

Characteristics of the open society in the Kosovo Serb community

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2020 OPEN CONSOLIDATED REPORT

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LIST OF ABBREVIATIONS

KFOS	→ Kosovo Foundation for Open Society
InTER	→ Institute for Territorial Economic Development
CRMC	→ Center for Rights of Minority Communities
EU	→ European Union
UNMIK	→ United Nations Mission in Kosovo
USA	→ United States of America
RTK2	→ Radio Televizija Kosova – channel two (in Serbian)
CBS	→ Crno beli svet
FDMC	→ Forum for Development and Multiethnic Collaboration
RTS	→ Radio Televizija Srbije
NGOs	→ Non-governmental organizations
CSO	→ Civil-sector organizations
OSCE	→ Organization for Security and Cooperation in Europe
UNDP	→ United Nations Development Program
NSI	→ New Social Initiative
SNS	→ Serbian Progressive Party
PDS	→ Progressive Democratic Party
CCC	→ Consultative Council for Communities
EU EOM	→ European Union Election Oversight Mission
SPC	→ Serbian Orthodox Church
PK	→ Kosovo Police

About the Open Initiative

What is the OPEN Initiative?

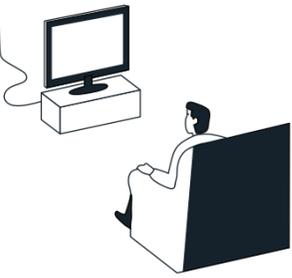
"Democracy, openness and prospects of the Serb community in Kosovo – OPEN" is a new initiative of the Kosovo Foundation for Open Society (KFOS), launched in 2020. OPEN is realized in collaboration with nine civil-society organizations operating in the Serb community in Kosovo.

The overall goal of this new initiative is development of an open and dynamic space for discussion within the Serb community, between the Serb and other communities, as well as with institutions in Kosovo.

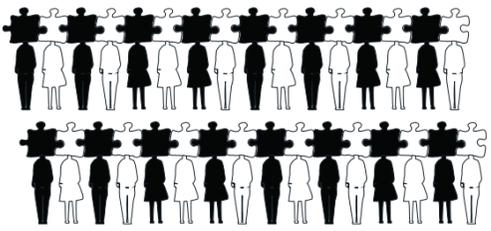
The initiative will specifically analyze and evaluate the impact of civil-society and political organizations on the observance of democratic principles and openness of the Serb community in Kosovo, it will analyze and evaluate the observance of democratic principles and openness of institutions, public policies and important processes relating to the Serb community in Kosovo, as well as a degree of openness of the Serb community to engage in such a processes. These analyses will increase the understanding of the current position and prospects of the Serb community in Kosovo and at the same time it will serve as a basis for a well-argued advocacy in communication with citizens, institutions of local and central-level authorities, and the international community. In order to attain the overall and specific goals, the experienced and prominent civil-society organizations were to conduct eight (8) sector analysis.

Main areas of research within the Open Initiative

OPEN member organizations conducted in 2020 a research in the following areas:



Media – How objective are media in Serbian in Kosovo in informing citizens? How do media impact the degree of openness, accessibility and pluralism of opinions and topics? What problems do they encounter in their work? These and other issues are dealt with by **Media Centre** and **Crno-beli svet** in their research under the title *Openness of media in Serbian in Kosovo*.



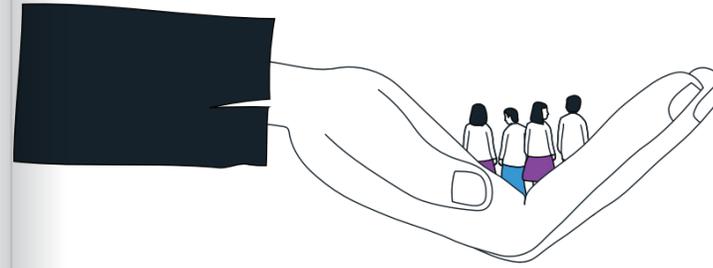
Civil society – In what way do civil-society organizations contribute to openness and observance of democratic principles of the Serb community and Kosovo society in general? How do citizens perceive civil-society activities and what is to be done for them to be involved to a greater extent in civil-society initiatives? These questions are addressed by **New Social Initiative** and **Forum for Development and Multi-ethnic Collaboration** in their report *Civil-society organizations in the Serb community in Kosovo – between perceptions and presentations*.



Political parties – Observance of democratic principles and pluralism in the activities of political parties of Kosovo Serbs, their openness to participate in the political system of Kosovo and contribute to the improvement of public policies are dealt with in the research under the title *Political parties of Kosovo Serbs in the political system of Kosovo – from pluralism to monism*. In addition to that, the authors of the research, **New Social Initiative** and **Media Centre Čaglavica**, deal with democratic practices of political representatives of the Serb community in Kosovo, whether they are open to listen to the citizens in the decision-making process and to what extent pluralism of political ideas is currently present in the Serb community?



Responsibility of institutions – To what extent are local and central-level institutions in Kosovo willing to enable citizens to participate in their work? Do they consult citizens in the decision-making process and how well are citizens informed on the work of local and central-level institutions lead by the representatives they elected? Answers to these and other questions on what perceptions of institutions citizens from the Serb communities in Kosovo have are given by **Crno beli svet** and **Forum for Development and Multi-ethnic Cooperation** in their report *Openness of institutions to citizens in Kosovo*.



Security – To what extent the perception of safety affects the openness of the Serb community to Kosovo security institutions? Do citizens from the Serb communities feel safe in Kosovo? Do they trust institutions in charge of ensuring security? The answer to this question seeks **Human Center Mitrovica** in its report *Views of Kosovo Serbs of Kosovo security institutions*.

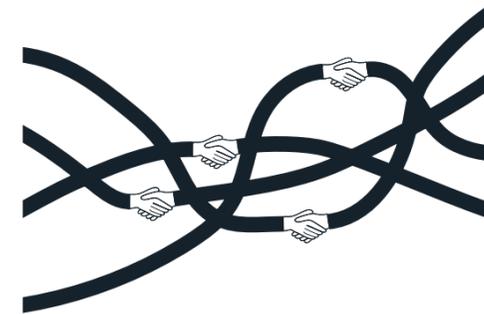


Economy – To what extent are business entities from the Serb-majority community open to integration into Kosovo economy? What are the main issues in achieving that? Did members of the Serb community have equal access to fiscal aid packages of the Government of Kosovo during the COVID-19 pandemic? Answers to all these questions can be found in the report *Analysis of the economic situation in the Serb populated communities in Kosovo* prepared by the **Institute for Territorial Economic Development (InTER)**.

Rights of non-majority communities – To what extent are the guaranteed rights of the Serbs and other non-majority communities



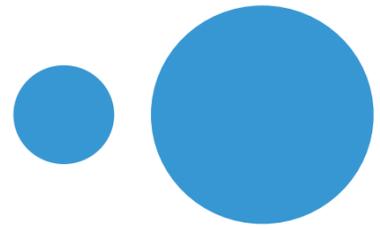
in Kosovo observed? How to get to a more open society through pointing to the gaps in the observance of non-majority rights in Kosovo? What are the main problems in efforts to make relevant institutions consistent in the observance of rights of non-majority communities in Kosovo? These topics are dealt with by **NGO Aktiv** and **Center for Rights of Minority Communities** in their report *Rights of non-majority communities in Kosovo*.



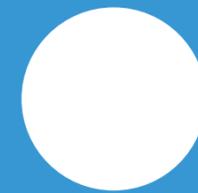
Process of dialogue and normalization of relations between Kosovo and Serbia – How do citizens see one of the currently most important political processes in Kosovo and the region? To what extent are the views of the Kosovo Serb community represented and what are the views of the Kosovo Serb community in connection with the effects of the dialogue process between Prishtina and Belgrade, and to what extent are they present on the negotiating agenda? How do citizens see the future of the process? These issues are analysed by **NGO Aktiv** and **Forum for Development and Multiethnic Cooperation** in their report *Kosovo Serbs in the dialogue process*.

Consolidated report – the context

The report before you under the title *Characteristics of the open society in the Kosovo Serb community* consolidates the *principal results and conclusions* of the sectoral reports produced by the OPEN Initiative member organizations and places them into a broader socio-political context of Kosovo. From that perspective, the report analyzes the position of the Serb community in Kosovo, attainment of its rights and freedoms guaranteed by valid legislative framework in Kosovo by both, central institutions and under socio-political circumstances within the Serb community itself. At the same time, it determines how actions of the authorities in the implementation of those rights and freedoms are affecting the willingness and openness of citizens to get actively involved in social processes and thus protect their interests. Finally, the report offers recommendations to relevant social actors how to, from the perspective of its own mandate, improve the practice of participatory democracy and contribute to a greater involvement of citizens into social processes in Kosovo.



Research Methodology



Methodology and design of quantitative research

The field (face-to-face) survey was conducted in the period from 1 October to 20 October 2020. In total, 582 citizens of Serbian ethnicity on the entire territory of Kosovo were included in the survey. Out of that, 50.5% of respondents south of the Ibar and 49.5% respondents north of the Ibar were included in the survey. The questionnaire consisted of 65 questions covering 8 areas. The sample was non-random, the quota and quota determining criterion was the size of population of a municipality. Confidence interval was +/-5. The sample is made of 54.7% of men and 45.3% of women. The average age of respondents is 44. Out of the total number, 14.4 % of respondents are with completed elementary school, 62.1% with completed secondary school and 23.5% of respondents are with completed higher school or faculty. Out of the total number of respondents, 25.9% are employed in the public sector, 22.3% in the private sector, 35.2% are unemployed and 16.6% are retired persons. It is important to point out that due to the fact that there are no statistical data on the demographic structure of the targeted population, i. e. Serb population in Kosovo, it could only conditionally be said that it is a representative sample.

Period of the research:

The research was conducted in the period from 1 October to 20 October 2020

Manner of data compiling:

Face-to-face (F2F), field survey (D2D)

Manner of poll taker work control:

Google maps (GPS) Live Location Sharing

Type:

Paper, pencil

Research instrument:

Questionnaire consisting of 65 questions

Population:

18+

Sample type:

Non-random, quota

Quota determining criterion:

Size of municipality

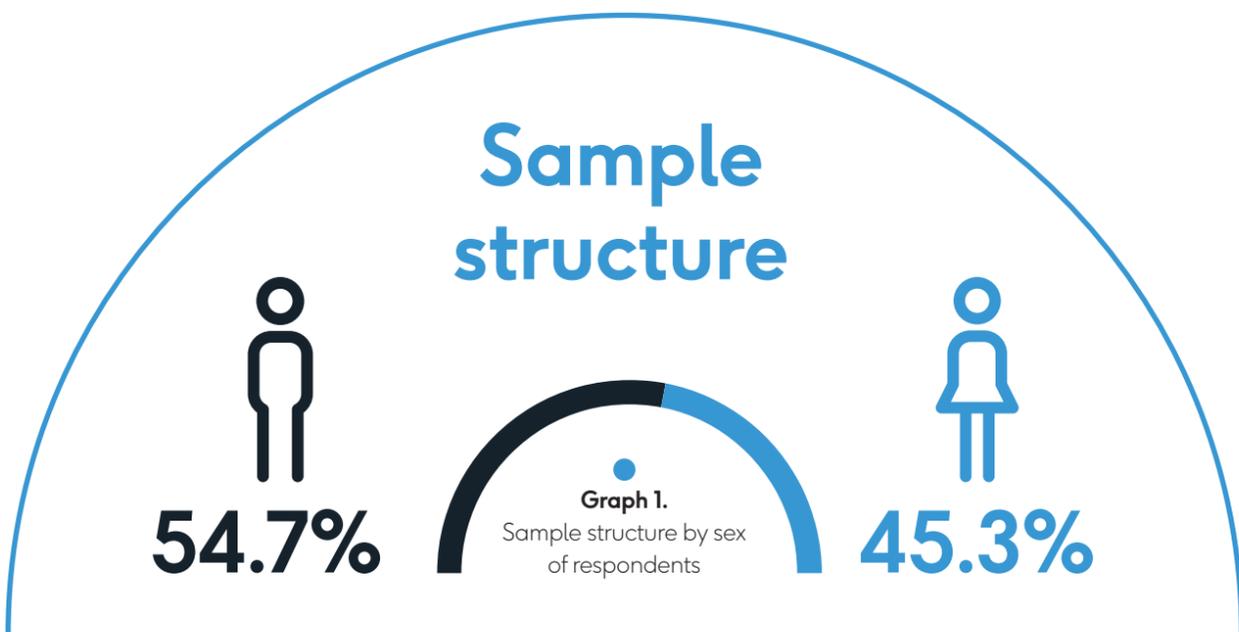
Sample size:

582 respondents

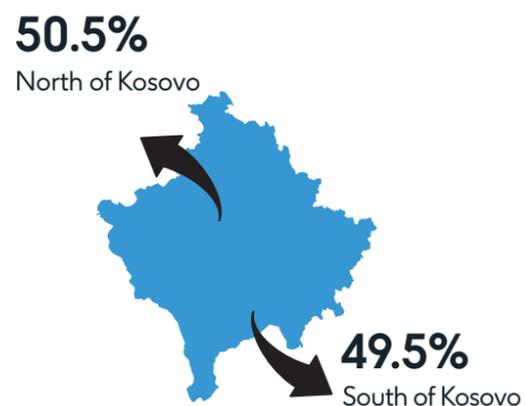
Confidence interval:

+/- 5% for 50 % expected incidence

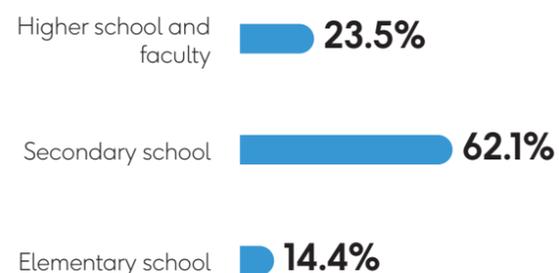
Disclaimer: Due to the fact that there are no statistical data on the demographic structure of the targeted population, i. e. Serb population in Kosovo, it could only conditionally be said that it is a representative sample.



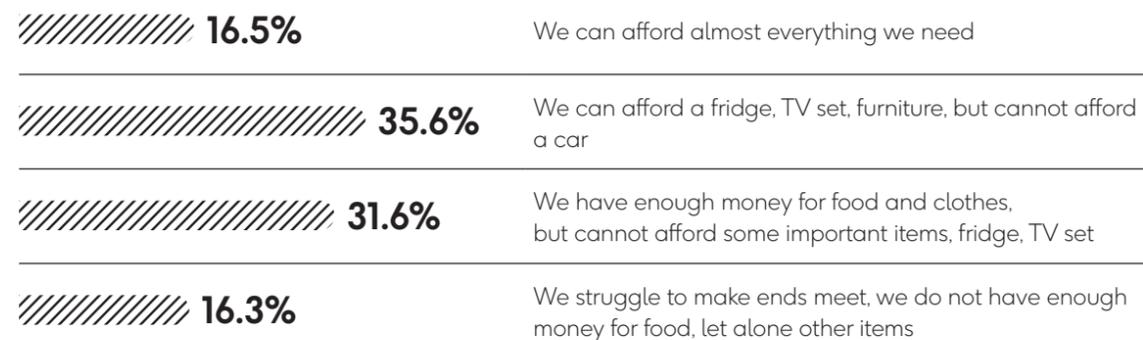
Graph 2. Sample structure by place of residence of respondents



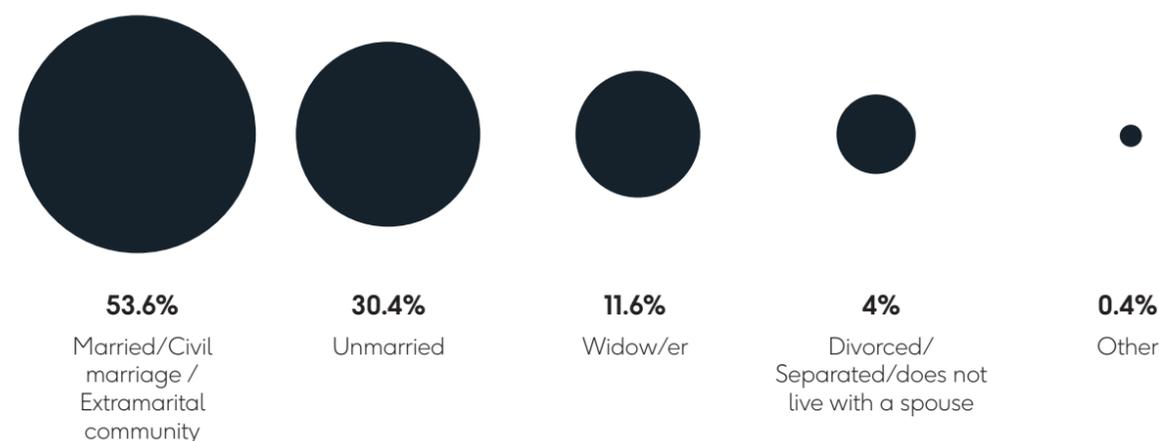
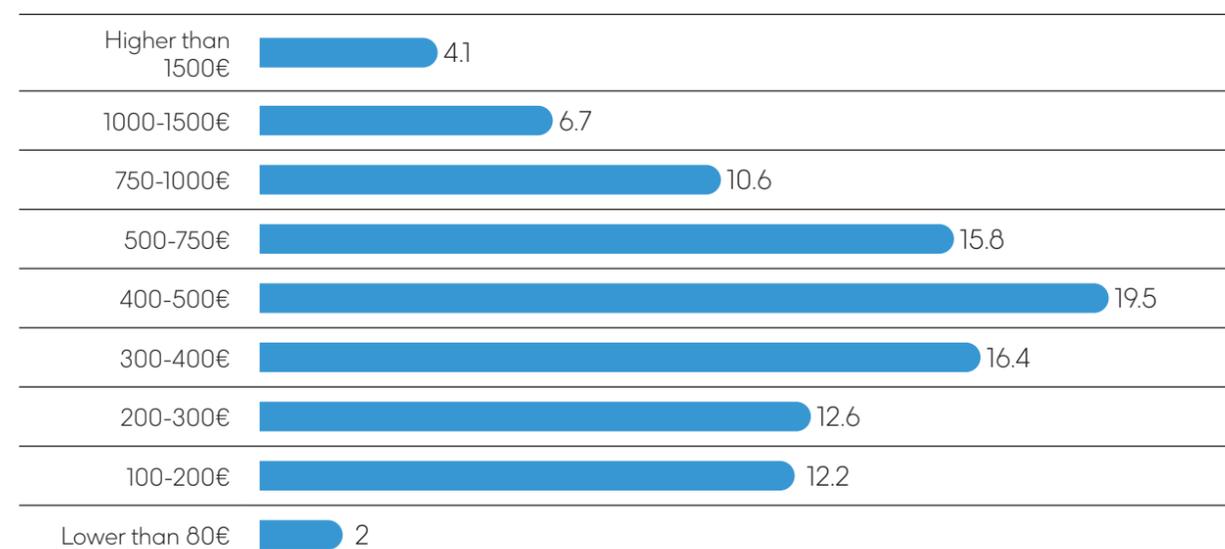
Graph 3. Sample structure by level of education of respondents



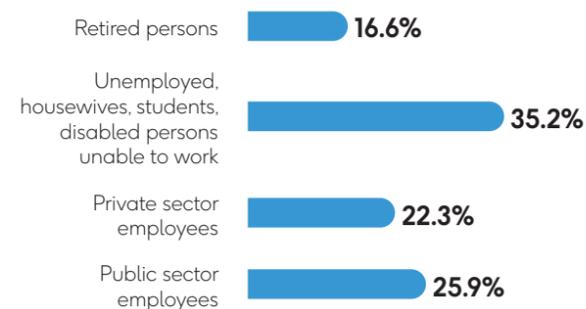
Graph 4. Sample structure by economic status



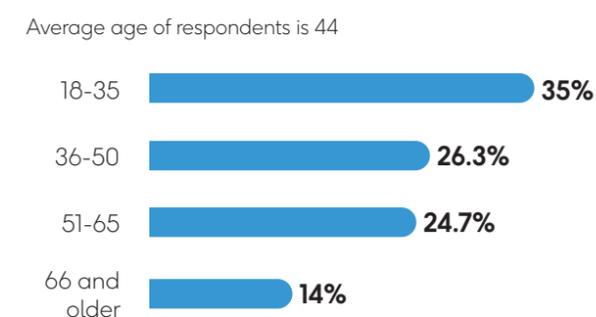
Graph 5. Sample structure by average salary of respondents



Graph 7. Sample structure by employment status of respondents



Graph 8. Sample structure by age of respondents



Methodology and design of qualitative research

The qualitative part of the analysis of basic quantitative data (obtained through the questionnaire) combined the common method of qualitative sociological research, focus groups with the representatives of targeted population, the Serb community in Kosovo, and interviews with individuals, professionals and experts in the areas of relevance for the research topics. Media and civil society organizations that conducted the research have chosen the respondents by representativeness criteria and publishing their names was, in accordance with the agreed methodology, a discretionary right of the authors of sectoral research activities. Additional qualitative research activities using the same methods (focus groups and interviews with experts) were also conducted in the preparation of the consolidated report.

Focus groups

- According to the determined methodology, focus groups were set up after obtaining main results from the statistical study (quantitative part). Part of the researchers could, depending on their own assessments, set up focus groups as an introduction into the research to obtain initial guidelines for the study.
- 34 focus groups were set up in total, four for each sectoral topic and two were added in the consolidated report preparation. Over 300 individuals participated in them, mainly from the Serb community in Kosovo. According to methodological instructions, participants were selected on the principle of representativeness (balanced distribution over sample distribution – sex, place of residence, age, level of education, income) and/or potential of expert analysis of relevant topics;
- Guides individualized by topics were the research instrument developed by the participating organizations and serving for qualitative verification of the results and their contextualization.

Interviews

- In line with methodological instructions, the interviews were organized, according to the evaluation of the needs of the authors, during the research period and/or upon obtaining the results of the statistical study (period May-December 2020).
- The number of interviewees was between eight and ten according to an individual sectoral analysis (between 64 and 80 interviewees in total), with additional 12 interviews in the preparation of the consolidated report. The criteria for the selection of interviewees was an expert insight on the research topic. According to the determined methodology, publication of the names of interviewees was treated as discretionary right of the author of the study. In the consolidated report, for the purpose of standardization of the method of data presenting, the names of interviewees were not used even if there was a consent. Instead the publication of names, when consent was granted, the authors referred to occupation or professions of interviewees.
- Research guides, adapted to relevant topics were developed by the participating organizations as a research instrument to serve the purpose of qualitative verification of the results and their contextualization.



The qualitative part of the analysis of basic quantitative data (obtained through the questionnaire) combined the common method of qualitative sociological research, focus groups with the representatives of targeted population, the Serb community in Kosovo, and interviews with individuals, professionals and experts in the areas of relevance for the research topics.

Introduction

80%	of respondents believe the rights guaranteed to the Kosovo Serb community are not observed.
45.7%	of respondents claim that at some point they were denied access to an institutional service to which they were entitled to.
51%	of respondents who did not have access to a service claim that was due to a lack of adequate translations of administrative instructions or inability to communicate with the provider of service.
72.8%	of respondents claim they do not get information from local self-governments timely.
60%	of respondents believe that the media are not independent in devising their editorial policies.
66.9%	of respondents claim they recognize elements of self-censorship in the media they are informed through.
53.5%	of respondents believe that access to media is not equal for all (interest groups).
72.8%	of citizens from the Serb communities in Kosovo have the highest confidence in the media from Belgrade.
65.3%	of respondents claim they do not have an insight in the work of civil society organizations from the Serb community in Kosovo.
32.3%	of respondents believe that NGOs do not work in their interest.
31%	of respondents believe that NGOs are not transparent in their work.
9.2%	of respondents demonstrate unequivocal belief that NGOs play an important (constructive) role in advocating interests of the Serb community.
36.8%	of respondents believe that NGOs that are active in their community are under the influence of political parties.
40%	of respondents believe that one should refrain from stating an opinion publicly due to consequences of such act
55%	of respondents believe that the negotiating team of the Republic of Serbia did not represent adequately the interests of the Serb community.

80%	of respondents believe that Serb representatives in the Assembly of Kosovo insufficiently communicate with citizens.
83.7%	of respondents believe that local institutions are not sufficiently open and responsive to citizens, their problems and views.
77%	of respondents believe that local political leaders ignore the essential interests of citizens.
63%	of respondents believe that local political leaders monopolize the political decision-making process.
57.5%	of respondents believe that local political leaders manipulate citizens they represent.
48.1%	of respondents believe that the Kosovo Police have not had good results in the protection of Serbian cultural heritage.
50%	of respondents claim they do not have confidence in the Kosovo Police.
60%	of respondents believe that there is a high level of corruption in the Kosovo Police.
70%	of respondents believe that efforts of the Kosovo Police have been insufficient in the improvement of security of the Serb community in Kosovo.
43.5%	of respondents claim they noticed a discriminating attitude to the Serb community during the COVID -19 pandemic.
7%	of respondents believe that the Government of Kosovo responded efficiently and professionally to a crisis caused by the COVID-19 epidemic.
41.7%	of respondents believe that measures of assistance to citizens in alleviating consequences of the COVID-19 epidemic have been good.
2.6%	out of the total number of enterprises that received subsidies during the COVID-19 epidemic operate in the Serb-majority municipalities.
10%	of respondents claim their confidence in media reporting during the COVID-19 epidemic has decreased.
42%	of respondents see the role of NGOs in fighting COVID-19 positively.

The notion of open society

At first thought, it appears that the question is easy: Do you know what the term open society means? What does it relate to? What are we talking about when discussing open society and what makes it different from democracy and its principles?

The initial theory and the very term *open society* comes from French philosopher Henri Bergson and is described in his work *The Two Sources of Morality and Religion* published in 1932.¹ His work was upgraded, and the concept of a theory of society as a counterbalance to growing dictatorships in Europe in the first half of the 20th century was developed by British philosopher Karl Popper in his work *The Open Society and Its Enemies* in 1945. As the simplest interpretation, Popper essentially determines an open society by a principle of interchangeability of power by democratic (non-violent) methods.² Such change, according to Popper is possible only in societies in which the law and tradition are treated as universal values, subordinated to the individual and not the collective identity of people and individual, not collective responsibility. Therefore, in the original theory, an open society promotes individuality and equality. Popper defined this peculiarity as a society in which “*individuals are faced with their own decisions*”³, implying a social system in which success, accomplishment and prosperity of the individual are predisposed solely by personal ambition as there are no systemic obstacles. This initial theory was after the World War II embedded in liberal representative initiatives advocating inclusion of marginalized and disempowered groups into democratic societies. The concept was thus promoted and became the subject of theoretical and empirical affirmations and challenges in modern societies worldwide.

With development of modern democracies the very notion of an open society was transformed into a multi-disciplinary and multidimensional concept.⁴ Thus, in one definition tackling its complex socio-culturological dimensions, it is said that an open society is characterized by “*culturological openness, religious tolerance and artistic pluralism, the values guaranteed in the legal and political perspective by transparent and responsible authorities*.”⁵

Definitions given by modern authors enable, to an extent, easier identification with open society principles and therefore a better understanding of the concept. One of the descriptions of the characteristics of an open society and the easiest to identify with is the one in Encyclopedia Britannica, in which it is said that in the sociological sense it represents a social system, values and practice in which individuals are enabled under same conditions to take active roles in the processes affecting their lives, equal access to resources and opportunities, as opposed to a closed society dominated by a hierarchical division⁶ of social groups based on the system of privileges and preferential access to resources.

Therefore, in an open society, democratic legal organization is complemented with a kind of a social agreement rationally defining social relations, competences of institutions and enabling a productive involvement of an individual. Under that agreement, the state has no secrets, it is not hiding anything from its citizens, it discharges its duties responsibly, transparently and flexibly, promoting a non-authoritarian nature of its power. On the other hand, citizens actively take part in processes, contribute to creation and preserving of the value system and complement the authorities in the creation of a more just society.

1 The original title: “Les deux sources de la morale et de la religion”, 1932, Henri Bergson

2 The original title: “The Open Society and Its Enemies, Volume One,” Popper, K., Routledge (1945., reprinted in 2006.)

3 Ibid, Volume 1, Chapter 10, Part I

4 The original title: The Open Society and Its Challenges, Mark Bovens

5 Ibid.

6 <https://www.britannica.com/topic/open-society-sociology>

The determinant *active* in **active** participation of citizens and **active** promotion of a democratic nature of power bears one of the basic characteristics of open society based on which a notional distinction with democracy is made. Democracy may exist in a formal legal form within a framework of laws promoting justice, equality, liberties etc., whereas open society cannot exist in legal acts exclusively, as it implies the will to engage: civic action, interaction between citizens and authorities and active efforts of the state apparatus to make that possible.

Therefore, democracy is a form of a social system, whereas open society implies processes enabling democracy. Open society is not a step in the evolutionary process of democracy but its core quality.

Open society in the context of rights and freedoms of the Kosovo Serb community

The Serb community in Kosovo is in the focus of this report and its analytical approach is based on a simple classification of open society indicators used in similar initiatives in the region⁷. According to this classification, open society is characterized by two main qualities: one is that it is a society without discrimination (at any ground) and the other is the existence of mechanisms and practices enabling citizens to actively monitor non-discriminating actions (or non-actions) of the authorities.

Accordingly, this report does not aspire to analyze democratic authenticity of laws and legal mechanisms protecting the rights of non-minority communities in Kosovo. Instead, the aim is to present how, from a credible aspect, and that is the perspective of citizens, protection of guaranteed rights and interests of the Kosovo Serb community is affected by the practices of (non-)action of the authorities and to analyze to what extent that system is open and flexible to allow active inclusion of citizens in endeavors aimed at enabling them to enjoy those rights and freedoms⁸.

The very structure of the report reflects such classification. In Chapter 1 the report focuses on the societal capacity to implement the rights protecting the interests of non-majority communities in Kosovo (**constitutional rights of minorities**), as well as practices and policies enabling members of non-majority communities the equality in **access to services and information**. Chapter 2 analyzes the degree of attainment of freedoms protecting the right to active participation of citizens in socio-political processes (**freedom of political association, free media, freedom of civic association and activities and free elections**). Finally, in Chapter 3 characteristics of a social environment affecting the degree of fulfilment of those rights and freedoms (**confidence of citizens in socio-political actors, ethnicity-based confidence, security, treatment of non-majority communities in state-of-emergency circumstances**) are analyzed.

A chronological overview and analysis of the context offered in similar reports in the introductory part, is in this case incorporated in the thematic analyses due to the complexity and multidimensionality of the research topic. Presented that way, readers are offered a better insight and understanding of a specific issue through contextualization of individual issues addressed in the report.

7 Simona Goldstein, Index of Openness of a Society, Croatia 2006

8 Prof. Aleksandar Štulhofer, PhD, Faculty of Philosophy, Zagreb University, Open Society Index, introduction. http://www.ffzg.unizg.hr/socio/gastulhof/tekstovi/IOD_astulhof2006.pdf

Basic perceptions of citizens of democracy

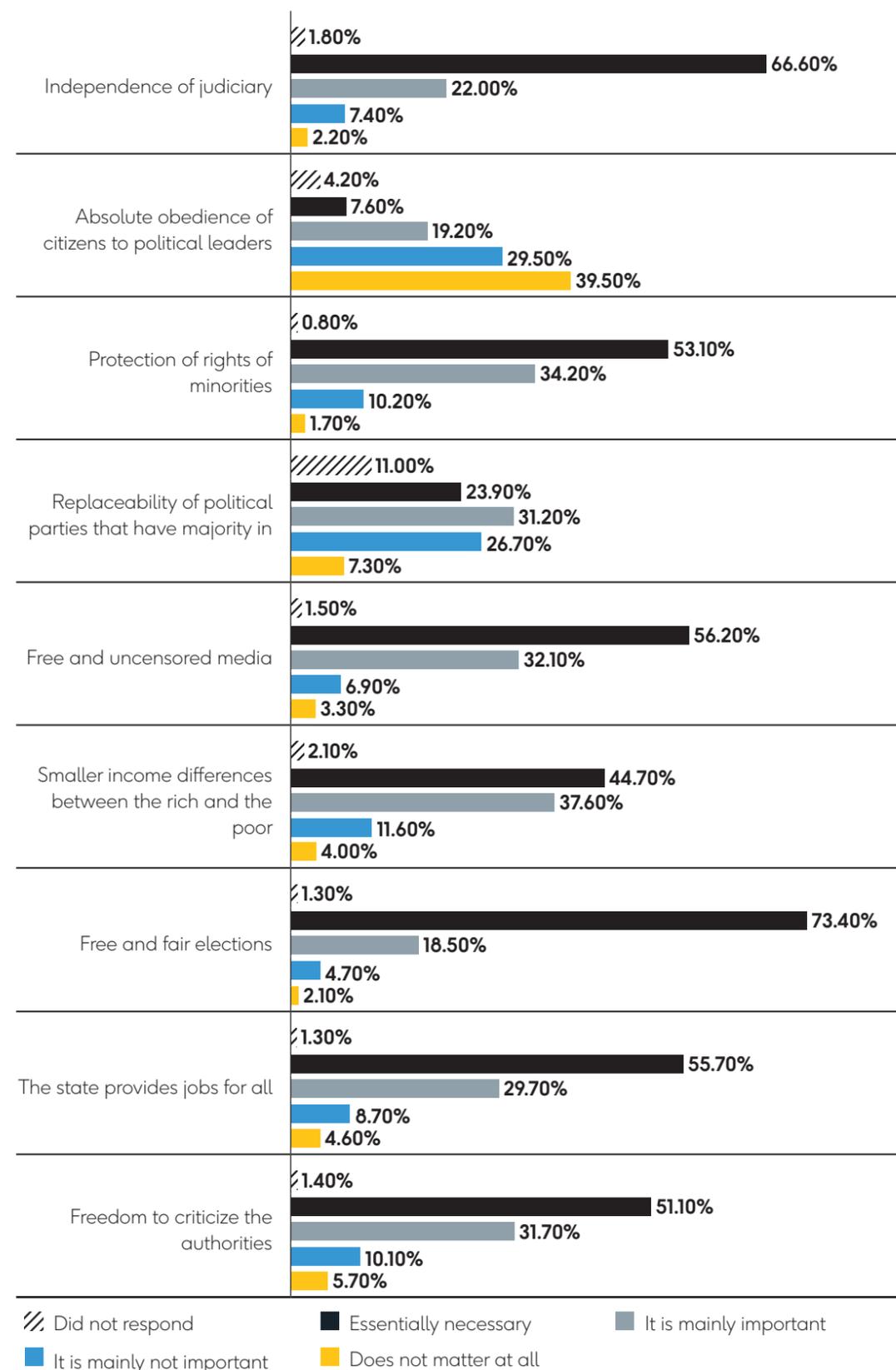
The research before you, as already explained in the introductory part, deals with the perceptions of citizens on basic postulates of an open society, democratic practices, views and behavior of citizens and authorities. Perceptions of citizens are not necessarily and entirely a realistic and actual reflection of a situation in the society as the full and fair evaluation of numerous processes requires competence, broader knowledge and deeper understanding, i. e. more than a "general knowledge" usually measured through surveys. In addition to that, the judgement of citizens may be blurred by prejudices and preconceptions that are not necessarily true, yet decisively determine their views on the issue.

Nevertheless, despite such limitations, perceptions of citizens remain quite a persuasive indication of the effects of policies and practices devised by state institutions, to the society, as well as a reflection of actual interests and priorities of citizens. And lastly, views of citizens determined in an objective way are also a valuable indicator of their readiness to get actively involved in processes leading to a better protection and attainment of those interests.

In the context of this research, it was important to determine, as a starting point, if and how citizens understand basic principles of openness of a society and democracy and to what extent they were familiar with the rights protecting their freedoms and interests. The better understanding of respondents on those issues relates with greater credibility of their judgment on the actual situation concerning rights and freedoms and responsibility of the authorities for their fulfilment. Consequently, the conclusions of the research can be more objective while recommendations following them better address the genuine needs of citizens.

For that reason, the research starts by determining the perceptions of citizens on basic characteristics of a democratic society. Asked to indicate which of the offered statements describe the best a democratic society, the greatest number of respondents, as results reveal, show they are able to recognize the most important features of a democratic society. As many as 92% of respondents believe that free and fair elections describe the best a democratic society, seeing them as essential (73%) or important (18.5%) indicators of democracy. Independence of the judicial system as a precondition of a democratic system is circled by 88.6% respondents, whereas 88.3% of respondents see free and uncensored media as an essential characteristic of democracy. At very high percentages, the respondents also refer to freedom to criticize the authorities (82.8%) and protection of minority rights (87.3%). Therefore, with such noticeably high percentages, the reliable claim can be made; respondents in this research do reveal a basic understanding of what makes a society democratic (Graph 9).

Graph 9. Which statements, in your opinion, describe best a democratic society?

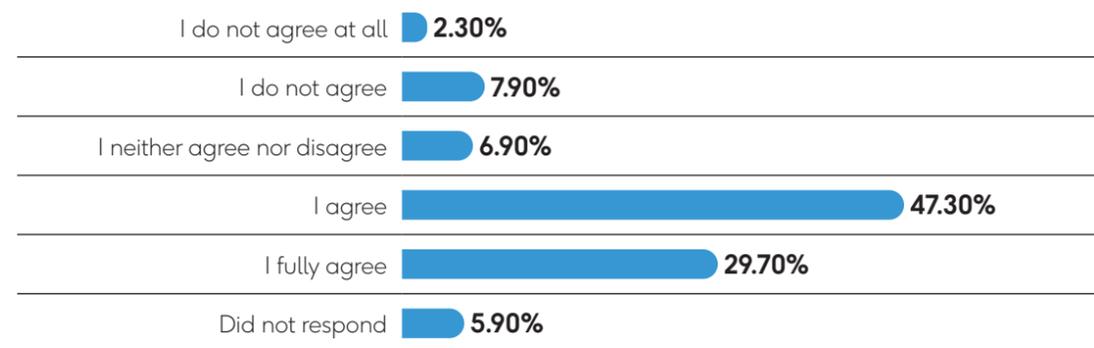


Izvor: Rezultati istraživanja o stanju privrede u srpskim sredinama na Kosovu

Yet, the conclusion cannot be that simple and definite. As many as 83% of respondents claim that a smaller difference in income between the rich and the poor is a democratic value. That is quite a common belief. Even standard political economy theories claim that the causality between more balanced distribution of income and the ideology of a democratic system as a justice-aspiring society is a logical conclusion⁹. Nevertheless, although in theory there is a consensus that inequality in income distribution could be a threat to the quality and resilience of democracy, it is not its crucial determinant. Democracy is essentially characterized by the existence of conditions under which any member of society has equal opportunities to generate an income while the difference in its level might reflect a subjective capability (work, motivation etc.) to make the best out of those opportunities. Therefore, inequality in income is not necessarily a precondition of democracy. However, the fact that such a high percentage of respondents in this research see distribution of income as a democratic characteristic tells that their judgment is driven by the values, not the notional insight. More precisely, that shows that citizens identify democracy with a subjective notion of justice. That is indeed arbitrary but for the sake of this study it is not detrimental, as the sense of justice or, more precisely, struggle for justice, is a powerful driver of genuine civic activism, while, as stated in the introductory part, civic activism represents a main assumption of an open society.

The evaluation of inclination for active participation in social processes reveals that respondents of the 2020 OPEN research, members of the Kosovo Serb community, do have a clear understanding of what their role in a democratic, open society is. As many as 77% of respondents deem responsibility to resolve the societal issues rests upon themselves.

● **Graph 10.** It is on us to solve social issues in our community, not to wait for someone else to do that



Despite such research results, it cannot be claimed that the awareness of the responsibility of citizens means they actually take part in civic initiatives, because there are a number of other factors that predispose their mobilization. At the same time a great number of those factors do not depend on citizens, e. g. existence of adequate legal mechanisms, willingness (openness) of institutions, unrestrained freedom of expression, cherishing culture of participative democracy etc. However, it can be said with a relative certainty that the basic assumption has been met. The results show that citizens have an adequate and rational idea of what a democratic society is and what their role in it is. If that condition is met, the responsibility rests on other social actors (authorities, NGOs, media) to create conditions and mobilize citizens to take part in societal processes of importance for their rights and interests, meaning it is necessary to make the society genuinely open.

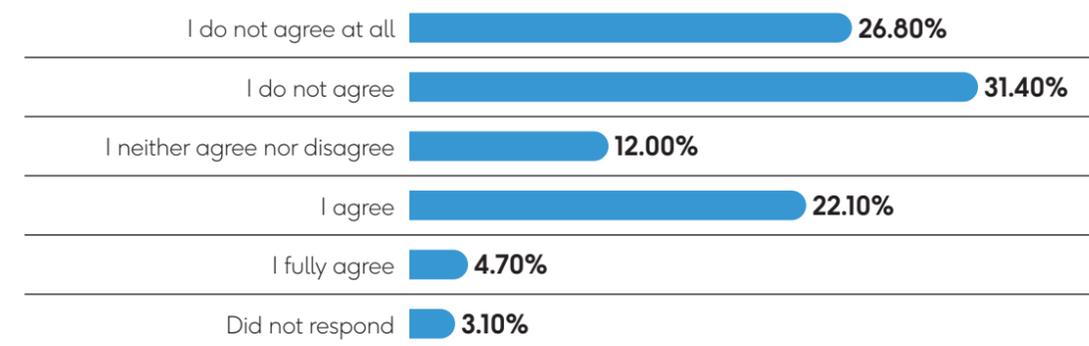
⁹ Empirical Analysis: Democracy and inequality of income: Gradstein, Milanović, Jing, The World Bank, March 2001

To what extent are Kosovo Serb community members familiar with their rights

In part two of this section we aspired to determine to what extent Kosovo Serb community members are familiar with the scope and characteristics of the rights guaranteed to them by relevant legal acts. Understanding guaranteed rights is an important indicator of justified perception of respondents of the existence of discrimination in their access to rights as one of principal indicators of openness of a society.

The results of the 2020 OPEN research reveal that the respondents, citizens of the Kosovo Serb community, are not sufficiently familiar with the rights guaranteed to them within the Kosovo legal system. As an illustration, when asked are they familiar with the rights guaranteed to the Kosovo Serb community (Graph 11); only 26.8% of respondents give a positive answer and almost 60% of them claim they are not familiar, either fully (26.8%) or sufficiently (31.4%).

● **Graph 11.** I am well informed on the rights guaranteed to me by the Kosovo Constitution



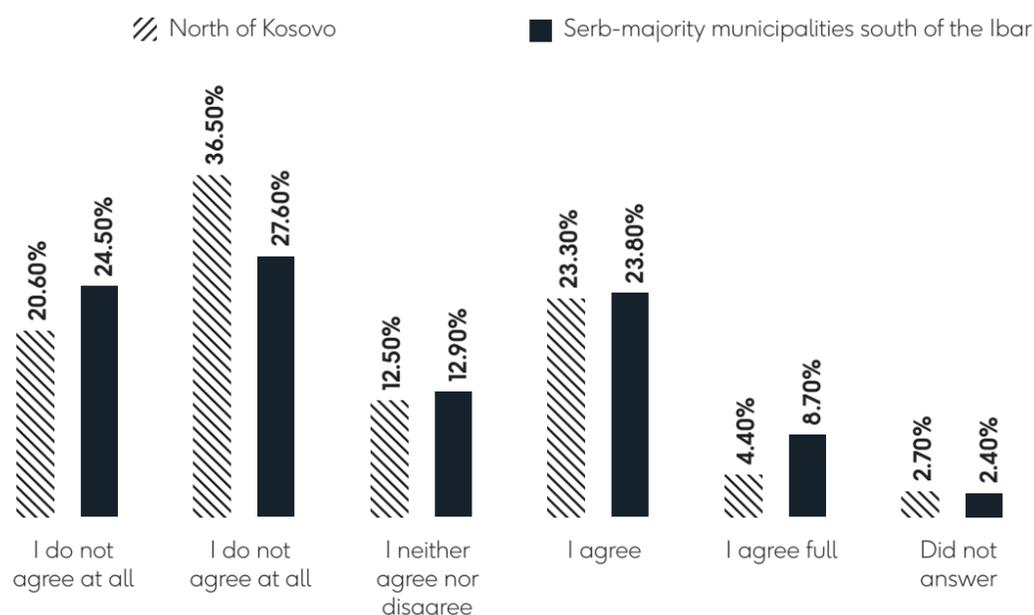
Such results are neither surprising nor indicate citizens' failure to acquire such knowledge. It should be noted that rights of citizens are sometimes defined by very complex legal formulations, mutually interdependent normative acts, whose interpretation requires a certain level of expertise. Someone who is not professionally involved in this area cannot be expected to understand the full scope of rights guaranteed to her/him.

However, that does not mean that citizens are not able to recognize elements of discrimination when they are manifested, particularly when they pose a direct threat to their interests. Beside that, in a great number of cases citizens can be informed on violations of non-majority rights in Kosovo through instances with an expert capacity to identify and analyze such cases, which are then presented to citizens in the context with which they can identify themselves. Such instances could and, having in mind their social role and responsibilities, must be political representatives of citizens (parties), media (through, e. g. investigative journalism initiatives) and NGOs in their role of a public interest guardians (or the so-called watchdog role). In the research **Rights of non-majority communities in Kosovo**, conducted within the OPEN Initiative by NGO Aktiv and Center for Rights of Minority Communities (CRMC), such a difference in understanding the rights guaranteed to non-majority communities in Kosovo between citizens and experts participating in focus groups was also identified.¹⁰

¹⁰ NVO AKTIV, CRMC; Rights of non-majority communities in Kosovo, OPEN 2020, p. 17

In the same research the authors, point to the differences spotted among the respondents residing in Serb communities in the north and those living south of the Ibar. The respondents residing in Serb communities south of the Ibar have a better knowledge of the rights guaranteed to non-majority communities in Kosovo (Graph 12), which is, according to the authors, an effect of a higher degree of integration of that part of the Serb community into Kosovo legal system¹¹. On the other hand, the authors observe that focus group participants in the north of Kosovo reveal a certain apathy and lack of interest both in the rights guaranteed to the Serb community by the Kosovo system, and in the quality of legal solutions institutionally protecting them¹². The reason for that, as the authors see it, is the fact that the north of Kosovo is within a limited reach of the Kosovo legal system.¹³

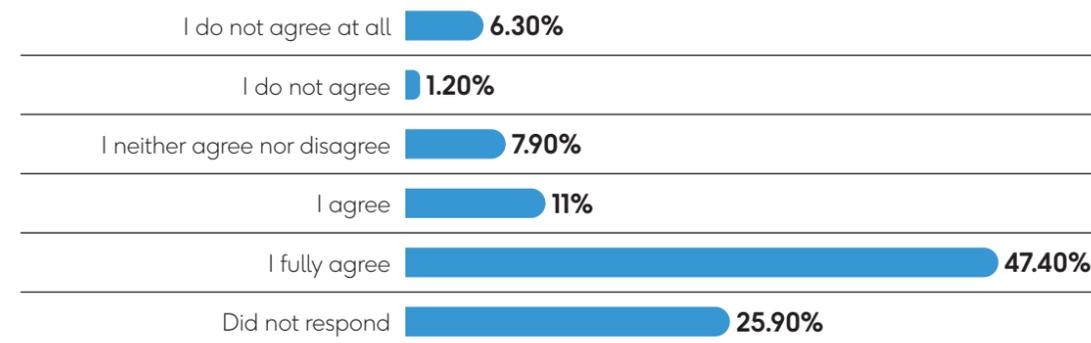
Graph 12. I am familiar with the rights guaranteed to me by the Kosovo Constitution, a comparative overview (north/south)



Nevertheless, respondents from Serb communities both in the south and north of the Ibar agree in one. Their answer to the question if the Serbs in Kosovo enjoy ("feel benefits from..." author's note) their political and social rights is mainly negative (73.3%).

¹¹ Ibid, p. 8
¹² Ibid, p. 17
¹³ Ibid, p. 18

Graph 13. Do you agree with the statement that the Serbs enjoy a broad range of political and social rights anticipated for non-majority communities?



This indicates the view among the citizens that rights of the Kosovo Serb community are neglected is almost an axiom, a view confirmed so many times that it is not questioned any more. In the part of the research dealing with the analysis of those rights it is shown that this belief is dominant not only among the members of the community affected by this issue, but it is also shared by a great number of independent experts from the Albanian community in Kosovo.

Conclusions

Finally, if a single conclusion is to be drawn based on these results, it can be said that the citizens who were part of this research understood very well democratic values they aspired to, but they were not fully familiar with the range of the rights of non-majority communities, that is, mechanisms for the protection of such, democratic character of Kosovo society. That set the tone of this research, imposing the tasks and responsibility upon its authors to supplement the stated views of citizens and validate them by examining additional relevant sources (research, sources, legal acts). That was not necessarily a problem as the issue of guaranteed rights of non-majority communities in Kosovo and their implementation is a well examined area with numerous theoretical explanations and empirical evidence.

Although this is an introductory part of the research it can be reliably said that there is already the first indicator of the quality of the openness of the society, which is that the rights of non-majority communities are not presented to a sufficient extent to those whose interests they protect. The responsibility for such a situation is primarily that of those occupying public posts, representatives of the Serb community in institutions, but this deficiency could also be a credible indicator for both the civil society and media when actual needs of the members of the Kosovo Serb community are concerned.

Rights of Citizens in an Open Society



1.1 Rights of Non-majority Communities in Kosovo

1.1.1 The context: Rights of non-majority communities in a democratic and open society

There is no need to point out there cannot be democracy without essential observance of (the implementation of) fundamental principles of equality, justice and inclusiveness. That is why the protection of the rights of non-majority communities is one of main indicators of a true democratic nature of a society, but also one of crucial preconditions for its stability and security. Pluralist societies and societies genuinely cherishing democratic values not only need to respect cultural, ethnic, linguistic and religious identity of non-majority groups and individuals, but they are also obliged to create conditions in which they can be expressed, preserved and developed. That is possible only if non-majority communities are provided an affirmative environment for an unrestrained participation in the socio-political life, while citizens of those communities, on the other hand, take those opportunities and actively participate in processes of importance for their rights and interests. Such a truly democratic nature of a society implies institutional representation of non-majority communities, independent mechanisms for monitoring the implementation of their rights, efficient consulting mechanisms, nurturing the culture of open dialogue and many more affirmative practices protecting equality of ethnic minorities.

The context in which this is to be achieved is not always simple, stable and predictable. In the modern world, in the past three decades there has been a significant rise in the number of the so called "nascent or emerging democracies".¹⁴ Those are societies aspiring to be or are formally classified as democracies, while standards essentially defining them as democratic societies have to be met by facing exceptionally complex, multi-layered and frequently mutually conflicting social, economic and political interests. Additionally, such challenges are often burdened with unresolved ethnic conflicts or other types of strong social divisions. Kosovo is a paradigm of such societies.

1.1.2 The context: Rights of non-majority communities in Kosovo

The process of defining rights of the Serb and other non-majority communities in Kosovo was twofold. On the one hand it was a legal process and as such was based on predefined standards and practices stipulated in international conventions and frameworks, first of all the Council of Europe Framework Convention on National Minorities (FCNM)¹⁵ ad-

¹⁴ International Democratic forum IDEA, Madrid 2011, Mark Salter Conclusions, p. 8; [link](#)

¹⁵ Council of Europe; <https://www.coe.int/en/web/minorities/at-a-glance>

opted in 1994 (Kosovo is a signatory through UNMIK¹⁶). On the other hand, it was an integral part of a far more complex political process, more precisely, the preparation of Kosovo authorities for declaration of independence in 2008. That process was followed by strong ethnic tensions in Kosovo and Serbia, as well as deep disagreements between great powers in the international diplomatic arena and in international institutions. The risks aggregated due to such views mobilized a part of the international community, the active Western diplomacy, in efforts to create conditions in which the act of declaration of independence would not become a generator of tensions which might have gotten out of control. Part of that, in a way, the risk management process was to define an "offer" for the Serb community as a compensation for accepting the declaration of independence. That offer included broad rights for the Serb and other non-majority communities.

The range and nature of rights of non-majority communities anticipated by the current Kosovo legal framework are based on the solutions defined in the **Comprehensive Proposal for the Kosovo Status Settlement**, prepared at the beginning of 2007 by a Special Envoy of the UN Secretary General, Martti Ahtisaari. The proposal, also known as the **Ahtisaari Plan**, anticipated the so called "supervised independence"¹⁷, while in turn, granted the Kosovo Serb community a wide range of rights and guaranteed protection mechanisms which, according to numerous analysts, exceeded minority rights standards in the countries of the European Union.¹⁸ Martti Ahtisaari's proposal was never adopted by the United Nations Security Council due to the opposition of the representatives of the Republic of Serbia and its allies in the international arena. However, the authorities in Prishtina during preparations for the declaration of independence included in the Constitution "the spirit and essence

¹⁶ Agreement signed between the Council of Europe and UNMIK on 23 August 2004 <https://www.coe.int/en/web/minorities/unmik/kosovo>

¹⁷ Summary of the Comprehensive Proposal for the Kosovo Status Settlement, US Department of State, Feb. 2008, [link](#)

¹⁸ The original title: Minority Rights: An Opportunity for Adjustment of Ethnic Relations in Kosovo, Adem Beha, Journal on Ethnopolitics and Minority Issues in Europe, for the publisher ECMI Kosovo - 2014

of Ahtisaari's proposal", giving it precedence over all other laws, even the Constitution, in the interpretation of compliance of all legal acts.¹⁹ That way, Kosovo leaders wanted to demonstrate a democratic nature of the legal system and by that gain legitimacy and support of the international community in the recognition of its independence. So, in a sense, the rights of non-majority communities in Kosovo were an "ad hoc compromise" aimed at obtaining the international recognition of Kosovo independence.²⁰

Afterwards it was seen that the political dimension of the process of defining rights of the Serb community would have a significant influence on the patterns and intensity of involvement of central authorities in their implementation, as what at one point seemed to be a "bearable concession" for the sake of international verification of independence, subsequently became a burden. Consistent implementation of those rights was impeded not only by the lack of capacities of Kosovo institutions or shortage of resources (e. g. needs for significant investments in human resources to achieve institutional bilingualism), but also due to unpreparedness of political representatives of the Kosovo Albanians to accept the essence of a created legal system which validates the interests of the Serb community and prevents its changes without the consent of Kosovo Serbs, i. e. their representatives. This characteristic of the legal framework regulating the rights of non-majority communities in Kosovo revealed its essence during the attempts of Kosovo Albanians to realize some initiatives considered as their national interest. A good example of that was an initiative for transformation of Kosovo Security Forces into army which required amendments to legislature protected by the legal double majority institute, more precisely the votes of MPs from the Serb community were required as well.²¹ As the initiative was not supported by the Serb community, i. e. its political representatives, central authorities used cre-

¹⁹ The Constitution, Article 143, The Comprehensive Proposal for the Kosovo Status Settlement, par. 1.2,3

²⁰ Ibid

²¹ Double majority institute is explained in section [Pregled: Mehanizmi zaštite ustavnih prava](#).

ative interpretations of the applicable legislation²² and entirely marginalized the genuine spirit of the legal framework, more precisely, legal mechanisms for the protection of rights of non-majority communities. That act not only demonstrated an arbitrary attitude of the Kosovo authorities to their own legal system and rendered useless participation of the Serbs in Kosovo institutions, but the rhetoric in that and similar cases antagonized the community even more, making louder those voices in the society and on the political scene claiming Kosovo Serbs were given excessive rights which posed a threat to system functionality.²³

1.1.3 An overview: Rights of non-majority communities in Kosovo

Among experts there is a consensus that, by the letter of the law, Kosovo legal system is affirmative to the status of non-majority communities, enabling a wide spectrum of their rights and freedoms. The supreme regulatory instrument, the Constitution, defines the Kosovo society in its provisions as *multiethnic, guaranteeing all citizens equality before the law*.²⁴ Thus, all citizens, irrespectively of their ethnic, religions, cultural and linguistic identities are guaranteed rights and freedoms predisposing the democratic character of a society, including, freedom of speech, freedom of association, religious liberties and other fundamental rights²⁵. In addition to general freedoms and equality, their enjoyment (exercising) provided for by general provisions and Chapter II, the Constitution also defines specific rights of non-majority communities and their representatives.²⁶ Those provisions guarantee to members of non-majority communities the freedom of expression, development and preservation of essential elements of their identity, culture, religion, language, tradition, education in mother tongue, use of their own language, alphabet, display of symbols etc.²⁷

22 The original title "Kosovo votes to create national army over Serb objections", <https://ip.reuters.com/article/instant-article/idUSKCN1MS26O>

23 The original title: "ASM Breaking the impasse" ECMI, June 2016, p. 9

24 Constitution, Article 3 (Equality before the Law)

25 Constitution, Chapter II, Rights and Fundamental Freedoms

26 Ibid, Chapter III, Article 57, General Principles, Article 59

27 Ibid, Article 59 (1-9), Rights of Communities and their Members

The Constitution also guarantees proportional representation of the Serb and other non-majority communities in the political life, as well as participation in local and central level government bodies, whereby the institutions are bound to ensure the implementation of provisions regulating those rights. According to that principle, the Constitution provides for in Chapter IV that 20 seats in the Assembly of Kosovo belong (are reserved for) to non-majority communities in Kosovo, out of which ten (10) seats are reserved for the Serb community, four (4) seats are reserved for the Roma/Ashkali/Egyptian representatives, three (3) for the Bosniak community, two (2) for the Turkish community and one for a representative of the Gorani community.²⁸ The Constitution also guarantees representation of non-majority communities through a reserved vice-president post for communities²⁹.

Beside that, the Constitution also reaffirms "equitable representation" of non-majority communities in public institutions,³⁰ as well as their right to access and special representation in media, to develop programs in their own language, to launch their own media, provide information in their own language, as well as the right to launch their own independent and licensed TV channel which would cover the entire territory of Kosovo.³¹ The principle of equitable representation of non-majority communities in civil service is endorsed by a regulation of the Ministry of Public Administration³² and the Law on Civil Service³³, (which became effective in July 2010), defining a minimum of 10% of posts at the central level that have to be reserved for members of non-majority communities.

28 Ibid, Chapter IV, Article 64 (structure of the parliament).

29 Chapter III, Article 62, Representation in Public Local Bodies, (1).

30 "Communities and their members are entitled to equitable representation at employment in public bodies, public enterprises at all levels..." (Article 61) Chapter III, (Rights of Communities and Their Members)

31 Ibid, Article 59 (10,11) Rights of Communities and Their Members.

32 Regulation No.04/2010 on actions for equitable and proportionate representation of communities not representing the majority in civil service.

33 Law on Civil Service No.03/L-149

1.1.4 An overview: Mechanism of protection of constitutional rights

The above mentioned constitutional rights and liberties are protected by a set of mechanisms, constitutional provisions, as well as laws operationalizing the responsibilities of the authorities, citizens and institutions. The most important laws deemed to be of vital interest for the Kosovo Serb community are:

- Law on Protection and Promotion of Rights of Communities and Their Members in Kosovo, adopted on 13 March 2008,
- Cultural Heritage Law, adopted on 9 October 2006,
- Law on the Use of Language, adopted on 27 July 2006,
- Law on Primary and Secondary Education, adopted on 31 August 2011,
- Law on Education in Kosovo Municipalities, adopted on 15 June 2008.

One of the most important laws in this set is the Law on the Use of Language. This law, as a legal act regulating an area of special importance for the Serb community is a derivative of a constitutional provision from Article 5, Chapter I, equalizing the use of the Serbian and Albanian languages in institutional activities, access to documents, information, services etc. This provision assigns to both languages the status of official languages.³⁴ The Law on the Protection and Promotion of Rights of Communities and Their Representatives in Kosovo provides a broader context for language-related rights, guaranteeing non-majority communities in Kosovo the right to free expression and preservation of their cultural and ethnic identity through development of fundamental elements of their identity, religion, language, tradition and cultural heritage.³⁵

In April 2012 the Office of the Language Commissioner was established by a Government of Kosovo regulation, with the main task of overseeing the implementation of the Law on the Use of Language and taking actions aimed at preserva-

34 Ibid, Article 5, Chapter I, General provisions

35 Law No. 03/L-047 Protection and Promotion of the Rights of Communities and their Members in Kosovo, Article 2 (Identity)

tion, promotion and protection of official languages and their equal status³⁶. Additional competences of the Commissioner Office defined in Article 32(3),³⁷ are the prerogatives in conducting investigations, either on own initiative or on complaints of citizens of non-observance of equality of official languages or any of the provisions of the Law on the Use of Language. All competences provided for by the law were initially assigned to the Commission for Languages set up in 2007 and dissolved in 2011 due to inefficiency. Following that the language commissioner institution was introduced. That created a kind of a legal precedence as competences of monitoring and protection of rights defined in the Constitution were transferred to a body set up by a regulation of the (current/then) Government of Kosovo. It will be elaborated later in the report how that considerably undermined the independence of the institution of the Commissioner and its actual capacity to efficiently protect language rights of non-majority communities in Kosovo.

Beside the stated legal solutions protecting constitutional rights of non-majority communities, Kosovo legal framework provides for mechanisms enabling the Kosovo Serb community to protect their amendments by the dictate of parliamentary majority. That is achieved by introduction of the "double majority" principle institutionalizing the right to veto at two legislative levels. At the first level the mechanism enables representatives of the Kosovo Serb community to reject the adoption, amending or repealing the laws affecting its vital interests,³⁸ by requiring through assembly procedures voting for it by the majority of present MPs (simple majority), as well as the majority of MPs from minority communities (double majority). This mechanism comprises a group of laws on education at all levels, use of symbols, use of language, rights of communities, as well as laws on elections and legal acts defining municipal powers and municipal borders.³⁹

36 Law on the Use of Language, No.02/L037, Article 32

37 Ibid

38 Constitution, Article 81,

39 Rights of minorities in the Kosovo democracy, Behar Selimi, 2019, The Age of Human Rights Journal, p. 5

At the highest level, the double majority principle is applied in case of constitutional amendments, for which, according to Article 114, a two-third (2/3) majority of the total number of MPs (120) is required, including the two thirds of the MPs from non-majority communities (20 reserved places). That practically enables MPs from the Serb community to prevent initiatives for amendments not only of provisions of vital interest for the Serb and other non-majority communities in Kosovo, but also of any of its parts.

This brief overview shows that the Kosovo legal framework, at least by the letter of the law, offers a broad range of rights to non-majority communities and mechanisms for its protection to an extent corresponding or even exceeding international standards.⁴⁰ As an illustration, the double majority principle is a progressive mechanism of participative democracies, or as more precisely are referred to in theory, *consociational democracies*,⁴¹ the societies in which there is a division of power between communities and the legislative process requires decision-making by consensus. Sounds quite progressive. However, remember the example of the initiative for transformation of Kosovo Security Forces mentioned in the previous part of the report in which the position of the Serb community and the spirit of consensus were ignored, and the obstacles were avoided by a creative interpretation of the law. That is an illustration of a larger-scale issue, an inconsistent application of the legal framework, which is, as this report will show, a chronic condition of Kosovo institutions which anul and render unserviceable democratic progressivism and the range of rights granted to non-majority institutions. As an issue having such consequences it deserves a special overview in this report.

1.1.5 (Non)Implementation of constitutional and legal provisions on the rights on non-majority communities

In the analysis of the scope and depth of the rights guaranteed to non-majority communities, there is a grounded impression that it is about a very ambitious project⁴², that requires full and consistent implementation and strong institutional support, as well as an unequivocal political will and a broad social consensus. However, numerous instances warn that is not the case in Kosovo, that there is a huge gap between the rights granted by legislative framework and their implementation, having as a consequence various forms of discrimination. The relevant international institutions and initiatives monitoring the status of human and minority rights in Kosovo, as well as local civil society organizations, independent experts etc, alerts this.

For example, one of the most relevant mechanisms for monitoring the fulfilment of democratic standards in Kosovo, the *Progress Report*, prepared on an annual basis by the European Union, has been warning for several years of deficiencies in an efficient implementation of legal acts regulating the rights of non-majority communities. The EU Kosovo 2020 Report reaffirms what is pointed to in this study – Kosovo has an affirmative legal framework for the protection of rights of minorities and relevant strategies and plans for their implementation, but the Government of Kosovo, due to inadequate implementation of the relevant legal framework, has not succeeded in ensuring their enjoyment, including access to property, personal documents, language-related rights...⁴³.

The 2017 report of the Council of Europe on the implementation of the Framework Convention for the Protection of National Minorities (Kosovo is bound to its implementation by the signature of UNMIK

40 NGO AKTIV/CRMC, Rights on non-minority communities in Kosovo, OPEN 2020, p. 6

41 Rights of minorities in the Kosovo democracy, Behar Selimi, 2019, The Age of Human Rights Journal, p. 5

42 NGO AKTIV/CRMC, Rights of non-majority communities in Kosovo, OPEN 2020, p. 6

43 EU Kosovo Report, Chapter: Fundamental rights, p. 26 https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/kosovo_report_2020.pdf

in 2004) commends positive steps the Government of Kosovo undertook to improve the access of non-majority communities to rights and services, but also points out that the "degree of implementation of relevant legislation is still far from satisfactory".⁴⁴ The same report, based on an insight into practical policies operationalizing the implementation of the legal framework for the protection of non-majority communities, openly states that among its authors "there is not always a clear understanding of the importance of inclusion of minority communities in democratic societies".⁴⁵

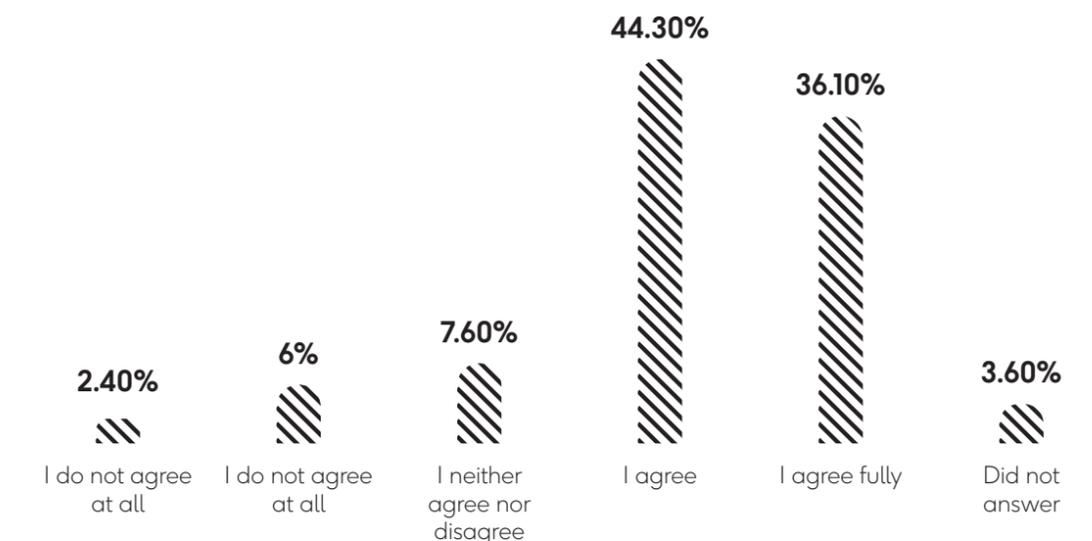
In the State Department Human Rights Report 2019, there is a warning, among others, of a difficult access to justice of the members of the Serb community in Kosovo due to several factors, including nonenforcement of court rulings, insufficient number of non-Albanian personnel in courts, inadequate translations etc...⁴⁶

A similar, if not identical, evaluation is given by NGOs from Kosovo. Their reports confirm general views on the trends (adequate framework – insuffi-

cient implementation), but also offer a greater focus on specific topics from a wide spectrum of non-majority communities. A great number of organizations is dealing with language rights, to mention the European Centre for Minority Issues (ECMI) from Prishtina pointing to the problem of inadequate translations of legal and administrative acts⁴⁷. Also NGO AKTIV in its several reports, including 2020 OPEN **Rights of non-minority communities in Kosovo**, deals with multidimensional manifestations of inconsistent implementation of the Law on the Use of Language⁴⁸.

Having all that in mind, it cannot be surprising to see that the views of citizens, members of the Kosovo Serb community determined within the 2020 OPEN study fully correspond to the evaluations of expert organizations monitoring the implementation of those rights. Thus, the results of the question "do you agree with the view that the guaranteed rights of the Serb community are not observed in practice" reveal that as many as 80% of respondents agree with the statement while only 8.2% of them disagree with the view (Graph 14).

● Graph 14. Do you agree with the view that Serbs have certain rights on paper but not in practice?



44 CE, IV Advisory Opinion on Kosovo, 2017, p. 4-5, <https://www.refworld.org/docid/5a58b8be4.html>

45 Ibid, A General Overview of the Current Situation, p.5

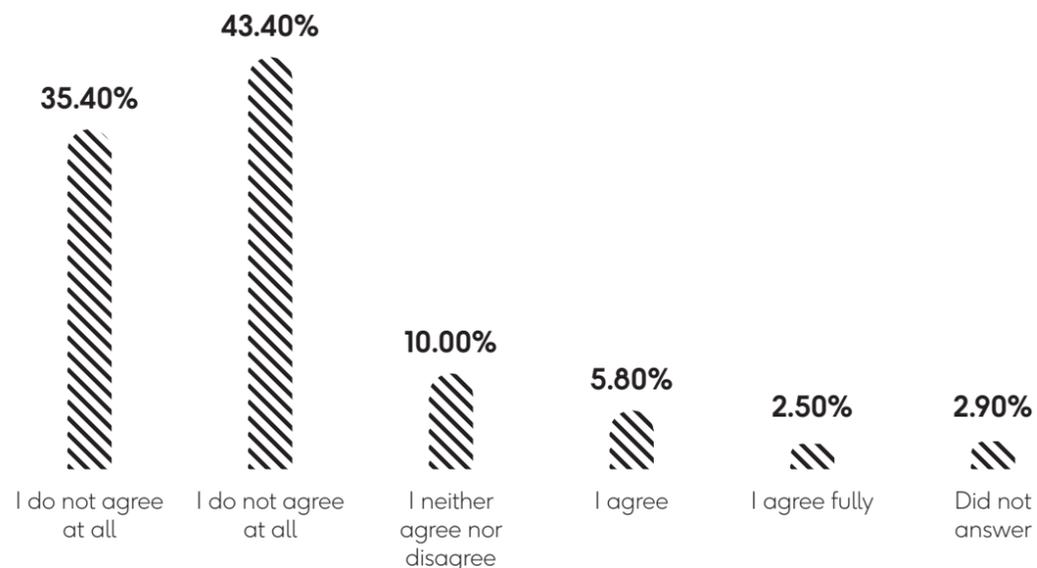
46 Human Rights Report, US State Department 2018, p.22-23

47 The original title: "Towards Equal Linguistic Equality of Kosovo Legislation" – ECMI [link](#)

48 NGO AKTIV/CRMC, Rights of non-majority communities in Kosovo, OPEN 2020, p.17-21

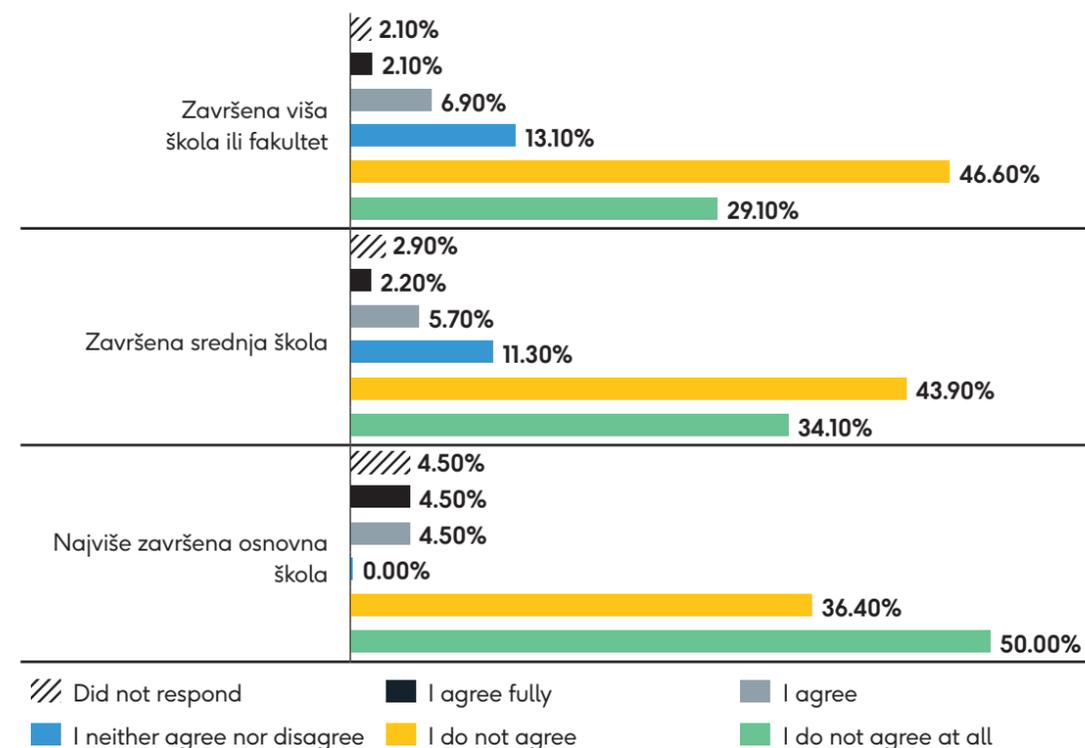
This view also seems to be based on personal experience, as almost the identical number of respondents (78.8%) from the Kosovo Serb community are of opinion that their rights are endangered (Graph 15). On the other hand, less than 10% of respondents (one out of ten) believe that their personal rights are well protected within the Kosovo legal system.

● **Graph 15.** I believe that my personal rights are well protected in Kosovo



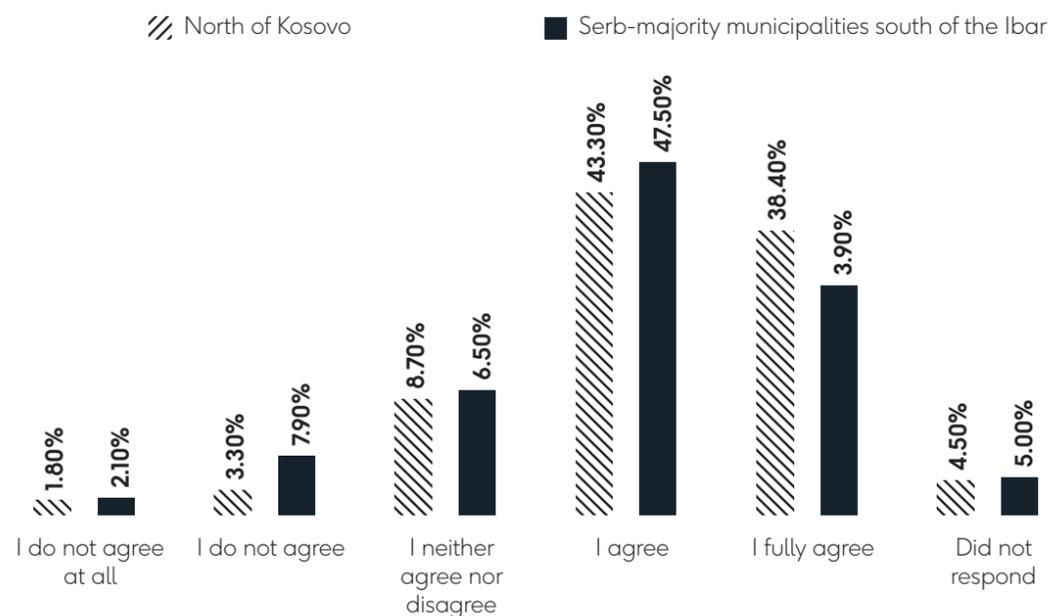
When analyzing if there are variations in the percentage of respondents who believe that their personal rights are endangered with the level of education or place of residence (as demographic parameters which could influence the capability, context or experience on which the respondents form their views), it is found that there are no essential differences, more precisely, that an equally high percentage of respondents, no matter what the level of their education is, believe their personal rights are endangered (high education 75.1%, secondary education 78%, elementary school 86%),

● **Graph 16.** I believe that my personal rights are well protected in Kosovo * education



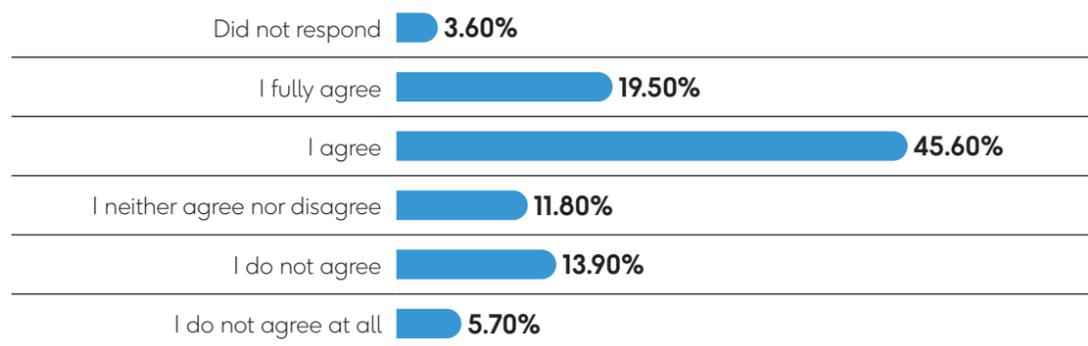
or that an equally high percentage of respondents believe that their personal rights are endangered, irrespectively of place of residence – in communities integrated to a higher extent in the Kosovo legal system, i. e. communities south of the Ibar (79.4%) or in a different social and political environment in the north of Kosovo, where the process of setting up institutions under the Kosovo legal system has not been completed yet (81.7%).

● **Graph 17.** Serbs enjoy certain rights on paper but not in practice – analysis by place of residence



With such a balanced distribution of results among the respondents classified by the level of education, place of residence, personal or collective perspective, it can be said that the Kosovo Serb community dominantly believe that their guaranteed rights have been unfulfilled. Moreover, the results show that there is a tendency to interpret the inconsistent implementation of the legal framework regulating the rights of non-majority communities in Kosovo as an integral part (instrument) of ethnic animosities between the Serbs and the Albanians in Kosovo. According to the 2020 OPEN research results, almost two thirds of respondents (65.1%) believe that other non-majority communities' rights are better protected than the rights of Serbs, implying unwillingness of the Kosovo Albanians to implement the part of rights of non-majority communities relating exclusively to the Kosovo Serb community⁴⁹.

● **Graph 18.** I believe that my collective rights as a Serb are not as well protected as the rights of other non-majority groups living in Kosovo



49 Ibid

The qualitative part of the 2020 OPEN research enabled us to get a better insight in the sentiment, causes and variations in views behind the rigid exactness of the statistics and numbers. Thus, according to the research *Rights of non-majority communities in Kosovo* (NGO AKTIV/CRMC), focus group participants unequivocally disappointingly attribute the inconsistent implementation of the rights of the Serb community to a "legal terror organized systematically"⁵⁰ by the Kosovo central institutions. The same report quotes an activist from central Kosovo, a focus group participant who claims: "we (the Serbs - author's note) as a non-majority group are at the bottom."⁵¹

For the sake of objectivity, it is necessary to mention that citizens who took part in focus groups of this research also pointed out on several occasions the positive examples of institutions which, as they said, made evident efforts to observe the rights of non-majority communities. According to the report prepared within 2020 OPEN by NGO AKTIV and CRMC, focus group participants on several occasions mentioned the Ombudsman Office or bodies for consultations with communities within the Office of the President⁵². Although these examples are positive, they are insufficient to reach a conclusion that there are structural efforts made by institutional representatives in Kosovo in the implementation of the legal framework protecting the rights of the Serb and other communities.

1.1.6 Conclusions:

Rights of the Kosovo Serb community have not been implemented. The main conclusion of this part of the analysis is unequivocal and is already explicitly mentioned several times. The scope of the rights of non-majority communities in Kosovo which is incorporated in the legal framework is extensive and progressive, yet their implementation is inconsistent and incomplete. To explain this pattern is a very complex task as there are numerous factors affecting it, but in the simplest terms it can be said that the Kosovo society lacks willingness (or maybe there is even fears from) to implement the full scope of the non-majority rights. This is the first and crucial inhibitor to address after which it would be easier to solve other issues, such as lack of capacities, shortage of funds etc. One thing is for sure, the lack of dedication of the institutions in Kosovo to the implementation of the rights of non-majority communities is not only the question of a democratic legitimacy of Kosovo authorities or an indicator of weakness in the rule of law system, but also a problem that heavily burdens inter-ethnic relations in Kosovo. The first step in social changes that might lead to a full implementation of the relevant legal framework is to have a clearly stated political will to treat the legal system as a responsibility unaffected by ethnic disagreements. That would, as the first step, end the practice of (ab)using the ethnic conflict as a political asset in the struggle for power and consequentially would help create a wider social consensus that the right is a responsibility, not an obstacle. Irrespectively of whom the rights relate to. This is currently not the case, and what is seemingly a legal issue, whether a law passed will be implemented or a constitutional provision complied with, is reduced to a political position, a populist program indulging narrow party interests.

Rights of the Kosovo Serb community are not treated as final. It seems that the rights of the Kosovo Serb community are still on the agenda of the negotiations between Pristina and Belgrade, since this process still flirts with ideas that might lead to a full deconstruction of the current legal framework defining those rights. One of them is, as an author's personal impression, only a temporary sided idea of territorial demarcation between Serbia and Kosovo, the idea that is advocated by the official Belgrade. This gives the whole issue

50 NGO AKTIV/CRMC, *Rights of non-majority communities in Kosovo*, 2020 OPEN, p. 12

51 IBID – p. 12

52 Ibid, *Rights of non-majority communities in Kosovo*, 2020 OPEN, p.19

a special connotation with a prevailing impression that the Kosovo Serbs, or at least part of them, are, actually, left to themselves. Therefore, there is a justified suspicion that the rights of the Kosovo Serb community are still being negotiated and "traded with", while their implementation is increasingly conditioned by the creation of political conditions (reaching a comprehensive agreement), which is at the same time a process which does not rule out their redefinition. Those rights are thus treated as not definite which creates even greater reluctance to implement them.

Mechanisms of protection of non-majority communities in Kosovo need to be supplemented. The legal framework for the protection of rights of non-majority communities, although, as already said, progressive and affirmative, requires certain changes and adjustments in the part on the regulation of competences and independence of institutions mandated to monitor its implementation. This primarily refers to the issue of legal grounds for establishment of the Office of the Language Commissioner. As it is already mentioned in the Report, the institution of the Language Commissioner was established as a successor of the Language Commission by a decree of the Government of Kosovo. The competences of the Language Commission regulated by the law and guaranteed by the Constitution were thus transferred to a body established by a mere government regulation⁵³. Legally, there is a hierarchical discrepancy, and in reality there is an irregularity having as a consequence subordination of the commissioner to the will of the current ruling option.⁵⁴ Such status of the language commissioner affects his/her independence in work to an extent rendering meaningless the responsibilities in preserving language rights (conducting investigation, punishing legal persons and similar) as stated in numerous reports of international and local organizations.

Improvement of the level of implementation of laws requires mobilization of citizens. The Serb community in Kosovo, although in a situation that after numerous requests, warnings and complaints still cannot fully enjoy its fundamental rights, must not give up its struggle. On the contrary, it is necessary to find ways of a more active participation in social and institutional life in order to not only increase the pressure on institutions to apply the guaranteed rights, but also to contribute to the pacification of the entire process by communicating its interests through dialogue and constructive solutions. The rights need to be requested. That requires a mobilization through the entire social spectrum, from individual citizens, civic associations, civil society organizations etc., to political representatives of the Serb community. As it is shown in the previous example of the double majority principle, some mechanisms of the protection of vital interests of the Serb community, specifically the process of change of the legal framework, are conditioned by the "presence" in the parliament, that is, require actions and acting through institutions.

Political representatives of the Serbs need to boost institutional pressure aimed at better implementation of the rights of non-majority communities. Another example showing clearly the necessity of a broader social involvement of the Serb community (politicians, media, civil society, experts etc.) is a modality of operationalization of the constitutional principle of equitable representation of non-majority communities guaranteeing their proportionate participation in social and institutional life. Precisely, the implementation of that principle in ensuring a proportionate employment of non-majority members in central institutions. The primary legal mechanism regulating this question is the Law on Civil Service which, as already mentioned in this Report, in Article 11 determines a minimum of 10% of jobs in central institutions for members of non-majority communities. In addition to that, there is a number of secondary legal acts also safeguarding the principle of "equitable representation" in the employment process by introducing the so called "active

53 NGO AKTIV, Non-paper On the Office of the Language Commissioner, 2021

54 Competences of Prime Minister under the regulation (author's note)

recruitment measures"⁵⁵. Those measures provide for a proactive approach to a community in the provision of information on employment opportunities, measures of the so called "affirmative action"⁵⁶, internship and training programs etc., as well as measures aimed at raising awareness on discrimination among civil servants.

So, this is another progressive legal framework, yet there is insufficient information on the extent to which those legal mechanisms are observed⁵⁷, what their results are, more precisely, whether members of non-majority communities actually account for at least 10% of employees in public institutions and what mechanisms are used to monitor the implementation of this law (and constitutional law). There is an enormous need to determine facts on the implementation of the legal framework regulating this issue in an objective and impartial process with participation of representatives of institutions, civil society and other social actors from the Serb community.

55 ARMs – Active recruitment measures (author's note).

56 The Law uses the term "positive discrimination" which is currently being replaced with the term "affirmative action" (author's note).

57 The only report specifically dealing with this topic is a report of the Office for Community Affairs within Prime Minister's Office dating back in 2013 when breaches of this law were determined. See: https://www.zck-ks.net/repository/docs/Assessment_on_Employment.pdf

1.2 Access to Services

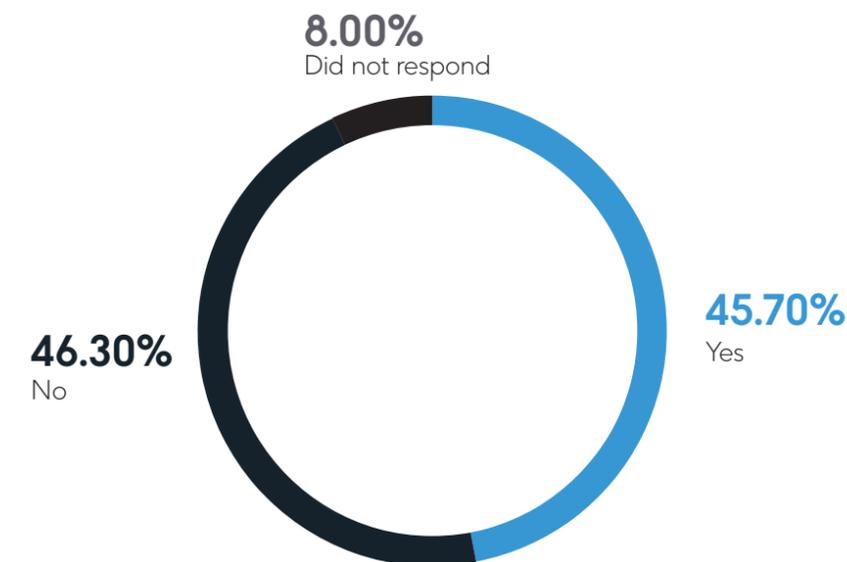
1.2.1 Access to services – the context of the Kosovo Serb community

The equality of all citizens in access to service, regardless of their ethnic, religious, language or other identity is, is another important characteristic of a democratic, open society free from discrimination in any form. In the Kosovo context, the issue of equal conditions under which members of the Serb community access the services is complex, dependent on the fulfilment of a number of other rights and liberties, such as, for example, the issue of freedom of movement, security of non-majority communities, access to information, bilingual capacity of service providing institutions etc. That is a great number of factors usually implied in accomplished democracy. Due to that, a comprehensive analysis of the issue of access to services by a non-majority community in Kosovo would require a specific focus and a methodological approach different from the one used in this research. The 2020 OPEN research is mainly focused on perceptions of citizens, their views and personal experience in accessing services and from that perspective attempts have been made to observe patterns and manifestations of the issue.

The initial question in this section aspired exactly that, to determine if and to what extent citizens have had experiences in which access to services, entitled under applicable legislation, have been denied. The first impression is that experiences seem to be divided. Almost identical percentage of respondents claim they have never been in a situation of being denied a service, 46.3%, and those that, at some point, had such experience, 45.7% (Graph 19). When these percentages are compared with the results from the previous part, where approximately 80% of respondents believe their rights are not observed⁵⁸, one could get an impression that the situation is somewhat better with access to services. However, it is necessary to observe these results from another perspective, precisely from the perspective of citizens' needs, to see that the situation is almost alarming, with almost every second respondent, member of the Kosovo Serb community, at some point, had a problem in accessing institutional services to which he/she is entitled under applicable laws.

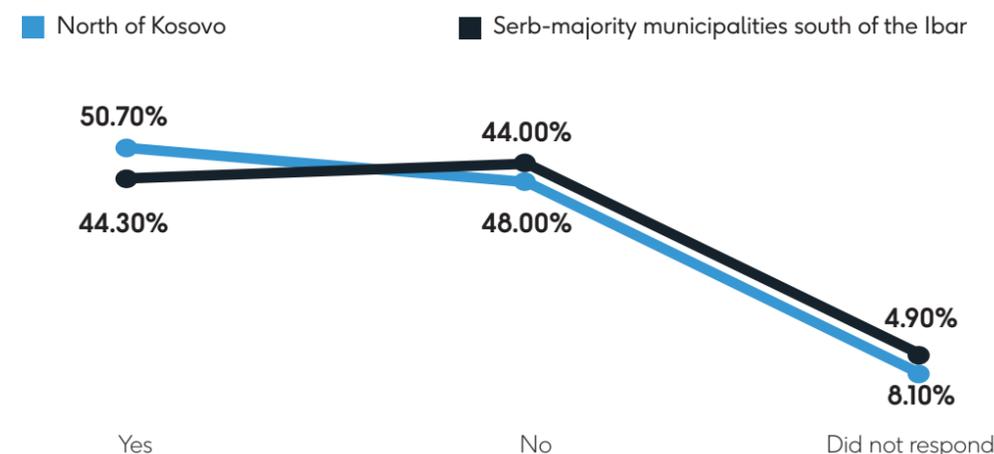
⁵⁸ See graph 14- Section Rights of non-majority communities

● **Graph 19.** Have you ever experienced being denied access to services provided by public institutions?



If these results are analysed by the place of residence of respondents, i. e. if results from Serb communities south of the Ibar (where institutions established under Kosovo legal system have a longer continuity) are compared with the results from the communities in the north of Kosovo (where the process of establishment of Kosovo institutions is still underway) the difference is, surprisingly, not significant (Graph 20). Only a slightly lower percentage of respondents from the north of Kosovo claim they have been denied services, 44.3%, in comparison to the Serb community south of the Ibar, where 50.7% respondents claims the same.

● **Graph 20.** Have you ever experienced being denied access to services provided by public institutions? (by place of residence)

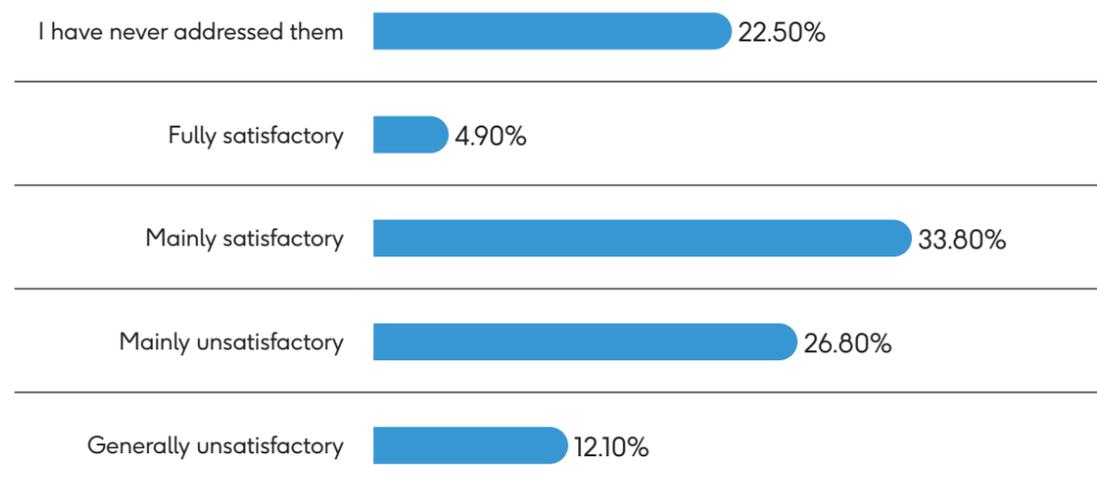


The formulation of the above question is deprived of the reference to the type of (denied) services, precisely whether they are provided by the institutions within the Kosovo administrative and legal system or by the institutions within the system of the Republic of Serbia, that still maintains the competences to provide certain services to the Serb community in Kosovo. Due to that, let's say, omission, the analytical value of respondents' answers is diminished.

However, this deficiency is eliminated in the following question, as a clear reference to services provided by the Kosovo authorities is made (Graph 21). Thus, from the perspective of respondents, a distinction between providers of services is made, although not explicitly. Precisely, there is a distinction between services within competences of institutions in the Kosovo legal system (issuance of personal documents, licences, registrations etc.) and services available at the local level (social, educational, healthcare) that are to a great extent still provided by the so called "soft parallel institutions"⁵⁹. Those are institutions still formally within the administrative and legal system of the Republic of Serbia. Colloquially, they are also referred to as the "Serb" (Serb municipality, Serb social security center etc.).

Despite this clarification the result remains the same. Respondents who had interactions with Kosovo institutions find them in almost equal percentage satisfactory (38.9%) and unsatisfactory (38.8%).

Graph 21. If you addressed Kosovo authorities and/or institutions, how would you describe your personal experience?



Such wording of the question (reference is made to Kosovo authorities/institutions) places the results in the context of relations between the Kosovo authorities and non-majority communities. In such a context the results show that a significant number of Kosovo Serbs (slightly below 40%) face problems in accessing the services provided by institutions run by the Kosovo Albanians. This issue is similarly presented in the research **Rights of non-majority communities in Kosovo** by AKTIV and CRMC within 2020 OPEN. In this report it is also pointed out that respondents from focus groups alert discriminatory practices of Kosovo authorities in the provision of services to the Serb community.⁶⁰ The reasons or circumstances that led to the rejection of

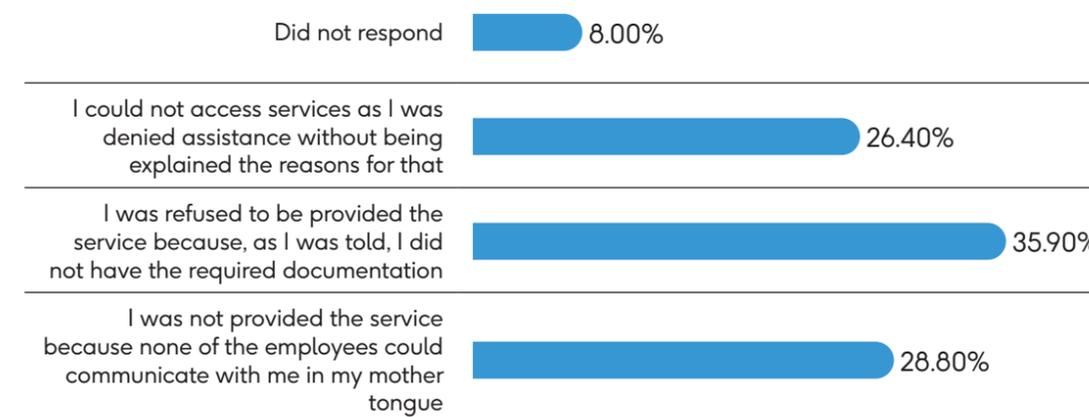
⁵⁹ The term "soft parallel institutions" relates to those institutions providing educational, healthcare and social services, that is, services of vital importance for the Serb community in Kosovo, the status of which is, due to their importance, a topic of special negotiations between Prishtina and Belgrade. (author's note)

⁶⁰ NGO AKTIV/CRMC – Rights of non-majority communities in Kosovo, p.17

service or inability to access it, were the focus of the following part of the study.

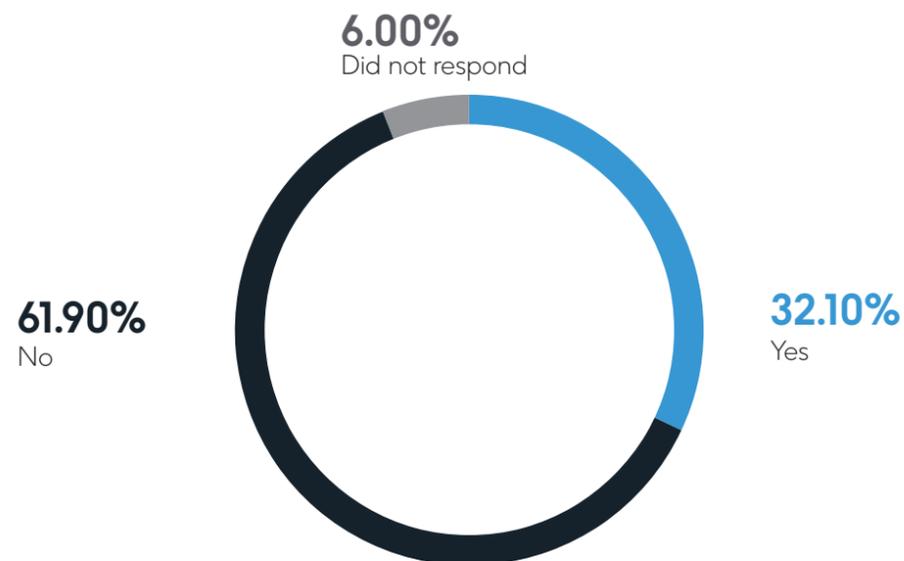
A significant number of respondents who were not able to access services, as a reason claim the circumstances that are, according to numerous reports, a common problem of the Kosovo Serb community, including access to personal documents, language-related rights, access to information etc. Over one third of respondents (36%) claim they were denied certain service due to incomplete documentation, whereas over one half, i. e. 51% of respondents, claim the cause was the absence of adequate translations of administrative instructions or inability to communicate directly with the service provider. Those are problems resulting from an inadequate implementation of the Law on the Use of Language.

Graph 22. What was the reason it was not possible for you to access services provided by public institutions?



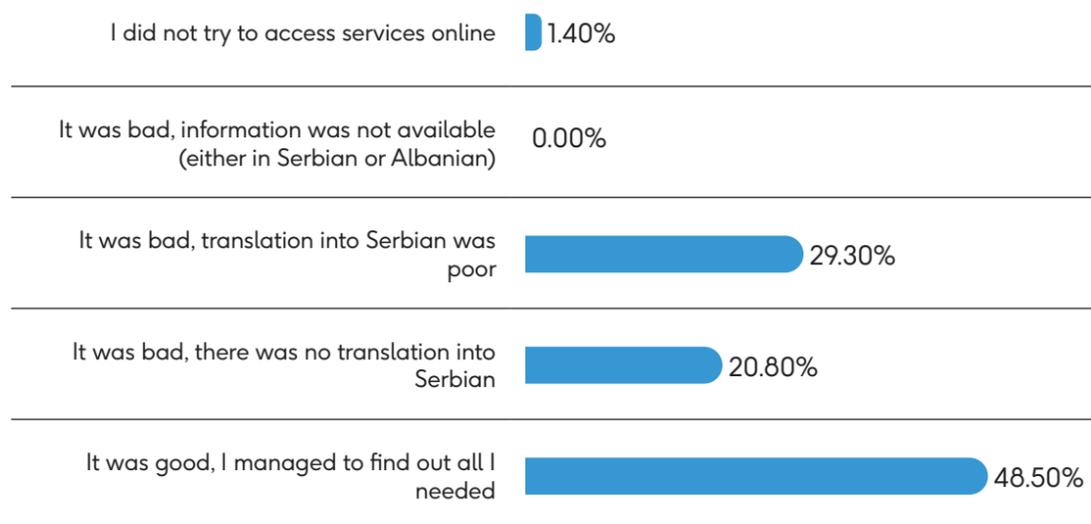
Modernization of the public administration system enabling citizens to access a number of services online, introduced new factors in the evaluation of the efficient access of citizens to such services, such as computer literacy (particularly of senior citizens), access to the Internet etc. On the other hand, modernization of the service provision system (introduction of online services) significantly increased the importance of bilingualism. Namely, online access to services deprives citizens of a possibility to resolve possible procedural disputes or translation ambiguities, through direct contact with employees, service providers. Such circumstances obviously affect the citizens and reduce the number of those attempting the online access. The study indicates that only each third respondent (32.1%) from the Kosovo Serb community tried at some point to access online services (Graph 23), while the percentage of those who for various reasons refrain from such methods of accessing the services is significantly higher, accounting 61.9% respondents.

● **Graph 23.** Have you ever tried to access services provided by public institutions online?



Once more, it is demonstrated that the language issue, precisely the lack of a bilingual capacity of institutions within the Kosovo system, is one of the greatest obstacles in access to services. This time those deficiencies are stated as a cause of problems in accessing services by one half of respondents, 50.1%, whereby the problem may be either caused by no translation provided (20.8%) or insufficiently fluent translation, to the extent that affects the access to services (29.3%). (Graph 24). Such a proportion of the problems faced in accessing the services entirely undermines the idea i.e. advantages of online system of services provision, including reduction of costs charged to citizens.

● **Graph 24.** How would you describe that experience (access to services provided by Kosovo institutions)?



For the sake of objectivity, it is necessary to mention that an exceptionally high number of respondents (48.5%) among those who tried to access services online describe that experience as positive and successful, implying that the issue could be solved by investing additional efforts.

1.2.2 Conclusions

Kosovo Serb community members encounter significant problems in accessing services at the central level. That is unequivocally demonstrated in the analyses in the relevant reports dealing with this issue as well as by the citizens that took part in 2020 OPEN research. Almost every second respondent, member of the Kosovo Serb community, claims that at some point he/she experienced difficulties in accessing institutional services.

Equitable representation of non-majority communities in institutions is a significant precondition of equality in access to services. The reasons for the unpreparedness of the public administration system to efficiently provide services to all citizens, including non-majority communities, are numerous and citizens also might not be able to recognize all of them. For example, the European Union in its 2020 Kosovo progress report warns that insufficient inter-institutional coordination at the central and local level still undermines the effective provision of services to minority communities.⁶¹ In addition to that, neither quantitative (questionnaire) nor qualitative (focus groups) part of the research deals with the issue of non-proportional representation of members of non-majority communities in civil service, the so called "minority quota" envisaged by the valid legal system. A consistent implementation of those legal provisions would significantly contribute to reinforcing the relations between the public administration and non-majority communities and considerably reinforce its capacities to improve the quality and scope of services provided to non-majority communities. The question of minority quotas is one of the most neglected issues in the Kosovo society on which there are not sufficient data nor there are mechanisms of their verification⁶². The Council of Europe in its report on the progress in the implementation of the Framework Convention on National Minorities, alerts the same, stating that the relevant legislation defining those issues was not fully implemented having as a consequence insufficient representation of non-majority communities in public administration and higher-education institutions.⁶³

Bilingualism is the key. The issue that citizens recognize as the one of great importance for their access to services, and what is at the same time a well examined and documented issue, is bilingualism of Kosovo institutions, i.e. a consistent implementation of the Law on the Use of Language. There are numerous papers pointing to the proportions and manifestations of this issue. All international monitoring mechanisms point to a link between an inconsistent implementation of the Law on the Use of Language and access of non-majority communities to services, including the Council of Europe Secretariat for monitoring the implementation of the Framework Convention on National Minorities, that in its report alert on a "legal insecurity" faced by members of non-majority communities in Kosovo, due to the shortcomings in the provision of services in the languages of minorities (e.g. at issuance of official documents, registration of immovable property, taxes, vehicles, giving administrative instructions to municipalities etc.).⁶⁴ There is a reference to the same issue

⁶¹ EU Kosovo Report, Chapter: Fundamental rights

⁶² Council of Europe, the fourth opinion for Kosovo, Secretariat for the Framework Convention on National Minorities, March 2017, p.10

⁶³ Ibid, str 11

⁶⁴ Ibid str 12

made by the OSCE Mission to Kosovo which, in its report on non-majority communities, warning, in addition to already listed problems, difficulties in access of non-majority communities to judiciary system services.⁶⁵

Being Serb in Kosovo requires additional costs. Precisely, in accessing services members of the Serb community in Kosovo incur administrative (or logistic) costs that members of other communities in Kosovo do not have. For example, they pay court translators if court documents (decisions, rulings, remedies) are in Albanian; they are not able to access services online due to the translation problem, or face transportation costs when services of Kosovo institutions are not available locally. Examples are numerous and their common denominator is unpreparedness of the relevant institutions to guarantee the Kosovo Serb community access to services under the same conditions provided to other citizens.

Finally, it is necessary to say that the issue of equal access to services by non-majority communities in Kosovo is very complex, multidimensional, having several causes and consequences. As such, it requires coordinated efforts of all social actors, primarily of competent institutions as they are obliged by the law to ensure equal access, but the engagement of political and civil society of the Kosovo Serb community is also necessary. The approach needs to be proactive and mobilization urgent.

⁶⁵ OSCE, Community Rights Assessment Report, 4th edition, 2015, Summary.

1.3 Access to Information

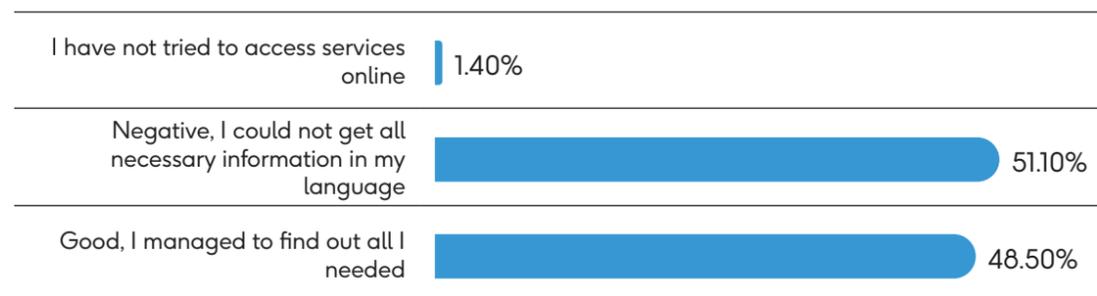
1.3.1 Access to information – the role of institutions

Access to information necessary for citizens in the fulfilment of their rights is a fundamental principle of an efficient democratic system. Timely and true information not only encourages citizens to active participation in public life, but also strengthens the accountability of the authorities, creating a principal bond of an open society, a communication between citizens and those in power.

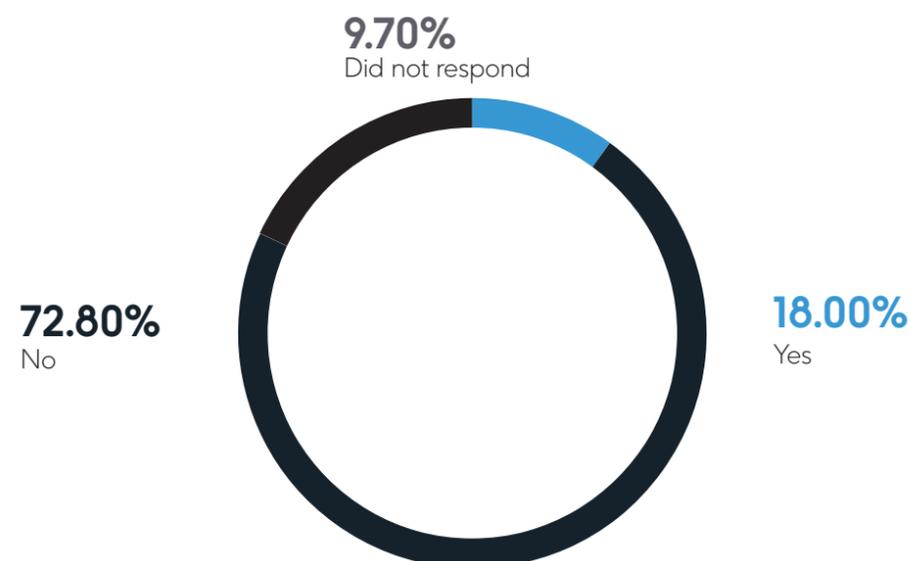
Kosovo legal framework recognizes the access to information as a constitutional right guaranteed in the chapter on Rights and Fundamental Freedoms as part of the freedom of expression⁶⁶, defined as the right of *expressing, communicating and receiving information*. These rights relate to all citizens with no exception and therefore they guarantee the Serb community in Kosovo equal treatment in access and distribution of information. To that objective, the legal framework envisages establishment of a public broadcaster for the Kosovo Serb community, RTK2, which is, as it will be seen in the second part of the report, facing funding problems that significantly affect the independence of its editorial policy. Although not the only, this problem is a good indicator of the actual situation regarding the implementation of legal framework guaranteeing Kosovo Serb community freedom of media, expression and equality in access to information.

In reality there are numerous problems encountered by non-majority communities and media reporting in Serbian language, restricting or preventing fulfillment of those rights and freedoms. One of the most obvious, and already mentioned, is the issue of the use of the Serbian language. The problem lies in inefficiency of central authorities, institutions and other relevant legal bodies to communicate information in the language the members of non-majority communities understand, which is under the Law on the Use of Language their obligation. An example of an adverse effect of inconsistent implementation of the Law on the Use of Language on access to information can be found in the results of the 2020 OPEN research showing that as many as 51% of respondents, due to absence of information in their mother tongue, were not able to access some of the services of relevant institutions available online.

⁶⁶ Constitution, Chapter II, Rights and Fundamental Freedoms, Article 40, [link](#)

Graph 25. What is your experience in accessing services (online)?

At the local level, difficulties of citizens in accessing information are manifested through absence of democratic practices of local institutions to ensure participation of citizens in a consultative process through a proactive approach. It is already mentioned earlier in the report that such proactivity is not arbitrary but rather a constitutional responsibility defined by the provisions regulating participation of citizens in the decision-making process at the local level, establishing principles of good governance and transparency of local self-governments.⁶⁷ The report *Openness of institutions to citizens in Kosovo* prepared by NGOs Crno beli svet - CBS and Forum for Development and Multiethnic Collaboration⁶⁸, within the 2020 OPEN Initiative, argues that local authorities in municipalities in the north of Kosovo formally observed, fulfill their responsibilities by releasing the information on opportunities for citizens to participate in public discussions, consultative meetings and local council meetings. However, the authors alert lack of genuine efforts of local institutions to make sure such information actually reaches the intended audience. That is confirmed by the results of the 2020 OPEN research according to which as many as 72.8% of respondents claim lack of timely information from local self-governments timely, while only slightly below 20% of them claim such informations are available, in advance enough to enable them to take part in consultative processes.

Graph 26. Do you get timely notifications from your municipality on the time of public consultations with citizens and meetings in municipal assembly open to the public?

⁶⁷ Constitution of Kosovo (<http://www.kryeministri-ks.net/repository/docs/Ustav1.pdf>), Article123, provision 4,

⁶⁸ Openness of institutions to citizens in Kosovo, Crno beli svet - CBS and Forum for Multiethnic Collaboration – FDMC, p.4

Therefore, members of the Kosovo Serb community are facing obstacles in accessing the information, on an everyday basis, thus are in need for assistance in their identification, interpretation and delivery. Such assistance should come not only from representatives of institutions, but also from social actors, primarily from media that play an irreplaceable role in such tasks.

1.3.2 Access to information - the role of media in informing citizens

In democratic societies the role of citizens' information provision to a significant extent lies upon the media. Kosovo Serb community makes no exception in that respect. Yet, its media are facing countless problems in performing that role. These problems range from absence of translation in the institutional communication (including the Assembly⁶⁹) or addresses by Kosovo officials⁷⁰, to difficulties in internal operations (financing, maintaining independent editorial policy etc.). The later aspect of the work of media will be addressed in the part dealing with the freedom of media and expression.

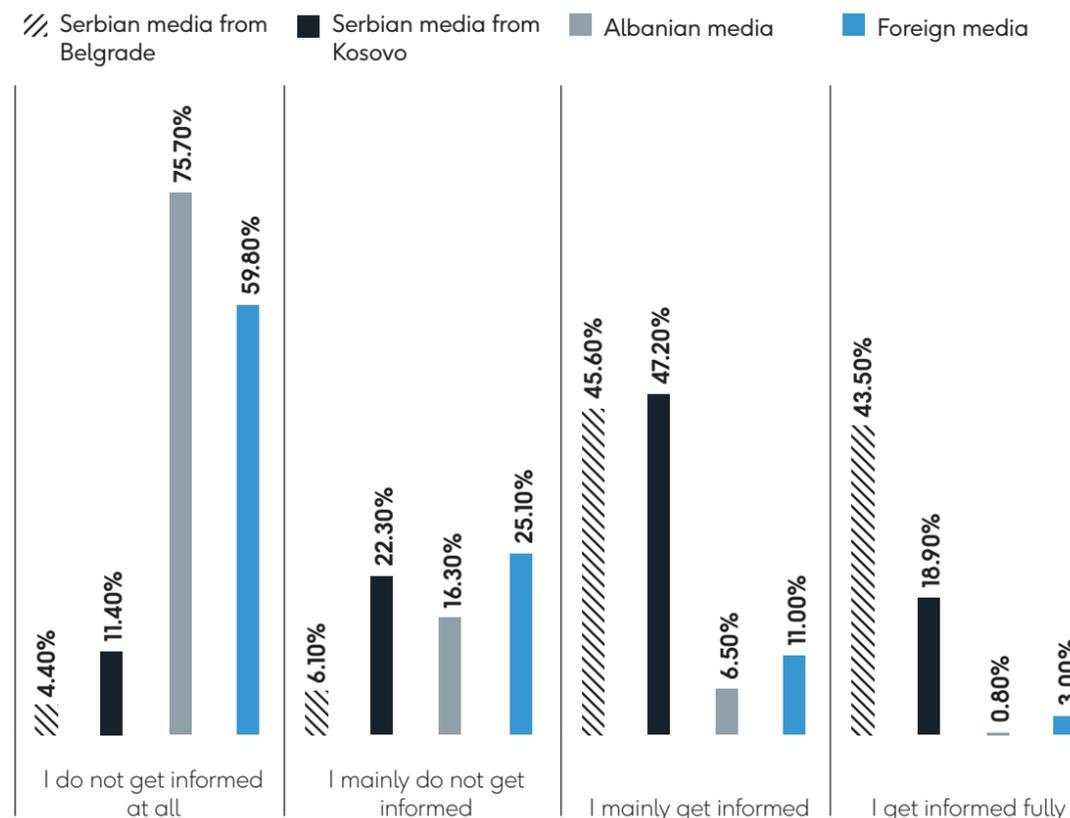
In this part of the report focus will be given to the role that media have plays in informing the citizens on relevant socio-political events or how these obstacles reflect on the quality of services they provide, and finally, what are the expectations, needs and habits of citizens following media available in the Serb communities in Kosovo.

According to the results of the 2020 OPEN research, citizens from the Kosovo Serb communities mainly follow the media based in Belgrade (approximately 90% of respondents seek information regularly or occasionally at this addresses). In addition, citizens to a significant extent follow Serbian media in Kosovo, almost two thirds of respondents (66.1% combined – mainly and fully informed). Media in Albanian are followed occasionally by only 6.5% of citizens from the Serb community in Kosovo, which, given the language barrier and restricted access to such contents, is fully in accordance with expectations. (Graph 27).

⁶⁹ Kossev: No translation in the Assembly for Serbian journalists - <https://kossev.info/u-skupstini-kosova-bez-prevo-da-za-srpske-novinare/>

⁷⁰ Journalists' Association of Serbia: Journalists require translation, <https://www.uns.org.rs/sr/desk/vesti-iz-medija/2230/novinari-traze-prevod.html?print=true>

Graph 27. Presentation of answers to the question: Which media do you most frequently get informed from?



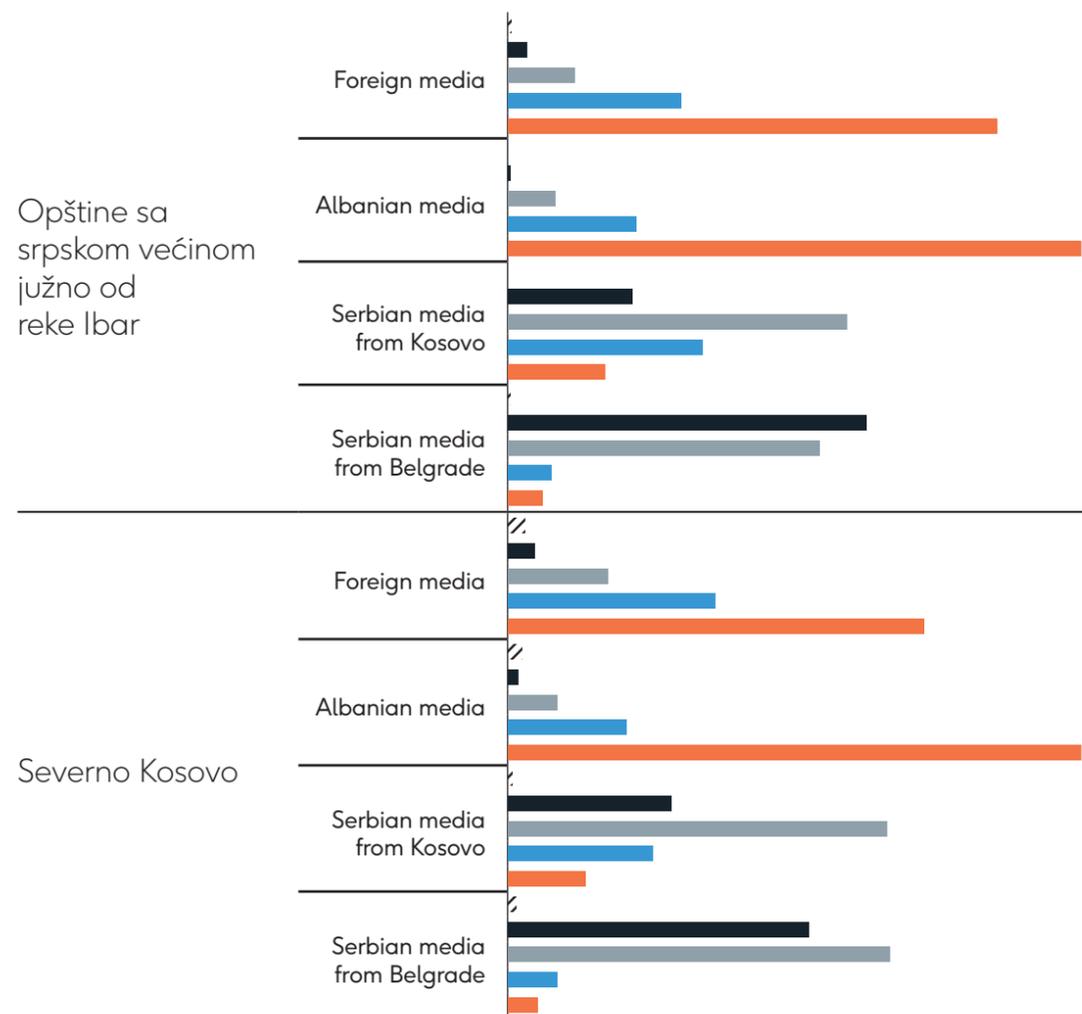
The authors of the report *Openness of Serbian media in Kosovo* within the 2020 OPEN initiative, Crno beli svet - CBS and Media Centre Čaglavica, claim these results are expected and that predominance of Belgrade media is a result of deeply rooted habits of viewers⁷¹, while the difference in rating between Belgrade media and Serbian media in Kosovo is explained with differences in production capacities in favor of media from the Republic of Serbia.⁷²

Such patterns are present among both citizens from the northern of Kosovo and those living south of the Ibar. According to the research results there is no significant difference among respondents who (mainly or fully) get informed from Belgrade based media no matter whether they live in the north of Kosovo (89.3%) or in Serb communities south of the Ibar (88.8%).

71 Openness of Serbian media in Kosovo, Crno beli svet - CBS and Mediija Centre Čaglavica, "media from Belgrade are a traditional source of informing, particularly for senior citizens who predominantly rely on information on RTS", p. 11

72 Ibid, p.11

Graph 28. Presentation of the answers to the question: Which media do you most frequently get informed from? (distribution of answers by place of residence)



On the other hand, when it comes to the ratings of Serbian media in Kosovo, there is a difference between the north of Kosovo, where those media are followed by approximately 70% of respondents and Serb-majority communities south of the Ibar, where the same media are followed by approximately 60% of respondents. The difference is noticeable, but it does not affect the conclusion that a great number of Kosovo Serb community members, irrespective of their place of residence, in their search for information resort to Serbian media in Kosovo. This significantly amplifies the importance, role and responsibility they play in the society.

Regarding the type of media citizens are inclined to seek information from, television, a traditional media format, is dominant. As much as 45.6% of respondents resort to television in seeking information on a daily basis, whereas only 8.1% of respondents never get information through this medium (Table 1). On the other hand, the research shows that other traditional media formats, printed newspapers and radio production slowly vacant the space for digital media, internet portals and websites that are followed on a daily basis by 32% of respondents. The results show that respondents, although resort to same media source, daily newspapers (like Politika, Danas, Večernje novosti – author's note), access their contents in digital form five

times more (31% internet newspapers) than printed issues (on a daily basis read by only 6.7% of respondents). This is a trend observed worldwide and it is not surprising given the fact that digital formats are easier to access, cheaper and post information in real time, which is not the case with printed media.

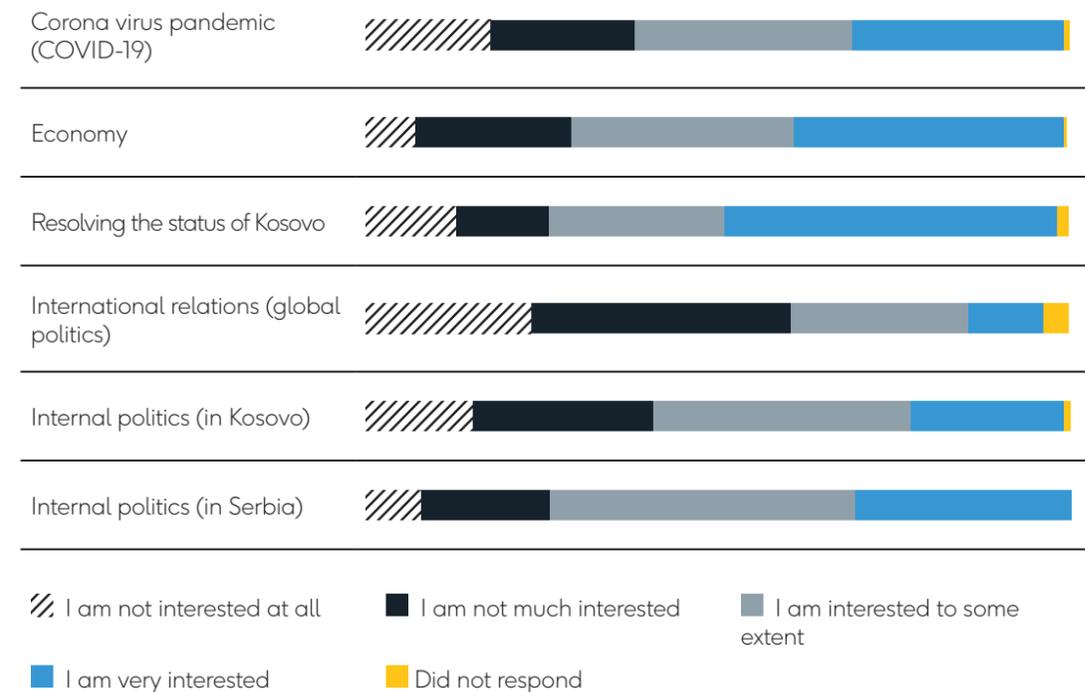
Tabela 1. In the previous three months, how many days in a week did you inform yourself on politics from different media sources such as:

	N	1	2	3	4	5	6	S	NA
Printed newspapers	36,5	11,5	6,1	4,4	2,6	3,3	1,5	6,7	0,5
Radio	48,2	14,3	12,4	8,5	5,9	3,5	1,2	5,9	0,1
Television	8,1	6,1	4,5	8,7	8,1	9,6	9,5	45,5	0
Internet newspapers	23,1	6,4	7	6,9	7,1	9,8	7	31,1	1,6
Internet news, internet pages or blogs	24,4	5	6,6	7,1	8,5	7,4	8	32,2	0,9

N - never; 1 - 1 day a week; 2 - 2 days a week; 3 - 3 days a week; 4 - 4 days a week; 5 - 5 days a week; 6 - 6 days a week; S - every day; NA - did not answer; values are expressed in %.

When it comes to the topics the audience is interested in, the results indicate that citizens are interested in those or direct relevance to their life, such as the economy, that to greater or lesser extent draws the attention of approximately 70% of citizens. Other topics of interest are those on the negotiation process (72%) or current topics relating to the COVID-19 pandemic (61%). (Graph 29).

Graph 29. Which topics in media are you interest in most?



That is also confirmed by the authors of the report *Openness of Serbian media in Kosovo* within the 2020 OPEN initiative, Crno beli svet - CBS and Media Centre Čaglavica. They state that editors and journalists of Serbian media in Kosovo point out in interviews that there is a trend of a growing interest of viewers in media reports dealing with those topics from the local aspect⁷³, in a form of community service information on measures preventing spreading of the pandemic, employment opportunities, local stories on successful individuals in private business, sport etc. According to this report there is a tangible pattern in citizens' search for information based on which the authors conclude that "they make a distinction between informing on local topics which is done from media in Kosovo, and information on international politics, international events, as well as entertainment sought from media in Serbia".⁷⁴

Having in mind, conventional wisdom, that media play a decisive role in creation of public opinion, these data lead to a conclusion that the majority of Kosovo Serbs base their views and opinions on broader political processes, including the negotiations on a comprehensive agreement between Prishtina and Belgrade, on information they receive from Belgrade media. Although this research does not contain a direct question which media are crucial in formation of opinion, the statement that media from Belgrade play decisive role in this is supported by respondents' answers to the question which political debate format shows they watch⁷⁵. According to the results, the greatest number of respondents watch debating media format on national frequency media in Serbia, i. e. *Upitnik* on RTS (50%) and *Ćirilica* on Happy televizija (46.1%).

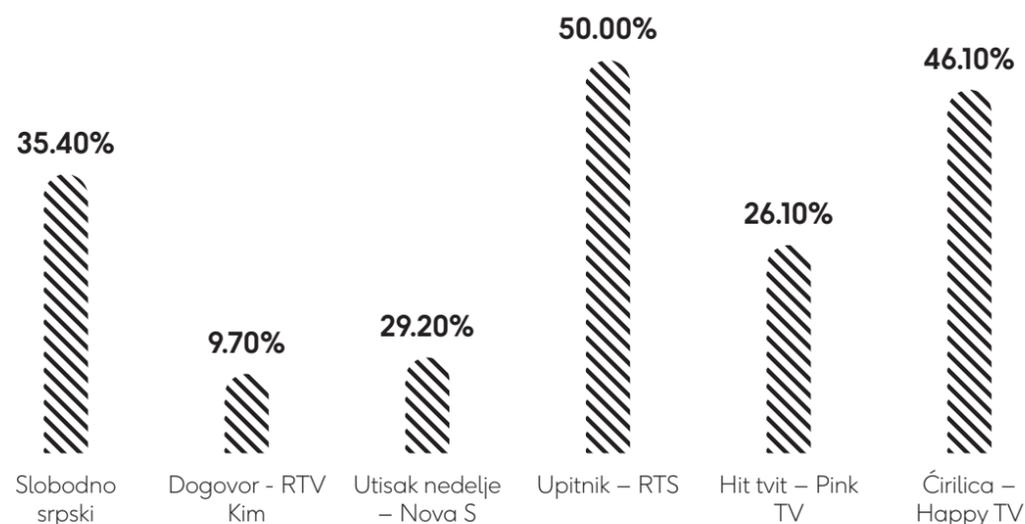
73 Openness of Serbian media in Kosovo, Crno beli svet - CBS and Media Centre Čaglavica, p. 16

74 Ibid

75 The so-called political talk-show format, author' note.

(Graph 30). The only show of such a format produced by Kosovo Serb community media and watched by a significant number of respondents is *Slobodno srpski – Media Centre Čaglavica* (35.5%), which, due to its continuity and current topics has become probably the most recognizable product of the media scene in the Serb-majority communities in Kosovo.

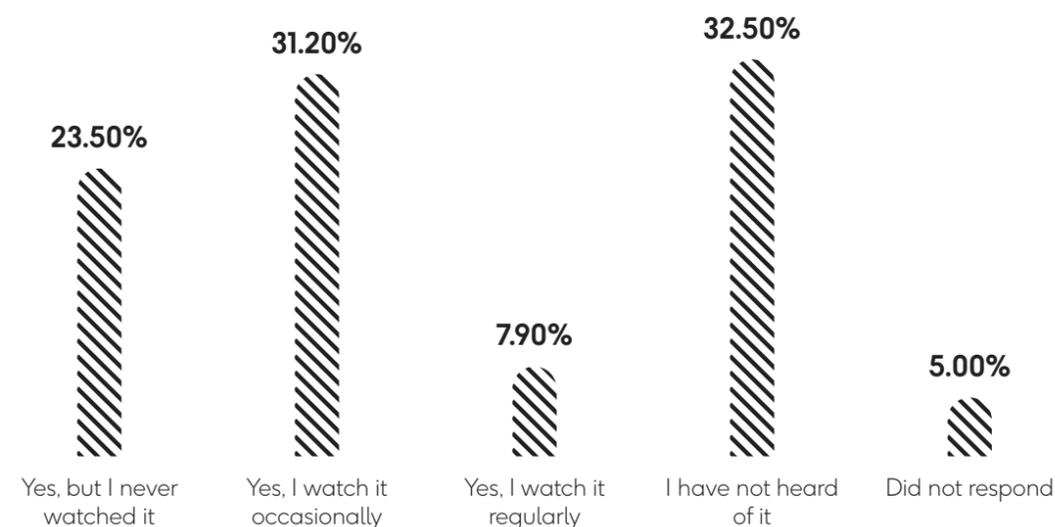
● **Graph 30.** Which of the listed political talk shows do you watch?



In addition to that, viewers express interest in TV show *Sporazum* produced by a network of TV stations and television productions from Serb-majority communities, TV Mreža, in collaboration with the Kosovo Foundation for Open Society (KFOS) and non-governmental organizations AKTIV from Mitrovica North and FDMC from Gračanica⁷⁶. Although only 8.1% of respondents state they watch this show regularly, as many as almost two-thirds of respondents say they have heard of the show (63.1%), and almost one third (31.2%) of them say they watch it occasionally.

76 More information on: <https://civicenergycenter.org/new/tvshow-sporazoom/>

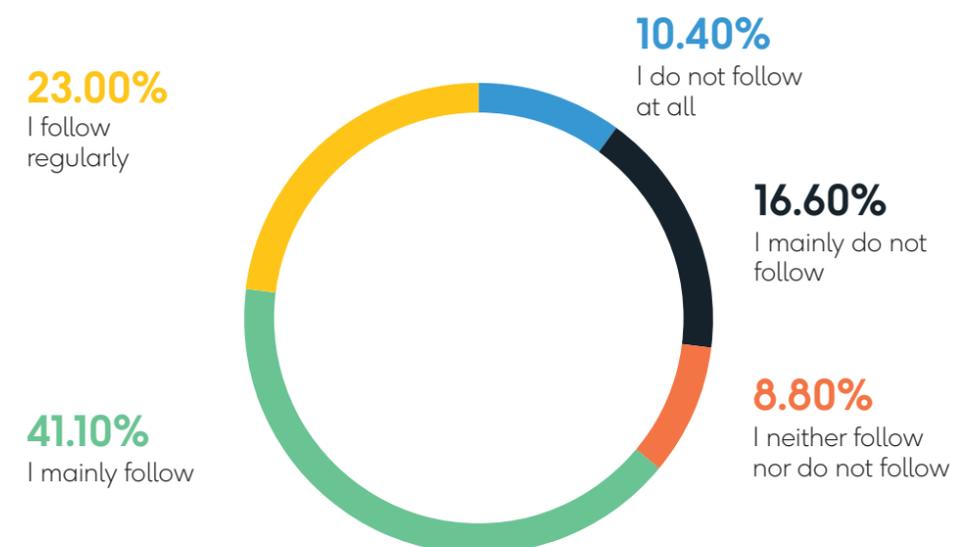
● **Graph 31.** Have you heard of TV show *Sporazum*?



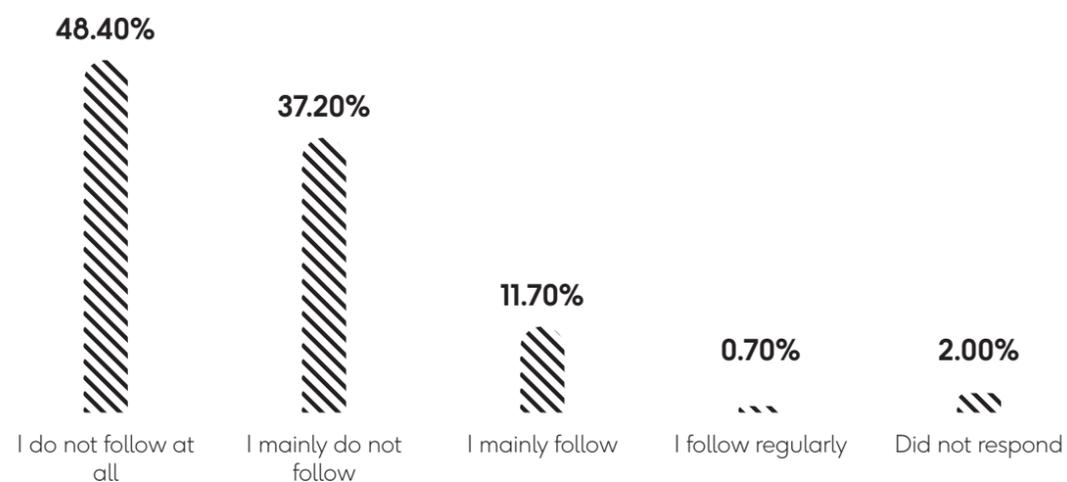
In conclusion, the viewers do have an access to formats that enables them to form opinions and views based on insight to debating media content presenting different interests and views on topics. However, what are the effects of such media content on citizens' views requires greater research focus.

Although the 2020 OPEN had a broader focus, yet it obtained results which could hint dominant trends in media influence of public opinion. Namely, the results (Graph 32) show that activities of the Government of Serbia are followed by almost two thirds of respondents (64.1%), while the activities of Albanian politicians from Kosovo are regularly or mainly followed by only 12% of respondents or slightly more than one out of ten respondents (Graph 33).

● **Graph 32.** Activities of the government in Belgrade



● **Graph 33.** Do you follow activities of Albanian politicians in Kosovo?

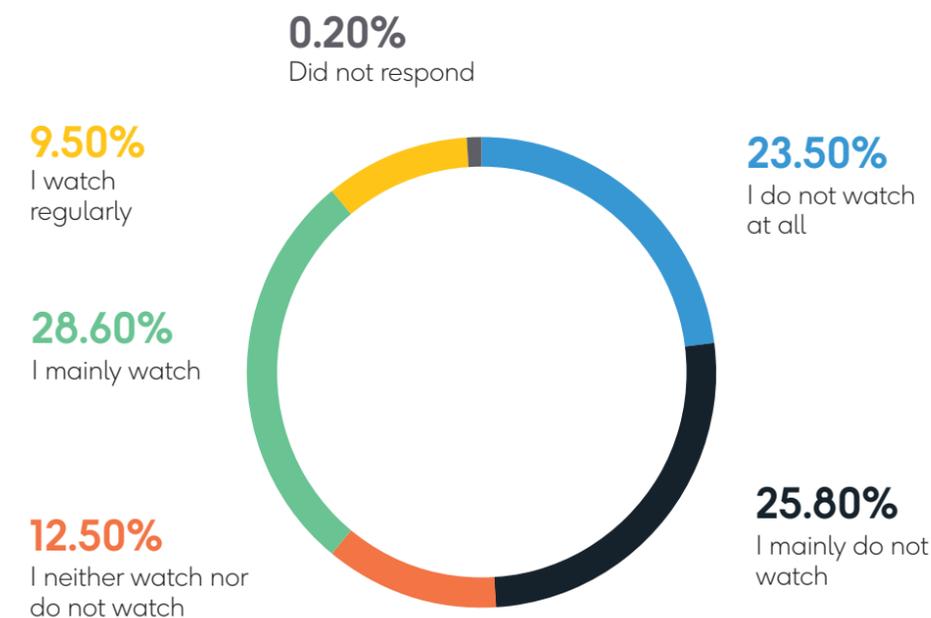


Seemingly, it appears logical and confirms the already identified pattern in which developed habits are of decisive role among respondents in selection of media. However, considering the influence that politicians from Pristina have on the life of Serbs in Kosovo, it is to some extent surprising that as many as 85.6% of respondents show no interest in their activities. A cause of this attitude may be inaccessibility of Kosovo media contents in Serbian, although an increasing number of media from Serb communities broadcast (translate) those news. Such a great number of respondents who do not follow news on Albanian media may lead to a conclusion that respondents from the Serb community in Kosovo did not develop a habit to actively search several sources, but predominantly rely on one (or more similar) sources of information with already formed views.

A positive side of that issue is the role the media from Serb-majority communities in Kosovo play by producing content and format that deals with the topics from various angles and hosts persons presenting different interests, and by this attracts the attention of viewers.⁷⁷ Such contents are regularly or occasionally watched by 38.1% of respondents, which, in comparison to their interest in contents of other formats (Graph 30 above – Which of the listed political talk shows do you watch?) is a significant percentage.

⁷⁷ Openness of Serbian media in Kosovo, Crno beli svet - CBS and Media Centre Čaglavica, p. 16

● **Graph 34.** Debates with the participation of Serbian and Albanian politicians



1.3.3 Conclusions

Bilingualism, bilingualism, bilingualism.... It is already mentioned several times in this report, but needs to be repeated, that Kosovo institutions do not make enough efforts to implement legal acts regulating the use of the Serbian language in Kosovo. Due to that, citizens of Serb ethnicity, as well as members of other non-majority communities who do not speak Albanian are denied information directly impacting their life and enjoyment of guaranteed rights. This is an issue of considerable proportions, ranging from the lack of information about Kosovo authorities and institutions, access to documents, unjust court processes to the obstacles in access to everyday services provided by legal persons such as banks, telecommunications operators etc.

Form without content. Local institutions tend to fulfill their responsibilities in informing citizens on their activities by satisfying the formal requests (issuance of notifications, job vacancy advertising etc.), but do not genuinely care if citizens have access to such content. Very frequently an invitation to public consultations is announced a day before it is scheduled, or it is announced only on the municipality notice board. Such practice sometimes has a form of an essential irregularity despite fulfilment of formal requirements. A good example of that is the one from the Municipality of Zvečan in 2019 when an advertisement for 20 jobs in a municipality service was published in the *Bota Sot* daily, published exclusively in Albanian, without notifying a single local media in Zvečan municipality or in other Kosovo Serb community in the north of Kosovo.⁷⁸

⁷⁸ Kossev, Feb 2019, Job vacancy advertisement of the Municipality of Zvečan had no place in Serbian media but did have in Bota Sot from Prishtina, available on: <https://kossev.info/konkurs-za-posao-opstine-zvecan-nije-nasao-mesto-u-srpskim-medijima-ali-jeste-u-pristinskoj-bota-sot/>

Media in Serbia have the biggest influence on the views of Kosovo Serbs. Citizens of the Serb community in Kosovo predominantly follow media from Belgrade, while information from Kosovo media or those of the work of Kosovo institutions are followed occasionally. Respondents are informed from media in Serbian on socio-political topics of a broader nature, such as the Belgrade-Pristina dialogue, relations between the Serbs and the Albanians, comprehensive agreement etc. When local media are concerned, more precisely media from Serb-majority communities, respondents mainly seek information of a local character, community service information and similar. An exception is debating content that includes representatives of the Serbs and the Albanians from Kosovo, which is being followed exclusively on local media in the Serbian language partly due to the fact that such content is not offered by the Belgrade media.

Opinion is not created. Opinion is served. A very small number of respondents from the Kosovo Serb community form their views by following information from different sources, i. e. sources offering different views and presenting different interests. Instead, media reports, mainly from Belgrade media close to the authorities are preferred. Those reports contain predetermined views and value judgements aimed to engineer the public opinion.

1.4 Chapter one: recommendations

Problems of the Kosovo Serb community described in this chapter are predominantly stemming from an inconsistent and insufficient involvement of central-level institutions and authorities in the implementation of the legal framework regulating the rights of non-majority communities. Logically, recommendations for improvement should be directed to the authorities. However, there were such requests before, but they yielded no fruit. Therefore, repeating them in this report would be yet another attempt to urge the relevant institutions to change practices that caused so many problems. No matter in what way recommendations to institutional representatives are defined, they will not be more binding than the existing legal standards protecting rights and interests of non-majority communities which they are obliged to implement. That is why a traditional style of recommendations design, the one targeting the instances mandated by the law to rectify discriminating practices would significantly undermine the efforts made not only this study, but the entire 2020 OPEN initiative. For that reason, in the definition of recommendations this report will accentuate the responsibility of socio-political actors within the Kosovo Serb community and try to define their role in exerting a stronger pressure (requirements) on central institutions to eliminate existing omissions.

That would also be the first recommendation in this report:

- *The responsibility for engagement in the process of elimination of existing discriminatory practices rests upon all socio-political actors within the Serb community, political representatives, media, civil society, but also on citizens themselves. To that end, they are expected to cooperate constructively, complement their activities and support each other in initiatives aiming to intensify the pressure on institutional representatives for consistent implementation of the legal framework protecting the rights and interests of non-majority communities in Kosovo.*

One should be realistic and say that the approach taken so far by all social actors in the protection of the rights of the Kosovo Serb community has not produced results thus requires changes. To that end:

- *It is necessary that both official and non-official representatives of the Kosovo Serb community, political representatives and civil society, with the support of media and citizens, take a **new approach** in their activities aimed at the protection of the rights of the Serb community. Such approach needs to be based on a synergic and inclusive advocacy actions and application of more inventive methods including legal remedies for the violations of the laws (civil actions, actions before the constitutional court etc.);*
- *A direct involvement of citizens in advocating activities through various participative democracy instru-*

ments such as petitions, meetings⁷⁹, panel discussions, open civic-activist letters etc. is necessary. There lies a key in intensification of the pressure on institutional representatives;

- Civil society and citizens need to intensify their involvement in the process of reaching a comprehensive agreement between Serbia and Kosovo by insisting on treating the current scope of rights of non-majority communities as a starting point in the negotiating process. More precisely, by requesting that future agreements and solutions may only extend the current scope of the rights guaranteed to the Serb and other non-majority communities in Kosovo. Thus, solutions that might lead to their reduction, i. e. "trade in rights", as a phenomenon with a strong effect on an indolent attitude of Kosovo authorities in their implementation, would be rejected.

Inconsistent implementation of the legal framework regulating the use of the Serbian language in official institutional enactments is a source of a number of problems encountered by ordinary citizens in accessing services, information, legal protection and many other everyday needs. Due to that, this issue is probably one of ultimate priorities faced by the Kosovo Serb community. As such, it requires a comprehensive approach with the involvement of all social actors, political and institutional representatives of the Serb community, civil society, citizens, journalists, local authorities etc. It is necessary that all of them in coordination intensify pressure on institutions violating those rights or competent bodies to prevent such violation. Methods applied need to be consistent, inventive, targeting the essence of the problem rather than its manifestational forms. That, among other things, implies:

- Intensifying institutional requests for a consistent implementation of the legal framework operationalizing administrative bilingualism (MPs from the Serb and other non-majority communities, Commissioner for Languages);
- Civil society organizations need to get actively involved in monitoring the work of civil institutions (sessions of the parliament, government, announcements by relevant institutions) with a formal request for availability of translations into Serbian;
- Designing specific advocacy actions aimed at amendments to the Law on the Use of Languages relating to:
 - Introducing a legal right of citizens on complaints in case of violation of language rights.** This right is currently defined secondary secondary legislation, i. e. the Regulation of the Government of Kosovo on the Office of Commissioner for Languages and as such it is subject to changes with the changes of cabinets and their agendas;
 - Establishment of the institution of the Commissioner for Languages as an independent body elected by the Assembly of Kosovo,** upon proposal of the Committee on the Rights and Interests of Communities with application of double majority mechanisms in its elections and mandate amendments.
- Local authorities in Serb-majority municipalities have to improve the implementation of the law on language rights of language minorities in their communities, as an exemplary model that would multiply in the communities in which Kosovo Serbs are not in a majority.

79 With observing epidemiologic measures. Author's note

In the same way, therefore with the support of other actors from the community, civil society organizations need to nominate (promote) the issue of equitable representation of citizens from non-majority communities in institutions, the so called "minority quotas". Being quite an unknown area, the first steps in those efforts would be:

- drawing up a comprehensive study which would give an objective answer to the question in which percentage non-majority communities are represented in central institutions;
- analysis of advantages and disadvantages of legislative solutions regulating this area (including both primary and secondary legislation⁸⁰);
- analysis of the quality of institutional mechanisms monitoring the implementation of legal provisions on representation of non-majority communities in public service;
- determining precise indicators for a continuous monitoring the number (percentage) of employed members of non-majority communities;
- develop recommendations for all relevant social actors involved in efforts aimed at solving this issue.

For a more efficient access of citizens to services and information necessary for full exercising of their rights the following needs to be done:

- in collaboration between the civil society and local authorities to define "good practice" principles in communication between citizens and their authorities, taking into account specific needs of the local population. Those principles could be translated into a mechanism (index) of transparency of local authorities which would provide a framework for active monitoring of their openness to participation of citizens. There are numerous regional or local examples of such mechanisms which could, with minor adjustments, be implemented in the Kosovo Serb community. A good example of that is the Regional Openness Index measuring the extent to which institutions in the Western Balkan countries are open to citizens and the society (indicators of transparency, availability, integrity and effectiveness);
- civil society and media need to intensify public information campaigns informing the citizens on their rights to participate in decision-making processes at the local level;
- civil society organizations, with the support of media, need to encourage civic activism, i. e. the practice of citizens to associate and require fulfilment of their interests/priorities by local authorities;
- finally, media, with the support of civil society, needs to identify problems of citizens in accessing services generating additional costs and based on that draw up information (education) programs enabling citizens access to those services under the same conditions other communities in Kosovo have.

80 Primarily the Law on Civil Service,

**Freedom of
citizens in an
open society**

2

2.1 Freedom of Media and Freedom of Expression

2.1.1 Media in the Kosovo socio-legal framework and analysis of the situation

There is nothing left to say on the importance of the media in a democratic, open society. Free, objective and responsible media are foundations of democracy and have a multiple role in defending its values and generating a democratic culture of society. Media enables citizens access to information they need to be able to make informed decisions, actively participate in social life, electing their representatives, enjoy their rights, publicly express or form their views. Besides, the media play an important role in monitoring those in power discharging their public posts responsibly, pursuing responsible policies according to citizens' needs and interests, and in accordance with laws. Basically, it is the role of safeguarding public interest (being a watchdog). Because of the importance of media and their ability to act as advocates in modern democracies and decisively influence policies of public importance, they are frequently referred to as the "fourth estate"⁸¹ or the fourth pillar of democratic rule along with the legislative, judiciary and executive branch of power.

Generally, the legal framework regulating the work of media in Kosovo follows the already identified pattern, which is that adequate legal solutions are not accompanied by consistent implementation. Experts in the area of media freedoms agree that the Kosovo legal framework reflects well international standards regulating freedom of media and freedom of expression, including the European Human Rights Convention⁸² and International Pact on Civil and Political Rights⁸³. Thus, in Chapter II, Article 40, the Constitution guarantees freedom of expression stipulating that "the freedom of speech includes the right of expressing, communicating and receiving information, opinions and other messages without any impediments"⁸⁴. Kosovo constitutional and legal framework implements constitutional provisions through a number of legal acts guaranteeing access to documents and pluralism of media, including a ban of censorship. In addition, there are a few more legal acts regulating the work of journalists and media, and of special importance for the freedom of media in Kosovo is the Law on Access to Official Documents⁸⁵ and the Civil Law against Defamation and Insult⁸⁶, passed in 2012 as part of a regional initiative for decriminalization of defamation as an instrument misused with an aim of controlling media.

81 <https://dictionary.cambridge.org/dictionary/english/fourth-estate>

82 Available on https://www.echr.coe.int/documents/convention_bos.pdf

83 Available on <https://www.ohchr.org/documents/professionalinterest/ccpr.pdf>

84 Constitution, Chapter II, Rights and Fundamental Freedoms, Article 40, [link](#)

85 LAW ON. 06/L-0810 ACCESS TO PUBLIC DOCUMENTS, July 2019, [link](#)

86 Official Gazette, Civil Law against Defamation and Insult, available on [link](#)

Nevertheless, Association of Journalists of Kosovo in its report **Indicators of freedom of media and journalists**, states that there have not been enough court epilogues in cases under the Law against Defamation and Insult⁸⁷, enough to test relevant legal solutions in practice. In the same paper a concern is expressed regarding inconsistency in the implementation of the Law on Access to Public Documents, insufficient transparency in the ownership structure of media (in particular in case of online media), as well as legal aspects of the position of journalists on the labor market which the authors describe as a fertile ground for censorship.⁸⁸ In addition to that, numerous international organizations in their reports alert on a number of problems faced by journalists in Kosovo. In the Kosovo Progress Report, the EU expresses concern over the insults and threats to journalists, recommending improvement of institutional response in cases of threats and assaults on journalists. Another prominent source, Freedom House, in its 2020 report warns of political and corporate pressure on editorial policies of media, but also reports cases of threats and intimidation of journalists.⁸⁹

2.1.2 Media in the Serb communities in Kosovo – the context

Media outlets in the Serb communities in Kosovo are facing numerous difficulties in the efforts to efficiently perform their intended social role, that is to provide citizens true and timely information on the most important social, economic, cultural and political issues.

In addition to the majority of problems they share with their Albanian colleagues, Serbian journalists and media houses encounter other specific problems to cope with. For example, being part of Serbian society in Kosovo they share the burden of all system deficiencies and social problems faced by all other Serbs in Kosovo (difficulties in access to information, freedom of movement, as well as security issues). The Association of Journalists in Kosovo (journalists working in media in the Serb communities) on several occasions made public announcements requiring the competent bodies to resolve the cases of the missing and murdered journalists of Serb ethnicity in the period 1998 to 2005⁹⁰. According to a recently published report of the Journalists' Association of Serbia, in that period 15 journalists of Serb ethnicity went missing and suspected to be killed in Kosovo, which accounts for almost a half of unresolved cases of missing journalists in Europe.⁹¹

In another context, within the Serb community, a certain number of journalists and media critically reporting on the policy of the Government of Serbia toward Kosovo or on the activities of the leading political option in the Serb community, *Srpska lista*, is facing additional forms of pressures. Those pressures include defamation campaigns⁹², orchestrated tabloid attacks or discrimination in access to information.^{93 94} In the 2020 Kosovo Progress Report, the European Union expresses concerns regarding freedom of expression in Kosovo, specifically mentioning the north of Kosovo where such pressures are manifested through self-censorship of journalists.⁹⁵

87 Petrit Collaki, Indicators of freedom of media and journalists, p. 6. The report in English is available on [link](#)

88 Ibid, Summary

89 Freedom House, 2019 Kosovo Report, 2019, Chapter Freedom of expression <https://freedomhouse.org/country/kosovo/freedom-world/2020>

90 *Openness of Serbian media in Kosovo*, Crno beli svet - CBS and Media Center Čaglavica, p. 3

91 For BBC, the research author Jelena Petković <https://www.bbc.com/serbian/lat/balkan-51460155>

92 <https://rs.n1info.com/vesti/a600870-napad-srpske-liste-na-novinara-zbog-pisanja-o-samohranaj-majci-s-kosova/>

93 <https://www.danas.rs/drustvo/nuns-srpska-lista-da-prestane-sa-diskriminacijom-novinara-i-medija/>

94 <https://rs.n1info.com/vesti/a587665-nuns-novi-neosnovani-napadi-na-redakciju-portala-kossev/>

95 EU Kosovo Progress Report, Section Freedom of expression, quote: There are particular concerns regarding freedom of expression in the north of Kosovo, including self-censorship" p. 32 par. 1.

The crucial problem media in the Serb communities in Kosovo are facing is to assure the financial stability while preserving an editorial independence. The report *Openness of Serbian media in Kosovo*, prepared by - CBS and Media Centre Čaglavica, within the 2020 OPEN Initiative, argues that the majority of Serbian media in Kosovo is facing a problem of financial sustainability of their operations, however not all media are in equal position in their efforts to obtain funds. According to the author of this report, there is a number of media operating in the Serb community in Kosovo that enjoys the support of the Government of Serbia, as well as of local self-governments in the Serb communities in Kosovo.⁹⁶ Such support has various forms, as budgetary funds (from the budget of the Republic of Serbia), funds obtained through applications for electronic media co-financing with the Ministry of Culture and Information or funds obtained through the Office for Community Affairs within the Office of the Prime Minister⁹⁷. A common denominator for media accessing those funds is uncritical reporting toward the policies of the Government of Serbia and its exponents in Kosovo. On the other hand, the group of media dedicated to independent editorial policy and critical reporting is denied access to those funds and are therefore forced to resort to alternative solutions, adapting their legal status in a way enabling them to act as non-governmental organizations, making them thus eligible to apply for funds of international grant providers for Kosovo.

Marketing revenues, one of the basic means for media income generation, is extremely difficult for Serbian media in Kosovo. The media in Kosovo reporting in Serbian compete at much smaller market compared to the media from Albanian communities. The market, by best estimates, does not exceed the population of 120.000, although in the majority of cases that coverage is even smaller. Due to that the potential of Serbian media in Kosovo to develop a sustainable market model of doing business is incomparably smaller. Even at such a limited market, media in Kosovo reporting in Serbian do not achieve optimal market gain due to deficiencies in internal management, absence of strategic marketing approach, unregulated status of journalists on the labor market and other internal problems.⁹⁸

Therefore, media houses from the Serb communities in Kosovo are facing numerous difficulties in accomplishing their mission and social role. One of the most credible ways to determine how those problems are reflected on their work is to obtain the opinion of the audience, the Serb community in Kosovo. That was the focus of the following part of 2020 OPEN study. The research aimed to determine the confidence of citizens in information obtained through available media (including media in Serbian in Kosovo) and citizens' perception whether media responsibly fulfill its given social role.

2.1.3 Objectivity of media in Kosovo – perception of citizens

A simple indicator of confidence in the media is the view of respondents if information they provide are true. In the 2020 OPEN research we examined a general perception of respondents from the Kosovo Serb community over the reliability of information they receive from available media.

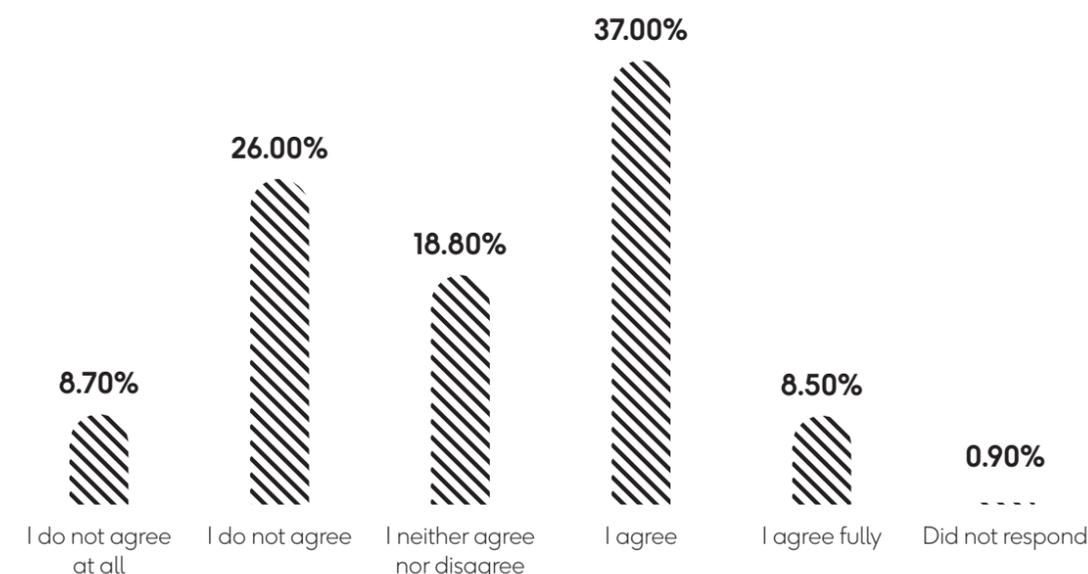
The results indicate divided opinion, with 45.5% of respondents who believe there is a general tendency in the media to communicate true information, whereas a slightly smaller percentage, 36.7% of respondents, believe it could not be implied that information they obtain from the media are objective. (Graph 35).

⁹⁶ Led by political options close to those currently in power in Belgrade, author's note.

⁹⁷ *Openness of Serbian media in Kosovo*, Crno beli svet - CBS and Media Center Čaglavica, p. 4

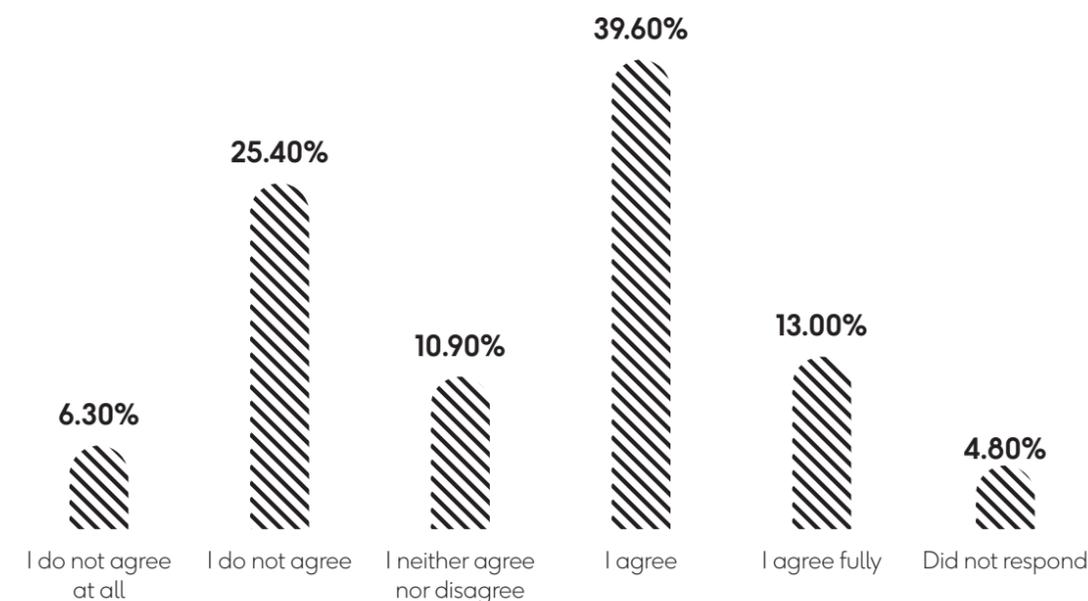
⁹⁸ The original Title: IREX Kosovo Media Sustainability 2018 <https://www.irex.org/sites/default/files/pdf/media-sustainability-in-dex-europe-eurasia-2018-kosovo.pdf>

● Graph 35. I believe that media provide true information



Significantly different results are obtained as an answer to the question does media demonstrate impartiality in reporting by favorizing interests of one of the interested parties⁹⁹. Slightly more than half of respondents, more precisely 52.6%, believe there are such tendencies in the media they follow, whereas almost one third of them (31.7%) believe that media are impartial.

● Graph 36. I believe that information I obtain from media are impartial, favorizing one party

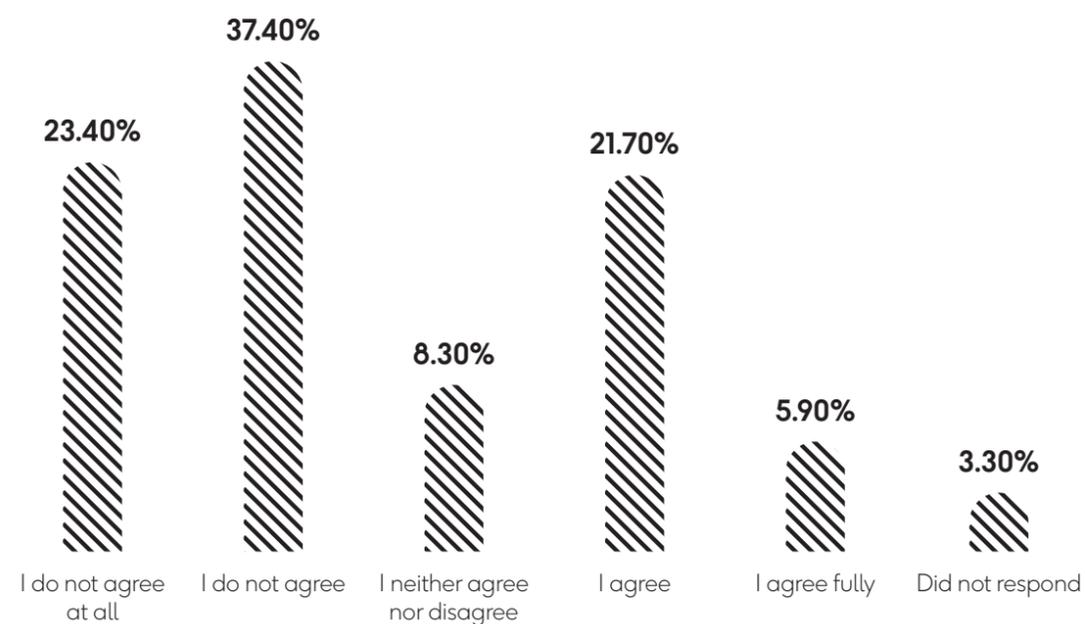


⁹⁹ Opposition-authorities, Prishtina- Belgrade, Serbs-Albanians etc., author's note

Thus, by comparing data from the above presented two graphs (Graphs 35 and 36) it could be concluded that the majority of citizens believe that information media communication are not necessarily impartial, more precisely in the manner that reflects the positions or views of both or more interested parties. A similar conclusion, but with a more detailed explanation of the matter (gained through in interviews and focus groups) is offered in the report **Openness of the Serbian media in Kosovo** prepared by Crno beli svet - CBS and Media Center Čaglavica. Namely, according to this report, impartiality in the reporting of Serbian media in Kosovo is related to their financial (in)dependence, so that media financed from own sources (marketing, project finance etc.) report more objectively and impartially¹⁰⁰. On the other hand, media partially or entirely financed through budgetary subsidies / subsidies of the Republic of Serbia or through local administrations in Kosovo refrain from balanced analyses¹⁰¹. Their reporting is mainly reduced to mere conveying of statements of political leaders and officials, often those deciding on allocation of funds¹⁰².

If the two above shown graphs indicate that citizens of Serb ethnicity in Kosovo feel elements of biased editorial policies and self-censorship in media reporting, the following graph undoubtedly confirms that. The results of the research show that a great majority of citizens (approx. 60%) do not agree (and do not agree fully) with the statement that the media nurture independent editorial policies. On the other hand, only less than a half of that percentage agree with the statement.

● **Graph 37.** I believe that media are independent and that they independently decide how to report



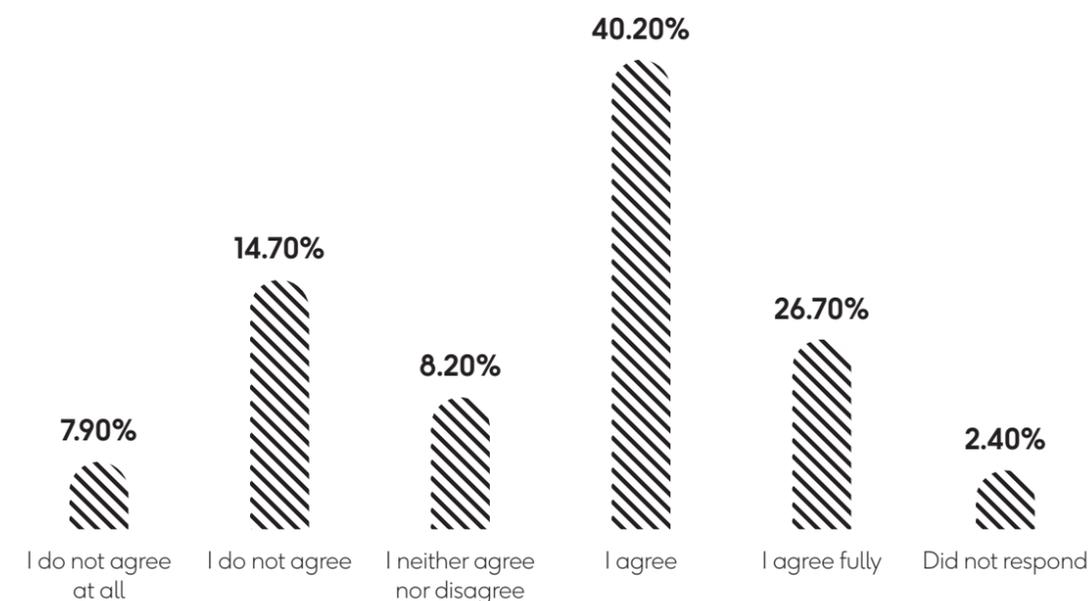
100 Crno Beli Svet- CBS/Media Center Gračanica, Openness of Serbian media in Kosovo, p.19

101 Ibid p.19

102 Author's note.

An evident confirmation of the existence of self-censorship in media followed by citizens from the Kosovo Serb community comes from the analysis of respondents' answers to the question: "Do you believe that journalists are afraid to write the truth due to different pressures they are exposed to?" The formulation of the question is clear, unambiguous and contains a colloquial explanation of self-censorship. Therefore, the results are clear. And they show that the majority of respondents (66.9%, which is two thirds) believe that there is self-censorship in the media they follow. On the other hand, only slightly more than 20% of citizens from the Kosovo Serb community do not agree with the statement.

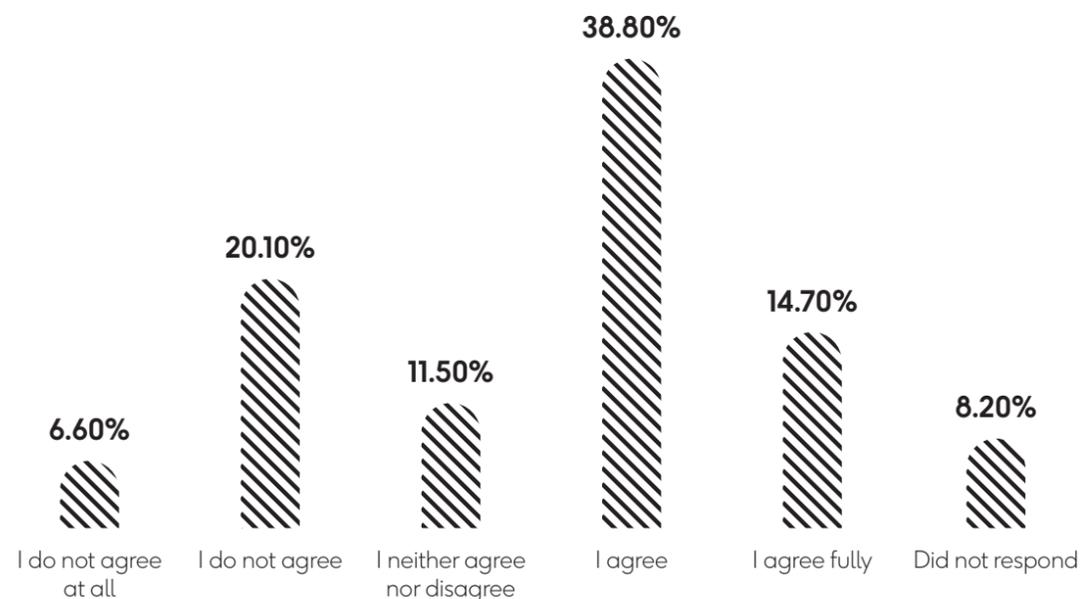
● **Graph 38.** I believe that journalists fear to write the truth due to various pressures they are exposed to



The results indicate that respondents, citizens of the Kosovo Serb communities, recognize elements of self-censorship in the media they follow. In the continuation of the research an attempt is made to determine its manifestation patterns and its effects to the quality of information offered to the audience.

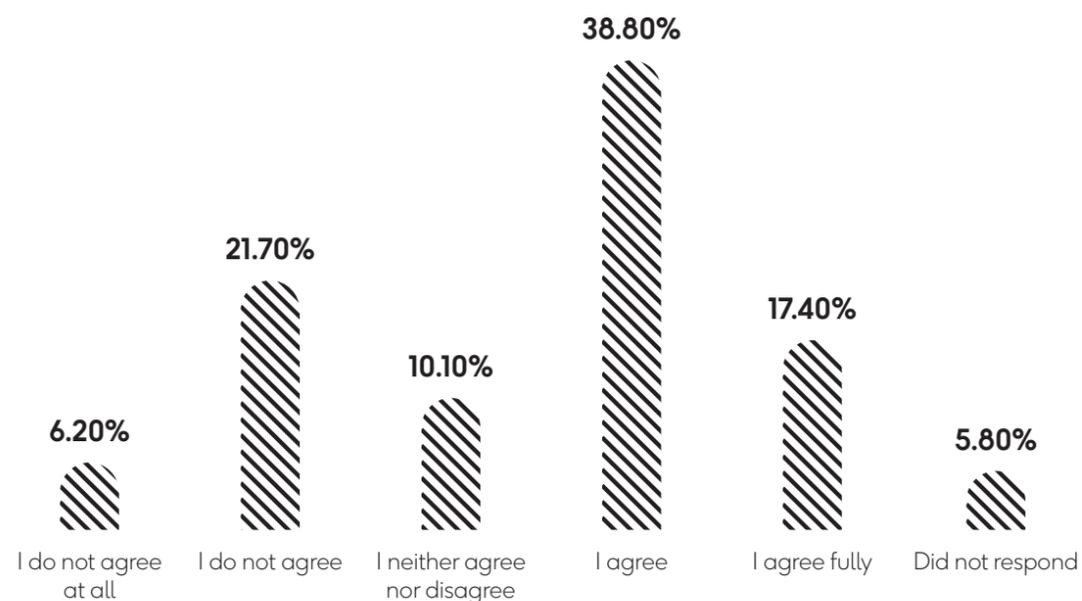
The research results show that self-censorship is manifested through exclusion an individuals (or thier ideas) from media space. According to the research, 53.5% of respondents (cumulatively "I agree" and "I agree fully") believe that access to media is not equal for all (interested parties), whereas only half of that percentage (26.7%) of respondents do not agree with the statement.

● **Graph 39.** Media are not open to certain individuals nor for certain ideas



The biased selection in media reporting is not manifested only by censoring individuals advocating certain views, but also through selection of topics. The results show that 56.2 % of respondents within the 2020 OPEN study agree with the statement that the media ignore certain news of their importance. And, again, almost twice as less respondents (approximately 27%) believe that is not the case.

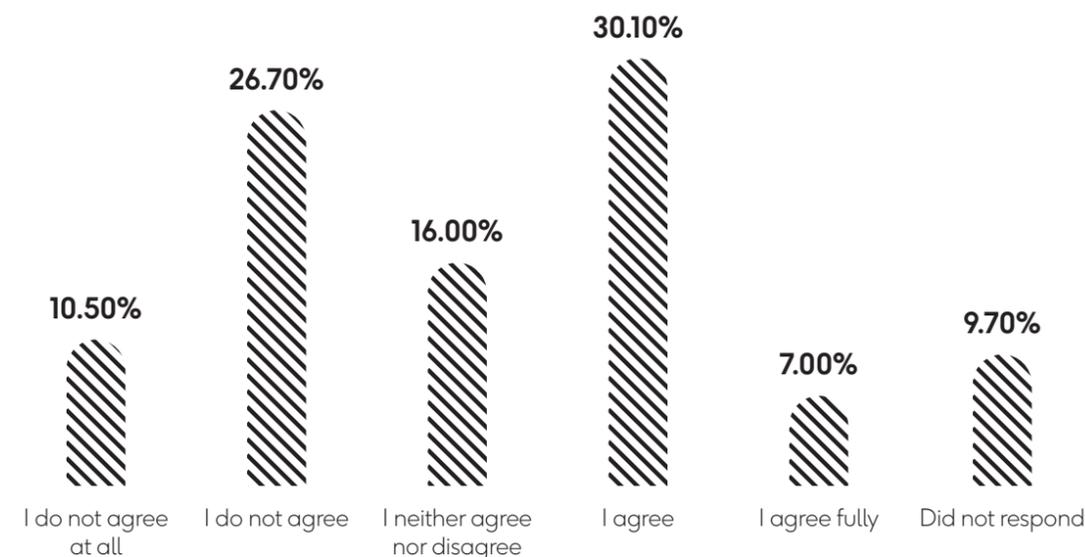
● **Graph 40.** I frequently notice that certain important news are not in media



A selective distribution of media content is by all means a democratic deficit. However, the responsibility of the media in open societies is a much broader and complex issue as it implies their role in making judgement (position) in reporting on social processes. This means that media reporting needs to contain a critical review, based on evaluation of social and political events against the aspect of social interest, social responsibility and/or rule of law (observance of laws). Such a quality of reporting contains elements of investigative journalism, i. e. reporting treating a topic critically and from several angles. That is how a question in our research is formulated: "are media trying to treat a story critically from several aspects?"

The results show that a significant number of respondents, i. e. 37.2 % of them, believe that media they follow are deprived of a critical and analytical quality in reporting (Graph 41). That is a sufficiently high percentage to conclude that, despite the fact that an identical percentage of respondents do not agree with this evaluation (37.1%), media contents available to the Kosovo Serb community have a democratic deficit.

● **Graph 41.** When they report on an event media are trying to treat the story critically, from several aspects



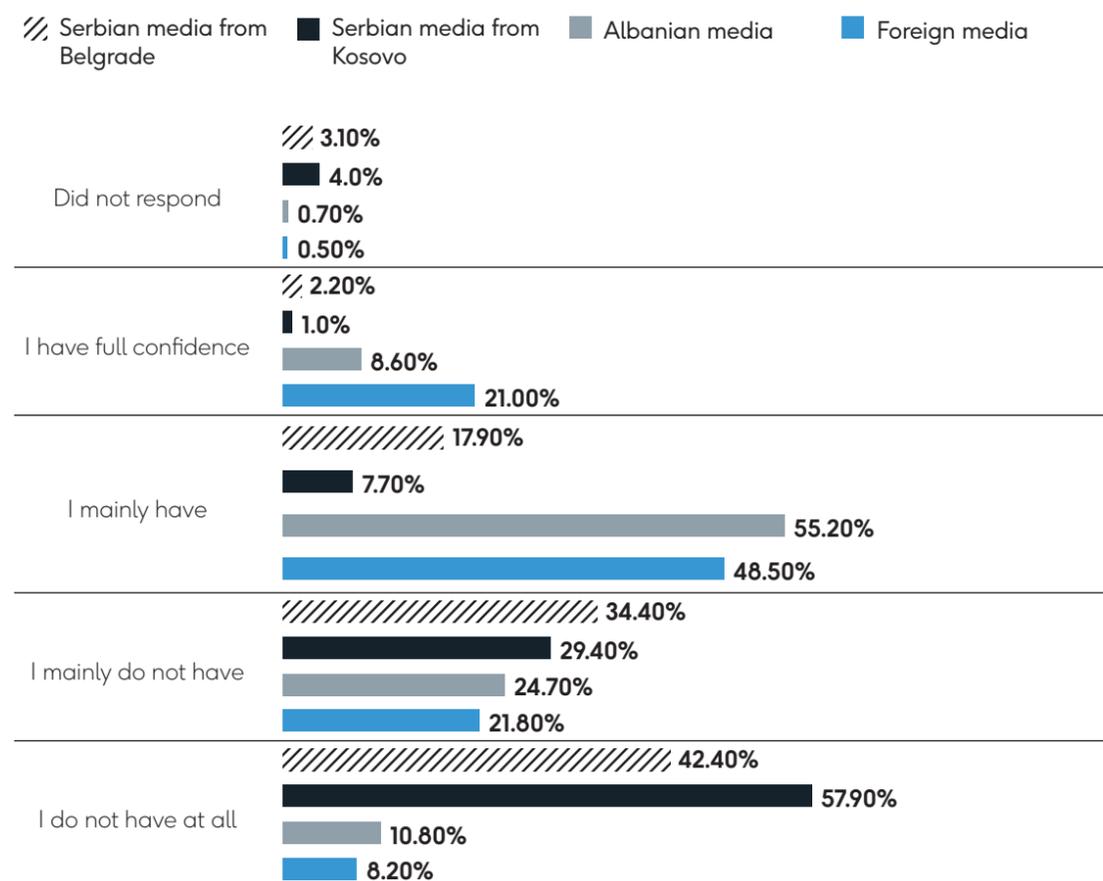
According to the authors of the study *Openness of Serbian media in Kosovo (CBS/Media Center Čaglavica)*, such divided views of respondents are a reflection of the essential division between media they have access to. On the one hand, the media financed from the budget which "do not question statements given by representatives of the authorities or institutions, refrain from investigative journalism in terms of statement checking, alerting inconsistencies with the real state of affairs"¹⁰³, and, on the other hand there are independent media offering their audience a *broad perspective (particularly on portals)... "through more in-depth analyses, by publishing comments of analysts and experts from the Serb and Albanian community, through translations of analyses or articles from the press in Albanian or investigative and thematic articles."*¹⁰⁴

¹⁰³ Ibid, p. 20

¹⁰⁴ Ibid

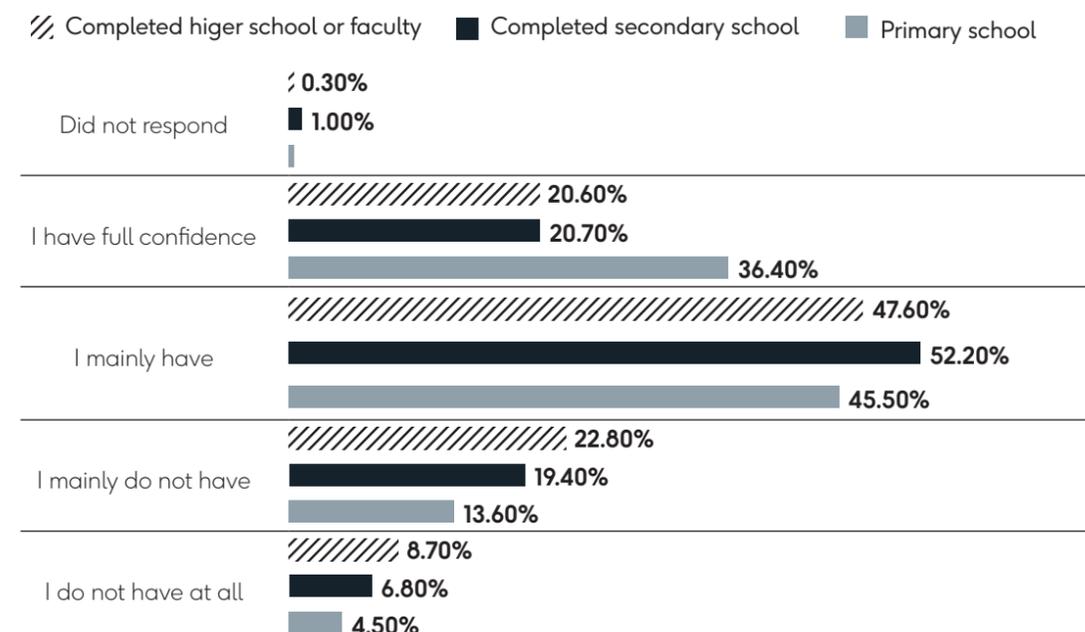
Before conclusions and recommendations of this part of the study are drawn, it is important to determine does citizens make a difference between various categories of media. We tried to determine that by examining a degree of confidence of citizens to a certain category of media. The results show that respondents, citizens of the Kosovo Serb communities, have the greatest level of confidence in media based in Belgrade (72.8% - cumulative responses "I have fully" and "I mainly have") as well as media from the Serb communities in Kosovo (66.6%). (Graph 42). The formulation of the question does not make a difference between independent and the so-called "pro-government media from Belgrade", which significantly limits the analytical potential of the results. What can be noticed however, is that these results correspond to the results of the part of the research elaborating respondents' habits in following media. (see section [Access to information – the role of media](#)). According to the same trend, the lowest percentage of respondents state they (follow) and have confidence in Albanian media, only 6.8%.

Graph 42. How much confidence do you have in the following media?



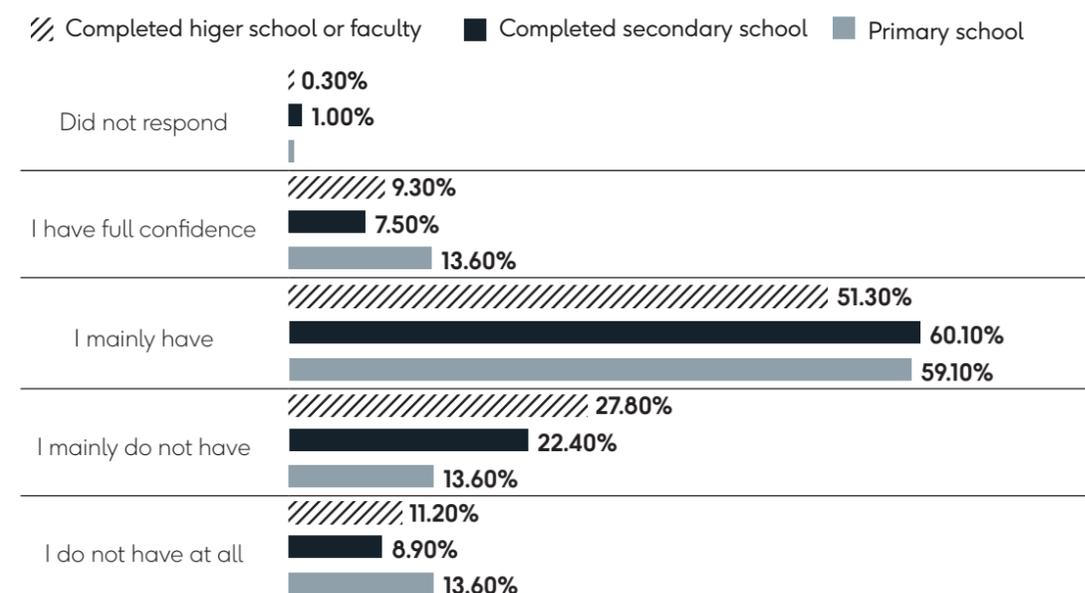
When the results of the level of confidence of citizens in the two categories of media with best results (media from Belgrade and Serbian media from Kosovo) are analyzed in correlation with the level of education of respondents, it is noticed that the highest percentage of respondents who completed not more than primary school have full confidence exclusively in media from Belgrade (36.4%), while the percentages are significantly lower for the categories of respondents who completed secondary and higher education, and in both cases they are approximately 20%. (Graph 43)

Graph 43. How much confidence do you have in the following media? (correlation: Serbian media from Belgrade with the level of education of respondents)



When the results of the degree of confidence in Serbian media from Kosovo are analyzed the same way, the results show that the percentages of those who have confidence mainly or fully in them are distributed evenly through all categories of education and range from 61% (those with higher education) to 70% of those with completed elementary school (Graph 44). Both in nominal and real terms, it is a too thin margin to talk about a trend.

Graph 44. How much confidence do you have in the following media? (correlation: Serbian media from Kosovo with the degree of education of respondents)



2.1.4 Conclusions:

Serb population in Kosovo is deprived of objective information. The results of the research show that citizens from the Kosovo Serb community believe they are to a significant extent deprived of objective information, information containing critical analysis and information they need to form an objective opinion on socio-political processes around them. Regardless of the reason, whether its incapability of central authorities to communicate in Serbian language or unwillingness of Serbian community political representatives to share information of public importance, consequences are the same: media outlets face the problem in accessing sources that would help them to inform citizens in an appropriate way.

Citizens of the Kosovo Serb community are excluded from the process determinative to their own future. Beside the fact that the practices of the authorities to control information and restrict freedom of expression are a severe breach of democratic principles, a specific dimension of such democratic deficit is its timing, more precisely the fact that they occur at the moment when a process of enormous importance for Kosovo Serb community is underway – the dialogue between Prishtina and Belgrade on reaching a comprehensive agreement on the normalization of relations. The inability to obtain true and timely information pertaining this process, restrictions of the freedom of expression and other forms of the control of the narrative relating to this process (including a constructive ambiguity in communication) expose Kosovo Serbs to a risk that their interests will neither be reflect (through the negotiators) nor taken into consideration in definition of solution. Under such circumstances it is difficult to explain the indifference of social actors other than being fear-driven.

Serbian media in Kosovo that critically report on the authorities are exposed to various forms of pressures. There is a clear tendency within the Kosovo Serb society to control public information in the context of political processes, institutional actions and even information objectively presenting socio-economic reality of a Serb community life in Kosovo. All that with an aim of maintaining an image of impeccability of the authorities. Media that critically report are exposed to different forms of pressures, from denial of access to funds, denial of access to information, to tabloid defamation of journalists and media houses. Consequences of such pressures are manifold and include self-censorship of journalists, a deepening gap between media, endangering of media or/and political pluralism and many other tendencies threatening the democratic character of the society.

Independent media in Serb communities encounter great problems in ensuring financial sustainability. In the context of efforts aimed at preserving values of open society such as freedom of expression, availability of true information and open social dialogue, there is a strong need to reinforce the media scene in the Serb communities in Kosovo by developing its resistance to various forms of pressures (either political, corporate or of other nature). By that, conditions would be created enabling enrichment of media contents with investigative journalism, critical and uncensored reports (contents). Fortunately, the research indicates a certain number of independent local media aspiring to provide information in an objective and critical way, so it would not be necessary to start from the scratch. The time to act is now. The authors of the report **Openness of Serbian media in Kosovo** (CBS and MC Čaglavica) warn on raising division between media in the Serb community in Kosovo financed through the budgetary subsidies and those labeled as independent media. The report stipulates „a deepening trend due to which independent media are in an increasingly difficult position when sustainability of their work is concerned”¹⁰⁵.

¹⁰⁵ Crno Beli Svet, Media Center Čaglavica, *Openness of Serbian media in Kosovo*.

2.2 Freedom of Association – Civil Society Organizations and their role in Open Society

2.2.1 The role of non-governmental sector in a democratic society

In democratic societies citizens are free to exercise and actively protect their rights, express their views, promote values and actively participate in the fulfilment of their interests. They can do that through individual actions or may associate in the achievement of their interests. Freedom of association is a human right guaranteed by number of treaties, including the Universal Declaration of Human Rights¹⁰⁶ and European Convention on Human Rights, making it, similarly to other rights and freedoms, an objective (common standard) to be attained by all peoples, all societies in the world.

International law also defines restrictions of freedom of association. The European Convention on Human Rights describes the nature of the freedom of association as a freedom restricted by laws (of democratic nature) „in the interest of national security or public security with an aim of preventing unrests or crime, health or morality protection or protection of the right to freedom of other persons”¹⁰⁷. This definition of the restriction of freedom of association also defines its nature or, in other words, states an assumption of a social benefit as an aim of association (with certain exceptions, of course). Civil society organizations, CSOs, or non-governmental organizations, NGOs are a form of exercising the freedom of assembly with an aim of fulfilment of social interests (benefits).

The role of civil society organizations in democratic systems is versatile and extremely important. Democratic societies are, by their nature, based on mechanisms of mutual control of citizens and elected representatives of authorities (the term known as “check and balances”, author’s note). The essence of the idea is the right of citizens to elect their representatives but also to demand responsibility of the holders of public posts in the protection of public interests, i. e. to associate freely in carrying out that type of monitoring and control. That is at the same time one of the basic functions of civil society organizations, the so-called watchdog (overseeing) role already mentioned in this report.

Beside that, any society, no matter at what level of democratic development, has a potential of progress and improvement of the system in responding to the needs of citizens. Civil society organizations are important

¹⁰⁶ Universal Declaration of Human Rights, Article 20; *Everyone is entitled to the freedom of peaceful assembly and association.*

¹⁰⁷ European Convention on Human Rights, Article 11. *Freedom of assembly and association*

actors in that process, and in safeguarding public interest and interests of individuals they have an important role in complementing the institutional response which is, due to the scope and diversified needs of citizens, objectively limited.¹⁰⁸ Such tasks may be fulfilled by NGOs in different ways, for example, by supplementing/adjusting the legislative framework or practical policies (so-called "think-tank" organizations), as well as by directly providing services to citizens, particularly to the most vulnerable social groups whose needs exceed the capacities of institutional support. There are, of course, numerous other areas of community activities in which civil society organizations have an important role, for example, humanitarian assistance, social dialogue, education of citizens, development of innovations and many more.

Therefore, it is more than clear and known that civil society organizations have an important role in a democratic, open society. Although acting in different forms and with different focuses, CSOs have one thing in common, and that is their role and responsibility to protect and advocate the interests of citizens. Exactly this, representative character of the civil society is one of the main and defining parameters of credibility of civil society organizations and social responsibility of their work. For that reason, this research has focused on determination of the representativeness of civil society organizations active in the Serb communities in Kosovo. Therefore, the goal of this part of the research was to determine to what extent citizens from the Serb communities in Kosovo believed that civil society organizations protect their genuine interests.

2.2.2 Development of NGOs in the Kosovo Serb community – social context

Civil society organizations in the Serb community in Kosovo began to develop after the 1999 conflicts, at first very reservedly, limited by social pressure and stigmatization of collaboration with international organizations and central authorities in Kosovo. That pressure was so pronounced that any meaningful involvement of civil society was almost impossible. The UNDP report Civil Society Development, Human Development Report, Kosovo 2008, vividly illustrates the scale of that pressure. The report argues that there is a strong fear among civil sector representatives from Serb communities that "they will be seen as traitors both by their community and by Belgrade if they collaborate with central institutions".¹⁰⁹ Social pressure of such intensity was a consequence of not only political circumstances in which the Serb community found itself in the first post-conflict years, but also of strong prejudices against activities of non-governmental organizations seen as an embodiment of a subversive "external" factor (donor agencies), opposed to social and national interest of the Serbian society. The roots of such prejudices date back in the 1990s, and military conflicts on the territory of the former Yugoslavia when Serbia was isolated by the international community and non-governmental organizations were seen as an integral part of the milieu engineering such isolation.¹¹⁰

Despite such circumstances, in the first decade of the 21st century, certain number of civil society organizations emerged in the Kosovo Serb community, predominantly in the form of individual initiatives and with extremely limited possibilities to build internal capacities, achieve considerable effects of their activities and generally, promote the civic association as a form of civic activism. Partial de-stigmatization of the collaboration with "foreigners", as well as with central institutions (Albanians), took place only after 2013¹¹¹ and the beginning of full integration of the Serbian society into Kosovo legal system. Endorsed by official Belgrade, the process of

108 Under the premise "no law can foresee all circumstances", author's note

109 UNDP – Civil Society Development, Kosovo 2008 http://hdr.undp.org/sites/default/files/nhdr_2008_kosovo_en.pdf

110 <https://www.vreme.com/cms/view.php?id=362574> Unnecessary friends

111 Participation of the Serbs from the north of Kosovo in the 2013 local elections organized within the Kosovo legal system - author's note

integration significantly delegitimize the concept of "non-collaboration as a national interest", that dominated the socio-political sphere of the Serb community up to that moment. Indirectly, that change in the policy of the official Belgrade resulted in the creation of space for civil society activism and emergence of a great number of civil-society organizations (the so-called mushroom phase)¹¹², particularly in the north of Kosovo where such pressure was most intensive prior to 2013.

A trend of rapid growth in the number of organizations regrettably was not accompanied with structural efforts to build their internal capacities and a great number of organizations failed to establish themselves and survive among numerous competitors. However, some of them succeeded to build internal capacities and became recognizable by increasing the quality of their actions and shifting the focus from "light social topics" (local issues, schoolyard cleaning, theaters for children...)¹¹³, to extremely complex issues essential for the Kosovo Serb community (rights of non-majority communities, discrimination in accessing services and information etc.) Thus, the evolution of the Serb civil sector entered a new phase in which NGOs are to this day. It is characterized by a growing openness of the Serbian society in Kosovo to accept / get involved in civil society activities; yet parallelly with such readiness there is a growing demand for accountability of the civil society organizations work and their dedication to protection of genuine social interests. Later, it will be explained how the extent to which civil society organizations attain those standards is directly linked with the perception of their work among citizens whose interests they protect.

Civil society – general perceptions of citizens

The report *Civil society organizations in the Serb community in Kosovo: between perceptions and presentations*¹¹⁴ prepared within the 2020 OPEN initiative by New Social Initiative and Forum for Multiethnic Collaboration, identifies few trends in the present Serbian civil sector in Kosovo. According to that report, there are two civil society centers in the Kosovo Serb community, Mitrovica North and Gračanica, the greatest number of organizations is registered and carrying out activities as non-profit associations. The authors also argue that there are hints of a more focused profiling of CSO to certain topics or areas as well as notice trend of increased cooperation with CSO working in Kosovo Albanian communities. However, such a collaboration still enfolds at the project level with a small number of examples of strategic partnerships¹¹⁵.

Those trends, particularly profiling and inter-ethnic collaboration in the civil sector, are the result of a growing competition in access to funds and response to requirements of donor agencies. Such trends are an obvious indicator of certain advancement and affirmation of the civil sector in the Serbian society in Kosovo. To what extent such advancement impacted the perceptions of citizens? Is possible improvement of such perceptions sufficient for a deconstruction of stereotypes of the subversive nature of civic activism? Is there a greater understanding of the significance of the civil sector in the socio-political dynamics of the Kosovo Serb community? These questions were addressed further on in the research.

At the very beginning of this part of the research, we wanted to determine to what extent respondents, citizens from the Kosovo Serb communities, were familiar with the work of civil sector organizations in their society. According to the research results, almost two thirds of respondents (65.3%) claim they do not have an insight in the work of civic organizations in the Kosovo Serb community (Graph 45). Accordingly, only one third of them (33.3%) claim they have sufficient information on CSO work.

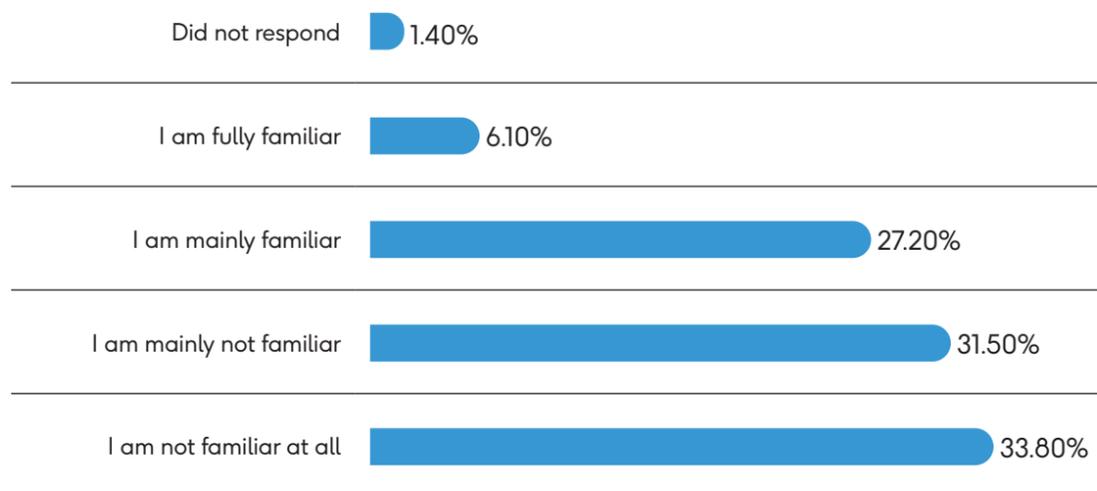
112 The analogy used in the text; Civil society and democratic development of Kosovo, Bashkim Rrahmani, 2018

113 UNDP – Civil Society Development, Kosovo 2008 http://hdr.undp.org/sites/default/files/nhdr_2008_kosovo_en.pdf

114 NSI and FDMC: Civil society organizations in the Serb community in Kosovo: between perceptions and presentations - Introduction

115 Ibid

Graph 45. How familiar are you with the work of non-governmental organizations from the Serb community?

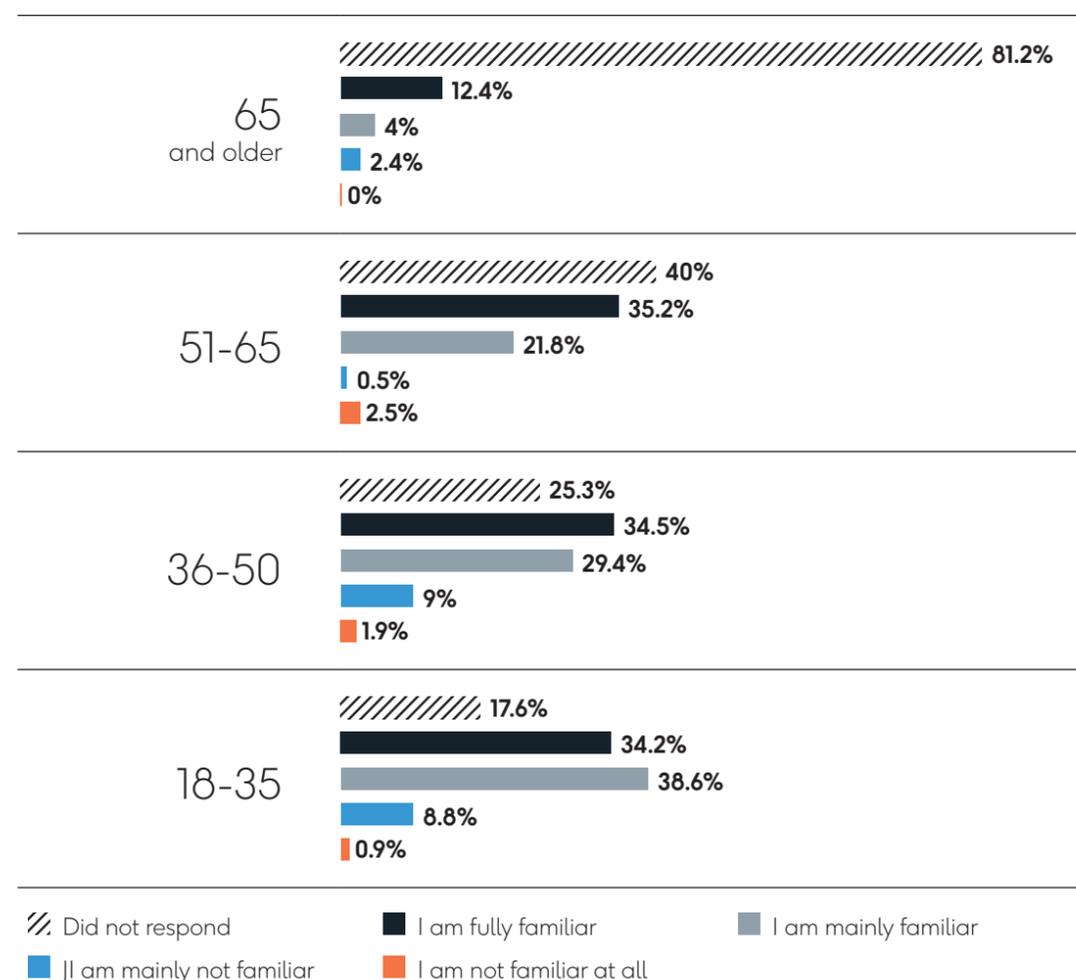


The results unambiguously indicate that respondents that took part in the research are not sufficiently familiar with the activities of NGOs from their community. The response "I am not at all" is indicative and implies a complete lack of information on activities of civil sector organizations with as many as one third (33.8%) of respondents. The authors of the research *Civil society organizations in the Serb community in Kosovo: between perceptions and presentations*, New Social Initiative and Forum for Development and Multiethnic Collaboration, through qualitative research methods confirm this, arguing that despite a fundamental understanding of principles of activities of CSOs, citizens are not familiar with their "work, mandate, successes or challenges"¹¹⁶. This research, on the ground of the answers of respondents in focus groups, argues that citizens are better informed on the activities of civil society in the local context, in the places where they live. When that's the case, respondents were not only able to name a significant number of organizations but to demonstrate a considerable insight in their work.

By comparing these results with the age of respondents, a clear trend is spotted. The older the respondents the less familiar they are with civil society activities. Thus, almost half of the young persons from the sample (47.4%), between 18 and 35 years of age claim they are fully familiar with the work of Serbian civil sector organizations or at least have sufficient information on their work (Graph 46). In the group of respondents between 36 and 50 years of age, 38% of them claim they are familiar with the work of NGOs, in the group of respondents between 51 and 65 years of age that is claimed by only 22% of them and in the group of respondents older than 65, only 6% of them say they have some knowledge on the work of NGOs from the Serb communities in Kosovo.

¹¹⁶ NSI, FDMC; *Civil society organizations in the Serb community in Kosovo: between perceptions and presentation*, p. 8

Graph 46. How familiar are you with the work of NGOs from the Serb community? (correlation with the age of respondents)



These results are not surprising as civil society activism, either through voluntary or professional involvement, is generally associated with the younger population of a society.¹¹⁷ Besides, with the strengthening of the civil society in the Serb communities in Kosovo in the past few years, the number of initiatives aimed at popularization of volunteering among the young has increased, and conducted a number of projects targeting the younger population (which is of particular interest to donor agencies). Lastly, through development of the civil society in the Serb communities in Kosovo, a significant number of jobs has been created, creating among the younger population a reputation of a credible alternative to institutions ("civil service"). In the qualitative part of the research (interviews), representatives of NGOs explained these variations as based on two key factors. One is the focus of NGOs on social media in communicating their results, and social media reach senior members of the society to a lesser extent, while the other is the phenomenon of defamation¹¹⁸ of the NGO sector in media which has prevailed, with greater or smaller variations in intensity, since the 1990s, and to which older respondents have been exposed to for a long period.¹¹⁹

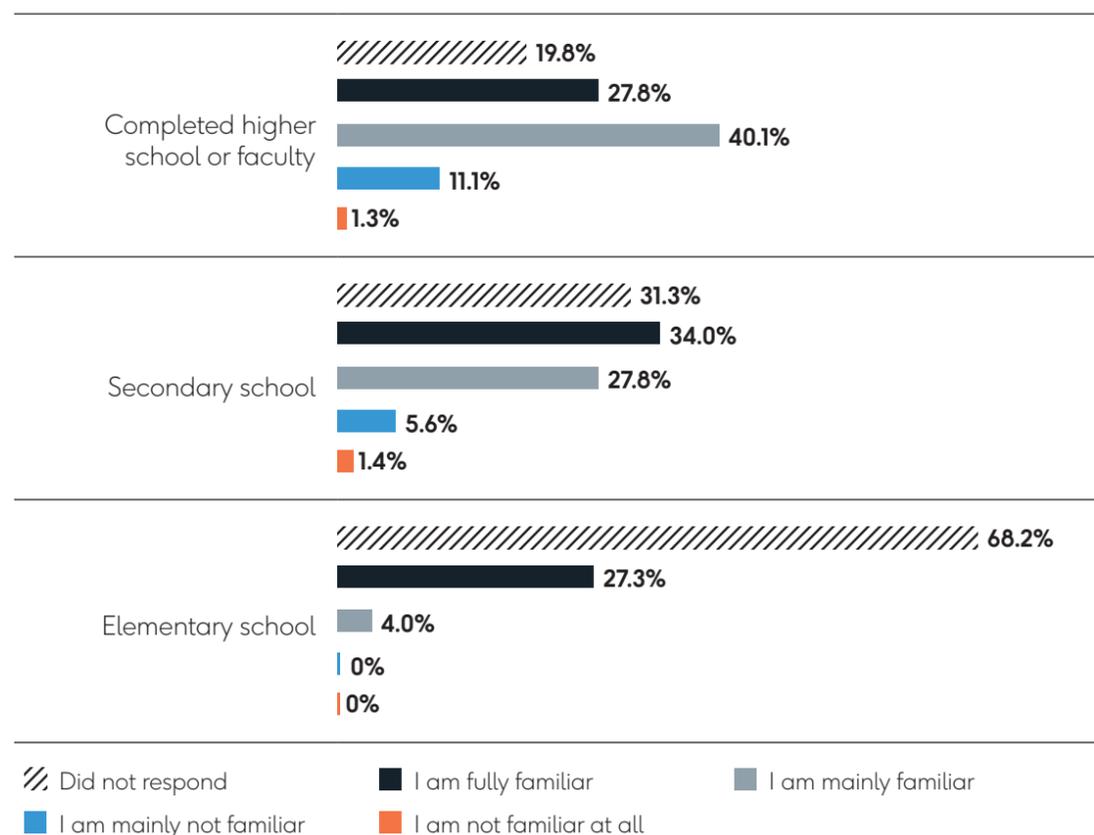
¹¹⁷ Several sources (author's note)

¹¹⁸ Defamation – satanization, discrediting, telling lies...

¹¹⁹ An interview with a representative of civil sector from the north of Kosovo.

Similarly to the trend presented in the above example, a trend of a greater level of familiarity with the work of civil sector in the Serb community in Kosovo corresponding to the level of education of respondents is noted. More than half of respondents who completed higher school or faculty claim they are familiar with the work of civil sector in the Serb communities in Kosovo, while the same is said by 33.4% of respondents who completed secondary school (Graph 47). That number drops to less than 5% when respondents with completed primary school are concerned.

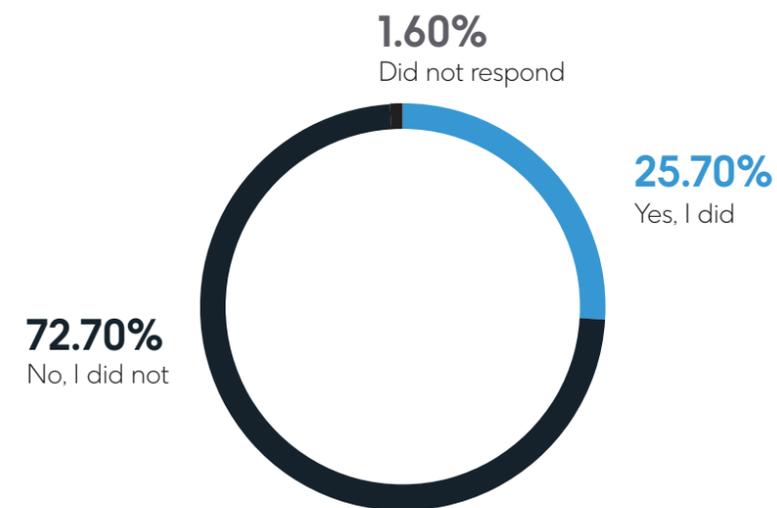
Graph 47. How familiar are you with the work of NGOs from the Serb community? (education)



The reason of such variations depending on the level of education of respondents is probably the level of involvement of citizens in the local socio-political happenings, not only through activism but in other ways as well, e. g. following local media with more information on the work of civil society organizations, engagement in civil society initiatives in expert capacity and similar.

Determining this very key difference in understanding civil society, that is creation of opinion based on personal experience as opposed to judgement based on indirect information and information with a pre-determined view, was the focus in continuation of the study. One of the ways to determine that is to investigate the frequency of participation of citizens in activities organized by NGOs in the Serb communities in Kosovo. The results show that a great majority of respondents, as many as 72.8%, did not take part in any of NGO activities in the past 12 months, while only one fourth of them (more precisely 25.7%) claim they did.

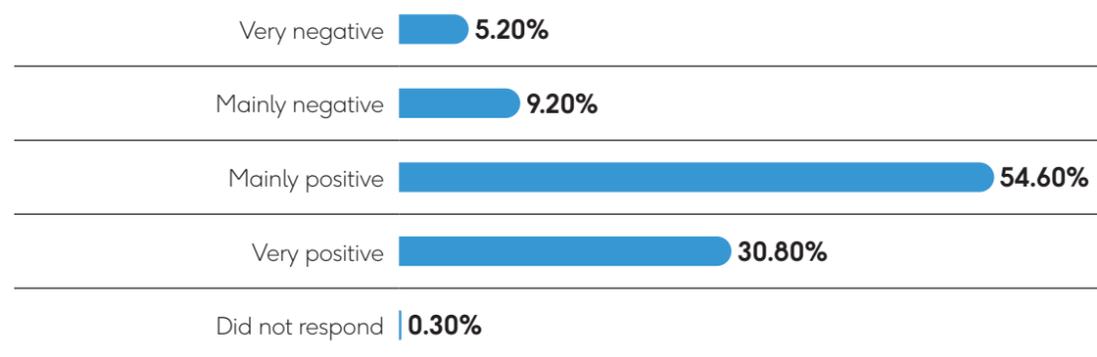
Graph 48. Did you take part in any activity of any NGO in the past year?



One should be cautious when interpreting these results. First of all, by the very act of responding to this questionnaire the participants took part in a civil sector activity, and by this logic the percentage should have been 100%, which means that the question is not precise to an extent it would be clear to respondents what the term "take part" relates to in the definition of the question. The logic of authors was, probably, that respondents implied direct involvement in activities typically linked to civil society, actions at the community level, seminars, debates and similar. In that case, the determined percentage (25%) is not so low as it seems at first sight. If, in the absence of official statistics, we assume that approximately 120.000 members of the Serb community live in Kosovo, that result indicates that civil society last year mobilized 30.000 citizens in some of its activities. In the context of the Serb community in Kosovo and the fact that the Covid-19 pandemic is underway, imposing restrictions to movement and gathering, this result is not negligible. Nevertheless, it should be reiterated that in the absence of official data on the population¹²⁰ it could be reliably said that these percentages relate only to those citizens who took part in this research.

What nonetheless can reliably and undeniably be concluded is that the research shows that the majority of respondents that took part in some of the activities of civil society organizations in Kosovo perceive such experience as positive (85.4%) (Graph 49). Only a bit less than 15% of respondents claim their experience was not good for whatever reasons.

¹²⁰ Therefore, also the inability to make a representative sample. Author's note.

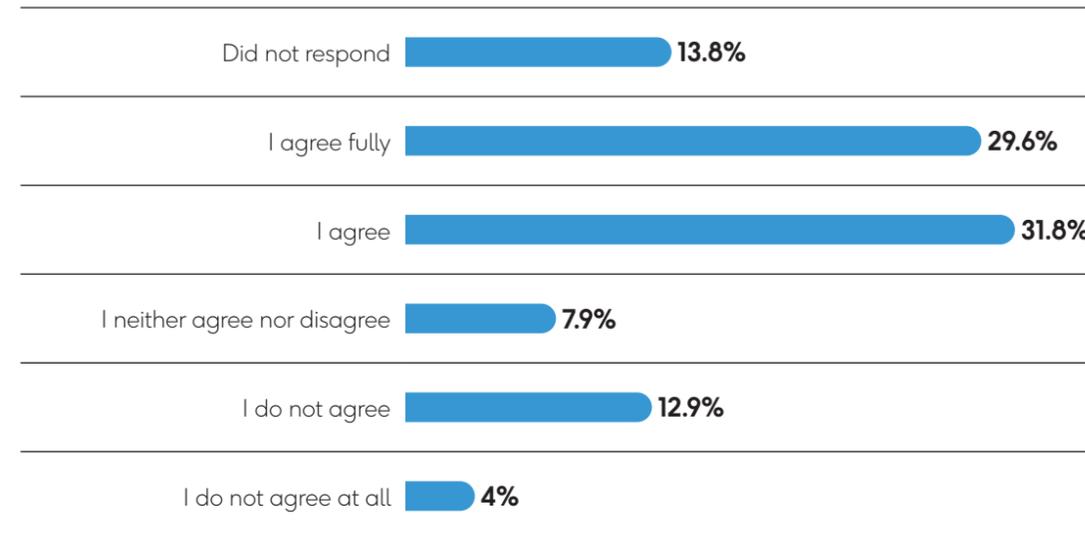
Graph 49. What was your experience in such involvement?

The results lead to a conclusion that civil society organizations in the Kosovo Serb community do have content to offer citizens, but there is more to be done to earn their attention. This issue can actually be treated as a problem of the inefficient communication of NGOs and attributed to the trend described in the introductory part. It argues that fast growth of the civil sector has not accompanied with adequate internal growth, more precisely, structural adjustment of organizations, to a new and more significant role they play in society, through the development of strategies and internal procedures which would, among other things, define the approach in communication and mobilization of citizens and target groups. Presently, the vast majority of NGOs from the Serb communities in Kosovo still do not have developed communication strategies, thus forced to improvise, treating communication as project team secondary responsibilities and predominantly relying on short, easily accessible forms, like social media.¹²¹

The issue of communication is certainly only one in a number of issues faced by civil society organizations from the Serb communities in Kosovo, but it is extremely important if change of the civic society image is aspired. The following part of the report deals with dominant elements in the citizens perception on NGOs, aiming to identify to the greatest possible extent, does such views have elements of stereotypical qualifications or they reflect the actual capability of citizens to evaluate shortcomings and/or good sides in civil sector activities.

The results show that some of the prevailing citizens' perceptions of civil society work actually do have characteristics of stereotypes, i.e. elements of generalization deprived of full insight in the state of affairs. The most pronounced belief having that character is the question of influence of donor agencies on the creation of the civil society agenda in Kosovo. This thesis contains an assumption of conflicted interests, more precisely a preconception that the interest of citizens differs from the interest advocated by donor agencies and as such they are undesired. According to the research results, almost two thirds of respondents (61.4%) believe that donor agencies have a key influence on civil society, whereas only approximately 16% of respondents do not agree with that opinion. Graph 50.

¹²¹ Focus group with representatives of the civil sector, 9 Feb. 2021

Graph 50. NGOs are under the influence of donors

This is a sufficiently high percentage to say it is a prevalent opinion among respondents. An entirely different, and at the same time very complex question is if such perception is a stereotype. To have an objective opinion it is necessary that respondents understand the concept (at least basic) of non-profit activities, the concept of donor engagement and, what is even more complex, possible conflicting interests between donor agencies on the one hand and the society and the state (i. e. political organizations) on the other. Whether the respondents actually did have that level of knowledge was not the object of the research. Although that topic is still being discussed in expert and academic circles, it can be assumed that citizens could not have had a sufficient insight and understanding of those complex concepts, and it can, without reserves, be concluded that this qualification of civil society activities contains elements of a generalized and simplified opinion, which is by definition an assumption of the existence of a stereotype.

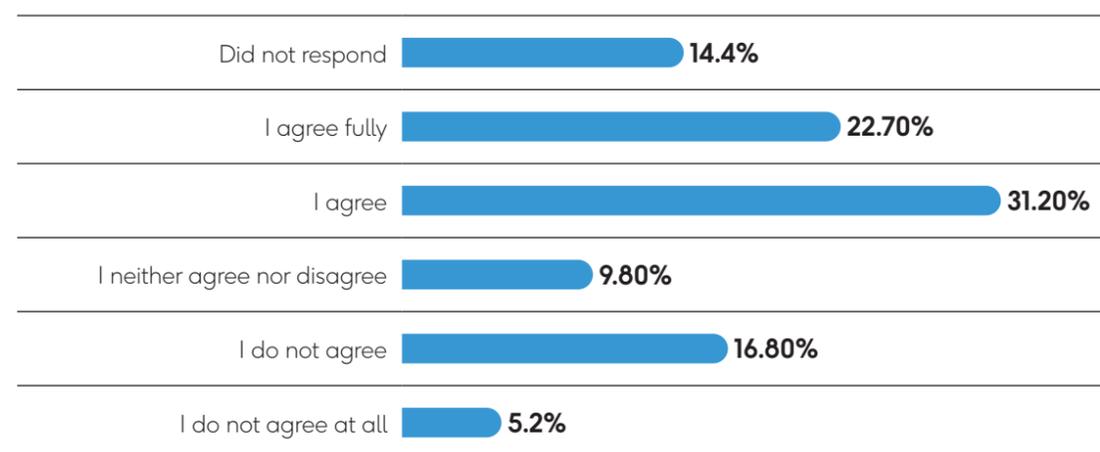
Of course, the reality is that donor agencies do determine topics to be addressed by civil society and the focus of NGOs onto donor agenda cannot be denied as, it is already mentioned, a vast majority of them operate as non-profit making associations.¹²² Nevertheless, the process of setting the priorities within donors' agenda in a significant number of cases envisages a participatory element, i. e., it implies at least a basic level consultations with representatives of the society (political and civil). Therefore, the donors' agenda could reflect to some extent actual interests of citizens (to the extent in which the consulted representatives of the society, frequently NGOs, present it). However, realistic grounds for the assumption that donors dictate the agenda to civil society organizations is confirmed by the very civil society representatives who as one of the biggest challenges in their work identify "how to impose social processes and priorities they identified to donors."¹²³ Finally, irrespectively whether the opinion of citizens on this issue determined in this research is of a stereotypical character or not, its analytical value can be exploited, since the results indicate a tangible caution and/or nonconfidence of citizens in civil society organizations active in the Serb communities.

¹²² Therefore, fully relying on donations as the only source of funding. Author's note.

¹²³ Ibid

Another prejudice citizens nurture against NGOs, exceeding 50% (based on which it could be said it is a prevalent opinion) is the percentage of those who agree (and fully agree) with the statement that NGOs primarily serve the interests of its employees (an assumption that personal interests are above public interests - author's note). This opinion, with a higher or lower degree of confidence, is shared by 54% of respondents, and similarly as in the previous case, only slightly above 29% of respondents do not agree with the statement.

Graph 51. NGOs serve personal interests of their employees



In this case it is more difficult to say is this a stereotype, as the formulation of the question does not make distinction between the interests of employees (salary, social affirmation etc.) and interests in the focus of the organization they represent (with which employees objectively may identify). Those interests are not necessarily conflicting as determination of one organization to protect public interest with more focus and efforts can result with its great recognition among those donor agencies aiming to achieve a true impact on society through their programs. In that sense, such recognizability also results in greater support of donors and indirectly enables continuity of human resources, scope of interventions etc., therefore in indirect realization of interests of employees. The conclusion is that the interest of those employed in NGOs is not necessarily a negative societal value, although is seen as such by citizens, as it could (and should) lead to a more dedicated work on the fulfilment of the objectives of organization.

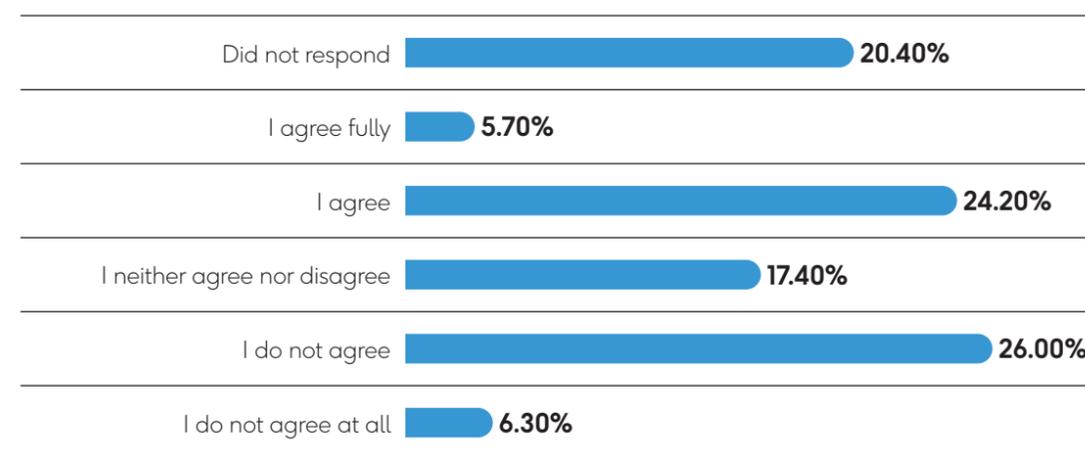
Using that logic (indirect causality), this result is explained in the qualitative part of the research within focus groups¹²⁴. Participants express an opinion that non-governmental organizations do not serve sufficiently general interests of the community despite "obviously large space"¹²⁵ they were given in public discourse. This view is maybe best explained by a focus group member claiming that he got an impression that leaders of NGOs in their public addresses "try harder not to say something that would not be taken well by donors than to say what needs to be said".¹²⁶ In other words, focus group participants that NGOs perceive as prioritizing their own interests instead of public interests. This conclusion is supported by the results of the respondents to the questions: "Do you believe that NGOs protect the interests of citizens?", showing that 32.3% of respondents (one third) believe that NGOs do not work in their interest, as opposed to 29.2% of respondents believing that the interest of citizens is the priority of civil society organizations.

¹²⁴ Report on a focus group with citizens, 8 Feb. 2021

¹²⁵ Report on a focus group, Mitrovica North, Feb. 2021, conclusions

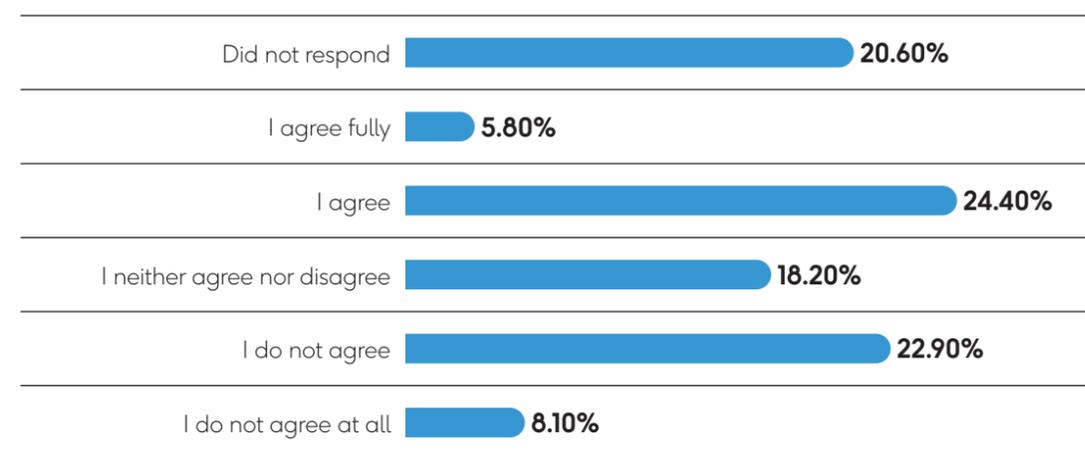
¹²⁶ Ibid

Graph 52. NGOs protect interests of citizens



A similar, almost symmetric distribution of answers of respondents is determined when asked on their opinion on transparency in the work of NGOs. The results show that almost one third of respondents (31%) believe that NGOs are not transparent in their work, while a somewhat lower percentage (30.2%) of them believe they are.

Graph 53. NGOs are transparent in their work



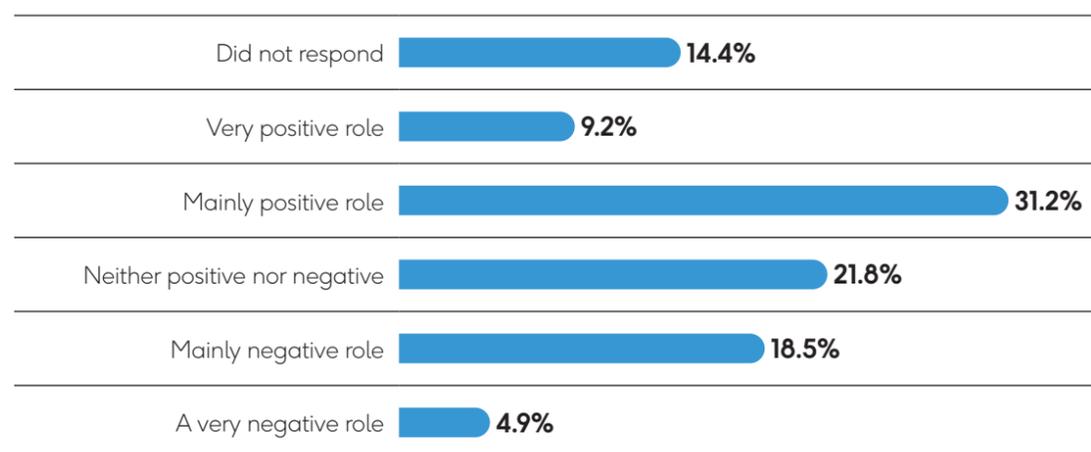
Again, it seems that this results indicate a deficiencies in communication of NGOs with the community, which is perhaps one of the most conclusive impressions of this part of the research – the need for creation of a more comprehensive link between the work or organizations and social interests as a key to a stronger support of citizens. The problem imposes the responsibility of organizations to base their activities on objectively defined interests of citizens and requires a strategic determination of NGOs to build robust consulting mechanisms with citizens and embed them in protocols in project preparations, as well as taking other steps toward getting closer to citizens.

This leads us to the most important question in analysis of the work of civil society organizations in the Serb community in Kosovo, and this is to what extent citizens perceive NGOs as representatives of their own interests. The research asks the citizens a straightforward question: "What is, in your opinion, the role of civil

society organizations in representing and advocating interests of the Serb community in Kosovo?" The results were, due to their importance, interpreted in consultations with civil society representatives from the north of Kosovo (gathered in an expert focus group).¹²⁷

According to the results of the 2020 OPEN research, only slightly less than 10% of respondents (9.2%) express an unequivocal opinion that NGOs play an important (constructive¹²⁸) role in advocating interests of the Serb community. That is, one out of ten respondents (Graph 54).

Graph 54. The role of NGOs in representing and advocating interests of the Serb community



A significantly higher percentage of respondents (31.2%) believe that this role is (in principle) positive, but the selection of the qualification "mainly (positive)" among the offered answers implies opinion that there is certain space for its improvement¹²⁹.

The qualification a "mainly negative role" of the civil society was the option for 18.4% of respondents, expressing an opinion that they see positive steps, although, in principle, they believe that the role of civil society in safeguarding the interests of the Serb community is negative (unconstructive¹³⁰). In the qualitative part of the research this formulation is interpreted as a position of a part of citizens that interests represented by civil society organizations are not always the interests seen by citizens as their priority.¹³¹ Only slightly below 5% of respondents have no doubt that NGOs have an exclusively negative role in representing the interests of Kosovo Serbs.

In interpretation of these answers it is very important to mention that more than a third of respondents (36.2%) did not answer this question or did not express their view. In the similar studies, this part of the sample is usually disregarded in the analysis. However, this time can be indicative to the study itself, since one of possible reasons for not answering could be insufficient information to express their views. To elaborate, if one third of citizens did not have sufficient information to answer that question, that indirectly implies deficiencies in the work of civil society organizations as they are obliged to reach citizens whose interests they represent. In that sense, the size of the sample refraining from answering the question does have an analytical value.

¹²⁷ Focus group – representatives of NGOs. Report, p. 3

¹²⁸ Ibid, interpretation of representatives of NGOs

¹²⁹ Ibid

¹³⁰ Ibid

¹³¹ Additional consultations for clarifications. Interviews with CSO leaders from the Serb community in Kosovo. OPEN 2020

Generally such results make it difficult to draw an unequivocal conclusion. A simple numerical analysis could support the claim that citizens believe that NGOs work in their interest, but it is not determinative. Maybe the best way to come to some reliable conclusions is to analyze the role of NGOs and confidence in their work within a broader social context, by comparing them to the level of confidence citizens demonstrate toward other social actors that, in one or the other way, play a role in protecting their interests. An attempt to do that is presented in Table 2. The table shows that NGOs, according to their rating and taking into account ratings of other social actors, are at the bottom of the scale, with only 29.3% of respondents having trust in the activities of civil society.

Table 2. To what extent do you have confidence in the following institutions in Kosovo?

	1	2	3	4	5	Stated confidence
Serbian Orthodox Church	3,5	3,1	4,1	33,6	55	88,6
Authorities in Belgrade	10,5	20,1	10,9	40,3	17,7	58
Serb political parties	16,1	25,3	13,9	34,4	8,7	43,1
Media	13,1	26,6	22,7	32,6	4,3	36,9
NGOs	13,8	22,4	27,6	25,5	3,8	29,3
Local self-government in Kosovo	26,8	31	14,2	16,8	3,8	20,6

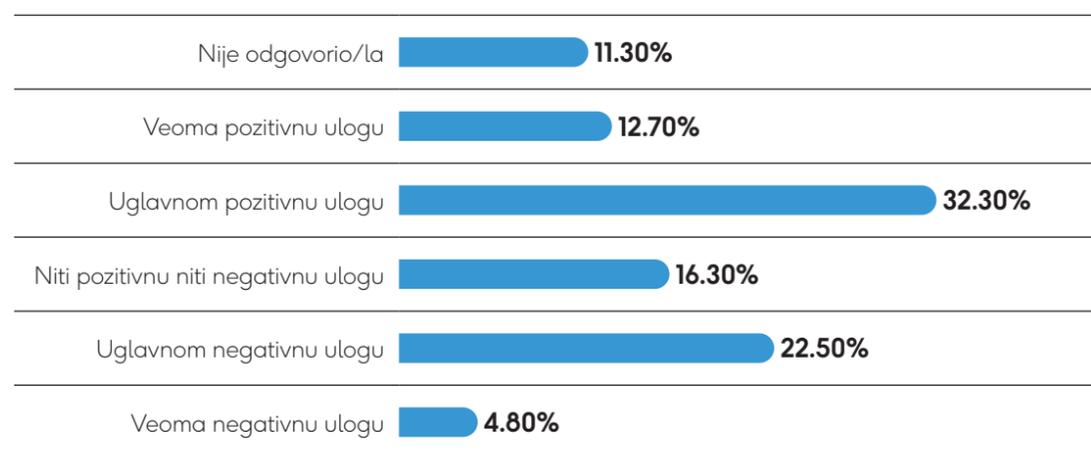
1 - I do not have at all; 2 - I mainly do not have; 3 - I neither have nor do not have;

4 - I mainly have; 5 - I have full confidence; **expressed confidence** (the total of "I mainly have" and "I have full confidence"). Values are expressed in %.

Less confidence than in CSO, citizens express only toward local self-governments (20.6). It is very interesting to see that confidence level toward NGOs is significantly lower than the one in political parties. These results are credible given the fact that citizens have an insight in the work of NGOs mainly based on the local context where opportunities to get information on the work of CSO or/and even gain personally familiarity civil society actors, is much greater¹³² From that perspective, the results constitute a serious warning to civil society organizations in Serb communities in Kosovo on the level of confidence they enjoy in this community.

One of the rare encouraging conclusions of the study is that citizens reveal significant understanding for specific roles CSOs have in the given context of the Kosovo Serb community. A significant percentage of respondents (almost 45%) believe that CSOs have a positive role in promoting the civil society agenda or matters of importance for citizens that are neglected by political representatives of Kosovo Serbs.

¹³² NSI/FDMC – Civil society organizations in the Serb community in Kosovo: between perception and representations. A quote: "As stated by one of the focus group participants, "Those organizations won my confidence after I participated in workshops, discussions and saw that they actually do something and are genuinely dedicated to that".

Graph 55. Representing and advocating interests that political parties neglect

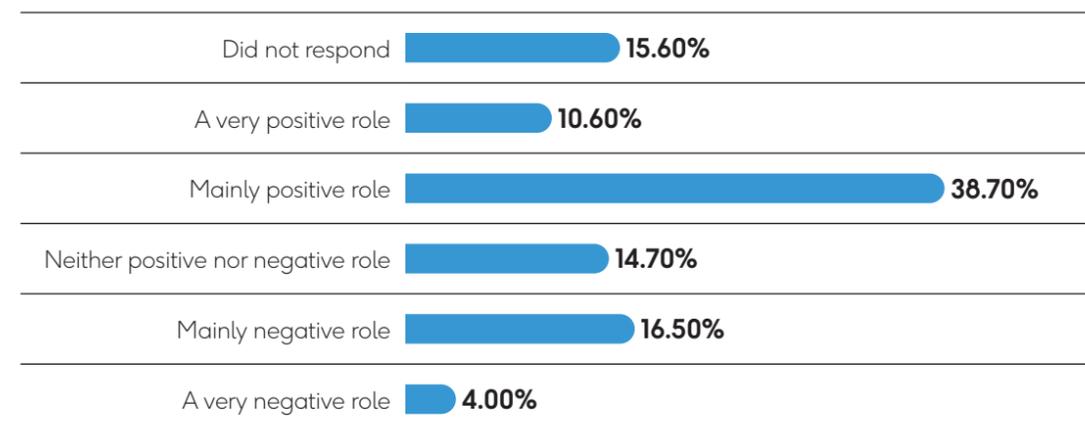
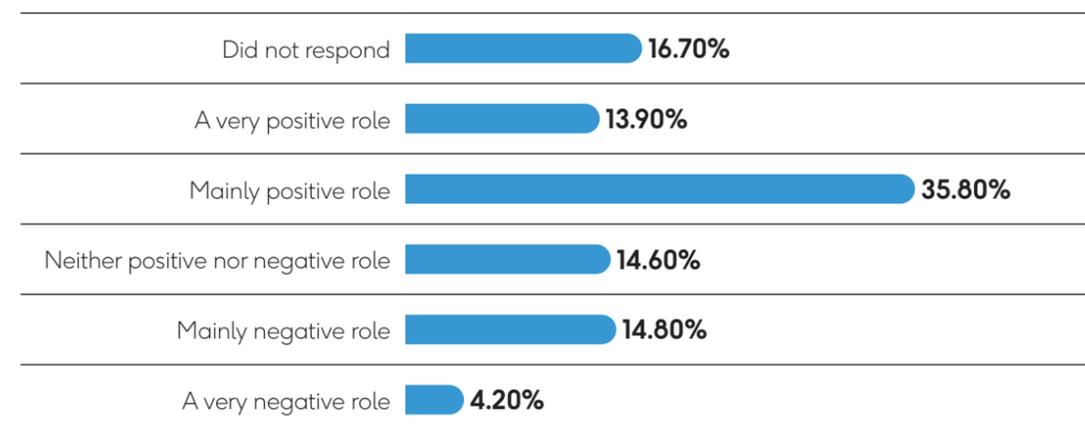
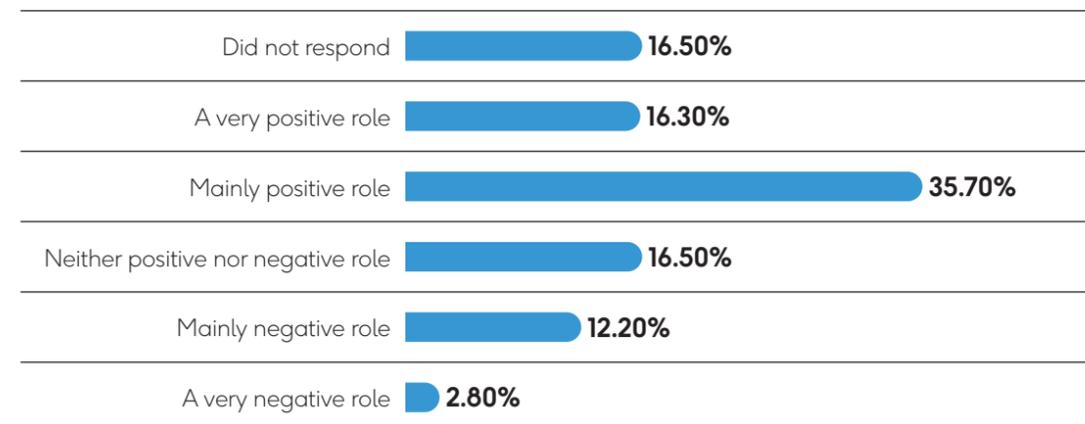
A similar conclusion is drawn by the authors of the research *Civil society organizations in the Serb community in Kosovo: between perceptions and presentations*. NSI and FDMC, who attribute to the work of civil society organizations a credits for nominations of certain, for the community extremely important, topics¹³³.

Such a recognition of the role and results of the CSOs is even more important given the fact that the environment in which CSOs work unfolds is not always benevolent toward civic intervention. Civic action alerting omissions of political representatives are often interpreted as criticism, instigating the response in a form of various pressures. This includes defamation of NGOs and their leaders in the public¹³⁴, pressures on donors, even threats and intimidation of civil society activists.

The research also shows that a significant number of respondents see the involvement of NGOs in the Serb community in Kosovo positively in addressing topics constituting a traditional CSO agenda, that is, promotion social dialogue, protection of human rights and promotion of social tolerance. In each of these questions (more or less) half of respondents claim that civil society organizations plays a positive role. (Graphs 56, 57, 58)

¹³³ NSI FDMC: *Civil society organizations in the Serb community in Kosovo: between perception and representations*. A quote: "As several representatives note, thanks to civil society organizations some important issues came on the agenda of public discussions and got attention internationally". p. 18

¹³⁴ <https://www.kosovo-online.com/vesti/politika/srpska-lista-lokalni-samozvani-analiticari-ne-poseduju-elementarno-poznavanje>

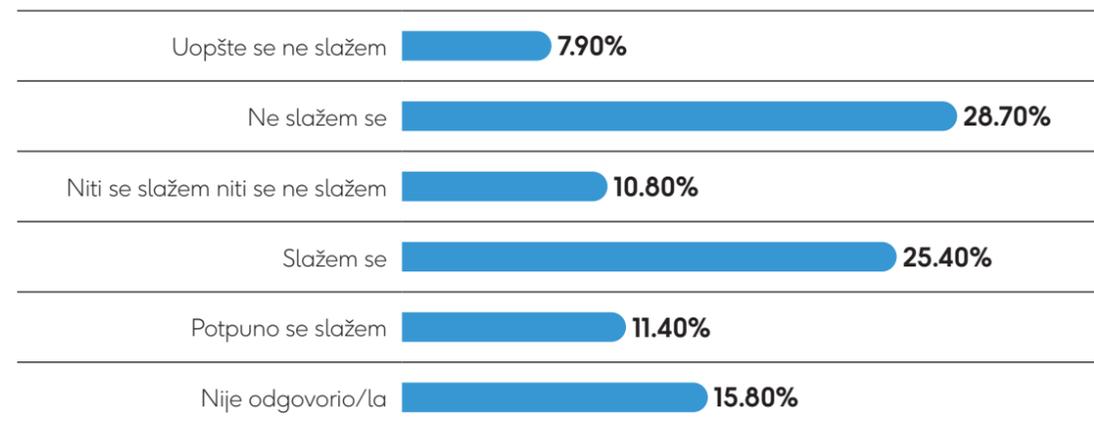
Graph 56. The role of NGOs in the promotion of dialogue and freedom of speech in Kosovo**Graph 57.** The role of NGOs in the protection of human and civic rights in Kosovo**Graph 58.** The role of NGOs in the promotion of a tolerant and democratic society in Kosovo

2.2.4 The impact of political parties on the work of civil society organizations

The question of the impact of political parties on the CSO activities or, more precisely, the perception of citizens of their synchronized actions is analyzed in a separate part for several reasons. Firstly, that is an extremely complex issue even within developed western democracies where civil society organizations instigate a far greater impact on the creation of public policies or legislative framework, which is the process inevitably implying a certain form of partnership with political representatives. Secondly, in the context of the civil society in Kosovo, this statement, as it will be seen, is not necessarily ungrounded (thus stereotype). The results are as follows:

According to the 2020 OPEN research, a slightly more than one third of respondents believe that NGOs that are active in their community are under the influence of political parties. As much as 36.8% of respondents agree (or agree fully) with this statement. (Graph 59). Almost identical percentage of respondents, i. e. 35.6%, do not agree with such qualifications.

Graph 59. Do you agree with the following statement: non-governmental organizations are under the influence of political parties?



Graph 59 –

A simple interpretation is that the opinion is divided, but given all previous results, these percentages tell that the credibility of CSOs in Serb communities is additionally burdened with the perceptions of political affiliations of civil society leaders/organizations. What is the essence of such perception?

The authors of the report *Civil society organizations in the Serb community in Kosovo: between perceptions and presentation*, NSI and FDMC, based on the interviews done within the qualitative part of the research, claim that a great number of politicians from the Serb community in Kosovo made their first steps through involvement in the civil sector¹³⁵. Therefore, politicians not only have a better insight in the work of civil society organizations, but also use knowledge and skills they acquired in the civil sector in which they were active.

¹³⁵ NSI and FDMC, *Civil society organizations in the Serb community in Kosovo: between perceptions and presentation*, p. 15

This can only partially explain the finding in the report why more than one third of respondents believe that political parties have a strong influence on civil society. As already said, the question is much more complex.

First of all, in the context of the role of CSOs as an instance controlling and overseeing the work of institutions, activities at that level necessarily lead to taking position toward the efforts of political representatives in the protection of interests of citizens. Such positions may be either critical or supportive of the policies pursued by the elected political representatives. In either case it could arouse suspicion among citizens in political affiliations of civil society organizations.

A similar effect is generated through NGO work on policy level that supplement/amend the applicable legislation with an aim of a better protection of interests of citizens. Such work necessarily implies an advocating interaction between NGOs and decision-makers, again representatives of political parties. And such interaction bears a potential of both positive and negative perception among citizens.

Finally, political representatives are natural partners of CSOs, particularly in development initiatives, when civil society intervention needs to be supported by the elected political representatives at the local or central level, e. g. infrastructure, social services etc. The success of such collaboration should not, but regrettably, to great extent, depend on evaluation whether the particular NGO is critical of the authorities or not (which is a frequent cause of self-censorship among NGOs - author's note).

So, if the results of the question "Do political parties have influence on the work of civil society organizations?" are observed in the context of the Serbian society in Kosovo, it could even be concluded that the percentage is surprisingly low. However, this research offers insufficient information to draw reliable conclusions, nor is there available external information based on which the nature of interaction between NGOs and politicians could be determined, more precisely are these interactions built upon the best interests of citizens or the interest of political parties.

The issue is exceptionally complex and deserves a special research focus which this research lacks. For the needs of this study, it is important to acknowledge that citizens, to a significant extent, believe that political parties pursue part of their interests through civil society activities. Such perception has a negative impact on the credibility of civil society and thus on its potency to mobilize the community for civil society initiatives. And that is exactly what the objective of the research was, to investigate the willingness of citizens to actively participate in socio-political processes (participation as a characteristic of an open society).

2.2.4 Conclusions

After all analyses, results, consultations in preparation of this report, the most of readers would probably agree with the conclusion that the civil sector in the Serb community in Kosovo is very fragmented, alienated from the society it represents, existentially dependent on donor support, to some extent "flirting" with politicians, lacking courage, vision, capacities and so on. However, although true, that is at the same time a too simplified view because it neglects actual circumstances posing a heavy burden and obstacles to civil society and its activities. These include inter-ethnic animosities, shortage of democratic practices at the local level, shortage of personnel and many more objectively limiting factors. It is also obvious that there is certain progress in the work of CSOs in the Serb communities in Kosovo and that citizens recognize that, particularly in the part of NGO activities seen as a traditional "civil society agenda" (human rights, reconciliation, needs of citizens ignored by institutions). If a single opinion is to be drawn to summarize all the results from this report, maybe it could be that **civil society organizations have won the attention of citizens, but not their confidence yet**. To rectify this much more involvement, quality and responsibility in the work of civil society

organizations in the Serb community in Kosovo are required. Some of these shortcomings (and steps to be taken to remedy them) can be found in the conclusions (or recommendations) in this section of the report

Civil society organizations representing the Serb community in Kosovo enjoys insufficient trust among the citizens.

The results reveal that the confidence of citizens in the work of NGOs is at a low level, while among its numerous causes, there is one with the most serious consequences – a great number respondents in this study believe that CSOs from the Serb community do not represent their genuine interests, meaning lacking the quality of representativeness. What does this mean in reality? The way in which citizens observe and perceive civil society is an important indicator of the ability/readiness of the society to get involved in the achievement of positive changes. Thus, this is not only a question of validation of the work of civil society nor exclusively the question of the reputation of NGOs among those whose interests they represent. To a much greater extent those perceptions present an indicator of the potency of CSOs to mobilize citizens in initiatives that bring about changes in the society and, due to this mobilization ability, to be recognized by decision-makers as a legitimate catalyst of social interests (and thus win their attention and collaboration). Lack of representation capacity reduces the ability of civil society organizations to generate changes in society. To rectify this, NGOs from the Serb communities in Kosovo need to develop a strategic approach in which citizens will have an important role at all levels of civil society activism, from building robust consulting mechanisms with the community aimed at defining their interests/problems to drafting and advocating solutions before among decision-makers.

Civil society organizations do not have sufficient influence on designing agendas of the biggest donor agencies in Kosovo.

The responsibility rests on civil society organizations to translate (nominate) the identified social interest into the interest of donor agencies through active advocacy. To that end it is necessary to utilize the existing consultative mechanisms (EU progress report, e. g.), as well as to design new ones targeting the biggest donor agencies in Kosovo. The higher the extent in which the donor involvement overlaps with the genuine needs of the Serb community, the more recognizable the NGO will be as a social actor working in the interest of the community. That would additionally increase the confidence of citizens in NGOs carrying out activities in the Serb communities.

Current models of communication of NGOs with the community have not yielded results.

A great number of respondents in this study directly or indirectly indicates that there is not sufficient information on the activities of civil society organizations. Based on that, CSO are seen as nontransparent, subordinated to personal interests or directed toward donor interests. The current methods and strategies of civil society communication are not adapted to the intended role of CSOs in a society, and that is protection of interests of citizens. More precisely, it seems that citizens are not primary target group in the communications of CSO operating in Kosovo Serb communities as there is no strategic approach taking into account some significant factors in this process (habits of citizens in their access to information, use of terminology citizens can identify with, combining traditional media with modern trends and so on). Instead, it seems that NGOs address predominantly the donor community, or a peer groups (in perpetual competitions among themselves).

Bilingualism by giving a personal example.

Another problem in the communication with NGOs in the Serb community is the lack of capacity in addressing the Albanian community in Kosovo and their political representatives, holding a mandate to introduce a vast number of changes the civic sector is advocating for. Additionally, bilingualism though a personal example is an extremely important gesture for credible involvement in the improvement of implementation of the Law on the Use of Language, which, as mentioned several times in this report, is a source of a great number of problems encountered by the Serb community in Kosovo.

Self-affirmation before citizens interests. This sounds like a sharp statement. Of course, the work of the most NGOs can be directly or indirectly, interpreted as pertaining to the community interest. This conclusion refers more to insufficient willingness of the civil society to put interests of citizens before personal animosities and through active collaboration with other CSOs from the Serb community achieve a synergic effect in advocating changes (increased pressure on decision-makers, greater focus of the public etc.). Currently, Serbian civil society in Kosovo looks extremely divided, polarized on all issues. A good example of that is the fact that at present there is no advocacy initiative that would gather all most influential CSOs. There are some fragments of assembly in which there is no animosity, or it can be controlled, but there is no single approach. In the essence of that division, although it is manifested as a value judgement (they are bad, we are better) is a struggle for funds.

Internal capacities of the Serbian civil society do not correspond to the complexity of issues they deal with.

It is very difficult to answer the question: What are the specific results of the work of CSOs in the past 20 years? What specific benefits have citizens had from that? If we exclude NGOs involved in the provision of social service to the most vulnerable social groups, there are very few accomplishments of NGOs that could be singled out. There have not been amendments to the laws which rectified legislative shortages, elementary issues of observance of language rights have not been resolved, Serbs and Albanians reconciled only at the civil society level, and citizens still encounter problems in obtaining documents, repossessing their property, living as equal and dignified citizens. Problems of NGOs protecting the interests of the Serbs are of very complex legal, political and sociological nature. To produce concrete results, NGOs have to build strong internal capacities and expert potential. However, that is very difficult with given migration trends, quality of education and absence of structural approach in building human resources of civil society. Individuals with capabilities to identify authentic ideas and solutions are leaving Kosovo in increasing numbers or go to more lucrative sectors (politics, state sector, international organizations). NGOs are facing continuous problems in their efforts to achieve personnel stability, creation and maintenance of institutional knowledge, expert contributions in creating solutions etc. All mentioned has an immense impact on their capability to contribute to tangible changes in the lives of people whose interests they represent.

And lastly, there is one rather unusual conclusion. In the quest for additional sources (desk research), the authors of the report faced an immense shortage of information on civil society organizations operating in Kosovo Serb communities. If exists at all, this data can be found at the margins of reports focusing on Albanian NGOs. There are no focused analyses of the situation and characteristics of the Serbian civil sector in Kosovo. In that sense, this report and 2020 OPEN Initiative may be a significant incentive for future studies and encourage additional research efforts on this matter.

2.3 Freedom of Political association and political pluralism in the serb community in kosovo

2.3.1 The concept of political freedoms

Functional democracy is inconceivable without its characteristic, inherent value – political freedoms. Generally speaking, political freedoms can be described as a set of freedoms and rights enabling citizen participation in political processes including free voting in legitimate elections, free from any coercion or repression of whatever form. In the legal systems of democratic countries, political freedoms are embedded in the supreme legal act, constitution, and they are implemented and protected by a set of legal provisions defining, guaranteeing or defending equitable conditions under which citizens participate in political life: freedom of association, freedom of assembly and freedom of speech and expression, freedom of media, freedom of choice etc.

The international law defines political freedoms primarily through the Universal Declaration of Human Rights (included in the first set of freedoms previously referred to) and in the International Covenant on Civil and Political Rights (ICCPR). These two international instruments are embedded in the Kosovo legal system pursuant to Article 22 of the Constitution¹³⁶ defining direct implementation of international agreements and guaranteeing their prevalence¹³⁷ over all legal provisions and acts of public institutions.

2.3.2 Participation of the Serb community in the political and institutional system of Kosovo – the context

Similarly to the legal regulations defining and, at least by the letter of the law, protecting other rights and freedoms of the Serb community in Kosovo, the legal framework defining and enabling the participation of the Kosovo Serbs in the political system is affirmative. Kosovo Serbs are granted a broader spectrum of

¹³⁶ Article 22: Direct implementation of treaties and instruments, (paragraphs 1 and 3)
<http://www.kryeministri-ks.net/repository/docs/Constitution1Kosovo.pdf>

¹³⁷ Ibid

liberties and rights in political activities within the legal system, including the mechanism protecting the Serb community from majorization, i. e. from a dictatorship of the majority by mere vote preponderance. The Serb community, according to the Constitution, holds 10 reserved seats in the parliament, at least one ministerial post in the government, at least two vice minister posts, and positions in the consultative mechanisms within the office of Prime Minister and President of Kosovo etc. Also, there is an extremely important mechanism, for the Serb community (as well as other non-majority communities), that a double majority system in the parliament, efficiently protecting amendments of legislation (including the constitution) of importance for non-majority communities.¹³⁸ In addition to that, constitutional solutions guarantee non-majority communities equitable participation in public life¹³⁹, a constitutional principle reflected on a wide spectrum of legal solutions protecting the freedom of informing, freedom of media, freedom of expression, freedom of political association etc. of the Serb community in Kosovo. As it is already mentioned so many times in the report, the legal framework is affirmative but the rights of citizens are nevertheless endangered.

However, unlike other rights and freedoms addressed in the report, where inconsistent implementation (or restriction) rooted in non-affirmative approaches of the central government, the situation, concerning political freedoms, is completely different. This time, discriminatory practices, as it will be seen, to a great extent are inflicted by political and institutional actors within the Serb community, whereas Albanian institutions demonstrate to some extent responsibility in the implementation of the legal framework and a proactive approach in encouraging members of the Serb community to participate in the political life in Kosovo. Why is that?

The participation in the political processes based within the Kosovo legal system, for a long time was stigmatized in the Serb community in Kosovo, implying that participation in Kosovo institutions or election processes meant an explicit recognition of Kosovo independence and act of treason of state interests. A small number of parties, mainly from the Serb communities south of the river Ibar which, despite such recommendation took place in the political processes in Kosovo, was heavily criticized and placed under massive pressure from the authorities in the Republic of Serbia as well as political leaders from the politically more coherent north of Kosovo. That have reflected on the representational legitimacy of those parties and political movements, who occupied institutional positions through election processes in which, in occasions, participated less than 10 % of the registered voters¹⁴⁰ with a complete boycott of elections in the north of Kosovo.

The support to the Kosovo Serbs coming from Belgrade was always a decisive factor determining their political engagement in Kosovo. Although in the Kosovo public interpreted as instrumentalization, these ties in most of the cases are not imposed, but rather an expression of ethnic cohesion. It is the fact that Kosovo Serbs deem themselves to be an integral part of the Serbian social, cultural and political institutional space, from which, they believe, were taken out, against their will in 1999. In that sense, a synchronized political action with Belgrade has always been a basis of the political strategy of the Kosovo Serbs no matter which political option had majority in the Government of the Republic of Serbia. Such socio-political homogeneity was not only reflected on political strategies, but, and that will be dealt with in more detail in other part of the report, it had a decisive influence on democratic character of inter-Serbian relations in Kosovo, projecting democratic practices and trends from Serbia on the Serb communities in Kosovo.¹⁴¹ A similar conclusion is given by the authors of the report **Political parties of Kosovo Serbs in the political system of Kosovo: from**

¹³⁸ See section: Rights of non-majority communities in this report.

¹³⁹ Ibid

¹⁴⁰ <https://www.dw.com/sr/sumnje-u-pobedu-sls-na-kosovu/a-6323674>

¹⁴¹ "The existence or nonexistence of pluralism in Belgrade also reflected on the Kosovo Serbs, and in the period when the political and party system in Serbia was pronouncedly pluralist, from 2000 until 2014, there was a certain degree of pluralism among Kosovo Serbs." Ibid, *Political parties of the Kosovo Serbs in the political system of Kosovo: from pluralism to monism*, p. 12

pluralism to monism. New Social Initiative and Media Centre, defining the relations between Belgrade and Kosovo Serbs as interwoven in historical, demographical, economic-political and security terms.¹⁴²

Those who understand the cohesiveness and homogeneity of the Kosovo Serb community and Serbian society in Serbia will also understand that active and actual participation of the Kosovo Serbs in the political life in Kosovo has never been possible without an approval and support from Belgrade. In the situation in which the official Belgrade did not approve participation in the political life of Kosovo it was not realistic to expect the Kosovo Serb community to act differently. Belgrade opposed such involvement from the end of the conflict in 1999 until 2012 (with an exception, the participation of the *Povratak* Coalition in the 2001 elections).

However, the circumstances changed in 2012, when the Serbian Progressive Party came to power in the Republic of Serbia and with the launch of the Brussels Dialogue between Pristina and Belgrade in 2013. The beginning of negotiations with Pristina meant a decisive change in the policy of Belgrade toward Pristina as the primary goal of that political process was reaching agreement on solutions that would pave the way to a full integration of the Serbs in the Kosovo constitutional and legal system. The first agreement on the principles regulating normalization of relations signed by the former Prime Minister Ivica Dačić and President of the Government of Kosovo Hashim Taçi eliminated the biggest dilemma in this process by determining the principle legal system authority in Kosovo.¹⁴³ More precisely, the agreement confirmed the Kosovo legal system as the only relevant, within which the Kosovo Serbs would act institutionally and exercise their rights. From the perspective of Belgrade the agreement delegitimizes institutions of the Republic of Serbia in Kosovo (the "parallel institutions"), but also provided space for de-stigmatization of the participation of Kosovo Serbs in institutions within the legal and constitutional system of Kosovo. This agreement meant the beginning of a process of full integration of Kosovo Serbs into the constitutional and legal system of Kosovo.

At the very beginning of the process it was necessary to create "conditions on the field", more precisely, to win the support of Kosovo Serbs. The importance of such support was invaluable for Belgrade, not only because of the validation of legitimacy of the new policy by the Serbs, but also for legitimization of Belgrade position in the EU-led negotiations. To put it in the simplest terms, Belgrade needed people who would implement the signed agreement. It was not easy to achieve that, since after so many years of a strong resistance to integration by the Kosovo Serbs and proliferation of the nomenclature endorsing position¹⁴⁴ Belgrade at that moment had not had the support of the leading political figures among the Kosovo Serbs. For that reason Belgrade turned to creating a new political elite of the Kosovo Serbs, the elite it would have full control of and through which it would make a significant impact on developments in the Serb community. That way and for that purpose *Srpska lista* was created.

2.3.3 Freedom of political association and action in the Kosovo Serb community – perception of citizens

The need of the official Belgrade to practice full control over political processes on the ground had a decisive impact on the quality of political freedoms within the Kosovo Serb community. To that end, the involvement of Belgrade was not limited only to creation of a puppet political infrastructure which would guarantee

142 Ibid. p. 9

143 The First Agreement on principles regulating the normalization of relations, 2013, item 2: *Legal guarantees shall be provided for positive and constitutional regulations*; <http://www.kim.gov.rs/p03.php>

144 The so-called hardliners, author's note.

the implementation of the agreement, but Belgrade expected legitimization of its new policy toward Kosovo within the Serbian society and the political spectrum in Serbia. The most important step to achieve that was a demonstration of the support to the new policy of Belgrade by the Kosovo Serb community, that being perceived as the most credible indicator of the appropriateness of that politics.

At the very beginning of the process there were difficulties. Residual voices from the Serb community who opposed the new position of Belgrade (the beginning of negotiations) were still very strong and, most importantly, they were given full attention in Serbia despite their parent parties slipping into opposition. It was clear that Belgrade needed to marginalize those voices in order to control the process. The principal tactics of Belgrade, i. e. of the Serbian Progressive Party, was to monopolize the political spectrum of the Kosovo Serbs or, in other words, to reduce it to a single political option, *Srpska lista*, which had at its disposal all state and party resources, including a mass support of media controlled by the authorities in Serbia. Such preferential treatment given by Belgrade to only one political option is referred to, in the report **Political parties of the Kosovo Serbs in the political system of Kosovo**. New Social Initiative and Media Center Čaglavica. The authors argue that the official Belgrade "was openly taking the side of only one political option, *Srpska lista*, for which it openly canvassed at all levels in elections."¹⁴⁵

Various tactics were employed toward those, not controlled political options within the Serb community. The first choice was always to absorb into *Srpska lista* all those individuals or political organizations hinting openness to collaboration. If political leaders resisted absorption, the following step was their full marginalization. In the process of marginalization of political opponents, i.e. promotion of *Srpska lista* as an absolutely dominant political option among the Kosovo Serbs, various methods were employed, those allowed in partisan competition in democratic societies, as well as those that had elements of discrimination of individuals or political groups, including defamation tactics in the Serbian public, discreditation, and other forms of pressures.^{146 147 148 149 150 151}

In the research **Political parties of the Kosovo Serbs in the political system of Kosovo** within the OPEN initiative, New Social Initiative and Media Center, the authors restate that opposition and independent political options in the Serb community in Kosovo were exposed to various forms of pressures.¹⁵² They quote statements from interviews with representatives of opposition parties, among which is that of a member of Progressive Democratic Party: „any attempt of organizing is followed by direct threats and conditioning of any individual wishing to go in for politics.”¹⁵³ The authors state in their research that the „political parties in power and their representatives have an absolute control over employment in institutions and public enterprises, as well as appointing leadership in key public organizations.”¹⁵⁴

Establishment of the monopoly on employment in public institutions, both in those within the Kosovo system and in institutions in Kosovo still financed from the Budget of the Republic of Serbia, become a powerful

145 Ibid *Political parties of the Kosovo Serbs in the political system of Kosovo: from pluralism to monism*, p. 11

146 <https://www.danas.rs/politika/danas-dve-godine-od-spota-kojim-je-oliver-ivanovic-zigosan-kao-izdajnik/>

147 <https://www.danas.rs/politika/srpska-lista-trajkovic-se-deklarisao-na-cijoj-je-strani/>

148 <https://www.srbijadanas.com/vesti/info/za-cije-interese-i-za-koga-radi-rada-trajkovic-koja-je-govorila-na-protestu-simpatizera-i-lidera-2019-01-12>

149 <https://www.pink.rs/politika/86982/srpska-lista-jaksic-bi-da-se-domogne-fotelje-uz-pomoc-sukoba>

150 <https://www.facebook.com/leposavicsns/posts/3040276782747318/>

151 <https://insajder.net/sr/sajt/vazno/8428/>

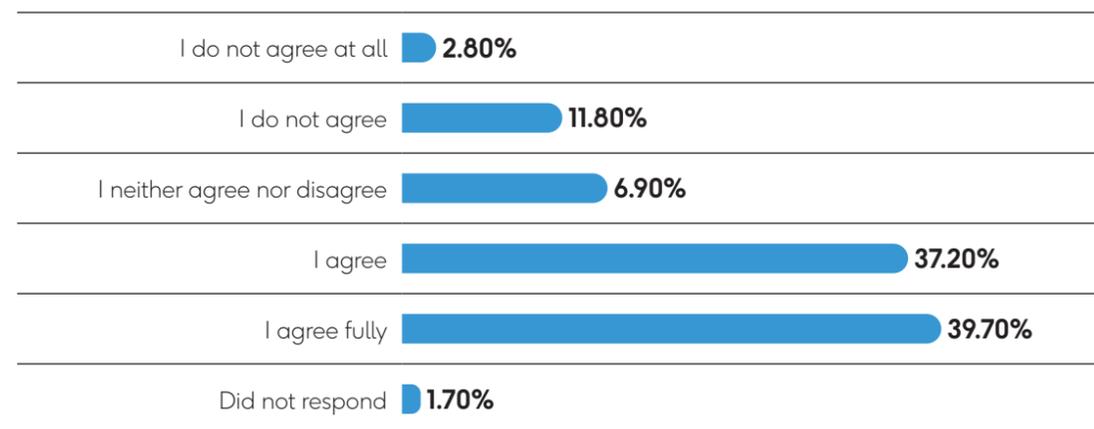
152 New Social Initiative and Media Center: *Political parties of Kosovo Serbs in the political system of Kosovo: from pluralism to monism* "opposition parties and their representatives were frequently exposed to serious pressures, which resulted either in their coopting, marginalization or withdrawal from politics", pr. 11

153 Quote: *Political parties of the Kosovo Serbs in the political system of Kosovo: from pluralism to monism*, p. 25

154 Ibid

tool of exerting influence on voters in the election process. Although a discriminating aspect of this practice is frequently contested with an argument that party selection of officials is a common practice not only in Kosovo, but in the region and developed democracies as well (the argument of greater competence in discharging public posts), the proportions this practice assumed in the Serb community in Kosovo, turned into tacitly accepted phenomenon and beyond any doubt confirmed the practice of treating public posts as "party loot". That is confirmed by the results of the 2020 OPEN research showing that almost four out of five respondents (77%) believe that the primary motive of joining political parties and other forms of party activism is exclusively getting employment.

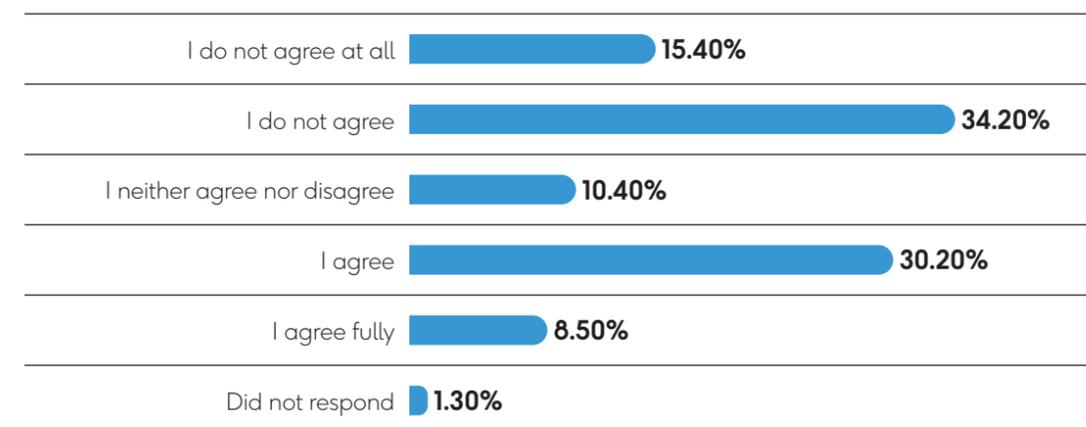
● **Graph 60.** Individuals join political parties mainly to get good jobs



Of course, in political activism the line between a legitimate political struggle and violation of rights of individuals is always and everywhere very thin. Is party employment a legitimate measure in managing institutions? Is the more than necessary unity of Kosovo Serbs in the struggle for their rights a justification for elimination of political pluralism? This and many other questions are subject to interpretations and their abstract nature create space for its abuse. That is, however, a topic to be dealt with in another study, while the focus in this research is predominantly on the effects of such policies and rights to freedoms of individuals. And study indicates that predominant effect of such practices is an almost **tangible fear** of all citizens of the Kosovo Serb community of their political representatives and consequently **defeatism**, i. e., the absence of ambition to make changes through political association.

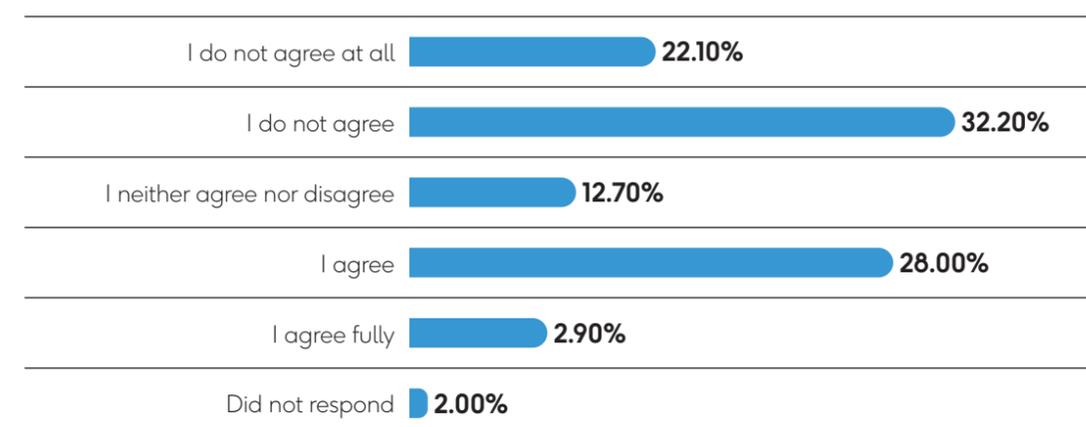
According to the results of the 2020 OPEN research, almost 40% of respondents believe one should refrain from stating opinion publicly because of the consequences it might have.

● **Graph 61.** One should refrain from stating his/her opinion publicly as one never knows if there will be consequences for that

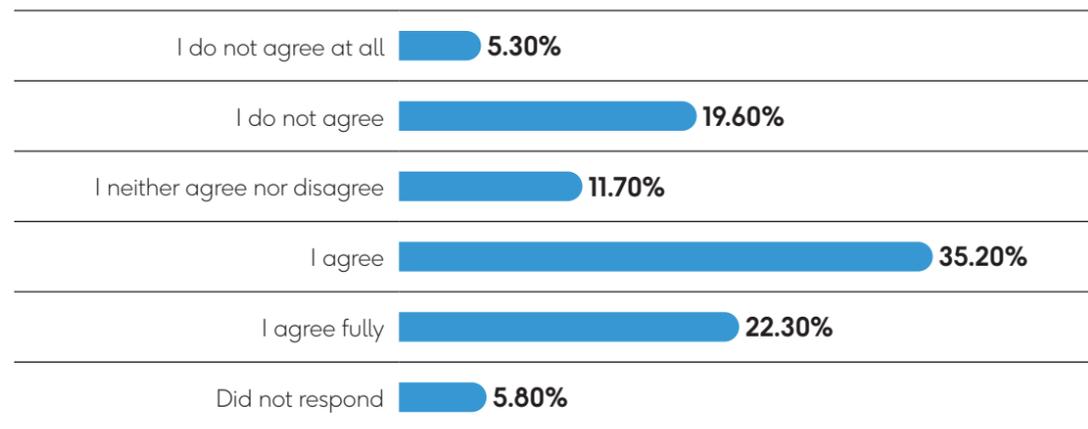


Almost one third of citizens (30.9%) in the Serb communities in Kosovo believe that the authorities must not be criticized out of fear of retaliation of political representatives (defined as: "those in power should not be opposed")

● **Graph 62.** The authorities and the powerful should not be opposed



And finally, almost 60% of respondents demonstrate defeatism and indifference for inclusion in political processes.

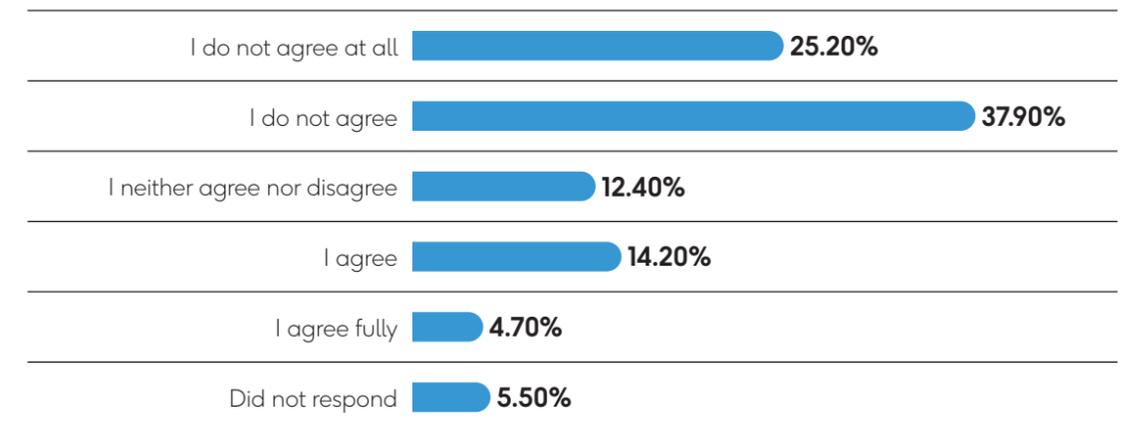
Graph 63. Whether I am politically active or not will not lead to changes in society

The authors of this research purposefully did not analyze the last three graphs by comparing positive and negative values (should be quiet / should not be quiet, should criticize / should not criticize...). Simply, the fact that 40% of citizens in the Kosovo Serb community fear to speak freely, 30% fear to criticize, and 60% of them have no hope that something might change within the Serbian community is sufficiently illustrative and worrying to blur it with comparative analysis.

2.3.4 Openness of political parties for the participation of citizens in the decision-making process

Political activism, as any other form of social engagement, feeds on diversity of ideas and their filtering through open social dialogue and some other forms of consultative interactions between citizens and political leaders. Participation of citizens in the decision-making process is omnipresent in modern democracies and is seen as its essential quality (i. e. a characteristic of an open society). Due to that there is a tendency to define the form and content of consultative processes through abiding laws, leaving as narrow as possible space to interpret these responsibilities as a gesture of good will of those occupying political posts.

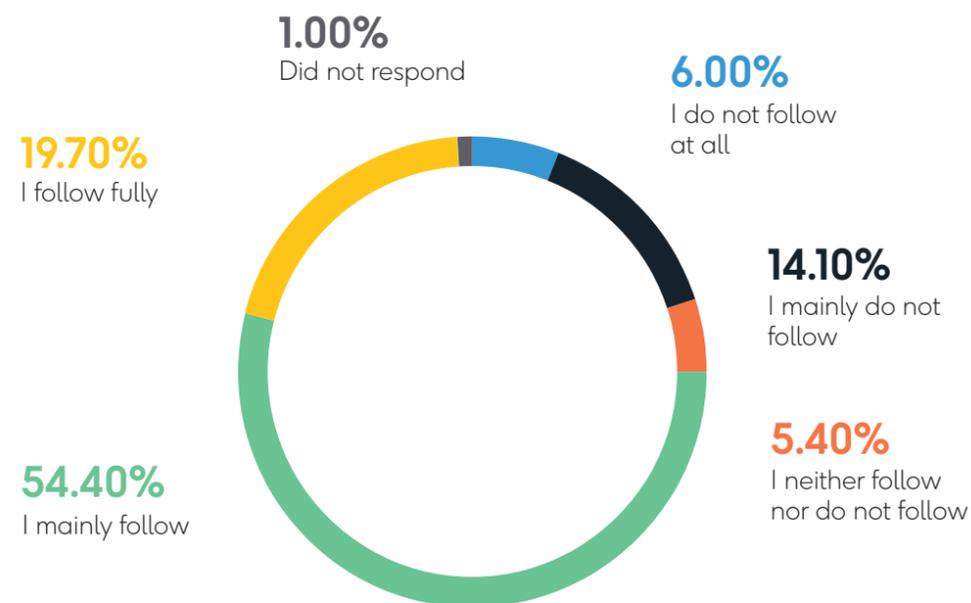
The existence and nourishment of the culture of pluralism in society is a precondition of a fundamental engagement of citizens in the decision-making process. This is manifested through principles of free expression and free association in the pursuance of own and/or social goals, i. e. interests. In the context of the Serb community in Kosovo, it is seen that the existence of social pluralism is not only questionable, but the research undoubtedly shows that there are organized and structural efforts in imposing a monopoly in the political and institutional representation of the Serbs in Kosovo. Methods employed to achieve that are not only inappropriate in an open, democratic society, but they also assume forms of discrimination and encroach the domain of personal freedoms of citizens preventing a tolerant coexistence of different interests, beliefs and views. The respondents, citizens of the Serb community in Kosovo, recognized such tendencies. The 2020 OPEN research shows that almost two thirds of respondents, i. e. 63% believe that political parties are not open to different ideas and different opinions.

Graph 64. Political parties are open to different ideas and different opinions

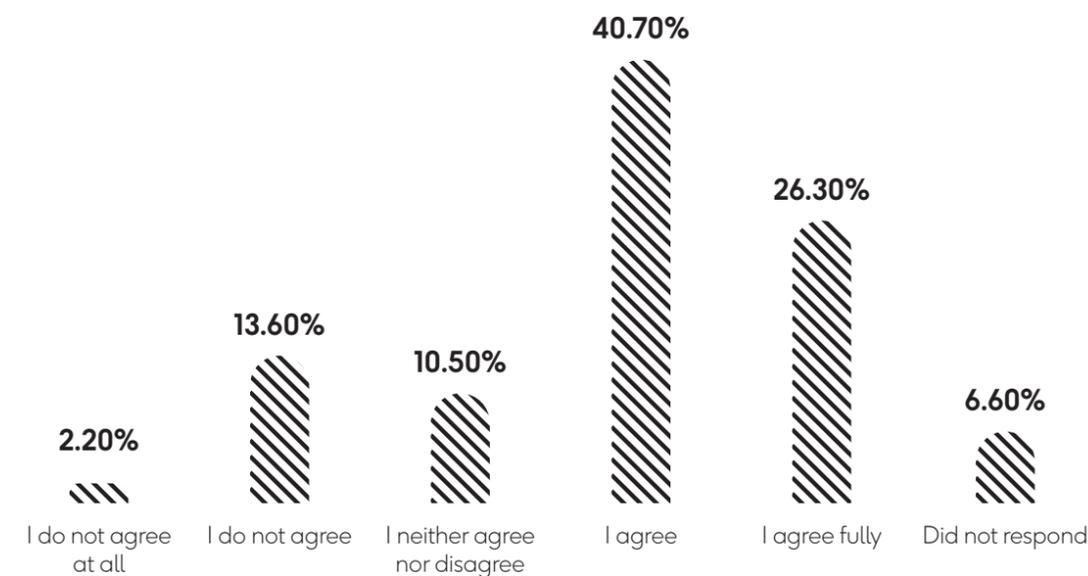
Perhaps the percentage of respondents who believe that political parties are nevertheless open to citizens is more indicative. Only 19% of respondents agree (or agree fully) with the statement that political parties are open to different ideas and different opinions. The number of citizens who are certain that the political parties representing interests of the Serbs are willing to listen to those with different ideas (those who agree fully) is at the level of a statistical error, only 4.7% of them.

The unwillingness of the authorities to give space to citizens, enable them to articulate their interests in the process of development of policies, cast a shadow of doubt over their representative quality. In other words, it leads to a disbalance between genuine interests of citizens and policies pursued by their elected political representatives. As representation of the interests of citizens is an essential role of the authorities in democratic systems, it can be argued that the authorities ignoring such interests tarnish its own democratic legitimacy. The authorities can be legal, elected in a legally regulated process (elections, nominations etc), but their legitimacy is not implied. In the given context, the position of the Serb community in Kosovo, the openness of its political representatives for the participation of citizens in the process of identification of interests, becomes even more important. More precisely through consideration of the present moment in international relations, i. e. the moment of current relations between the Serbs and the Albanians. And currently, an EU-led process of normalization of relations between Pristina and Belgrade is underway. The process will have a far-reaching impact on the life of the Serb community in Kosovo. An almost indescribable importance of this process for the future of the Serbs in Kosovo should have a democratic credibility, be open for free expression of the views of citizens channeled in an open dialogue or through other methods of consultations with citizens. Is this a case, we examined in the following part of the 2020 OPEN report.

To begin with, the 2020 OPEN research shows that the citizens recognize the significance of the process. That can be concluded by the percentage of respondents claiming they carefully follow the news relating to the dialogue between Pristina and Belgrade. Almost 75% of respondents, that is three quarters of them, claim they follow (mainly + fully) reports on the matter, while there are approximately 20% of respondents who are not interested in news on the dialogue on the normalization of relations.

Graph 65. Which topics are you interested in: the dialogue between Belgrade and Prishtina

The research indicates that the majority of respondents, citizens of the Kosovo Serb community, do understand the importance of this topic to their interests and follow the media reports. However, an entirely different question is what information they can get through the media due to a chronic shortage of information coming from the negotiating parties. That is recognized by respondents in this research, since two thirds of them (66.9%) believe that the dialogue between Pristina and Belgrade is nontransparent, thus denying them of true information on this, for them an extremely important process (Graph 66). Only slightly more than 20% of respondents do not agree with this claim.

Graph 66. Dialogue between Belgrade and Prishtina is nontransparent so that the Kosovo Serbs do not have the right information on what is agreed

Such results are not surprising as the policy of the negotiating parties, as well as of the EU dialogue moderators, from the very beginning in 2013 has been to communicate the results cautiously and by applying the tactics of a "constructive ambiguity" due to a great pressure of the public. This practice implies intentional use of ambiguous wording in defining and communicating solutions in negotiations on sensitive issues.¹⁵⁵ In theory, it is also called a "creative ambiguity" and is frequently used in international relations¹⁵⁶ negotiations on sensitive issues. It even became part of international law as the Security Council included the term in its several resolutions.¹⁵⁷ Consequently, the practice employed by the negotiators in the dialogue between Pristina and Belgrade is not unusual in such situations and does not necessarily represent a breach of democratic values. But it had its consequences. One of them was an arbitrary interpretation of "ambiguous" agreement provisions which either adversely affected their essential intention or was not implemented due to differences in interpretations¹⁵⁸.

Besides, non-transparency and ambiguous interpretations also affected the perception of citizens as research results demonstrate. The space for arbitrary interpretation created through the practice of a "constructive ambiguity" the authorities in Belgrade used to interpret some agreements, that in essence represented a concessions to the Albanian party, as their major victory¹⁵⁹. That created great expectations among Kosovo Serbs, and consequently a disappointment when the implementation process revealed the conceived essence of the agreement. Such disappointment reflected the perception of citizens over the performance of Belgrade negotiators in preserving the interests of the Kosovo Serb community in the dialogue process. That is confirmed by the results of the 2020 OPEN research in which the majority of respondents

¹⁵⁵ Dražen Pehar, Use of ambiguity in peace agreements, p. 178

¹⁵⁶ The term was coined by American diplomat Henry Kissinger in the negotiations between Israel and Egypt, the so-called Six-point Agreement in 1973, author's note

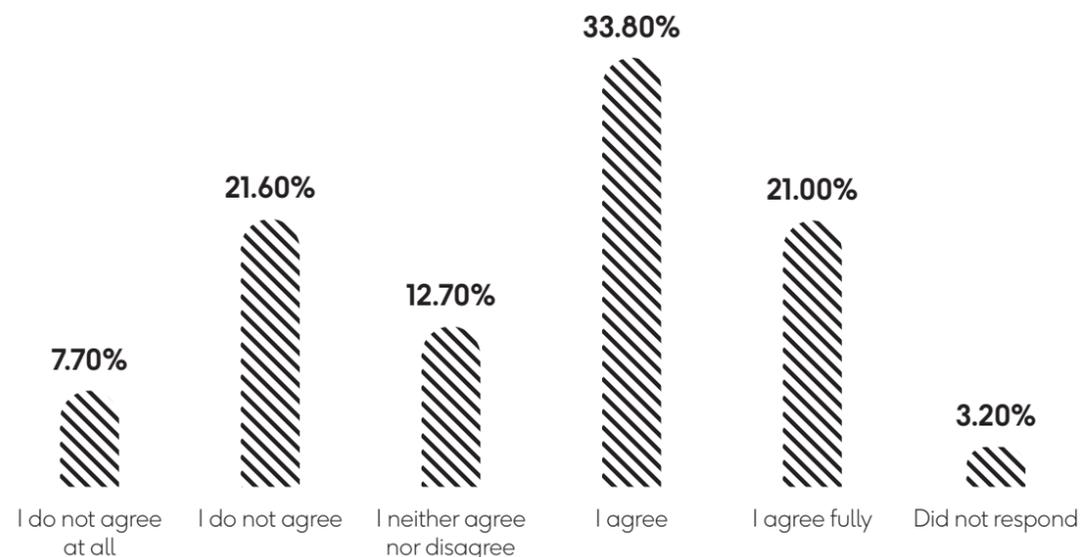
¹⁵⁷ Security Council Resolution 242, Israel and the Arab countries, 1967, explanation by the Israeli Foreign Affairs Ministry, [Link](#)

¹⁵⁸ NGO AKTIV, FDMC Kosovo Serbs in the dialogue process, p. 13

¹⁵⁹ B92: Marko Đurić: Serbia in Brussels won 5:0, [link](#)

(almost 55%) believe that the negotiating team of the Republic of Serbia did not represent the interests of the Serb community in adequate manner, whereas only a bit less than 30% of respondents do not agree with the statement.

Graph 67. In the dialogue between Belgrade and Prishtina Serbian negotiating team did not represent the interests of Kosovo Serbs in an adequate way



The euphoric and "victorious" communication of the results achieved in the negotiating process (constructed for the public in Serbia) is interpreted in the qualitative part of the research *Kosovo Serbs in the dialogue process* (NGO AKTIV, FDMC) as the main reason of the loss of trust of the Kosovo Serbs in the negotiating team of the Republic of Serbia¹⁶⁰, or, as the authors of the research put it „the fall of confidence in the capability of Belgrade to represent and protect the authentic interests of the Kosovo Serbs.”¹⁶¹

Another obvious example of exclusion of the citizens from the decision-making process and disharmony of interests between citizens and political leaders (as a consequence of it) is the idea of territorial demarcation. That idea was presented in 2018 (cautiously though) as the primary negotiating goal of Belgrade. It was automatically supported by the Kosovo exponents of the leading political party in Serbia¹⁶² despite the great resistance and criticism the idea instigated among the opposition leaders, informal representatives of the Serb community in Kosovo, religious leaders and part of civil society organizations. The idea prevailed despite the opposition of the citizens demonstrated through several independent surveys. For example, the Trend Analysis, an instrument measuring the views of citizens in the Serb community in Kosovo conducted by NGO AKTIV, showed that a great majority of citizens opposed the idea of territorial exchange¹⁶³. The survey showed that as many as 90% of respondents, adult citizens in the communities south of the Ibar opposed the idea, while the respondents sharing the same view in the north of Kosovo accounted for approximately 80% of the answers.

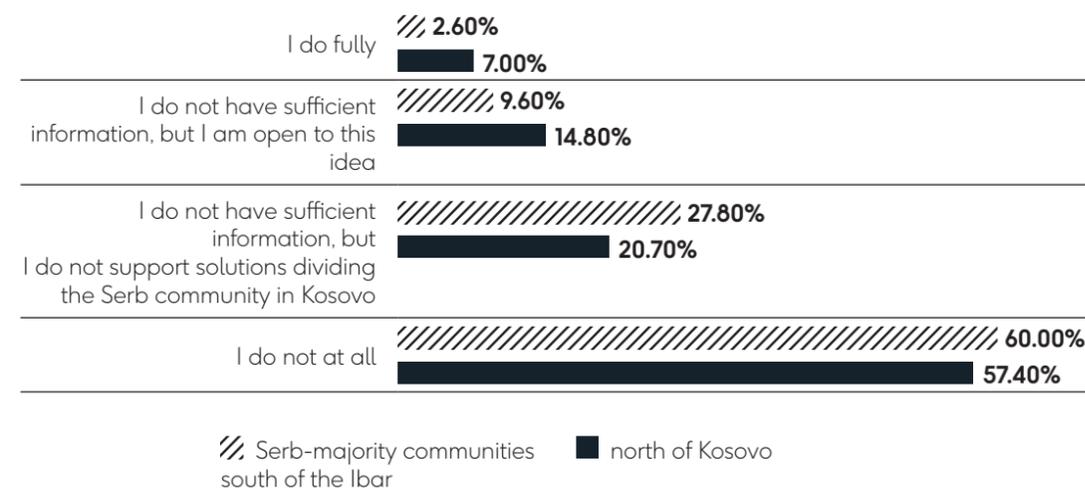
160 NGO AKTIV, FDMC Kosovo Serbs in the dialogue process, focus groups

161 Ibid

162 Danas daily, 13 August 2018, <https://www.danas.rs/politika/simic-razgranicenje-moze-da-spreci-etnicka-ciscenja/>

163 NGO AKTIV; 2020 Trend Analysi, <http://ngoaktiv.org/uploads/files/Analiza%20trendova%202020%20SRB%281%29.pdf>

Graph 68. NGO AKTIV – Analysis of Trends: Do you support the idea of territorial demarcation? (north-south)



Another survey conducted by NGO AKTIV, this time in partnership with NGO FDMC from Gračanica, within the 2020 OPEN Initiative also indicates the same problem. The authors of the report *Kosovo Serbs in the dialogue process*, using qualitative research methods, describe this sentiment in a more detailed way, as well as the negative perceptions of the "partition" idea among the population south of the Ibar, stating that its nominations, along with the speculations attached to it, "brought uneasiness among the citizens of the Serb communities" Kosovo-wide¹⁶⁴

These data show that the political representatives of the Kosovo Serbs, concerning this essentially important issue with tremendous impact on the life of people in the Kosovo Serb community, neglected obvious and clearly communicated interests of the community they represented instead favored the position advocated by the official Belgrade. Moreover, every voice against the idea was met with aggressive condemnation, tabloid discreditation of individuals or opposition parties.^{165 166 167 168 169 170}

By leaving no space for consultations with citizens and presenting their interests, by full marginalization of the opposition political parties and absence of an essential social dialogue relating to the Pristina-Belgrade dialogue the negotiation process was essentially reduced to the interests of the political elite. That poses a great problem for a democratic legitimacy of the process, as well as its sustainability. Namely, if the process of such importance is reduced to the interests of one political group, the implementation of the solutions relates to its political destiny. That means that with the removal of the political elite from power in Serbia and the Serb community in Kosovo, the implementation of the agreed solutions might become questionable or might even generate new security threats in the region.¹⁷¹

164 NVO AKTIV/FDMC Kosovo Serbs in the dialogue process, p. 22

165 <https://www.kurir.rs/vesti/politika/3107315/srpska-lista-sava-janjic-se-krije-iza-monaske-rize-i-sprovodi-pakosnu-osvetu-protiv-sopstvene-drzave-od-toga-korist-moze-imati-samo-pristina>

166 <http://informer.rs/vesti/politika/378723/srpska-lista-rada-trajkovic-napadima-vucica-pokusava-pobegne-zaborava>

167 <https://informer.rs/vesti/politika/447205/srpska-lista-otadzbina-iznosi-besramne-lazi>

168 <https://beta.rs/politika/95927-srpska-lista-momcilo-trajkovic-pokazao-da-je-spreman-za-hospitalizaciju>

169 <https://www.vesti.rs/lzbori/Srpska-Lista-Rasic-ni-ne-zna-gde-sve-zive-Srbi.html>

170 <https://www.tvmost.info/post/srpska-lista-leposavic-klan-jablanovica-nastavlja-sa-licemerjem-i-lazima>

171 Under assumption of replaceability - author's note

2.3.5 Openness of institutional representatives to participation of citizens in decision-making processes

The previous part of the report argues that the space for citizens from the Serb community to participate in the decision-making process is very limited, if there is any space at all. Political processes are taking place in closed circles, focused on the interests of political entities while being aggressively presented as interests of the community. Under such circumstances the question is if such practices exist at the institutional level as well, i. e. does political leaders act the same manner in their institutional capacity. Their obligations pertaining to Institutional involvement are much better defined in legal regulations not as an imperative of good practice (of political representatives), but a legal obligation of those discharging public posts.

Participation of citizens in the decision-making process is the right and obligation deeply embedded in the current legal system, from constitutional standards effectuating the principal role of the authorities (to protect interests of citizens) both at central and local level, to legal solutions establishing frameworks and mechanisms for its efficient implementation. In addition, the current legal framework defines the role of the authorities in that process as active and imposes the responsibilities of encouraging and ensuring active participation of citizens...¹⁷².

At the central level, the main mechanism to moderate the consultative process of non-majority communities and decision-makers is the Consultative Council for Communities (CCC), set up pursuant to constitutional provisions¹⁷³, as a part of the Office of the President. All non-majority communities in Kosovo are represented in the Council and it is mandated by the Constitution to ensure exchange of opinions between the communities and the Government,¹⁷⁴ and evaluate legal drafts from the perspective of interests of non-majority communities. Although constitutional competences of this body bear the potential to genuinely contribute to a better insight of decision-makers at the central level in the interests and views of non-majority communities, the problem is, no surprising, their inconsistent implementation. In an interview with a member of the CCC from the Serb community¹⁷⁵, it is pointed out that the Government of Kosovo or, more precisely, its appointed representatives demonstrate instability in their attitude to this body by irregularly attending its scheduled meetings. The previous Government of Kosovo did not appoint its representatives in the CCC at all¹⁷⁶. Besides, a member of the CCC Presidency expressed a view that relevant institutions at the central level treated their consultative role in the legislative process as a formal procedure (submission of legal drafts for opinion) but were actually not involved in the consultation process when the CCC gave comments to the bills protecting the rights of communities.

The results of the 2020 OPEN research also show that a high percentage of respondents, citizens of the Serb communities in Kosovo perceive the interaction with Kosovo institutions as insufficiently constructive. Thus, almost 40% of respondents who at some point required services from Kosovo institutions at central or local level describe that interaction as unsatisfactory.

¹⁷² Constitution, Article 124, par. 1

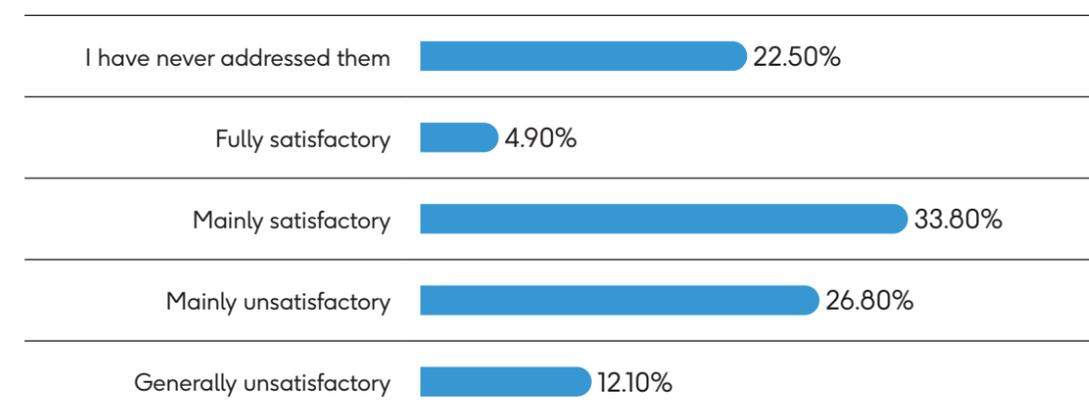
¹⁷³ Constitution, Article 60

¹⁷⁴ Ibid, par. 3

¹⁷⁵ Interview, Aleksandar Rapajić, CCC presiding member

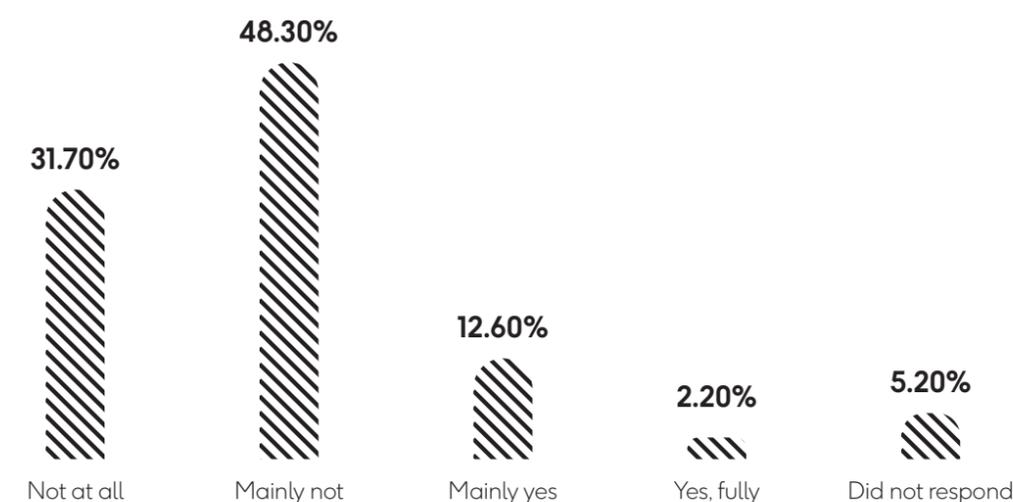
¹⁷⁶ Ibid

● **Graph 69.** If you addressed Kosovo authorities and/or institutions, how would you describe your personal experience?



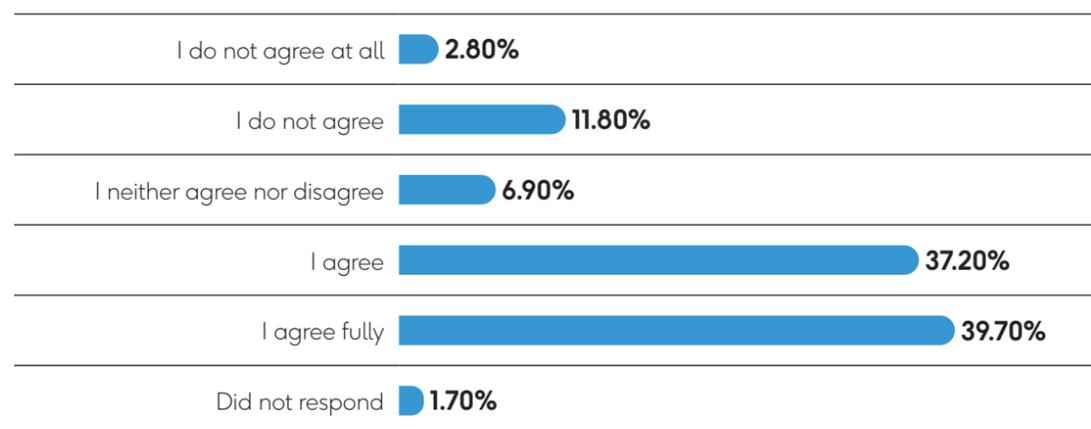
Although the structure of the question is not precise enough to draw concrete conclusions on the causes of this discontent, there is enough indication to assume that such dissatisfaction is not grounded in inter-ethnic tensions. The results in the continuation of the research speak in favor of such interpretation, by revealing even higher degree of dissatisfaction of respondents with the work of institutional representatives from the Serb community in Kosovo. The results read four out of five respondents (80%) perceive as insufficient the efforts of Serbian MPs in the Parliament in Kosovo to communicate with citizens, while the percentage of those claiming that MPs from the Serb community consult (or communicate) with community to a sufficient extent is at the level of a statistical error (2.2%).

● **Graph 70.** Do Serb representatives in the Assembly of Kosovo communicate sufficiently with citizens?



Citizens express dissatisfaction with the responsibility of representatives of the Serb community in the Government of Kosovo in the same percentage. Almost four fifths of respondents (77%) believe that they do not get sufficient information on the work of Serb ministers in the Government of Kosovo.

Graph 71. Serb ministers in the Government of Kosovo inform us insufficiently about their work

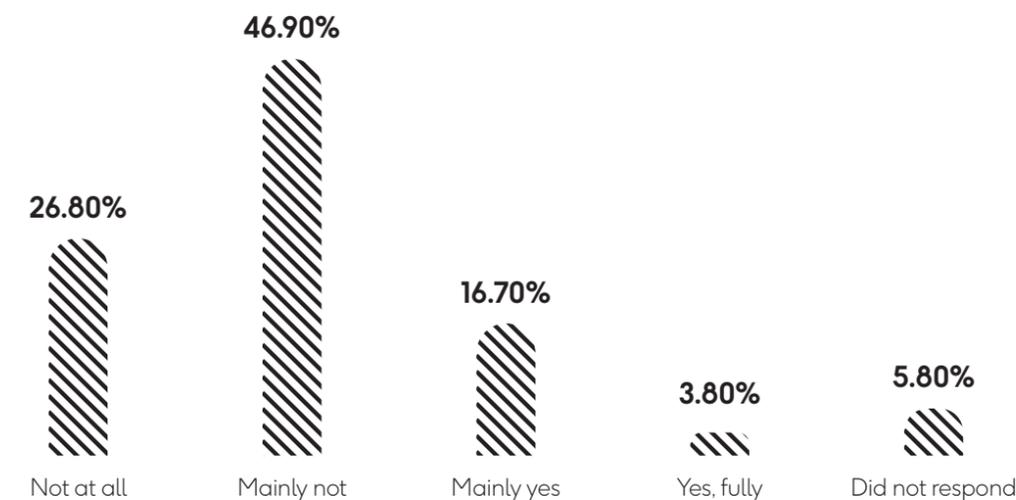


In the case of parliamentary representatives and ministers in the governments, the legal framework defines their responsibilities and modalities of communication and consultations with citizens, i. e. imposes the imperatives of openness and transparency. Legal framework demands their proactivity in communication with citizens, civil society organizations or journalists, access to information on the work of respective institutions (scheduled meetings, agenda, conclusions and similar), information on budget planning and budgetary spending, public procurement processes etc.¹⁷⁷ In addition to legal standards, holders of public posts are obliged to interact with citizens in accordance with democratic practices, such as transparency, openness or integrity of power holders. Nevertheless, if it is to be judged by the responses of citizens, Serb representatives in Kosovo central institutions do not manage to establish communication with the citizens that meets their expectations.

The situation is not better at the local level. The 2020 OPEN research shows that the majority of citizens believe that local institutions are not sufficiently open and available to citizens to communicate their problems and views. This view is to a greater or lesser extent shared by as many as 83.7% of respondents.

¹⁷⁷ Open data Kosovo: Report on parliamentary openness, December 2020, p.

Graph 72. Are you of opinion that your representatives in the local self-government are open to listen to and accept views of citizens?



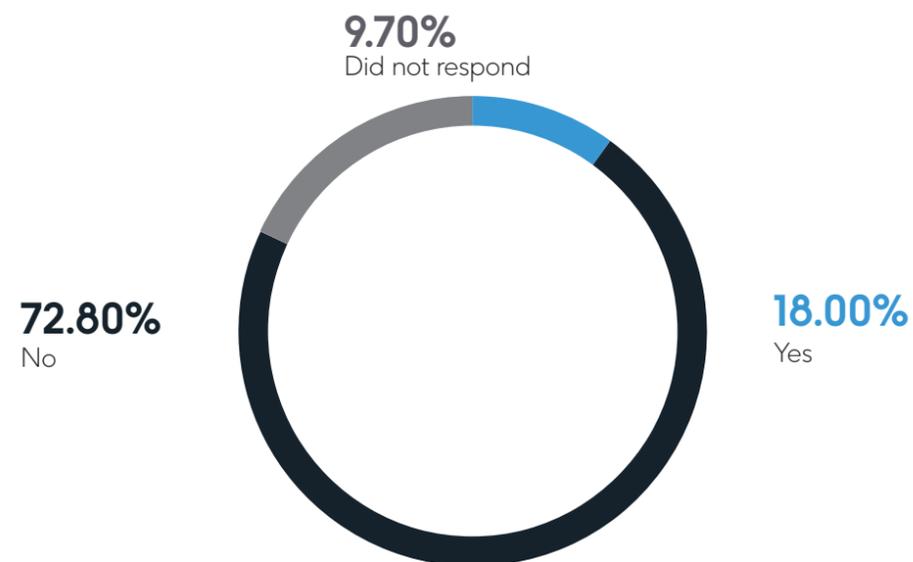
Responsibilities of the authorities at the local level to enable active participation of citizens in the decision-making process are defined, as already mentioned, in constitutional provisions and by legal solutions and mechanisms. Thus, the Law on Local Self-Government, in operationalizing the constitutional principle on the responsibility of local institutions to ensure active participation of citizens in the decision-making process by municipal bodies¹⁷⁸, provides for responsibilities of local authorities to put in place mechanisms of direct democracy and participation of citizens¹⁷⁹. Those provisions, for example, define the responsibility of municipalities to organize periodically and at least twice a year, public meetings which may be attended by all interested citizens¹⁸⁰ and at which municipal authorities inform citizens on the planned activities and answer their questions. Municipal authorities are obliged to notify citizens no later than two weeks before such a meeting is scheduled. However, according to the 2020 OPEN research, as many as 72% of respondents from the Serb communities in Kosovo (mainly Serb-majority municipalities) claim they do not get such information timely.

¹⁷⁸ Constitution, Article 124, par. 1

¹⁷⁹ Law on Local Self-government, Section IX, Mechanism of direct democracy and participation of citizens

¹⁸⁰ Ibid, Article 68, par. 1

- **Graph 73.** Do you get timely notifications from your municipality on scheduled public consultations with citizens and meetings open to the public and held in municipal assembly?



Numerous non-governmental organizations also report on the deficiencies of transparent activities in the Serb municipalities in Kosovo. The report Index of transparency of municipal reforms prepared by NGO Advocacy Center for Democratic Culture from Mitrovica North, although quite positively attributes the openness of local administrations in the north of Kosovo, also points to its deficiencies, such as non-functional web pages, missing contacts of information, insecurity of municipal employees in the process of accessing information of public importance, non-transparency of public procurement processes etc.¹⁸¹

2.3.6 Freedom of choice

The previous part of the report argues that there are numerous indicators alerting freedom of political association in the Serb community is at risk. As a consequence, monopolies are created in political representation of its interests in Kosovo institutions both at the local and central level. At this moment, *Srpska lista* holds an absolute majority in all 10 Serb-majority municipalities, monopoly in managing all public enterprises and institutions, holds all 10 guaranteed seats reserved for the Serb community in the Assembly of Kosovo after a landslide victory in the Serb community. As the authors of the research **Political parties of the Kosovo Serbs in the political system of Kosovo** conclude "we can say that we have a system with a hegemonist party or a system in which opposition parties or movements are allowed, yet due to numerous restrictions, from pressures, inaccessibility of media and public means they are not in a position to compete on equal footing with the dominant party".¹⁸²

¹⁸¹ ACDC, <https://acdc-kosovo.org/documents/MTRI.pdf>

¹⁸² NSI and Media Center, *Political parties of the Kosovo Serbs in the political system of Kosovo*, p. 12.

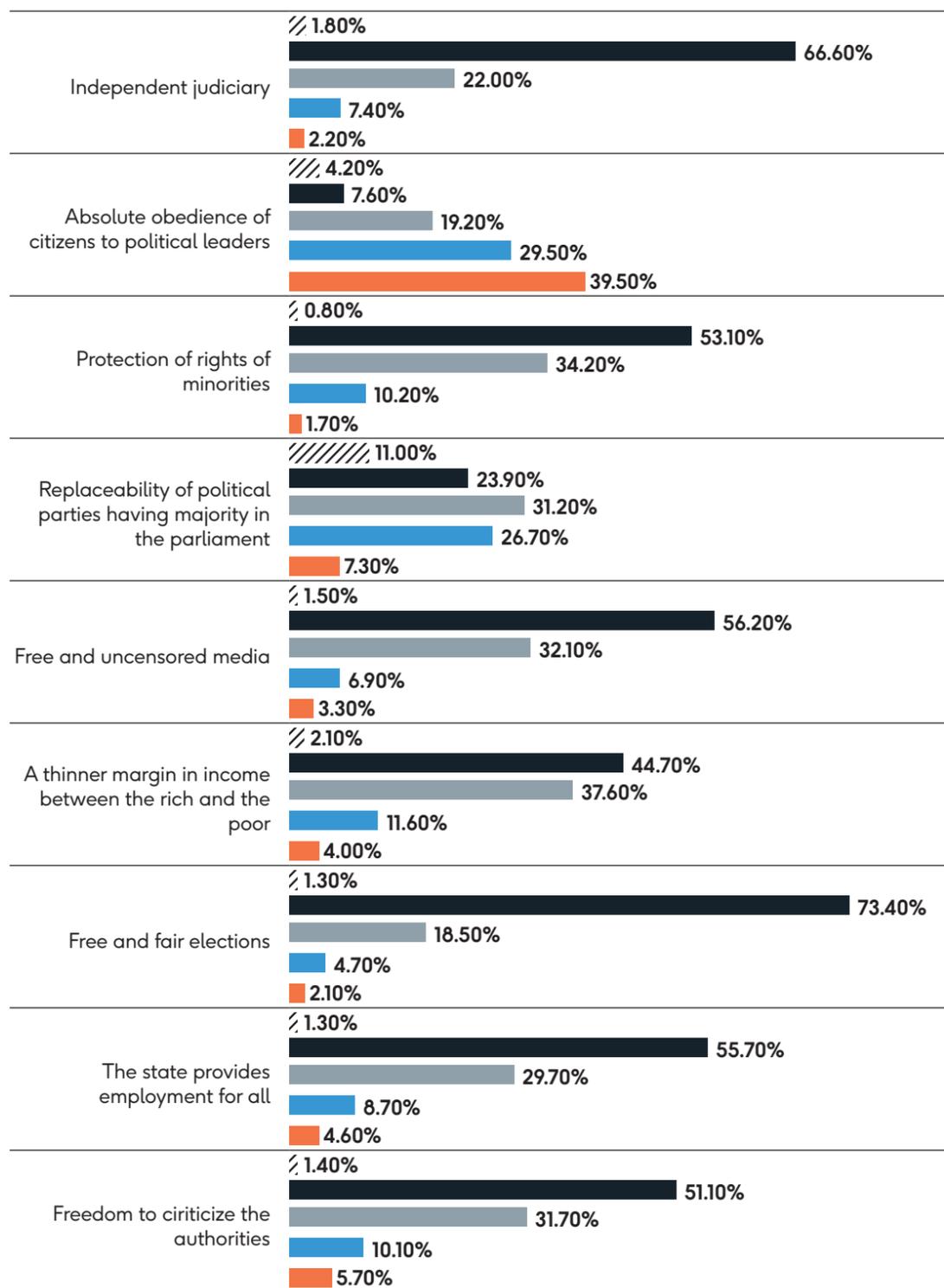
A logical question then is why citizens from the Serb community in Kosovo vote in such great numbers for a political option demonstrating a strong democratic deficit in its political engagement. In developed democracies in which the system of mutual supervision of the authorities and citizens is in place such omissions are punished at the elections. Aware of such consequences, the political representatives aspire for more responsible enactments¹⁸³. In the case of the Kosovo Serb community this fundamental democratic principle does not seem to work. To understand the causes of this phenomenon, it is necessary to analyze the democratic character of the very election process. That part of the research is described in the following part of the report.

Free and fair elections in which citizens vote for their representatives are a basic assumption of democracy as a political system resting on the rule of the people. Despite the certain variations that exist in various democratic systems, the fundamental principle remains the same: citizens may support with their vote, freely and without any pressure, individuals, political parties or certain policies which they believe reflect their interests best. Any deviation adversely affecting the right of citizens to vote **freely** disqualifies that society as democratic.

The importance of free elections for a democratic and open society is also recognized by respondents in our survey. The fair elections as a paramount postulate of democracy, sees as much as 91% of respondents, which is the highest percentage compared to all other features of a democratic society offered in the answer.

¹⁸³ Mutual control mechanism, the check and balances system, author's note

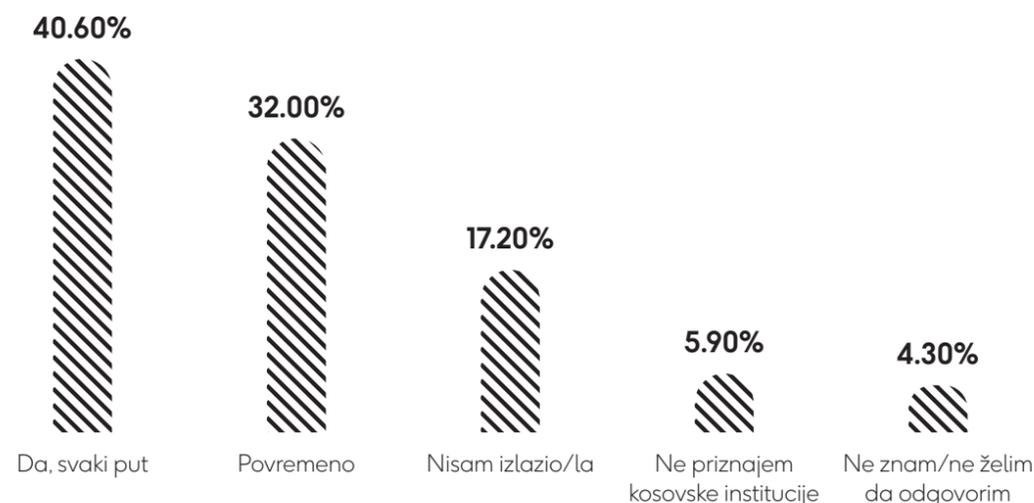
Graph 74. There are many different ways in which individuals perceive democracy. Which statements, in your opinion, describe best a democratic society?



Did not respond
 Essentially necessary
 Mainly matters
 Mainly does not matter
 Does not matter at all

Long after the end of the 1999 conflict, the Serb community in Kosovo, as already explained, did not have the support of the official Belgrade to integrate into Kosovo institutions through political activities nor was there a consensus in the community regarding that issue. If we put aside a failed attempt of the Republic of Serbia to ensure a unified participation of the Serb community in the Kosovo parliament through the *Povratak* Coalition in 2001, participation of the Kosovo Serbs in Kosovo elections until 2013 was peripheral and with a very low support of citizens. Only after the Serbian Progressive Party came to power in Serbia participation of the Kosovo Serbs in elections organized within the constitutional and legal system of Kosovo, as already mentioned, was destigmatized. The authors of the research **2020 Trend Analysis** from NGO AKTIV define it even more precisely:¹⁸⁴ „there was a weakening of the resistance to integration into Kosovo society which for a long time was a dominant and socially validated position within the Serb community“. The same research shows the effect of such policy of Belgrade on the Kosovo Serb community through an identified trend of a weakening resistance of citizens of Serb ethnicity to take part in the election process. Thus in 2020, over 70% of respondents claim they take part in Kosovo elections regularly or occasionally,¹⁸⁵ whereas, according to the same survey conducted in 2016, this was a position of only 32% of respondents, while more than two thirds of citizens (more precisely, 67.8%) refused any possibility to go to Kosovo elections.¹⁸⁶

Graph 75. NGO AKTIV, Trend Analysis: Have you so far taken part in elections organized by Kosovo institutions?



Extraordinary parliamentary elections in Kosovo held during the preparation of this report confirmed the trend of increase in the turnout of the Kosovo Serbs in elections organized within the Kosovo constitutional and legal system. The voter turnout even assumed proportions unusual for trends in any democratic society in the region. According to the report of the Central Election Commission of Kosovo, Serb-majority municipalities recorded the highest voter turnout percentage in Kosovo, while the municipalities of Leposavić (turnout of 85.23% of registered voters) and Zubin Potok (81.5%) were absolute leaders in the history of parliamentary elections in the Serb community in the post-conflict Kosovo. Such high percentages, of course, legitimize the election of the Serb political representatives if they are not the result of pressures and conditioning of voters which is the topic of other part of this report.

¹⁸⁴ NGO AKTIV 2020 Trend Analysis, A position toward participation in election process, p. 25
¹⁸⁵ Ibid, 2020 Trend Analysis, Position toward participation in election process, p.25
¹⁸⁶ Ibid, 2020 Trend Analysis, Position toward participation in election process, p.25

What is behind such a high voter turnout in the Serb communities? The political logic of the change in the policy of the official Belgrade to Kosovo is already explained.¹⁸⁷ The efforts of Belgrade to win all 10 guaranteed seats in the Assembly of Kosovo with a single list enabled not only the control over the implementation of the policy of the official Belgrade in Kosovo, but also a significant political influence on overall trends within the political system of Kosovo. Namely, until the recently held parliamentary elections, the political scene of Kosovo was characterized by a high level of fragmentation among political parties both in terms of their collaboration and in percentages of voters' support. In the given political system of Kosovo, the control over 10 guaranteed seats for the Serb community holds a significant political leverage. It enables, through possible coalition agreements, the decisive advantage to one or the other option of Kosovo Albanians and in turn accomplishment of a greater number of political goals or (at least theoretically) getting a greater number of concessions in favor of the Kosovo Serb community. Besides that, the control over MPs from the Serb community even without coalition agreements enabled control over mechanisms of protection of Serb interests (through the double majority system and guaranteed posts in the Government of Kosovo¹⁸⁸) thus represent an important lever of influence on overall political trends in Kosovo.

Therefore, the stake in the election process is high (for the Serbs), while potential risks to lose control over mechanisms granted by the legal system due to partial success (fragmentation of 10 seats) are even greater. The reason for that lies in the essence of the Kosovo election system regulating election of MPs from non-majority communities. It is illustratively explained in the report *Political parties of Kosovo Serbs in the political system of Kosovo: from pluralism to monism*. The authors, New Social Initiative and Media Center Čaglavica explain this context stating that the *proportional election system with open lists*¹⁸⁹ bears a risk of winning a few last seats reserved for the Serb community with a relatively small number of votes.¹⁹⁰ In such a system, the risk of losing seats to candidates whose politics is not harmonized with the official Belgrade is relatively high. Particularly given the fact that the change in Belgrade's policy toward Kosovo assumed by Serbian Progressive Party, was opposed by several political options among Kosovo Serbs.

In such a situation there were obviously two options (ways) how to make the desired unity of the Serb community in Kosovo in line with the position of Belgrade. One was creation of a broader coalition with all political actors from the Serb community who would possibly win MP seats, which was an option requiring lots of efforts, compromises and yet would not guarantee a full control over MPs from the Serb community, and the other way, the one Belgrade resorted to, to assure the domination of the option controlled by Belgrade through its favored treatment in combination with pressures on political opponents and their voters.

There are numerous sources, surveys, reports of local and international organizations in charge of overseeing elections alerting irregularities each election cycle in the Serb community in Kosovo. A few most relevant are selected for this report.

In the most recent report on the progress of Kosovo in the European integration, the European Commission assesses parliamentary elections in Kosovo in October 2019 as well implemented, transparent and competitive, except in one part, in the Serb communities in Kosovo where, according to the report, cases of intimidation of candidates and voters who did not belong to *Srpska lista* were recorded.¹⁹¹ The European

187 See section Freedom of political association and activities in the Kosovo Serb community - the context

188 See section: Rights of non-majority communities

189 .. with the distribution of parliamentary seats by the highest quotient system. NSI/Media Center *Political parties of the Kosovo Serbs in the political system of Kosovo: from pluralism to monism*, p. 12

190 Ibid. ..to win the last, tenth mandate it is sufficient to with only 2-3 thousands of votes.. p.12

191 EU Kosovo Report, report summary, p.4 https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/kosovo_report_2020.pdf

Union Election Observation Mission (EU EOM) also reported on the same problem, intimidation of independent candidates, their families and voters on two occasions, during 2017 and 2019 Kosovo elections. The EU EOM report states that *Srpska lista* with the support from Belgrade organized targeted delegitimization of the opponents from the Serb community and that pressures on the opposition candidates included their suspension from work paid from the budget of the Republic of Serbia.¹⁹² Based on the same sources, NSI and Media Center in their report *Political parties of the Kosovo Serbs in the political system of Kosovo: from pluralism to monism* argue that the oppositional political parties were discriminated against, during the 2019 election campaign though lesser funds, pressures and insufficient access to media.¹⁹³ All mentioned, with the documented cases of pressure on voters in public enterprises¹⁹⁴ and other election process irregularities provide enough elements to conclude that elections in the Serb community in Kosovo do not have attributes of free elections.

2.3.7 Conclusions

concerning the freedom of political association of the Serb community, Kosovo central authorities reveal a significantly higher level of responsibility in the implementation of the legal framework in comparison to the other guaranteed rights. Therefore, political representatives of the Serb community are granted access to institutions at the central and local level, as envisaged by the law seats in the government, consultative mechanisms for communities, central election commission and other institutions of representative nature. Moreover, political representatives of the Serb community are enabled to expand their representation in institutions beyond the minimum provided for by the constitutional and legal framework¹⁹⁵ through political activities (coalitions). Through such actions, in several occasions so far the Serb community was granted more than the anticipated ministerial of deputy minister posts, extended representation in parliamentary committees and similar. However, there is a great number of reports alerting certain problems of administrative nature exist in determining voting rights of representatives of the Serb community, particularly those displaced within Kosovo or the region, access to information in election campaigns etc. but this research was not focused on those problems and therefore conclusions cannot be drawn.

Monopoly in political representation. Within the Kosovo Serb society itself, freedom of political association can in the best case be described as impermissibly limited. Political and institutional space is hegemonized by one political option, *Srpska lista*, which, with the support from Belgrade and utilization of all available resources at the local and central level in Kosovo, exerts a strong pressure on political opponents and their voters within the Serb community in Kosovo. Such pressures include aggressive media discreditation of political opponents (tabloid defamations), and their supporters, discrimination in access to resources, even pressures of existential nature (loss of job or demotion to lower professional positions). The proportions and systematic efforts in marginalization of political opposition within the Serb community are such that it can be concluded that **political pluralism within the Serb community has been systematically suppressed.**

Monopoly over ideas. Absence of political pluralism in the Serb community and restriction of the freedom of expression in consequence resulted with a monopoly and centralized approach to the process of defi-

192 EU EOM, 2019 early parliamentary elections 2019, Summary, p. 4, par. 2

https://eeas.europa.eu/sites/eeas/files/eucomkosovo2019_finalreport_en_withcover.pdf

193 NSI/MC *Political parties of the Kosovo Serbs in the political system of Kosovo: from pluralism to monism*, p. 13

194 <https://www.kosovo-online.com/vesti/politika/kolektivno-glasanje-u-lapljem-selu-21-6-2020>

195 Constitution of Kosovo, Article 96, Ministries and Representing Communities, par. 3

nition of political ideas. Consequently policies of importance for the Serb community in Kosovo are not developed in consultations with citizens, but imposed upon them. In addition to that, any criticism of those ideas provokes a strong reaction of the authorities even when it concerns policies essential for the future of the Serb community in Kosovo, like the dialogue process on the normalization of relations between Pristina and Belgrade. All that leads to a conclusion that genuine interests of citizens are not sufficiently represented (validated democratically) in actions of political representatives of the Serb community. Current political leaders of the Kosovo Serb community, only formal bear representativeness attributes (won in elections), while they subordinate the essential interests of the Serb community to the interests of the leading political party in Belgrade. Those interests are not necessarily different, but as seen in the example of demarcation between Kosovo and Serbia, they also must not be automatically equalized. The importance of representativeness is not only an issue of democratic legitimacy of Kosovo Serbs political representatives, but as already elaborated, in the context of the dialogue on normalization of relations, it bears a crucial impact for the sustainability of this for the Kosovo Serbs and the region, a crucially important process.

Kosovo Serbs, once again, look over their shoulders when they discuss politics. The space, freedom to present interests of the Serb community in Kosovo through open social dialogue, in all its diversity, even if it differs from the position of the official Belgrade, not only does not exist, but such act would bear certain risks for individuals or political groups. Risks that affect existential security (jobs) or the reputation of those who dare to criticize. The intensity of such pressures is not limited by laws or responsibility of those in power, or eventually by culturological concepts of decency, respect of different opinions or similar. Simply, any criticism believed that might attract the attention of the citizens is suppressed.¹⁹⁶ The patterns of systematic pressures, creates among citizens a perception that its infliction is an inevitable consequence of public criticism, thus it turns into fear. Citizens of the Serb community are afraid to state political opinion and self-censorship of all social actors assumed the proportions of an epidemic.

Freedom of choice does not exist. In the Serb community in Kosovo, the essential principle of functioning of democracy is disrupted, the principle by which voters in elections punish political options neglecting their interests. This causality of the relationship between the authorities and citizens, as the essence of democratic dynamics, is disrupted by election pressures on voters. That is stated in an countless number of reports that documented violations of the voting process or fairness of campaigns or/and strong pressure on voters. An utter monopolization of political space by one political option leads to the same outcome. Citizens do not have an essential choice in the election process even if they manage to resist pressures and vote their conscience. Opposition political parties almost do not exist, and a small number of them courageous to participate in elections do not have equal conditions to reach citizens and communicate their political ideas and views.

The existing consultative mechanisms of non-majority communities at the central level do not serve their purpose. As already stated so many times, a conclusion in this report is that inconsistent implementation of the affirmative legal framework prevents the Serb community in Kosovo from enjoying its guaranteed rights and freedoms. And this time also, this sums up the best way the findings from this part of the research. Inconsistent implementation of legal frameworks, as well as insufficient democratic responsibility of central level authorities rendered meaningless the current consultative mechanisms (primarily the Consultative Council of Communities). Thus, citizens, members of non-majority communities in Kosovo are deprived of a possibility to articulate their interests through institutions. Instead, the central level authorities, either at local or central level of governance act entirely autonomously (alienated) from the citizens they represent.

¹⁹⁶ <https://kossev.info/sloboda-svedoci-smo-torture-nad-radnim-ljudima/>

The form is satisfied, the content neglected. The similar situation exists at the local governance level, where representatives of municipal administrations in the Serb communities in Kosovo neglect the importance of consultative process with citizens or/and their associations. There is a tendency of formally fulfilling normative imperatives (legal obligations) in communication with citizens, but due to the absence of a proactive approach in communication, adjusted to the needs of citizens, such practices have no real effect. And that is to assure a proactive participation of citizens in the decision-making process.

2.4 Chapter two: recommendations

Using the same logic as in the previous chapter, recommendations from this part of the research will be focused on independent social actors (media, civil society organizations and civil associations) and defined with an aim of increasing social pressure of those in power (both at the local and central level) to adjust patterns of behavior leading to violation of civil rights and freedoms. Recommendations targeting the authority, demanding changes or/and remediation of mechanisms that seem to be their *modus operandi* and which, from their perspective, yield results, would be a consensual self-deception. Yet, it would be irresponsible to miss the opportunity and say:

- *The authorities in the Serb community, as well as at the central level, are obliged to aspire the genuine democratic standards (freedom of political association, expression, freedom of media...) and respect and promote the rights of individuals and ethnic groups, and interpret legal ambiguities in the manner affirmative for the freedoms and right of citizens.*

The set of recommendations in this part of the research relates to the creation of an active civic involvement in ensuring the implementation and observance of principles of a democratic, open society. In achieving that, social actors need to increase their internal capacities and foster representative character of their work, i. e., links with the community they represent.

Media

The set of recommendations for media in the Serb communities in Kosovo is classified with an aim of (1) ensuring better services to citizens in access on (true and timely) information, (2) building resistance and internal capacities of media in responding to various forms of pressures and (3) increasing their financial self-reliance as a precondition of independent editorial policy.

Aiming the provision of true and relevant information to citizens, media from the Serb communities in Kosovo should work on:

- *extending the scope and nature of community service information provided to citizens, including notifications on opportunities for participation in consulting mechanisms in local self-governments; such a diligence of media will prevent "formal transparency" used in great number of cases by local self-governments fulfilling the legal form but not the essence of the consulting process;*
- *preserving (or building) recognizable media formats (products) citizens trust. A good example of that is*

- TV show **Slobodno srpski**, which is, according to the results of this research, one of the most prominent media products from the Kosovo Serb community. At the same time, the authors of this, as well as of other shows of similar format, alert great problems in the provision of funds necessary for their further functioning. Donor agencies need to have understanding for such needs of media;
- *media operating in the Kosovo Serb community need to collaborate in exchange of contents with Albanian media and thus raise the level of information citizens obtain on the work of Kosovo central institutions. Such information on the activities of Kosovo authorities may be enriched with analyses or be conveyed with the reference to the context of its impact on the needs and interests of members of the Serb community in Kosovo.*
- *creation of mechanisms encouraging responsibility for public discourse, more precisely, instruments chronologically monitoring the narrative of political actors (election promises, programs etc.). There are good examples of such initiatives in the region (e. g. Istinomer) that can be implemented in Kosovo contexts with only slight adjustments.*
- *Improved transparency in the work of the media as a measure of boosting confidence of citizens in their work. "The existence of a single register of media by type (radio stations, televisions, online media), transparent ownership of media houses, as well as transparent sources of financing are perceived as a precondition for restoring confidence of citizens and institutions in media and their work. Absence of information on ownership structure and methods of financing gives space to different interpretations and leads to negative perception of those media and their work among part of citizens".¹⁹⁷*
- *strengthening pressure on the authorities to ensure access to public information, awareness of their legal obligations, as well as encouraging procedural efficiency in such requests. "If documents that by the law should be available to the public were actually made public, institutions would increase their transparency, enable citizens to be better informed on the work of institutions and reduce the number of requests for information of public importance coming from the civil society, media and citizens".¹⁹⁸*

With an aim of preserving democratic value of the freedom of expression, concrete actions are needed against attempts by the local (or central) authorities to suppress critical media reporting of their work. This is an extremely sensitive issue and, as always in such situations, the key is solidarity of social actors in giving support to individuals or media exposed to such pressures. Whenever there is no public reaction or social condemnation or institutional response to attacks on media or journalists, such attitude of the authorities toward the media is being vindicated as an efficient tool to *silence the critics*. That is why it is necessary to stigmatize such cases publicly, give broad and public support to the victims not only by fellow workers, i. e. media, but civil society organizations, associations of citizens etc. That can be achieved by:

- *exposing diligently and publicly such cases with solidary condemnation (media, journalist associations, civil society, associations of citizens) of pressures on media;*
- *using legal mechanisms against pressures on journalists (complaints, suing etc.). In doing that media may seek assistance of international, as well as of local legal advisors in the sphere of human rights protection (pro bono legal assistance);*
- *developing mechanisms for monitoring freedom of expression in the Serb community in Kosovo complementary with the principles presented in international media freedom monitoring instruments (EU progress report, Freedom House reports etc.);*
- *continuous involvement of journalist associations, through e. g. training of journalists on the principles of investigative journalism, methods of struggle against pressures and similar.*

¹⁹⁷ Taken from the report Openness of Serb media in Kosovo, CBS/Media Center Čaglavica

¹⁹⁸ Openness of institutions to citizens in Kosovo, CBS/FDMC

2020 OPEN research shows that the biggest challenge for media houses from the Serb communities in Kosovo is a constructive balance between a versatile access to financial support (through state subsidies) and independence of editorial policy (which is put at risk due to *tacit* criteria in accessing such funds). That is why the media need to diversify their sources of funding. That implies the following actions:

- firstly, boosting capacities of media to carry out market activities aimed at achieving financial sustainability. Such efforts imply actions aimed at strengthening the internal capacities (internal procedures, marketing strategies), as well as boosting production capacities aimed at greater rating (investigative journalism, new formats, online platforms and similar);
- secondly, intensification of pressures on the authorities and holders of public posts to ensure equal access to budgetary funds to all media by determining objective criteria and ensuring transparency of the entire process. In that process joint activities of media companies and civil society organizations are an imperative.

Specific actions operationalizing both sets of recommendations need to be dealt with in a separate and expert analysis.

Civil society organizations

Recommendations addressed to civil society organizations target main weaknesses in their organization and activities noted in this report. These include perceptions of citizens that civil society organizations do not genuinely advocate public interests, lack of internal capacities of NGOs to responsibly and efficiently fulfill intended social roles and lack of a synergic approach of CSOs in the protection of interests of the Serb community in Kosovo.

Eligibility to represent

Aiming more substantial, efficient and visible work on representing actual interests of the Serb community in Kosovo, civil society organizations should:

- ⊖ establish stronger links with the community by fostering consulting mechanisms (public dialogue, direct consultations, determining views and many more) aimed at identifying genuine interests and priorities of citizens;
- ⊖ incorporate interests of citizens identified in the consulting process at all levels of CSO activities (preparation and implementation of projects, advocacy, devising practical policies etc.);
- ⊖ advocate proactively the inclusion of the identified social interests in the agenda of biggest donor agencies in Kosovo (EU, USAID, UN agencies, etc.). That could be achieved by using the existing consulting mechanisms or innovative advocacy approaches. Embedding the interests of citizens in donors' agenda would enable non-profit making CSOs to build stronger ties with citizens by working on their authentic interests. Strengthening confidence of donor agencies in the work of civil society organizations in the Serb communities by ensuring a better insight in the effects and results of their programs should be part of that process.¹⁹⁹;

¹⁹⁹ Civil society organizations in the Serb community in Kosovo, NSI/FDMC

- ⊖ get actively involved in consulting process in the preparation of the EU annual report on Kosovo progress as a unique and open mechanism by which a direct impact on the agenda of the Government of Kosovo could be made;
- ⊖ establish a mechanism for monitoring the quality of responsible actions of the representatives of local authorities (so-called transparency index), which would objectively monitor transparency and accountability of local authorities in exercising their powers. Regional initiatives should be adapted as a model;
- ⊖ identify and more actively advocate authentic interests of citizens in political processes, including the dialogue between Pristina and Belgrade (and the issues of missing persons, sustainable return, personal documents, property etc.)²⁰⁰;
- ⊖ through personal examples, improve the practice of free expression of views and opinions, and by this help citizens to resort to public criticism, free expression of political views, political association and other forms of civic activism, without fear.

To achieve the desired changes, CSOs need to develop adequate internal capacities which would enable them to win greater confidence of the community the interest of which they protect and to cope with their, frequently very complex, problems. Likewise, strengthening the advocacy potential through association (synergy) of civil society in the attainment of concrete changes is an imperative. To achieve that results, CSOs carrying out activities in the Serb community in Kosovo should:

- devise internal development strategies that would pave an objective and measurable way for individual organizations in the attainment of their missions and objectives and help determine available/necessary capacities and resources, as well as obstacles on that way;
- develop adequate internal communication strategies taking into account specific needs of individual organizations to efficiently communicate their activities both to the community whose interests they represent and decision-makers. Such strategies should take into account specific socio-demographic features of target groups (a greater portion of older population) and combine different communication methods which would convey the desired messages and information to the targeted audience. OCDs in that process need to seek expert assistance of professional agencies or civil society activists with relevant experience;
- develop the capacity of multilingual communication including the Albanian language. That way, NGOs will increase their visibility in the broad Albanian community in Kosovo and among its political representatives holding the key to institutionalization of rights and freedoms of non-majority communities;
- develop internal policies/practices of strengthening human/expert potential of civil society organizations which would encourage individuals, particularly young persons, to build their careers within them in a foreseeable and objective way. Relevant internal policies should anticipate opportunities of a continuous professional development of individuals, their professional profiling through educational programs, objective awarding and pay scale system, continuity of individuals engagement within the organizations and other elements. As in the previous recommendation, expert assistance is an imperative.

²⁰⁰ Topics consolidated in the report Kosovo Serbs in the dialogue process, NGO AKTIV/FDMC

Advocacy actions

- *increase synergetic effects of advocacy initiatives defending the interests of the Serb community through cooperation with CSOs from the Serb community in Kosovo.* This is a seemingly unnecessary recommendation and an implied strategy. However, in the present work of civil society organizations there are very few examples of advocacy initiatives mobilizing all most prominent NGOs of the Kosovo Serb community. Consequently, the opportunities are wasted to increase pressure on decision-makers in a coordinated manner, and engage them in the process that leads to desired changes and improvement of the position of the Serbs and other non-majority communities in Kosovo were missed;
- *consider advocacy advantages that the OPEN Initiative might bring to civil society.* One of the main reasons for the absence of coordinated advocacy actions is the competition among NGOs for access to funds and assumed increased fund accumulation prospects that come with the leading role of individual organization in such initiatives. The OPEN Initiative, launched by the Kosovo Foundation for Open Society – KFOS, solves this problem by acting as a kind of mediator, offering at the same time a program focusing on collective advocacy actions of civil sector organizations upon issues of interest for the Serb community in Kosovo. Identification of those issues is in this initiative left up as a discretionary right to organizations, giving additional credibility to the initiative.

**General social trends
of importance for
efforts in establishing
an open society**

3

3.1 trust of citizens as a precondition of open society

3.1.1 Concept of confidence in democratic societies

This topic was not planned as a separate part in the initial methodological concept of the report. The original idea was to analyze a degree of confidence of citizens in social life actors in the Serb community in the context of the attitude of citizens toward certain social actors (e. g. political representatives of the Serb community, media, central-level institutions etc.). However, the analysis of the results of the quantitative part of the study (questionnaires), shows that citizens from the Serb community in Kosovo demonstrate significant lack of trust in almost all socio-political actors dealing with issues of importance for their interests, rights and freedoms. The scale of distrust corresponds to the extent to which it becomes an individual indicator of a social potential for changes. For that reason this study will give a separate overview of the influence of this phenomenon on the prospects of fostering democratic capacity (openness) of the Serbian society in Kosovo.

Of course, this is not the first study to address the issue of the distrust of citizens as a main indicator of a democratic character of society. The concept of (dis)trust has its place and significance in the theory of democratic societies where a distinction is made between political mistrust of citizens (mistrust in political leaders, political system etc.), and the concept of the so-called *liberal distrust*²⁰¹. They differ in consequences they produce in the views and reactions of citizens. Lack of confidence in political actors and political processes demotivates the active attitudes of citizens toward social (political) engagement and as such undermines and depletes a democratic character of a society. On the other hand, *liberal distrust* is also called a "democracy watchdog"²⁰², as such mistrust motivates citizens to actively monitor the authorities in exercising their duties (and protecting interests of citizens). A precondition of such *constructive* manifestation of (liberal) mistrust is the existence of strong democratic institutions, generally a society open to its citizens and their views.

201 HARDIN, RUSSELL, 2002/02/01, the original title: Liberal distrust, European Review p. 73

202 Bertou, Eri (2015) the original title: Citizen attitudes of political distrust: examining distrust through technical, ethical and interest-based evaluations. PhD thesis, The London School of Economics and Political Science (LSE): 13. Available at: <http://etheses.lse.ac.uk/3332/>

3.1.2 Distrust of the Serb community in social actors within the its community

In the context of the Serb community in Kosovo, a regrettably present nonconfidence of citizens in political, institutional leaders has a negative impact on their readiness to get involved in socio-political processes causing apathy and a feeling of futility. Respondents in this research demonstrate that since almost 60% of them express a belief that their personal involvement will not have any impact on changes in society (*Graph 63 – section Freedom of political association*).

The results of the research show that respondents, citizens of the Serb communities in Kosovo express distrust, with small variations, in almost all social and political actors within the Serb community in Kosovo. An exception is Serbian Orthodox Church trusted by 91% of the respondents, by far the most among all other social actors. (Table 3). The members of the Serb community in Kosovo highest degree of distrust show toward their representatives in local institutions (57%) and in representatives of Serb political parties in Kosovo (41.5%), i. e. their direct representatives the work of whom they witness in the local context. Therefore, no wonder, there is distrust, to an almost identical extent, in COVID-19 pandemic crisis management local headquarters (41.4%), mainly composed of representatives from the two mentioned categories.

● **Table 3.** To what extent do you have confidence in the following institutions in Kosovo?

	1	2	3	4	5	% of non-confidence
Local self-governments in Kosovo	26,8	31	14,2	16,8	3,8	57,8%
Municipal headquarters in Kosovo in charge of fighting COVID-19 pandemic	18,4	23,1	20,5	28,8	7,7	41,5
Serb political parties	16,1	25,3	13,9	34,4	8,7	41,4%
Media	13,1	26,6	22,7	32,6	4,3	39,7
Non-governmental organizations (NGO)	13,8	22,4	27,6	25,5	3,8	36,2%
Authorities in Belgrade	10,5	20,1	10,9	40,3	17,7	30,6%
Serbian Orthodox Church	3,5	3,1	4,1	33,6	55	6,6%

1 - I do not have; 2 - I mainly do not have; 3 - I neither have nor do not have;

4 - I mainly have; 5 - I have fully; confidence – the total of "I mainly have" and "I do not have at all"; values expressed in u %.

The table also reveals that, despite certain reservations, the authorities in Belgrade enjoy confidence of the majority of citizens of the Serb community in Kosovo, i. e. of 58% of respondents in the 2020 OPEN research. In the qualitative analysis of the results, focus group participants assessed such perceptions of the citizens of Kosovo Serb communities as expected and pointed to several factors explaining them.

First of all, the trust of the Kosovo Serb community in the authorities in Belgrade, regardless to what political option is in lead, is "defaulted"²⁰³ in the context of the ethnic conflict that strongly affects everyday life of Kosovo Serbs. As defined by one of the focus group participants, "simply, no government of the Kosovo Albanians responded sufficiently to the needs and fears of the Serb community in order not to be perceived as a threat".²⁰⁴

In addition to that, as seen in the previous parts of the report, current authorities in Belgrade are actively involved in Kosovo and in processes relating to Kosovo, simultaneously controlling the narrative accompanying that involvement. That way they succeeded to create an impression of a *nationally responsible policy* pursued in Kosovo among the public of Serbia and the Kosovo Serb community.

Last but not the least, focus group participants also link the confidence of the Serb community in the authorities in Belgrade with actual institutional connections and their continuity after the 1999 conflict. A great number of citizens from the Serb community work in institutions funded by Belgrade, receive social allowances or retirement payments from the Budget of the Republic of Serbia etc.²⁰⁵, and that policy has been pursued by all governments in Serbia in the past 20 years.

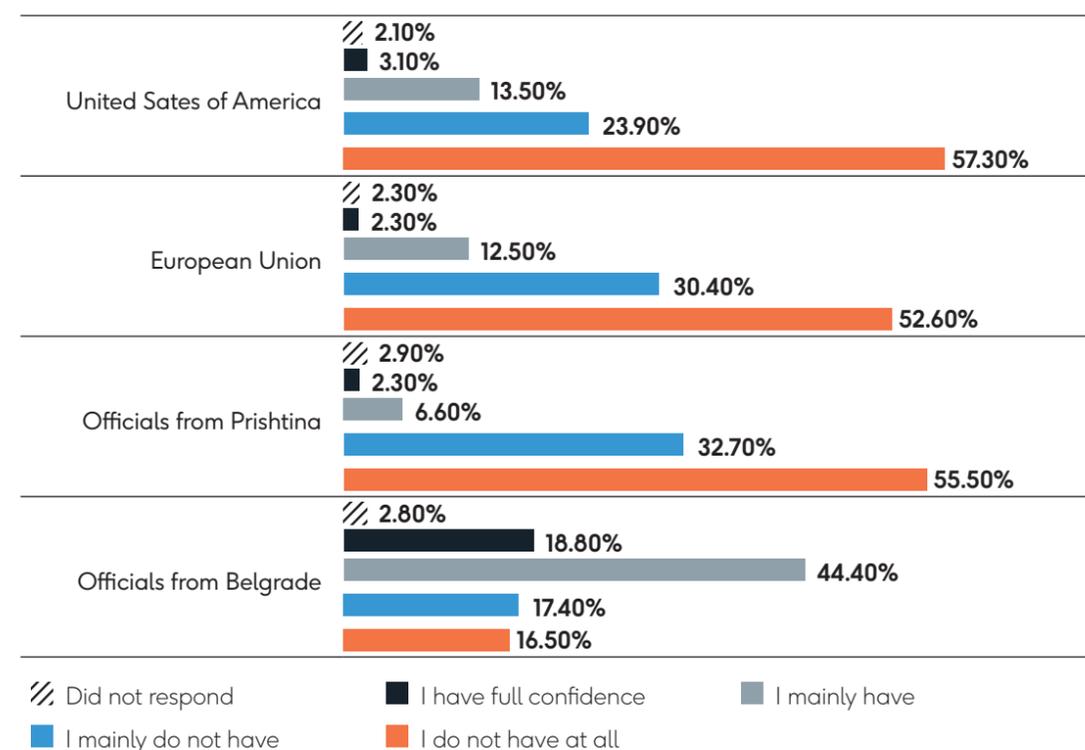
The responses of focus group participants explain partly some inconsistencies spotted in the results of the research related to the perception of Belgrade's involvement in Kosovo and the degree of confidence in the authorities in Belgrade. Namely, such support varies depending on the context in which the role of Belgrade is observed. In the part of the report dealing with the views of citizens on the effects (success) of the negotiating team from Belgrade in preserving interests of the Serb community in the dialogue with Prishtina, as many as 55% of respondents state the opinion that Belgrade did not represent the interests of the Kosovo Serbs in an appropriate way (*Graph 67 – Freedom of political association*). Participants were asked to evaluate the involvement of Belgrade exclusively in connection with the interests they (subjectively) deemed legitimate and important. However, if the negotiating involvement of Belgrade is put in other context and compared with the views advocated by other actors of the process, Prishtina, European Union or USA (*Graph 76*), the results are entirely different, with 62% of respondents demonstrating confidence in the negotiating activities of Belgrade authorities, only 8.9% of respondents having confidence in Prishtina, 14% in the European Union, and 16% in the United States of America.

203 A focus group participant used the term "confidence by default", author note

204 Ibid

205 Ibid

● **Graph 76.** Do you have confidence in the following parties to the Brussels dialogue?



Thus, what focus group participants worded as "the implied view" is confirmed in this case as well. If placed in the same context, the choice between Prishtina and Belgrade is not a choice at all, as the support of the Kosovo Serbs to Belgrade is implied in this context. In the report *Kosovo Serbs in the dialogue process*, NGOs AKTIV and FDMC examine an interesting scenario. Namely, the authors asked focus group participants comprised of experts (CSO leaders, journalists, political analysts), whether Prishtina would accept to represent the authentic interests of the Kosovo Serb community in the dialogue process under an assumption they had been identified in the consultative process.²⁰⁶ Participants pointed out that the negotiating party from Prishtina did not express any aspiration to improve the position of the Serbs, and as one of them said, "for that reason, at this moment, it cannot represent the interests" of this community.²⁰⁷

The level of trust of respondents in the authorities in Belgrade is interesting if compared to the confidence citizens have in their exponents in Kosovo, political representatives of the Serb community. The results show that the trust respondents from the Serb community have in the authorities in Belgrade is almost three times higher (58%) than the one in local political and institutional leaders (20%). The difference is significant although it refers to two parties with the same policy, same views and harmonized activities. This contradiction is also observed in some other civil society reports in Kosovo.²⁰⁸ In the report 2019 Trend Analysis, the authors explain the lack of logic between a high degree of nonconfidence in local leaders which citizens express in independent reports and election results where those very leaders get almost a 100% of casted votes. The authors explain that logical inconsistency as a *determination of voters (from the Serb communities in Kosovo*) to the continuity of support to the government in Belgrade although they necessarily do not trust their exponents in Kosovo.*²⁰⁹

206 NGO AKTIV, FDMC: Kosovo Serbs in the dialogue process, p. 2

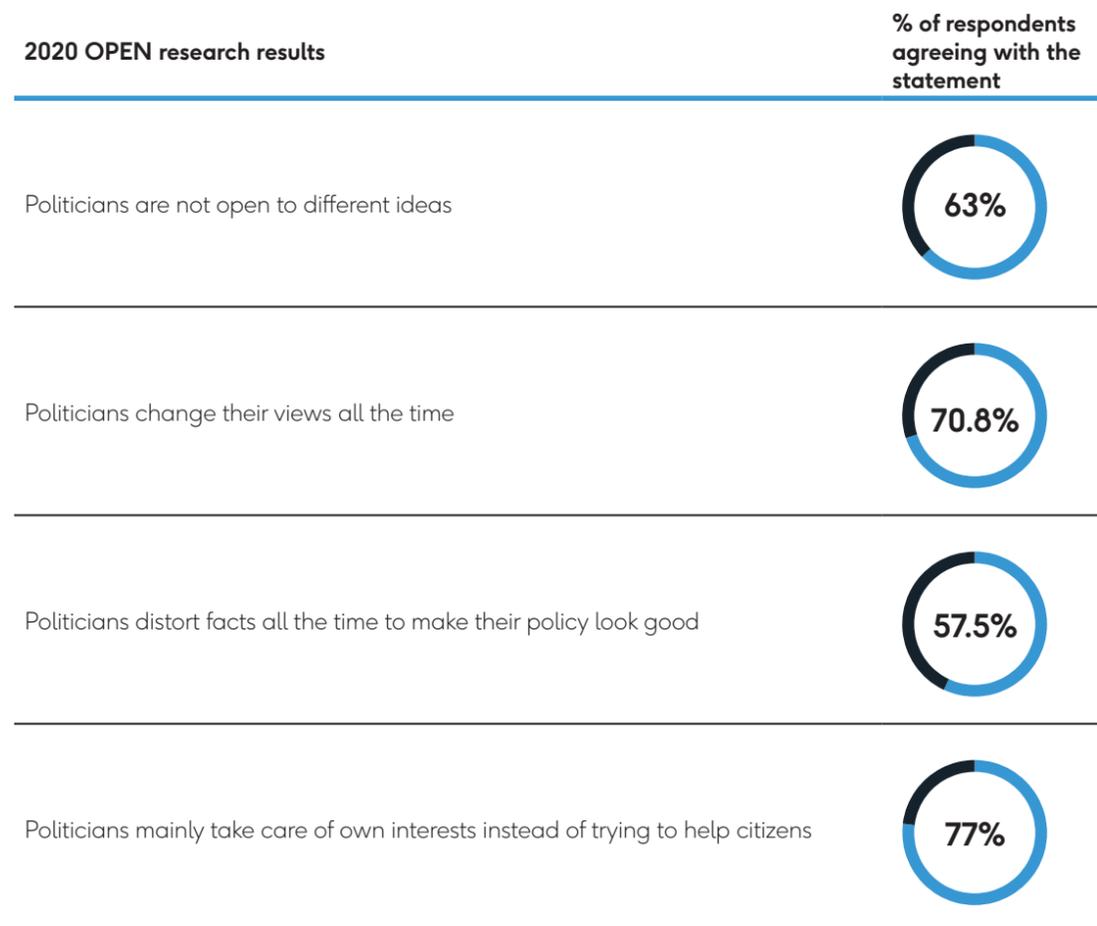
207 Ibid, p. 23

208 NGO AKTIV, 2019 Trend Analysis

209 Ibid p. 23

The 2020 OPEN research undoubtedly indicates that respondents, citizens of the Kosovo Serb community have a high level of distrust in their political representatives. The most alarming results of this research on the perception citizens have of their political representatives are summarized in Table 4. The data show that such distrust is rooted in the perception of citizens that local political leaders neglect authentic interests of citizens (77%), monopolize the political decision-making process (63%) or manipulate citizens they represent (57.5%).

Table 4. Summary of the results of the 2020 OPEN research on the perception citizens have of politicians



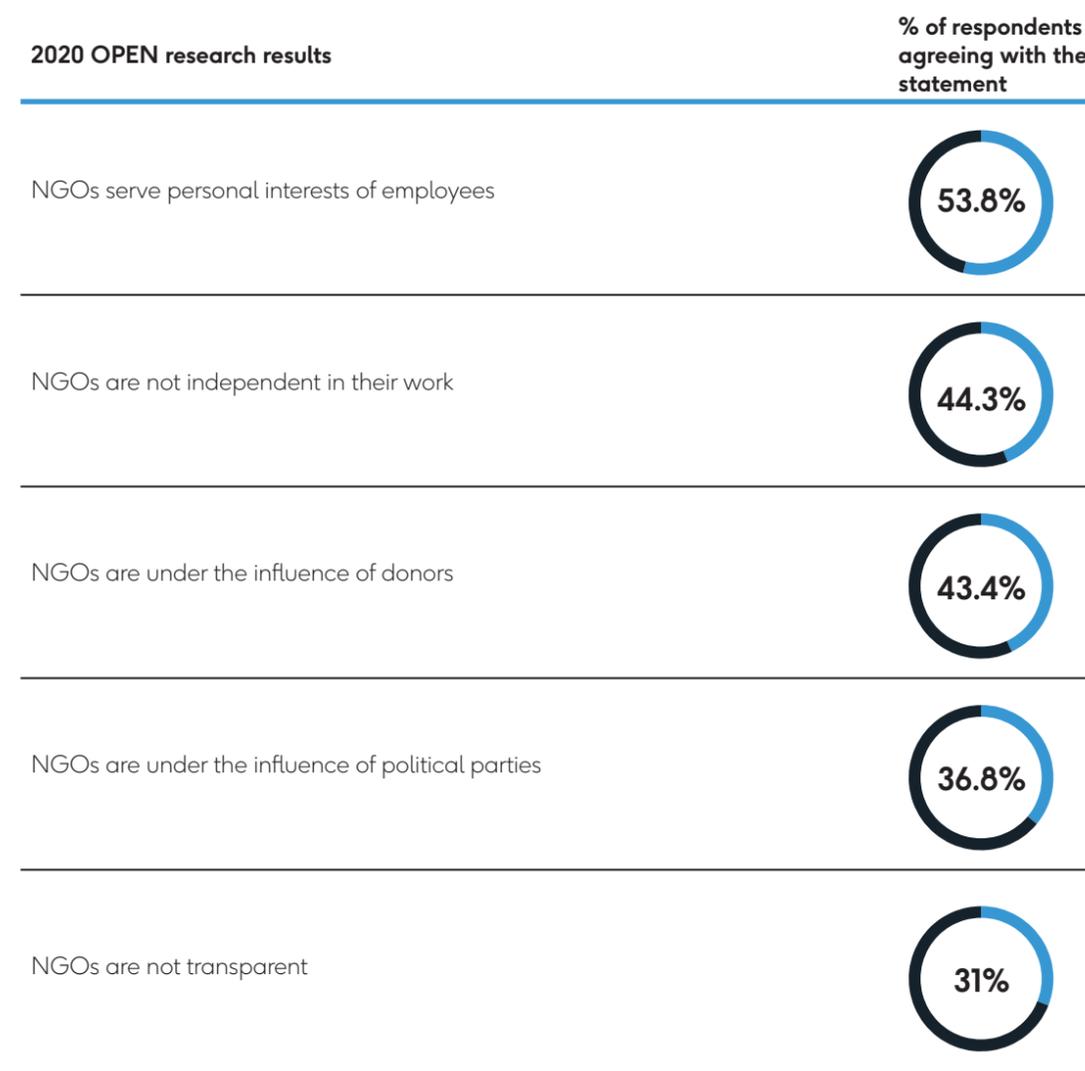
These negative perception are expressed at a very high level, inducing the question has the notion "politician", "politics" grown into term with negative semantic connotation for the citizens of the Serb community in Kosovo. In other words, is the profession "politician" entirely discredited among citizens, witnessing the long-standing poor practices in political activities. Is there a belief among citizens that involvement in politics necessarily implies irresponsible conduct, compromises, manipulations for personal benefit etc.? A similar defeatism is mentioned in the report *Political parties of the Kosovo Serbs in the political system of Kosovo (NSI and Media Center)*.²¹⁰ In their report they illustrate dominant perceptions citizens have of politics (politicians) by quoting one of focus group participants who estimates that there are small chances that a new

210 NSI, Media Center, Political parties of the Kosovo Serbs in the political system of Kosovo, p. 23

or alternative political option would bring anything good to the Serb community in Kosovo²¹¹, because being in politics is understood as a way of achieving personal ambitions and goals.²¹²

In addition to politicians, respondents demonstrate a certain level of distrust into the other actors in the society as well, those that one way or another play a role in defending their interests.. As already mentioned in the report, confidence of respondents in the civil society operating in the Serb community, although growing, is still insufficient to bring the desired effects and mobilize the citizens through civil society initiatives. A consolidated overview of the results that might help in understanding the roots of mistrust in NGOs, presented in a table 5 below, indicate its source in the doubt of citizens regarding their determination to actually protect interests of the community as well as their capacity to act independently.

Table 5. Summary of the results of the 2020 OPEN research on the perception citizens have of NGOs

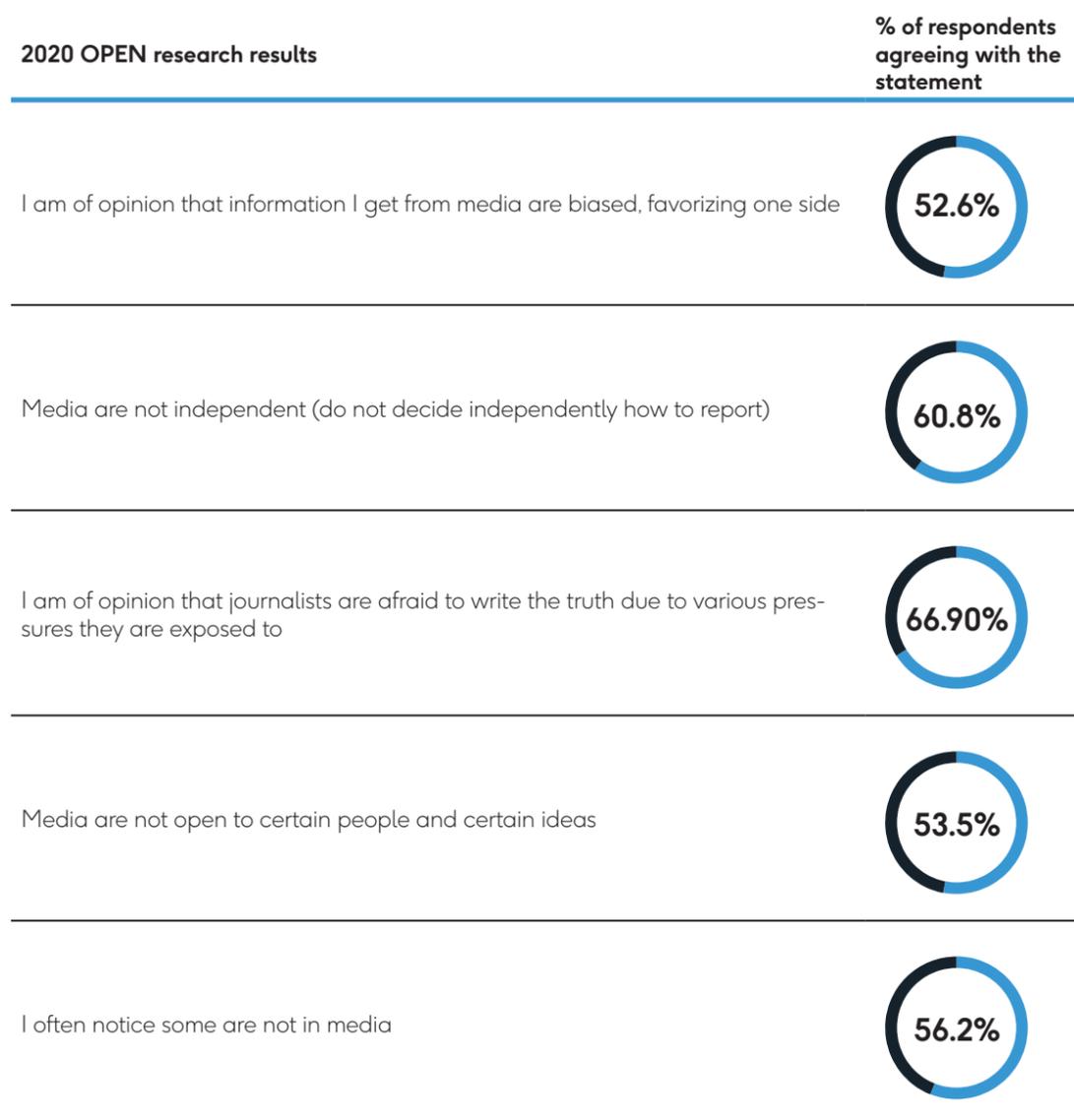


211 Ibid, quote: "Even if we had opposition they would not struggle to bring benefits to the state. Personal interest is always before the national and the next to come to power will seek benefits for him/her. This is a vicious circle and people suffer."

212 Ibid, quote: "Everyone has come with an agenda and are trying hard for personal advantage. They put themselves first, then the others."

Similarly as in the case of NGOs, citizens reveal the lack of trust in the independence of media. Table 6 presents an overview of some of the results from this research indicating the causes of such mistrust. The results show that it is based on the contested credibility of media outlets to play their anticipated social role, more precisely, their responsibility to provide citizens true and timely information.

Table 6. Summary of the results of the 2020 OPEN research on the perception of citizens of media



3.1.3 Inter-ethnic distrust

No matter how worrying the degree of mistrust to socio-political actors from the Serb community seems to be, the mistrust demonstrated by the respondents in this research to (central) institutions led by the Kosovo Albanians can be seen as alarming. Such a distrust is not only directed to political and institutional representatives, but rather to all socio-political actors in the Albanian community in Kosovo included in the research. Its patterns and frequency raise a justified suspicion this phenomenon is rooted in inter-ethnic relations between the Serbs and the Albanians, and these relations are, despite a certain progress made in the past few years²¹³, still marked with strong animosities. Two decades after the end of the conflict, the Kosovo society still demonstrates characteristics of a divided society, and almost all social actors either actively fuel inter-ethnic tensions or are insufficiently involved to contribute to reconciliation and stabilization. Consequently, ethnically motivated assaults still occurs, inter-ethnic conflict still present a political asset on which election success is built (both among the Serbs and the Albanians), media still exploit ethnically based tensions in pursue of exclusivity and those in charge to achieve economic and social development of Kosovo still covers its personal failures abusing the inter-ethnic tensions.

Under such circumstances, and due to shortcomings in ensuring rights and freedoms addressed in this report, its not surprising to see respondents, citizens of the Serb communities in Kosovo, express significant distrust in Kosovo institutions or political actors among the Kosovo Albanians. According to the 2020 OPEN research, 85% of respondents express lack of the trust in the Government of Kosovo and in the same percentage demonstrate distrust toward political parties of Albanian politicians winning those offices. Given the circumstances, the percentage of distrust in the judiciary (76%) could even be deemed a promising result although it shows that two thirds of the citizens of Serb community do not have trust in the system administering justice in Kosovo (Table 7).

Table 7. To what extent do yo have confidence in the following institutions in Kosovo?

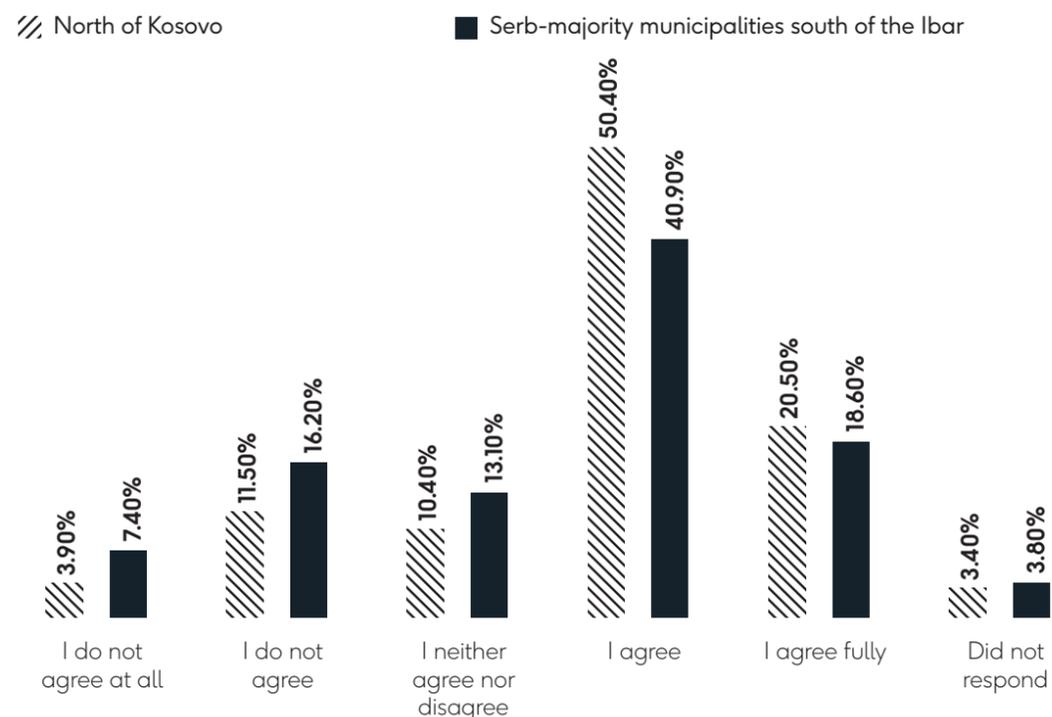
	1	2	3	4	5	% of non-confidence
Albanian political parties	62,4	29,1	4,2	2,4	0,5	91,5%
Kosovo judiciary	41,1	35,1	9	10,6	1,5	76,2%
Government of Kosovo	45	40,2	7,5	4,8	0,6	85,2%
Assembly of Kosovo	45,3	39,5	8,3	4,1	0,4	84,8%

1 - I do not have at all; 2 - I mainly do not have; 3 - I neither have nor do not have; 4 - I mainly have; 5 - I have full confidence – % of confidence – the sum of "I mainly do not have" and "I do not have at all"; values are expressed in %.

213 Reduction in the number of incidents, participation of the Serbs in the election process and institutions, etc., author's note

No doubt that insufficient implementation of the legal framework protecting the rights of non-majority communities in Kosovo contributes greatly to a negative perception of the Kosovo Serbs of central authorities. Not only contributes, but fuels ethnically based animosities. In the part of the study on [Rights of non-majority communities](#) its indicated that neglectance of the rights of non-majority communities can be interpreted as a consequence of tensions in inter-ethnic relations, as 65.1% of respondents believe that other non-majority communities enjoy a better protection of their rights than it is the case with the Serbs²¹⁴. The percentage of respondents who agree with that view is slightly higher in the Serb communities in the north of Kosovo (70%).

Graph 77. I am of opinion that my collective rights as a Serb are poorer protected than the rights of other non-majority groups living in Kosovo * by place of residence

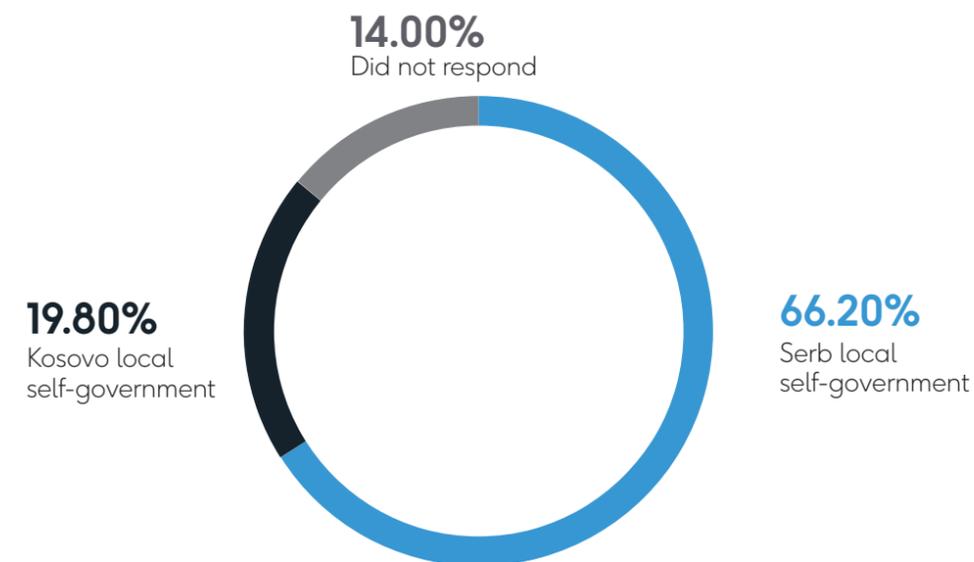


The results indicate that citizens of the Serb community in Kosovo believe that the indifference of the Government of Kosovo and relevant institutions toward the rights of citizens is rooted in ethnically based animosities. The consequence of such state of affairs, in addition to the fact that violations of the law challenge the democratic features of the society, is inevitable distrust toward the institutions led by Kosovo Albanians, at the central or local level. Consequently, two thirds of respondents (66%) believe they would (if such choice existed²¹⁵) be provided a better service in local self-government institutions functioning within the administrative system of the Republic of Serbia than in Kosovo institutions (which is the view of approximately 20% of respondents).

214 Graph 18, part Rights of non-majority communities

215 In the north of Kosovo, due to uncompleted process of setting up local administration within the Kosovo legal system, some of services provided to citizens overlap, author's report

Graph 78. Which local self-government would, in your opinion, respond to your request more efficiently?

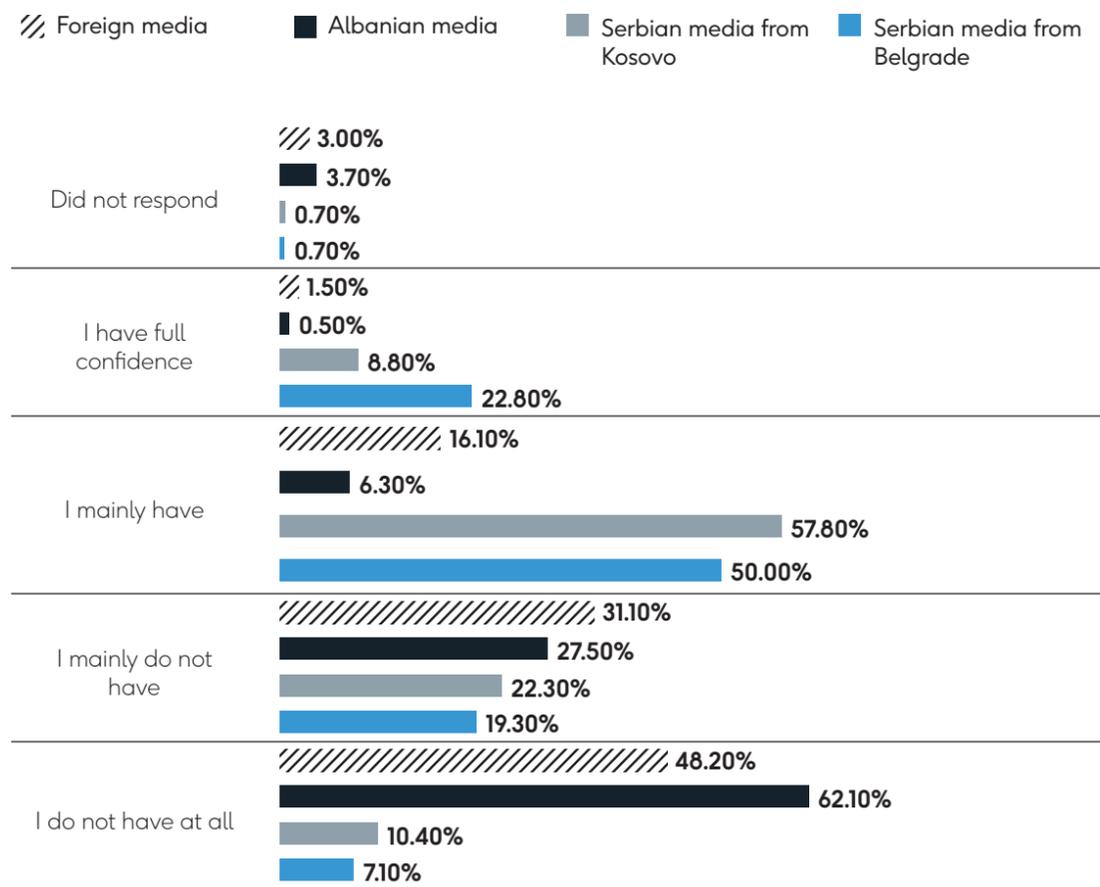


In the research *Openness of institutions to citizens in Kosovo*, the authors (CBS and FDMC) explain this view with "emotional" beliefs of respondents, because, as the author's state, Kosovo institutions undoubtedly have the greater presence at the ground, while the competence of the Serb local self-government is reduced to a minimum.²¹⁶

Inter-ethnic confidence, which obviously has a great impact on the relations within the Kosovo society is reflected not only on the attitude of the Serb community in Kosovo to institutions, but it's more or less present in all spheres of social life. Thus, for example, as many as 90% of respondents, citizens of the Serb community in Kosovo claim they do not have confidence in Albanian media in Kosovo.

216 CBS/FDMC, *Openness of institutions to citizens in Kosovo*, p. 17

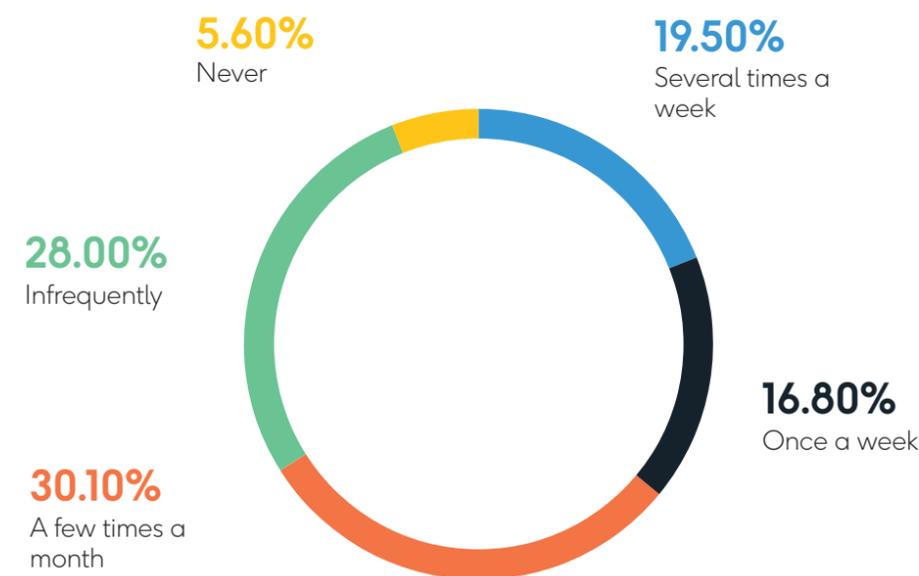
Graph 79. How much confidence do you have in the following media?



The results confirm the thesis already presented in this part of the report, that the degree of trust in certain institutions changes depending on the context in which such trust is analyzed. Thus, in a similar way as with the question of the role of Belgrade in the protection of Serb interests in the dialogue, the degree of confidence in media from Serbia grows when compared to the trust in Albanian media in Kosovo, irrespectively of quite convincing percentage of respondents questioning professionalism and truthfulness of information from media in Serbian (from Belgrade and Kosovo). (Table 6 above).

Such intensive ethnically motivated distrust inevitably reflects on the economic cooperation sphere, commercial cooperation between different ethnic groups, the type of relations otherwise resistant to these types of "emotional barriers". According to the 2020 OPEN research, one third of respondents (33%), members of the Kosovo Serb community, never or very infrequently buy in shops owned by the Kosovo Albanians.

Graph 80. How frequently do you buy in the Albanian-majority communities or in shops owned by the Albanians?



In the research *Analysis of the economic situation in the Serb-populated areas in Kosovo*, conducted by InTER, these results are not ascribed to ethnically based animosities, but to practical, market factors (closeness of a shop)²¹⁷, so this result should not be viewed as a consequence of inter-ethnic mistrust, but as an actual deficit in interactive dynamics between communities, that being one of the best ways to overcome barriers or prejudices that burden inter-ethnic relations in Kosovo.

3.1.4 Distrust in security institutions

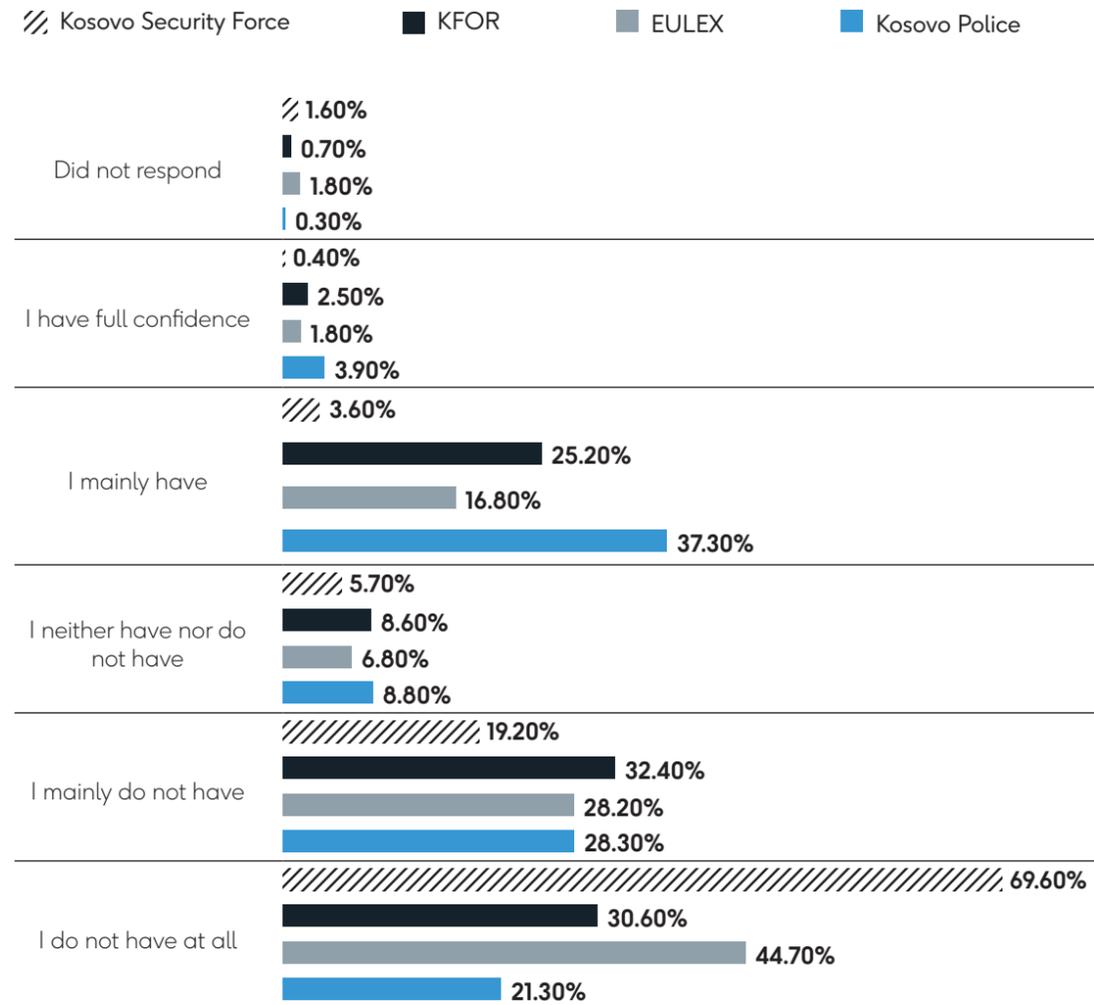
In the context of the analysis of conditions for active inclusion of citizens of the Serb community into socio-political processes in Kosovo, an important link (condition) is a security factor. A feeling of insecurity, feeling of being in danger, is incompatible with free societal actions. It is not even necessary to have actual risks of citizens being in danger, it is sufficient that there is such perception and civic passivity is unavoidable, a causality counted on by all who aspire to suppress the freedom of expression. It is also mentioned earlier in the report that citizens participating in the public dialogue in the Serb community in Kosovo, if critical of the authorities, are frequently exposed to various forms of pressures. In such circumstances, it is hard to encourage and promote civic activism, particularly if citizens are sceptical about efficient institutional protection and the rule of law system.

Regretfully, the 2020 OPEN research confirms such a reservation is present among the citizens as well as their distrust in the institutions directly in charge of their security. Almost 50% of respondents claim they do not have confidence in the Kosovo Police (Graph 81). When other actors in the security system in Kosovo

²¹⁷ InTER, Analysis of the economic situation in the Serb-populated areas in Kosovo

are concerned, the so-called "secondary respondents"²¹⁸, the reservations of citizens are even more pronounced, 60% of them claim they do not have trust in KFOR, 72% in EULEX and finally, as many as 91% of respondents claim they do not have confidence in the Kosovo Security Force.

Graph 81. To what extent do you have confidence in the following security institutions in Kosovo

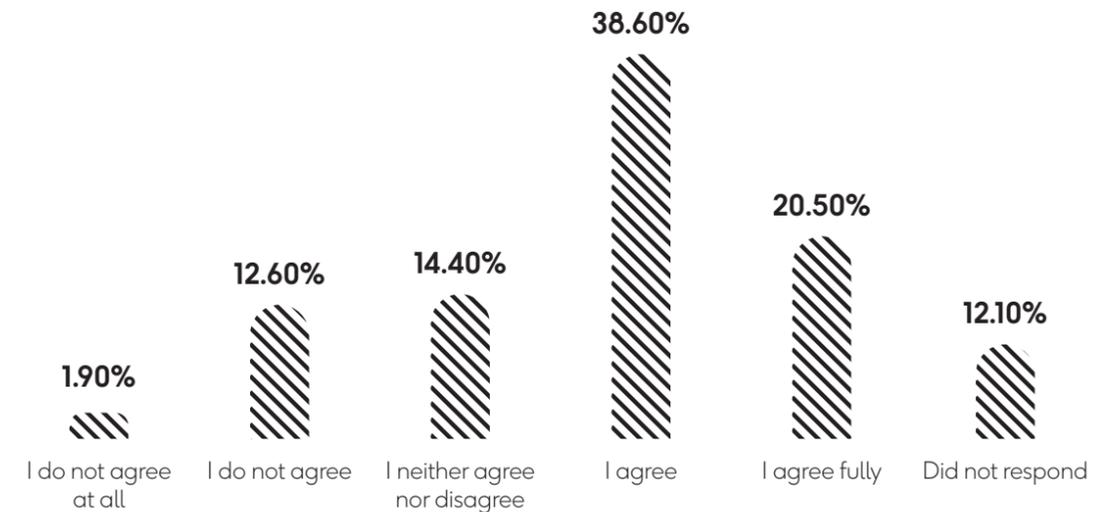


Although the author of the report, *Views of the Kosovo Serbs of security institutions*²¹⁹, Human Center Mitrovica, argues that these results indicated an improvement compared to previous researches on the same topic, the fact that half of respondents do not have confidence in the institution (KP) primarily responsible to protect citizens from assaults and pressures has serious consequences on the capacity of social mobilization and civic activism. Coupled with the result showing that 75% of respondents do not have confidence in the Kosovo judiciary system (Table 7), it leads to a conclusion that citizens of the Serb community in Kosovo do not have a feeling of living in a legally regulated society. Under such conditions, any civic involvement containing criticism, that can affect certain (sometimes hidden) interests and is perceived as a risk. And if there is risk there is no wide civic involvement.

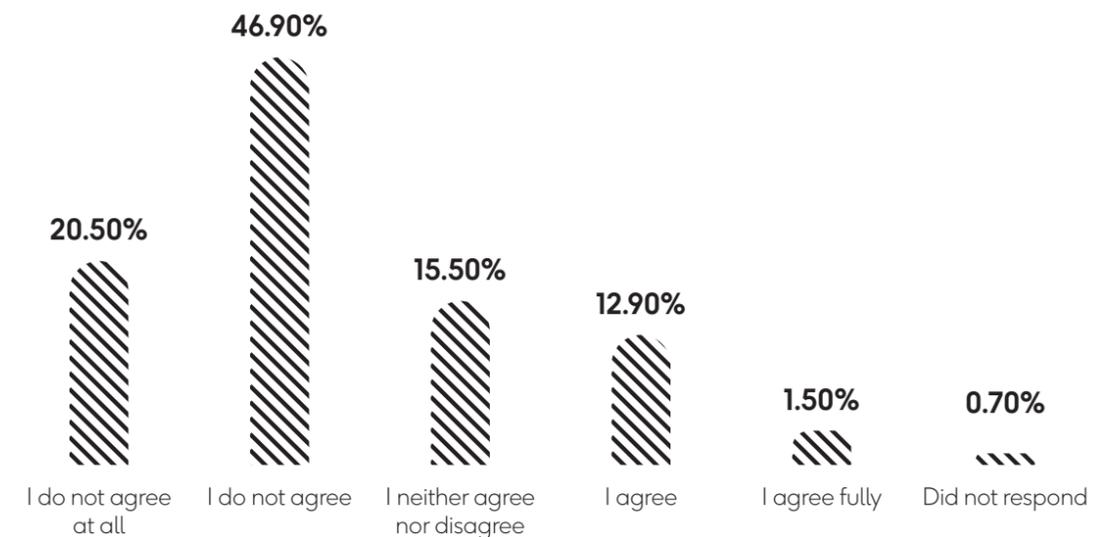
²¹⁸ the term defining the role of international missions in the Kosovo security system, author's note
²¹⁹ Human Center Mitrovica, *Views of the Kosovo Serbs of security institutions*, p. 17

What are the causes of distrust of citizens from the Serb community in Kosovo in the Kosovo Police? The 2020 OPEN research offers some explanations. According to this research almost 60% of respondents believe there is a high level of corruption in the Kosovo Police (Graph 82), while almost 70% of respondents believe that the involvement of the Kosovo Police was not sufficient to improve the security of the Serb community in Kosovo.

Graph 82. There is a high level of corruption in the Kosovo Police Force (KPF)

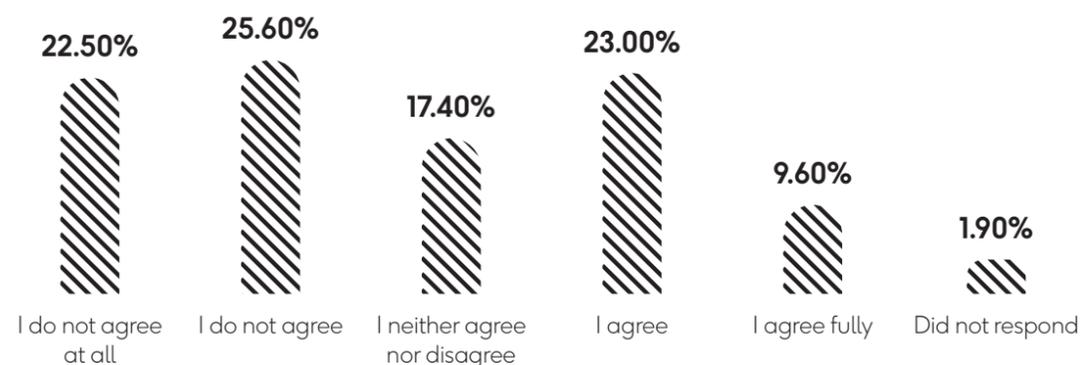


Graph 83. KPF improved the security of the Serbs in Kosovo



And last but not the least, almost half of the respondents (48.1%) believe that the Kosovo Police did not achieve good results in the protection of Serbian cultural heritage

● **Graph 84.** KP do well their job when protection of Serbian monasteries is concerned



Survey conducted within OPEN Initiative

The issue of protection of cultural and religious structures is extremely important for the feeling of security of the Serb community in Kosovo. Security of ethnic minorities does not relate exclusively to physical or property security. Security of national identity is also of great importance, including the religion dimension that takes a special place in the national sentiment of the Kosovo Serbs. And that element of national and religious identity was endangered during inter-ethnic conflicts in Kosovo at the end of the 20th and the beginning of 21st century, when, according to the data of the Serbian Orthodox Church, a great number of monasteries, religious and sacral places were destroyed and damaged²²⁰. Given the fact that preservation, protection and development of national identity of the Serb community is a right guaranteed by constitutional provisions²²¹ and legal mechanisms, as well as international conventions,²²² the role of the Kosovo Police in the preservation of cultural heritage is important and will continue to be one of the primary indicators of the trust earned within the Serb community. In interpretation of the results a very simple conclusion can be drawn that is, should Kosovo Police aspire to win the trust of Kosovo Serb community all it has to do is to implement the law.

²²⁰ <https://www.slobodnaevropa.org/a/kosovo-pravoslavna-crkva/27986159.html>, according to the data of SOC, approximately 150 Serbian Orthodox temples or monasteries were destroyed or damaged.

²²¹ Constitution of Kosovo, Article 58

²²² Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Security Council Resolution 47/135) and OHCHR (2010), Article 1

3.1.5 Inter-ethnic nonconfidence: positive indicators and chances

Although results presented so far are not raising any optimism that there will be a tangible improvement in trust building between communities in Kosovo any time soon, there are indeed some indications that give a hope reconciliation process in Kosovo does stand a chance. There are not many of them, but they could be a basis to build upon in manifold efforts to improve inter-ethnic relations in Kosovo.

One of them is the belief of the respondents that took place in this research that, Serbian media in Kosovo play an important and constructive role in the reconciliation through ethnic-sensitive and responsible reporting, which does not fuel the inter-ethnic tensions in Kosovo. Almost 80% of respondents claim they could not recognize elements of hate speech in the reports of Serbian media.

● **Table 8.** Is there and to what extent is hate speech toward the following groups in Serbian media in Kosovo present?

	1	2	3	4	5	NR
Toward Albanians	34,2	44	5,9	11	2,3	2,5
Toward Gorani	65,8	26,9	1,6	2,7	0,7	2,3
Toward Roma	56,6	31,5	3	4,9	1,7	2,3
Toward politicians iĉkih neistomišljenicima	28,1	25,5	6,5	28,8	8,3	2,7
Toward Serbs collaborating with foreigners	34,4	30,3	9,7	17,4	5,8	2,4
Toward Serbs collaborating with Albanians	30,8	27,6	8,7	23,2	7,4	2,3

1 - There is no hate speech; 2 - Mainly there is no hate speech; 3 - It neither exists nor does not exist; 4 - There is mainly; 5 - There is hate speech all the time; NR - did not respond; values are expressed in %.

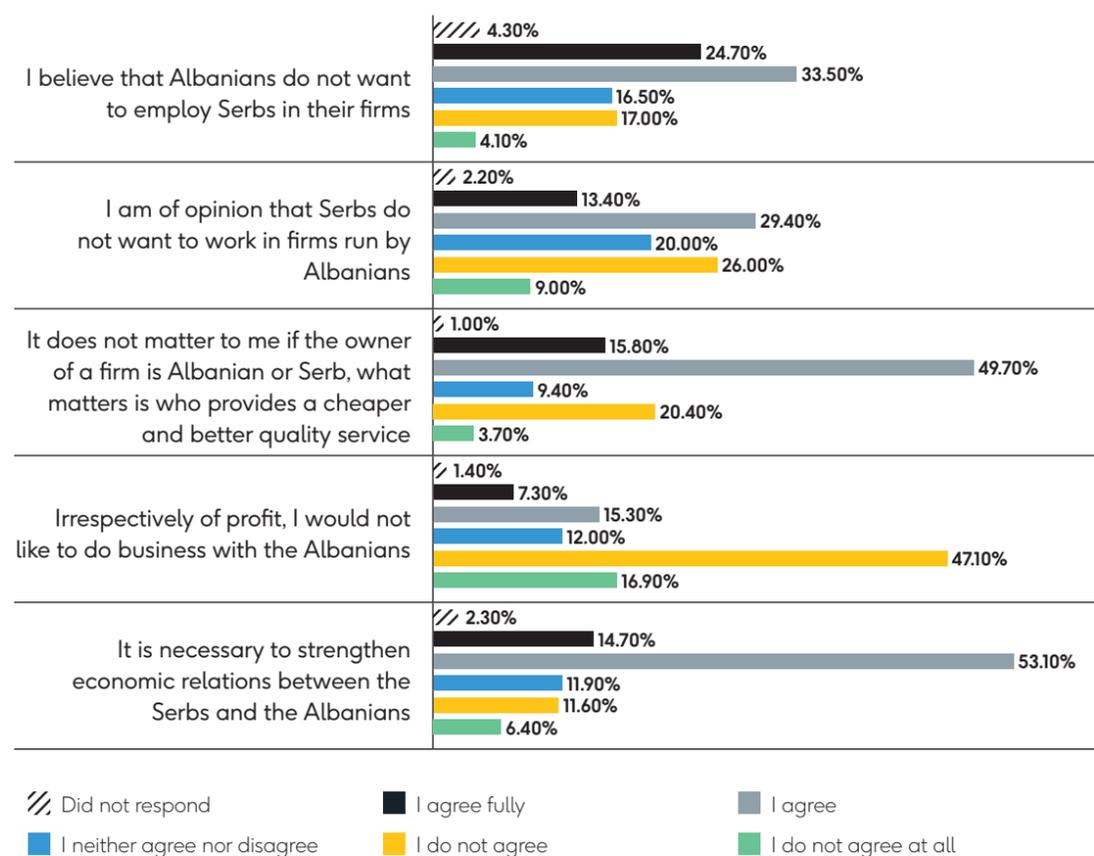
In the report *Openness of Serbian media in Kosovo*, the authors, CBS and Media Center Ćaglavica, based on interviews with journalists and editors of media houses reporting in Serbian, claim that the absence of hate speech and responsible reporting are the feature of independent media reporting in Serbian. According to the report, hate speech elements (if there are any) exist in media financed from the budget of the Republic of Serbia²²³.

Another reason for optimism is found in the results of the *Views of the Kosovo Serbs of security institutions*, presented within the 2020 OPEN Initiative by Human Center Mitrovica. The research, among the other, measures the basic indicators of inter-ethnic distance between the Serb and the Albanian communities in Kosovo. Indicators used in that study (economic cooperation) were very practical in terms of drawing con-

²²³ CBS/Media Center Ćaglavica, *Openness of Serbian media in Kosovo*, p. 25

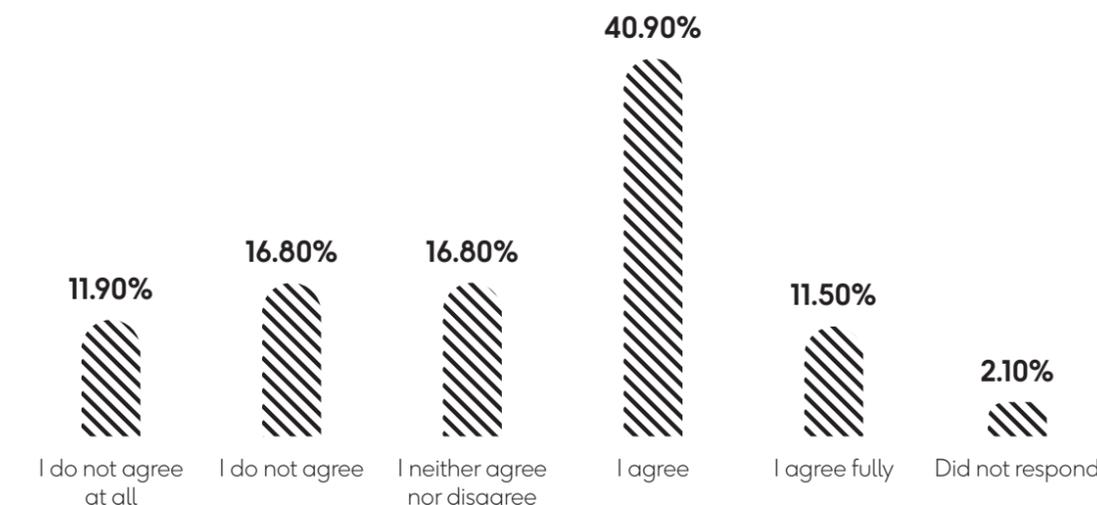
clusions, i. e. answers to the question what should a reconciliation process between ethnic communities in Kosovo be based on. (Graph 85). Namely, the results of this research show that there are signs that everyday life practicality wins over inter-ethnic animosities, as almost two thirds of respondents (65.5%) state that the quality or price of service is more important for them than who it is provided by (Serb or Albanian). Beside that, 64% of respondents claim they would gladly collaborate with the Albanians if that leads to profit, and almost 68% of respondents are of the opinion that economic ties between the Serbs and the Albanians should be deepened.

● **Graph 85.** To what extent do you agree with the following views



Finally, although it is said that citizens of the Serb community in Kosovo nourish a high level of distrust in the Kosovo Police, half of respondents (52%) claim they would nevertheless address them in case their security is put at risk.

● **Graph 86.** If I had a security problem, I would call the KP to help me



Of course, it is clear that the Kosovo Police is an obvious choice since there are no other actors with the same competence, but this recognition is sufficient for the Kosovo Police to get involved professionally and work on building stronger ties in them of non-majority communities in Kosovo.

Inter-ethnic trust in Kosovo is poor but there are chances and space to work on building confidence of citizens because, as we see, there is an interest and openness for collaboration if it is mutually beneficial. If such efforts are systematically supported, they may result in closer links between these two communities.

Conclusions

Epidemic of distrust. The level of non-confidence of the Serb community in social actors mandated to protect their interests assumed the proportions of an epidemic and alerts of strong democratic deficits of the society. Those deficits are manifested in different ways, e. g. by ignoring civic appeals (to central institutions) for a consistent implementation of the legal framework protecting their rights or by pressures (by the Serb political representatives) suppressing civic involvement, criticism etc. The request of citizens is clear. Representatives of institutions, political parties, civil society organizations etc. need to discharge their duty more responsibly and contribute to the idea of building society subordinated to the interest of citizens, communities. Everyone is to act as mandated.

The understanding of the concept of political representation of citizens (political activism) requires fundamental redefinition. Citizens of the Serb community in Kosovo seem to identify the profession of politician with non-affirmative social activities, practices of deceiving citizens or neglecting their interests. A natural way of enriching democratic potential is affirmation of new politicians and new ideas they bring. If that process is disrupted and, judging by the answers of respondents, it seems to be the case already, the Serb community in Kosovo will sustain an irreparable deficit in building capacities for changes.

Citizens of the Serb community have confidence in Belgrade and its policy toward Kosovo, but not in its exponents in Kosovo. Political leaders from the Serb community in Kosovo currently do not enjoy trust of citizens. It is significantly lower than the trust demonstrated toward the authorities in Belgrade responsible for the very personnel solutions in Kosovo. The main objection directed to local political representatives is that they neglect genuine interests of the community they represent and that they did not provide space for citizens to freely express their views. It is already shown in the report that behind this "elegant" wording there are various unacceptable actions of political representatives.

The process of inter-ethnic confidence building needs to be institutionalized. Prospects of inter-ethnic reconciliation in Kosovo have been discussed a lot in the past years. Lots of efforts and means were invested in initiatives that contribute to strengthening inter-ethnic cooperation. That has not yielded results. Citizens of the Serb community still demonstrate great mistrust in institutions within the constitutional and legal system in Kosovo, including those directly responsible for their legal and physical security (judiciary and police). Such distrust, although bearing an attribute of inter-ethnic (emotional), also has its realistic (factual) grounds. Much has been said on that topic in this report, i. e. an insufficient institutional dedication to protection of rights of non-majority communities. Civil initiatives promoting inter-ethnic tolerance, understanding, contacts among the young are by all means useful, but there will be no true reconciliation in Kosovo until citizens of the Serb community feel that their rights, security and freedoms are protected by professional and efficient institutions working by the letter of law.

Serbian Orthodox Church. The research shows that the only instance in which Kosovo Serbs have unquestionable confidence is Serbian Orthodox Church. Kosovo society is certainly secular and Serbian Orthodox Church should not be expected to go beyond its traditional social role and get involved into resolving issues within the competence of government institutions. However, the role of religious leaders in the reconciliation process needs to be reaffirmed. The concept is not new either in theory or in Kosovo, but its potential seems to be underutilized. Entirely random examples that illustrate this potential would be the inclusion of religious leaders in confidence building in returnee communities in Kosovo or promotion and protection of cultural heritage in Kosovo. Therefore, there is potential, it is up to those dealing with the issues of reconciliation to use it.

Common interest. It is not a revolutionary idea to say that improvement of economic cooperation is a good instrument in the reconciliation process. However, what needs to be said is that there is an opinion in theory that reconciliation best works when treated as "damele"²²⁴. The explanation is that the best way of confidence building between communities is when it is based on common interests (commerce, services and similar), i. e. primary motives, like, let's say, profit, while cooperation, respect and tolerance (damele) will certainly "grow" from such interactions as their side effect.

224 Original title: Microfoundations of Civil Conflict Reconciliation, Ethnicity and Context, Karin Dyrstad

3.2 Rights and freedoms of non-majority communities in emergency situations - covid-19 pandemic

3.2.1 The context

The 2020 OPEN research was carried out during the COVID-19 pandemic. An event of global proportions that shook not only Kosovo, but strong and developed western societies as well, with unprecedented threats to public health, economy, functioning of institutions and the society as a whole. The circumstances, unprecedented in the more recent history of mankind, have led to reexamination of the concept of civil liberties and their restricting even in the most solid democratic societies, but also transformed the concept of solidarity in relations among states, peoples and ethnic groups. The COVID-19 pandemic has tested the preparedness and vigilance of governments worldwide to adequately protect citizens from the threats and consequences of the pandemic.

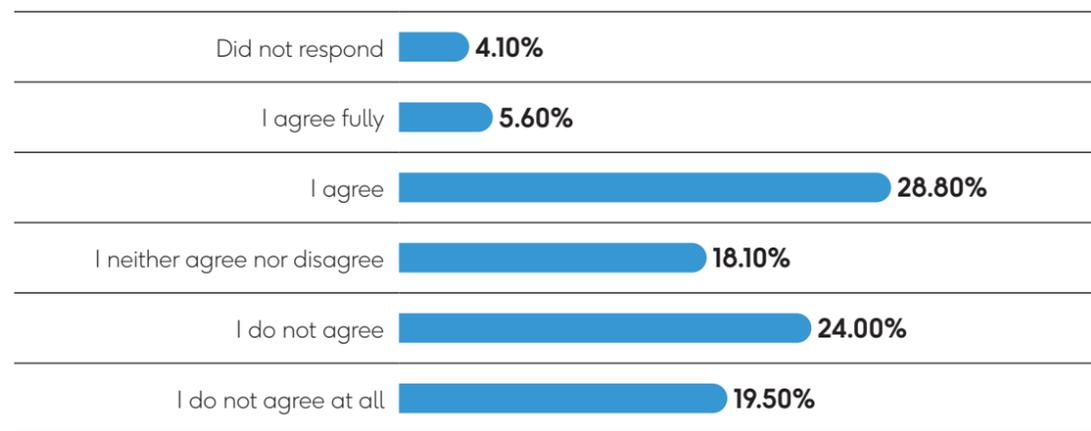
In the context of the Serb community in Kosovo, there were even more COVID-19-related challenges. Firstly, the challenge to struggle with an "enemy" that does not recognize the borders and divisions that people created, in a divided society. Then, how to equally protect all citizens irrespectively of their ethnicity if the mechanisms and institutional capacities guaranteeing exercising of non-majority rights, access to services and information, were not in place. COVID-19 pandemic exposed all system deficiencies of the Kosovo society and made them visible, including corruption, non-professionalism of institutions, poverty, economic shortcomings, unresolved political issues and many more. It is almost impossible to deal with all these deficiencies in one report, therefore the focus is on one issue, the treatment of non-majority communities in emergency situations, and efforts have been made to show as many of its manifestations as possible.

If, under normal circumstances, a consistent exercising of rights and freedoms guaranteed to non-majority communities is a legal issue, but as it is seen, also partly a political, under circumstances of the COVID-19 epidemic, that issue assumes new proportions. More precisely, it becomes the issue of the entire society, not only of one community, as epidemics cannot be contained partially, by focusing on only one part of the population. Under circumstances that exist in Kosovo, where citizens (although divided) frequently communicate, trade, interact, an adequate response to the epidemics is exclusively a full response. Therefore,

measures prepared by institutions as a response to COVID-19 had to protect equally all communities in Kosovo. In this report an attempt is made to answer to what extent that was successful.

Responses of citizens to the question how they generally find the response of Kosovo institutions to the COVID-19 epidemic show that there is to a certain extent a belief that the Serb community in Kosovo was neglected. Thus, 43.5% of respondents claim they noticed a discriminating attitude of institutions toward the Serb community during the COVID-19 pandemic. Only one third, approximately 33% of respondents, do not agree with this view (Graph 87).

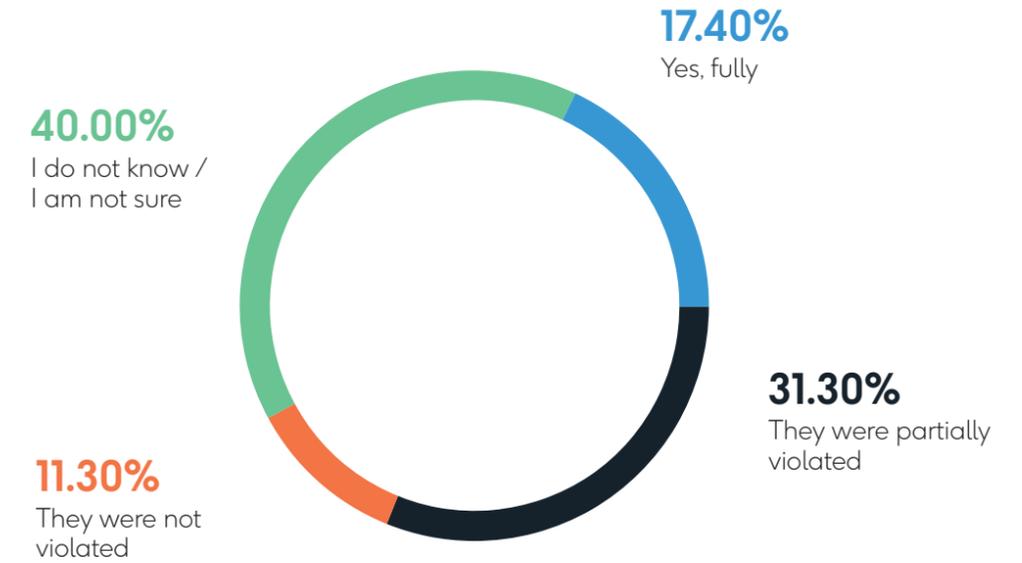
Graph 87. Government of Kosovo did not discriminate on an ethnic basis in fighting the COVID-19 pandemic



These results correspond to another research dealing with the same topic, 2020 Trend Analysis, conducted by NGO AKTIV, according to which slightly more than 45% of citizens, also from the Serb communities in Kosovo, believe their rights were partially or fully violated.²²⁵

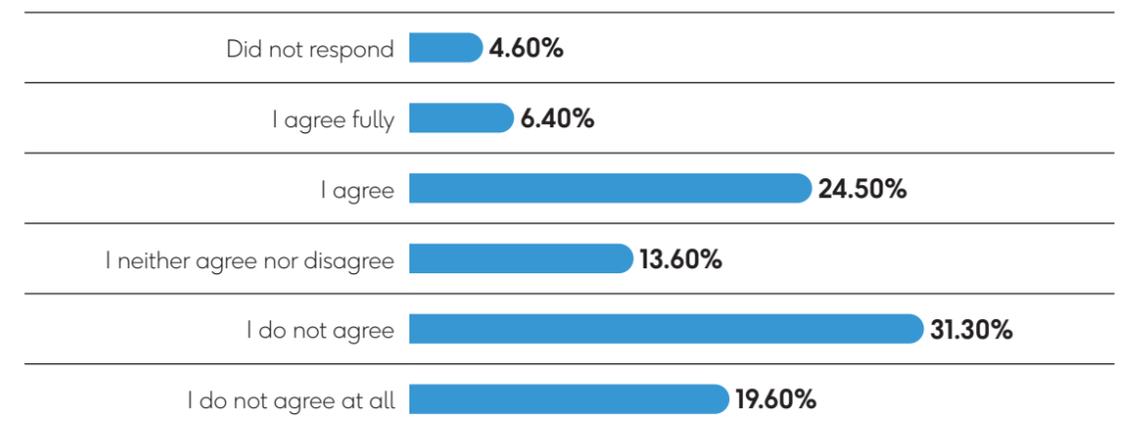
225 NGO AKTIV, 2020 Trend Analysis, p. 40, Special overview, COVID-19

Graph 88. Were the rights guaranteed by the Constitution violated by the Kosovo institutions during the COVID-19 pandemic?



What forms of discrimination is it about? Firstly, respondents, or more precisely, the majority of respondents believe that the response of Kosovo institutions, particularly the part involved in remedying consequences of the COVID-19 pandemic, was not complete and adequate when the Serb community is in question. Thus, half of respondents (50.9%) claim that the Government of Kosovo did not implement all measures in remedying consequences in the Serb communities (Graph 89). On the other hand, approximately one third of respondents (approx. 30%) believe that the measures adopted by the government were equally available to the Serb communities in Kosovo.

Graph 89. Government of Kosovo took all measures in preventing consequences of COVID-19 in the Serb community

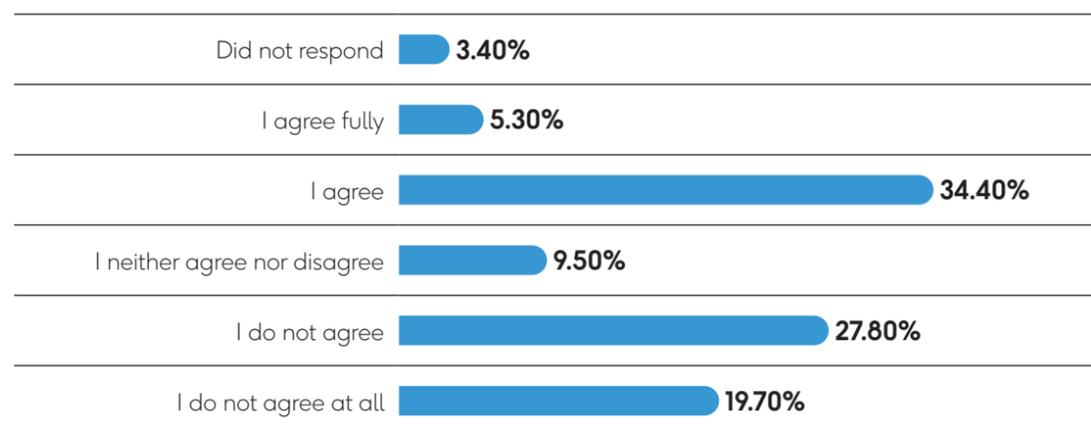


According to the research **Views of the Kosovo Serbs of security institutions** conducted within the 2020 OPEN initiative by Human Center from Mitrovica North, such results are a consequence of partial realization of measures of financial assistance to the unemployed beneficiaries implemented by the Government of Kosovo. The authors state that a significant number of unemployed citizens from the Kosovo Serb community have not accessed the assistance packages and "there was no explanation why they were denied of it".²²⁶

In an emergency situation, and the COVID-19 pandemic certainly is, the issue of use of official languages is not only a legal/political issue or an issue of discrimination of non-majority communities. Under such circumstances, non-communication of prevention measures with citizens (in the language they understand) assumes a dimension of a public health hazard because a demographic group is denied information on the epidemic spreading prevention measures, putting at risk not only them, but the entire Kosovan society. In those circumstances, all omissions and failures in institutionalizing the right to use Serbian that existed since the establishment of the legal framework guaranteeing it (in 2008 - author's note) surfaced. Numerous reports alerts that the communication of central institutions on COVID-19 combating measures was mainly monolingual, with either no translations into Serbian or with a delay in their provision, or finally with quality so poor made them dysfunctional²²⁷. Citizens in the Serb communities (as well as other non-majority communities) were denied important information relating to prevention measures, movement restrictions, assistance of the Government of Kosovo to vulnerable groups etc.

The issue is seen the same way by the citizens. According to the 2020 OPEN research, almost half of respondents (more precisely, 47.5%) disagree (or fully disagree) with the statement that the Government of Kosovo efficiently provided information in Serbian as well (Graph 90).

Graphon 90. Government of Kosovo provided information in Serbian on the situation relating to COVID - 19



On the other hand, the view that Kosovo institutions successfully communicated information to the Serb community is shared by a somewhat lower, but still significant percentage of citizens, 39%. That is not a neglectable percentage and it shows that there were positive examples as well. Such an examples can be found in the report **Analysis of economic situation in the Serb-populated areas in Kosovo**, prepared within the 2020 OPEN Initiative by the Institute for territorial economic development (InTER)²²⁸, in which the au-

226 **Views of the Kosovo Serbs of security institutions**: Human Center Mitrovica, p. 26

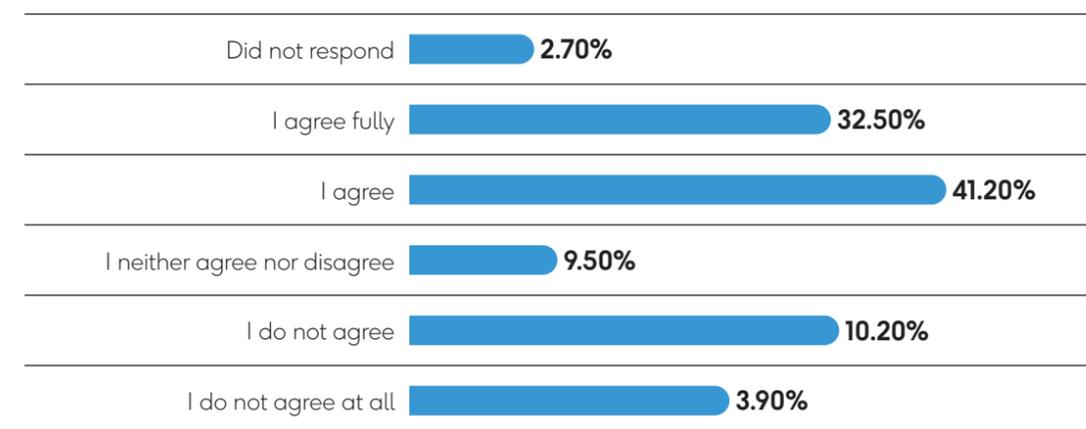
227 NGO AKTIV, Language rights at the time of the pandemic, Introduction

228 InTER, *Analysis of economic situation in the Serb-populated areas in Kosovo*, Economic measures aimed at fighting consequences of the COVID-19 pandemic, p. 15

thors report the findings from the qualitative part of the research, in which the respondents, entrepreneurs from the Serb communities north and south of the Ibar, expressed a positive view regarding the availability of information in the process of applying for the Government of Kosovo assistance package.²²⁹ Entrepreneurs claim *procedures were very clear, documentation was available in Serbian and an electronic system for dispatching the required forms has functioned adequately*. The authors of the report conclude that in the realization of this part of measures there were no elements of discrimination.²³⁰

Lack of information was not the only concern of the Serb community in Kosovo. At one point the problem became that fact that there was too much information. Namely, at the very beginning of the epidemic there was an overlap in managing the crisis between the Kosovo institutions and local headquarters in charge of combating the virus which were in coordination with the Republic of Serbia crisis headquarters. That resulted with a situation in which citizens received dual instructions on movement restrictions or community service sectors regime, etc. Those directions were frequently incompatible, even contradictory.²³¹ The consequences were confusion and mess, unnecessary cues in shops that if anything, only increased the risk of contagion. That is confirmed by participants in the 2020 OPEN research and as many as approximately 75% of citizens state that such dualism of competences created confusion among citizens, while only approximately 13% of them find that situation bearable. (Graph 91)

Graphon 91. Existence of double directions from Prishtina and Belgrade caused confusion as to which direction to comply with



The authors of the research **Openness of institutions to citizens in Kosovo**, Crno beli svet – CBS and Forum for Development and Multiethnic Collaboration point to the same problem, the existence of dual institutions, concluding (based on the discussions with citizens in focus groups) that such situation existed for a limited period of time.²³² It is added in this report, based on observations from the qualitative part of the research that citizens also mentioned other deficiencies in institutional response to the crisis caused by the COVID-19 epidemic, including non-existence of a strategic plan in the event of emergencies, imposing fines for the violation of contagion prevention measures selectively, as well as the problem of inadequate implementation of the process of allocation social assistance.²³³

229 Measure - 3 – assistance to small and medium-size enterprises in fighting consequences of the COVID-19 pandemic, InTER ibid

230 Ibid: „In that sense, if enterprises met the requirements, there were no significant administrative obstacles in applying”. InTER

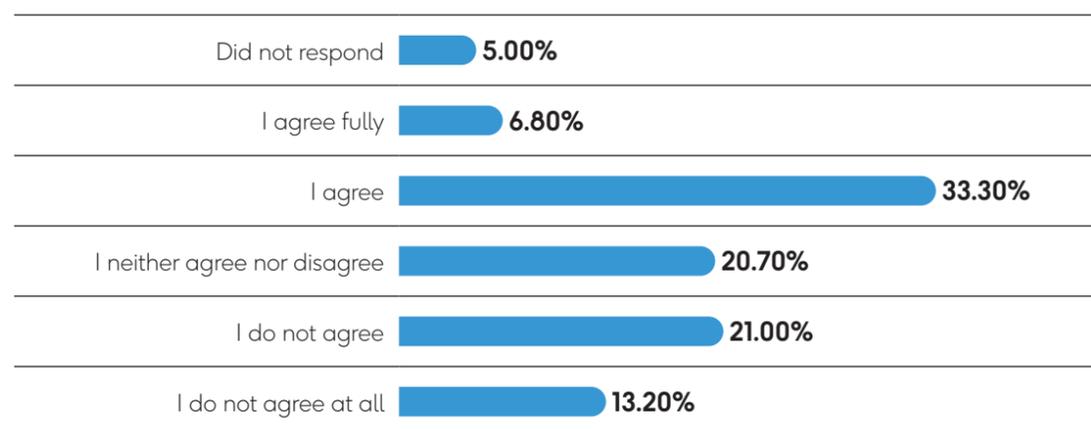
231 Human Center Mitrovica; Views of the Kosovo Serbs to security institutions, p. 27

232 CSB p. 17

233 Ibid, p. 18

It is obvious there were problems in the functioning of institutions. The question is how they were reflected on security of citizens as that is a responsibility of institutions in emergencies. One of the parameters to determine that is the success of relevant institutions in regular provision of supplies to citizens necessary for the prevention, in this case, of virus spreading. The role of the authorities under such circumstances is to ensure equal access to preventive material or, if not available in sufficient quantities, to rationally distribute them, taking care of social interests (preventing speculative attempts, such as prices manipulation, making stocks, monopolization etc.) Citizens, respondents in this research, stated their opinion upon this issue. Almost 40% of them agree with the view that there were sufficient quantities of preventive and protective materials, while slightly more than one third of them (34.2%) do not agree with the statement (or do not agree at all).

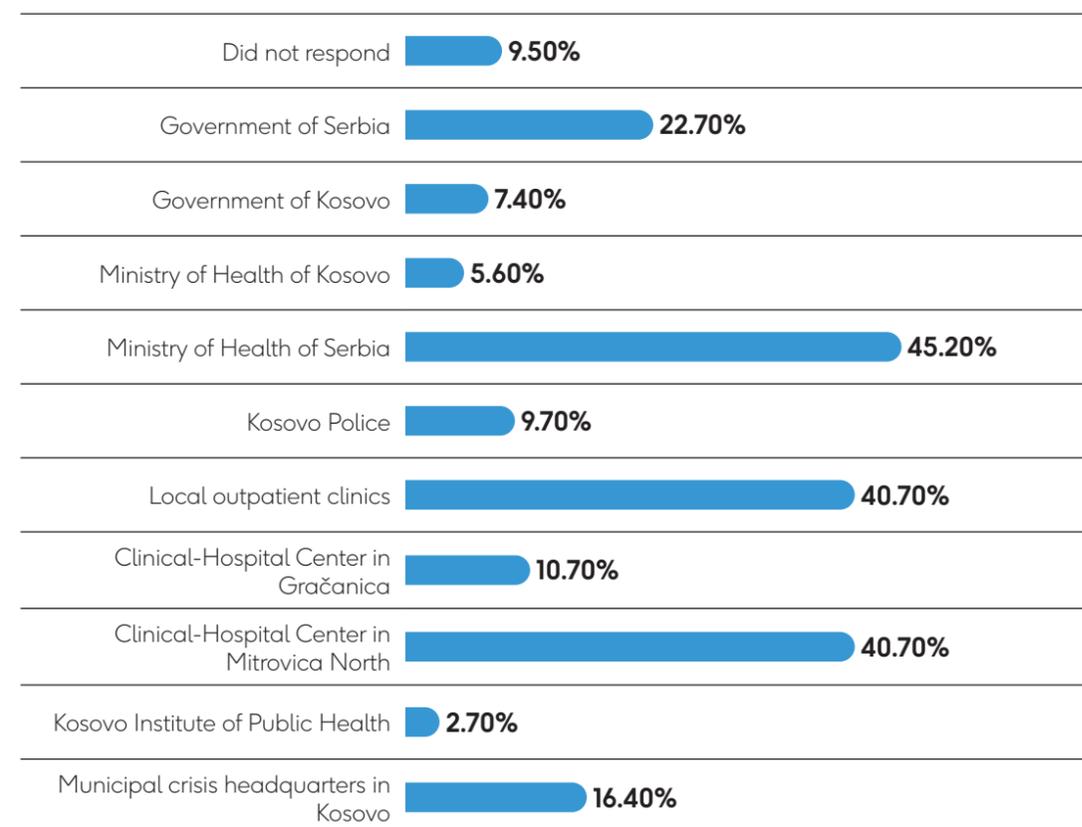
Graphon 92. In Serb-majority municipalities there was sufficient number of protection and disinfection materials (face masks, gloves, alcohol, disinfection substances...)



Again, a simple numerical analysis may lead to a conclusion that a greater part of citizens believe that provision of protective items for the prevention of virus spreading was adequate. However, the very definition of the question points to a crucial conclusion. A "sufficient number" in this context logically, as well as epidemiologically, may be interpreted only "everyone got them". The conclusion that protective materials were not sufficient is necessary even if only 1% of citizens claim they did not have access to them, let alone as many as 34% of respondents. So there is no doubt as to the conclusion. Institutions did not provide materials and items in sufficient quantities as required by the situation.

An attempt was made to determine the perception of citizens of the responsibility of institutions in emergency cases by inquiring the degree of confidence in institutional actors (or instances) of relevance in fighting the COVID-19 epidemic. The results show that citizens have greatest confidence in health institutions at all levels, from primary health care unit (40%), Clinical-Hospital Center in Mitrovica North (40%), to the Ministry of Health of the Republic of Serbia (45%) which was actively involved in the provision of health services to the citizens of the Serb community in Kosovo (referring the most serious patients to healthcare institutions in Serbia, giving assistance to healthcare institutions in the Serb communities etc.). (Graph 93)

Graph 93. Which of the listed institutions in your opinion responded most efficiently and most responsibly to the crisis caused by the COVID-19 pandemic in Kosovo?



On the other hand, having in mind the identified (and elaborated) patterns of interethnic mistrust in Kosovo, as well as omissions of Kosovo institutions in providing equal response to the COVID-19 epidemic to all communities in Kosovo, a negative assessment of the involvement of Kosovo institutions by the Serb community is not surprising. Thus, only 7.4% of respondents believe that the Government of Kosovo in comparison to the other actors, responded efficiently and professionally to the crisis caused by the COVID-19 epidemic. There are similar percentages of responses when the Kosovo Ministry of Health (5.5), Kosovo Police (9.7%) and Institute of Public Health in Prishtina (2.7%) are concerned. What is nevertheless surprising is a very low percentage of respondents who find the efforts of the Clinical-Hospital Center in Gračanica efficient and professional (10.7%). Compared to other institutions within the health system in Serb communities, this percentage is much lower. Seeking the cause of such attitude of respondents using qualitative methods²³⁴, a great dissatisfaction of citizens with the patterns of public communication of the head of this institution under the COVID-19 epidemic is noticed. In other words, citizens and professional associations of journalists on several occasions publicly complained of the lack of relevant information on epidemiological situations from this institution, that is a central medical treatment institution for citizens in Serb communities south of the river Ibar.^{235 236} There was also a similar issue concerning the communication of crisis management

²³⁴ Report on focus group, Gračanica.

²³⁵ KiM Radio; UNS: Information on COVID-19 to be promptly released; <https://www.radiokim.net/vesti/zdravlje/uns-hitno-saop-stiti-informacije-o-kovidu19.html>

²³⁶ Voice of America <https://www.glasamerike.net/a/kosovo-gracanica-zdravstvo-lekari-direktor-kbc-bratislav-lazic/5676069.html>

headquarters in the north of Kosovo of which respondents also have a relatively poor opinion (only 20% of them believe they acted adequately). This issue will be explained in more detail in the next part of the report.

3.2.2 Institutional response – access to information and services in remedying consequences of the COVID-19 epidemic

COVID-19 pandemic is not only an epidemiological hazard to health of people, but due to the pattern of spreading it requires more comprehensive measures of minimizing contacts among people and social distancing. This concept of the prevention of virus spreading had disastrous consequences on all segments of economy based on human interactions – services, tourism, transport, commerce, sport etc. One of the consequences was a drastic fall in income of a great number of people working in those industries. Countries have been forced to balance between devastating consequences of approaches to the issues. It was imperative to find a way to help the affected industries while at the same time keeping under control the epidemiological situation.

Design of the response and a strategic approach in resolving the dilemma was more or less uniformed in almost all countries. The approach implied partial suspension of commercial operations, state subsidies to enterprises and direction of financial assistance to the most affected categories of population, those with lowest income, private businesses and other sectors severely hit by the COVID-19 pandemic. Loosening of measures, as a universal approach, was a logical consequence of a "learning process" under unprecedented conditions of the epidemic as soon after the lockdown became evident that poverty was equally devastating for citizens as the virus spreading risk, which resulted in mass violation of isolation measures.²³⁷

Kosovo was seemingly following this logic and the modalities of subsidizing the most vulnerable social categories. In the report **Analysis of the economic situation in the Serb-populated areas in Kosovo**, prepared within the 2020 OPEN Initiative by Institute of Territorial Economic Development (InTER), a concise overview of measures (and goals) of economic assistance by the relevant institutions in Kosovo is given. The report informs that the first fiscal assistance package proposed by the Ministry of Finance, was adopted by the Government of Kosovo as early as at the end of March 2020.²³⁸ (*Emergency fiscal measures package in overcoming economic consequences of the COVID-19 pandemic*.²³⁹) The package included financial assistance to private sectors most severely hit by the crisis and it included coverage of monthly expenses for employee salaries, subsidies for rental costs for small and medium-size enterprises, coverage of retirement contributions for employees, subsidies to trade companies which registered employees with service contracts for at least one year and provision of financial liquidity for micro enterprises.²⁴⁰ A detailed list of the measures can be found in the study **Analysis of the economic situation in the Serb-populated areas in Kosovo** (InTER)²⁴¹, while this part of the report is focused on the perceptions of citizens of the appropriateness of measures considering their needs and in relations of provision of equal access to services for all citizens.

The results show that the opinion of respondents, citizens of the Serb communities in Kosovo, on the adequacy of measures adopted by the Government of Kosovo, is divided. Thus, 41.7% of respondents believe

237 Recommendation of Human Rights Watch, the original title: Human Rights Dimension of COVID-19 Response - available on: https://www.hrw.org/news/2020/03/19/human-rights-dimensions-covid-19-response#_Toc35446590

238 Decision of the Government of Kosovo N. 01/19 *Emergency Fiscal Measures Package in overcoming economic consequences of the COVID-19 pandemic*, available on <http://bit.ly/2WK6xCH>

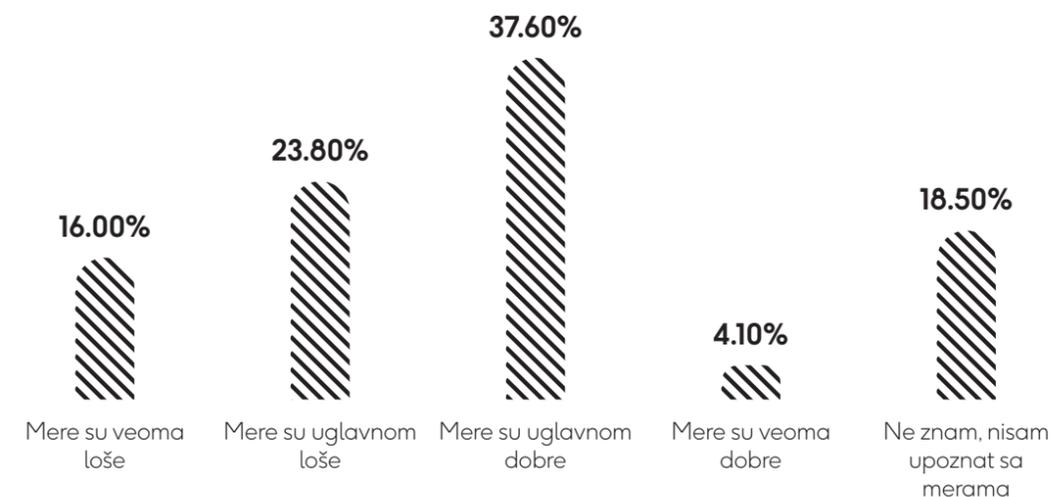
239 Decision of the Government of Kosovo No. 01/19, available on <http://bit.ly/2WK6xCH>

240 Quote: InTER; Analysis of the economic situation in the Serb-populated areas in Kosovo, INTRODUCTION p. 1, par. 3

241 InTER; Analysis of the economic situation in the Serb-populated areas in Kosovo, p.13, 14, 15

that measures of support to citizens in fighting the COVID-19 pandemic were good (or mainly good), while a somewhat lower percentage (39.8%) of respondents are of opinion that those measures to a lower or higher extent did not correspond to their needs.

● **Graph 94.** How do you assess the measures package of the Government of Kosovo to citizens in fighting the COVID-19 pandemic?



Although there is no definite conclusion if those measures met the needs of the Serb community, and it is not to be judged by the Kosovo Serbs only but by all other citizens who the measures related to, it is very important to assess the responsibility of institutions in their implementation, i. e. have all citizens had access to those assistance packages under equal conditions.

In the report **Lessons learnt: treatment of Kosovo non-majority communities during the COVID-19 pandemic**, prepared by NGO AKTIV²⁴², there is an overview of the so-called "Measure 15", a measure from the assistance package aimed at overcoming consequences of the COVID-19 epidemic, adopted by the Government of Kosovo in 2020. That measure was intended for socially most vulnerable categories of population, social assistance beneficiaries, unemployed, those whose income generation was affected by the epidemic, and it included incentives for employees in sectors of key importance for functioning of the society as a whole (bakeries, pharmacies, consumer goods, etc.).²⁴³ As it is noticed in the report, a great number of citizens reported difficulties in accessing information on that relief package as they were either not available in Serbian or inadequately translated, causing great problems to potential beneficiaries. This report also warns that numerous complaints were made by members of the Gorani and Bosniak ethnicity, concluding that "the Government of Kosovo did not provide conditions for non-majority communities in Kosovo to be fully informed on technical procedures relating to the provision of economic assistance."²⁴⁴

242 NGO AKTIV: <http://www.ngoaktiv.org/srb/news/lessons-learned-the-treatment-of-non-majority-communities-during-the-covid-19-pandemic>

243 Ibid

244 Ibid, conclusions

The same problem in access to information on the relief package adopted by the Government of Kosovo for socially most vulnerable citizens during the COVID-19 epidemic is also mentioned in the report **Openness of institutions to citizens in Kosovo**, prepared within the 2020 OPEN Initiative by Crno beli svet - CBS and Forum for Development and Multiethnic Collaboration – FDMC. On the basis of consultations with citizens (in focus groups or interviews) the report argues that citizens were forced to seek information on the social assistance program through *personal contacts and media*, and that despite requests for detailed information on procedures, deadlines etc., institutions remained passive.²⁴⁵ In the same report the authors inform on the experience of one social allowance beneficiary from Leposavić municipality who claim that the assistance application process entails a presence of a great number of people in one room posing itself a great epidemiological risk.²⁴⁶

Unlike measures intended for socially most vulnerable categories of population, beneficiaries of measures focused economic entities positively describe the quality of services, including the availability and accuracy of information in Serbian language. The same assessment offers authors of the report **Analysis of the economic situation in the Serb-populated areas**, (InTER), arguing that entrepreneurs who benefited from any form of assistance to businesses deem their experience as positive.²⁴⁷ The authenticity of their experience is not questioned, but the impression of the entire process is incomplete since it does not take into account the experience of those applicants that have not become beneficiaries of subsidy packages.

Since, based on available data, it's not possible to determine whether the requirements to access assistance packages for businesses were equal, it is necessary determine was there any discriminating practices in package recipients selection process or/and have the Government of Kosovo took care of proportional distribution of funds, which would ensure equality in access to subsidies for non-majority communities in Kosovo. That criteria would be grounded on constitutional principles promoting "equal representation" of non-majority communities in public institutions, media, access to information...²⁴⁸. These constitutional provisions establish the principle of equality (through proportionality) in accessing public resources, and it also binds the authorities to *affirmative action* ("positive discrimination" is frequently used instead), implying a proactive approach of institutions in the implementation of these principles. As assistance packages for enterprises (and citizens) provide for budgetary subsidies for all citizens affected by the epidemic, i. e. public resources, then distribution criteria cannot be based on market parameters (volume of production, turnover potential, number of jobs and similar), but they are actually measures of protection of citizens in emergency situations. In such situations all citizens are affected.

245 CBS/ FDMC, *Openness of institutions to citizens in Kosovo*; section *Acts of institutions during the Covid-19 pandemic*, pr. 18

246 Ibid, quote: "All communication was through friends... which resulted in incomplete information whether I was on the list or not, whether there would be payment or not ..." said a focus group member from Leposavić municipality, adding that „at taking the package epidemiological measures were observed although Kosovo Police members were present" p. 18, par. 5

247 InTer; *Analysis of the economic situation in the Serb-populated areas*; quote: "All business entities included in the research and actively operating within the Kosovo legal system got funds from this package of economic relief. They found the package simple and non-discriminating..." p. 16, par. 6

248 Constitution of Kosovo; Article 59 (10,11). Rights of Communities and Their Members

Therefore, the question is to what extent enterprises from the Serb communities in Kosovo exercised their right and access the subsidies. Data obtained in the research **Analysis of the economic situation in the Serb-populated areas** by Institute of Territorial Economic Development (InTER) were of enormous help in that. By analyzing available information, the authors of this report obtained data that the *Emergency fiscal measures package in overcoming economic consequences of the COVID-19 pandemic*,²⁴⁹ adopted by the Government of Kosovo at the end of March 2020. According to this data, government of Kosovo granted support in overcoming economic consequences caused by the pandemic to more than 30.000 enterprises from Kosovo. Out of total, 781 enterprises from the Serb-majority municipalities received subsidies, **which constitutes only 2.6%** of the total number. That is significantly less (or even four to five times less) than the established parameters (10%) defining "equitable participation" of non-majority communities under constitutional principles.²⁵⁰

The research prepared by InTER within the 2020 OPEN Initiative also gives a concrete insight into the scope and distribution of assistance packages in the Serb-majority municipalities in Kosovo.

● **Table 9.** Number of businessmen who are beneficiaries of Measure 3 Emergency Fiscal Measures Package, by municipalities

Municipality	No. of beneficiaries of Measure 3 EFMP	Number of registered business entities
Mitrovica North	34	727
Zvečan	20	874
Leposavić	34	1,482
Zubin Potok	8	664
Gračanica	415	1,245
Štrpce	110	970
Novo Brdo	47	418
Parteš	66	10
Klokot	40	30
Ranilug	7	20
Total	781	6,440

Source: InTER, based on the data of Kosovo Tax Administration

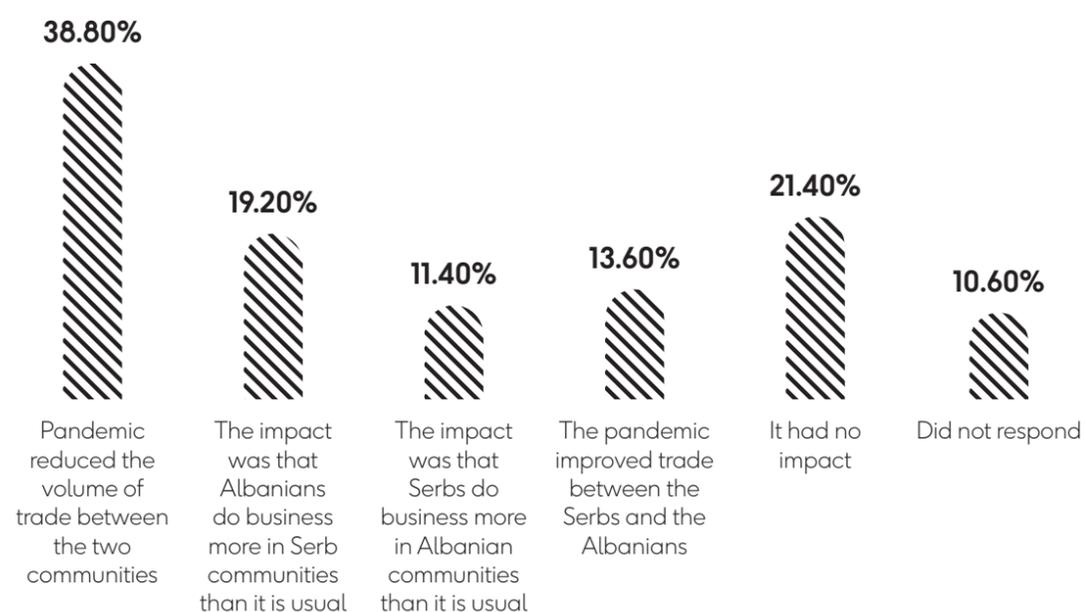
Analytical limitations of these data are taken into account in drawing this conclusion. Namely, they comprise only data from the Serb-majority municipalities. The number of entrepreneurs, beneficiaries of subsidies from the Serb communities in other municipalities is not included, but it is also not distinguished whether all beneficiaries from the Serb-majority municipalities were in fact Kosovo Serbs, i. e. members of non-majority communities. In these municipalities there is a significant number of enterprises owned by the Kosovo Albanians (i. e. majority population).

249 InTER, *Analysis of the economic situation in the Serb-populated areas*, p. 1 INTRODUCTION

250 Constitutional principle of equity operationalized by the Law on Civil Service as 10% of jobs for members of non-majority communities in civil service, author's note

Considering this, the only conclusion that can be drawn is that there are realistic indications that principles and mechanisms of distribution of assistance to business entities (as well as social assistance to citizens) did not reflect the spirit of constitutional principles guaranteeing equitable representation of non-majority communities in access to public resources. This principle should have been observed as the COVID-19 epidemic hit all citizens with equal intensity, risks and threats. Needs of entrepreneurs from Serb communities were even greater given the impact of the epidemic on the volume of trade on the Kosovo market. According to the 2020 OPEN research, as many as 38% of respondents believe that in the conditions of the epidemic there was a drop in commercial activities between Kosovo Serbs and Albanians (Graph 95). That inevitably led to a drop in profits.

Graph 95. What impact did the pandemic have on commercial activities between the Serbs and the Albanians?



3.2.3 Views of citizens on responsibility of social actors during the COVID-19 pandemic

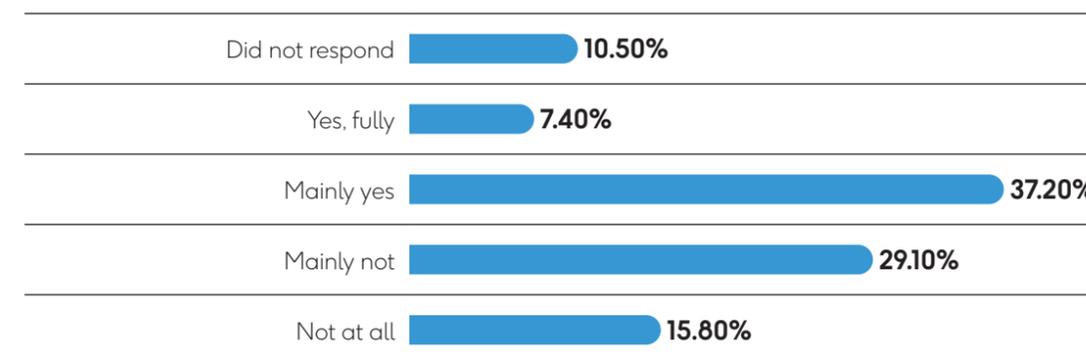
COVID-19 pandemic is a humanitarian disaster of global proportions. It hit almost all societies worldwide, testing their institutional preparedness in fighting its spreading and consequences, as well as vigilance, solidarity and responsibility of all social actors in general.

Social responsibility is not only a personal act, although in the context of the epidemics it is extremely important. It is about the responsibility of all actors to contribute to an overall societal response to the challenges of emergency crisis, including civil society, media, experts of different profiles, educators, law enforcement members etc. Almost everyone has a responsibility to get professionally involved in the prevention of COVID-19 spreading and in remedying devastating consequences of the epidemic on public health, mental wellbeing, economic survival and preservation of social resources and values.

This part of the study deals with the research of the perceptions of citizens of how different social actors managed to adapt and get actively involved to contribute to more comprehensive social response to the crisis and its consequences. The analysis addresses the assigned social role of different actors from the aspect of the pandemic, and argues how successfully they mobilized and adapted to circumstances of an emergency.

Local crisis headquarters were set up in municipalities with majority-Serb populations in Kosovo and were composed of representatives of authorities, relevant institutions, experts. Although they primarily acted in coordination with the relevant institutions of the Republic of Serbia, representatives of Kosovo institutions were also included in them. Their task was to manage and coordinate local institutions in fighting the pandemic, implement measures prescribed by the central authorities and to provide citizens information of importance for protection from virus spreading or elimination of its consequences. Citizens evaluated how successful they were in the fulfilment of their tasks. According to the 2020 OPEN research, respondents from the Serb communities Kosovo-wide, deem the crisis management headquarters did not demonstrate full preparedness to face all challenges that the pandemic brought. This position is shared by 45% of respondents. However, almost identical percentage, more precisely, 44.6%, believe that crisis management headquarters responded efficiently to urgent needs of citizens. (Graph 96). With such a distribution of results a determinative conclusion cannot be drawn.

Graphon 96. Were crisis headquarters in municipalities in Kosovo prepared during the Covid-19 pandemic to respond to urgent needs of citizens?

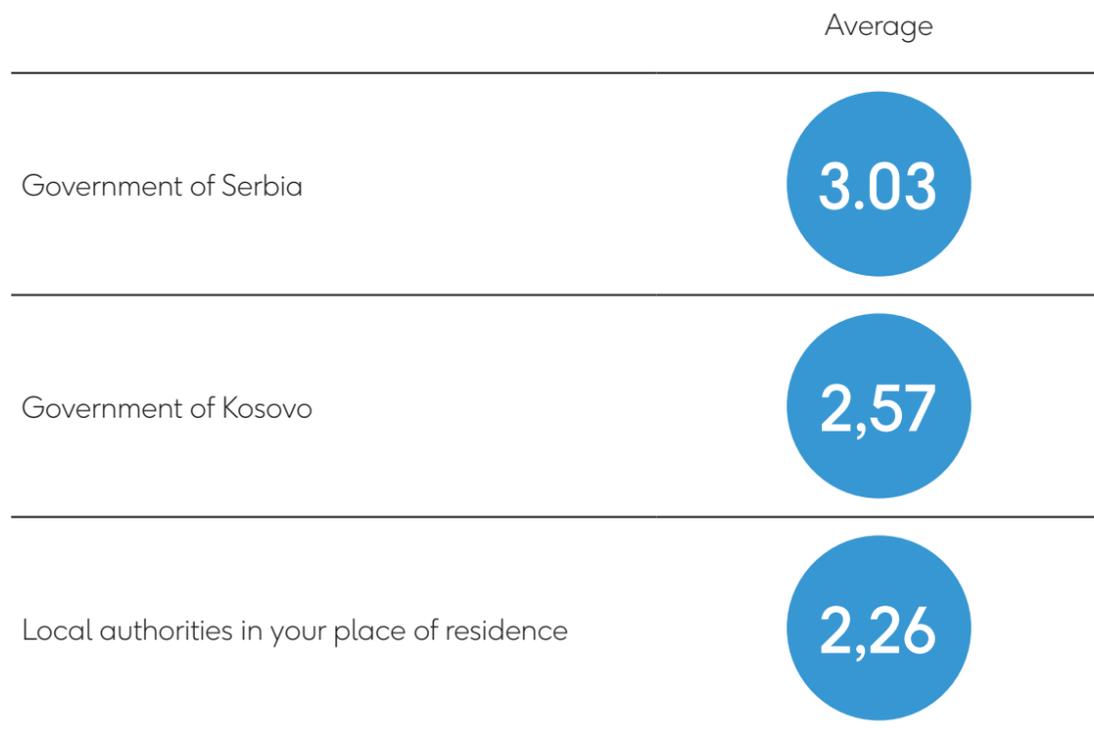


As this report was not sufficient to draw a conclusion on the role of crisis headquarters in the Serb-communities in Kosovo, explanations were sought in other papers (sources). However, the data in them are also somewhat contradictory. According to the research 2020 Trend Analysis by NGO AKTIV, citizens rated the work of local headquarters with 2.26²⁵¹, which is a negative value in the response categories used by the authors²⁵². In table 10 (below) of this research it is shown that citizens rated the Government of Kosovo better than local headquarters, which is unusual for any parameter in the research so far.

²⁵¹ NGVO AKTIV, 2020 Trend Analysis, A special overview COVID-19, p. 13 [http://ngoaktiv.org/uploads/files/Analiza%20trends%202020%20SRB\(1\).pdf](http://ngoaktiv.org/uploads/files/Analiza%20trends%202020%20SRB(1).pdf)

²⁵² Positive grade ≥ 2.5 , author's note

Table 10. In a 1 to 5 scale, where 1 stands for very poor and 5 for excellent, how did the competent institutions help prevent the spread of Coronavirus with their measures? (NGO AKTIV, 2020 Trend Analysis)



However, the authors of the report *Openness of institutions to citizens in Kosovo*, Crno beli svet - CBS and Forum for Development and Multiethnic Collaboration - FDMC²⁵³ draw a completely opposite conclusion. On the basis of qualitative research methods, consultations with citizens, interviews etc., the authors conclude that citizens believe that local institutions, including crisis headquarters, demonstrated a tangible effort to meet the demands of citizens and to be open to communication with them.²⁵⁴

Therefore, after examining other sources, the position of citizens as to the quality of work of crisis headquarters remains divided. It is not surprising since COVID-19 pandemic is unique event in our lives that cannot be judged based on the previous experience. That is why citizens are predominantly driven by their subjective idea of requests to which the headquarters had to respond, and they based their opinion on that.

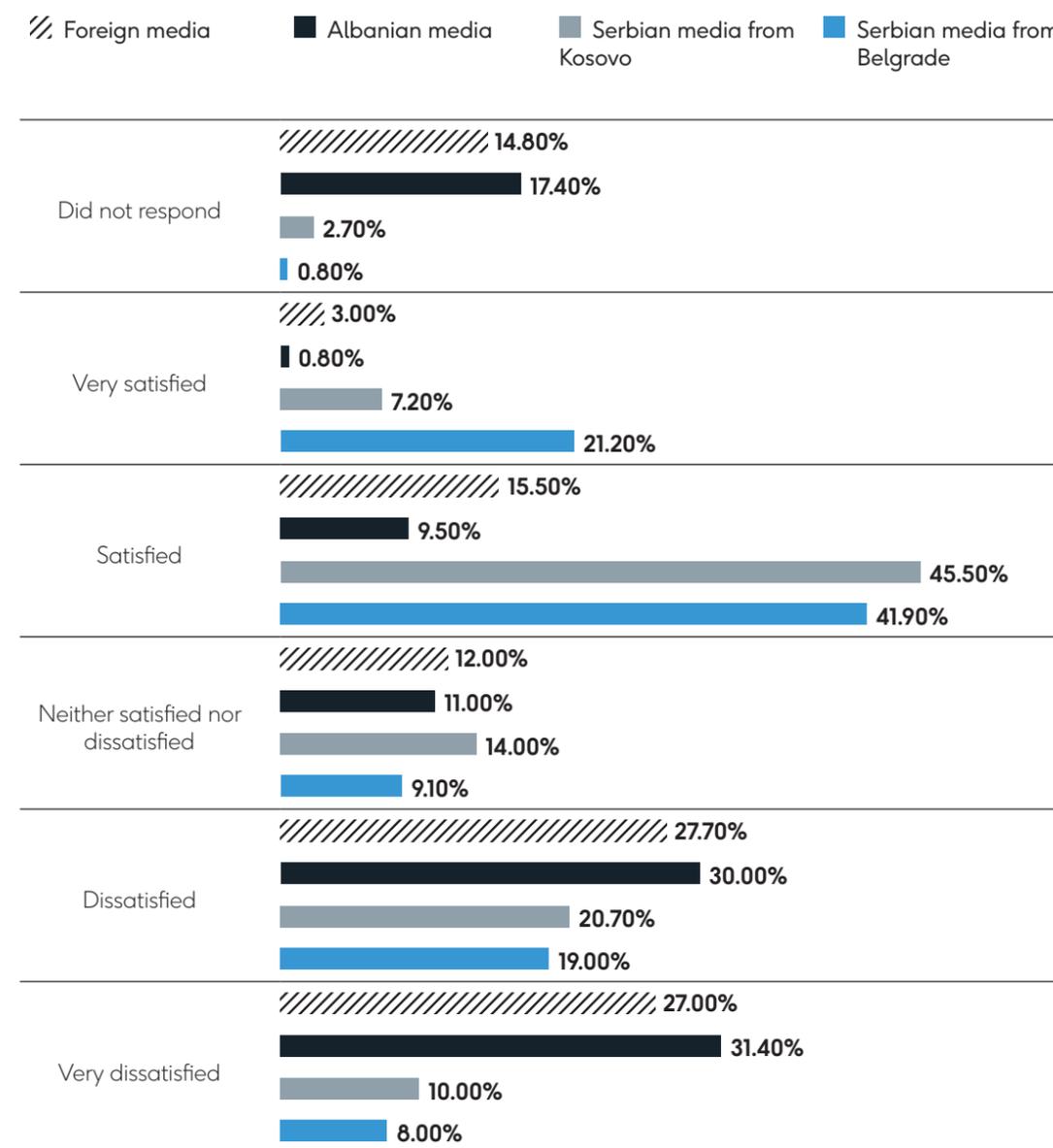
The role of media in the COVID-19 epidemic. Since the beginning of March 2020 when a new pathogen spread to this part of the world in which we live, our everyday life is overflowed with information on the COVID-19 crisis – official, unofficial, speculative and expert, true and fake. The first global health crisis in the digital era has shown all advantages of real-time transfer of information, but at the same time it has also shown adverse effects of unchecked, fake and speculative news in managing the epidemiological crisis of such proportions. In such circumstances the dissemination of information and the role that media plays in it, are of even greater importance. Whether it is about preventive measures, information creating patterns of behavior of citizens (spreading panic, e. g.) or education of citizens on health aspects (symptoms), the key to a successful social response to the crisis lies upon media.

253 CBS / FDMC, *Openness of institutions to citizens in Kosovo*, p. 17

254 *Ibid*, quote: "this crisis led to a greater openness of certain institutions to citizens" and "slightly improved the impression when local self-government in concerned".

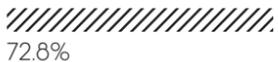
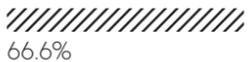
The study before you strived to determine to what extent the respondents, citizens of Serb ethnicity, demonstrate confidence in information they obtain through media available to them. Such indicator of trust, in the context of the COVID-19 crisis is not only a democratic value category, but also an important indicator of epidemiological measures efficiency as it also implies a likelihood of obeying to requested patterns of behavior (social distance, movement restrictions, face masks etc.) aimed at virus spreading prevention. According to the results of the 2020 OPEN research, citizens from the Serb communities demonstrated the highest level of confidence (satisfaction) in the Belgrade media (63%) and Serbian media from Kosovo (53%) reporting on COVID-19 epidemics.

Graph 97. To what extent are you satisfied with the reporting of media during the Corona virus pandemic?



The table 11 (below) gives an overview of the general level of confidence of citizens in media (general opinion) and its comparison to responses assessing the work of media during the crisis caused by the pandemic in an attempt to determine the position of citizens as to adequacy of provision of information.

Table 11. Comparative overview of the confidence level citizens have in media and their satisfaction with media reporting during the COVID-19 crisis ↵

Media	Confidence in media (I have confidence + I have full confidence)	Satisfied with reporting during the pandemic (satisfied + fully satisfied)	Trend
Serbian media from Belgrade	 72.8%	 63.1%	↘ -9.7%
Serbian media from Kosovo	 66.6%	 52.7%	↘ -13.9
Albanian media	 6.8%	 10.3%	↗ +3.5%
Foreign media	 17.6%	 18.5 %	↗ +0.9

The results indicate a small decrease of confidence (satisfaction) in reporting of media in Serbian from Kosovo and Belgrade during the COVID-19 epidemic, by approximately 10%. This result may be also taken as a general trend of a slight increase in scepticism due to overall shortage of relevant information on the phenomenon of the COVID-19 epidemic and its consequences on the health of people.²⁵⁵

Beside that, Serbian media from Kosovo faced significant difficulties in accessing information required by citizens. In the Annual **report on the situation regarding language rights in Kosovo**, NGO AKTIV states that absence of adequate translations by Kosovo central institutions managing the crisis caused by the COVID-19 epidemic made professional reporting of Serbian media in Kosovo significantly more difficult, on top of the additional (translation) costs they had.²⁵⁶ It is also said that after first complaints by journalists and CSOs, that practice changed for a short period, but it was not systematic and the problems emerged before long.

The access to information from central institutions was not the only problem faced by Serbian media in Kosovo but such a problem occurred in communication with institutions at local level as well. Although of entirely different nature. Difficulties media had in obtaining information from the Clinical-Hospital Center in Gračanica are already mentioned in this report. Beside that, journalists of Kossev portal in Mitrovica North on several occasions alarmed the public on the problems they had in obtaining information from the local

²⁵⁵ Interview with representatives of civil society, Report, p. 3

²⁵⁶ NGO AKTIV, *Annual report on the situation with language rights in Kosovo, access to information during the COVID-19 pandemic*, p. 17

crisis management headquarters²⁵⁷ The same media outlet reports on other forms of pressures, including the arrest of its editor-in-chief Tatjana Lazarević allegedly on the grounds of violation of the movement restrictions, despite the fact that journalists were exempt from that measure by a decision of the Government of Kosovo and press accreditation was presented to the police).²⁵⁸ In the qualitative part of the research journalists from the Serb municipalities in Kosovo ascribed such types of pressures to pre-Covid 19 existing animosities²⁵⁹ toward Kossev portal due to its critical reporting on the activities of local authorities.

However, entirely opposite findings are presented in the report **Openness of Serbian media in Kosovo**, describing the openness and patience of institutions in collaboration with the media during the pandemic as exceptionally good.²⁶⁰ The report elaborates this with findings from focus groups with journalists and chief editors who even "pointed to a possibility of developing new, much better relations between media and institutions" after abolishing the state of emergency²⁶¹

The role of civil society during the COVID-19 pandemic. It is already mentioned in the report that non-governmental organizations, as an integral part of the society, play an important role in representing interests and safeguarding the interests of citizens. In state of emergency circumstances, such as the COVID-19 pandemic, such a role of civil society is not abolished, but rather gains on importance.

The intensity of epidemiological measures, the number of the affected persons requiring assistance, pressure to maintain the regular supply and many other issues, stretched the institutional capacities to their utmost limits, leaving citizens with reduced or none of institutional attention for non-priority problems. The capacity and experience that can be found within the civic sector, is usually of assistance in such a situation. In addition, CSOs can and should play an important role in complementing the societal response to epidemiological threats through education of citizens, humanitarian work, public information campaigns etc. On another level, it is of utmost importance for CSO to maintain and even intensify their watchdog role, monitoring the authorities in the state of emergency period and alarm the public if they notice that public policies or institutional practices in combating the epidemics contain the discriminatory elements and neglect needs of any social categories.

In the context of the Serb community in Kosovo, timely adaptation of civil society led to a more intensive involvement of NGOs in advocating the implementation of the legal framework protecting the rights of non-majority communities²⁶² (as, e. g., the use of language²⁶³), actions of promoting observance of epidemiological measures in their communities²⁶⁴, education of citizens²⁶⁵ on protection in emergencies²⁶⁶, monitoring central institutions in the implementation of "good practices" in the process of implementation of measures of assistance to citizens or subsidies in overcoming consequences of the COVID-19 pandemic.²⁶⁷

²⁵⁷ Radio KiM, SNF: Stop the practice of media disciplining <https://www.radiokim.net/vesti/drustvo/snf-da-se-prestane-sa-prak-som-disciplinovanija-medija.html>

²⁵⁸ NI: Kosovo Police arrested Kossev portal editor; <https://rs.n1info.com/vesti/a588081-kosovska-policija-privela-urednicu-porta-la-kossev-tanju-lazarevic/>

²⁵⁹ Interview with a journalist from Serbian media in Kosovo (anonymity required, author's note)

²⁶⁰ Interview with a RTK journalist, Openness of Serbian media in Kosovo, Crno Beli Svet/Media Center Čaglavica

²⁶¹ Ibid

²⁶² <http://ngoaktiv.org/srb/news/the-problems-that-non-majority-communities-face-in-kosovo-further-aggravated-by-the-pandemic>

²⁶³ <http://ngoaktiv.org/srb/publication/annual-report-on-the-state-of-language-rights-in-kosovo-language-rights-in-the-time-of-the-pandemic>

²⁶⁴ <https://kossev.info/nvo-link-samo-decembra-donirao-15-000-vizira-za-zdravstvene-radnike-na-kosovu/>

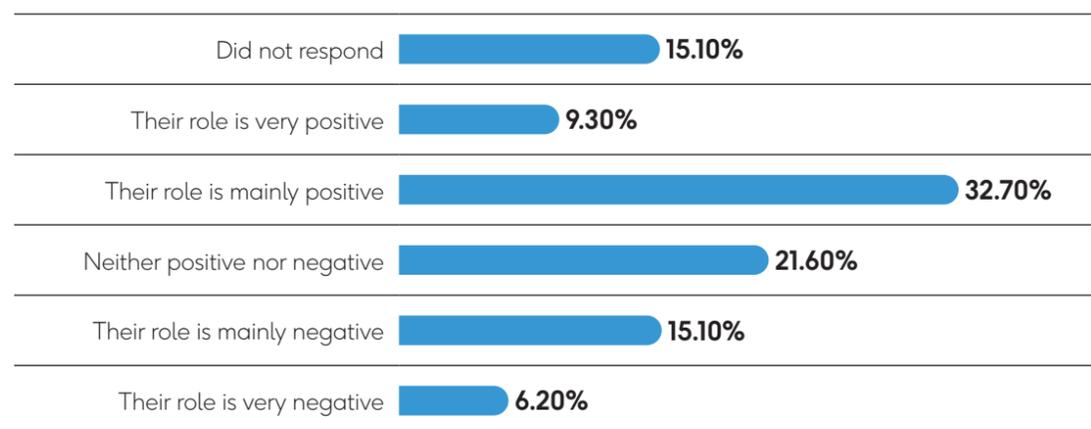
²⁶⁵ <https://www.fdmckosovo.org/dojenje-u-toku-kovid-19-breastfeeding-during-covid-19/>

²⁶⁶ <https://acdc-kosovo.org/index.php?str=publikacije>

²⁶⁷ (And many more other examples, author's note)

Those efforts were recognized by citizens and the percentage of those seeing the role of NGOs in combating the COVID-19 pandemic as positive is double (42%) the percentage of those seeing their role as negative (21.2%).

Graph 98. The role of NGOs in overcoming severe social, economic and environmental challenges (such as the COVID-19 pandemic)



Of course, there is always space for improvements. Deficiencies of the CSOs in the Serb communities in Kosovo observed in pre-COVID-19 period, were not overcome during the state of emergency. Advocacy actions were still mainly individual, animosities among organizations have not ceased, while available expertise were as insufficient as it was before the pandemic. If the engagement of CSOs from the Serb communities in Kosovo in combating the spread of COVID 19 pandemic and remedy its consequences is to be described in one sentence, the most objective judgement would be that it was adequate to the capacities it had at its disposal.

3.2.4 Conclusions

The Covid-19 pandemic surfaced all deficiencies. The phenomenon of the first pandemic in our lives brought to daylight all deficiencies, as well as virtues of the society we live in. The results of the research show that the Serb community faced numerous problems during the crisis. Just as all other communities in Kosovo, or any other society in the world affected by this crisis. Yet in the case of the Serb community the most intensive problem occurred much earlier of pandemic, the problems that should have been resolved in ant democratic society, that is meticulous implementation of the legal framework. Once the state of emergency occurred, it was not realistic to expect such a systematic problem could have been resolved, despite the genuine willingness that was obvious in some cases. It needs to be said openly – Albanian politicians in Kosovo made more efforts to reach toward the Serb community than in normal circumstances. That is commendable. However, the question is why are there no such efforts in normal circumstances? Is responsible behavior of representatives of Kosovo institutions predisposed by a feeling of a "higher" (or justified) cause, such as the COVID-19 pandemic? And lastly, does it mean that a society based on equality, a society in which rights of all communities are observed is not a "higher" cause for Kosov politicians, but instead those rights are perceived as a danger, injustice or risk? So, there are more questions than conclusions in this part of the report.

Bilingualism as a measure of prevention of virus spreading. Although there were exceptions, they only confirmed the rule. The fact is that according to this research almost half of respondents believe that institu-

tions did not adequately communicate with the Serb community in Kosovo, having as a consequence lack of relevant information on prevention of the pandemic and elimination of its consequences. That is not a mere discriminating practice (although that is its essence). There is a strong belief among the members of the Serb community in Kosovo that relevant institutions such as the Ministry of Health, National Institute of Public Health etc., ignored their interests in a situation when they were extremely important – for their safety or life saving²⁶⁸. If observed from that perspective, such practice had another consequence – it led to further deepening of (already deep) nonconfidence of the Serb community in Kosovo institutions (as explained in the part *Distrust crisis* of the report).

Fiscal measures during the COVID-19 pandemic. The research shows that great number of respondents, the Kosovo Serbs, believe that measures of the Government of Kosovo for overcoming consequences of the pandemic were conceived in an adequate way, yet that conditions under which various assistance packages were accessed were not equal for all communities in Kosovo. There was a difference in the quality of services and information Kosovo institutions provided to the Serb community within certain categories of subsidies, more precisely, those having a character of a support to the most affected categories of population (unemployed, employees exposed to greater risks etc.).

When it is about access to information related to assistance packages to business entities, the situation was somewhat better. However, the very concept of distribution of assistance did not sufficiently reflect the equity principles provided by the letter and the spirit of the Constitution. These principles should have been a foundation of criteria in distribution of fiscal assistance packages to businessmen. A state of emergency did not abolish those principles, but rather made them more important in the given circumstances. A measurable indicator in the spirit of constitutional principles is established by the Law on Civil Service²⁶⁹, Article 11, by effectuating a constitutional category "equitable representation", through a threshold of 10% for minimal representation of non-majority communities in central institutions. This indicator of 10% is considered as a reference standard defining the equitable treatment of all communities in accessing the assistance packages in overcoming consequences of COVID-19. Meaning, instead of 2.6% enterprises in the Serb-majority municipalities, that percentage of the total assistance should have been significantly higher.

Epidemic as a lesson. Finally, it should be said that the response of different social actors to the crisis caused by the COVID-19 epidemic was, if nothing else, adequate. There are a number of good examples which could serve as guidelines on how to build relations in society once the state of emergency is over. For example, better preparedness of Kosovo institutions to respond to the needs of the Serb community need to continue after the epidemic is over. Similarly after epidemic, civil society may continue to adapt efficiently to genuine needs of society, collaboration between ethnic communities may be as responsible as demonstrated during the epidemic. The end of the epidemic, hopefully, will not mean the end of responsible behavior of social actors.

²⁶⁸ NGO AKTIV, Language rights at the time of pandemic, Conclusions and recommendations

²⁶⁹ Law No. 03/L-149, Law on Civil Service, Article 11

3.3 General recommendations

At the end of this report, a set of general recommendations is set with the aim to define the role of different social actors in the promotion of an "ordinary people agenda", their interests and priorities in general social and political processes, in and around Kosovo. This includes the process of building inter-ethnic confidence in Kosovo, promotion of political pluralism, social responsibility etc. In that context and pursuing the "ordinary people agenda", drafted recommendations address the impact of the COVID-19 pandemic on security, rights and freedoms of non-majority communities in Kosovo, i. e. preparedness and capacity of competent institutions to ensure equal treatment of all citizens in emergency situations.

Stigmas and prejudices

- *A robust social mobilization is required to stigmatize a widespread practice of misuse of inter-ethnic tensions in political marketing.* The hate speech, exploitation of inter-ethnic animosities in discourse of political actors in Kosovo fuel the latent inter-ethnic conflict in Kosovo. The approach to this issue needs to be comprehensive and include coordinated efforts of social actors in all communities, including the Albanian. That is why the best way of addressing this issue is its incorporation in the existing (and future) civil society initiatives aimed at reconciliation and promotion of inter-ethnic tolerance in Kosovo;
- *Destigmatization of the profession "politician" by promoting young, responsible leaders from the Serb community.* An extremely negative perception of "inevitable patterns" of political activities (dishonesty, personal interest, manipulating citizens' interests) determined in this research has an adverse effect on the willingness of citizens to pursue their interests through political involvement. Serbian society in Kosovo due to that may be lastingly (or for a foreseeable period) deprived of prospects of political pluralism and benefits citizens might have from competing in ideas and programs in their community. Lastly, such stigma of political involvement may upset (if already has not) a fundamental principle of democratic control of political actors and a main characteristic of open society, and that is the principle of interchangeability of those in power.

Responsible behavior of social actors

- *Civil society organizations and media need to join the forces in combating the fake news, tendentious reporting and monopolization of public discourse.* The importance of reliable information for citizens proved to be of particular value during the COVID-19 crisis although its importance for a truly democratic character of a society is generally immeasurable.

- *Process of reconciliation, building tolerant society and inter-ethnic collaboration in Kosovo needs to permanently occupy the focus of social actors, including NGOs, media, representatives of communities etc.*
- *Use the potential of a trust of members of the Serb community in their religious leaders, and include them in the process of building inter-ethnic tolerance, collaboration and reconciliation;*
- *Social actors in the Serb community need to be strategically dedicated to strengthening confidence of citizens in institutions in charge of their security (Kosovo Police, judiciary etc.). The sense (perception) of personal security is a precondition of civic involvement of citizens and thereby of creating an open society. The approach and role of NGOs, media and other social actors in this area need to be proactive and directed to development of a new forms of collaboration with institutions, including local authorities, Kosovo Police and relevant representatives of central authorities (Ministry of Interior, Ministry for Communities and Return)²⁷⁰;*
- *Within the same framework, that is, through involvement and collaboration of civil society, representatives of communities, local and central level authorities (Ministry of Interior, Police Directorate, Ministry for Communities and Return) it is necessary to ensure personal and property security of returnee communities in Kosovo.*

COVID-19

- *Supplement crisis management plans for emergency situations (contingency planning) of the Government of Kosovo with guidelines and recommendations ensuring equal and nondiscriminatory treatment of non-majority communities.* A comprehensive and efficient response to the challenges of emergency situations such as the COVID-19 pandemic requires a strategic approach (planning) by central institutions in charge of crisis management and collaboration with all social actors from non-majority communities. Such plan should be prepared in advance taking into account lessons learned from the crisis caused by COVID-19 pandemic;
- *A key element of risk control in a state of emergency situation is enabling citizens to get relevant and true information timely.* All information released by central level institutions to citizens relating to epidemiological preventive measures, services available to citizens in overcoming consequences of the crisis and other information of importance for crisis management **have to be bilingual** (including the availability of a simultaneous translation in case of addressing citizens through media). In the Kosovo context, the COVID-19 epidemic demonstrated that is possible only through an active collaboration of central institutions with social actors from non-majority communities, media, crisis headquarters, CSOs etc.;
- *Security of non-majority communities in emergency situation needs to remain a priority of relevant institutions;*
- *Promotion of the principle of equitable representation of non-majority communities in budgetary subsidies to business entities in overcoming consequences caused by the COVID-19 pandemic.* The principle of equity requires introduction of a quota (10% minimum) in distribution of assistance earmarked to non-majority communities, as well as efforts of relevant institutions to ensure equal access to information or equal conditions for access to services to all communities in Kosovo.

²⁷⁰ Taken from the report Rights of non-majority communities, NGO AKTIV /CRMC

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