



## Status quo on reconciliation and no hate speech in Kosovo

Tools and resources available.

**Organisation name and Country: LENS, Kosovo\***



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## Introduction

The concept of reconciliation is not a self-evident one nor does it follow the same pattern in all post-conflict societies. It is generally claimed that there is no universal agreement on the concept of reconciliation but at the same time, it is universally accepted that reconciliation is a process of rebuilding relations after conflicts. Moreover, it is accepted that in principle the process of reconciliation “involves mutual recognition of a common violent past and the transformation of a harmful relationship and behavior to promote a shared future towards sustainable peace (Lederach, 1997; Bloomfield, 2003).”<sup>1</sup>

As a process that occurs in the aftermath of massive human rights violations and destruction, reconciliation remains indispensably connected to dealing with the violent past while simultaneously building the future. Its fundamental role in post-conflict societies consists of the fact that it enables a better understanding of the violence that occurred in the past, but also to take appropriate measures and initiatives for substantial social, political and economic transformations to restore society and ensure lasting peace.

According to a published paper in 2017, *Deconstructing Reconciliation in Kosovo*, it is stated that “some academic researchers have pointed out that reconciliation should be seen as a multi-dimensional process that includes the promotion of different values such as *truth, justice, mercy, and peace* at all levels of society. Hence, for many of them, the success of reconciliation is based on the development of a comprehensive strategy sustained by both top-down and bottom-up initiatives.”<sup>2</sup> It is also stated that for reconciliation to be successful it requires a multi-sectorial approach and involvement such as “political, religious, or ethnic leaders, civil society groups, and non-governmental organizations at a top and middle-range level, but above all, the process must focus on individuals at a grassroots level”<sup>3</sup>

Despite its complexity, a crucial element in shaping the process of reconciliation appears to be the context in which it is applied as well as inclusion of different social groups. Based on researches and academic papers available it seems that for a long time there was no common understanding of what reconciliation in Kosovo and the Western Balkans is, mentioning also the lack of official and unofficial publications that enable the development of an authentic regional understanding and strategy.<sup>4</sup>

Kosovo remained deeply affected after the war in the late 1990’s “resulting in numerous casualties, missing persons, political prisoners, victims of sexual violence, war crimes, and violations of international law”<sup>5</sup> Various attempts towards reconciliation between Albanian and Serbian communities have been initiated, by international actors, at the international level as well as at the national level, ever since the NATO intervention in 1999, and the nature of these attempts was mainly around institution building and

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<sup>1</sup> Ahmetaj, N, Kabashi-Ramaj.B, Jaquot.M, Buzhala.Y, Hoxha.A, (2017), “Deconstructing Reconciliation in Kosovo”, Centre for Research, Documentation and Publication

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup> Hetemi.A, 2017. *Dealing with the past and the process of reconciliation in Kosovo*, Kosovo Foundation for Open Society



legislation<sup>6</sup>. These normative and legal acts were taken to stipulate commitment of Kosovo to human rights, freedom, and the rule of law and protection of minorities against discrimination. Despite initiatives and legal framework in place, Kosovo does not have an all-encompassing strategy on dealing with its past and reconciliation, even though this appears vital to the society. Moreover, the general efforts designed so far in Kosovo to reach reconciliation have not produced the expected<sup>7</sup>

In this respect, this desk research aims to provide up-to date information on the existing policy, normative acts, data, and initiatives that tackle the issue of peace and reconciliation and no hate speech in Kosovo, with a special focus on youth which constitute nearly half of its population.

### **Reconciliation initiatives and mechanisms in Kosovo**

People under 25 constitute nearly half of Kosovo's population, ranking it as the country with the youngest population in Europe. Twenty years has passed since the conflict in Kosovo, this also means that it has a whole new generation of youngsters who have not even been born at the time of conflict. These are the generations that have little to no memories of the conflict while the future and the peacekeeping process depend on them to a large extent. Youth are considered to play a crucial role in reconciliation processes and act as transformative force in post-conflict societies that are often characterized by continued distrust, suspicion, resentment and segregation.<sup>8</sup>

Unfortunately, young generations in Kosovo remains an untapped potential with little to no involvement in decision making processes, meanwhile facing a harsh social and political environment which render them passive and excluded. According to Friedrich Ebert Stiftung's study "Youth Study Kosovo 2018/2019", "around 44 % of the young Kosovars often hang out and do nothing, while 22 % do so often and another 22 % do so very often". The main concern of youngsters in these focus groups was hanging out and doing nothing while describing their peers as indifferent and lacking prospects.<sup>9</sup> The high degree of abstinence from civic and political actions (as only 10 – 16 per cent of young people consider these aspects to be very important) as well as the lack of a bond among young people that can serve as cohesion making them more co-operative when it comes to generating and obtaining mutual benefit portrays a highly concerning issue.<sup>10</sup> The limited opportunities of youth to participate in political, social and economic development of the country are persistent, while their role in local and regional reconciliation and peace building processes should be crucial. The segregation of communities along ethnic lines in Kosovo also has implications for the younger generation.

<sup>6</sup> Ahmetaj, N, Kabashi-Ramaj.B, Jaquot.M, Buzhala.Y, Hoxha.A, (2017), "Deconstructing Reconciliation in Kosovo", Centre for Research, Documentation and Publication. p.14

<sup>7</sup> Adamović, M, Gvozdanović.a, Kovačić.M, 2017, Process of Reconciliation in the Western Balkans and Turkey: A Qualitative Study; Published by: Compex d.o.o, Institute for Social Research in Zagreb (ISRZ), p.103

<sup>8</sup> <https://policyblog.uni-graz.at/2019/08/kosovo-these-days-empowering-youth-in-the-reconciliation-process/>

<sup>9</sup> Friedrich Ebert Stiftung, (2019), Youth Study Kosovo 2018/2019, p.13

<sup>10</sup> Ibib



Kosovo hosts many efforts and initiative that target young people in different areas; international organizations as well as CSOs have and still are playing a major role with projects on skills development and foster inter-ethnic cooperation through sportive, cultural and other non-formal activities.

On 2009, the Assembly of the Republic of Kosovo passed the Law on Empowerment and Participation of Youth. “This law aims to promote and reaffirm continued participation of youth in the decision making process, without any difference and exclusion, in the development of a democratic society, in order to improve the quality of life of youth and their social status.”<sup>11</sup> Moreover, this law recognizes the right of youth for self-organizing and volunteer work while holding them responsible to: 1) respect the principles of peace, justice and understanding among people that aim the welfare and development of the Republic of Kosovo and 2) respect the equality and dignity of all people, guaranteed with Constitution of Republic of Kosovo.<sup>12</sup>

Based on this law and on an AI for the Responsibilities and Procedures of the Establishment and Functioning of Youth Action Council in Kosovo, Local Youth Action Councils (LYAC) have been established and operate throughout Kosovo municipalities. LYACs are considered as an important stakeholder in policy making having the opportunity to empower young people and address their issues at the local and central level. During the year 2017, four Local Youth Action Councils were established in northern municipalities (Mitrovica North, Zvecan, Leposavic and Zubin Potok) thus covering the areas where minority community is highly concentrated.<sup>13</sup>

LYAC’s are very important network of youth organizations and many CSOs are now considering them as partners on implementing youth projects since they are a great help on reaching out young people in respective municipalities. Despite their engagement in activities at the local level, some of the organizations are more active and successful than others, but in general reports show that “in the case of Kosovo, it can clearly be seen that majority LYAC’s are more active in community and different advocacy initiatives than their minority counterparts”.<sup>14</sup> Fostering cooperation between LYACs, building their capacities and empowering minorities, LYAC’s are considered as a necessary step forward, otherwise it threatens to create a” two-tiered system of representation of youth” and deepen the distance between majority and minority communities.<sup>15</sup>

There are a number of identified obstacles that narrow the chances of LYACs to remain functional in the future. They are mostly operating as passive fundraisers (responding to calls for proposals on specific topics that are important to various donors) and their individual capacities are very basic in terms of management and the general role of LYACs. This prevents them from developing specific sectors,

<sup>11</sup> Law No. 03/L-145 ON EMPOWERMENT AND PARTICIPATION OF YOUTH

[https://www.youthpolicy.org/national/Kosovo\\_2009\\_Youth\\_Law.pdf](https://www.youthpolicy.org/national/Kosovo_2009_Youth_Law.pdf)

<sup>12</sup> Ibid

<sup>13</sup> Advocacy Centre for Democratic Culture, (2018) , Policy Paper on Functioning of Local Youth Action Councils in Kosovo, [https://acdc-kosovo.org/documents/NGO%20ACDC%20Policy%20Paper%20on%20LYAC\\_USAID\\_AKT-LS%20final.pdf](https://acdc-kosovo.org/documents/NGO%20ACDC%20Policy%20Paper%20on%20LYAC_USAID_AKT-LS%20final.pdf)

<sup>14</sup> Communication for Social Development and Forum for Development and Democracy (2016), Need assessment and internal capacities of Local Youth Action Councils

<http://csdkosovo.org/wp-content/uploads/2019/03/Izvestaj-o-proceni-kapaciteta-LSOD-ENG.pdf>

<sup>15</sup> Ibid

building their capacities and expertise on specific issues and strategically developing the LYACs.<sup>16</sup> Even though all LYAC's have undergone through capacity trainings, further capacity development is needed in order to be able to address youth issues.

Unemployment rate in Kosovo is very high and among young people aged 15-25 it goes up to 57.7% according to UNDP.<sup>17</sup> Female youth are almost twice as likely to be unemployed as male youth, thus pronouncing great gender difference when it comes to employment opportunities.<sup>18</sup> On the other hand, education system is not properly aligned with labor market needs which results in low employability of youth and lack of skills and knowledge needed in the labor market. Despite this fact, there is a high rate of enrolment in education; an overwhelmingly majority (92%) of young Kosovar intend to attain higher education even though the possibility of finding a job after graduation is quite low. This trend is often considered as an attempt by countries in transition to alleviate employment pressure.<sup>19</sup>

The Education Strategic Plan specifically addresses the inclusion of minorities in non-discriminatory education as well as vocational education, non-formal education, and trainings for adults who had their education interrupted during the conflict.<sup>20</sup> The development of a skillful labor force is of an utmost importance and the crucial step in addressing the unemployment crisis. VET schooling is a great potential to enhance economic growth, to increase in labor participation, lower unemployment rates, and to offer more opportunities for young people who lack skills and resources.<sup>21</sup> Kosovo, as many other countries, has put Vocational Education and Training (VET) as a priority in educational policies. Even though "reforms on VET education are ongoing for many years by the Ministry of Education, Science, and Technology (MEST), the VET system in Kosovo continuously fails to meet the emerging needs of the market economy and is predominantly school based, which affect the likelihood of students' employability."<sup>22</sup>

Many international organizations such as GIZ, SDC Swiss Cooperation, and Austrian Development Agency among others in consequent years are supporting a wide range of projects that aim to reduce unemployment through enabling young people to develop professional skills that correspond to the labor market demand. Given the gap between skills and job market demands, some CSOs, innovative centers, and private schools are offering alternative informal training opportunities for youth.

NGO Toka is also a good example in non-formal education and service learning with the aim to empower youth to become agents of positive social change by supporting their skill development through experiential learning. So far, they have worked with over 15,000 young people in Kosovo, were girls

<sup>16</sup> <http://csdkosovo.org/wp-content/uploads/2019/03/Izvestaj-o-proceni-kapaciteta-LSOD-ENG.pdf> P.29

<sup>17</sup> UNDP data, <https://www.ks.undp.org/content/kosovo/en/home/countryinfo.html>

<sup>18</sup> <https://millenniumkosovo.org/wp-content/uploads/2018/11/MCC-Kosovo-Labor-Force-and-Time-Use-Study-Final-Research-Report-1.pdf>

<sup>19</sup> Friedrich Ebert Stiftung, (2019), Youth Study Kosovo 2018/2019, p.39

<sup>20</sup> Kosovo Education Strategic Plan (2017-2021),

[http://www.kryeministri-ks.net/repository/docs/KOSOVO\\_EDUCATION\\_STRATEGIC\\_PLAN.pdf](http://www.kryeministri-ks.net/repository/docs/KOSOVO_EDUCATION_STRATEGIC_PLAN.pdf)

<sup>21</sup> Vocational Education and Training in Kosovo: Challenges and Opportunities, (2019)

[https://www.keen-ks.net/site/assets/files/1470/vet\\_education\\_in\\_kosovo\\_challenges\\_and\\_opportunities\\_eng.pdf](https://www.keen-ks.net/site/assets/files/1470/vet_education_in_kosovo_challenges_and_opportunities_eng.pdf)

<sup>22</sup> Ibid



constitute more than 50% of their beneficiaries and 50 % of its participants come from ethnic minorities and other disadvantage groups.<sup>23</sup>

In 2010, UNICEF established Innovations Lab, a non-traditional form of education initiative that aims at empowering young people. Through improving live and work skills of young people the Lab through innovative social entrepreneurship simultaneously addresses social problems and increases employment opportunities. Another important segment of this initiative is also the targeted group which consist of “youth (aged 14-24 years), with an emphasis on marginalized and socially-excluded groups such as minority communities, rural communities, communities living in poverty and adolescents with disabilities.

The importance of combining entrepreneurial activity with peace and reconciliation was also addressed by the regional project Divided Past Joint Future. Organization Lens, implementing partner for Kosovo, through research and innovation labs explored the opportunities and potential prototypes for social enterprises in Kosovo. Another added element in this initiative was also the inclusion of cross-sectorial approach in peace and reconciliation, an approach that aims at establishing peace and reconciliation as the common denominator in cross-sectorial cooperation.

Organizations and networks that address human rights, peace and reconciliation at the regional level are also present. Youth Initiative for Human Right in Kosovo is part of regional network of organizations that share the same mission and vision and has been quite vocal and active in enhancing critical thinking of youth through education, activism, campaigns, local and regional networking.

In 2016, six Western Balkan Countries on the WB Summit in Paris signed an agreement to establish Regional Youth Cooperation Office (RYCO), an international organization that promotes reconciliation and youth regional cooperation through exchange programs between Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia. Financed by the governments of the region, EU and other donors they support project that promote reconciliation, dialogue and regional youth cooperation.

### **Hate speech in Kosovo**

Governmental approach and commitments in dealing with the past appears to be crucial and determinant in inter-ethnic relations and as such shaping the process of reconciliation at large. Political stances and engagement of Kosovo Institutions are considered to have had a direct impact on perceptions of K-Albanian and K-Serbs regarding inter-ethnic relations.

Available data show that perceptions of both communities in regards to inter-ethnic relations have changed over the years and changes K-Serb perceptions in this regard, during the last decade the percentage of K-Serbs who believed that the inter-ethnic relations in Kosovo are tense and not improving was constantly higher, and remains so to this day<sup>24</sup>. The above statement, on perceptions on inter-ethnic relations, unveils the political reality under which these perceptions are formed. Another important

<sup>23</sup> NGO Toka, <http://www.toka-ks.org/En/results/>

<sup>24</sup> Hetemi.A,2017. *Dealing with the past and the process of reconciliation in Kosovo*, Kosovo Foundation for Open Society, p.275

element believed to directly affect the public opinion are also international and local court verdicts against those involved in war crimes, showing that justice for war crimes is crucial in the process of reconciliation.<sup>25</sup>

In addition to politics and justice, the regulation of hate speech also plays an important role in constructing realities and as such in reconciliation processes and in building democratic values in post-conflict societies. Hate speech regulation is considered to be of high importance, a first step toward an independent press which plays a key role in promoting democratic values of societies. “This message is of superlative importance in Kosovo, where a statement affirming ideals of equality and respect for minorities may lay the framework for a burgeoning sense of tolerance. There is also the matter of the declaratory value of hate speech regulation in a political sense. The formal condemnation of hate speech sends a powerful message that the new regime takes equality seriously”.<sup>26</sup>

Freedom of expression in Kosovo is guaranteed in the Constitution and it is considered to have pluralistic and lively media environment.<sup>27</sup> Moreover, “the legislation on libel, hate speech and defamation is in line with European Court of Human Rights case-law.”<sup>28</sup>

In 2005, Independent Media Commission was established, which is an independent regulator to ensure media (audio-visual) pluralism as well as set the standards. Even though the Commission is provided with sufficient regulatory, monitoring and enforcement powers, such legislation does not cover media available online and this persist to be a major challenge.<sup>29</sup> According to this report one of the issues that remained unregulated is the public’s right to reply and correction. Another self-regulatory body founded for and by the print media is Press Council of Kosovo. Its mission is based on the convictions of the Press Code of Kosovo.<sup>30</sup>

Nowadays, most of the media content is published online and the number of population who has access to internet reached 91% while number of mobile users stood at 103% of the population<sup>31</sup>.

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<sup>25</sup> Ibid

<sup>26</sup> Palmer, Laura.P, A Very Clear and Present Danger: Hate Speech, Media Reform, and Post-Conflict Democratization in Kosovo, THE YALE JOURNAL OF INTERNATIONAL LAW, Vol. 26: 179, p. 214-215

<https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1140&context=yjil>

<sup>27</sup> European Commission, Kosovo Report 2019, p. 25

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>

<sup>28</sup> Ibid.

<sup>29</sup> Ibid p. 26

<sup>30</sup> Press Council Of Kosovo

<http://presscouncil-ks.org/about-us/?lang=en>

<sup>31</sup> European Commission, Kosovo Report 2019, p. 51

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>



This also shows the extent to which content produced and consumed online influences our beliefs and consequently our actions, and not just in Kosovo. Whilst online media provide news, it is claimed that they not always produce it; rather they utilize stories and content from other sources, and at times not respecting copyright legislation. For a period of time most of the portals allowed comments by readers and they were made public without sufficient checks. This space given to reads besides an opportunity for readers to interact was also considered as a space where hate speech was instigated. In this respect, “Following the decision of the European Court of Human Rights in *Delfi AS v Estonia*<sup>10</sup> and a number of unfavorable decisions from the Kosovo Press Council, some of the online portals withdrew the opportunity to comment entirely. However, the latter does not necessarily reflect the Court’s decision, which held that contracting states may be entitled to impose liability on news portal only in circumstances where there is hate speech and direct threats are made to the physical integrity of individuals, as understood by the Court’s case law”<sup>32</sup>.

One of the key challenges in Kosovo remains rule of law, and implementation of the legislation for audio-visual sector is not an exception either. According to the Report for Kosovo (2019) Independent Media Commission (IMC) has not carried out any market analyses in the last years. Moreover, IMC is not effectively initiating cases and implementing fines<sup>33</sup>.

Government has not approved IMC’s draft strategy for digital switchover, therefore newspapers and broadcasters who switched online are not monitored. The Press Council follows the online press by reacting to complaints, but its role remains limited due to the lack of necessary means to carry out investigation or market analyses.<sup>34</sup>

Even though this may seem as convenient environment for media to act freely and unhindered this is considered to be a gap that may lead to hate speech, libel and defamation.<sup>35</sup>

In this report, there is also reported an increase on follow-up to threats and attacks against journalist by law institutions, and in general, only few cases of hate crimes are brought to court. Of the 855 cases opened for investigation by the Ombudsperson due to complaints filed by citizens, 98 related to discrimination<sup>36</sup>

The majority (56 %) of youth in Kosovo access the Internet all the time in one form or another<sup>37</sup>. The amount of information young people are exposed to on daily bases through internet is enormously high and the sources of these information not always traceable therefore they are at a great risk to be exposed to fake news and hate speech. The information that youth absorb shapes their opinion, knowledge, and therefore their behaviors; in turn influencing their behavior in the community and society at large.

<sup>32</sup> Ibid

<sup>33</sup> Ibid

<sup>34</sup> Ibid

<sup>35</sup> Cohu, Kosovo2.0, Press Council of Kosovo, “Freedom of Expression, Media and Information in Kosovo-An Assessment Based on Council of Europe Indicators for Media in a Democracy

<sup>36</sup> Ibid p28

<sup>37</sup> Friedrich Ebert Stiftung, (2019), Youth Study Kosovo 2018/2019, p.39



Media literacy is considered to be the adequate response to unverified sources of news and

information that may incite hate speech and consequently affect behavior. Nevertheless the importance to understand media literacy and skills to filter biased information, the formal education in Kosovo does not provide the possibility to gain these skills, hence this topic is excluded completely from the curriculum in secondary education. However, there are international organizations, agencies and NGOs who work in empowering youth in critical media literacy, while also providing them the opportunity to experience hands-on internships in media outlets. As the biggest and earliest developed program, UNICEF's PONDER- Critical Media Literacy Programme, helps young people from Kosovo improve their critical thinking skills, be conscious, aware, understand and evaluate the information they encounter from a critical perspective, while also providing them opportunities to exercise these skills in real media outlets. Through a four module program (Critical thinking for media Literacy, Diversity of media, positions and experiences, Reading and Interpreting images and Empowerment through media literacy) Ponder empowers youth and adolescents to challenge indoctrination and anti-social messages with a critical interpretation of what they see, hear, and read, all while realizing their role as agents of social change.<sup>38</sup>

Except being exposed to unverified information and potential hate speech, another segment that makes access and communication between young people in the region difficult, in the uncommon language. According to Youth Study Kosovo 2018-2019, more than one-third of young Albanians and almost half of young Serbians are convinced that there is no need to learn the others language. On the other hand, 29 % of young Serbians agree that learning the common language should be compulsory for both communities. Moreover, 21 % of young Albanians think the same.<sup>39</sup>

Communication between young people of both ethnicities is mainly in English, therefore this creates obstacles for young people of both communities to have access on information regarding each other's values, social and cultural activities.

### Conclusion and recommendations

Kosovo suffered great loss during the last war with Serbia, while reforms and recovery have also had a very slow pace and Kosovo still faces great challenges. Youth constitute more than half of the population which makes them the main stakeholder in social and political development of the country.

Unfortunately, the youth of Kosovo face great difficulties such as poor quality of education, consequently a lack of skills for the labor market and a very high rate of unemployment.

<sup>38</sup> <https://www.osce.org/mission-in-kosovo/376975>

<sup>39</sup> Friedrich Ebert Stiftung, (2019), Youth Study Kosovo 2018/2019, p.80.

Education system is not aligned with market economy demands, which creates difficulties for young people to get employed. Even though reforms on education are ongoing for years now they fail to meet the emerging need of market economy.

One of the major problems of youth remains exclusion from social and political life, which means that participation of young people in politics, policy making and social change is on a low scale. The lack of participation of young people in political and social processes also means that their perspectives and needs will not be reflected in development policies.

The segregation of communities along ethnic lines in Kosovo also has implications for the younger generation.

As a response to these difficulties non-formal initiatives and programs are being implemented by national and international organizations which are prove of good practices. There is no strategy on dealing with the past, transitional justice and reconciliation, therefore these initiatives still remain fragmented with no proper recognition and adoption by government policies.

Hate speech regulation is of high importance, which assures the freedom of speech and therefore promotes democratic values of the society. Freedom of expression in Kosovo is guaranteed in the Constitution while the legislation on libel, hate speech and defamation is in line with European Court of Human Rights case-law.

Rule of Law in Kosovo remains a big challenge; implementation of the legislation for audio-visual sector is not an exception either. Online produced content is enormous and the source of information is often unverified, therefore young people are constantly exposed to fake news and information that could incite hate speech. Having in mind the crucial role of Media Literacy as a response to the current situation, it is immediate to include these training programs in formal education in order to reach young people.

#### Recommendations:

1. A platform should be developed to de-fragmentize the existing functionality of the NGOs in Kosovo, as such linking the programs that address different issues concerning youth, and linking youth programs with those the NGOs that specifically address reconciliation, and peace-building.
2. Collaboration between civil society and government initiatives should be a priority to the Ministry of Culture, Youth and Sports, when drafting the Strategy for youth and its priorities.
3. The government should recognize and acknowledge the non-formal education, and take initiatives to include and adapt successful programs as part of the formal education curriculums.
4. A Strategy should be developed to address specific steps to building collaboration and inclusion of all ethnic groups, in all aspects of youth development.



5. The government should increase accountability for media outlets producing news.
6. Tertiary education should also include successful non-formal programs in enriching their curriculum and offering up to dated programs, that are in-line with the labour market needs, and which will foster employability of youth.
7. The Association of Media in Kosovo, should improve collaborations with NGOs and recognize the media literacy programs, while also contributing to creating a youth body that will allow graduated and trained youth to develop their skills in media outlets.