DIGITAL RIGHTS IN KOSOVO
Open Data Kosovo (ODK) is a civic-tech NGO operating in Kosovo that recognizes the importance of technology in contributing to good governance and social good. This report aims to portray an overview of the current situation regarding the digital rights in Kosovo's society.
Introduction

The Internet has become an integral part of our daily lives. Living in the digital age has enabled a number of opportunities that would not have been possible otherwise. The Covid-19 epidemic increased the prevalence of technology in most people's lives - leading to inevitable changes within the workplace, education, communication, health sector and much more. But there are also many drawbacks to living in a digital environment, and as the online world expands daily, awareness should be raised of the possible risks of technology. Having the potential to accelerate sustainable growth and empower citizens, digital technologies have proven to simultaneously pave the way for abuse, exclusion, and inequality if left unmonitored, unregulated and when necessary - unsanctioned.

As developed countries and their economies are fast pacing towards an increasingly digitised and interconnected ecosystem with less barriers, a country as young as Kosovo cannot afford to be left behind. This is even more true having in mind Kosovo’s demographics, and more specifically – percentage of young people. But to keep up with the changes, Kosovo must learn how to use its potentials in a way they outweigh the risks. In Kosovo, the vast majority of the population has access to the internet, and as a country it is well-positioned to take advantage of the power of the digital for an increased social wellbeing and economic development. The public and private sectors' resilience, reactivity, and agility in Kosovo now depend also on digital transformation. However, to realise a full digital potential, digital change in the country must be inclusive. This report provides an overview regarding the developments and setbacks in Kosovo regarding E-Governance processes, personal data protection, cybersecurity, freedom of speech, disinformation and protection of vulnerable groups in the digital realm. In a nutshell, looking into Kosovo's digital situation and potential, collaboration with both public and private organisations, and most crucially with the general public is crucial in the development and implementation of strategies, plans and legal framework for a digital advancement.
E-Governance and Personal Data Protection

With a 93% internet penetration rate (one of the highest in Europe) Kosovo is in a highly suitable position to take advantage of digital advancements for the overall social, economic and sustainable development. According to the Kosovo government, through the draft-Digital Agenda Strategy 2030, digitalization remains one of the six priority sectors for economic development. However, with a high use of the Internet as a precondition for the digitization processes, cases of digital rights abuse, misuse of personal information, use of data without permission, online hate speech and harassment, are increasing every day. While dozens of services including applications for documents, licences, and applications for tenders are conducted through online platforms, in some cases, these platforms have been proven to have security problems.

E-governance is a crucial component of the Digital Agenda for the Western Balkan countries. In Kosovo this part falls under the draft-Digital Agenda Strategy 2030, and this far it is closely linked to the digitalization of the public services. In this regard, Kosovo lacks a comprehensive system regarding the Once-Only Principle (OOP). With the existing public services provided electronically in Kosovo, citizens might have to provide their personal information to different administrations many times, and this might leave space for data breaches. For the OOP to be applied, the authorities need to incorporate the data protection regulations for the citizens, be provided with the technical infrastructure as well as be equipped with the digital literacy in order to ensure its implementation. In terms of e-services, the legal framework for the provision of such services is not clearly stated, which limits the provision of certain services. Although the law on Trust-Services in electronic translations has been adapted in 2021, the lack of implementation of electronic transactions through such services, remains another barrier.

Among others, as a central issue within Kosovo’s Digital Agenda 2030, currently being drafted and soon to be finalised, is data privacy and protection. In 2019, Kosovo passed the Law No. 06/L-082 on Personal Data Protection. Although Kosovo is not an EU Member State, the Law is expressly aligned with the General Data Protection Regulation (GDPR), and, similarly to the GDPR, sets out data subject rights, such as the right of access, right to rectification, and right to deletion.
In Kosovo, the term digital is not often used in the state’s Penal Code, however, it mentions internet harassment, violence, intimidation as criminal offences. Also, Kosovo’s constitution guarantees the right to privacy, specifically Article 36, stating that “everyone enjoys the right to have their private and family life respected, the inviolability of their home and the secrecy of correspondence, telephone and other communications.” Although the law on Data Protection in Kosovo has been amended and is in line with the GDPR regulations, its implementation remains to be tested in practice, especially regarding the personal data breaches. The media reports that the prosecution process of individuals and entities which have conducted data breaches is also slow.

The growth of telecommunications and information technology in the country has occurred alongside the lack of information regarding data privacy, undeveloped institutions and the fragility of data misuse that new technologies have brought. To tackle such issues, in June 2021, the Assembly of Kosovo operationalized the Information and Privacy Agency (IPA) by appointing its commissioner. The Institution reports to the National Assembly, being in charge with both personal data protection and freedom of access to information. However, there are cases where state institutions themselves did not respect the Law on the Protection of Personal Data. This year alone, the IPA has fined institutions with nearly 50,000 euros for illegal processing of citizens' personal data.

According to an article prepared by BIRN, since January 2022, IPA has received 64 complaints against private entities concerning publication of personal data, direct marketing, processing of biometric data for aims of identification and surveillance in public spaces. Kosovo’s citizens are oftentimes unaware of the importance of personal data protection, and in most cases do not report privacy data breaches at the responsible Institutions in the country. This was the case for Donika [not her real name], as BIRN reports, whose personal data were hacked from the website of the Central Election Commission, where she was registered to vote. Her stalker, after harassing her daily, also breached her salary information via the Tax Administration. “Personally, I was shocked,” Donika told BIRN. “I was surprised how they managed to get access to my personal data through institutions.”
However, as the article reports, Donika dropped her case when her harasser apologised, since she was unwilling to go to court considering it would take years to reach a decision. The article quotes Kosovo cyber expert Mentor Hoxha stating that due to logical flaws and a failure to implement the proper technical-logical safeguards to preserve privacy and prevent data exposure to third parties, citizens' data is exposed. More needs to be done by Kosovo's institutions to protect its citizens' data, and prevent cases of personal data breaches which would pose serious threats not for the citizens alone, but for the country as a whole as well.
Fragile Cybersecurity

In addition to interference from human factors, the online systems of the Kosovo Government, and systems of other institutions in some cases, have also had problems with cyber-attacks from outside. A report prepared by BIRN “Online intimidation: Controlling the narrative in the Balkans”, mentions the cyberattack on Kosovo Central Election Commission website during the parliamentary election held on 14 February 2021, where the English-language version of the website showed commercials for Viagra. As per the report, the hacker(s) was not identified, and the attack was most likely designed to show how easily the official government website could be hacked. Similar attacks have continued during 2022 as well. During September 2022 alone, the e-Kosova platform, Kosovo Telecom, the website of the Prime Minister’s Office, some ministries, the Kosovo Police and many media, were victims of cyber-attacks. The cyber-attack targeting the Kosovo Telecom obliged the latter to interrupt all internet services in the country in order to manage and resolve the attack. On the other hand, online media platforms were victims of such attacks as well. Telegrafi.com, an online media portal in Kosovo, received an email from a person with the pseudonym "Anon Anterus" - writing that such an attack is a statement of cyber war. This email was sent also to electronic addresses of many other institutions and media in Kosovo.

For cyber-attacks aimed at Kosovo and its institutions, the responsible Institution in Kosovo is the Information Society Agency and the infrastructure of the state computer network. However, being a target of numerous cyber-attacks this year alone, Kosovo’s government took the decision on the establishment of the Agency for Cyber-Security. During September 2022, the Government of Kosovo approved the draft law on cyber security, which included forming the said agency. According to the draft law, the database of Cyber Incident Registry is maintained by the Agency for Cyber Security, where data describing the occurrence of a cyber incident is entered for the purpose of keeping record of cyber incidents, analysing cyber incidents for resolving them, sending alerts and performing supervisory operations. With such a legislation in force, it presents an opportunity as well as a fundamental challenge for the country in improving cyberspace safety where the country's institutions, business, and individuals are operating and will continue to do so in the future.
Freedom of expression and disinformation

Digital rights violations increased in Central and South Eastern Europe during the COVID-19 pandemic, with over half of them involving propaganda, disinformation or the publication of unverified information, as shown by a monitoring conducted by BIRN. The growth of digital media is increasing the potential to exercise freedom of expression. Having this in mind, it is setting no boundaries of who can be a writer, broadcaster and/or publisher. With numerous individuals being part of the ‘digital communication’ it is simultaneously impacting the potential for expression to actually infringe the right to privacy and reputation. A number of rights might be affected by disinformation, including the right to free and fair elections, health, non-discrimination, and sometimes even to life.

According to BIRN’s report on digital rights violations, for 2022 there were 84 cases of cyber rights violations reported, most of which came under the category of manipulation and propaganda. Almost all of the cases of misinformation in the country were related to the war in Ukraine, where both media outlets and individual social media users continued to share misleading rumours. While for the year 2021, there were 79 cases of cyber rights violations reported, where (59) came under the category of manipulation and propaganda. A considerable number of these contained untrue claims or misinformation regarding Covid-19, widely distributed but misleading rumours about lockdowns, and supposed vaccine side effects.

It is worth noting the weak fight against misinformation about vaccination in Kosovo during the peak of COVID-19 pandemic. In Kosovo, there are over 1 million users of Facebook and Instagram social networks, and such platforms are considered as one of the main sources of information, but also of disinformation. Citizens have the tendency to spread and share any information they read online. Being exposed to numerous information online, often untrue and unverified, citizens are therefore spreading misinformation to an even wider public. An analysis presented the five main disinformation distributed in the Albanian language with high interactivity on Facebook, including: Children are immune to the coronavirus; There is a coronavirus vaccine; The Chinese government built a hospital overnight, etc. These have been distributed by Kosovar citizens at a high rate, who, unaware of the damage, have become part of the manipulation. In the period of uncertainty during COVID-19 pandemic, the mainstream media did not do much to combat disinformation.
There are hundreds of portals in Kosovo whose addresses are unknown, nor are their owners or funders known. Unverified sources, unknown writers, and untrue articles are leading the way towards the increase of hate speech, violence, disinformation and propaganda. What’s more, concepts of ‘disinformation’ and ‘fake news’ continue to lack a clear definition. An example of this is the news published on April 1st, known as April fool’s day, that George Washington is of Albanian origin. This ‘fake news’ continues to circulate even today in the Kosovan media as real news. The Press Council, a self-regulatory body which includes most of Kosovo’s media, published a report entitled ‘Misinformation, Disinformation and Fake News in Online Media in Kosovo,’ concluding that online media in the country lack the financial and human resources in ethical and professional reporting. Even though several online media in Kosovo have committed towards ensuring the publication of factual and true information, the lack of human and financial capacities often prevents citizens with access to correct and trustworthy information. Considering that the country aims to have its journalists operating in open and secure access to online spaces, free from surveillance and censorship, it is still struggling to properly balance and monitor its citizens’ digital rights and the respect of their human rights. Kosovo’s governing has been called upon to ensure that human rights are protected and promoted in cyberspace in the same manner and with the same intensity as in real life, and to act promptly to create appropriate legal frameworks to halt the spread of misinformation.
Several experts, research policies, and investigations all over the world have been examining the link between social media and the growing role of personal, political, ethnic, religious, and gender violence. Kosovo is not an exception to this norm. The advancement of technology has enabled the manifestation of new forms of violence and harassment against vulnerable groups in the country. Media portals in Kosovo try not to publish hateful and abusive content, where journalists not only refrain from using hateful and abusive language. However, on Kosovar social media networks, content that may fall into this category appears in comment sections. Media outlets often deliberately comment sections due to abusive content and hate speech. Women, LGBTQ+ community, youth, and minorities living in Kosovo sometimes are prone to such a content of discrimination, harassment, and abuse in the digital realm. In Kosovo, a country which is considered conservative and with patriarchal society, cases of online abuse aimed towards women have been increasing continuously. Violence in the digital dimension affects women and girls disproportionately, which often goes unnoticed and is underreported. Various cases have been reported in the country of online harassment, death threats, and cyberbullying - which oftentimes have not received the proper attention from responsible institutions.

The report prepared by BIRN for 2021, states that women have been targeted by many incidents of misogyny, sexism, and other cases of gender hatred online in Kosovo, including here attacks for the sake of political confrontation and partisan interests. Shortly before the current President of Kosovo, Ms. Vjosa Osmani won the presidential vote, she was harassed, threatened and bullied online. The President's personal advisor, Faton Peci, shared screenshots on his Facebook account in which users made death threats against the President. Findings from BIRN for 2022, depict that even though both men and women can experience incidents of online violence, women continue to be considerably more likely victims of repeated and severe forms of harmful actions online. In one case the Independent Media Commission (IMC) in Kosovo had to react to media coverage of a story about a woman being abused because it was in violation of the Code of Ethics. But what the IMC did not address in its response was the fact that media coverage was focusing on disclosing the victim's ethnicity and gender, reporting her as a transwoman,
which contributed to the online harassment towards the victim. Unfortunately, the comment sections in most of the social media are not monitored closely whilst Facebook does not monitor hate content and propaganda in Albanian language in the comment sections either. Thus, much has not been done to halt the hate speech and propaganda up to date.

Furthermore, considering that Kosovo has the youngest population in Europe, where half of the roughly 2 million inhabitants are younger than 25 years old, they compose the group who use digital services the most. There are frightening rates of growth in the threats to children's privacy, both online and offline. According to a report prepared by Save the Children in Kosovo, 14% of boys and 9% of girls surveyed within their research have declared that they seldom or never feel safe on the internet, and more than 35% of children surveyed declare to have been bullied during 2022. The report also concluded that as per the findings, only 60% of boys and 62% of girls were taught how to use the internet safely in school, indicating that not all youngsters are aware of these practices. While parents have a primary role to play in ensuring their children's right to privacy are upheld, Kosovo's institutions must protect children's rights by adopting suitable policies and legislation and by ensuring that children themselves have access to information on exercising their rights and help prevent digital harm which might be posed towards them.
Roadmap on how the threats can be overcome

While the widespread use of digital technology has provided numerous opportunities, it has also shown that there is a need to increase citizen’s trust in digital transformation and electronic services. With benefits increasing, varying from social media enabling easier connection, to healthcare digital solutions making it easier to access appointments and vaccinations (especially during COVID-19 pandemic), challenges have also increased such as protecting data and privacy, providing safe access, preventing disinformation, and protecting vulnerable and marginalised groups in society.

There should be greater coordination among central institutions in Kosovo towards a comprehensive digital transformation, to overcome the threats in the digital world, whilst also ensuring the protection of its citizens digital rights.

-Foster an environment of transparency and collaboration among Kosovo's government entities to effectively maintain and utilise digital records;

-Establish and implement national cybersecurity strategies to combat the increasingly costly and threatening cyber risks;

-Ensure that any data and/or information within the institutions of Kosovo flows in an efficient and safe manner, both internally and externally;

-Educate the public and the private sector on data use that can ultimately lead to an increased demand for data access;

-Invest in human resources and capacity building to cover the issues of e-government and digital rights;

-Invest in fact-checkers (those who verify information) and in cooperation with social platforms fight fake news on social networks;

-Improve coordination among Kosovo’s institutions and stakeholders from CSO and private sector, the media, as well as with academia, to combat propaganda and fake news in social media and state institutions;
- Address critical thinking, open discussion, tolerance in the digital realm at an early age from elementary and middle school;

- Develop a curriculum which introduces students with courses on social media and digital media;

- Enhance the use of ICT for teaching and learning, as well as for developing e-skills for students and professionals;

- Prioritise the inclusion of underprivileged groups in digital strategies;

- Take steps to systematically respect privacy and data protection, especially in social media;

- Support digital literacy among young people and enable youth-led initiatives in developing, implementing, and monitoring digital technologies.