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# Legal Challenges of LGBTIQ+ Persons and Journalists in Kosovo



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## **Executive Summary**

Ongoing challenges in practice have shown that LGBTIQ+ persons and journalists continue to face persistent difficulties in the realization of their rights. Although the Constitution provides clear protection, implementation remains insufficient due to legal and sublegal gaps, as well as a lack of institutional will.

One of the most serious challenges for LGBTIQ+ persons is the lack of legal recognition of cohabitation or marriage between same-sex partners, excluding them from the right to inheritance, joint property ownership, and family pensions.

Another challenge stems from the use of denigrating and threatening language toward these persons. Furthermore, the absence of clear procedures for gender and name changes has forced citizens to pursue lengthy judicial processes. The failure to adopt the Action Plan for the Rights of LGBTIQ+ Persons has also hindered progress in strengthening their rights.

Cases involving LGBTIQ+ persons have generally been handled within a reasonable timeframe compared to other offenses in the courts; however, the punitive policy has been assessed as potentially lenient.

For journalists, the main challenge is the use of denigrating and threatening language by public officials, particularly during political debates and on social media. Although cases involving journalists have been prioritized by the courts, the penalties imposed on perpetrators of criminal offenses against journalists have been assessed as insufficient.

Additionally, there is no clear regulation regarding the responsibility of media outlets for third-party comments on their online platforms, despite the fact that the jurisprudence of the European Court of Human Rights recognizes this responsibility.

Free legal aid has been assessed as very important for the protection of journalists' rights.

# 1. Legal Challenges Faced by LGBTIQ+ Persons

## 1.1. Judicial Treatment of Cases Involving LGBTIQ+ Persons

In Kosovo, safeguarding the privacy of LGBTIQ+ persons during judicial proceedings is a fundamental aspect closely linked to the protection of their rights and personal dignity. Fear of public exposure, social stigma, and a lack of trust in institutions cause many cases to remain unidentified or unreported. The protection of identity and personal data is especially important in cases involving discrimination or violence against this community, as such matters directly affect the private lives and safety of the individuals involved in legal processes. This situation requires a sensitive approach in order to preserve the integrity of legal proceedings and fully respect the rights of all parties.

While the protection of the privacy of LGBTIQ+ persons is essential for safeguarding dignity and fundamental rights, it often presents a significant challenge in the identification of cases within the judicial system. As a result, KLI has identified and analyzed only two court judgments related to cases involving LGBTIQ+ persons.

In the first case, B.V. was accused of the criminal offense of “preparation of terrorist acts or criminal offenses against the constitutional order and security of the Republic of Kosovo,” an offense punishable by imprisonment ranging from one (1) to five (5) years. According to the first-instance judgment, the accused was found guilty and sentenced to three (3) years and six (6) months of imprisonment.<sup>1</sup> This decision was upheld by both the Court of Appeals and the Supreme Court of Kosovo.

The second case involves three individuals accused of committing the criminal offenses of “kidnapping,” “minor bodily injury,” and “unauthorized ownership, control, or possession of weapons. Regarding the offense of kidnapping, one of the accused was sentenced to five (5) years of imprisonment, while the other two were each sentenced to four (4) years of imprisonment. For the offense of minor bodily injury, all three accused were sentenced to one (1) year of imprisonment each. As for the offense of unauthorized possession of a weapon, the respective accused was fined in the amount of 1,000 euros.

Regarding the aforementioned criminal offenses for which the accused were found guilty, the court issued aggregated punishments for each of them. The first accused was sentenced to a single sentence of five (5) years and six (6) months of imprisonment; the second accused was sentenced to four (4) years and six (6) months of imprisonment and a fine of 1,000 euros; while the third accused was sentenced to a single sentence of four (4) years and six (6) months of imprisonment.

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<sup>1</sup> "The accused is sentenced to 3 years and 6 months of imprisonment for preparing a terrorist attack against the LGBTI community," *betimiperdrejtesi.com*, published on March 5, 2024. <https://betimiperdrejtesi.com/denohet-me-3-vjet-e-6-muaj-burgim-i-akuzuari-per-pergatitje-te-sulmit-terrorist-ndaj-komunitetit-lgbti/> (Last accessed on May 6, 2025).



### 1.1.1. Analysis of the Sentencing Policy

KLI has analyzed two court judgments involving four (4) individuals, who were convicted for four (4) criminal offenses, with a total of eight (8) sentences imposed.

Three (3) of these sentences were issued for the criminal offense of "kidnapping" three (3) for "light bodily injury" one (1) for "unauthorised ownership, control or possession of weapons"<sup>2</sup>, and one (1) for "preparation of terrorist offenses or criminal offenses against the constitutional order and security of the Republic of Kosovo". In these cases, the court imposed a total of seven (7) effective prison sentences and one (1) fine sentence.

According to the Criminal Code of the Republic of Kosovo, the criminal offense of "preparation of terrorist offenses or criminal offenses against the constitutional order and security of the Republic of Kosovo," with which the defendant in one of the analyzed cases was charged, is punishable by imprisonment ranging from one (1) to five (5) years.<sup>3</sup> In the analyzed judgment, the defendant for the mentioned criminal offense was sentenced to three (3) years and six (6) months of imprisonment.<sup>4</sup>

The other offense for which three (3) individuals were convicted was the criminal offense of "light bodily injury" According to the Criminal Code, this offense is punishable by imprisonment ranging from one (1) to five (5) years.<sup>5</sup> In this specific case, the court sentenced three (3) defendants to one (1) year of imprisonment.

For the criminal offense of "kidnapping" where the legal penalty ranges from one (1) to ten (10) years of imprisonment, the court imposed a sentence of three (3) years and six (6) months on the defendants.

In the case of illegal possession of weapons, the defendant was sentenced to a fine of 1,000 euros. For this criminal offense, the Criminal Code of the Republic of Kosovo prescribes a penalty of up to 7,500 euros or imprisonment of up to five (5) years.<sup>6</sup> The fine of 1,000 euros in this case is significantly lower than the maximum penalty prescribed by law. This is a recurring phenomenon that KLI has documented in its report "Fines – A License for Weapon Possession", where out of 147 reviewed cases of illegal weapon possession, only one resulted in a prison sentence.<sup>7</sup>

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<sup>2</sup> Criminal Code No. 06/L-074 of the Republic of Kosovo, Article 366 (Unauthorized Ownership, Control, or Possession of Weapons).

<sup>3</sup> Ibid, Article 138.

<sup>4</sup> "Defendant sentenced to 3 years and 6 months in prison for preparing a terrorist attack against the LGBTI community," betimiperdrejtesi.com, published on March 5, 2024. <https://betimiperdrejtesi.com/denohet-me-3-vjet-e-6-muaj-burgim-i-akuzuari-per-pergatitje-te-sulmit-terrorist-ndaj-komunitetit-lgbti>. (Last accessed on 07.05.2025)..

<sup>5</sup> Criminal Code No. 06/L-074 of the Republic of Kosovo, Article 185.

<sup>6</sup> Ibid, Article 366.

<sup>7</sup> Krasniqi, Z. "Fines – License for Weapon Possession." Kosovo Institute for Justice. Prishtina, February 2025. <https://kli-ks.org/denimet-me-gjoke-lejeper-armembajtje/> (Last accessed on 07.05.2025).

In these cases, KLI has also analyzed the implementation of the Supreme Court's Sentencing Policy Guide.<sup>8</sup>

In the case of the three defendants convicted of the criminal offenses of kidnapping, minor bodily harm, and illegal possession of weapons, the mitigating and aggravating circumstances were only mentioned without any elaboration on their application. Additionally, the same circumstances were considered for all three defendants, where in each instance, the court took remorse and regret as mitigating factors, thus duplicating these circumstances. Regret, as a feeling about the consequences caused, is inherently included in the circumstance of remorse and cannot be assessed separately as an independent factor. Furthermore, the court, in applying these circumstances, did not establish any connection with the principles and objectives of sentencing as outlined in the guide.<sup>9</sup>

In the case of the defendant charged with the criminal offense of "preparation of terrorist offenses or criminal offenses against the constitutional order and security of the Republic of Kosovo " the court considered the following mitigating circumstances: 1) young age, 2) being a parent, 3) behavior prior to the commission of the offense, and 4) lack of prior convictions. As aggravating circumstances, the court applied: 1) the intensity of the social danger posed by the offense, 2) the manner in which the offense was committed, and 3) the severity of the offense. Even in this case, the judgment merely listed these circumstances without providing justification for their application to the specific case. Based on these circumstances and the principles of sentencing, the court, without a detailed and specific analysis in light of the concrete circumstances, concluded that the imposed sentence would achieve its objectives.

### **1.1.2. Compliance with Legal Procedural Deadlines**

Regarding the compliance with procedural deadlines as prescribed by the applicable legislation in both cases, KLI has found that justice system institutions have handled the cases within a reasonable timeframe, in accordance with the deadlines set by law.

In the case of the criminal offenses of kidnapping, light bodily injury, and unauthorised ownership, control or possession of weapons, 149 days passed from the commission of the offenses to the filing of the indictment. Meanwhile, 241 days elapsed from the indictment filing to the issuance of the first-instance judgment. Compared to the average duration of criminal case processing (1,256 days)<sup>10</sup>, the length of judicial proceedings in this case is considered reasonable.

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<sup>8</sup> Sentencing Policy Guide, Supreme Court of the Republic of Kosovo, Edition I. Pristina 2018.  
[https://supreme.gjyqesori-rks.org/wpcontent/uploads/legalOpinions/Udhezues%20per%20Politiken%20ndeshkimore\\_Shkurt%202018.pdf](https://supreme.gjyqesori-rks.org/wpcontent/uploads/legalOpinions/Udhezues%20per%20Politiken%20ndeshkimore_Shkurt%202018.pdf).  
(Last accessed: 07.05.2025).

<sup>9</sup> Ibid.

<sup>10</sup> Shala, G. "Aplikimi i Jurisprudencës së GjEDNj në Kosovë" Instituti i Kosovës për Drejtësi. Prishtinë, maj 2025.  
<https://kli-ks.org/aplikimi-i-jurisprudences-se-gjednj-se-ne-kosove/> (Qasur për herë të fundit me 21 maj 2025).

In the case of the criminal offense of preparing terrorist acts or offenses against the constitutional order and security of the Republic of Kosovo, 207 days passed from the suspect's arrest to the filing of the indictment, and 172 days from the indictment filing to the announcement of the first-instance judgment, constituting a reasonable timeframe for case processing. This duration contrasts positively with the average processing time of 894 days observed<sup>11</sup> in the Special Department of the Basic Court, where significant delays in handling cases within its jurisdiction have been noted.

## 1.2. Language Used Against LGBTIQ+ Persons

LGBTIQ+ persons in Kosovo have faced, and continue to face, discriminatory public statements and hostile rhetoric. The harshest public discourse targeting this community emerged from public figures as well as various citizens, particularly during the period when the Assembly of Kosovo attempted to adopt the Civil Code. Such rhetoric was also present within the Assembly itself, where directly elected representatives, under the guise of exercising their right to debate, not only used unparliamentary language but also resorted to offensive remarks with hate-speech tendency directed at LGBTIQ+ individuals.

Regarding this issue, the Office of the Ombudsperson has prepared a report highlighting that in the transcription of the debate on the Draft Civil Code and the inclusion of same-sex marriage in the legislation, insults, slanders, and indirect hate speech are very clearly evident.<sup>12</sup> The report states that during the session on March 16, 2022, negative statements against LGBTIQ+ persons were openly expressed by several deputies. These deputies not only advocated openly for the “natural family,” “species preservation,” and “traditions,” but also voiced prejudiced content against same-sex couples. According to some deputies, the new Code would endanger “public morality” and would introduce “sexual promiscuity,” “moral degeneration,” “disease,” “debauchery,” “behaviors contrary to human nature,” “violation of the sanctity of the family,” “an act severely damaging public health, causing serious and incurable diseases such as HIV/AIDS,” and “ultimately result in social trauma.”<sup>13</sup> All of these clearly constitute unparliamentary language by members of the Assembly of Kosovo and consequently violate the Assembly’s Rules of Procedure.<sup>14</sup>

Meanwhile, the offensive, defamatory, and indirect hate speech used by deputies during the debate on the Draft Civil Code, through their public statements and on their social media platforms against LGBTIQ+ persons, influenced the incitement of citizens. The Ombudsperson’s report found that “statements by some deputies on their social media generated numerous comments containing hate

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<sup>11</sup> Krasniqi, Z / Smajli, F. “Politika Ndëshkimore në Krimet Speciale”. Instituti i Kosovës për Drejtësi. Prishtinë, Dhjetor 2024. <https://kli-ks.org/politika-ndeshkimore-ne-krimet-speciale/> (Qasur për herë të fundit më 06 maj 2025).

<sup>12</sup> Ombudsperson’s Report: “*Language in public discourse, in relation to the obligations that the state has in ensuring freedom of expression and preventing hate speech*” page 34. [Ombudsperson’s REPORT Ex officio No. 146/2021 Language in public discourse, in relation to the obligations that the state has in ensuring freedom of expression and preventing hate speech – Ombudsperson Institution](#) (Last accessed on May 2, 2025).

<sup>13</sup> Ibid, page 36

<sup>14</sup> Rules of Procedure of the Assembly of the Republic of Kosovo, Articles 63, 64, 65, and 66. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=61266> (Last accessed on May 2, 2025).

speech.” Such comments included phrases like “LGBTIQ+ are sick people” and “I would hang these people in the square.”<sup>15</sup>

The Center for Equality and Liberty of the LGBT Community in Kosovo (CEL), through an analysis, addressed the impact that news about the Civil Code had in inciting citizens against LGBTIQ+ persons. Among other things, the analysis states that the news and posts related to the Civil Code mainly contained short statements from members of parliament regarding the Civil Code, as well as statements from other public figures.<sup>16</sup> Furthermore, the majority of commenters on social media posts spread narratives portraying LGBTIQ+ individuals as a threat to the family, labeling them as degeneration, shame, portrayed as promoting values that undermine societal norms, and spreaders of disease.<sup>17</sup>

Kosovo has a legal framework in place that sanctions hate speech, defamation, and insults. This legal framework consists of the Criminal Code of the Republic of Kosovo and the Civil Law Against Defamation and Insults. Therefore, any citizen who, through comments made on news published on social networks, engages in defamation, insults, or uses hate speech, can be held accountable.

Three rulings by the Supreme Court of Kosovo, issued during the electoral campaign for the parliamentary elections on February 9, 2025, in Kosovo, have established a new judicial precedent regarding hate speech against LGBTIQ+ individuals. Initially, through three decisions, the Election Complaints and Appeals Panel had ruled to fine a political entity for violating the Code of Conduct during the electoral campaign, assessing that the public statements made by its candidates constituted stigmatizing and inciting language against LGBTIQ+ individuals. However, regarding the same cases, the Supreme Court<sup>18</sup> determined that the statements made by candidates from the same political entity did not constitute a violation of the Code of Conduct for Political Entities nor did they contain elements of hate speech under Article 34, paragraph 1, item 1.11 of the Law on General Elections. According to this ruling, the statements were not intended to incite violence or hatred and did not include calls for specific actions against any group, classifying them as part of permissible political discourse within the framework of freedom of expression. In Supreme Court Judgment AA.nr.28/2025 of Kosovo, it is stated that the Election Complaints and Appeals Panel (PZAP) incorrectly applied substantive law when it ruled that expressions such as:

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<sup>15</sup> Ombudsperson’s Report: “*Language in public discourse, in relation to the obligations that the state has in ensuring freedom of expression and preventing hate speech*” page 34. [Ombudsperson’s REPORT Ex officio No. 146/2021 Language in public discourse, in relation to the obligations that the state has in ensuring freedom of expression and preventing hate speech – Ombudsperson Institution](#) (Last accessed on May 3, 2025).

<sup>16</sup> Kadiu, A. “Social Networks Where Hate Spreads Unimpeded.” Prishtina 2024, page 18. [https://cel-ks.org/wp-content/uploads/2024/12/Rrjetet-Sociale\\_Ku-urrejtja-vershon-e-papenguar.pdf](https://cel-ks.org/wp-content/uploads/2024/12/Rrjetet-Sociale_Ku-urrejtja-vershon-e-papenguar.pdf) (Last accessed on May 4, 2025).

<sup>17</sup> Ibid, page 21

<sup>18</sup> Judgment AA.nr.28/2025 of the Supreme Court of the Republic of Kosovo. [https://supreme.gjyqesori-rks.org/ep-content/uploads/verdicts/SUP\\_AA%20\\_28\\_2025\\_SQ.pdf](https://supreme.gjyqesori-rks.org/ep-content/uploads/verdicts/SUP_AA%20_28_2025_SQ.pdf) (Last accessed on May 6, 2025).

Judgment AA.nr.31/2025 of the Supreme Court of the Republic of Kosovo. [https://supreme.gjyqesori-rks.org/wp-content/uploads/verdicts/SUP\\_AA%20\\_28\\_2025\\_SQ.pdf](https://supreme.gjyqesori-rks.org/wp-content/uploads/verdicts/SUP_AA%20_28_2025_SQ.pdf) (Last accessed on May 6, 2025).

Judgment AA.nr.33/2025 of the Supreme Court of the Republic of Kosovo. [https://supreme.gjyqesori-rks.org/ep-content/uploads/verdicts/SUP\\_AA%20\\_28\\_2025\\_SQ.pdf](https://supreme.gjyqesori-rks.org/ep-content/uploads/verdicts/SUP_AA%20_28_2025_SQ.pdf) (Last accessed on May 6, 2025).

“shame on you,” “the protection of our human dignity and the continuity of life, including the future of our children from degeneration and destruction,” “social anomaly,” and “degenerative phenomenon,” used by candidates for parliament, constituted language in violation of Article 34, paragraph 1, item 1.11 of the Law on General Elections in the Republic of Kosovo.<sup>19</sup> The Supreme Court rulings on this issue have now established a new and narrower standard in Kosovo for interpreting hate speech. These judgments have set a judicial precedent where expressions with contemptuous content toward LGBTIQ+ individuals are no longer automatically considered hate speech or a violation of the law, as long as they do not contain direct calls for violence or hatred.

### **1.3. Other Challenges Faced by LGBTIQ+ Persons**

#### **1.3.1. Lack of the Action Plan for the Rights of LGBTIQ+ Persons**

Kosovo continues to lack an Action Plan for the rights of LGBTIQ+ persons. Since July 24, 2024, when the plan was published on the Public Consultation Platform<sup>20</sup> or review, it has yet to receive government approval. According to the Office for Good Governance within the Office of the Prime Minister, the plan remains unapproved due to disagreements among several ministries regarding certain activities proposed by NGOs.<sup>21</sup>

A document such as the Action Plan for the Rights of LGBTIQ+ Persons in the Republic of Kosovo, along with its implementation, would play a crucial role in advancing legal protection and access to justice, increasing institutional sensitivity to discrimination, strengthening security, and raising social awareness about the rights of LGBTIQ+ persons.

#### **1.3.2. Gender and Name Change**

Although judicial practice in Kosovo recognizes gender and name changes, the current legal framework does not explicitly regulate this process. In terms of practice, it is worth noting that in 2018, the Basic Court in Pristina – Administrative Affairs Department approved the request of the plaintiff M.P., who had filed a lawsuit against the Ministry of Internal Affairs and the Municipality of Prizren for rejecting the correction of name and gender from female to male. The court ordered the municipality to make the necessary correction.<sup>22</sup> A year later, the Court of Appeals upheld this ruling.

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<sup>19</sup> Article 34 (Prohibited Actions by Political Entities), paragraph 1, item 1.11 of the Law on General Elections in the Republic of Kosovo states: “using language, in oral or written form, which incites or provokes, or is likely to incite or provoke, another person to commit an act of violence against other persons or property, or which incites or is likely to incite hatred towards others, or publishing or using pictures, symbols or any other material that has or is likely to have such effects”.

<sup>20</sup> Action Plan for the Rights of LGBTI Persons in the Republic of Kosovo 2024-2026. <https://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=42547> (Last accessed on April 26, 2025)

<sup>21</sup> Response from the Office for Good Governance within the Office of the Prime Minister, sent via email on May 26, 2025.

<sup>22</sup> “The Court of Appeals confirms the decision allowing a person to change their name and gender in the Municipality of Prizren,” betimiperdrejtesi.com, published on March 15, 2024. <https://betimiperdrejtesi.com/apeli-verteton-vendimin-me-te-cilin-nje-personi-iu-mundesua-ta-ndryshoje-emrin-dhe-gjinine-ne-gjendje-civile/> (Last accessed on April 15, 2025).

The lack of a clear legal framework for gender and name changes in accordance with gender identity exposes citizens to prolonged and uncertain judicial processes in exercising their rights. This situation highlights the urgent need for competent institutions to amend the existing legal framework to clearly define procedures for gender and name changes in official documents.

### **1.3.3. Property Rights of LGBTIQ+ Persons**

In the Republic of Kosovo, the current legislation does not legally recognize marriage or cohabitation between persons of the same sex. This lack of legal recognition creates a gap in the protection and security of LGBTIQ+ persons' rights, particularly regarding property matters. As a result, they remain unprotected against legal challenges arising from their cohabitation, placing them in an unequal position compared to other citizens.

Due to the absence of legal recognition of same-sex cohabitation or marriage, essential rights such as marital property division, inheritance from a partner, and spousal pension benefits fall outside established legal norms.

#### **1.3.3.1. Division of Marital Property**

The Family Law of Kosovo, which regulates the division of marital property, does not recognize such a right for same-sex persons who have cohabited. Article 14, item 1 of this law defines marriage as a legally registered union between two persons of different sexes, through which they freely decide to live together with the purpose of forming a family.<sup>23</sup> Meanwhile, it does not foresee any other form of union or cohabitation between same-sex persons that would hold the same value, rights, and obligations as marriage between two persons of different sexes.

Article 52 of the Family Law of Kosovo establishes the principles of marital property division, stating that neither spouse can be arbitrarily deprived of their property.<sup>24</sup> Articles 53 to 55 outline the division of joint property by agreement, the assessment of joint property in case of disputes, and the determination of property shares.<sup>25</sup> However, under the current legal framework, two same-sex persons who have cohabited for a certain period and acquired property together, if they decide to end their cohabitation and disagree on the division of assets acquired during their time together, are deprived of the right to property division based on the aforementioned provisions of the Family Law of Kosovo.

#### **1.3.3.2. Inheritance Rights**

Kosovo regulates inheritance through the Law on Inheritance in Kosovo. According to this law, inheritance is acquired either by law or by testament. Article 11 of the law defines legal heirs as the children of the deceased, adopted children and their descendants, the spouse, parents, siblings and their descendants, grandparents and their descendants.<sup>26</sup> The law also recognizes inheritance

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<sup>23</sup> Law No. 2004/32 Family Law of Kosovo, Article 14, item 1 (Marriage).

<sup>24</sup> Ibid, Article 52

<sup>25</sup> Ibid, Articles 53 to 55

<sup>26</sup> Law No. 2004 / 26 Law on Inheritance in Kosovo, Article 11

within extramarital unions, explicitly stating that a man and a woman who cohabit in such a union may inherit from one another as spouses, provided certain conditions are met.<sup>27</sup>

This legal framework, which regulates spousal inheritance rights, including inheritance within extramarital unions, excludes same-sex persons who have lived together until the death of one partner, at which point inheritance rights would typically apply. In both cases, marriage and extramarital unions, the law, as formulated, explicitly requires the couple to be heterosexual.

### **1.3.3.3. Spousal Pension Rights**

In the Republic of Kosovo, a spouse's right to the pension savings of their deceased partner is regulated through the Law on Pension Funds of Kosovo<sup>28</sup> Meanwhile, the Law on Pension Schemes Financed by the State governs spousal rights to family pensions.<sup>29</sup>

However, also in this case, due to the lack of legal recognition of marriage or civil unions between persons of the same sex, they are deprived of the right to a spousal pension.

### **1.3.4. Non-Approval of the Civil Code**

Although the Civil Code would not directly regulate the right of LGBTIQ+ persons to spousal inheritance or other related rights, it would pave the way for addressing some of these issues.

The Draft Civil Code, which has yet to be approved by the Kosovo Assembly, addresses marriage in Article 1138, stating that "Other forms of civil unions are regulated by a separate law."<sup>30</sup> This provision would lead to the drafting of a specific law that would regulate the legal recognition of same-sex marriages, thereby creating a new legal framework and necessitating amendments to existing laws that currently deny certain rights to LGBTIQ+ persons derived from marriage.

For these reasons, among others, the non-approval of the Civil Code has been assessed as a denial of rights for persons belonging to the LGBTIQ+ community.<sup>31</sup>

## **2. Legal Challenges Faced by Journalists**

### **2.1. Handling of Journalists' Cases by the Judiciary**

In a democratic society, journalists play a vital role in safeguarding the public interest and ensuring transparency and accountability. However, in Kosovo, in addition to facing attacks from members of Parliament and the Government through defamatory language, journalists are also frequently subjected to threats and physical assaults from citizens because of their work.

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<sup>27</sup> Ibid, Article 28.1

<sup>28</sup> Law No.04/L-101 on Pension Funds of Kosovo, Article 12

<sup>29</sup> Law No. 04/L-131 on Pension Schemes Financed by the State, Article 12

<sup>30</sup> Draft Civil Code of Kosovo, Article 1138, item 2. <https://md.rks-gov.net/wp-content/uploads/2024/06/5582524D-4557-43D6-A814-D541D7E8E037.pdf> (Last accessed on April 14, 2025).

<sup>31</sup> "Professor Plakolli: Non-Approval of the Civil Code, a Denial of Rights for the LGBTQ+ Community," [betimiperdrejtesi.com](https://betimiperdrejtesi.com/profesoresha-plakolli-mosmiratimi-i-kodit-civil-mohim-i-te-drejtave-per-komunitetit-lgbtq/), published on August 24, 2024 <https://betimiperdrejtesi.com/profesoresha-plakolli-mosmiratimi-i-kodit-civil-mohim-i-te-drejtave-per-komunitetit-lgbtq/> (Last accessed on April 14, 2025).



In order to prevent attacks against journalists, it is crucial that the punitive policies applied in such cases achieve their intended purpose. One of the main objectives of punishment is to deter others from committing criminal offenses<sup>32</sup>.

However, despite the fact that there have consistently been convictions in cases where journalists were the victims, these sentences have not served as an effective deterrent, as the number of attacks on journalists has continued to rise each year. For example, since 2020, the number of attacks on journalists has shown a consistent upward trend — from 24 cases in 2020 to 53 cases in 2024. Moreover, according to the Kosovo Journalists Association (AJK), during the first four months of 2025 alone, there have been registered 29 cases of threats and attacks against journalists.<sup>33</sup> Statistically, the highest number of attacks and threats against journalists occurred in 2023, with a total of 74 cases, 30 of which were related to journalists covering events in northern Kosovo.<sup>34</sup>

### **2.1.1. Handling of Cases in Basic Courts**

In order to reflect how such cases are handled by the courts, KLI analyzed six (6) criminal judgments of this nature issued by the Basic Courts, involving ten (10) defendants who were convicted of eleven (11) criminal offenses. Four (4) of these convictions were for the offense of "threat," three (3) for the offense of "assault," three (3) for the offense of "light bodily injury" committed in co-perpetration, and one (1) for the offense of "causing general danger".

In these cases, the courts imposed a total of eleven (11) sentences: five (5) of which were effective imprisonment sentences, five (5) were fines, and in one (1) other case, the court issued a judicial admonition.

One of these cases was concluded through a criminal order judgment; in three (3) cases, the defendants pleaded guilty during the initial hearing, while in two (2) other cases, regular trials were conducted.

In the cases where the defendants pleaded guilty, that is, where cases were concluded after the initial hearing, the average duration from the filing of the indictment to the issuance of the judgment was 148 days. The shortest duration was 15 days, and the longest was 292 days. The average duration was almost the same (154 days) in the two cases where the defendants did not plead guilty.

According to the Criminal Code of the Republic of Kosovo, the offense of threat, for which the defendants in these cases were charged, is punishable by a fine or imprisonment of up to six (6)

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<sup>32</sup> Criminal Code No. 06/L-074 of the Republic of Kosovo, Article 38.1.1.2.

<sup>33</sup> "AGK: 29 Cases of Threats and Attacks Against Journalists in the First Four Months of 2025," ekonomiaonline.com, published on May 5, 2025. <https://ekonomiaonline.com/agk-29-raste-te-kercenimeve-dhe-sulmeve-ndaj-gazetareve-ne-kater-muajt-e-pare-te-vitit-2025> (Last accessed on June 8, 2025).

<sup>34</sup> "The Attackers of Journalists in the North Did Not Face Justice," evropaelire.org, published on November 2, 2023. <https://www.evropaelire.org/a/sulmuesit-e-gazetareve-veri-pa-u-gjykuar-/32667318.html>. (Last accessed on June 8, 2025).



months<sup>35</sup>, and/or one (1) year<sup>36</sup>. The analysis conducted for the purposes of drafting this report found that in three (3) cases the courts imposed fines (averaging €800), while in one (1) case there was imposed a prison sentence of eight (8) months.

Another offense for which three defendants were found guilty was "assault." In these three cases, the Criminal Code provides for punishment by a fine or imprisonment of up to one (1) year<sup>37</sup>. In one of these cases, the court issued a judicial admonition, while in the other two cases, fines of €400 each were imposed.

In the case of causing general danger, where the legally prescribed punishment is imprisonment from six (6) months to five (5) years, the court imposed a prison sentence of four (4) years on the defendant.

Meanwhile, in the case of light bodily injury, where the prescribed punishment is imprisonment from six (6) months to three (3) years, the court sentenced each of the three defendants to two (2) years of imprisonment individually.

### **2.1.2. Handling of Cases in the Court of Appeals**

For the purpose of this report, KLI also analyzed four (4) decisions of the Court of Appeals concerning cases of this nature. In all four (4) cases, the defendants had been convicted at the first instance for the criminal offense of "threat." In three (3) of the cases, the Court of Appeals confirmed the first-instance judgments, while in one (1) case the verdict was changed.

In one case, the first-instance court had imposed a six (6) month prison sentence, which was replaced with a fine of €4,500. In another case, the first-instance court had imposed a suspended sentence of one year and six months of imprisonment. Both of these judgments were upheld by the Court of Appeals.

In one of the cases, it was found that the defendant was charged with the qualified form of the offense of "threat" (punishable by imprisonment from one to five years) The defendant was sentenced by the first-instance court to a suspended sentence of one year and six months. The prosecution argued that this sentence was excessively lenient, emphasizing the fact that the victim was a journalist and that therefore freedom of expression was infringed. However, the Court of Appeals found that the first-instance court had properly assessed the circumstances. In this case, one of the mitigating circumstances considered by the first-instance court was the defendant's "deep remorse" and "promise not to commit such an offense again."

Nevertheless, despite the fact that the defendant was a repeat offender who had previously been convicted eight (8) times with final judgments (including effective imprisonment, fines, and suspended sentences), this did not influence the first-instance court to impose a more severe punishment. This approach was not altered by the Court of Appeals either.

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<sup>35</sup> Criminal Code No. 06/L-074 of the Republic of Kosovo, Article 181, paragraph 1.

<sup>36</sup> Ibid, Article 181, paragraph 2.

<sup>37</sup> Ibid, Article 184, paragraph 1.

According to the Criminal Code of the Republic of Kosovo, “When determining the sentence, the court shall consider, but is not limited to, the following aggravating circumstances: ...any previous criminal convictions of the convicted person.” The Supreme Court's Sentencing Guidelines support the general belief that individuals with prior convictions should be punished more severely than those without. The guidelines also recognize that prior punishments have failed to rehabilitate or reform the offender. In essence, the purpose of the sentence shifts from rehabilitation toward the prevention of future offenses.

Regarding this circumstance, the guidelines instruct the courts to consider a range of factors, such as: the number of previous convictions, the seriousness of prior offenses, the nature of the offenses, their similarity to the current offense, the time that has passed between convictions, etc.<sup>38</sup> In the judgment issued, the Court of Appeals did not explain these factors or justify why, despite the defendant's eight (8) prior convictions, a suspended sentence was still imposed— a type of punishment meant for minor offenses, where a warning combined with the threat of punishment is considered sufficient to prevent reoffending.

A similar approach to assessing circumstances was found in another first-instance judgment, which was also confirmed by the Court of Appeals. This was a case where the defendant was fined €1,500. The court considered the defendant's remorse and promise not to commit further offenses as mitigating circumstances. However, in this case as well, the court found that the defendant had previously been convicted three times with final judgments. Despite this, the Basic Court did not impose a more severe punishment, and the sentence was confirmed by the Court of Appeals.

Meanwhile, in the other case (the fourth case), based on the judgments of the Court of Appeals regarding the criminal offense of “threat”<sup>39</sup>, which involved death threats against a team of journalists, the first-instance court imposed a fine in the amount of €200. The Court of Appeals found that the first-instance court had overestimated the mitigating circumstances and had failed to properly assess the aggravating ones. As a result, the appellate court increased the fine from €200 to €500.

Based on the above analysis of all cases, KLI found that in only two out of six (6) Basic Court cases, the fact that the offense was committed against a journalist—specifically in the course of their professional duties—was considered as an aggravating circumstance. Meanwhile, among the four (4) Court of Appeals decisions, this factor was taken into account in only one case.

In two (2) of the six (6) Basic Court cases, the court found no aggravating circumstances at all.

Regarding sentencing policy, one can conclude that penalties for threats and assaults against journalists remain relatively low.

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<sup>38</sup> Sentencing Policy Guide, Supreme Court of Kosovo, page 97. [https://supreme.gjyqesori-rks.org/wp-content/uploads/legalOpinions/Udhezues%20per%20Politiken%20ndeshkimore\\_Shkurt%202018.pdf](https://supreme.gjyqesori-rks.org/wp-content/uploads/legalOpinions/Udhezues%20per%20Politiken%20ndeshkimore_Shkurt%202018.pdf). (Last accessed on June 8, 2025).

<sup>39</sup> Criminal Code No. 06/L-074 of the Republic of Kosovo, Article 181, paragraph 2: “*Kushdo që seriozisht i kanoset personit tjetër me fjalë, vepra apo gjeste se do ta privojë nga jeta ose se do t'i shkaktojë lëndim të rëndë trupor, se do ta rrëmbejë ose privojë nga liria ndonjë person tjetër ose se do ta dëmtojë me armë zjarri, me shpërthim ose me mjete të tjera të rrezikshme, dënohet me gjobë ose me burgim deri në një (1) vit*”.

A lenient sentencing policy in cases where journalists are threatened or physically assaulted, without taking into consideration that the victims are journalists and the offense was committed due to their professional duties, fails to fulfill the intended purpose of criminal punishment, which is to deter such attacks. This appears to be one of the reasons why, despite the existence of convictions, attacks against journalists continue and even increase. Therefore, the judiciary should apply an appropriate sentencing policy in line with the provisions of the Criminal Code and the Supreme Court's Sentencing Guidelines

## **2.2. Language Used Against Journalists and the Media**

In Kosovo, freedom of expression is enshrined in the Constitution of the Republic of Kosovo, which guarantees the right to express oneself without obstruction. However, it is important to note that this freedom is legally restricted when used to incite violence.<sup>40</sup> Article 42 clearly specifies that media censorship is prohibited and that no one can prevent the dissemination of information. However, this information may be restricted by law, similarly to the provision mentioned above.<sup>41</sup> The European Convention on Human Rights and Fundamental Freedoms (ECHR) also stipulates that everyone has the right to freedom of expression, which includes the freedom of thought and the right to receive or impart information and ideas.<sup>42</sup> The freedom of expression, thought, access to information for journalists, as well as the critical monitoring of the implementation of political and economic power, is guaranteed by the Code of Ethics for Media Service Providers in Kosovo<sup>43</sup> and the Code of Written Media in Kosovo.<sup>44</sup>

However, this legal safeguard has not been sufficient to prevent the language used by public officials in Kosovo toward journalists and media from reaching a concerning level due to its denigrating, offensive, and inflammatory content.

Especially in recent years, repeated (and not isolated) cases have been observed where public officials have used such language toward journalists and media.<sup>45</sup> Journalists have often been labeled as serving the interests of Serbia, oligarchs, or even being part of criminal enterprises.<sup>46</sup> This language goes beyond a healthy public debate about the role of media and journalists, negatively affecting their work and public perception.

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<sup>40</sup> Constitution of the Republic of Kosovo, "Article 40 - Freedom of Expression".

<sup>41</sup> Constitution of the Republic of Kosovo, "Article 42 - Freedom of the Media".

<sup>42</sup> European Convention on Human Rights, Article 10 (Freedom of Expression)  
[https://www.echr.coe.int/documents/d/echr/convention\\_sqi](https://www.echr.coe.int/documents/d/echr/convention_sqi) (Last accessed on May 20, 2025).

<sup>43</sup> Code of Ethics for Media Service Providers in Kosovo, Article 2 (Scope).

<sup>44</sup> Press Code of Kosovo. General Provisions, Point 5. [https://agk-ks.org/site/assets/files/2614/press-code-for-kosovo\\_alb\\_1.pdf](https://agk-ks.org/site/assets/files/2614/press-code-for-kosovo_alb_1.pdf). (Last accessed on May 24, 2025).

<sup>45</sup> "AGK condemns the ongoing campaign against media and journalists by Prime Minister Kurti and Vetëvendosje." Association of Journalists of Kosovo. February 7, 2025.  
<https://www.facebook.com/asociacioniigazetareve/posts/pfbid035Nw1gPgSEbhKDMfGdmhbNcmhmvmbrmCPu37F2L7d68LByosH9wtzu3Tv99E1paioql>. (Last accessed on 20 May 2025).

<sup>46</sup> "AGK condemns the attack by the Prime Minister's Chief of Staff, Luan Dalipi, against the media." Association of Journalists of Kosovo.  
[https://www.facebook.com/asociacioniigazetareve/posts/pfbid02s16QWFpF4aWTFrZcxS7NpkWKCAyYd7YtMW\\_e3xw1DhH4cseTrDjYswbY2YusGLuUtl](https://www.facebook.com/asociacioniigazetareve/posts/pfbid02s16QWFpF4aWTFrZcxS7NpkWKCAyYd7YtMW_e3xw1DhH4cseTrDjYswbY2YusGLuUtl) (Last accessed on May 20, 2025).

This rhetoric used by political groups has also been highlighted in the 2025 Reporters Without Borders report, which ranked Kosovo 99th in the world for media freedom.<sup>47</sup>

In addition to verbal attacks and insults from public figures against journalists and media, a major concern remains the threatening language expressed by citizens through comments, which largely stems from the public discourse of political figures.<sup>48</sup>

This public discourse has triggered a wide range of citizen comments. Comments influenced by the above-mentioned public discourse include statements such as: “Ki gru q.m Plum lul balit lip”<sup>49</sup>, “Te hanen ju e fshini këtë faqe pergjithmon.edhe dilni me zyre në Krale”<sup>50</sup>, “ju jeni e keqja e kti veni o klan serbija”<sup>51</sup>, “Sa kushton me te q. Na....ken shpulla gojes Qenef ?!”<sup>52</sup>.

Kosovo, through the Civil Law Against Defamation and Insult, has legally sanctioned defamation and insult<sup>53</sup>. Unlike offenses that fall under the civil domain, threatening language is considered a criminal offense and is sanctioned by the Criminal Code of the Republic of Kosovo.<sup>54</sup>

Despite the fact that courts in Kosovo have issued sentences against individuals who have threatened journalists through comments on social media, this concerning phenomenon continues to persist.

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<sup>47</sup> Reporters Without Borders, “Kosovo,” <https://rsf.org/en/country-kosovo> (Last accessed on May 21, 2025).

<sup>48</sup> “Kosovo ranks worse than Serbia in media freedom: VV MP attacks AGK President Xhemajl Rexha,” nacionale.com, published on May 2, 2025. <https://www.facebook.com/nacionalecom/posts/pfbid0X7Q6bG49MoxydTcMvWE9YomHmwpxGc3xUjEWHz2Av9jCtoY72J81LEfwQfjDAXoml>. (Last accessed on May 21, 2025).

<sup>49</sup> “Lirim Mehmetaj speaks after the fine imposed by the Court on the expatriate who threatened him: Small penalties encourage others – they hear the attacks from the Prime Minister, the Minister, and the President’s husband against the media,” nacionale.com, published on April 18, 2025.

<https://www.facebook.com/watch/?v=1003762701412418&rdid=cvxCWat4fyDCeonl>. (Last accessed on May 22, 2025).

<sup>50</sup> “AGK condemns the ongoing campaign against media and journalists by Prime Minister Kurti and Vetëvendosje.” Association of Journalists of Kosovo, published on February 7, 2025.

<https://www.facebook.com/asociacioniigazetareve/posts/pfbid035Nw1gPgsEbhKDMfGdmhbNcmhmvmbrmCPu37F2L7d68LByosH9wtzu3Tv99Elpaioql>. (Last accessed on May 20, 2025).

<sup>51</sup> Ibid.

<sup>52</sup> “Lirim Mehmetaj speaks after the fine imposed by the Court on the expatriate who threatened him: Small penalties encourage others – they hear the attacks from the Prime Minister, the Minister, and the President’s husband against the media,” nacionale.com, published on April 18, 2025.

<https://www.facebook.com/watch/?v=1003762701412418&rdid=cvxCWat4fyDCeonl>. (Last accessed on May 22, 2025).

<sup>53</sup> Law No. 02/L-65 Civil Law Against Defamation and Insult. <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2503>. (Last accessed on May 22, 2025).

<sup>54</sup> Code No. 06/L-074, Criminal Code of the Republic of Kosovo, Article 181 (Threat). <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18413>. (Last accessed on May 22, 2025).

## **2.3. Other Challenges Faced by Journalists**

### **2.3.1. The Lack of a Legal Basis for Media Responsibility Regarding Comments on Social Platforms**

The rapid development of social networks has transformed how the public interacts with information and the media that disseminates it. However, this new form of information access has introduced legal and ethical challenges, particularly due to the users of these networks, who are considered third parties and have the ability to leave comments that may contain illegal content.

The Press Council of Kosovo, according to Article 3, point 1.3 of its statute, has the authority to address media-generated content such as text, audio, photographs, video, or graphics transmitted through social networks and other media platforms.<sup>55</sup> While media content published on social networks can be evaluated by the Press Council of Kosovo, third-party comments cannot.

Thus, under Kosovo's legal framework, media responsibility for illegal comments is not regulated. On the other hand, the European Court of Human Rights (ECtHR) has established the precedent that the publisher bears responsibility for monitoring comments made on their platform.

This principle was reinforced in the case “Sanchez v. France”. The case involved a Parliamentary candidate who made a post on his Facebook profile. Following the publication of the post, it was accompanied by numerous racist comments targeting the Muslim community. Considering the nature and functionality of Facebook, the court ruled that the author of the post was also responsible for the illegal comments, not because of the content of his post, which was not unlawful, but due to his failure to properly monitor and intervene to remove illegal comments.<sup>56</sup>

In this regard, it is important for media outlets to establish adequate mechanisms to control illegal comments. These mechanisms should be designed to identify unlawful comments posted under their news articles. Additionally, they should be able to remove illegal comments promptly, even without prior notification from a potential victim.<sup>57</sup>

Beyond their responsibility to ensure that their reporting complies with legal standards, media outlets are also accountable for illegal comments, according to European Court of Human Rights (ECtHR) jurisprudence.

Faced with this situation, the Government and Assembly of the Republic of Kosovo should adopt an adequate legal framework that, in accordance with the European Court of Human Rights

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<sup>55</sup> Statute of the Press Council of Kosovo, amended in February 2013. See more at: [https://presscouncil-ks.org/wp-content/uploads/2015/04/Statuti\\_KMSHK\\_shqip\\_FINAL3.pdf](https://presscouncil-ks.org/wp-content/uploads/2015/04/Statuti_KMSHK_shqip_FINAL3.pdf). (Last accessed on May 22, 2025).

<sup>56</sup> Judgment of the European Court of Human Rights in the case of Sanchez v. France, “CASE OF SANCHEZ v. FRANCE (Application no. 45581/15),” paragraphs 2-24 and 104, Strasbourg, September 2, 2021. See link: [https://hudoc.echr.coe.int/eng#{%22languageisocode%22:\[%22ENG%22\],%22appno%22:\[%2245581/15%22\],%22documentcollectionid%22:\[%22CHAMBER%22\],%22itemid%22:\[%22001-211777%22\]}](https://hudoc.echr.coe.int/eng#{%22languageisocode%22:[%22ENG%22],%22appno%22:[%2245581/15%22],%22documentcollectionid%22:[%22CHAMBER%22],%22itemid%22:[%22001-211777%22]}). (Last accessed on May 22, 2025).

<sup>57</sup> Shala, G. “Media Responsibility for Illegal Comments,” Prishtina, October 2024, page 13. [https://kli-ks.org/wp-content/uploads/2024/10/Raporti\\_Pergjegjesia-e-mediave-ndaj-komenteve-te-paligjshme-1.pdf](https://kli-ks.org/wp-content/uploads/2024/10/Raporti_Pergjegjesia-e-mediave-ndaj-komenteve-te-paligjshme-1.pdf). (Last accessed on May 26, 2025.)

jurisprudence, explicitly defines the media's responsibility for illegal comments posted on their social media publications. However, it is essential that the drafting of this legal framework is approached carefully to ensure that it addresses media responsibility while not compromising media independence or imposing excessive restrictions that could result in disproportionate interference with freedom of expression.

### **2.3.2. Provision of Free Legal Aid**

The Law No. 04/L-017 on Free Legal Aid, which came into force in 2012, aims to guarantee access to justice for citizens who cannot afford legal representation by establishing specific eligibility criteria for beneficiaries.<sup>58</sup> Furthermore, a progressive step was taken in February 2022 with the amendment of this law, expanding free legal aid beyond the criteria required in Articles 8 and 9 of the basic law<sup>59</sup> to qualify for free legal aid, this assistance was expanded to include additional categories, among which are journalists.<sup>60</sup>

The amendment in this regard, which designated journalists as beneficiaries of free legal aid, has contributed to strengthening access to justice and providing greater legal security for journalists.

However, this progressive step was followed by a significant regression in September 2022, when the Free Legal Aid Agency (FLAA), which provides free legal assistance to the aforementioned categories and was originally established based on the 2012 Free Legal Aid Law in Kosovo as an independent agency overseen by the Free Legal Aid Council, was transitioned from an independent agency to an agency under the Ministry of Justice.<sup>61</sup>

In this way, the FLAA, which was initially an independent body, ended up being politicized. As a result, the litigants, specifically, the defendant and the plaintiff, were practically merged into one entity.<sup>62</sup> Thus, paradoxically, in identical cases, the Ministry of Justice will have to ensure the protection of both the interests of citizens and the interests of public institutions, covering both the plaintiff's and the defendant's interests. Under this new legal framework, citizens no longer have sufficient legal certainty that they can seek free legal aid from FLAA for their cases. Consequently, this legal arrangement has violated citizens' right to free legal aid, in accordance with the standards set by the ECtHR, which are mandatory under Kosovo's constitutional order. For this reason, this draft law contradicts Article 31.6 (The Right to a Fair and Impartial Trial) of the Constitution of the Republic of Kosovo.<sup>63</sup>

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<sup>58</sup> Law No. 04/L-017 on Free Legal Aid. (Last accessed on May 29, 2025.).

<sup>59</sup> Ibid, Article 8 (Financial Criteria) and Article 9 (Financial Requirements).

<sup>60</sup> Law No. 08/L-035 on Amendments and Supplements to Law No. 04/L-017 on Free Legal Aid, Article 10/A, Point 1.11. (Last accessed on May 29, 2025.)

<sup>61</sup> Law No. 08/L-063 on Amendments and Supplements to Laws Related to the Rationalization and Establishment of Accountability Lines for Independent Agencies. (Last accessed on May 29, 2025).

<sup>62</sup> Shala, G. "Unconstitutional Politicization of AFNJ," Prishtina, October 2022, page 4. <https://kli-ks.org/politizimi-kunder-kushtetues-i-anj/>. (Last accessed on May 29, 2025)..

<sup>63</sup> Po aty, page 4. <https://kli-ks.org/politizimi-kunder-kushtetues-i-anj/>. (Last accessed on May 29, 2025).

The importance of free legal aid for journalists and media is demonstrated by the fact that non-governmental organizations, such as the KLI, through the Free Legal Aid Center, have provided free legal assistance in dozens of cases, where the affected parties were media outlets or journalists.<sup>64</sup>

In these cases, through free legal aid, judicial processes have been won, including criminal,<sup>65</sup> civil,<sup>66</sup> and administrative cases, all of which were legally binding.<sup>67</sup>

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<sup>64</sup> This information was provided by the Free Legal Aid Center of KLI.

<sup>65</sup> “200 euro fine for the accused who threatened the journalist and cameraman with death,” betimiperdrejteti.com, published on August 16, 2023. <https://betimiperdrejteti.com/200-euro-gjobe-ndaj-te-akuzuarit-per-kercenimin-me-jete-te-gazetares-dhe-kameramanit-te-betimit-per-drejteti/>. (Last accessed on May 30, 2025).

<sup>66</sup> “The lawsuit of the ‘Koha’ Group against the Municipality of Prishtina is fully approved, the decision to close motor vehicle traffic on certain roads is annulled,” betimiperdrejteti.com, published on October 7, 2024. <https://betimiperdrejteti.com/aprovohet-ne-teresi-padia-e-grupit-koha-ndaj-komunes-se-prishtines-anulohet-vendimi-per-mbylljen-e-qarkullimit-te-mjeteve-motorike-ne-disa-rruge/>. (Last accessed on May 30, 2025).

<sup>67</sup> “KPM: RTK1 violated the Code of Ethics when broadcasting the article from ‘Slobodna Bosna,’ it is required to provide Nacionales space for a response,” betimiperdrejteti.com, published on September 24, 2024. <https://betimiperdrejteti.com/kpm-rtk1-shkeli-kodin-e-etikes-kur-transmetoi-artikullin-e-slobodna-bosna-obligohet-ti-ofroje-nacionales-hapesire-per-reagim/>. (Last accessed on May 30, 2025).

## Reccomendations

- The Government of the Republic of Kosovo and the Assembly must urgently adopt the Civil Code.
- A review and amendment of the Family Law and Law on Inheritance should be carried out to include the rights of same-sex couples who cohabit.
- The procedure for gender and name change should be legally regulated through accessible, fast, and non-discriminatory administrative processes.
- The Action Plan for the Rights of LGBTIQ+ Persons should be adopted as a strategic document addressing services, protection, and inclusion of this community.
- The Assembly of Kosovo should strictly implement its Rules of Procedure with regard to the use of non-parliamentary language during committee work and plenary sessions.
- The judiciary's capacities should be strengthened to effectively handle cases involving LGBTIQ+ individuals.
- Courts should consider the nature of the work of affected individuals, such as journalists, when assessing case circumstances.
- Courts should toughen sentencing policies by imposing appropriate penalties in accordance with the Sentencing Policy Guidelines in all cases against journalists and LGBTIQ+ individuals.
- Kosovo's institutions should adopt an adequate legal framework, in line with European Court of Human Rights jurisprudence, to specifically define media responsibility for illegal comments posted on their social media publications.





