IMC has no remit to regulate internet content, even though all portals carry video reports as well as news reports and features. At the same time, the PCK has no power to compel news portals to abide by its code of content standards and ethics.

Into this vacuum emerge serious and continual complaints of copyright abuse, theft of material, abuse of even the most basic standards of factual and balanced reporting and poor training for news portal staff.

Gazeta Express is the most popular news portal in Kosovo. It is also a voluntary member of the Press Council of Kosovo. Editor in chief Leonard Kerquki explains that after eight years as a newspaper, Gazeta Express took the strategic decision eighteen months ago to abandon print and go online only. ▷



"It's been a good decision to quit print. We're now the biggest news portal in Kosovo, Macedonia and Albania... We have more income than all other portals put together. Our influence has increased by being online"

Leonard Kerquki, editor in chief, Gazeta Express

"The future lies in portals," said Mr Kerquki. "It's been a good decision to quit print. We're now the biggest news portal in Kosovo, Macedonia and Albania, with 600,000 visits per day. We have more income than all other portals put together. Our influence has increased by being online. The average age of our users is young, but the internet is their preferred route to the news market."

Gazeta Express has around 25 employees working three shifts from 0700 to 0400 the next day. "We provide good salaries, pensions, private health insurance and we pay our taxes."

Copyright theft by smaller portals operating with tiny, untrained staff is a major issue for Express. "Other portals steal our stuff. It's a huge problem. People who have never been journalists are part of news portals – many of them operating with just one to five employees. Their staff is made up of just young boys and girls. They are masters of technical things, but just don't know even the basics of journalism."

600k visits per day*



Mr Kerquki believes news portals need their own, independent regulator. "Gazeta Express is a member of the Press Council of Kosovo. We signed the code of ethics. But portals should have their own regulator. They surpass the authority of the PCK. There's a need for a new electronic media council. Just like the PCK, it would be established and run by its own members. It would be healthy to have a place to discuss ethics and the problems of portals."

Not surprisingly, the executive director of the Press Council of Kosovo disagrees. "News portals have a long way to go," said Nehat Islami. "Are they written or electronic media? I personally believe they are in principle written media. They should be members of the PCK and then perhaps create a sub-commission solely for news portals. The ethics we must work to are the same. They are better off as part of a council comprised of professional journalists. Most portals are led by non-journalists. PCK journalists can have a great influence on them."

While it is true that Gazeta Express has signed up to the PCK code of content ethics and lobbies for an independent regulator for news portals, it is regularly named and shamed by the PCK for reporting that is judged to be sensational or inaccurate. Of course, not all news portals in Kosovo lack professionalism. For example, the portal balkaninsight.com, operated by the Balkan Investigative Reporting Network, is rightly regarded as one of the most trustworthy and independent news websites in the region, with a talented staff of experienced and well trained journalists who also produce two weekly current affairs TV shows and the newspaper *Pristina Insight*. BIRN editor Petrit Collaku said: "The Press Council of Kosovo needs to take more action on copyright. Portals are a mess. The PCK needs to do some special work on this."

*Gazeta Express

Not all news portals in Kosovo lack professionalism. The portal balkaninsight.com is rightly regarded as one of the most trustworthy and independent news websites in the region, with a talented staff of experienced and well trained journalists



"There is no regulation for online media. Print media have no legal body. The impact of online media is huge, but I don't think self-regulation would work. It would be good for society for the IMC to do it all — press, online and broadcasting" **Rahman Pacarizi, chairman of board, RTK**



Press gather in
Pristina, Kosovo,
in 2010 for then
president, Fatmir
Sejdiu

An international ethical dilemma

For Rahman Pacarizi, chairman of the board at the state broadcaster RTK, this issue raises the question of whether Kosovo needs a "super regulator" for all media. "Eruption of social media is an easy route to the audience. We are faced with the stealing of stories on a massive scale. In this narrow society, this has a big impact.

"Most media are not regulated properly. There is no regulation for online media. Print media have no legal body. The impact of online media is huge, but I don't think self-regulation would work. It would be good for society for the Independent Media Commission to do it all — press, online and broadcasting."

Mr Pacarizi seems alone in this view. Everyone else interviewed for this review believed that such a super regulator would be unworkable or undesirable or both, too reminiscent of the top-down media control of the Communist era.

Ibrahim Berisha, president of the Press Council of Kosovo, said: "It's true that internet portals steal copy and don't check facts with the source. They run unverified information. There's no quick solution to this. Social networks are challenging formal communications. Who regulates portals is a huge dilemma and I can't say what will happen in the future. Good portals are members of the Press Council.

"But I don't believe in a super regulator. Communism left us with many 'super' institutions. We need regulators to deal with the specifics of each sector. I'm for decentralisation."

Alma Lama, the former TV journalist and presenter who now serves as a deputy in the Kosovo Assembly, intends to sponsor a new law to create an independent institution to regulate internet content. "It's a delicate balance of censorship and freedom of speech. But I think we need a new law on internet regulation."

Internet content regulation is an international ethical dilemma. But the issue presents a very significant and particular risk to the reputation of existing media regulators in Kosovo. For the growing and often young audience who choose internet portals as their first and primary source of news, the Independent Media Commission and the Press Council may be perceived to be either irrelevant or powerless or both — if they are known to the public at all.

"I don't believe in a super regulator. Communism left us with many 'super' institutions. We need regulators to deal with the specifics of each sector. I'm for decentralisation"
Ibrahim Berisha,
president, Press
Council of Kosovo



**SHOULD KOSOVO
HAVE A 'SUPER
REGULATOR' FOR
ALL MEDIA?**



"The public don't understand the IMC — not at all. The IMC don't do anything to describe their role to the public. It's part of their job, but they don't do it. The IMC should organise more public meetings"

Ermal Panduri, editor in chief, Radio Dukagjini



PUBLIC AWARENESS OF MEDIA REGULATION IN KOSOVO

All the leaders of media culture and civil society interviewed for this study agreed, unanimously and without exception, about one important issue: public awareness of the Press Council of Kosovo and the Independent Media Commission is thought to be very poor. There is no available opinion poll data. But the perception among leaders of public life is that an overwhelming majority of the public in Kosovo, while they may be vaguely aware of the names of the media regulators, have little or no knowledge about their role in promoting and defending media freedom – and therefore little trust that the PCK or the IMC can make any difference to the lives of ordinary people.

"The public of Kosovo doesn't care about media regulation," said Isak Vorgucic, director of Serbian-language KIM Radio. "They need it, but they're not even aware it exists."

Ermal Panduri, editor in chief of Radio Dukagjini, agrees. "The public don't understand the IMC – not at all. The IMC don't do anything to describe their role to the public. It's part of their job, but they don't do it. The IMC should organise more public meetings. They should have a campaign to inform the public of Kosovo about their role. We would certainly run programmes about the work of the IMC and debates about media issues. It's part of our job to promote the media in Kosovo."

Xhemal Rexha, deputy editor in chief of Koha Vision TV (KTV), said: "With the IMC, there's no real public engagement. The IMC behaves as if their work is an internal issue inside government. Decisions are never made public. I want the IMC to talk more to the media." And Arben Hajredinaj from the OSCE Mission in Kosovo believes the IMC should be a much more public facing organisation: "We'd like to see more visibility and more action. The public ultimately doesn't care about the IMC, but they would care if they had more information. The IMC should be more active. They're not out in the field enough. They should talk more to the media."

More visibility, more action

The leadership of the Independent Media Commission does not disagree. Executive director Naile Krasniqi said: "I would love the public to know much more about the IMC and about broadcasting ethics. People don't know what we can do. If we take the number of complaints as an indicator, then things seem fine. But I want the public to want the best media possible, and if the public is more proactive then maybe that will be a good thing."

IMC board member Driton Qeriqi supports this idea: "I do see space for having more public campaigns. We should do more to make the public aware that the IMC can protect them. We should also target local media." Mr Qeriqi would also like to see an internal campaign to make the IMC better known and understood among other government institutions.

The practical reality is that the Independent Media Commission is only now emerging from a period of organisational paralysis during which the Assembly delayed appointment of a new board. With new leadership now in place – a board that has publicly stated its determination to be proactive and independent in its work – the door is open for the IMC to becoming a more public facing institution.

The Press Council of Kosovo is perceived to be a more actively campaigning and more outward facing organisation, within the very strict limits of its resources. Its staff tour Kosovo holding round table discussions on media ethics. These seminars are attended by regional journalists and in that way are often reported in local and national newspapers. ▷

"I do see space for having more public campaigns. We should do more to make the public aware that the IMC can protect them. We should also target local media"

Driton Qeriqi, IMC board member



Minister Çitaku (left) with
Ardita Zejnullahu, executive
director of the Association
of Independent Electronic
Media of Kosovo



PERCEPTIONS
OF IMC
POWERLESSNESS
IN REGULATION OF
CABLE TV

However, the scale of this work is limited. A report published last year by the Institute for Development Policy concluded that a major issue with the Press Council remained a lack of public knowledge of its role and function. “Public awareness of the institution is crucial, as the institution relies on input from the audience, particularly wronged parties, to exercise duties. Because of the lack of public knowledge about the role of the [Press Council] and the lack of capacities of the institution to pursue an awareness campaign, its role is largely unknown.” (The state of the media in Kosovo 2013, Institute for Development Policy, INDEP 2013/01, Page 11.)

Kosovo has yet to develop a culture where the Press Council and the Independent Media Commission are perceived by the general population as defenders of the public good and upholders of best practice in journalism and broadcasting.

The Independent Media Commission has been criticised for failing to intervene in a high-profile dispute involving cable television. Historically, three national TV stations appeared between channels 1 to 3 on the electronic programme guide on cable television. These were RTK, Radio Television 21 (RTV21) and Kohavision (KTV). In April last year, the telecommunications company IPKO – which distributes cable TV in Kosovo – moved KTV from Channel 3 to Channel 83 without warning or consultation. More than forty non-governmental organisations condemned the decision as discriminatory and a form of censorship, but the Independent Media Commission said it was powerless to take action.

Eugen Saracini from RTV21 describes this as an example of the comparative ineffectiveness of the broadcasting regulator. “The IMC could not protect Kohavision. The IMC needs more power to regulate cable, especially on content rights, competition and distribution. Cable has become a very powerful delivery system.”

Ardita Zejnullahu, executive director of the Association of Independent Electronic Media of Kosovo (AMPEK), agreed: “Members are never happy with the IMC. They have failed to regulate the cable industry and this is a big problem.”

This issue is high on the priority list of Naile Krasniqi, the IMC’s executive director. “The year 2003 saw the start of the invasion of cable operators. It was like the Wild West. By the time the IMC was established and began work, cable was everywhere. We had no power to fight this. The regulation of cable TV is definitely an issue that needs to be resolved.”

There is no doubt that the present leadership of the IMC is determined to tighten regulation of cable TV in Kosovo. But the dispute involving Kohavision is another example where media regulators appear to be powerless in an extremely important sector of Kosovo’s media industry and this perception damages the authority of the IMC.



PROACTIVE INTERVENTION AGAINST BREACHES OF ETHICAL PRACTICE

Leaders of both civil society and the media industry say the Press Council of Kosovo and the Independent Media Commission should be more willing to intervene proactively against severe breaches of the code of content ethics, especially those involving threats of extremist violence.

Budimir Nicic from The Media Centre, a broadcast production house which makes TV and radio programmes in the Serbian language, said: "Hate speech is still present in our media, so somebody has to regulate and monitor these. But to our knowledge, the IMC hasn't worked at doing that."

According to Natyra Avdiu from the Youth Initiative on Human Rights, the broadcast regulator is definitely not proactive enough in this area. "The IMC do not act on extremist preaching by imams on local stations. Their performance is, frankly, abysmal. They are not doing their job."

Assembly deputy Alma Lama, who is campaigning for tougher regulation of internet news portals, is even more explicit: "At the moment, we are in a terrible situation. Portals are lying and attacking people, spreading hate speech, publishing attacks, especially on women. My life was threatened. These are dirty wars. The existing regulators are doing nothing, both the PCK and the IMC. As well as that, the courts in Kosovo are too slow, so the internet news portals get away with too much. That is why I believe we need to create a new institution to regulate and punish internet news portals where necessary."

Whether so-called "hate speech or extremist speech" appear in newspapers, internet news portals or TV or radio stations, the apparent unwillingness or inability of media regulators to intervene proactively or speak out publicly against such content helps to create the perception that regulation as a whole is weak and not relevant to the everyday concerns of ordinary people.

The justice system in Kosovo also seems slow to take action, perhaps because too few prosecutors have a specialist knowledge of media law, incitement and defamation.

"Portals are lying and attacking people, spreading hate speech, publishing attacks, especially on women. My life was threatened. These are dirty wars"
Alma Lama, deputy, Kosovo Assembly

SWITCHOVER TO DIGITAL-ONLY TERRESTRIAL TELEVISION

Looming deadline

June 2015 has been set as the date for full switchover to digital television in Kosovo. For the Independent Media Commission and the Government of Kosovo that seems a very tough target. At the time of writing, ongoing uncertainty about the composition of the new government means there is no formal agreement yet on the strategy, technical standards or legal basis for switchover.

Arben Hajredinaj at the OSCE Mission in Kosovo doubts the target date can be met. "The digital switchover deadline looks highly unlikely," he said. "I can't guess the real date of digital switchover. What are the media themselves doing to talk about digital switchover? The IMC meetings are open. I don't see stories about digitalisation."

But Ismet Cakiqi in the Prime Minister's Office said he was optimistic Kosovo would meet its switchover deadline. "The IMC and the media are working hard to make it happen." ►

"The IMC and the media are working hard to make it happen"



The two national commercial terrestrial broadcasters RTV21 and KTV say they are ready for digital switchover and have invested heavily in technical upgrades and staff training. The public broadcaster RTV says it is partly ready but needs more support to complete switchover.

For the Independent Media Commission, a public campaign to educate the audience will be essential to ensure digital switchover is completed successfully on time and on budget. Such a campaign could also serve to show the people of Kosovo that the IMC is a listening organisation attuned to the needs and concerns of the people it serves. So far, however, this form of public service campaigning and outreach has not been a natural part of the IMC's culture or way of working.



THE ROLE OF
EDUCATION
IN IMPROVING
KOSOVO'S MEDIA

Investing in education

All across Kosovo's media culture, there is consensus that better education lies at the heart of improving newspapers, TV, radio and news portals – and consensus also that both media regulators have a potentially significant role to play in campaigning for better content standards. This means not only better professional training for journalists to raise standards of content in print and broadcasting, but also public education to create greater awareness of the potential role of a free media in building a more mature democracy.

Zekirjua Shabani, president of the Association of Kosovo Professional Journalists, said: "We're not satisfied with the state of the media in Kosovo. Quality is going down. There's a lack of investment in the media. We're not investing to create new journalists. Journalism schools produce graduates who don't have a clue."

At the state-owned broadcaster RTK, chairman of the board Rrahman Pacarizi – who is also a university professor of journalism – says he is not satisfied with the current level of professionalism of his staff. "Immediately after the war, there was a lot of training. Now we have almost no training and this is reflected in the quality of reporting. There are three programmes for journalists in universities here, but they haven't improved as we had hoped. Better courses will take time. We need more and better teachers of journalism. I'm optimistic for the future of journalism in Kosovo as a whole, but we need investment in educating better journalists."

Gazmend Sylja, editor in chief of the cable news service Klan Kosovo TV, believes there is also a need for much higher public awareness of the role of the media. "The most difficult part of my job is education of journalists themselves. Even after a three-year degree, the students are still not ready for work. They graduate with no experience of practical work in the field. But we need more education, and proper education, for everyone. Most people in Kosovo don't know that journalists have the right to report. I would like to see one university class per semester for all students on the rights and responsibilities of journalists."

Ismet Cakiqi, head of public communications in the Prime Minister's Office, believes education is the route to better media in Kosovo. "A more professional media will produce more trust." ▷

Both media regulators have a potentially significant role to play in campaigning for better content standards. This means not only better professional training for journalists to raise standards of content in print and broadcasting, but also public education



“The Kosovans fought for freedom of expression. They have it now, but they don't know what to do with it. There is no objectivity, no analysis... The solution is education. We need to keep raising the bar”

Natyra Avdiu, Youth Initiative for Human Rights



According to civil rights leaders, Kosovo's media regulators have an important role in building that trust among the general population. “We need more responsibility towards citizens,” said Petrit Zogaj at FOL. “We need a more proactive debate on media content, especially news portals. Reform is an important part of building a new democracy. We have a responsibility to the public to carry out this reform. In Kosovo, proactive intervention by the IMC would create trust.”

Natyra Avdiu of the Youth Initiative for Human Rights agrees. “The Kosovans fought for freedom of expression. They have it now, but they don't know what to do with it. There is no objectivity, no analysis. The media don't understand what freedom of expression means. It doesn't mean just saying what they like. The solution is education. We need to keep raising the bar.”

Conclusions and recommendations

In all modern democracies, media regulators and self-regulatory structures perform at least three important core functions:

- ★ They publish and uphold an accepted code of conduct, standards and ethics for print and broadcast media.
- ★ They adjudicate impartially in disputes between media organisations and their readers, listeners and viewers.
- ★ They promote and defend media freedom as an essential foundation of any democratic state.

Regulators of TV and radio stations also have a legal responsibility to licence broadcasters, control the broadcast spectrum and ensure fair and open access to the market place. Within a few short years, the Press Council of Kosovo and the Independent Media Commission have successfully adopted this model of democratic media regulation after a historic period of state or partisan influence in print media and broadcasting. Their successes should not be underestimated. ▷

After a historic period of state or partisan influence in print media and broadcasting, the successes of the Press Council of Kosovo and the Independent Media Commission should not be underestimated



CONCLUSIONS AND RECOMMENDATIONS



However, both the PCK and the IMC face a series of very significant challenges. The door is now open to start discussions about how to build a more public facing and sophisticated model of media regulation in Kosovo. Some of the key regulatory challenges uncovered by this review are as follows:

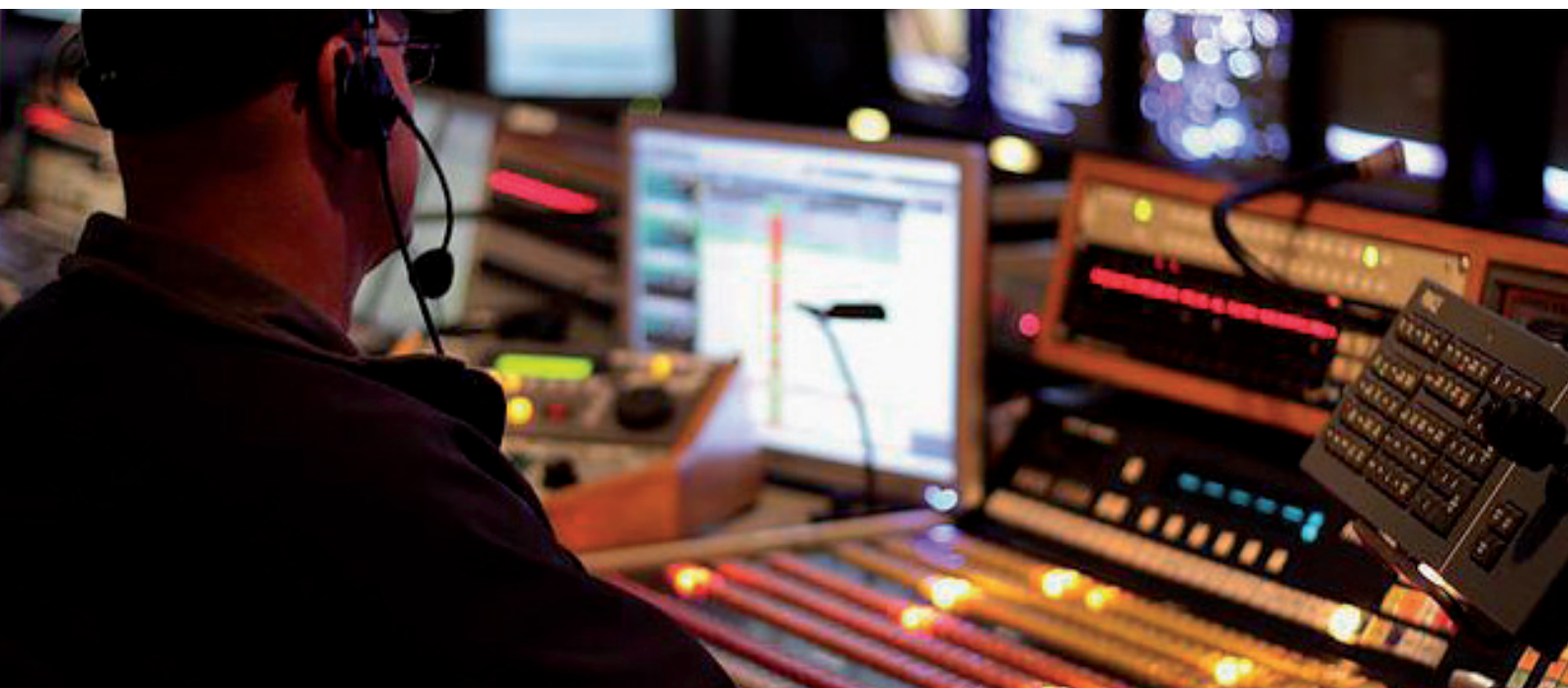
- ★ Continual funding crises severely limit the effectiveness and reputation of both the Press Council of Kosovo and the Independent Media Commission. They threaten the organisations' capacity for future development.
- ★ The Independent Media Commission faces a difficult but necessary task to persuade the media industry and civil society that its new board is truly independent and free of political influence and control
- ★ The issue of how to regulate internet news portals is a very live ethical debate. We hear widespread complaints of copyright abuse, theft of material, poor skills and training for news portal staff, along with abuse of even the most basic standards of factual and balanced reporting.
- ★ The present vacuum in regulation of news websites could pose a risk to the reputation of both the PCK and the IMC. For the growing and often young audience who choose internet portals as their first and primary source of news, the two existing regulators may be perceived to be irrelevant or powerless or both – if they are known at all.
- ★ Leaders of civil society and the media industry say both the PCK and the IMC should act much more proactively against severe breaches of their codes of content ethics and standards, especially those involving threats of extremist violence. Inaction against hate speech creates the perception that regulation as a whole is weak and irrelevant to the concerns of ordinary people.
- ★ The Independent Media Commission and the Government of Kosovo face a daunting task in achieving completion of switchover to digital-only terrestrial television by the published date of June 2015.
- ★ All the leaders of media culture and civil society interviewed for this study agreed that public awareness of the Press Council of Kosovo and the Independent Media Commission is poor, especially in the case of the IMC.
- ★ Kosovo has yet to develop a culture where the PCK and the IMC are perceived as defenders of media freedom and upholders of the highest standards in print journalism and broadcasting
- ★ The leadership of the Independent Media Commission agree there is now a need for more public campaigning to raise the profile of their work. To a lesser extent, that is also true of the Press Council of Kosovo. ▷

★ A wide range of broadcasters have called upon the Independent Media Commission to improve and strengthen regulation of the cable TV industry

★ All across Kosovo's media culture, we find a consensus that the country's media regulators have an important role to play in education — both in improved standards for journalists and in educating the public towards a greater awareness of the role of free media in a mature democracy



Thomson Foundation has been impressed by how open Kosovo's media leaders and civil society have been in discussing their desire to develop a more mature media culture



We believe the opportunity now exists to work towards change in the following key areas:

- ★ A wider public debate about standards of reporting in all media, but especially in internet content. This will be addressed by an up-coming media round table focusing on ethics online to be organised as part of the Media For All project but the PCK could follow this up with additional public debates and posts on their website.
- ★ A wider public debate about how to deal with threats of extremist violence in print and broadcasting. This has been initiated by a media round table organised by Thomson Foundation as part of the Media For All project on December 16, 2014 in Pristina and will be followed up by newsrooms discussions but the IMC and PCK should be more outspoken about this issue and take a stand in defence of media freedom and standards whenever a case of extremist speech occurs.
- ★ Strengthening of complaint processing both in terms of the public being aware of complaints procedures for the IMC and PCK and in terms of publicising decisions and explaining how they were reached
- ★ A public campaign to position both the IMC and PCK as defenders of media freedom and ethical practice in media. Such a campaign should not be limited to spots on TV or press releases. The campaign, while it should include Public Service Announcements, should showcase concrete examples of PCK and IMC work. Generally, both institutions (especially the IMC) should be more outspoken on current ethical challenges and intervene in support of media freedom and standards.
- ★ A public information campaign that clearly explains the content and journalistic issues of the switchover to digital-only terrestrial television. Such a campaign should go beyond information spots and should also be used to raise awareness overall on the role of the IMC. ▷

Both the Independent Media Commission and the Press Council of Kosovo are young organisations still in the process of establishing their presence and effectiveness



“An opportunity
now exists to work
towards change”

Both the Independent Media Commission and the Press Council of Kosovo are young organisations still in the process of establishing their presence and effectiveness in the eyes of political leaders, civil society, the media industry and – crucially – the public of Kosovo.

In the coming months and years, both organisations should work to increase their profile in defending media freedom, increase public awareness of their work, and tackle the enormous challenge of promoting ethics in online media. This reforming work cannot be done without the engagement of Kosovo’s justice system and legal community. Neither can it be done without promotion of good ethical practice inside newsrooms in print, broadcasting and the internet. ●



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"Thomson Foundation has given me the ultimate gift, the gift of education"

Viasen Soobramoney, reporter,
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The Thomson Foundation is the world's longest established international media development organisation, with more than 50 years dedicated to training journalists in ethical standards and quality reporting