



**Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
Miklós Haraszti**

3 July 2006

The State of Media Freedom in Kosovo Observations and Recommendations

The OSCE Representative on Freedom of the Media, Miklós Haraszti, visited Pristina 25 – 27 April 2006, accompanied by his Senior Adviser Roland Bless. This was the Representative's second visit to Kosovo. The trip was made in consultation with UNMIK and was organized by the OSCE Mission in Pristina. The purpose of the trip was to assess the current state of media freedom, especially in the context of a possible change of status as a consequence of the ongoing negotiations.

It is well known that the international community has invested heavily into Kosovo's free media. Since 1999, an estimated 36 million Euros have been given to Kosovo in media assistance. OSCE is involved in a special way, since the OSCE Mission as Pillar III of UNMIK is charged with media development.

In April 2004, the Representative issued a report on the role of the media in the March 2004 ethnic violence. This report will focus on the development of the Kosovo media since then.

The report was prepared in close cooperation with the OSCE Mission in Kosovo. It offers practical recommendations on how to improve the overall media situation in Kosovo.

The Representative met with UNMIK and OMIK officials as well as parliamentarians, journalists, and representatives of non-governmental organizations. Among those he met with from UNMIK/OMIK were:

- Soren Jessen-Petersen, Special Representative of the Secretary General of the UN (SRSG);
- Alexander Ivanko, Director of Public Information, UNMIK;
- Jens Modvig, Deputy Head of Mission, OMIK (Head of Mission was away of Kosovo at the time of the visit);
- Cornelis Van Zweeken, Media Division Unit Co-coordinator, OMIK;
- Eberhard Laue, Temporary Media Commissioner.

Meetings with other interlocutors included:

- Members of the Kosovo Assembly (Gjylnaze Berisha (AAK), Alush Gashi (LDK), Ylber Hysa (ORA), Nebike Kelmendi (LDK), Oliver Ivanovic (SLK-GIS));
- Director of the public-service broadcaster RTK, Agim Zatriqi, and members of the RTK management;
- Editors and journalists of major Kosovar media outlets, including RTK, Koha Vision, TV 21, Koha Ditore, TV Most (Mitrovica);
- Members of the recently established Press Council were met on the occasion of a meeting of the Press Council Board;
- Director of the Association of Independent Journalists, Lundrim Aliu;
- Visit to the Kosovo Institute of Journalism and Communications (KIJAC), including meetings with members of the management, the faculty and the students;
- The Coordination Center of Serbia and Montenegro in Pristina submitted a written statement.

General Overview

The general media situation is commendable, given that Kosovo is a young democracy. The legal framework for the media is about to be completed.

Overall, there is media pluralism in Kosovo, both in terms of quantity of media outlets and of different views that are represented. The number of media outlets is impressive for a market of around two million. There are 118 electronic outlets (3 of which are Kosovo-wide TV broadcasters), 8 dailies (with a modest circulation estimated at 30,000 copies), 5 weeklies and a number of other periodicals.

However, the division between Albanian and non-Albanian language media is still prevailing, especially with regard to the scarce Serbian-language print media. There is only one bilingual Albanian-Serbian language newspaper, the weekly M Magazine. The bi-weekly *Grazdanski Glasnik* is published in Serbian but has a mixed office, the publisher being Albanian and the editor Serbian.

The high amount of media outlets is also one of the reasons for the fragility inherent in the still young media environment in Kosovo. Loss-making media outlets are an accepted feature, which translates into low budget journalism at varying levels of quality. Economically deprived media are also vulnerable to interference with their editorial independence.

Politicians, political institutions and the international presence in Kosovo are regularly criticized in the media; independent TV and radio stations are outspoken in their comments concerning the authorities.

The flaws in journalistic professionalism, which were so obvious in the lead-up and the aftermath of the violence of March 2004¹, were corrected on the most important level, i.e. the editorial level. Kosovo media, therefore, showed a higher degree of maturity when covering politically sensitive topics such as the ICTY indictment of a former Prime Minister; or the debate on border agreement with its southern neighbour, the former Yugoslav Republic of Macedonia; or the ongoing status negotiations.

This development was followed by the establishment of a code of ethics and a Press Council, promising elements of a future self-regulation regime. In addition, a professional education facility was established. The Kosovo Institute for Journalism and Communication (KIJAC) offers a Master level postgraduate training for would-be and young active journalists. This quality education facility (in English) offers a curriculum according to European standards. Its first class will graduate in 2007.

The few missing pieces in the legal framework for a free media are in the making - with the support of the OSCE Mission - and are debated by the Kosovo Assembly.

So far were promulgated, the Law on Access to Official Documents; the IMC Law (on the independent media regulator); the RTK Law (on public-service broadcasting); whereas the Copyright Law was adopted by Parliament, pending promulgation by the SRSG.

Most of these laws, however, are yet to be fully implemented. Some provisions of them could be further improved, in some cases even before their implementation (see the recommendations).

The Law on Access to Official Documents, enacted by UNMIK (mentioned above), was complemented with an administrative guideline for its implementation by the Department for Public Works. A first draft was unnecessarily restrictive and would have deprived journalism of the legal security needed to perform its public function. A current draft carries improvements; its public and media-friendly implementation will be crucial.

The Law on Defamation and Insult, which decriminalises these offences, has passed its first reading in Parliament with the intent to establish the necessary safeguards in the civil law. The present criminal law provisions on defamation and libel in Kosovo are affecting freedom of expression by exercising a chilling effect on media professionals.

This development is most welcome and would allow for the elimination of criminal provisions, bringing the Kosovo's legislation in line with the case law of the European Court of Human Rights.

Recommendations on how to further strengthen freedom of the media in Kosovo can be found at the end of each chapter and at the conclusion of this report.

¹ Report on the Role of the Media in the March 2004 Events in Kosovo by the OSCE Representative on Freedom of the Media, 22 April 2004 - www.osce.org/documents/rfm/2004/04/2695_en.pdf

Regulation and self-regulation

Major improvements – some remaining challenges

The regulatory framework of the Kosovo media improved significantly since the last report issued by RFOM in the aftermath of the March 2004 violence.

The law on the Independent Media Commission (IMC) was adopted by the Kosovo Assembly on 21 April 2005 and promulgated on 8 July 2005.

It introduces an independent regulator, a council (7 members, 2 of which are internationals) and an appeals board. The council reports to the Kosovo Assembly. The council and the Executive Chief of the IMC – i.e. the 'regulator' – are appointed in a procedure that guarantees the independence of the office. The office has competences regarding the licensing, oversight, control, and sanctioning of all broadcast media in line with European practices.

Some shortcomings however remain and deserve special attention: for its funding, the IMC is dependent on the Kosovo Consolidated Budget (the state budget). However, the size of the Government's financial contribution is not determined. Therefore, the IMC is subject to political interference. In order to reduce this risk, the annual state contribution should be stipulated by law.

The establishment of a truly multi-ethnic Press Council, comprising the vast majority of Kosovo's editors-in-chief, added an important piece of self-regulation to the Kosovo media framework. The Council is in charge of print media, has the right to impose sanctions, and can order media to print retractions or to execute other remedial action as deemed necessary by the Council. The Council has so far received 10 complaints of which 8 have been adjudicated.

The Association of Professional Journalists was founded in early 2002 and is the most active of the three existing journalists' associations. Their goal is to inform media professionals on topics such as labour conditions, contractual arrangements with editors and to represent Kosovo journalists on an international level. However, their standing in the media industry is not consolidated yet and some further work on developing a representative professional interest group is needed, including a better representation of minorities.

The Independent Media Commissioner (IMC) needs sufficient funds for its operation. In order to reduce the risk of political interference, the amount of IMC's budget, which is a part of the state budget, should be stipulated by law.

The Press Council could further promote its role by passing and publishing guidelines on typical ethical problems even without waiting for specific complaints. It is advised to both the Press Council and the Independent Media Commission to engage in media legislation questions on behalf of the media.

Journalists' associations should make a particular effort to become multi-ethnic instead of organizing themselves along ethnic lines.

Public Broadcasting

The new broadcast law gives legal basis for public-service broadcasting – implementation of the law in line with European practice is crucial.

The Law on Radio and Television of Kosovo (replacing an earlier UNMIK Regulation) was adopted by the Kosovo Assembly on 20 January 2006, and promulgated by the SRSG on 11 April 2006. The law has the main features of a genuine public-service broadcast regulation, including a board guaranteeing a high degree of independence, and representing civil society in an appropriate format.

RTK has approximately 10% of its programming time in 4 minority languages (to be increased to 15% under the new law), making it the main multi-lingual media outlet in Kosovo. It runs on a yearly budget of 6 million Euros.

However, the promulgation by the SRSG added elements to the Law, which all need a follow-up for their proper implementation, while some of them may be amended sooner or later in order to help public-service broadcasting to become fully independent from government.

Special provisions for minorities

In a far-sighted provision, helping Kosovo's media to serve a multi-ethnic society, 5% of the license fee will be allocated to a fund established in the Office of the Prime Minister for the support of "minority, multi-ethnic and disadvantaged media" (paragraph *i* of promulgation).

The fee is collected as part of the electricity bill and amounts to 3.50 Euros/month. It is paramount that the allocation of the money earmarked for minority media are handled and distributed in a transparent manner. The comparatively high amounts involved might lead to a situation where the money can not be absorbed by the few existing minority media.

At OMIK, a commendable idea has been developed to use these funds to establish a second Kosovo-wide TV channel under the *RTK* umbrella, dedicated mainly to minority broadcasting. Under this system, the existing minority broadcast media, as well as future minority media start-ups, would act not only as local outlets but also as production companies for the nationwide programs, to be fed into *RTK's* second channel. Such a setup would increase the quality of productions by competition, and would increase the economic sustainability of the small minority outlets. A similar mechanism for radio should be examined.

The Representative found this idea worthy of support even cognisant of the view of some interlocutors, who put forward the idea that a separate channel might lead to an 'isolation' of minority broadcasting in Kosovo. The present system – where minority audiences have to look up 'their' programs embedded within the Albanian language channel – is no less 'isolationist' while it offers less dignity, and offers less opportunity to reach out to minority audiences. A second channel is real value for the

license fee, which is to be paid in full also by minority viewers and listeners. It also offers better access to public-service broadcast media for minority community leaders, especially at election times.

Financial independence, transparency and accountability

The promulgation stipulates that all income, license fees as well as commercial income such as advertisement revenues, shall as public money be deposited in their entirety into an account designated by the Ministry of Finance (paragraph g of promulgation). This provision, as was explained to RFOM, is deemed necessary to guarantee the transparency and accountability of *RTK's* revenue, which is public money.

However, under a public-service setup, unlike state broadcasters, funds are transferred to the board, which in its turn is not only guaranteeing the utilization of the funds in a politically independent way, but is also responsible for the proper handling of the funds including oversight, control and accountability.

Instead, the Ministry of Finance's treasury guidelines for the new Law foresee that the *RTK* management has to go directly to the Ministry of Finance to obtain funds to cover its operational costs for any amount higher than 100 Euros. Such an arrangement is likely to make *RTK* fail operationally. In addition, a door for political pressure is opened each time when *RTK* asks for money and the ministry feels unhappy about the public-service broadcaster.

We therefore recommend that the administrative guidelines regulating the disbursement of funds to the *RTK* be re-formulated in a way as to give *RTK* a) sufficient liquidity to cover operational costs, b) to allocate oversight, control and accountability function to the *RTK* board in line with other European public-service broadcasters, and to c) reduce the possibility of political interference by instructing the respective ministry to disburse the funds to *RTK* in an automated way.

Powers of the regulator over *RTK's* advertisement revenues

Article 14.1 of the Law stipulates that the Independent Media Commission shall determine the amount of the *RTK* income allowed to be generated from advertisement on a yearly basis. The law provides for a range from 0 to 20% of airtime which can be sold as advertisement. The promulgation by the SRSG specified this provision by obliging the IMC to take the "operational viability" of *RTK* into account when setting the percentage share², but this still leaves a vast power in the hands of the regulator, including the possibility to deprive *RTK* of any advertisement revenue.

We therefore recommend that the advertisement percentage be defined for more than one year at a time, and that the percentage share will only be changed if sufficient alternative sources of income are secured. A possible solution is that advertisement revenue be linked to the advertisement time allotted per hour. It could be locked at a

² In 2006 the advertisement revenues contributed 8% to the *RTK* annual budget.

level, which is usual in European public broadcasting, a fixed 8-10 % of every hour of broadcast. As a rule, this amounts to about half of the advertisement allowance given to the commercial broadcasters.

The established Minority Media Fund (largely financed by the license fee) offers a unique opportunity to foster a multi-cultural media in Kosovo, and the establishment of a second RTK channel from this Fund should be envisaged.

In order to make the new RTK law work, the administrative guidelines regulating the disbursement of funds to the RTK should be formulated in a way as to give RTK a) sufficient liquidity to cover operational costs, b) to allocate oversight, control and accountability function to the RTK board in line with other European public-service broadcasters, and c) to reduce the possibility of political interference by instructing the respective ministry to disburse the funds to RTK in an automated way.

The level of advertisement revenue at RTK should be determined in a longer-term perspective, and should be accounted for in a publicly transparent way. It is suggested to follow the model common in Europe, which allows public-service broadcasters about half the airtime for advertisement compared to commercial ones.

Commercial Broadcasting

RTK now has the legal basis to live up to its commitments as a public-service broadcaster. The commercial broadcasting sector, however, is still vulnerable.

There are 118 broadcasting outlets in Kosovo, including 2 commercial Kosovo-wide TV stations (in addition to RTK).

The overwhelming majority of these stations, 93, are local radio stations. Many of them are struggling to break even. A report commissioned by the OSCE in 2005 ("*Local Electronic Media in Kosovo*") showed that almost two thirds have a negative balance sheet.

As it was recommended above, it is crucial for RTK to obtain its share of commercial income in a predictable and transparent way. The same goes for commercial stations and therefore transparency and accounting principles for advertisement income should be improved in general. It has to be added that the validity of the presently stated figures for RTK's commercial revenue are contested by many of the public-service broadcaster's private competitors. Some of them fear that the actual advertisement revenue of RTK could be much higher than declared. Therefore, in order to secure a safe share of income for the commercial broadcasters on the small Kosovo advertisement market, the enforcement of the ceiling allotted by the IMC to RTK is just as important as the allotment itself.

In the long run, it is not only the health of both the public-service and the commercial wing of broadcasting that has to be cared for, but also that of the so-called 'dual' or 'mixed' system, i.e. the very coexistence of the two wings.

The 'dual system' is enhancing pluralism and is therefore of value to freedom of the media. But in most new democracies, the success of the commercial wing has severely damaged the public-service arm. Obliging the public-service broadcaster to compete with the commercial broadcasters for the available advertisements has led to both a programming and a financial crisis at the public-service wing.

An alternative method of financing the entirety of the dual system, which would also reduce the risk of lowering the quality of programming when the public-service broadcaster competes with commercial stations, could be to declare the public-service broadcaster advertisement-free, while at the same time securing for the public-service broadcaster a fixed share of the advertisement revenue collected by the commercial stations. Thereby, the entire broadcast advertisement revenue would be produced at the commercial wing, the success of which would help sustain the public-service wing, and would even liberate its programming for true public-service quality. With the dawn of the digital era, and the multitude of broadcast channels on all platforms, a minimal mandatory contribution taken from each might be a great help to sustain advertisement-free public-service broadcasting.

It is noteworthy that the currently operated TV licences were allocated, in the year 2000, to those stations which just happened to be around at that time. In a more mature broadcast environment, the frequency allocation is overhauled at regular intervals in order to give newcomers a fair chance to enter the market. The Independent Media Commissioner in Kosovo should consider a re-allocation of frequencies in the near future.

An opportunity for this could be the switching over from analogue to digital-terrestrial transmission technology, which multiplies the number of possible channels. Kosovo was part of Serbia-Montenegro under international law in the first half of 2006, when the International Telecommunications Union agreed about the allocation of the digital spectrum. Therefore, today there is no separate frequency allocation for Kosovo. (The same is true for Serbia and for Montenegro which have even separated since the agreement.) As this worldwide map of frequencies will determine the perspectives for digital broadcasting in the years to come, the results of the ITU allocation for Kosovo (as well as for Serbia and for Montenegro) have to be carefully examined and, if needed, the topic has to be included in the status talks.

In order to secure a fair share of income for the commercial broadcasters on the small Kosovo advertisement market, the enforcement of the ceiling allotted by the IMC to RTK should be combined with an increased transparency requirements for advertisement revenue.

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The switch-over from analogue to digital broadcast transmission will offer an opportunity in Kosovo for (re-)issuing the licenses in a transparent manner through public tenders based on an updated frequency allocation plan. It is imperative that Kosovo be given its own digital frequency allotment in the ITU-framework so that a lack of digital transmission capacity will not impede on its future broadcast development, after Kosovo's status is defined.

Conflicts of interests

Kosovo legislation has not yet defined the demarcation lines between political office and media ownership.

The owner of *Koha Ditore Publishing* handed over the managerial responsibility over his company to a family member upon becoming engaged in party politics. The editor in chief of *Zeri*, a leading Kosovo daily, is also engaged in politics as a member of the status negotiation team in the framework of UNOSEK. These links are openly declared and the public is informed. This is commendable but not sufficient for the future of Kosovo as a democracy.

So far, Kosovo lacks legislation governing issues concerning conflict of interests. As media ownership represents a commercial involvement in a very special 'commodity', namely the shaping of public opinion, while also directly affecting the question of pluralism, we call upon the authorities to consider legislating in this domain.

A conflict of interest law should be enacted in Kosovo. The most promising way to resolve a conflict of interest in the domain of media ownership is that of a blind trust, that is, leaving control over the assets to an independent administrator during the time spent in public office.

The Print Press

The print press sector is not monopolized at the present time. However, for the sake of preserving media freedom proactively, there is a need for specific print media-related anti-trust legislation.

Currently, there are 8 dailies with a (declining) combined circulation of an estimated 30 000 copies per day; several weeklies and some other periodicals. This high level of diversity in the print media sector probably will not be sustained by the comparatively small Kosovo market. At present times, owners are willing to carry loss-making enterprises, but this situation might not prevail.

Commercially speaking, Albanian language media are the market leaders, whereas minority language media are scarce. It is unlikely that the minority media will ever be economically viable, and it is therefore to be welcomed that the public-service broadcast fee has a 5% built-in contribution to a fund for minority media. This should help secure some outlets and will add to the necessary cultural and linguistic diversity in line with European practice.

Given the comparatively low circulation, the Government could envisage to exempt print media from value added tax, which currently stands at 15% in Kosovo. That move could help reverse the trend of a declining readership and foster media pluralism.

A market consolidation process, especially amongst Albanian language print media, will inevitably reach Kosovo at some stage. It will lead to a danger of monopolistic ownership patterns, which might restrict media pluralism.

The Government should, under its obligation to proactively safeguard freedom of the media, start legislating in the domain of media-related anti-trust law, including provisions to limit cross-ownerships between broadcast and print media. The European Union's guidelines on protective measures for 'external pluralism' in the media could be taken into account.

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Access to Information

While a modern law on access to information is in place, the public's right to know is not yet fully guaranteed.

Another unfinished element is the implementation of the Law on Access to Official Documents. It is vital to create an environment and a culture within the Government and the public administration that allows the media to perform their function, that is, to obtain and disseminate information on governmental activities.

The Law on Access to Official Documents, promulgated in November 2003, is a solid basis for the future of freedom of information. It was drafted in the spirit of such legislation existing elsewhere in European democracies.

The Administrative Instruction (2006/1) which was issued by the Ministry for Public Services on 16 March 2006, replaced some earlier drafts, which were rather restrictive. The instruction now carries provisions on how to handle the Law on Access to Official Documents, in order to achieve an open, early and systematic information to the media and the public. It stipulates that information is the rule and denial of it has to be the exception. Information can be sought in writing or by email, and citizens are entitled to an answer within 15 days. Unfortunately, there are no built-in appeals procedures in cases of denial of information, and the only option available is going to court.

In order to facilitate a smooth introduction of the new practice, the Kosovo Parliament, or at least the Administration (PISG), might consider appointing a high-ranking, independent "Information Commissioner" in charge of ensuring the regular, timely, and detailed information of the public as an integral part of government activity. Such a function should be entrusted with the capacity of declassifying information in cases when classification occurred illegitimately or should not persist

anymore. The work of the Commissioner would speed up proceedings and diminish the number of cases which are actually taken to court.

The Administrative Instruction on Access to Official Documents by the Ministry for Public Services should be implemented mindful of journalists' and citizens' rights in a democracy.

An independent Information Commissioner with the competency to declassify certain types of information might be chosen to help implementing the law and the administrative instruction on access to official documents.

Defamation and Insult – major improvements adopted by Assembly

A new law to set up civil liability for defamation and insult was recently adopted by the Kosovo Assembly. However, under the existing UNMIK penal code, defamation remains a criminal offence.

At present, defamation is still a criminal offence under the Kosovo penal code. Such provisions do impede journalists from writing freely; they exercise a pressure to self-censorship and have a chilling effect on the media by their mere existence in the criminal law. The penal code however, has a provision to exempt media from insult charges.

Upon a commendable initiative of the Government, in 2005, experts from the Prime Minister's Office, the OSCE, and the Temporary Media Commissioner started to work on a civil version of the Law on Defamation and Insult. The law, which was adopted by Parliament in June 2006, is generally in line with modern concepts of decriminalising speech offences. The definition of defamation reflects that liability only occurs for 'untrue' statements of facts. If media comply with Press Council recommendations, this is a mitigating factor for setting damages in defamation lawsuits. Public figures have to accept to endure harsher criticism, that is, they have a higher legal threshold for being awarded personal damages.

This is a major improvement, which has – once promulgated by the SRSG – the potential to bring Kosovo in line with seven OSCE participating States, which have transferred defamation and libel into the civil law domain and at the same time decriminalized it.

However, in Kosovo there is scope for further improvements. The new law does not exclude media from liability for insult, as the existing penal code does. Many of our interlocutors expressed some anxiety, that this might lead to a wave of media related insult cases in Kosovo courts.

The Assembly passed a commendable new law to transfer defamation and insult provisions into civil law. After its promulgation, particular attention should be paid to the handling of the law in the courts. If the new law leads to a wave of court cases against media, the Assembly should consider an immediate revision of the law.

UNMIK should promulgate the new Law on Defamation and Libel and could consider safeguarding the existing exemption provision for media in insult cases.

After that, the penal provisions currently in place in Kosovo should be revoked by UNMIK.

Recommendations

The media in Kosovo show a good degree of pluralism, both in terms of quantity of media outlets and of different views represented. The legal framework for a free media is almost in place, missing pieces are in the works. The political will to complete the legal framework is manifestly present.

- *The Independent Media Commissioner (IMC) needs sufficient funds for its operation. In order to reduce the risk of political interference, the amount of IMC's budget, which is a part of the state budget, should be stipulated by law.*
- *The Press Council could further promote its role by passing and publishing guidelines on typical ethical problems even without waiting for specific complaints. It is advised to both the Press Council and the Independent Media Commission to engage in media legislation questions on behalf of the media.*
- *Journalists' associations should make a particular effort to become multi-ethnic instead of organizing themselves along ethnic lines.*
- *The established Minority Media Fund (largely financed by the license fee) offers a unique opportunity to foster a multi-cultural media in Kosovo, and the establishment of a second RTK channel from this Fund should be envisaged.*
- *In order to make the new RTK law work, the administrative guidelines regulating the disbursement of funds to the RTK should be formulated in a way as to give RTK a) sufficient liquidity to cover operational costs, b) to allocate oversight, control and accountability function to the RTK board in line with other European public-service broadcasters, and c) to reduce the possibility of political interference by instructing the respective ministry to disburse the funds to RTK in an automated way.*
- *The level of advertisement revenue at RTK should be determined in a longer-term perspective, and should be accounted for in a publicly transparent way. It is suggested to follow the model common in Europe, which allows public-service broadcasters about half the airtime for advertisement compared to commercial ones.*

- *In order to secure a fair share of income for the commercial broadcasters on the small Kosovo advertisement market, the enforcement of the ceiling allotted by the IMC to RTK should be combined with an increased transparency requirements for advertisement revenue.*
- *The Independent Media Commissioner should consider a re-allocation of frequencies in the near future.*
- *The switch-over from analogue to digital broadcast transmission will offer an opportunity in Kosovo for (re-)issuing the licenses in a transparent manner through public tenders based on an updated frequency allocation plan. It is imperative that Kosovo be given its own digital frequency allotment in the ITU-framework so that a lack of digital transmission capacity will not impede on its future broadcast development, after Kosovo's status is defined.*
- *A conflict of interest law should be enacted in Kosovo. The most promising way to resolve a conflict of interest in the domain of media ownership is that of a blind trust, that is, leaving control over the assets to an independent administrator during the time spent in public office.*
- *The Government should, under its obligation to proactively safeguard freedom of the media, start legislating in the domain of media-related anti-trust law, including provisions to limit cross-ownerships between broadcast and print media. The European Union's guidelines on protective measures for 'external pluralism' in the media could be taken into account.*
- *Given the low circulation, the Government could envisage to exempt print media from value added tax, currently at 15% in Kosovo.*
- *The Administrative Instruction on Access to Official Documents by the Ministry for Public Services should be implemented mindful of journalists' and citizens' rights in a democracy.*
- *An independent Information Commissioner with the competency to declassify certain types of information might be chosen to help implementing the law and the administrative instruction on access to official documents.*
- *The Assembly passed a commendable new law to transfer defamation and insult provisions into civil law. After its promulgation, particular attention should be paid to the handling of the law in the courts. If the new law leads to a wave of court cases against media, the Assembly should consider an immediate revision of the law.*

- *UNMIK should promulgate the new Law on Defamation and Libel and could consider safeguarding the existing exemption provision for media in insult cases.*
- *After that, the penal provisions currently in place in Kosovo should be revoked by UNMIK.*