OUR MEDIA:
A civil society action to generate media literacy and activism, counter polarisation and promote dialogue

LIMITED CAPACITIES AND LACK OF SUSTAINABILITY
Media self-regulation in Kosovo

Author: Florent Spahija
Editor, regional lead researcher: Brankica Petković
English copy-editing: Toby Vogel
Proofreading: Mirela Rožajac-Zulčić
Graphic design: Špela Kranjec
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Kosovo has a functioning self-regulatory system but there are challenges in its implementation. The Press Council lacks financial sustainability and has a small staff, which limits its capacities. Other challenges include self-regulation of video content published by online media and self-regulation of user-generated content. In addition, there are many different content producers online, which makes it difficult to distinguish between authentic online media and non-professional content producers.

There have been concerns over the attempts of the government of Kosovo to enforce stricter regulation of the online sphere, including online media which, might pose threats to the existence of the self-regulatory body.

There is a need to improve the self-regulatory mechanism in Kosovo, find a sustainable financing model for the Press Council and promote the work of the self-regulatory body. The Press Council should continuously inform the public about the possibility of filing complaints regarding potential violations of the Code by online and print media in Kosovo and should closely collaborate with the national regulatory authority – the Independent Media Commission – to enhance its capacities in deciding on video content of online media. The media should consistently participate in the Council Assembly’s meetings and contribute to the work of the Press Council. Media outlets should continuously train journalists in respecting the Code of Ethics, whether in print, online or broadcast form. They should promote the use of the Code of the Print and Online Media in their newsrooms.

The public service broadcaster also has its own code of ethics (“Professional Standards and Ethical Principles”), which is mandatory for its staff but has not been updated. Radio Television of Kosovo should initiate the procedure of revising and updating its internal code, incorporating the latest developments in local and international legislation.
I. INTRODUCTION

This report provides an overview of codes of ethics for media in Kosovo and the functioning of the self-regulatory mechanisms. The report is primarily focused on the role of the Press Council of Kosovo and on the Code of Ethics of the Print and Online Media, but it also gives an overview of the regulatory framework in Kosovo, including the work of the Independent Media Commission. The report is based on seven interviews with media experts, media lawyers, journalism professors, journalists and editors, as well as analysis of the self-regulatory and regulatory codes and of secondary literature. The goal was to provide a comprehensive overview of the challenges in self-regulation in Kosovo and recommendations for the improvement of the self-regulatory framework. Since the COVID-19 pandemic, daily newspapers in Kosovo no longer publish in print but only online, due to which this report mainly looks at challenges concerning self-regulation of online media.
II.
OVERALL ASSESSMENT

Kosovo has functioning self-regulatory and regulatory frameworks, similar to other countries in the Western Balkan region. The main authority responsible for regulating radio and television programmes is the Independent Media Commission (IMC). The Constitution of the Republic of Kosovo states that IMC is an independent authority with the responsibility of regulating broadcasting frequencies, issuing licences to public and private broadcasters and establishing and implementing broadcasting policies (Kosovo2.0, Çohu & Këshilli i Mediave të Shkruara të Kosovëse, 2015). Television and radio stations are obligated to adhere to the Code of Ethics for Media Service Providers licenced by the IMC. Despite the functioning of the regulatory system, interviewees point to the importance of strengthening self-regulation of television and radio broadcasters (Interview with Artan Mustafa).

Print and online media, on the other hand, operate under a self-regulatory framework – the Press Council of Kosovo – that was established in 2005 with the help of the OSCE. Freedom of speech, the right of citizens to be duly and completely informed, and the Press Council’s foundations rest on respect for the Press Code of Kosovo, as stated on the Council’s webpage. The aim of the Press Council of Kosovo is to protect citizens from false information and journalists from baseless complaints.¹ The Press Council of Kosovo has established a Code of Ethics for Print and Online Media (2022a), in addition to rules of procedure for accepting complaints. In order to respond to the new challenges in the digital sphere and journalism, the Code was revised several times, most recently in 2022.

Besides these two mechanisms, there is a separate Law on Public Broadcasting for the Radio Television of Kosovo (Law no. 04/L-046 on Radio Television of Kosovo, 2012). The public service broadcaster also has its own code of ethics (Radio Television of Kosovo, 2015), which is mandatory for its staff (Interview with Besnik Boletini). Additionally, all media are obliged to adhere to the rules for media coverage during elections, as set by the Law on General Elections in Kosovo (2008), which applies also to the local elections.

¹ For more information about the Press Council, see http://presscouncil-ks.org/rreth-nesh/
There are, however, many issues and concerns about the effectiveness of the regulatory and self-regulatory frameworks and the level of professional media reporting in Kosovo. Reports point to a decline in professional standards especially of online media, while concerns have been raised over political interference on the regulator and the media (Mehmeti, 2022). Apart from the Code of Ethics for Print and Online Media, professional media codes and regulations have not been updated, despite numerous new trends and challenges faced by journalism – especially in the online sphere – and standards set by the EU, for example for video-sharing platforms.

There have been concerns about attempts by the government of Kosovo to enforce stricter regulation of the online sphere, including online media. Professional media organisations, including the Press Council and the Kosovo Journalists’ Association, reacted against the initiative of the Committee for Local Government, Regional Development and Media of the Assembly of Kosovo to introduce legislation that would include online media. In a statement published in 2021, the Press Council warned that initiatives to control and evaluate ethics for print and online media by the state are harmful and do not help the media and journalists (Press Council of Kosovo, 2021; see also Kusari, 2018). It also stated that breaches of ethical standards should be assessed by the media community and media experts.
There are two self-regulatory codes for the media in Kosovo. The main self-regulatory code for print and online media is the Code of Ethics for the Print and Online Media of Kosovo that sets the standards for professional media reporting for print and online media. Another self-regulatory code is the Professional Standards and Ethical Principles of Journalism in the Programmes of Radio Television of Kosovo; they are obligatory for the staff of the public broadcaster. In addition to the self-regulatory codes, there are legally binding laws that regulate media reporting during elections and the Code of Ethics for Media Service Providers of the Independent Media Commission. 1.

Table 1: SELF-REGULATORY CODES

<table>
<thead>
<tr>
<th>NAME OF THE CODE</th>
<th>GENERAL OR SPECIFIC</th>
<th>YEAR OF APPROVAL AND EVENTUAL REVISION</th>
<th>IMPLEMENTED IN PRACTICE</th>
<th>BODY THAT MONITORS THE IMPLEMENTATION OF THE CODE AND PROCESSES COMPLAINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Code of Ethics for the Print and Online Media</td>
<td>Print and Online Media</td>
<td>Last revisions in 2022</td>
<td>Yes</td>
<td>The Council of Written Media of Kosovo is the only self-regulatory body.</td>
</tr>
<tr>
<td>Professional Standards and ethical principles of Journalism in Kosovo's Radio and Television Programmes</td>
<td>Public service broadcaster</td>
<td>Last revisions in 2015</td>
<td>Yes</td>
<td>Board and management of the Radio Television of Kosovo</td>
</tr>
</tbody>
</table>
3.1. SELF-REGULATORY CODES OF ETHICS

3.1.1. The Code of Ethics for Print and Online Media

The Code of Ethics for Print and Online Media of Kosovo sets the standards for professional media reporting and its rules are professionally and morally binding for editors and journalists of online and print media. The current Code consists of 12 articles drawn from existing international standards of journalistic practice that should also apply to video stories published by online media. Its rules include standards in relation to reporting the truth, preventing fake news and hate speech, protecting minors, privacy and sources, the right to reply, and rules about advertisement and sponsorship (Press Council of Kosovo, 2022a). Since the Press Council is a self-regulatory body, it does not have the authority to sanction breaches of the Code, but it does recommend improvements and seeks to educate the media regarding identified violations.

The Code was revised in 2022 to include provisions on fake news and rules regarding video and audio content published by online media that were not contained in the 2019 version. For example, the Code mandates that media must not use, display or publish in any form manipulated (tampered) texts, audio, video or documents and that forgery of photographs, images, audio or video and documents is prohibited, including their use for misinformation purposes.

Table 2: LEGALLY BINDING CODES

<table>
<thead>
<tr>
<th>NAME OF THE CODE</th>
<th>GENERAL OR SPECIFIC</th>
<th>YEAR OF APPROVAL AND EVENTUAL REVISION</th>
<th>IMPLEMENTED IN PRACTICE</th>
<th>BODY THAT MONITORS THE IMPLEMENTATION OF THE CODE AND PROCESSES COMPLAINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 7, Media During Election Campaign of the Law on General Elections in Kosovo</td>
<td>All media</td>
<td>The law was approved in 2009</td>
<td>Yes</td>
<td>Central Election Commission, Electoral Panel for Complaints and Submissions, IMC, Court</td>
</tr>
<tr>
<td>Code of Ethics for Media Service providers in the Republic of Kosovo</td>
<td>Television and Radio stations</td>
<td>Last revisions in 2016</td>
<td>Yes</td>
<td>Independent Media Council</td>
</tr>
</tbody>
</table>
3.1.2. **Professional Standards and Ethical Principles of Journalism in the Programmes of Radio Television of Kosovo**

The Professional Standards and Ethical Principles of Journalism in the Programmes of Radio Television of Kosovo (RTK, 2015) sets professional standards for the employees of the public service broadcaster. The code, drafted in 2015 and updated in 2016, sets standards for media reporting for television, radio and the online portal of the public broadcaster (Interview with Besnik Boletini). The code has 57 pages and is more detailed and descriptive than other codes, and thus can serve as a comprehensive guide for professional standards and ethical principles also for other media. In its content it follows the example of the Professional Standards of RTV Slovenia (2000). An assessment of the codes of ethics in the public service media in the Western Balkans, conducted by the European Federation of Journalists’ director Renate Schroeder under a project funded by the EU, explains that the Radio Television of Kosovo’s code of conduct is part of the working contracts for journalists. However, the assessment refers to the interviews with RTK journalists, emphasising that “a majority of the interviewed journalists claim that the code is poorly implemented in practice by RTK’s journalists and this is due to active political interference directly in the editorial policy” (Schroeder, 2018). In the assessment, the author concludes that “despite a very positive assessment about the content of the code, the knowledge among stakeholders including journalists, the code does not find proper implementation in order to ensure that interference from politics is deterred” (Schroeder, 2018).

### 3.2. LEGALLY BINDING CODES

#### 3.2.1. Code of Ethics for Media Service Providers

The Code of Ethics for Media Service Providers in the Republic of Kosovo was approved by the Independent Media Commission in 2000 and has undergone several revisions, most recently in 2016. The Code is legally binding and its breaches can result in fines issued by the IMC. The code regulates the content published by television and radio stations, prohibits harmful, vulgar and offensive content and incitement to hatred, and sets the standards for impartiality and accuracy, protection of privacy and children, and the right to reply.

#### 3.2.2. Media coverage during elections

Kosovo has specific regulatory mechanisms for election cycles and media outlets must respect the Law for General Elections in the Republic of Kosovo (2009, Articles 47-53). Chapter 7 sets the rules for media coverage during elections, especially regarding fair and equitable coverage for all candidates and political advertising; it sets the general rules for political advertising in television and radio programmes and for paid political advertising in print media.

The Code was revised in 2022 to include provisions on fake news and rules regarding video and audio content published by online media that were not contained in the 2019 version.

The Radio Television of Kosovo’s code of conduct is part of the working contracts for journalists. However, the code is poorly implemented in practice due to active political interference directly in the editorial policy.
Both the public and political parties can file complaints to a special body assembled during elections, the Election Complaints and Appeals Panel,\(^2\) which determines whether the Election Law has been violated, acting as a court of first instance. However, this regulation does not prevent a party from appealing to the self-regulatory body, the Press Council in cases of violations by online and print media, or to IMC in cases involving television or radio. During election cycles, broadcast media are monitored regularly based on established rules, and they are required to submit regular reports to IMC, and even maintain separate broadcasting records.\(^3\)


\(^3\) “The Independent Media Commission shall make sure that media maintain a log to record the air-time, and other media exposure, for paid and non-paid advertising, of the campaign activities of each political entity. The log needs to measure all relevant indicators of exposure, separately for each Political Entity, in the manner set forth by IMC rules”. (Law on General Elections in the Republic of Kosovo, 2009, Article 53).
SELF-REGULATORY FRAMEWORK

The Press Council of Kosovo is a self-regulatory body for the print and online media. It receives citizens’ complaints regarding alleged breaches of the Code of Ethics for Print and Online Media. A special body within the Press Council, the Assembly, made of representatives from newspapers, news portals, periodicals, news agencies, and blogs, meets on a monthly basis and makes decisions on the complaints about possible breaches of the Code. The Secretariat plays a coordinating and facilitating role between external parties and the Council of PCK, simultaneously conveying complaints or submissions to the Press Council, and informing the parties about the decisions made by the Press Council regarding violations of the Code of Ethics. The Press Council can approve a complaint in its entirety, approve it partially, reject it, refer it to IMC for competence, or declare itself incompetent in handling the complaint or claim from the party. Citizens can use an online form to file a complaint.

Table 3: SELF-REGULATORY MECHANISMS

<table>
<thead>
<tr>
<th>NAME OF SELF-REGULATORY BODY/MECHANISM</th>
<th>YEAR OF ESTABLISHMENT</th>
<th>FOUNDERS</th>
<th>SOURCE OF FUNDING</th>
<th>ACTIVE/ PASSIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Press Council</td>
<td>2005</td>
<td>Media</td>
<td>Foreign donors 95% and membership fees 5%</td>
<td>Active</td>
</tr>
</tbody>
</table>

In 2022, 167 different complaints were addressed (Press Council of Kosovo, 2023a). The role of the Press Council in promoting professional standards has been recognised in the media community. According to the editor in chief of Telegrafi.com, it is essential that the media not only become members of the Council, but also actively participate in the Press Council’s decisions, follow the decisions of the Press Council and avoid breaches of the Code (Interview with Muhamet Hajrullahu). According to the director of the Press Council, in addition to training courses on the Code organised for journalists, the media outlets should continuously publish information about the Code of Ethics for Print and Online Media on their social networks and make public the decisions taken in relation to breaches of the Code (Interview with Imer Mushkolaj).

The role of the Press Council is also important in libel cases. The Civil Law Against Defamation and Insult (2006) states that prior to filing a complaint, an allegedly injured person shall undertake all reasonable measures to mitigate any harm caused by the expression and shall request a correction of that expression from the person who allegedly caused the harm. The Law states that such actions may include seeking a remedy from the publisher of an allegedly defamatory or insulting expression and filing a claim with any appropriate regulatory (the Independent Media Commission) or self-regulatory body (the Press Council). Decisions of the Council can be crucial in determining defamation cases and courts can also seek the Press Council’s opinion as an amicus curiae (Interview with Flutura Kusari).

The Press Council of Kosovo (2022b) currently has 40 regular members from newspapers, news portals, and news agencies. The Press Council has a very small staff of three full-time officials (executive director, council secretary, and project officer), one external legal advisor engaged in legal services, and one part-time finance officer. PCK (2022b) lacks a public relations officer, a finance officer, a permanent legal advisor, project officers, and project managers, officials who would assist the Secretariat in receiving complaints and claims from parties. The lack of staff is particularly noticeable in its interaction with the public, because as of mid-2022, the PCK was not able to present its decisions on its website (Press Council of Kosovo, n.d.). Interviewees stress that it is important that the decisions should be elaborated upon (Interview with Imer Mushkolaj). Communication with the public through television, written media, radio, social networks, has also been infrequent. With limited staff and a considerable workload, the Council’s very existence as a body where citizens can submit complaints is unknown to a majority of the public in Kosovo. According to a media expert, continuous efforts are needed to educate the public about the existence of this organisation (Interview with Imer Mushkolaj).
“Despite the increase in the number of complaints according to statistics, I still believe that there is a vast potential for submitting even more complaints based on what I observe on news portals every day... The only missing piece seems to be awareness among the affected parties that such an organisation exists and the role it plays.” (Interview with Flutura Kusari)

The small number of employees in the Press Council is a direct consequence of the lack of funds and non-payment of membership fees by the members (Interview with Imer Mushkolaj). Currently, 95% of the Press Council's funding comes from foreign donors through local or regional projects, and only 5% is financed through membership fees (Interview with Imer Mushkolaj). The financial report of the Press Council for the year 2020, for example, indicates that only 13 out of 45 members of the Press Council that year paid the annual membership fee of 300 euros (Press Council of Kosovo, 2020). Civil society organisations and media experts have proposed that a percentage of the overall budget of Radio Television of Kosovo should be allocated to the Press Council.

“This budget would provide support and sustainability for PCK, enabling the increase of human and technological resources for PCK. The budget would also mean that media outlets would send their editors or editors in chief to PCK meetings to decide on the complaints filed by parties, thereby enhancing the public's trust in filing complaints”. (Interview with Flutura Kusari)

In addition to its work on deciding upon breaches of the Code of the Print and Online Media, the Press Council also undertakes other activities. For example, the Ethics School for Journalists is held annually to address ethical dilemmas, in particular those that young journalists may face during their work (Press Council of Kosovo, 2023).
V.

CHALLENGES IN SELF-REGULATION OF ONLINE MEDIA

Despite continuous efforts by the Press Council, media experts and media workers acknowledge that there are instances when certain media outlets completely disregard the code or deliberately violate it to generate more clicks and, consequently, more revenue through social media (Interviews with Muhamet Hajrullahu, Artan Mustafa and Labinot Leposhtica). The Press Council has a bit over 40 members, while according to some media reports it is estimated that there are currently around 300 portals in Kosovo offering various types of information to citizens (Betimi për Drejtësi, 2022). One challenge is distinguishing between authentic online media and other online content producers. Other issues faced in self-regulation of online media are video content published by online media and user-generated comments online (Interview with Artan Mustafa).

In 2015, the Press Council of Kosovo decided to include user-generated content in the Code. Expressions of defamation, insult, incitement of hatred or violence based on race, religion and other protected characteristics are also prohibited in comments and opinions below articles. The change made by the Council was not well received by many media outlets. Media outlets, after some resistance, gradually changed their approach towards moderating comments on their portals. Initially, they required commenters to include their names, emails, and in some media outlets users were asked to connect their profiles to social media accounts to comment on an article. However, moderating comments still poses numerous difficulties for media outlets.

For example, Kallxox.com has a list of 1,000 words that are not allowed in comments, but commenters avoid the prohibited words by using different spelling. According to its editor, completely banning comments would lead to a limitation of freedom of expression, but deleting each comment without a solid basis could also be considered a violation of freedom of expression (Interview with Labinot Leposhtica).
Even though the Press Council received complaints related to comments made on social networks accounts of certain media outlets, it cannot take actions as social networks are not within its competence (Interview with Imer Mushkolaj). Interviewees stress that the media should take additional steps in moderating comments on their social media accounts and that media outlets should designate a person responsible for monitoring social networks and filtering comments (Interview with Labinot Leposhtica).

“This is possible today, as comments can be blocked or removed. Therefore, the media can be more vigilant and prevent such individuals from spreading hatred and defaming the parties involved in the media’s articles”. (Interview with Labinot Leposhtica)

Another challenge is self-regulation of video content published by online media, which has been a challenging task for the PCK due to its limited technological capacities. The Press Council has received several complaints concerning visual productions of online media, which it has addressed in accordance with its Code (Interview with Nora Behluli). In many cases, these visual productions were initially broadcast on various television stations in Kosovo and later published online. In such cases, PCK has advised the parties to direct their complaints to the IMC (Interview with Nora Behluli).

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5 “These rules also apply to video stories produced/published in online media” (Press Council of Kosovo, 2022a, Preamble).
In addition to the rules of the IMC and those set out in the Law on Public Broadcasting, the public service broadcaster has its own self-regulatory document – the Professional Standards and Ethical Principles of Journalism at Radio Television of Kosovo (2015). Even though this is not explicitly foreseen by RTK’s code, failure to comply with these standards will be considered a breach of work duties and may result in disciplinary measures for the offender (Gazeta Express, 2020).

The Professional Standards and Ethical Principles also include provisions on how RTK employees should behave on social media, recommending what to follow, how to distribute and like posts or photos, and, above all, how to approach political issues in media reporting and on social media that could endanger independence and editorial policies. However, it is not always respected, as some journalists, editors, and even editors in chief have openly expressed their political opinions and preferences on social media. In some cases, journalists or editors from RTK have even become involved in political activities (Telegrafi.com, 2020).

The RTK Professional Standards and Ethical Principles also address the issue of comments and the permission of comments on RTK’s website and Facebook page. According to the code, comments containing hate speech, defamation, or insults must be removed by the administrators of that social network page, and after removal, a comment explaining the reason for the deletion should be left (Radio Television of Kosovo, 2015, Article 28, paragraph 28.3.).
VII. CONCLUSIONS AND RECOMMENDATIONS

Kosovo has a functioning self-regulatory system but there are numerous challenges in its implementation and its role in raising the professional standards of the media. The main challenge for the self-regulatory framework in Kosovo is the lack of financial sustainability of the Press Council. Other challenges include distinguishing between authentic online media and other online content producers, and applying self-regulation to video content published by online media and to user-generated content. Additionally, attempts of the government of Kosovo to impose regulation of online media through legally binding rules pose a threat to the existence of the self-regulatory body. There is a need to improve the self-regulatory mechanism, find a sustainable financing model for the Press Council and promote the work of the self-regulatory body.

Recommendations

• The Press Council should engage in the promotion of its code and work both in the public and among media outlets. It should make its decisions available to the public on a regular basis.

• The Press Council should continuously inform the public about the possibility of filing complaints regarding potential violations of the Code by online and print media.

• The media should consistently participate in Council Assembly’s meetings and contribute to the work of the Press Council.

• The Press Council should closely collaborate with the Independent Media Commission to enhance its capacities in deciding on video content of online media.
• The Press Council, the Association of Journalists of Kosovo, and the Independent Media Commission should closely cooperate with the Ministry of Education in introducing media literacy and social media education as part of school curricula.

• The Independent Media Commission should cooperate with broadcast media to draft a new code of ethics for broadcast media, incorporating the latest developments in local and international legislation.

• Radio Television of Kosovo should initiate the procedure of revising and updating its internal code of ethics, incorporating the latest developments in local and international legislation.

• Media outlets should continuously train journalists in respecting the Code of Ethics, whether in print, online or broadcast form. They should promote the use of the Code of the Print and Online Media in their newsrooms.
LIMITED CAPACITIES AND LACK OF SUSTAINABILITY: Media self-regulation in Kosovo

LITERATURE AND SOURCES


**Laws and regulations**


LIST OF INTERVIEWS

The interviews for this research were conducted in Prishtina between April and June 2023. We interviewed:

Nora Behluli (secretary of the Press Council of Kosovo).

Besnik Boletini (chairman of the RTK Board, journalist at Preportr);

Muhamet Hajrullahu (editor-in-chief at Telegrafi.com, lecturer at the UBT – University for Business and Technology);

Flutura Kusari (senior legal advisor at the ECPMF - European Centre for Press and Media Freedom);

Labinot Leposhtica (head of the BIRN Kosovo legal office);

Imer Mushkolaj (executive director of the Press Council of Kosovo);

Artan Mustafa (lecturer at the UBT – University for Business and Technology, Department of Sociology);
ABOUT THE AUTHOR

Florent Spahija is a Kosovo-based legal professional with expertise in the fields of law, anti-corruption, and media freedom. Florent holds a Master's Degree in Civil Law from the University of Prishtina. He has served as a legal advisor with the Press Council of Kosovo and the United Nations Development Programme (UNDP) in Kosovo. He has also collaborated with Transparency International, the Humanitarian Law Centre, and the Balkan Investigative Reporting Network (BIRN).
LIMITED CAPACITIES AND LACK OF SUSTAINABILITY

Media self-regulation in Kosovo

This publication is the result of research undertaken as part of the project “Our Media: A civil society action to generate media literacy and activism, counter polarisation and promote dialogue”. The first research series was conducted in the thematic framework titled “critical analysis of ethics codes and self-regulation in the media in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey”.

The project “Our Media: A civil society action to generate media literacy and activism, counter polarisation and promote dialogue” is jointly implemented by nine media development organisations from the Western Balkans and Turkey with the financial support of the European Union. The coordinator of the three-year project is the Foundation Mediacentar Sarajevo. Partners in the project are the Albanian Media Institute in Tirana; Bianet in Istanbul; the Macedonian Institute for Media in Skopje; the Montenegro Media Institute in Podgorica; the Novi Sad School of Journalism; the Peace Institute in Ljubljana; the Press Council of Kosovo in Pristina; and the South East European Network for Professionalization of Media (SEENPM).