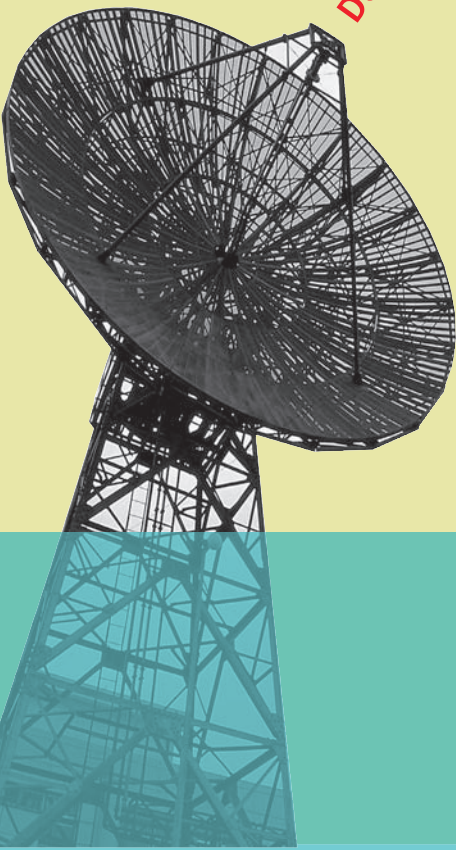


# MEDIA SUSTAINABILITY INDEX

# 2003

*Development of Sustainable Independent Media in Europe and Eurasia*



## **MEDIA SUSTAINABILITY INDEX 2003**

Copyright © 2004 by IREX

The Development of Sustainable Independent Media in Europe and Eurasia  
[www.irex.org/msi/](http://www.irex.org/msi/)

### **IREX**

2121 K Street, NW, Suite 700  
Washington, DC 20037  
E-mail: [irex@irex.org](mailto:irex@irex.org)  
Phone: (202) 628-8188  
Fax: (202) 628-8189  
[www.irex.org](http://www.irex.org)

**Project managers:** Mark Whitehouse and Theo Dolan

**Editorial support:** USAID—Peter Graves, numerous field-based USAID staff; IREX/DC staff—Michael Clarke, Theo Dolan, Jill Jarvi, Maggie McDonough, Drusilla Menaker, Gerhard Saric, Cara Stern, Linda Trail, and Mark Whitehouse

**Copyeditor:** Kelly Kramer, WORDtoWORD Editorial Services

**Design and layout:** OmniStudio

**Printer:** Kirby Lithographics Inc.

**Notice of Rights:** Permission is granted to display, copy, and distribute the MSI in whole or in part, provided that: (a) the materials are used with the acknowledgment “The Media Sustainability Index (MSI) is a product of IREX with funding from USAID.”; (b) the MSI is used solely for personal, noncommercial, or informational use; and (c) no modifications of the MSI are made.

**Acknowledgment:** This publication was made possible through support provided by the United States Agency for International Development (USAID) under Cooperative Agreement No. DGS-A-00-99-00015-00.

**Disclaimer:** The opinions expressed herein are those of the panelists and other project researchers and do not necessarily reflect the views of USAID or IREX.

ISSN 1546-0878

## **USAID**

USAID is an independent federal government agency that receives overall foreign policy guidance from the Secretary of State. The agency works to support long-term and sustainable economic growth and advances US foreign policy objectives by supporting:

- Economic growth and agricultural development
- Global health
- Democracy
- Conflict prevention and developmental relief

*USAID provides assistance in four regions of the world:*

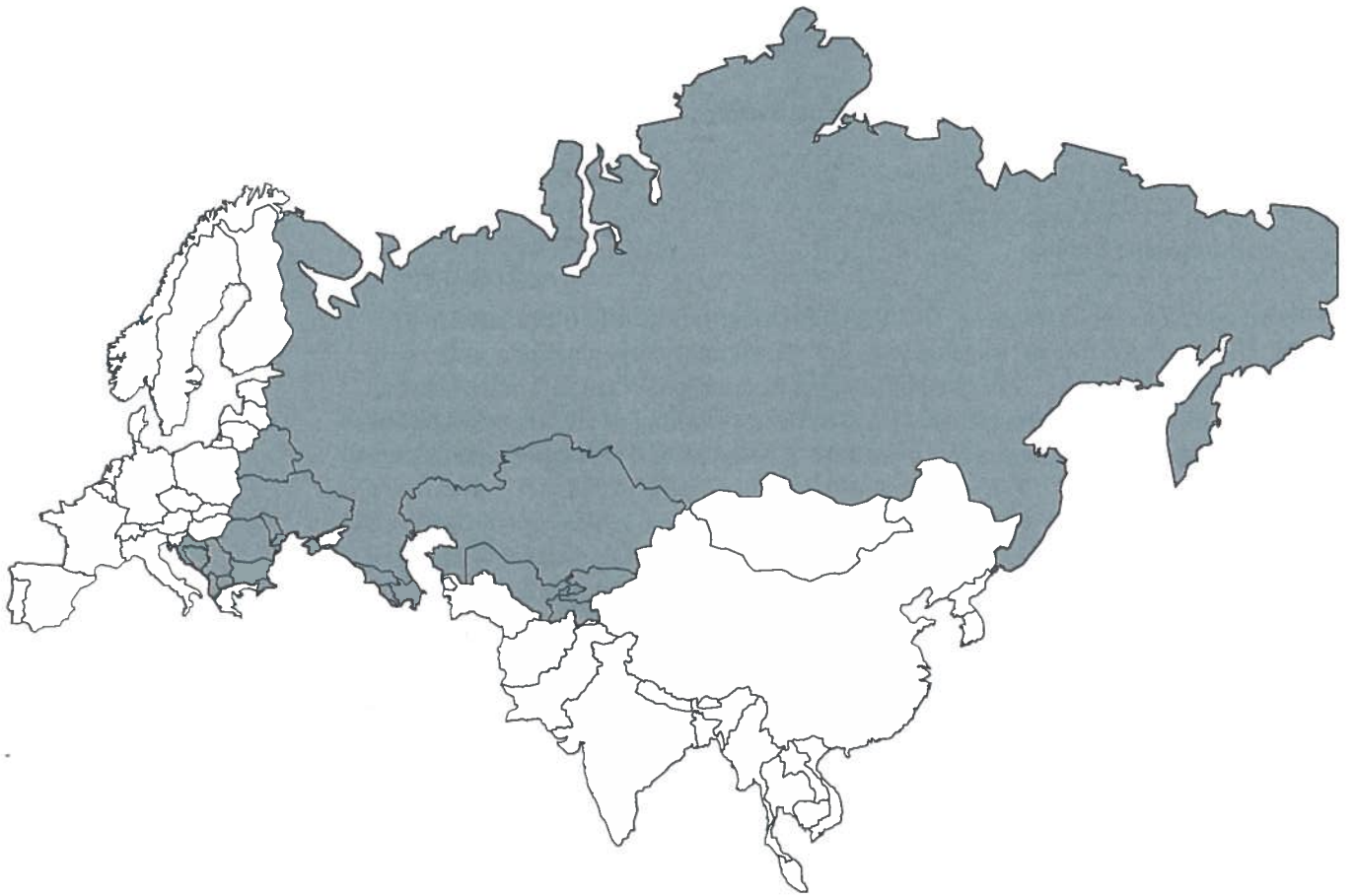
- Sub-Saharan Africa
- Asia and the Near East
- Latin America and the Caribbean
- Europe and Eurasia

With headquarters in Washington, DC, USAID's strength is its field offices around the world. They work in close partnership with private voluntary organizations, indigenous organizations, universities, American businesses, international agencies, other governments, and other US government agencies. USAID has working relationships with more than 3,500 American companies and over 300 US-based private voluntary organizations.

## **IREX**

IREX (the International Research & Exchanges Board) is an international nonprofit organization specializing in education, independent media, Internet development, and civil society programs. Through training, partnerships, education, research, and grant programs, IREX develops the capacity of individuals and institutions to contribute to their societies.

Since its founding in 1968, IREX has supported over 15,000 students, scholars, policy-makers, business leaders, journalists, and other professionals.



# Contents

Introduction.....	vii
Executive Summary .....	ix
Methodology.....	xxi

## **Southeast Europe**

Albania .....	3
Bosnia and Herzegovina .....	13
Bulgaria .....	23
Croatia .....	33
Kosovo .....	43
Macedonia.....	55
Montenegro.....	65
Romania .....	75
Serbia .....	89

## **Caucasus**

Armenia.....	99
Azerbaijan .....	109
Georgia .....	117

## **Russia & Western Eurasia**

Belarus.....	131
Moldova.....	143
Russia.....	155
Ukraine.....	169

## **Central Asia**

Kazakhstan .....	185
Kyrgyzstan .....	195
Tajikistan.....	205
Uzbekistan .....	215



According to Mark Pomar, President of IREX, "The longitudinal analysis of independent media points to a strong correlation between media sustainability and democratic government. The two move in tandem, and therefore a comprehensive study of independent media is one of the more accurate indicators of political development."

# Introduction

I am pleased to introduce the Media Sustainability Index (MSI) 2003. For the third consecutive year, the MSI provides in-depth analysis of the conditions for independent media in 20 countries across Europe and Eurasia.<sup>1</sup> The MSI was conceived in cooperation with the United States Agency for International Development (USAID) in 2000 as a tool to measure media development. Since then, the MSI has evolved into an important benchmark study to assess how media structures change over time and across borders.

During the past three years, the MSI has continued to expand its readership and its role in building a knowledge base for those interested in promoting independent media. For example, Transparency International referenced the MSI in its Global Corruption Report 2003, underscoring the role media play in revealing and combating corruption. The MSI was cited in a report by the US General Accounting Office (GAO) as a comprehensive tool for assessing media in transitioning countries. In response to congressional concern about cuts to Voice of America and Radio Free Europe programs, the GAO report suggested the MSI could be used to more accurately gauge specific media environments before determining budget cuts. Furthermore, the MSI continues to be used by USAID and many implementing organizations in determining democracy and governance development strategies.

Equally important is the significance of the MSI for media professionals in each of the countries assessed. For some, their presence on the MSI panel serves notice to repressive governments that independent media have an important social voice. For others, the study offers insight into how similar outlets in neighboring countries become sustainable businesses, or how the establishment of even one media association in support of journalists' rights can begin to counteract the political pressure on reporters and editors. And journalists can measure the costs of passive self-censorship, alongside the damage to professional standards from more traditional censorship by managers, owners, or the government. The MSI also demonstrates that having laws that purport to enshrine the right to a free press does not equate to having an independent media in practice, and that state-controlled media cannot necessarily be passed off as being in the public interest.

---

<sup>1</sup> IREX analyzed Kosovo and Montenegro as distinct entities.

By providing such perspectives to readers of the MSI, we hope to reinforce support for developing media systems in the 20 countries currently studied. However, as opportunities arise to analyze the environment for independent media in other countries and regions, we will continue to apply the MSI as a useful analytical and advocacy tool.

IREX would like to thank all those who contributed to the publication of the Media Sustainability Index 2003.

Participants, moderators, and observers for each country, listed after each chapter, provided the primary observations and analysis for this project.

At USAID, Peter Graves and numerous field-based staff provided valuable comments on the content of the study. All have been essential supporters of independent media and advocates for the MSI as an analytical tool for development professionals.

At IREX, Michael Clarke, Jill Jarvi, Maggie McDonough, Drusilla Menaker, Gerhard Saric, Cara Stern, Linda Trail, and Mark Whitehouse provided editorial support. IREX Resident Advisors and IREX field staff in the 20 countries provided important support in developing the panels or providing logistical support. Theo Dolan managed the overall implementation of the project.

We hope you will find this report useful, and we welcome any feedback.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark G. Pomar". The signature is fluid and cursive, with a large initial "M".

Mark G. Pomar  
President, IREX



**T**he third annual Media Sustainability Index (MSI) reveals key trends in the development of independent media in Europe and Eurasia during 2003, as well as those since the assessment began in 2001. Scores over this period show the uneven progress of the 20 countries analyzed in four regional tiers. Southeast Europe constitutes the first tier, with the nine countries of the region moving rapidly to establish sustainable independent media. The Caucasus, in the second tier, show a very gradually improving media landscape. In Russia and the Western Eurasia countries, progress has leveled off over the three-year period, with the dramatic events affecting media in Belarus having a significant impact. In Central Asia, the fourth tier of media development, countries have been able to make only halting reforms.<sup>1</sup> These regional tiers indicate a similar pace of media development for each group of countries, yet the progress—or lack thereof—of the individual countries indicates just how unique the path to sustainability can be.

## **Southeast Europe**

The countries of Southeast Europe largely continued their rapid progress toward media sustainability during 2003. Croatia remains the country closest to establishing overall sustainability, but Macedonia, Montenegro, and Serbia evidenced the greatest growth on a percentage basis from 2001 to 2003. Much of this can be attributed to the emphasis the region's countries placed on gaining membership in multilateral organizations such as NATO and the European Union. These countries also shared an improving business climate that allowed growth in the number of quality media outlets. Bosnia and Herzegovina improved significantly in 2003 as well, but progress is restrained by a complex political structure and corresponding delays in reorganizing public broadcasting and implementing legislative reforms.

Bulgaria and Romania demonstrate a different trend: With NATO membership promised in 2004 and EU membership attainable in 2007, both countries have regressed slightly in their media development. Their efforts to assert themselves internationally appear to have

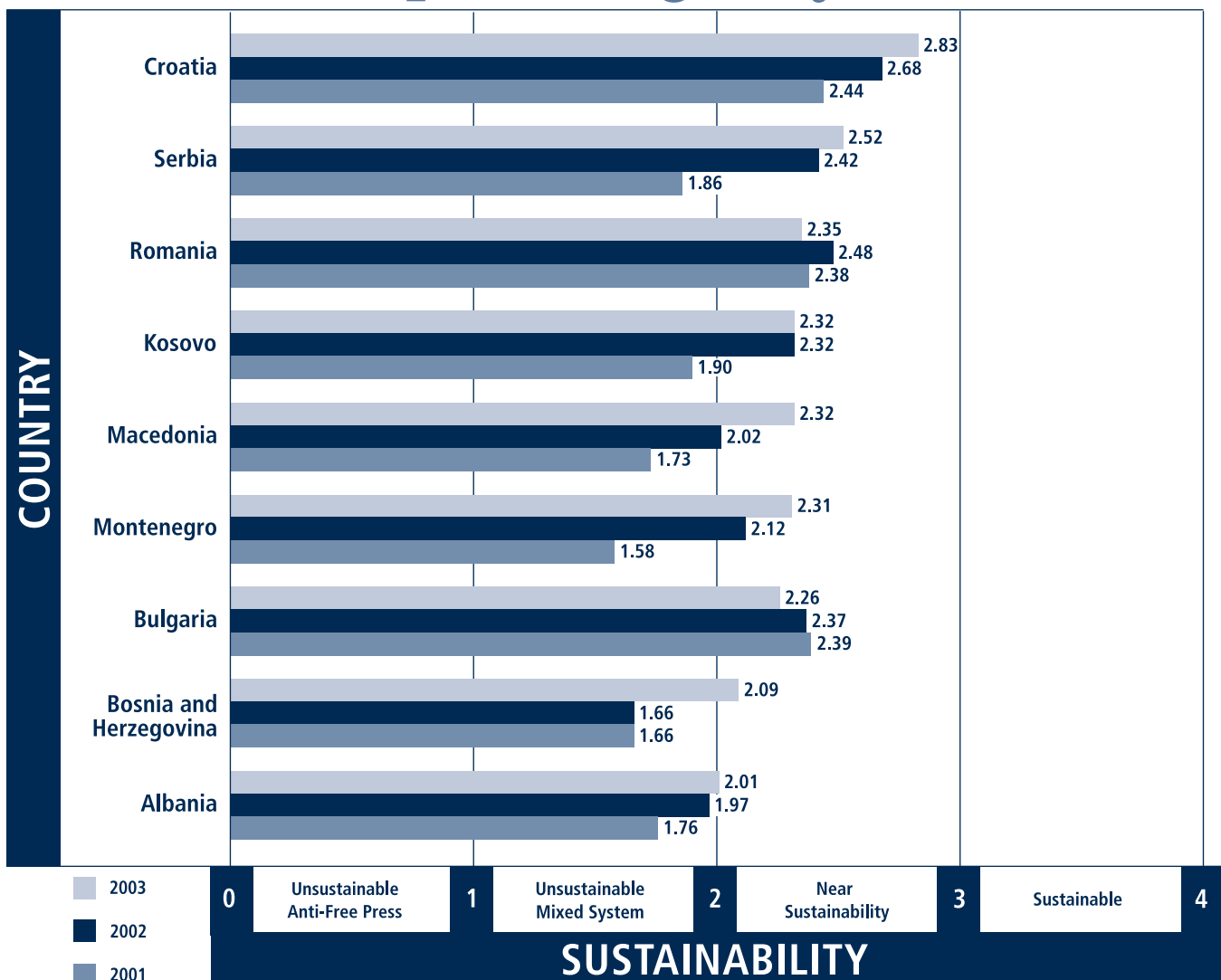
<sup>1</sup> Editor's Note: Turkmenistan was not included in the MSI.

diverted attention from domestic efforts to promote further media liberalization. Indeed, both countries have experienced significant problems with implementing media legislation and protecting journalists' freedom of speech. The lack of judicial reform also prevents these countries from displaying the kind of progress exhibited by their neighbors.

Albania and Kosovo have shown little improvement over the three-year period. Albania's progress is tempered by the strong grip of political and business groups on media outlets. Meanwhile, Kosovo—essentially an international protectorate—must cope with a saturated media market as the internal bureaucracy shapes effective media legislation and an independent media regulatory commission.

Despite liberalization in the media sector throughout Southeast Europe, potential dangers linger. Media outlets in many countries continue to be strongly influenced by political or business interests, affecting editorial independence and professionalism. Furthermore, the media sector is becoming increasingly consolidated as large foreign conglomerates buy local media. This trend often leads to more financially sustainable media but risks centralizing editorial decision-making in a few hands. Advocates for independent media cannot assume the significant progress recorded in Southeast Europe since 2001 will continue. Accession to international organizations will not be a guarantee of a sustainable independent media unless each country in the region maintains its focus on nurturing the growth of a free press within its borders.

## Southeast Europe: Average Objective Scores

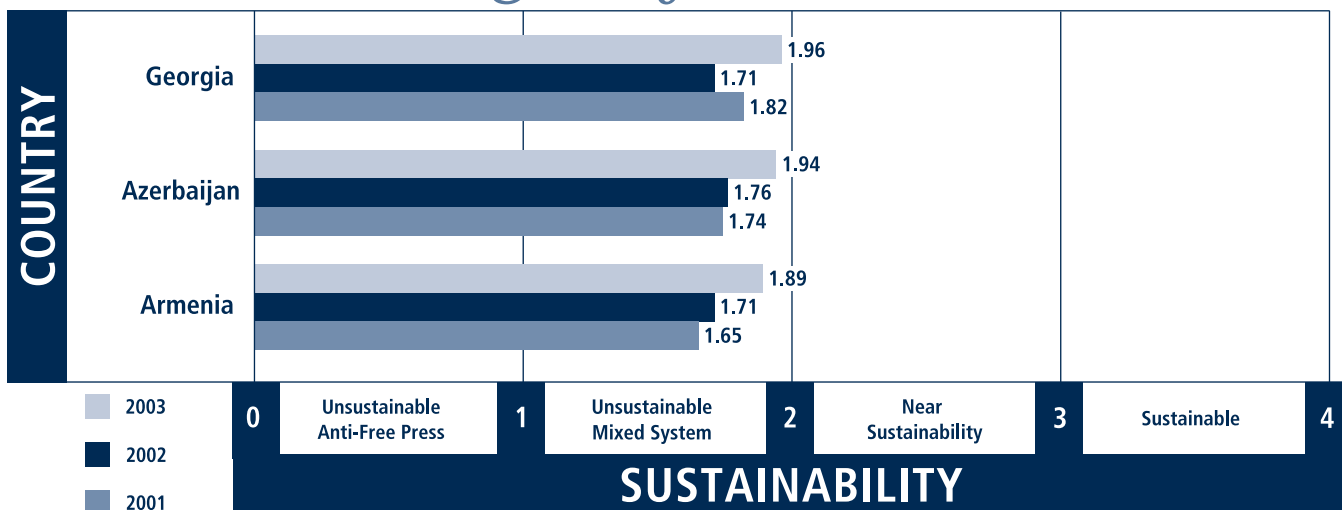


## Caucasus

The countries that comprise the Caucasus region all evidence marginal improvement in the media sector despite the contentious elections that dominated activities in 2003. These elections witnessed a cycle of harassment and violence directed against journalists, requiring media associations and nongovernmental organizations (NGOs) to step in more frequently to defend journalists' rights in all three countries. Despite the still underdeveloped advertising markets in the Caucasus, modest economic growth across the region bolstered media outlets. In another regional trend, Armenia, Azerbaijan, and Georgia all made progress in drafting new media laws. Armenia adopted new statutes on mass media and freedom of information, while Azerbaijan and Georgia presented controversial new broadcasting legislation. During the continuing debate, all three countries will need to consider international criticism of their criminal defamation codes and repressive judicial systems.

Overall, the countries in the Caucasus have inched forward in their media development since 2001. However, much remains to be done. Associations must seek protection for journalists and apply ongoing pressure on governments to initiate judicial reforms. Legislative bodies also must resist pressure to weaken pending media laws with amendments that increase state control. With the 2003 elections completed, the media sector has the opportunity to focus its professional efforts on regaining the public trust rather than taking political sides.

### *Caucasus: Average Objective Scores*

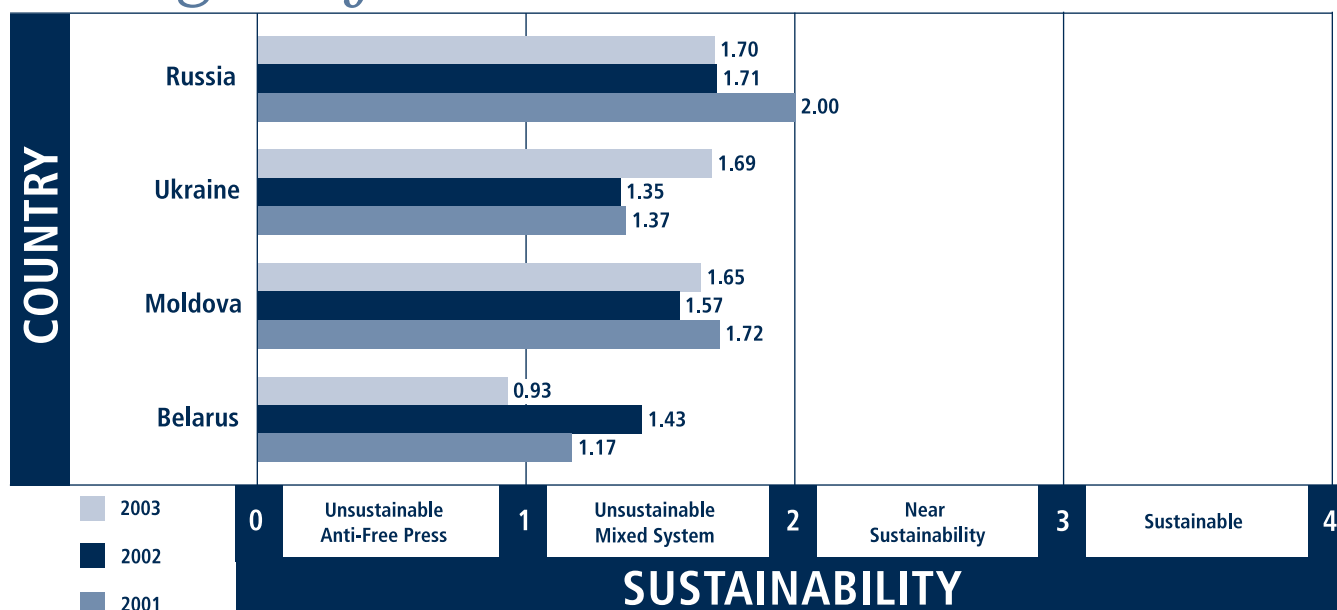


## Russia and Western Eurasia

The media development assessment for Russia and Western Eurasia was lowered by the repression of independent media in Belarus as President Alexander Lukashenko turned his country away from democratic liberalization. Lukashenko consolidated his power during 2003 by using new regulatory procedures, court decisions, and presidential decrees to restrict the activities of non-state media outlets. As a result, Belarusian media fell below their 2001 starting point in the MSI ratings.

Since the 2001 MSI, Russia has tapered off in the development of its media independence. Politicized media are set against the struggling independent media, and an apathetic public is caught in the middle. With control over the national broadcasters concentrated in the central government and the market distorted by the many government-run regional newspapers, independent outlets struggle to maintain their presence. Such firm government control has led to a decrease in the objectivity of coverage and diversity of opinions available to Russian audiences. The country's declin-

# Russia and Western Eurasia: Average Objective Scores



ing score is offset somewhat, however, by a modest gain in business management professionalism as an upswing in economic indicators fuels an improving advertising market for some outlets.

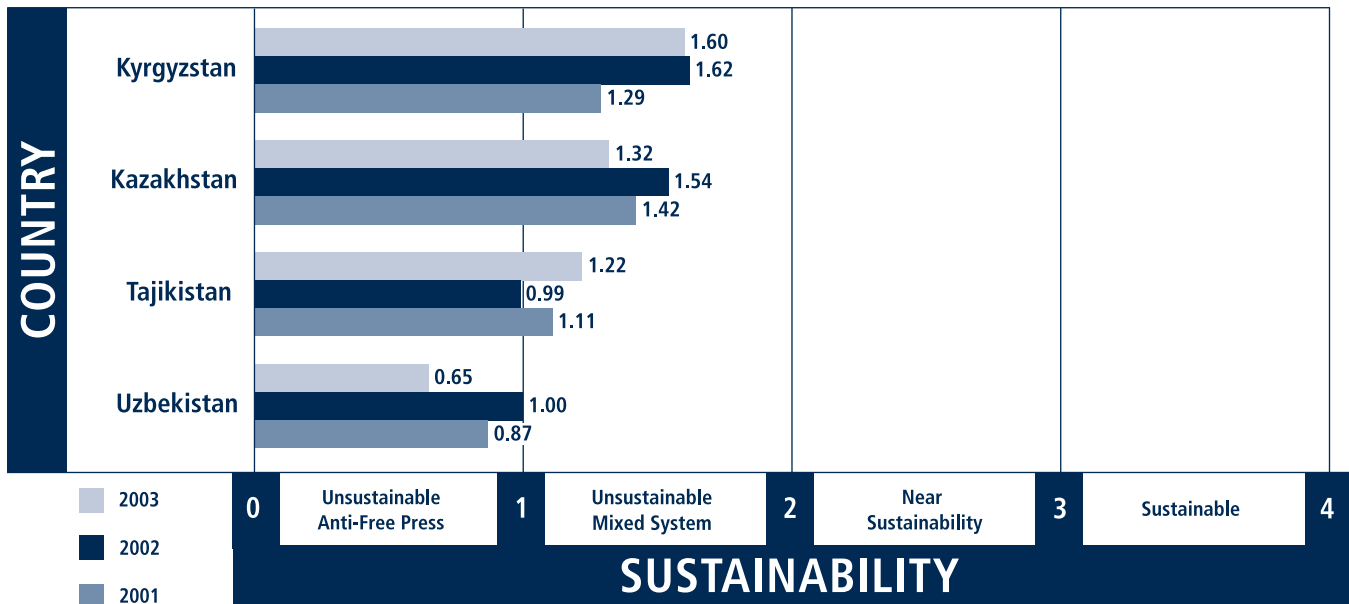
The 2003 MSI scores show inertia in Moldova’s media development. The activities of NGOs and media associations in support of media development continue to boost the overall index, but journalists still lack access to information, decreasing the level of their professionalism. Overall, the Moldovan media sector is searching for traction as it confronts Soviet-era traditions, a poor economy, and state control of many portions of the media industry infrastructure.

Ukraine demonstrated uneven progress during 2003. While scores indicate improvement across all categories, the 2003 results must be put in the context of the dismal reports from the two prior years. Nevertheless, Ukraine has displayed significant improvement in supporting institutions such as associations and NGOs. With signs of economic improvement, the advertising industry has also brought new opportunities to the media sector. But vigilant political control over the media and poor ethical standards among journalists lessen the positive effects.

## Central Asia

As a whole, the Central Asian region suffered through a difficult year in media development. With the exception of modestly increasing press freedoms in Tajikistan, the four countries representing Central Asia in the MSI are far from a sustainable independent media. Governments in Kazakhstan, Kyrgyzstan, and Uzbekistan waged targeted campaigns in 2003 to assert control of independent media. Much of the progress measured by the MSI in Uzbekistan and Kazakhstan during prior years unraveled during 2003. Journalists were arrested, harassed, and abused with near impunity by political and business interests. Kazakhstan’s President Nazarbayev reflected the attitude of the region’s

# Central Asia: Average Objective Scores

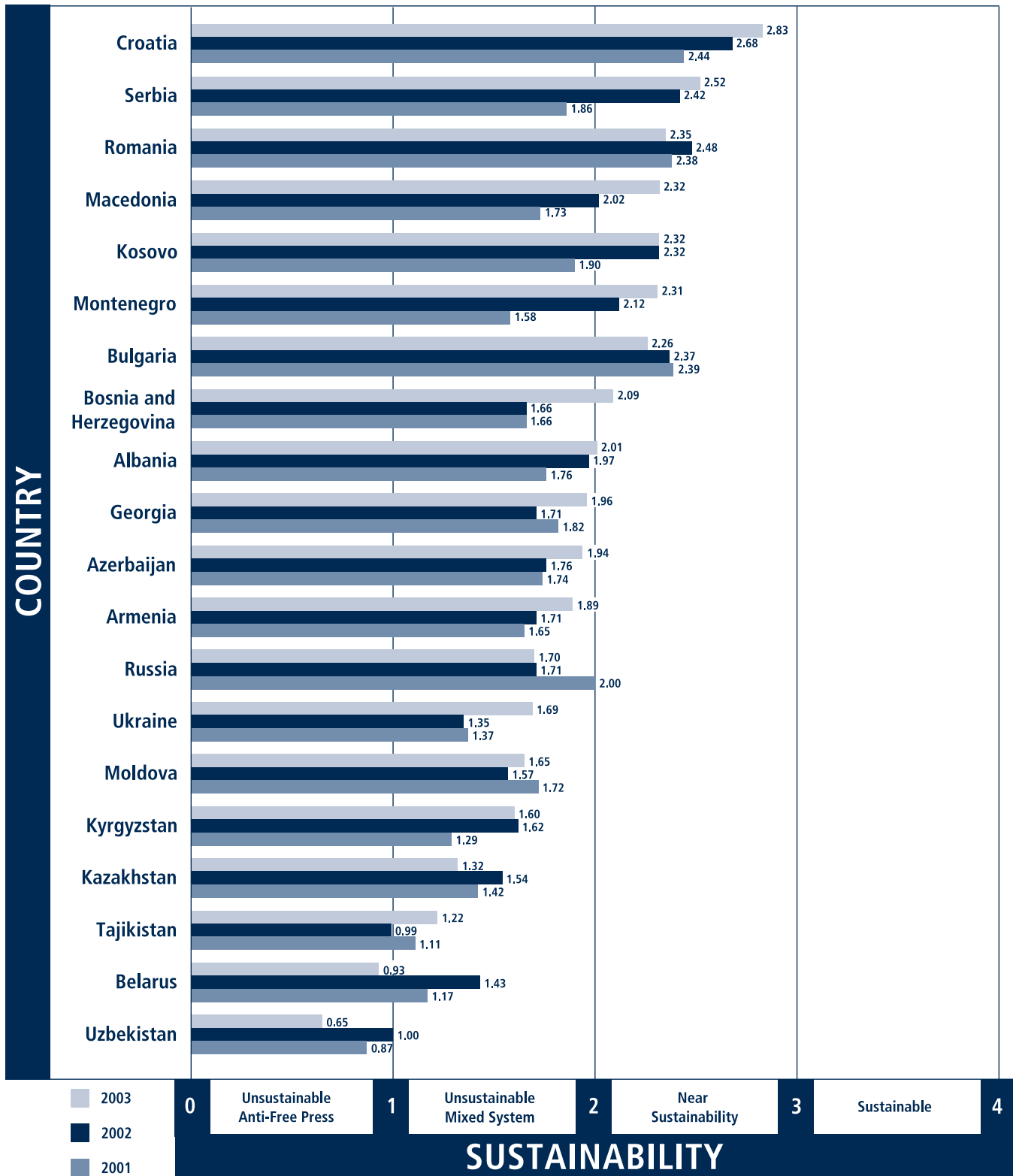


regimes when he commented, “In a poor society, torn by social antagonisms, it is impossible to attain the model of a liberal and pluralistic press.”

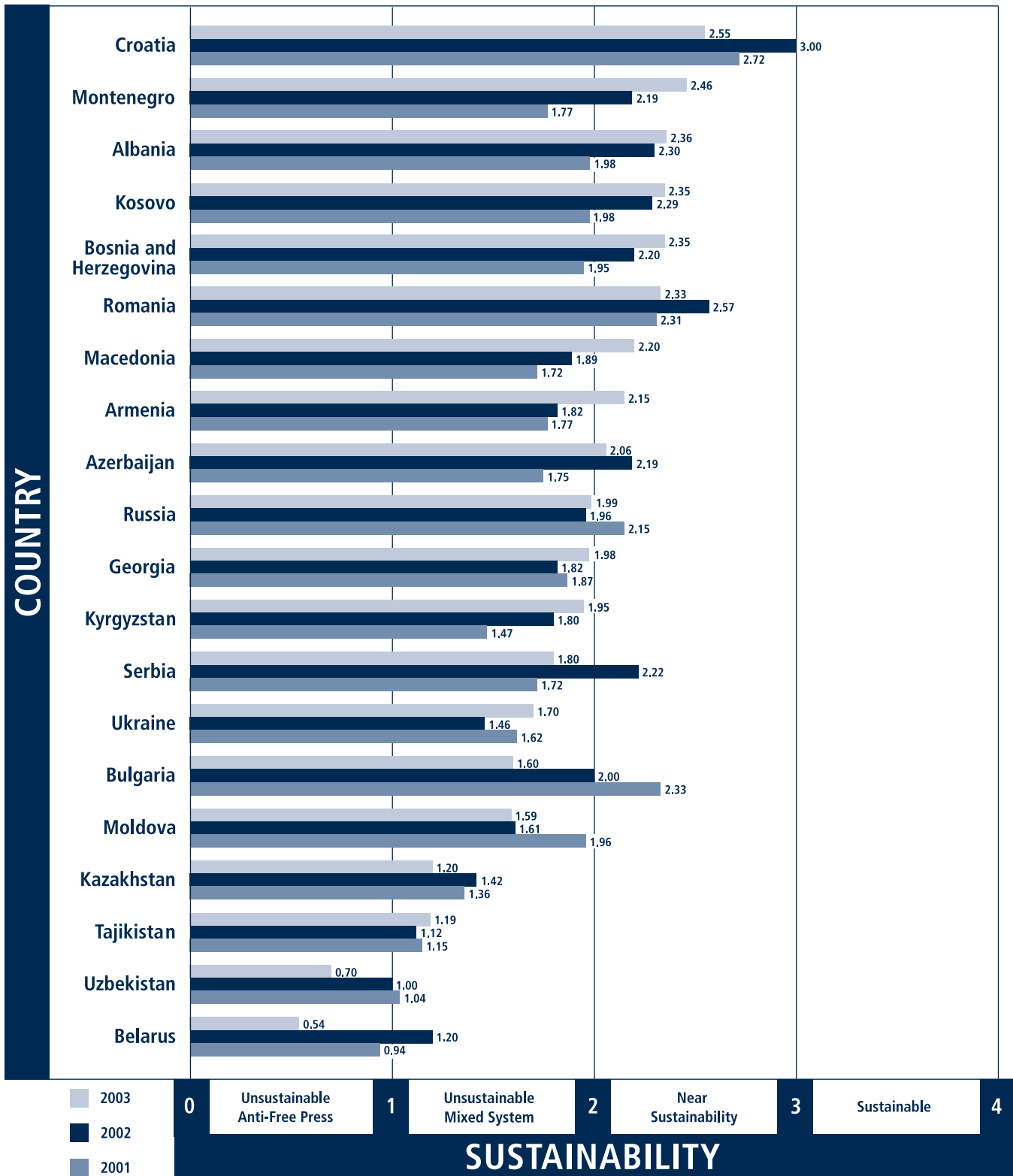
Tajikistan holds the most hope for Central Asian media. Though many journalists lack access to information and opportunities to develop professional skills, new independent media outlets are proliferating and competition among the Tajikistani media is reviving the industry. Control over the media in Central Asian countries had been noted by the MSI since 2001. However, recent scores indicate that the governments of the former Soviet republics did not react well to independent journalism in practice, and are seeking to control the flow of information to citizens. Future media development appears dependent on reform or change within the Central Asian political power structures.

Overall, countries must summon the political will to initiate the reforms needed to give teeth to well-intentioned media legislation. Governments, politicians, and public institutions in all four regions must accept accountability for their actions. And they must commit to giving citizens the information needed for their performances to be judged. Concurrently, media outlets must appreciate fully their roles as responsible conduits so that the public can make informed decisions. The gains in development noted in the MSI merit appreciation, while the roadblocks and setbacks demand attention. The points of convergence across the surveyed countries indicate the areas requiring particular focus if independent media are going to be fully sustainable and provide the credible information the public deserves.

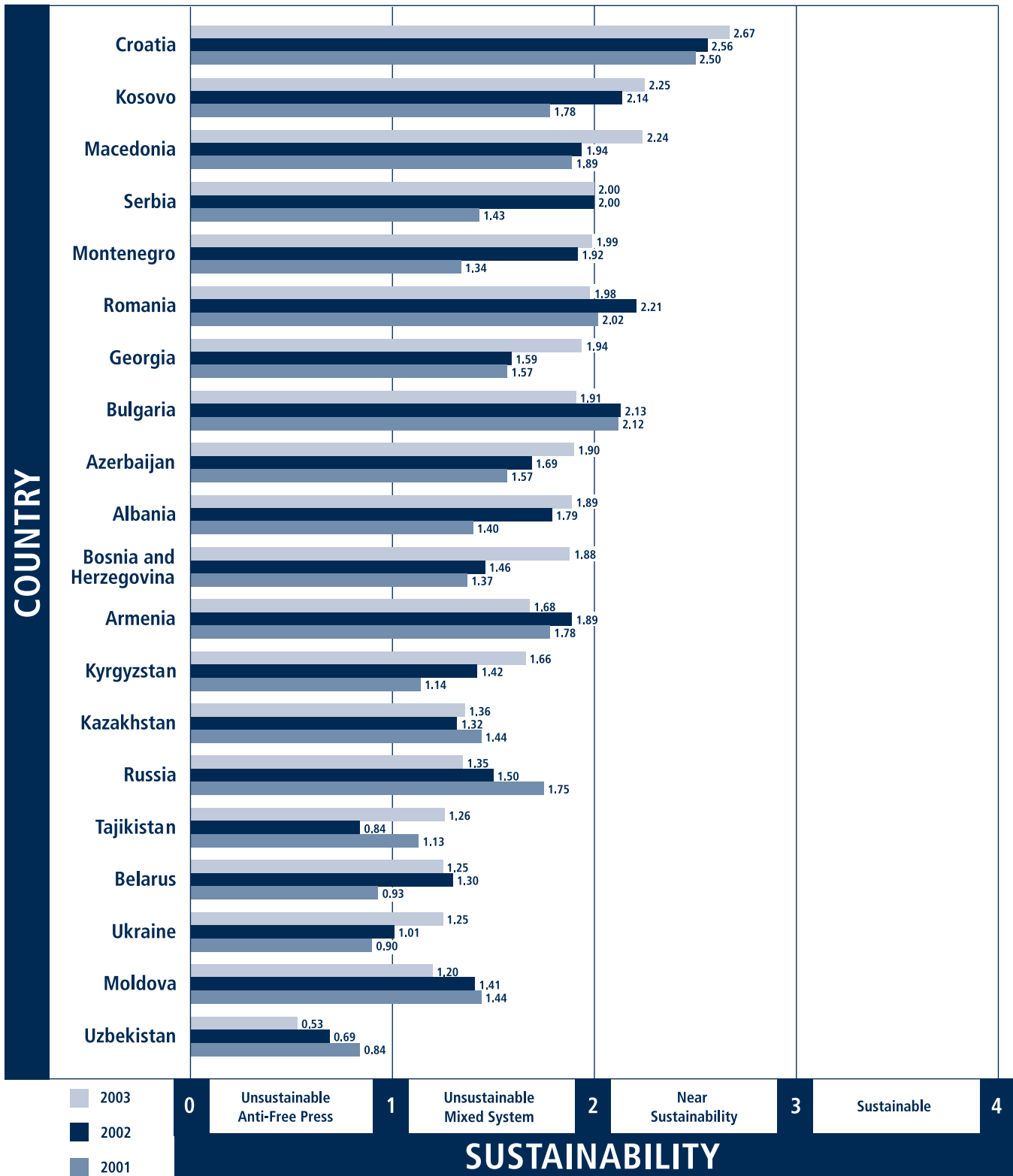
# Average Scoring for All Objectives



# Objective 1: Free Speech

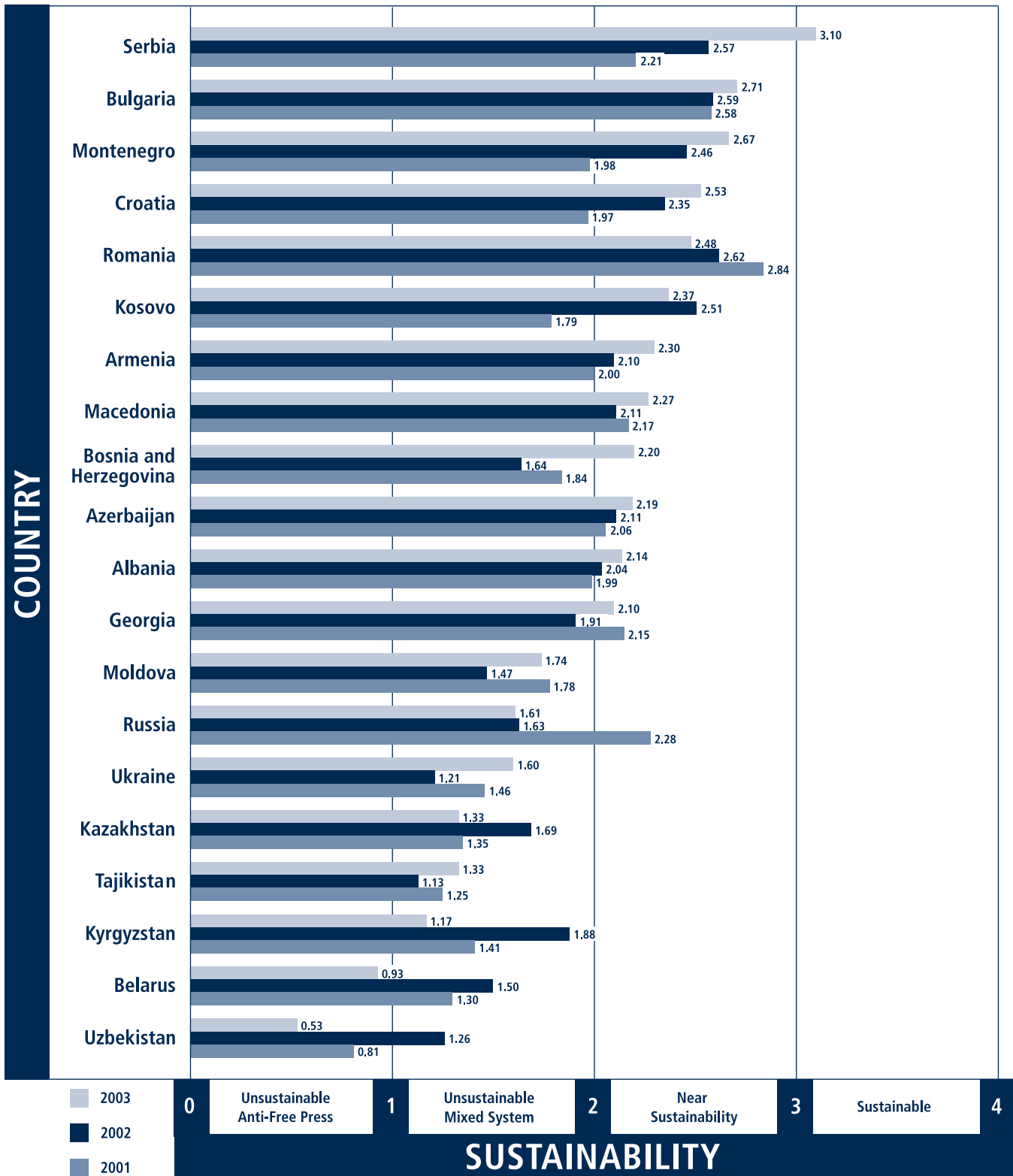


# Objective 2: Professional Journalism

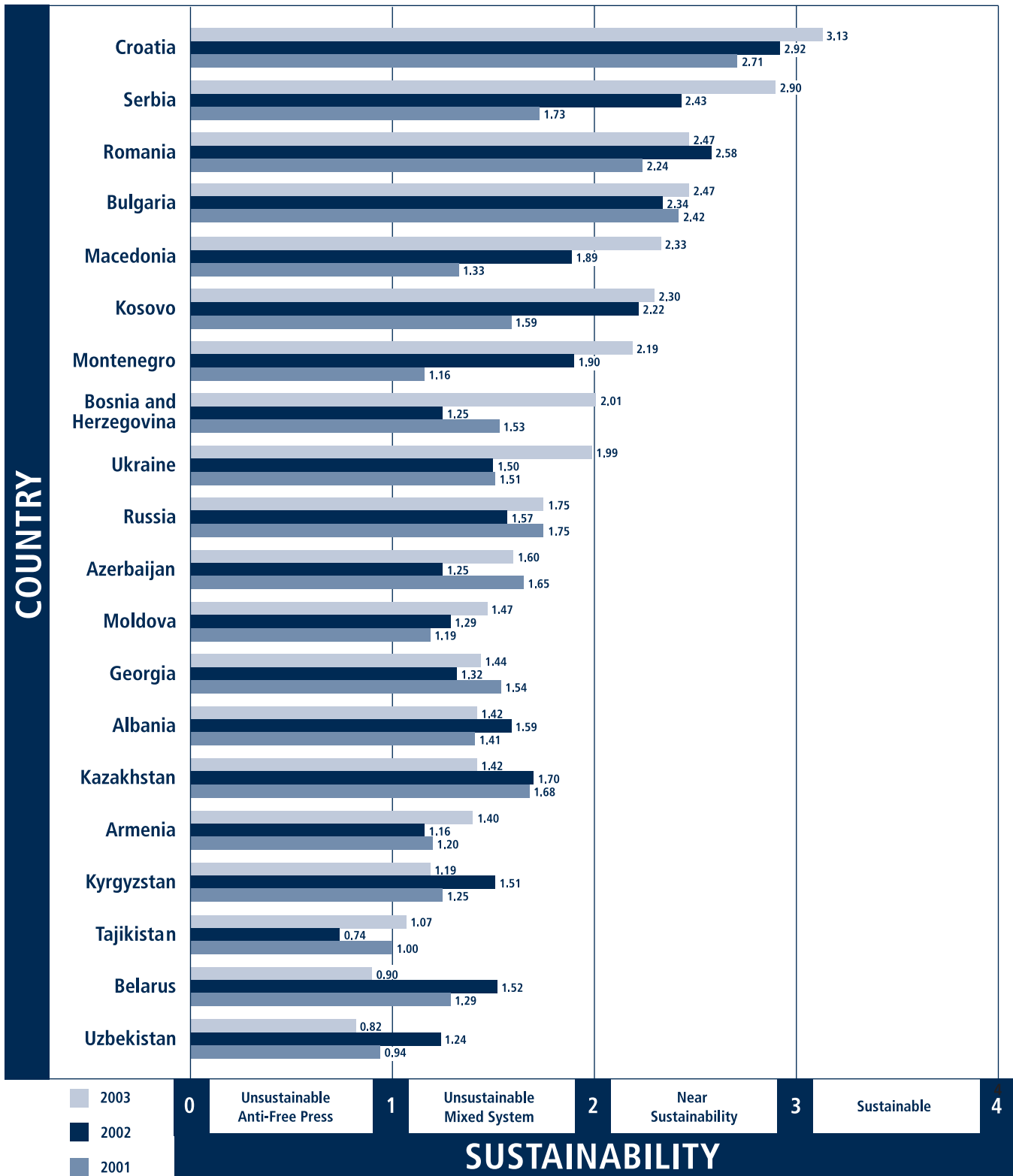




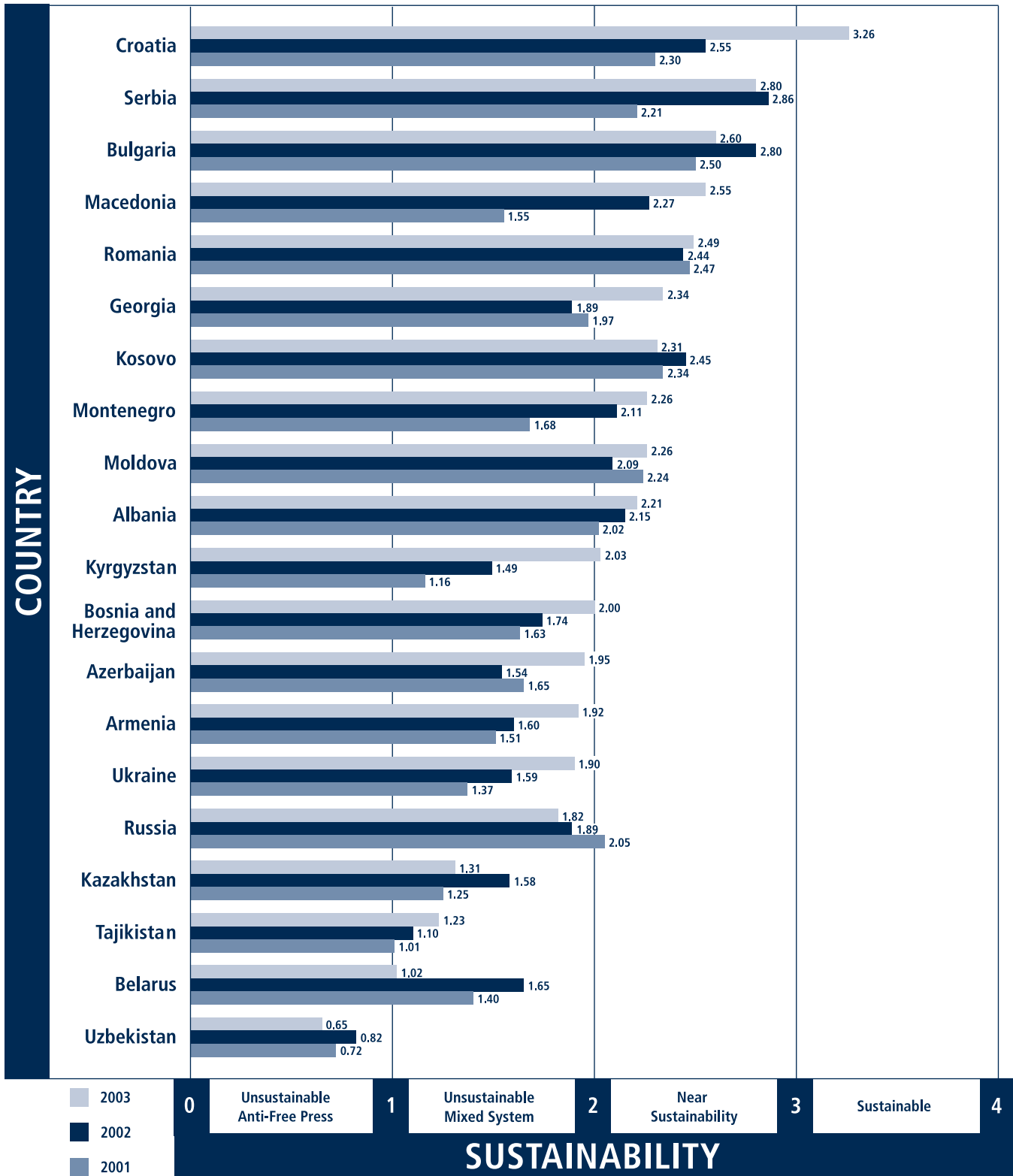
# Objective 3: Plurality of News Sources

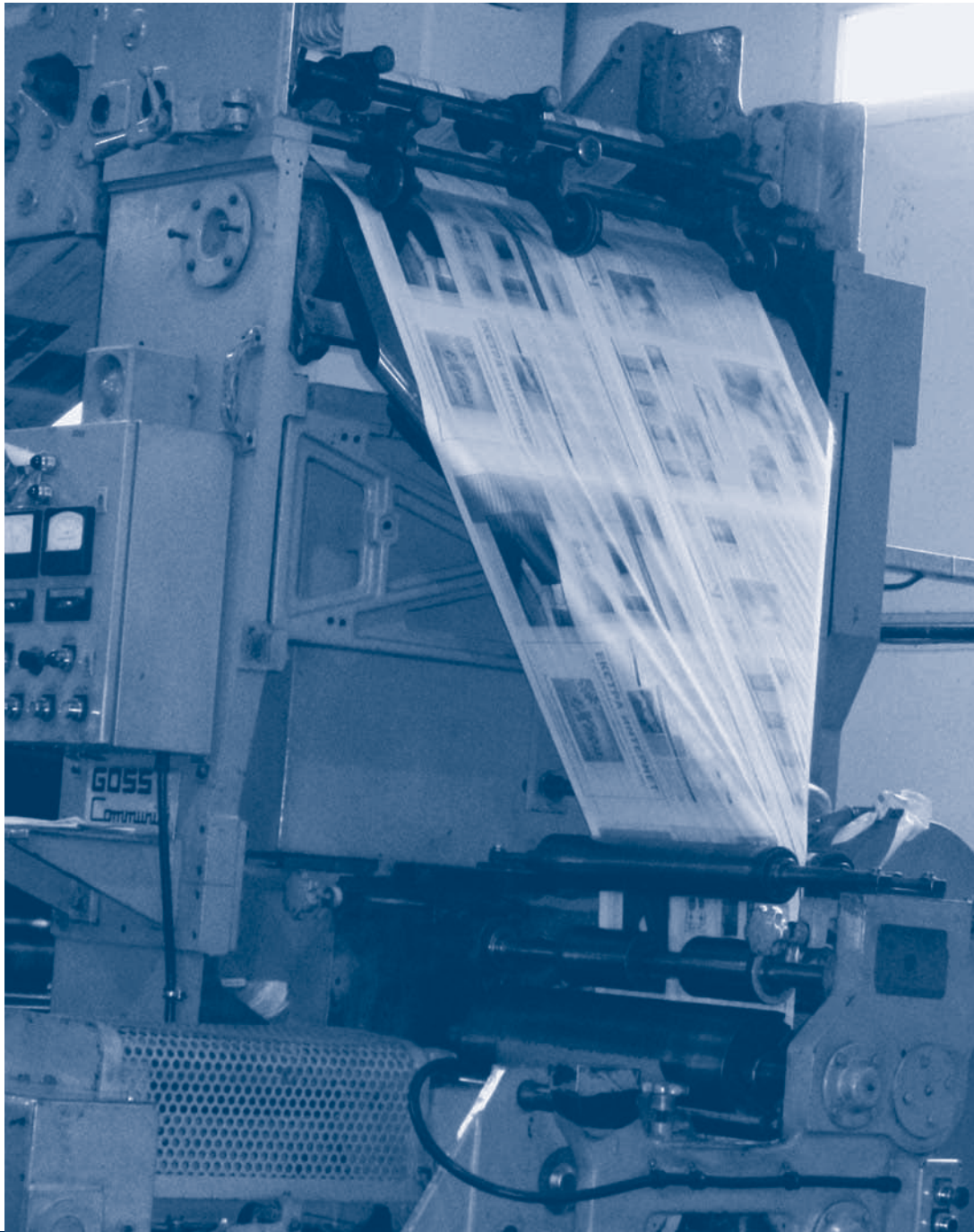


# Objective 4: Business Management



# Objective 5: Supporting Institutions





The gains in development noted in the MSI merit appreciation, while the roadblocks and setbacks demand attention. The points of convergence across the surveyed countries indicate the areas requiring particular focus if independent media are going to be fully sustainable and provide the credible information the public deserves.

IREX prepared the Media Sustainability Index (MSI) in cooperation with the United States Agency for International Development (USAID) as a tool to assess the development of independent media systems over time and across countries. IREX staff, USAID, and other media development professionals contributed to the development of this assessment tool.

*The MSI assesses five “objectives” in shaping a successful media system:*

1. Legal and social norms protect and promote free speech and access to public information.
2. Journalism meets professional standards of quality.
3. Multiple news sources provide citizens with reliable and objective news.
4. Independent media are well-managed businesses, allowing editorial independence.
5. Supporting institutions function in the professional interests of independent media.

These objectives were judged to be the most important aspects of a sustainable and professional independent media system and served as the criteria against which countries were rated. A score was attained for each objective by rating seven to nine indicators, which determine how well a country meets that objective. The objectives, indicators, and scoring system are presented below.

The scoring was done in two parts. First, a panel of experts was assembled in each country, drawn from representatives of local media, nongovernmental organizations (NGOs), professional associations, international donors, and media-development implementers. Each country’s panel had a slightly different composition, but in most cases, the same panelists from last year’s MSI were invited to return for the 2003 study in order to maintain consistency.

Each panel was provided with the objectives and indicators and an explanation of the scoring system. Panelists were asked to

review the information individually. The panelists then assembled to discuss the objectives and indicators, and to devise combined scores and analyses. The panel moderator, in most cases a host country media or NGO representative, prepared a written analysis of the discussion, which was subsequently edited by IREX representatives.

IREX in-country staff and Washington, DC, media staff also reviewed the objectives and indicators, and

scored the countries independently of the MSI panel. The panel scores and IREX scores were then combined to obtain the final score presented in this publication. This method allowed the MSI scores to reflect both local media insiders' views and the views of international media-development professionals.

## I. Objectives and Indicators

### Objective 1: Free Speech

Legal and social norms protect and promote free speech and access to public information	
<b>FREE SPEECH INDICATORS</b>	■ Legal/social protections of free speech exist and are enforced.
	■ Licensing of broadcast media is fair, competitive, and apolitical.
	■ Market entry and tax structure for media are fair and comparable to other industries.
	■ Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	■ State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	■ Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	■ Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	■ Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	■ Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

### Objective 2: Professional Journalism

Journalism meets professional standards of quality	
<b>PROFESSIONAL JOURNALISM INDICATORS</b>	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

### Objective 3: Plurality of News Sources

Multiple news sources provide citizens with reliable and objective news	
<b>PLURALITY OF NEWS SOURCES INDICATORS</b>	■ A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
	■ Citizens' access to domestic or international media is not restricted.
	■ State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
	■ Independent news agencies gather and distribute news for print and broadcast media.
	■ Independent broadcast media produce their own news programs.
	■ Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
	■ A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

### Objective 4: Business Management

Independent media are well-managed businesses, allowing editorial independence	
<b>BUSINESS MANAGEMENT INDICATORS</b>	■ Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
	■ Media receive revenue from a multitude of sources.
	■ Advertising agencies and related industries support an advertising market.
	■ Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
	■ Independent media do not receive government subsidies.
	■ Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
	■ Broadcast ratings and circulation figures are reliably and independently produced.

### Objective 5: Supporting Institutions

Supporting institutions function in the professional interests of independent media	
<b>SUPPORTING INSTITUTIONS INDICATORS</b>	■ Trade associations represent the interests of private media owners and provide member services.
	■ Professional associations work to protect journalists' rights.
	■ NGOs support free speech and independent media.
	■ Quality journalism degree programs that provide substantial practical experience exist.
	■ Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
	■ Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
	■ Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

## Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

## Indicator Scoring

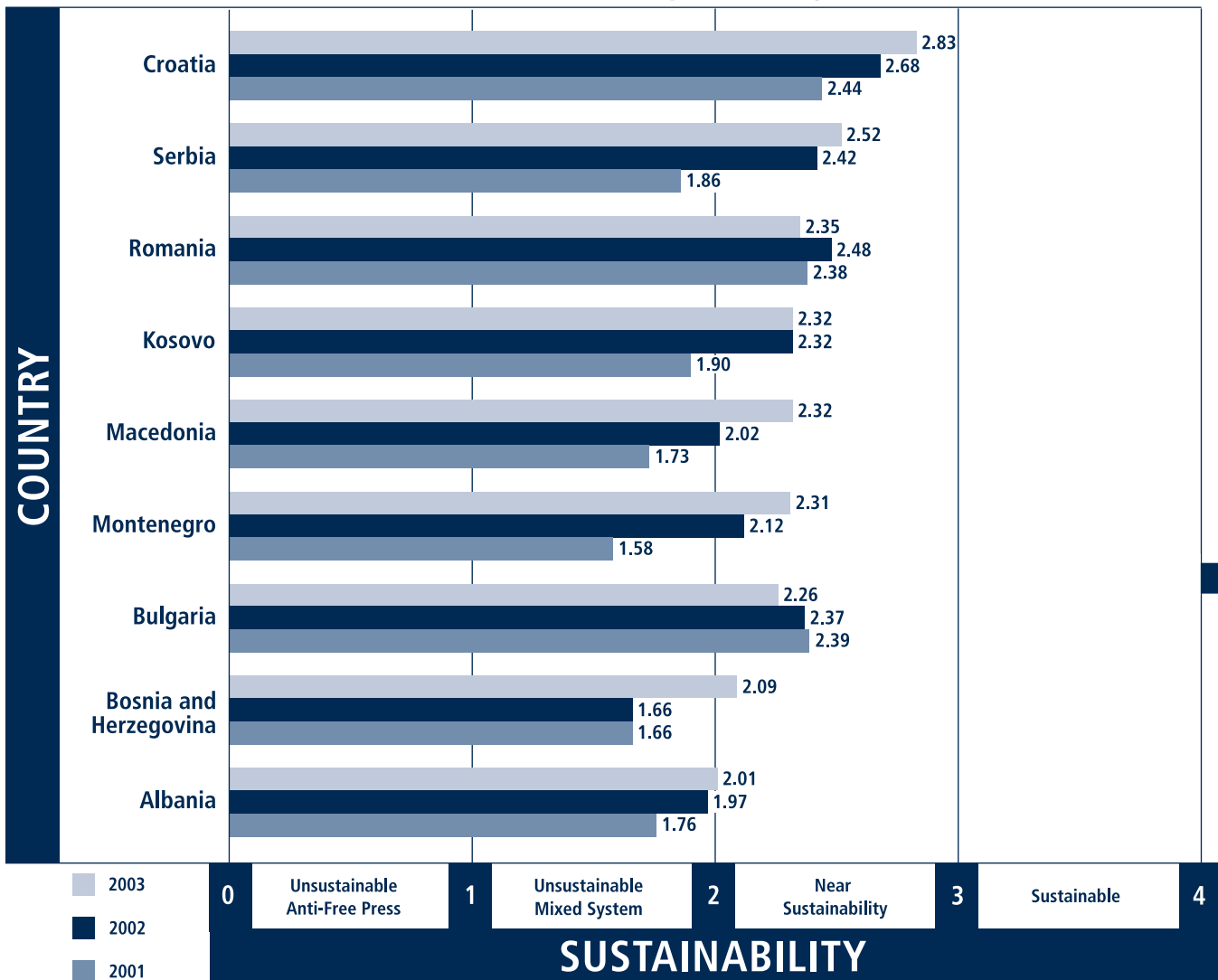
Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions



# South-east Europe

*Southeast Europe: Average Objective Scores*





**“The National Council for Radio and Television (NCRT) declared in late 2003 that no unlicensed programming could be aired on television stations. In a broadcast market well known for flagrant piracy, this was a groundbreaking step.”**



## Introduction

In the past year, the media sector in Albania has moved forward in fits and starts.

If market consolidation is an indication of success, there are now fewer television stations than there were last year: Nine outlets have closed, bringing the current total to 56. There are signs that this attrition is not over, as one of the two private national television stations continues to struggle. But there are still too many television stations to serve a country of about 3.5 million people.

In the print sector, there are still 19 dailies in distribution, but their circulation numbers remain a mystery to advertisers. The farther one gets from Tirana, the fewer papers are available due to the lack of a proper distribution system. Nevertheless, newspapers still have an advantage over broadcasters because print media have more investment from business interests and more political support from rival governing and opposition parties. This support gives many publications the financial ability to survive in an oversaturated market.

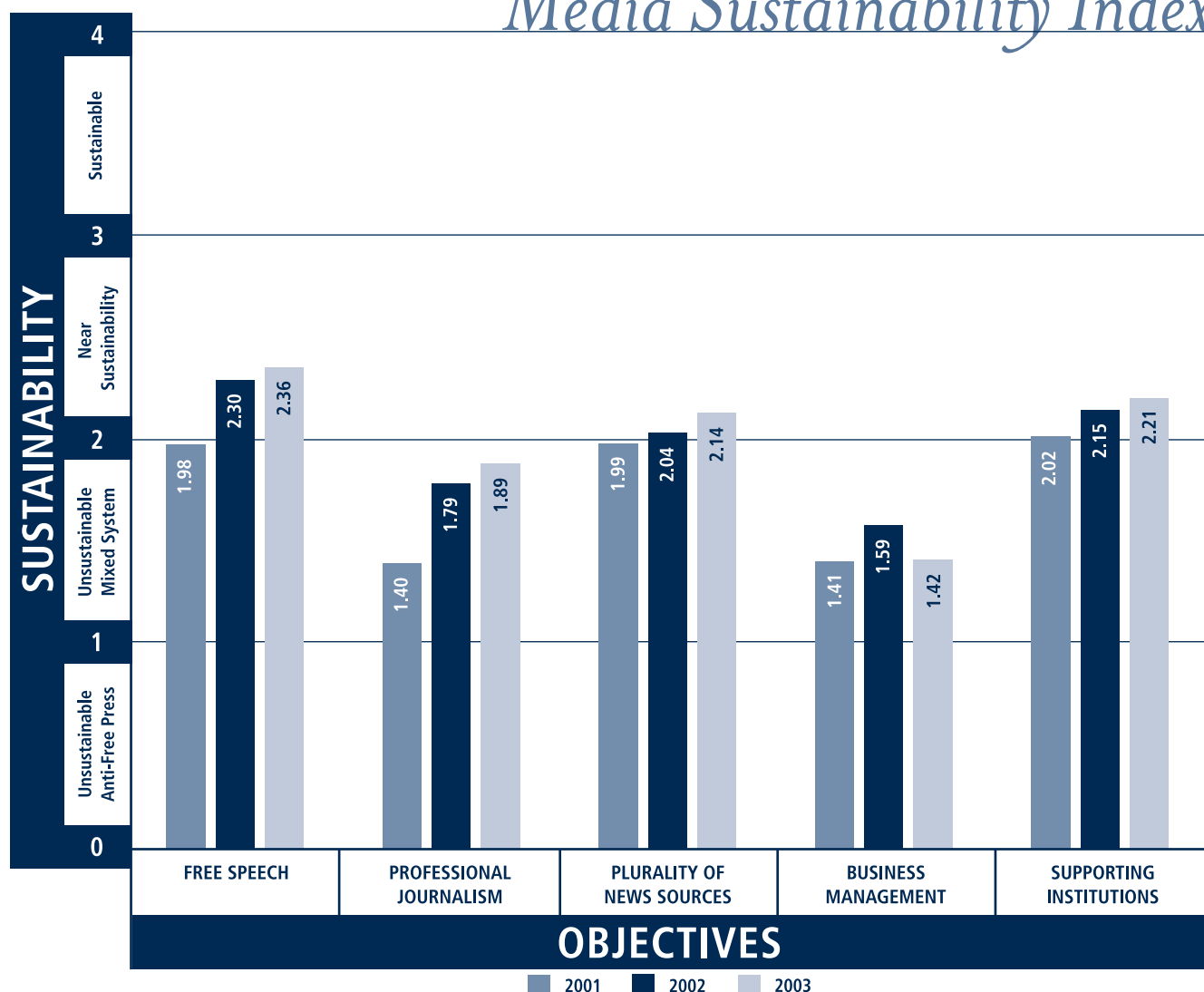
Meanwhile, the number of radio stations continues to hold steady at 35. Aside from Radio Tirana, the government-controlled station, the common radio format is loud music, which takes precedence over news. There are few commercials to generate revenue for the stations. But because the radio broadcasters pay no music license fees and little salary to their staffs, they are able to limp along on shoestring budgets.

There were some media successes in the past year. In August, Prime Minister Nano issued an edict restricting his ministers from speaking to the press, despite a constitutional provision that guarantees all citizens open access to the government. Journalists supported by the Organization for Security and Cooperation in Europe (OSCE) and IREX brought suit against the prime minister, but before the Constitutional Court could rule, Nano publicly rescinded his order.

In another arena, one of the major stations, Top Channel, now broadcasts a daily satire, “Fiks Fare,” that challenges both the government and the opposition. Previously, the government was largely exempt from negative media coverage other than in opposition-

# Albania

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

supported media. But “Fiks Fare” has managed high ratings while taking aim in a balanced way at the full political spectrum.

Another media highlight occurred when the National Council for Radio and Television (NCRT) declared in late 2003 that no unlicensed programming could be aired on television stations. In a broadcast market well known for flagrant piracy, this was a groundbreaking step. On October 15, 2003, all but one of the 56 stations complied with the mandate and removed the Hollywood movies from their program schedules, replacing them mainly with talk shows. Faced with fines, the remaining station followed suit within two days.

However, despite some progress, Albanian media outlets still are largely political cogs. In fact, many have recently—and openly—been purchased by leading political figures. For example, the Minister of Agriculture, with urging from the prime minister, bought a local Tirana television station, TV KOHA. The owner of another station, TV KLAN, had his vacation complex threatened with destruction when his station’s news began openly supporting a rival faction within the government. TV KLAN now lauds Prime Minister Nano and his cabinet of ministers.

## Objective 1: Free Speech

**Albania Objective Score: 2.36/4.00**

By law, press freedoms exist in Albania. However, as so often occurs in this country and its neighbors, the laws are rarely implemented fully but more often used to serve the interests of those in power. When the prime minister attempted to muzzle his ministers by preventing them from speaking with the media, he not only went against the constitution but also redirected all media inquiries to his own office with the pretence of preventing conflicting information from being released. According to one panelist, “Freedom of speech and freedom of the press are different categories. You can have the freedom to say whatever you want, but you don’t have the freedom to print some things that have more importance. For example, saying whether or not short skirts are in fashion does not have the same importance as the presentation of political or economic issues. And I think that freedom of press is suppressed before elections.”

Most Media Sustainability Index (MSI) panel participants agreed that implementation of media-related legislation is significantly lacking. Draft laws are not given in advance to the media for comment, often

leaving the sector to discover legislative initiatives when a draft is read in the parliament. By then it is too late for the media community or civil society more broadly to have any influence on the shape of the legislation.

Nearly anyone can obtain a local broadcast license in Albania, and no one who has applied has been rejected. While this might be considered a move toward media freedom, in Albania it leads to a chaotic broadcasting environment. Signals often overlap, causing problems with reception as well as conflicting ownership claims to the airwaves. As one panelist explained, “Here every peasant that wants to open a TV station and every person that has money has succeeded in opening a TV station.” Unlike in more mature media markets, Albanian stations apply for licenses after they have been built and started broadcasting. Before 2003, the government found it difficult to turn down a station’s application, especially when the station was already on the air. Since the licensing process was not established until 1999, when there were already 18 private stations transmitting,

### Legal and social norms protect and promote free speech and access to public information

- |                               |   |
|-------------------------------|---|
| <b>FREE SPEECH INDICATORS</b> | ■ Legal/social protections of free speech exist and are enforced.   |
|                               | ■ Licensing of broadcast media is fair, competitive, and apolitical.  |
|                               | ■ Market entry and tax structure for media are fair and comparable to other industries.   |
|                               | ■ Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.                     |
|                               | ■ State or public media do not receive preferential legal treatment, and law guarantees editorial independence.                       |
|                               | ■ Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.    |
|                               | ■ Public information is easily accessible; right of access to information is equally enforced for all media and journalists.          |
|                               | ■ Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.                      |
|                               | ■ Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists. |

**“I haven’t seen violent crimes against journalists or editorial offices at least during the 1997–2003 period. Occurrences of such crimes are rare, and they are prosecuted vigorously.”**

the situation has improved in the past year—now a station must obtain a license before building begins.

The taxation of media outlets is a confusing and nontransparent process. The NCRT regulates the fee structure for broadcasters, while the government imposes taxes based on staffing and revenue. The fee structure for a license is not based on any discernible or consistent economic formula. For example, one panelist explained that his regional television station pays the same tax as a Tirana-based station, even though his station has comparatively little advertising revenue. Meanwhile, a panelist who owns a radio station in Tirana stated that her outlet paid more in taxes than regional radio stations. Furthermore, the fees collected support the NCRT, rather than contribute to general government revenue. Not entirely surprisingly, the NCRT has set the tariffs at an unreasonably high rate in order to sustain itself.

Libel is a criminal offense in Albania, a situation that the government refuses to reconsider despite pressure from the international community. Although no lawsuits for libel were filed during 2003, accusations have had far-ranging effects. For example, the Minister of Public Order kicked the news director of a local television station, Vizion Plus, for broadcasting a story questioning the minister’s competence. The government tried to ignore the affair, but there were too many witnesses to the incident and he was forced to resign under pressure. Journalists on the MSI panel were particularly critical of the government for rejecting advice to replace the criminal penalties for libel with civil ones.

Aside from the above instance, crimes and attacks against journalists are not common. According to one panel participant, “I haven’t seen violent crimes against journalists or editorial offices at least during the 1997–

the same standards do not exist for new stations. In addition, licensing of national broadcasters continues to be subject to political influence. For example, one panelist questioned why TV KLAN and TVA were able to obtain national licenses and Shijak TV was not. Nevertheless,

2003 period. Occurrences of such crimes are rare, and they are prosecuted vigorously.”

There are some instances in which journalists are able to obtain information from government and other sources. In general, however, public officials can make it extremely difficult for media to access information. And despite some reforms initiated by the Council of Ministers, collecting information at the local level is nearly impossible. One panelist summarized the panel’s majority view by stating, “Legally, access to information laws offer much, but in practice very little can be obtained.”

Media access to international news is a question of capitalization. For broadcasters, those stations that have the money can invest in license agreements with Reuters, CNN, APN, and so on. But those who do not have available funds are forced to downlink Fox News. Generally, information is available to all who want it; it is just a question of funding. However, international news is not the main ingredient of the Albanian newscasts, where the focus still is domestic politics.

Entry to the journalism sector is wide open in Albania. As one panelist explained, “You can finish your studies in agriculture and still immediately become a journalist in Albania.” While this might present a good career option for young Albanians, it does not necessarily guarantee a high-quality professional media sector.

## **Objective 2: Professional Journalism**

**Albania Objective Score: 1.89/4.00**

Many MSI panelists were disappointed with the reliability of the information available in the Albanian media. Some panel members felt that much of the purported “news” is based on gossip and rumor. In the print media, reporters often are required to fill a daily quota of articles, not surprisingly lowering their quality. To meet this obligation, journalist must have “sources,” many of which are not legitimate. According to one panelist, “Newspapers still feature news that is prepared in the cafeteria. This means that gossip is the basis of print media, and it can’t be called information.”

Self-censorship is another serious problem. Quite simply, self-censorship occurs because journalists and editors want to keep their jobs. Few have employment contracts, even though the law demands it. Even fewer have benefits such as unemployment insurance. As one panel member stated, “Ninety percent of our colleagues work without being insured. Under such conditions it’s very difficult to not practice self-censorship.”

Corruption is rampant throughout Albania, and in the media sector as well there is little practice of accepted ethical standards. Panelists agreed that the entire issue of ethics and ethics codes is in the incubation stage. To make Albanians aware of the costs of corruption, two international nongovernmental organizations (NGOs)—IREX and Management Systems International (MSI)—have collaborated to produce a bimonthly program, “Hapur.” The hour-long show highlights corrupt practices and their negative effects on society. Several episodes have spurred government responses.

Panelists agreed that established journalists are fairly well paid in comparison with other professions. However, the same cannot be said of many of the young journalism students hired straight out of the university. There was some disagreement on the link between salaries as a factor in discouraging corruption. Many panel participants felt that corruption in media is not correlated to wage levels. One panelist stated, “I can write an article for payment, and I can have a monthly salary [of] 1,500,000 lek. It doesn’t matter at all because it is correlated with my character. All professors of the journalism faculty that have a low salary must be corrupt. This is the logical conclusion.”

The NCRT’s mandate on October 15, 2003, eliminated virtually all entertainment programming on television. With television stations prohibited from airing pirated movies, airtime was filled immediately

with talking heads. Indeed, news and information are the featured programs on most stations. However, as the industry acquaints itself with buying legal programming, a shift in broadcast schedules will again take place.

The gap between those outlets with the proper technical resources and those without is a significant problem in broadcasting. This gap may be evident even within the same outlet. For example, the state broadcaster TVSh appears to have the funds to update its technical requirements and its news studio, but its reporters still use typewriters. Top Channel, a Tirana-based television station, could compete quite successfully in any mid-market American city. Technical capacity drops precipitously outside the capital city. Most of the regional stations still maintain VHS systems with little ability to upgrade them. TV Bajram Curri, in the northern city of Tropoje, broadcasts from a two-room apartment that it shares with a family.

Before 2003, the only television station that transmitted via satellite was the state broadcaster. Now there are three other stations using EutelSat to reach beyond Albania. With annual satellite fees ranging from €160,000 to €250,000 per year, one wonders where the money is coming from when there is such a dearth of advertising revenue (estimated at \$10 million to \$12 million per year for the national broadcast market). This proliferation of satellite broadcasting gives rise to new problems. First, stations must increase advertising rates to accommodate the increased operational expenses. Second, why would local Albanian businesses want to broadcast ads throughout Europe? Third, international advertisers suffer when their ads are beamed via satellite to other countries and they have to pay copyright fees based on distribution.

The primary printing facility is still the Demokracia, an outdated press originally donated by the International Monetary Fund (IMF). The press was given over to a consortium of newspapers, which still operate it. Demokracia prints at a loss because the customers (the owners) refuse to pay for the service. Often there is no press run due to the lack of spare parts, ink, or newsprint.

**“Newspapers still feature news that is prepared in the cafeteria. This means that gossip is the basis of print media, and it can’t be called information.”**

<b>Journalism meets professional standards of quality</b>	
<b>PROFESSIONAL JOURNALISM INDICATORS</b>	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

Quality niche reporting is in its infancy in Albania. Weekly “civic journalism” programs are now being aired, but the vast majority of media do not have the resources or the inclination to produce specialized programming.

### Objective 3: Plurality of News Sources

**Albania Objective Score: 2.14/4.00**

By all accounts, a wide variety of media exist in Albania. As referenced previously, there are 56 television outlets, 35 radio stations, and 19 daily newspapers operating in the country. However, this broad range of outlets does necessarily mean they are professional operations, let alone viable businesses. If anything, the number of

**...the number of media outlets will continue to decline as market forces weed out the struggling stations and publications.**

media outlets will continue to decline as market forces weed out the struggling stations and publications.

Albanian citizens are not restricted by the government in accessing domestic

or international media. The only limitations for many people are economic. Even if citizens in the rural regions cannot afford a satellite, anyone with a television set or radio can pick up any station that has a strong-enough signal.

Public broadcasting is not a factor. The government-controlled broadcaster, RTSh, is completely under the influence of political forces. Even the chairman of the Parliamentary Commission on Mass Media, a member of the ruling Socialist Party, was critical of state television during the MSI panel, saying: “I have put a 1 for this category since I represent the party that is in power. If I were a journalist, I couldn’t put more than a 0 because it is scandalous that public broadcasters sustain a political party.” RTSh has other problems. It is overstaffed, and many employees also work for private stations while supposedly on duty at RTSh. The RTSh newscast was the most popular television program in the country at one time, but recent surveys show it has lost much of its popularity.

News agencies have yet to be developed in Albania. Aside from Albanian Telegraphic Agency (ATA), the state-supported operation, TirFax is the only private news agency. However, TirFax generally regurgitates

#### Multiple news sources provide citizens with reliable and objective news

#### PLURALITY OF NEWS SOURCES INDICATORS

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens’ access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

what is written in the newspapers and has no discernible client base.

Media ownership is almost impossible to determine. The names that appear on the licenses often do not represent the actual ownership. For example, TV KOHA is understood to have eight owners, among them the Minister of Culture and the mayor of Durres. However, their names do not appear on any official papers registered with the NCRT. Meanwhile, newspapers, which do not require a license to operate, only have to register as a corporation without providing ownership information.

Although there are statutes that provide for media coverage of minority communities, these provisions are largely ignored in practice. Some of the southern regional television stations do have Greek programming, and there are Greek- and Macedonian-language radio stations operating locally. According to one panelist, “Every person can open a local broadcast outlet (in Greek or Macedonian languages). And licenses are only local—not regional or national. Legally, the government has fulfilled this condition. It is another issue whether or not anyone is interested because there is no promotion.”



## Objective 4: Business Management

### Albania Objective Score: 1.42/4.00

MSI panel participants agreed that the media industry cannot support itself in Albania. Although some stations are generating a bit of profit, most are unsustainable. The difficult economic environment means that it will take a long period to achieve sustainability.

Most panelists agreed that few sources of funding for media could be legal. The government has the tendency to advertise its enterprises such as AlbTelecom, the power company, and the state insurance company, on media that support it. Profits from these ads are substantial and are viewed as rewards for pro-government coverage. Conversely, the stations and newspapers that support the opposition are punished by being ignored by the state advertisers.

Advertising agencies have yet to emerge in Albania. There are a few entrepreneurs who claim to represent agencies. These “agents” buy blocks of time on various stations and then look for clients to sell to. However, the stations that have produced and aired the ads are rarely paid through these middlemen. One panelist bluntly stated, “In general, every promotion is produced for

specific business or political interests without considering viewership or readership. For this reason, the advertising market in Albania is completely absent.”

Market research is practically nonexistent in Albania. In the past two years, however, four surveys of the national broadcast market have been conducted by the

Institute for Statistics and Opinions (ISO). ISO is now in negotiations with TNS, the former Gallup Organization, to join that network. The semi-annual surveys are slowly being accepted as independent measurements of viewership. There has been a demonstrable shift in advertising revenue from the state broadcaster to some of the private stations that demonstrate stronger ratings. The value of ISO’s surveys was highlighted when the political parties bought copies of the ratings before mounting their media blitzes in the run-up to the mayoral elections in 2003.

**“In general, every promotion is produced for specific business or political interests without considering viewership or readership. For this reason, the advertising market in Albania is completely absent.”**

#### Independent media are well-managed businesses, allowing editorial independence

#### BUSINESS MANAGEMENT INDICATORS

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

## Objective 5: Supporting Institutions

### Albania Objective Score: 2.21/4.00

The concept of uniting for the common good has yet to take hold with the media owners, who appear to fear losing power and influence as individuals within the industry. One panelist explained that a broadcast association “is not an association but a group of people who want to control everything in the media.” Panelists agreed that the owners participating in the broadcast association have trouble advocating for their own interests because they do not represent the whole spectrum of media. Meanwhile, there are currently no organizations that support the rights of print ownership.

Journalists have even less of a support network. Many journalists do not have employment contracts and come to work each day wondering if they are going to be fired. Publishers can take full advantage of this situation: Newspapers tend to employ students from the faculty of journalism, and when the class enters the

**...the government regards NGOs as more of a nuisance than as a vehicle for improvement. The government can ignore calls for reform within the media sector because civil society is too underdeveloped to exert much pressure.**

However, the government regards NGOs as more of a nuisance than as a vehicle for improvement. The government can ignore calls for reform within the media sector because civil society is too underdeveloped to exert much pressure.

The MSI panel was generally optimistic that journalists could obtain the proper training. However, the obstacles for aspiring journalists are daunting. The University of Tirana School of Journalism has received much support from international organizations over the years, with little to show for it in terms of improved professionalism. Corruption and political influence pervades even at the university level.

Two qualified journalists have formed a private educational program to prepare students to enter the industry. Despite a successful start to their program, their resources are limited. Both journalists have proven to be excellent reporters and able instructors, but the scope of their program is too limited to benefit the industry as a whole.

At the university, there are mass layoffs as older staff members are replaced by more novices. Although there was an attempt to initiate a union for journalists several years ago, the reporters were too afraid to join because they feared losing their jobs.

Media-support NGOs do exist to provide advocacy and assistance.

### Supporting institutions function in the professional interests of independent media

#### SUPPORTING INSTITUTIONS INDICATORS

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Distribution of print media continues to be a problem in Albania. Printing and distribution are controlled by companies operating in Tirana. The poor infrastructure does not allow for the effective delivery of printed publications on a daily basis. Newspaper distribution “is a jungle,” said one panelist. “If the distributor wants to deliver your paper, it will. But if it doesn’t, your paper won’t be delivered.” Meanwhile, the cost of installing print facilities outside Tirana is too great to be a realistic option. Generally, television stations deliver concise and still-relevant news to those living outside Tirana.

## Panel Participants

*Elsa Ballauri*, director, Human Rights Group NGO

*Fatos Baxhaku*, journalist, Vizion Plus

*Dzimi Bylykbashi*, owner/operator, TV4+, Lushnje

*Lutfe Dervishi*, editor-in-chief, *Albania* newspaper

*Thanas Goga*, media consultant, International Foundation for Election Systems (IFES)

*Leonard Gremi*, general director, Balkan TV

*Edmond Isaku*, owner/operator, TV Bulqize

*Remzi Lani*, director, Albanian Media Institute

*Iris Luarasi*, co-owner, Radio Ima; Professor of Journalism, University of Tirana

*Edi Paloka*, vice chairman, Parliamentary Commission on Mass Media

*Suela Shala*, assistant to press officer, OSCE

*Andi Tela*, editor-in-chief, *Panorama* daily

*Musa Ulqini*, chairman, Parliamentary Commission on Mass Media

*Rezar Xhaxhiu*, news director, TV Arberia

## Moderator

*Andrea Stefani*, local media advisor, IREX/Albania



Freedom of speech in some rural areas is seen as interference with the activities of political and economic centers of power—often the sovereign and undisputable authorities in smaller communities.



## Introduction

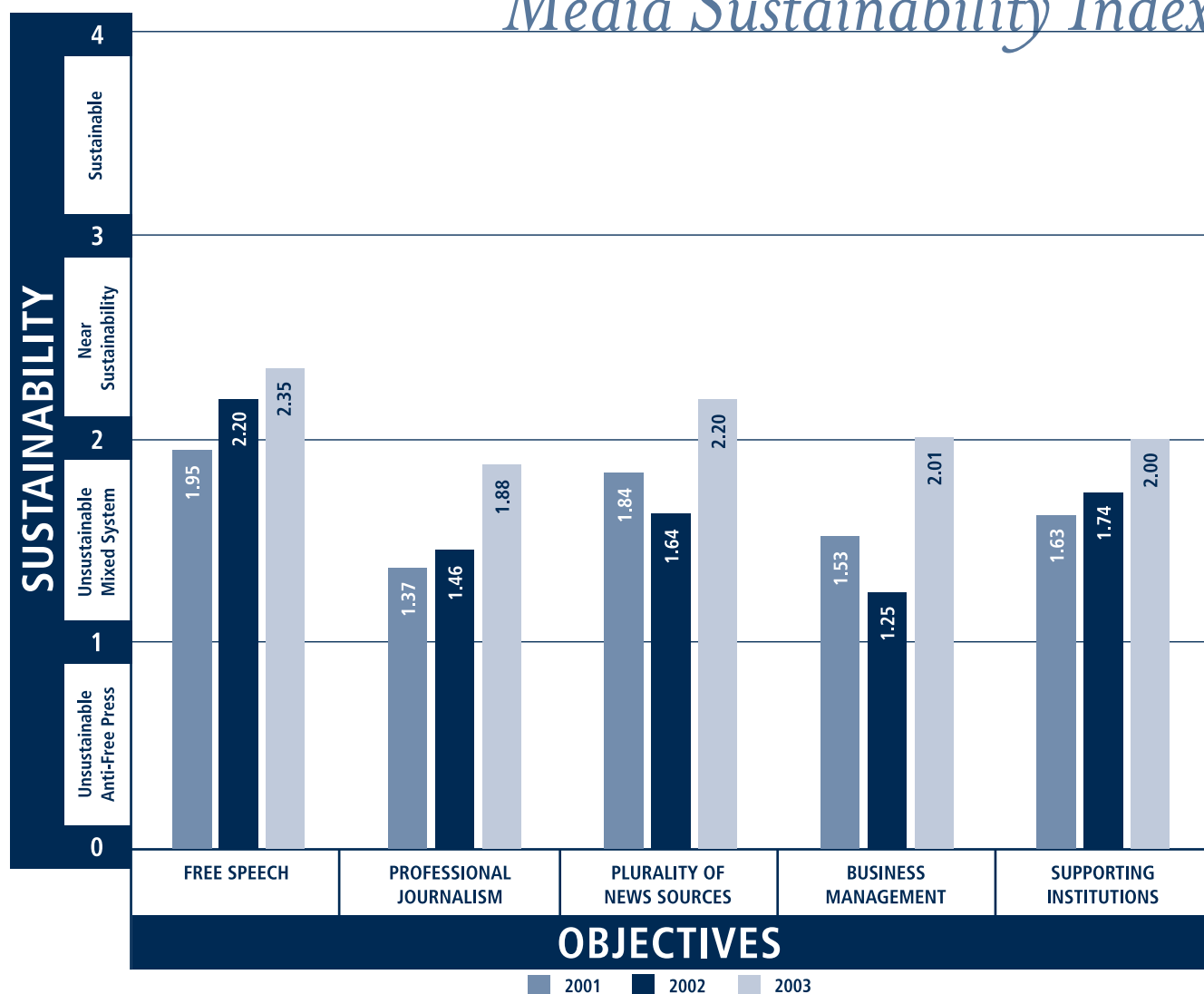
# M

Media in Bosnia and Herzegovina continue to operate in a complex political and legal environment. Following the end of the war in 1995, the Dayton Peace Accords created a constitutional system that defines Bosnia and Herzegovina as a state with three parts: the Federation of Bosnia and Herzegovina, with a majority of Bosniaks and Croats; the Republika Srpska (RS), comprised mostly of Serbs; and the Brčko District, with its own specific and independent administration. The accompanying General Framework Agreement for Peace (GFAP) designated the Office of the High Representative (OHR) as the highest authority in Bosnia and Herzegovina, responsible for the civilian aspects of the peace implementation plan. The High Representative is an international official nominated by the Peace Implementation Council—made up of 55 countries and international organizations—and endorsed by the United Nations Security Council. The broad powers of the OHR include the right to impose legislation, enforce decisions, and remove officials at all administrative levels when deemed necessary for the implementation of the peace process.

The current political landscape is further marked by the continuing rule of nationalist parties: the Party of Democratic Action (SDA - Bosniak) and Croatian Democratic Community (HDZ - Croat) in the Federation, and the Serb Democratic Party (SDS - Serb) in the RS. Under pressure from the international community, these political authorities are beginning to take on some responsibility for the country's reconstruction and are shifting certain political and administrative powers, such as defense, to national-level institutions. As Bosnia and Herzegovina continues efforts toward European integration, additional legislative reforms, institutional changes, and the full reorganization of the Public Broadcasting System (PBS) are expected to follow. Implementation of media legislation remains dependent on an efficient judiciary and public administration, neither of which has complied with supposedly mandatory structural and organizational reforms.

# Bosnia and Herzegovina

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

Minimal foreign business investment and a deepening economic crisis contribute to the difficulties of the media environment. Professionally managed media with strong sales departments compete efficiently for ad revenue, while smaller media, rapidly marginalized in their fight to gain advertising funds, struggle for survival. Overall, the media advertising market remains small by foreign standards, and in 2003, the competition for limited funds intensified with the entry of media companies from neighboring countries, such as Pink TV from Serbia and Montenegro and Nova TV from Croatia. Some fear that these outside actors will take over the majority of international ad campaigns, running them directly from neighboring countries by offering the Bosnian market as “value added” and thereby cutting further into revenues available domestically from advertising.

Print media readership continues to decline, due to economic circumstances and a relatively expensive product compared with the vast number of “free” electronic media. In addition, many print publications remain platforms for political and/or interest groups, although a few market-oriented publications continue to retain readership by focusing on topics of interest to their audiences. Journalism standards, though improving gradually, are still marked by frequent violations of professional codes as noted—for example, in the annual report of the Helsinki Human Rights Committee.

The broadcast media sector is regulated by the Communications Regulatory Agency (CRA), which is responsible for implementing broadcast regulations. Its broad powers, which include the ability to impose severe sanctions and to help ensure the absence of hate speech or politically motivated programming, have made the broadcasting arena far less inflammatory than the print sector. The CRA also issues broadcast licenses through a strict process. However, the total of 183 electronic media outlets—42 television and 141 radio stations—remains far more than the country’s limited advertising market can support. In addition, the recent entry of foreign media companies into Bosnia and Herzegovina has highlighted inadequacies in the broadcast regulations, leading one advocacy organization, the Association of the Electronic Media, to speak out against the resulting destabilization of the domestic broadcast market. In 2003, Nova TV bought the private broadcaster OBN, while Pink TV acquired partial or entire ownership of five television stations across Bosnia and Herzegovina. Both broadcasters cover the majority of the country’s territory through their affiliate stations. Mreza Plus, Bosnia and Herzegovina’s first commercial private television network, serves

about 85 percent of the population. Three networks compete for market share with public broadcasters who are allowed to air advertising in addition to collecting subscriptions.

Despite these multiple sources of possible revenue, further reconstruction of the PBS, strongly supported by the international community, continues with emphasis on clearing an accumulated debt of more than \$6 million (shared between RTRS, which serves the RS, and Federation TV 1, which serves the Federation). A second Federation channel has been closed in the reconstruction process, and plans include further staff reductions. A statewide public broadcaster (serving both the RS and the Federation) continues with limited transmissions through the infrastructure of RTRS and Fed TV. A reconstruction is planned pending the ability of the station to overcome existing debt. This would introduce a third state-owned broadcaster for a population of only 3.5 million. An upcoming agreement on collecting subscription fees through the telecommunication companies of the RS and the Federation seeks to assist the public system with some of its financial difficulties.

**Editors appointed by political circles serve as watchdogs and enforce content control. Media in this situation practically introduce self-censorship as the modus operandi.**

## Objective 1: Free Speech

**Bosnia Objective Score: 2.35/4.00**

In addition to constitutional provisions, two media laws deal specifically with freedom of speech: the Law on Free Access to Information and the Law on Defamation. While the country is moving ahead in this area, difficulties emerge in the process of implementing laws, including an inefficient judiciary and a lack of awareness by both the public and journalists.

Although broadcast media operate in a well-defined environment that limits hate speech and slander, print media often reflect the influence of political or interest groups, including the spread of unsubstantiated accusations against individuals. Four recent court decisions targeted false information published by the daily newspaper *Dnevni Avaz* and the weekly magazine *Dani*.

**Professional associations either do not exist or operate poorly. Although there are six journalists' associations, they are inefficient and unable to influence the profession or the public in general.**

a higher level of tolerance on the part of public officials. The law also provides protection to media in that it sets financial penalties that will not endanger a media company's operations.

Judicial response to defamation remains inadequate, however; the Sarajevo Canton alone has 190 open cases and a clearance rate of less than 5 percent. The number of defamation cases may indicate that the law is being used as a tool to influence media coverage. Libel has become part of the civil code, requiring

The Law on Free Access to Information is perceived as advanced and reflects the best European standards. One panelist suggested, however, that officials take some of its provisions "lightly." Two years after the law's passage, many public institutions have yet to create the necessary procedures for processing requests. Though the general public remains silent on the issue, a few associations, such as the Center for Free Access to Information, provide related legal assistance to media.

While criminal acts against journalists do not occur often, panelists agreed that when they do, investigation and prosecution are not satisfactory. Some cited the four-year-old case of the attempted assassination of Zeljko Kopanja, manager and owner of the Banja Luka-based daily *Nezavisne Novine*, which remains unsolved. A media helpline, established by the Organization for Security and Cooperation in Europe (OSCE) and run since 2002 by the OHR, appears only to log threats and attacks rather than help prevent them.

In the field of broadcast licensing, the independent CRA has established regulations, brought order to an oversaturated media market, and increased the professionalism of the country's broadcast media. Overall, its processes and procedures are viewed as fair and its criteria as more or less solid. However, its decision to transfer frequencies and broadcast licenses to media that have recently entered the domestic market from neighboring countries raised controversy. In addition, commercial media continue to express concern over the ability of the PBS to accept paid advertising, which many feel grants it a privileged competitive edge.

Other legal aspects are rated as generally free in Bosnia and Herzegovina. Access to international news sources is not limited in any way. The high costs of services such as the Internet, due in part to a monopoly on high-speed access, and the poor financial situation of most media sometimes pose obstacles to adequate access. However, the rebroadcasting and reprinting of news is regulated by the copyright regulations and is not influenced by the authorities.

The legal framework and taxation system treat independent media as any other business. One panelist noted that taxes on advertising from abroad are calculated as an import of goods, and thus inadequately charged. The practice appears to result from lack of knowledge and misinterpretation of the provisions.

Entry into the journalism profession is free, though some panelists noted that the quantity of newly trained journalists is disproportional to the quality of journalism in general.

Legal and social norms protect and promote free speech and access to public information	
FREE SPEECH INDICATORS	■ Legal/social protections of free speech exist and are enforced.
	■ Licensing of broadcast media is fair, competitive, and apolitical.
	■ Market entry and tax structure for media are fair and comparable to other industries.
	■ Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	■ State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	■ Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	■ Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	■ Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	■ Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.



## Objective 2: Professional Journalism

**Bosnia Objective Score: 1.88/4.00**

The quality of journalistic professionalism in Bosnia and Herzegovina is improving, albeit slowly and with evident differences between electronic and print media. Inexperience partly accounts for poor practices of fairness, objectivity, varied sourcing, and so on. Journalists too rarely search for additional information or further investigate stories; passive participation in news conferences is also common. Those with stronger skills are sometimes lost in newsrooms that struggle to balance news and commercial content.

A Code of Ethics, developed in accordance with European and other relevant standards, was adopted by all six of Bosnia’s journalistic associations more than three years ago. A report by the local organization Media Plan on the implementation of the Code in the October 2002 pre-election period showed a disappointingly high number of violations by all monitored print media. The 2003 annual report of the Helsinki Human Rights Committee raised the same concern. While some panelists fault a Press Council whose activities were practically invisible, others expressed the need for sanctions. In general, journalists are thought to lack education and awareness of professional behavior; some continue to accept

Journalism meets professional standards of quality	
PROFESSIONAL JOURNALISM INDICATORS	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

work as presenters, advisors, or editors in specialized publications done by state authorities in exchange for providing favorable coverage. Standards in broadcast media are higher than among print journalists, which some participants attributed to the strict regulations under which electronic media operate.

Self-censorship remains a practice in Bosnia and Herzegovina, most often as a way to avoid conflict with interest groups or to maintain job security. Self-censorship also comes into play in the relationships between journalists and their editors, who either seek to shape content according to their own views or restrict stories on which journalists report. Panelists also mentioned financial pressure from advertisers, whose contracts may depend on favorable reporting. Self-censorship out of fear for safety may be more common in rural environments and in smaller towns, where the possibility of repercussions is more strongly felt than in larger cities.

Although there are cases of “special treatment” in exchange for favorable coverage, corruption among journalists in Bosnia and Herzegovina does not appear to be widespread. While salary levels remain low, at about €200 to €400 per month, they do not necessarily leave journalists vulnerable to bribes. Journalists, however, are sometimes tempted by positions in state institutions that offer greater economic security.

Journalists have access to most key events, although many outlets continue to divide focus along the borders between the RS and the Federation. Some outlets clearly identify with a particular ethnic group, and treat coverage of other ethnicities with varying degrees of indifference or bias. Aside from news agencies, *Nezavisne Novine*, based in the RS and with bureaus in the Federation, is an example of the effort to provide a quality product equally across the country. With the strengthening of joint national-level institutions, media increasingly include stories of country-wide importance.

Media content primarily focuses on news and information, and most media find such programming in demand from the public. Information accounts for 10 to 35 percent of total broadcasting, and up to 80 percent among print media. Panelists cited only a few

**The education of journalists is neither well organized nor consistent—media and journalists do not place enough importance on their education.**

**Established more to attract available donors' funds, a large number of associations have failed to contribute to the protection of journalists' rights.**

an essential part of domestic production—all of it, in some cases—for most electronic media. One panelist noted that high costs also account for the lack of investigative journalism and other niche areas of reporting such as politics, economics, business, and agriculture. Most media do not have the finances to support the domestic production of specialized content, particularly when it is seen as more difficult to “sell” to potential advertisers. Panelists underscored the need for training to strengthen niche reporting skills.

Most media own modern technical facilities and equipment for gathering, producing, and distributing news. Many broadcasters, however, operate without backup transmission equipment, leaving them vulnerable to going off the air due to malfunctions. Technical capacity is also being affected by the shrinking advertising market and dwindling media assistance, although a few successfully managed media outlets still plan to expand and update their equipment to better compete. For smaller media, however, such technical advancement is out of reach. In addition, some panelists raised the difficulties caused by a lack of trained support staff. Overall, participants agreed that improving equipment standards could improve the content of broadcast media.

**Objective 3: Plurality of News Sources**

**Bosnia Objective Score: 2.20/4.00**

All panel participants agreed that the large number of media outlets in Bosnia and Herzegovina does not guarantee diversity of content. Although most media are concentrated in urban centers, rural areas do have access to public and regional television and radio stations. A dispersed and incoherent distribution system leaves print media less available. By some estimates, the total of all

instances of media that concentrate on pure entertainment, mainly among radio stations. Use of fee-based information sources, such as news agencies, remains limited by economic constraints.

Due to production costs, studio-based programming remains

daily circulation averages fewer than 70,000 sold copies in a country of more than 3.5 million. Access to international media and the Internet is unrestricted but expensive. The limited sources of information tend to render the presentation of information rather uniform.

Panelists generally viewed public media as trying to present views across the political spectrum, though in some cases allowing more airtime to political parties in power. Under the close watch of the CRA, public programs are more likely to be characterized as disseminating unbiased information, which at times results in a “passive” and uninteresting news product. Some panelists attributed the low satisfaction with public broadcasters to the lack of a sound editorial policy and a misunderstanding of the role of public broadcasting. In the opinion of one participant, private media have been more active in fulfilling the public broadcaster’s legal mandate to focus on education, minority issues, and civil society. This tendency illustrates the ongoing debate about whether public broadcasters maintain too much of a market orientation while private media provide the diversity of programming content.

There are two independent news agencies on offer in Bosnia and Herzegovina—ONASA and SENSE. Both have financial problems due to competition from free information services on the Internet and elsewhere. One participant raised concerns regarding the quality of the

**Multiple news sources provide citizens with reliable and objective news**

**PLURALITY OF NEWS SOURCES INDICATORS**

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens’ access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

agencies' product, and in general, media are not seen to use a variety of such sources.

Independent broadcast media produce their own news programs, though panelists noted a decrease in domestic production. Generally, there is no significant difference between the news products of public and private media. The weekly newscasts of private NTV Hayat and daily newscasts of Alternativna Television (ATV) gradually are building a reputation for quality coverage and investigative journalism. All panelists agreed that even the smallest local media maintain a focus on foreign and national news while local and service-oriented coverage may be neglected. Potential affiliations with different political or interest groups do not appear to influence the news product of most media outlets, though one panelist argued that such influence is more visible in smaller towns when the connection between local authorities and media tends to be stronger.

The question of transparency and media ownership intensified in 2003 with the entry of foreign media into the Bosnian market. While conglomerates do not appear to exist, one panelist argued that neither the political situation nor the interpretation of media regulations encourages full transparency. With strong competition in the market, most media withhold information on their profit shares, actual position in the market, size of operations, and, in the case of print media, actual circulation. An attempt to create a circulation audit bureau failed because publishers saw it as a threat to their business interests. As in other industries, foreign citizens are prevented from being the sole owner of a media outlet, though the system allows for partnership between domestic and foreign companies. In the absence of a mechanism for verifying ownership, there may be a difference between listed and actual media owners.

In addressing coverage of minority issues, panelists noted that many communities in postwar Bosnia and Herzegovina have either shrunken or ceased to exist. Minority groups are not seen as well organized, and most media do not consider their needs or dedicate specific programs to them. There are no minority-language media. Bosnian, Croatian, and Serbian are considered constitutional languages in Bosnia and Herzegovina, and it is up to media to determine which to use. A few private outlets recently have introduced shows covering a wider spectrum of social issues, such as disabled people, women, or gays and lesbians. There have been no reported threats to journalists or media covering such issues.

## Objective 4: Business Management

**Bosnia Objective Score: 2.01/4.00**

Independent media rarely operate as well-managed businesses, though increased competition seems to have provided some momentum for improvement. *Nezavisne Novine* stands as

one example of success in generating profit; the company publishes a national daily as well as a weekly entertainment tabloid, runs a radio station, and recently opened a printing plant. Most existing printing plants, such as Avaz and Alden Print, appear to be self-sustainable, with

the exception of the soon-to-be privatized *Glas Srpski*, the daily newspaper of the RS that also operates its own printing facility. While most distribution networks are private businesses, their general efficiency is questionable.

**The generally poor economy affects the operation of media outlets—stronger competition will force more differentiation of media and the slow disappearance of the weakest.**

### Independent media are well-managed businesses, allowing editorial independence

#### BUSINESS MANAGEMENT INDICATORS

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

## Even the media that invest in management and business approaches depend on the poor market economy and operate on the borderline of profitability.

Some panelists cited difficulties in distribution across the borders of the RS and the Federation, especially in the Herzegovina area. With decreasing readership and a high return rate, some distributors are able to take advantage of steep distribution costs or delays in distribution to limit the distribution of poorly selling publications that would not be worth their time to deliver. Most seem to conduct their operations with little transparency. Panelists viewed a lack of initiative in establishing a publishers' association as a significant obstacle to developing a solid country-wide distribution mechanism for independent media.

Advertising constitutes 80 to 90 percent of the financing for commercial media, with donations accounting for the rest. Some panelists expressed concern that particular media may be financed by interest groups, as evidenced by their continued operation despite poor market share. In 2003, as in 2002, the market grossed 60 million KM (convertible marks), approximately \$36 million. Although the advertising market was expected to grow up to 35 percent yearly, part of this budget has been redirected to Nova TV and Pink TV. Thus, while the size of the market remains about the same, the funds reaching Bosnia and Herzegovina media business are expected to shrink. In comparison with last year, the preference of advertising funds has somewhat shifted in favor of outdoor advertising: television now receives 60 percent; radio and print share 30 percent; and outdoor advertising takes the remaining 10 percent. Media seek year-long contracts from ad agencies, which they view as desirable partners. Media remain vulnerable to pressure from the threat of losing a significant advertising client affiliated with an interest group in case of unfavorable coverage. Depending on the profile of the program, ads on average make up from 5 to 15 percent of private media content.

About 80 percent of advertising comes from branch offices of international agencies, with only one strong company operating domestically. The PBS continues to enjoy a significant share of the market, which is seen as unfair competition by other electronic media. Much of the international community has encouraged the public broadcaster to operate commercially as a sustainable

business in order to clear its \$6 million in debt. Panelists emphasized that the public broadcaster's ability both to collect subscriptions and take a significant share of the advertising market renders it one of the greatest threats to the market-oriented private media. This is even truer with two new country-wide broadcasters, OBN/Nova TV and Pink TV. Only by selling all available advertising time can broadcasters, particularly television, break even.

Some panelists questioned the subsidies that media can receive at the local level, where such outlets may be used as a promotional vehicle for the local authorities. Attributing such special arrangements to the affiliation of media managers with certain interest groups, panelists agreed that these subsidies sometimes resemble a subtle bribe, particularly considering the lack of transparency in the approval process. They suggested that greater transparency and openness would encourage private local television and radio stations to cover news of local interest.

Only a few media companies can afford professional research. However, in contrast with previous years, panelists noted increased interest and confidence in the objectivity of such research, although these studies are still used primarily as a reference point for comparison with the competition rather than as a tool for determining programming and business strategies. Still, member stations of the Mreza Plus television network, particularly ATV, consider media research a necessity for daily operations and future plans. Commonly, however, media dissatisfied with the research results simply ignore them.

Mareco Index Bosnia (MIB) has established itself as a respectable media research agency for broadcasters, and advertising agencies continue to use available research as a base for their media planning. However, there is no reliable research on print media circulation or publishing in general, primarily due to a lack of will on the part of publishers to establish an umbrella organization that could further the transparency of the business.

## Objective 5: Supporting Institutions

### Bosnia Objective Score: 2.00/4.00

More than 70 percent of media employees work without valid contracts, and most businesses will likely continue to operate in a semi-legal fashion until there is administrative and tax reform. Trade associations thus function as little more than a formality. AEM, however, serves as an exception. Representing more than 110 television and radio stations, AEM has well articulated the views of its

members in issues including copyright fees and CRA regulations and decisions.

There was clear improvement in the development of media institutions during 2003, when three independent journalists' associations joined to create a single national body called the Coordination of Journalists' Associations. The organization is registering as a legal entity. Previously, Bosnia and Herzegovina had six separate journalists' associations, divided between the RS and the Federation and seen as advocating the interests of particular ethnic groups. On the whole, however, the associations do not get much respect from journalists, who see too few concrete activities to protect their interests.

Bosnia and Herzegovina has journalism faculties in Sarajevo, Tuzla, and Mostar, and two in Banja Luka. The quality of the instruction is not uniformly high, but recent curricula reforms suggest potential for improvement. Panelists agreed the training must emphasize practice and that media should offer internships for students. They also agreed that available job opportunities cannot support the number of graduates, meaning many trained journalists seek positions abroad or in other industries.

There are many short-term training options in Bosnia and Herzegovina. With the departure of most international media development organizations, non-governmental organizations (NGOs) have assumed this role with mixed results. As one panelist argued, short-term training does not provide sufficient continuity

and often suffers from disorganization. Two well-run programs, managed by the organizations Media Plan and Media Center, do produce strong results. Domestic trainers who have specialized in professional development now constitute the core strength in this field. Panelists suggested that further efforts should focus on in-house training, business management courses, and the specific needs of media operations.

While media distribution channels and printing facilities do not appear restrictive, their services are seen as overpriced. Most distribution channels are private, sometimes reflecting the views of interest groups through restrictive prices, delays in distribution, or poor placement in kiosks. Reconstruction of the PBS will transfer the transmission sites and equipment currently in the hands of public broadcasters to a single, independent, to-be-established Transmitters Agency.

**...without the authority to sanction the violations of accepted professional standards, some print media are used as platforms for discrediting individuals or certain political groups.**

## Panel Participants

*Darko Aleksic*, vice president, Association of Electronic Media

*Mehmed Halilovic*, Media Ombudsman

*Dragan Jerinic*, editor-in-chief, *Nezavisne Novine*, Coordination of B-H Journalists' Associations

*Jasna Kilalic*, Democracy Office, USAID

*Amira Krehic*, Center for Free Access to Information

*Branko Lazic*, program director, Alternative Television (ATV)

*Zoran Sarenac*, Radio Free Europe/Radio Liberty

*Aleksandar Trifunovic*, *Buka* magazine, Nansen Dialogue Center

## Moderator

*Pavle Banjac*, independent consultant

Supporting institutions function in the professional interests of independent media	
SUPPORTING INSTITUTIONS INDICATORS	■ Trade associations represent the interests of private media owners and provide member services.
	■ Professional associations work to protect journalists' rights.
	■ NGOs support free speech and independent media.
	■ Quality journalism degree programs that provide substantial practical experience exist.
	■ Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
	■ Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
	■ Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.



**“The public hasn’t yet realized that the battle journalists are waging against classified information has a direct bearing on the public itself. Many people consider it a private cause, an issue for the journalism insiders, rather than an attempt to defend the rights of the general society.”**



## Introduction



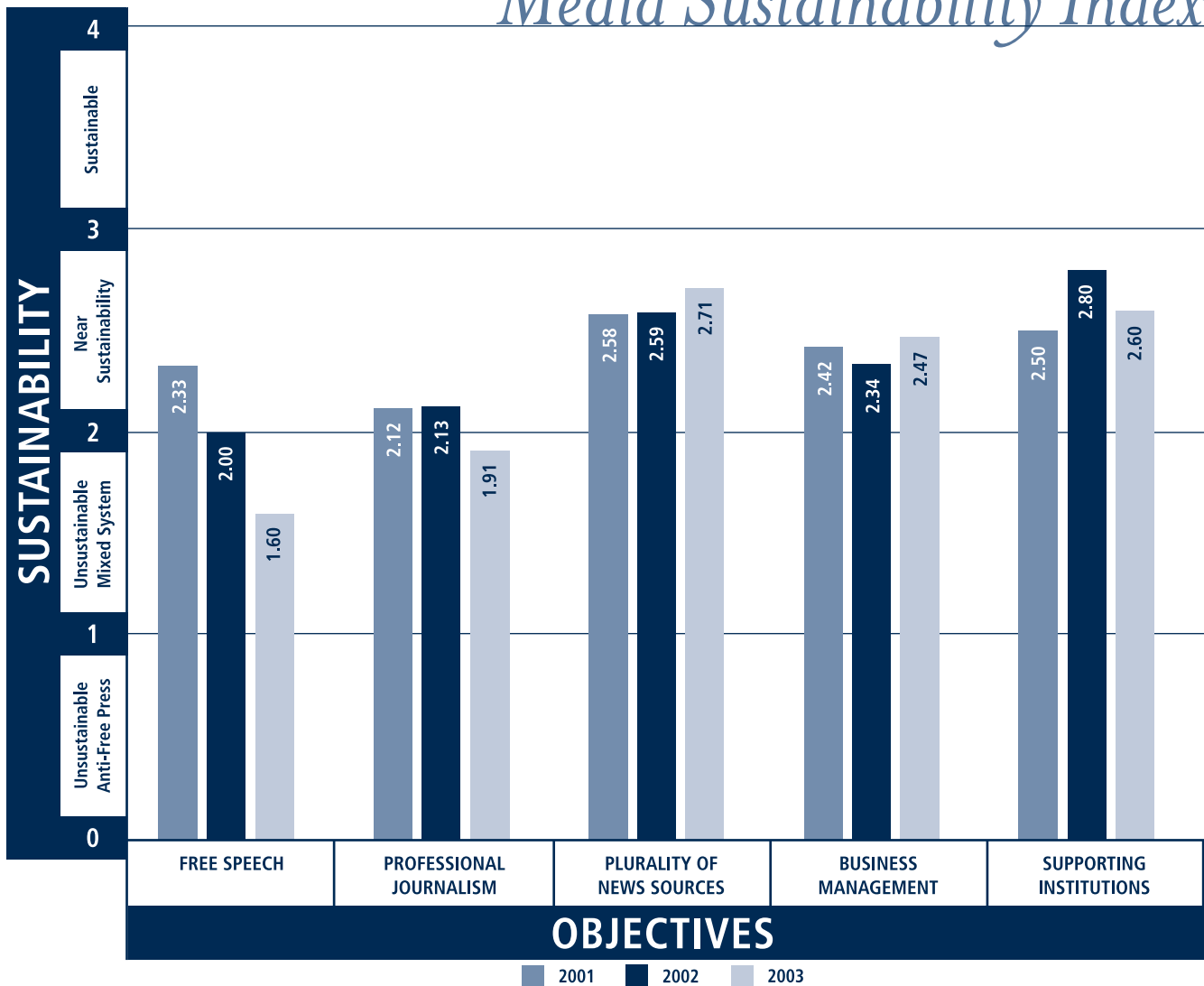
The year 2003 was one of the most significant for Bulgaria's transition to democracy. Indeed, Bulgaria achieved two important benchmarks, receiving an official invitation to join the North Atlantic Treaty Organization (NATO) in 2004 and progress toward European Union (EU) membership in 2007. The country seems to be safely on to the road to achieving the institutional objectives of its transition. Also in 2003, Bulgaria played an important role as an active member of the international anti-terrorism coalition, offering diplomatic support to the war in Iraq and participating in the multinational force there.

However, domestic developments in 2003 did not match Bulgaria's progress in the international arena. Even though the country has remained stable and the economy is showing some encouraging signs, political and economic reforms have slowed. The government of Bulgaria's former king-in-exile Simeon Saxe-Coburg-Gotha has lost much of its public support. Developing the rule of law remains problematic, social tensions emerge frequently, and organized crime and corruption pose serious problems. Local elections in late 2003 indicated that many Bulgarians are disappointed with the political establishment, with a significant portion ignoring the poll. Political analysts suggest that campaign contributions of unknown origin have for the first time become a decisive factor in local politics. Many local strongmen are all but buying their seats as mayors or legislators. And media outlets, especially local ones, have become eager participants in this process.

Developments in the Bulgarian media community are equally equivocal. On the one hand, independent media fostered public debate about important policy issues including fighting crime and corruption, establishing the rule of law, making politicians and institutions more accountable for their actions, and completing the difficult steps toward EU membership. On the other hand, Bulgarian media have shown significant vulnerability to political and economic pressure typical of countries with less advanced development. For example, organized crime gangs are now attempting to harness media influence by buying outlets or starting their own operations. Professional

# Bulgaria

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions



standards, though well established in a few mainstream print and broadcast outlets, still are not the accepted industry rule. Reporting is often biased, facts and opinions too rarely differentiated, and tolerance of minorities minimal. Many publications willingly participated in campaigns of different interest groups, including those rallying against the closure of two of the old Soviet-era nuclear reactors at the Kozloduy nuclear power plant, a precondition for Bulgaria's EU membership.

Bulgarian media regulation suffered a serious setback in 2003 when a stalemate developed between the majority in parliament and the Council for Electronic Media (CEM). The standoff resulted when the government realized it could not control the very regulatory body it appointed in 2002. The ruling majority tried to resolve the problem by passing a new Radio and Television Law, which would have dissolved the CEM and created a new regulatory body. The draft was so nondemocratic that it managed to unite virtually every media and political organization in the country in opposition. With significant pressure from the EU and the Council of Europe, the draft was abandoned. However, the parliament managed to pass amendments in the existing legislation that virtually halted the licensing process. The authority of the regulatory body was further undermined by its inability to enforce the law on state-owned Bulgarian National Television (BNT).

Even though the Bulgarian media environment improved somewhat in 2003, serious media law implementation problems overshadowed the overall picture. When Media Sustainability Index (MSI) panelists evaluated the situation, they measured improvement in most aspects of the independent media, but many of the issues related to free speech and access to information undermined these positive results. Thus, Bulgaria was shown to have a lower degree of independent media sustainability in 2003 than in 2002.

Major indicators related to the plurality of news sources and the reliability of information continue on a steady and positive track. This results partly from an increase in the quantity of available news sources, rather than the quality of the material provided. To ensure they have a balanced and complete understanding, Bulgarians still must review and compare several interpretations of the same event as reported by the media.

Bulgarian media display some degree of effective management and professional autonomy as measured by panel responses to those indicators. The highly competitive media market in the country, characterized by the great number of outlets and thin advertising

budgets, has forced most to become more effective and better managed or face bankruptcy. As a result, recent trends include the concentration of media ownership and improved management professionalism. Bulgarian media-support institutions also display overall stability. Despite the reduction in international donor support and the notable decrease in the amount of services provided to the media community, support institutions have made significant steps toward sustainability.

Overall, the 2003 MSI scores for Bulgaria show that the country has retained last year's levels of sustainability, but failed to build on them.

## Objective 1: Free Speech

**Bulgaria Objective Score: 1.60/4.00**

Responses to the indicators make clear that free speech and access to information in Bulgaria are considered to be more a matter of official statement than substance

Legal and social norms protect and promote free speech and access to public information	
FREE SPEECH INDICATORS	■ Legal/social protections of free speech exist and are enforced.
	■ Licensing of broadcast media is fair, competitive, and apolitical.
	■ Market entry and tax structure for media are fair and comparable to other industries.
	■ Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	■ State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	■ Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	■ Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	■ Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	■ Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

**“The Bulgarian constitution guarantees the freedom of speech, but the constitution is not a guarantor per se. Its direct action is being ignored.”**

or implementation. State media outlets are utterly lacking in independence from the government, while crimes against journalists are a huge concern and no progress has been made toward

decriminalizing libel and defamation. Easy entry into the media profession and unrestricted access to international news sources are some compensation for the legal and social problems faced by freedom of speech reform in Bulgaria.

A major concern of the MSI panel was the poor implementation of the constitutional provisions for the freedom of speech. While many panelists agreed that the legislative framework is capable of ensuring the uninhibited development of the media industry, problems occur when it comes to enforcement. Overall, the political will is deficient when it comes to taking the needed legislative action, and the public is passive in defending freedom of speech. One panel member said, “The Bulgarian constitution guarantees the freedom of speech, but the constitution is not a guarantor per se. Its direct action is being ignored.”

Bulgarian media legislation is formally in line with EU membership requirements. But amendments introduced in 2002 have produced very mixed results. On the one hand, the Radio and Television Law adopted in late 2001 and the amendments to the Telecommunications Law from 2002 have made significant progress toward less government control in the regulatory process. The specialized commission responsible for the final stage of the licensing process under the previous broadcast law was eliminated, moving the regulatory process one step further from direct political intervention. Radio and television programs for cable and satellite broadcasters enjoy an easier registration process, compared with the former licensing procedures identical to those for terrestrial distribution. On the other hand, some key shortcomings of the old law were reproduced in the new one despite recommendations from independent media associations and international organizations. Most notably, the new CEM is being elected in the same way as the body it superseded, the National Council for Radio and Television. This step allows the ruling majority in

parliament to appoint the decision-making majority in the council. Additionally, some revisions in the media legislation were introduced retroactively in order to change the membership of the regulatory body and the head of state television station, BNT.

The Freedom of Information laws and the Access to Public Information Act give journalists and media outlets theoretical access to public information. The Classified Data Protection Act and the Personal Data Protection Act are in place and regulate access to restricted information. In some cases, the laws are being enforced, and journalists have won lawsuits when information has been denied to them. There is, however, a gap between the provisions of the law and the general level of implementation by various state institutions. The national government, its ministries and agencies, the legislature at national and local levels, local government institutions, and especially the judiciary tend to disregard obligations under the laws. The court system is not always willing to handle media-related cases effectively, and the procedures in place to sanction noncompliant officials are slow and ineffective. The public is not familiar with its rights to public information. As one panelist explained, “The public hasn’t yet realized that the battle journalists are waging against classified information has a direct bearing on the public itself. Many people consider it a private cause, an issue for the journalism insiders, rather than an attempt to defend the rights of the general society.”

Also of major concern to the panel are the licensing procedures and the independence of former state media. While there is no licensing process for print media, broadcast licensing has become completely politicized. “The worst thing is that licensing was put on hold because of blatant political and corporate favoritism,” one panelist said. “There have been halts in the issuing of licenses before, but never for such obvious reasons.” Meanwhile, the two state outlets, Bulgarian National Television and Bulgarian National Radio, were declared “public,” and both had public boards appointed to oversee them. However, in practice they are still run by the state, and they are directly funded from the government budget. Political influence over BNT and BNR is visible, and neither station has made much progress in the transition from state to true public. There is nothing to stop both outlets from serving as government mouthpieces, and state subsidies put them in a favored position vis-à-vis the competition.

Libel remains a criminal issue. Although prison terms for libel and defamation have been replaced with

heavy fines, cases are still reviewed under the criminal code. In court, journalists must prove their claims against the offended parties. Public figures are granted privileged protection in libel and defamation cases. Libel allegations are often used to harass journalists, especially in smaller towns.

These issues aside, the positive signs are that media outlets have unlimited access to international news and information sources, although the cost of subscriptions and Internet fees is still a strain for small and regional outlets. In addition, there are no barriers or entry requirements for media professionals.

## Objective 2: Professional Journalism

**Bulgaria Objective Score: 1.91/4.00**

The MSI panel determined that there had been no dramatic change in the professional development of journalists in Bulgaria since 2002. However, coverage in the major mainstream outlets is seen as increasingly fair, objective, and well sourced. The responses suggest better sustainability in this area, although the media sector is still faced with political obstacles in determining content. Self-censorship, on the other hand, draws the panel’s greatest concern. This apparent contradiction highlights

one of the most serious shortcomings of Bulgarian news reporting—it is objective, but selective. Most of the published information is more or less accurate, but information that does not fit the publishers’ agendas usually is not published at all.

In general, Bulgarian journalism is beginning to comply with international professional standards, but the developments are quite recent and still depend on current social and political processes. There are still cases of publishing unverified information. Blatantly subjective programs are still aired on state television. An example is the “Aktualno” program, which is aired weekly on prime-time television. The program’s “format” is a minister talking about his successes, or a member of parliament (MP) talking about the advantages of new legislation. No alternative opinion ever reaches the screen.

The implementation of professional ethics still has not reached sustainable levels. Many codes of ethics exist, but their utility is questionable. Employees of private print media outlets still largely depend on the owners’ interests and political convictions. Some print media outlets are run as propaganda outlets for the special interests of their owners and do not even pretend to practice professional journalism. For example, the newspaper *Standard* is owned by a Russian businessman expelled from Bulgaria as a threat to national security. The newspaper has been used as a propaganda tool to support the owner’s lucrative privatization bid for the state tobacco monopoly. The paper’s coverage tried to discredit the minister and the agency responsible for the deal, as well as the competing bidders. Such publications also have been involved in open political campaigns. As a general rule, there are no firewalls between the management, sales departments, and editorial departments of many print and broadcast media outlets. As a result, reporting is often biased, news is distorted, and readers must compare the conflicting versions of different publications in order to get a more balanced picture of the actual

**“Self-censorship is everywhere—in all media, on all levels. There is a simple relationship: the bigger the outlet, the stronger the self-censorship. There’s hardly any in the smaller outlets since not as much is at stake.”**

Journalism meets professional standards of quality	
PROFESSIONAL JOURNALISM INDICATORS	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

**In fact, a panel member stated that “media employees are not just inclined to receive gifts and payments for coverage, they’re addicted.”**

developments. Positive practices have only started to emerge in big independent broadcast media.

In general, quality niche reporting and programming are in very short supply, but what

is available is of reasonably good quality. A few publications, including some of the most influential ones, have developed good investigative reporting and show a growing level of professionalism in covering political events, local government, and the economy. Nevertheless, good investigative reporting is still limited to a few media outlets and often depends on donor support. There are relatively few trained investigative journalists and beat reporters, although there are no specific legal or formal constraints to this kind of specialized reporting. Concurrently, the public demand for such programming is not high. Citizens do not recognize the deficit of niche reporting as a big problem.

Self-censorship continues to be an issue for Bulgarian journalism because of the strong dependence of editorial policy on the economic interests of publishers and outlet owners. As one panelist explained, “Self-censorship is everywhere—in all media, on all levels. There is a simple relationship: the bigger the outlet, the stronger the self-censorship. There’s hardly any in the smaller outlets since not as much is at stake.”

A commonly recognized code of ethics for Bulgarian journalists is still lacking, although some outlets have adopted their own. Employees of private outlets, especially print media, must consider closely the owners’ priorities in their work. The desk rules adopted at some outlets force journalists to customize their work to coincide with the publisher’s interests. The panelists agree that media professionals are open to receiving gifts or money as incentives to cover certain events. In fact, a panel member stated that “media employees are not just inclined to receive gifts and payments for coverage, they’re addicted.”

The inequality of pay levels for journalists is also a concern. The discrepancy in pay between state journalists and those in private outlets strongly favors the government employees. Second, journalists outside Sofia are more underpaid. These journalists are paid

less than their colleagues in the regional bureaus of the state media. This salary gap strongly affects the quality of journalism, the objectiveness of reporting, and overall media sustainability.

As in previous years, entertainment programming does not overshadow news. However, there is a noticeable attempt to attract more viewers by offering increased entertainment programming, which increased in all electronic media in 2003. As a broad trend, panelists said, print outlets with predominantly informational formats are losing readership and cutting circulation, whereas sensationalist and yellow publications are increasing their market share.

### Objective 3: Plurality of News Sources

**Bulgaria Objective Score: 2.71/4.00**

The Bulgarian media sector has made great strides in offering a multitude of news sources and in providing the public with objective and reliable information. The high scores for this objective suggest the country has succeeded in showing sufficient stability in this area, with some relatively minor exceptions.

Private and public news sources, including international media, are widely available to anyone

#### Multiple news sources provide citizens with reliable and objective news

#### PLURALITY OF NEWS SOURCES INDICATORS

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens’ access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

who wants them. Most media outlets face no limitations in attaining the reach or territorial coverage they desire. The selection of operating media outlets allows citizens to compare and choose. Access to print and broadcast media is driven by financial and demographic constraints, with better-off, urban residents having more access to media than poorer, rural citizens. As one panelist mentioned, “There are many news sources, but it’s more about what coverage different outlets have, and how affordable they are for the general public.” Many are still unable to afford access to international news channels and cable subscriptions.

Internet usage mainly depends on the technical, educational, and linguistic capacity of the people. In 2003, several new Internet news outlets appeared in Bulgaria and rapidly gained influence within the media community. Some try to compete with print publications, while others offer an alternative to the relatively expensive state news agency. General access to them remains limited because of the country’s low level of Internet access.

Minority-language media are available, but still unable to achieve the reach desired. They are limited mainly because of the fragmentary composition of minority communities and language difficulties. The national distribution of minority-language programming is slightly frowned upon by the general public. There is a general sense that coverage of issues related to minority groups should be limited to their representative communities.

The MSI panelists praised the political plurality and nonpartisanship of media coverage. The prevailing opinion is that most viewpoints are covered, with the exception of the state media that are strongly subjective. Many new private national channels are compensating for the inability of state media to exercise public functions. Commercial national channels cover the political spectrum in a balanced manner, and the views of opposition parties are objectively and fairly reflected.

While state-controlled television fails to offer a variety of up-to-date cultural and educational programming, commercial operators are meeting the demand. Public radio has managed to build on its traditions and is offering trademark programming in these areas.

A variety of public and private news agencies are available to all outlets, although some outlets cannot afford to use them legitimately.

Unfortunately, the transparency of media ownership does not instill confidence in the objectivity of news. The public is not fully aware of who the real media

owners are, and there is no set procedure on how to request such information. “We have a sustainable trend of nontransparency,” one panelist said. “For example, the public doesn’t know what happened with the ownership of Bulgaria’s best-circulated daily paper.” Such cases of ownership turnover appear to have taken place

during 2003, but no details are publicly available. There are indications that media ownership appears to be leading to the concentration of outlets into a few hands. This has been especially true for the print industry, where the Westdeutsche Allgemeine Zeitung (WAZ) publishing group almost totally dominates ownership. The restructuring of the radio market in the past year also offers the potential for consolidation with other media.

**“The biggest problem about advertising revenue is the already monopolized advertising market. Advertising budgets are managed according to the interest of certain groups and spent in select outlets.”**

## Objective 4: Business Management

**Bulgaria Objective Score: 2.47/4.00**

The conditions for Bulgarian media to operate as well-managed businesses have not changed significantly since last year. Panel responses indicate that the independence of private outlets would be generally sustainable even should the political hierarchy change.

There is a well-established practice of using market research to manage revenue and shape programming with a view to audience needs. “It is my firm belief that audience research is used more adequately and more often than before,” one panelist said. “Even people meters are more effective and reliable.” On the other hand, the reliability of ratings sometimes is considered rather dubious. Panelists stated that manipulation of ratings and other data in favor of some outlets occurs mainly due to combined ownership of media outlets and audience research agencies. While media managers use ratings to market their product and improve their programming, ad agencies use the ratings to sell advertising time. Media managers, according to the survey, are doing

Independent media are well-managed businesses, allowing editorial independence	
<b>BUSINESS MANAGEMENT INDICATORS</b>	■ Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
	■ Media receive revenue from a multitude of sources.
	■ Advertising agencies and related industries support an advertising market.
	■ Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
	■ Independent media do not receive government subsidies.
	■ Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
	■ Broadcast ratings and circulation figures are reliably and independently produced.

an increasingly better job of running their outlets, while polling and ad agencies tend to manipulate ratings in favor of their clients. The MSI panel also noted that there are no reliable circulation figures for the print media in the country. No Audit Bureau of Circulation exists yet, and newspapers often manipulate their circulation data to attract advertisers.

**“It is my firm belief that audience research is used more adequately and more often than before,” one panelist said. “Even people meters are more effective and reliable.”**

control of the industry. Nevertheless, distribution as a whole is not limited or hindered.

Bulgaria’s advertising market has grown significantly in 2003. That growth has not influenced the

The distribution network represents another positive development. Big publishing houses own many of the big distribution firms. Over the past year, the distribution market began consolidating, and there were attempts by former state secret service and shadow businesses to gain

media’s advertising revenue in general because a few big broadcast and print outlets take most of the new business. All private media businesses in Bulgaria claim advertising as their sole source of revenue. However, the MSI panel concluded that the sustainability of many outlets could be in doubt because the advertising market is so concentrated. A panel member stated, “The biggest problem about advertising revenue is the already monopolized advertising market. Advertising budgets are managed according to the interest of certain groups and spent in select outlets.” Generally, the outlets with news and talk formats are facing more difficulties in generating revenue, compared with the music channels and entertainment media.

## Objective 5: Supporting Institutions

**Bulgaria Objective Score: 2.60/4.00**

Overall, institutions that support media have made substantial progress in recent years. The 2003 evaluation suggests that institutions are in place and protecting the interests of media professionals, as well as providing training programs.

Media associations and unions successfully opposed politicized attempts at appointing a partisan director general of the state radio station. Such organi-

Supporting institutions function in the professional interests of independent media	
<b>SUPPORTING INSTITUTIONS INDICATORS</b>	■ Trade associations represent the interests of private media owners and provide member services.
	■ Professional associations work to protect journalists’ rights.
	■ NGOs support free speech and independent media.
	■ Quality journalism degree programs that provide substantial practical experience exist.
	■ Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
	■ Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
	■ Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

**“In fact, the environment does not encourage journalists to seek additional training. The improvement in professional skills is not adequately appreciated by employers and does not improve the position of the employees.”**

zations also were active in halting the passage of regressive changes to the Radio and Television Law. The Association of Bulgarian Broadcasters (ABBRO) or the Bulgarian Media Coalition (BMC) is consulted consistently on any potential changes to media legislation. The notable success of ABBRO and BMC is proof that trade associations are able to represent the interests of indepen-

dent media and provide valuable member services.

The nongovernmental organizations (NGOs) that support media have been relatively successful in interacting with the government and political forces influencing the media environment. However, these NGOs still are unable to provide all the needed protection for media freedoms. Supporting organizations are particularly weak in the print media, where they often compete against the owners’ interests. The owners are protected by the vaguely defined employment contracts of the print journalists.

Professional associations that protect the rights of journalists include only limited memberships, which leave them weak. “We have the Union of Bulgarian Journalists, but it does not provide any services to nonmembers. It does not offer any protections,” a panel member said. There are no signs of improvement.

Bulgarian universities still do not provide the level of education or the substantial practical experience needed by young journalists. Other options are extremely limited in Bulgaria and would not exist at all without donor support. Very few media outlets have any kind of in-house training.

Professional training for Bulgarian journalists is generally available. Nevertheless, some training programs are either ineffective or improperly targeted. As one panelist explained, “In fact, the environment does not encourage journalists to seek additional training. The improvement in professional skills is not adequately

appreciated by employers and does not improve the position of the employees.”

In 2003, the private ownership of distribution channels and printing facilities continued to lend strong support to media sustainability in Bulgaria. There are no limitations on the free and unobstructed publication and distribution of information.

## **Panel Participants**

**Yassen Boyadjiev**, program director, Inforadio; cofounder and chairman, Free Speech Civic Forum

**Vesselin Dimitrov**, professor, Faculty of Journalism and Mass Communications at Sofia University

**Stoyana Georgieva**, head, *Mediapool* electronic daily

**Georgi Koritarov**, journalist and political analyst, Radio Free Europe/Radio Liberty

**Georgi Lozanov**, professor, Faculty of Journalism and Mass Communications at Sofia University; member, Council of Electronic Media (CEM)

**Konstantin Markov**, general manager, Radio Tangra; chairman, Association of Bulgarian Broadcasters (ABBRO)

**Yovo Nikolov**, special correspondent, *Kapital* weekly; cofounder, Bulgarian Association of the Investigative Journalists

**Dimitar Sotirov**, journalist, executive director, Bulgarian Media Coalition (BMC)

**Boiko Stankushev**, television anchor, executive director, Union TV

**Vessela Tabakova**, professor, Faculty of Journalism and Mass Communications at Sofia University; head, Center of Independent Journalism (CIJ)

**Mira Yanova**, executive director, MBMD Polling Agency

## **Moderator**

**Rumiana Bachvarova**, director, Media Links Polling Agency



**“The fact is that no media outlet can give a reader full information on relevant events in the country,” a panelist commented. “If I don’t read five newspapers in one day, I don’t know what really happened.”**





## Introduction

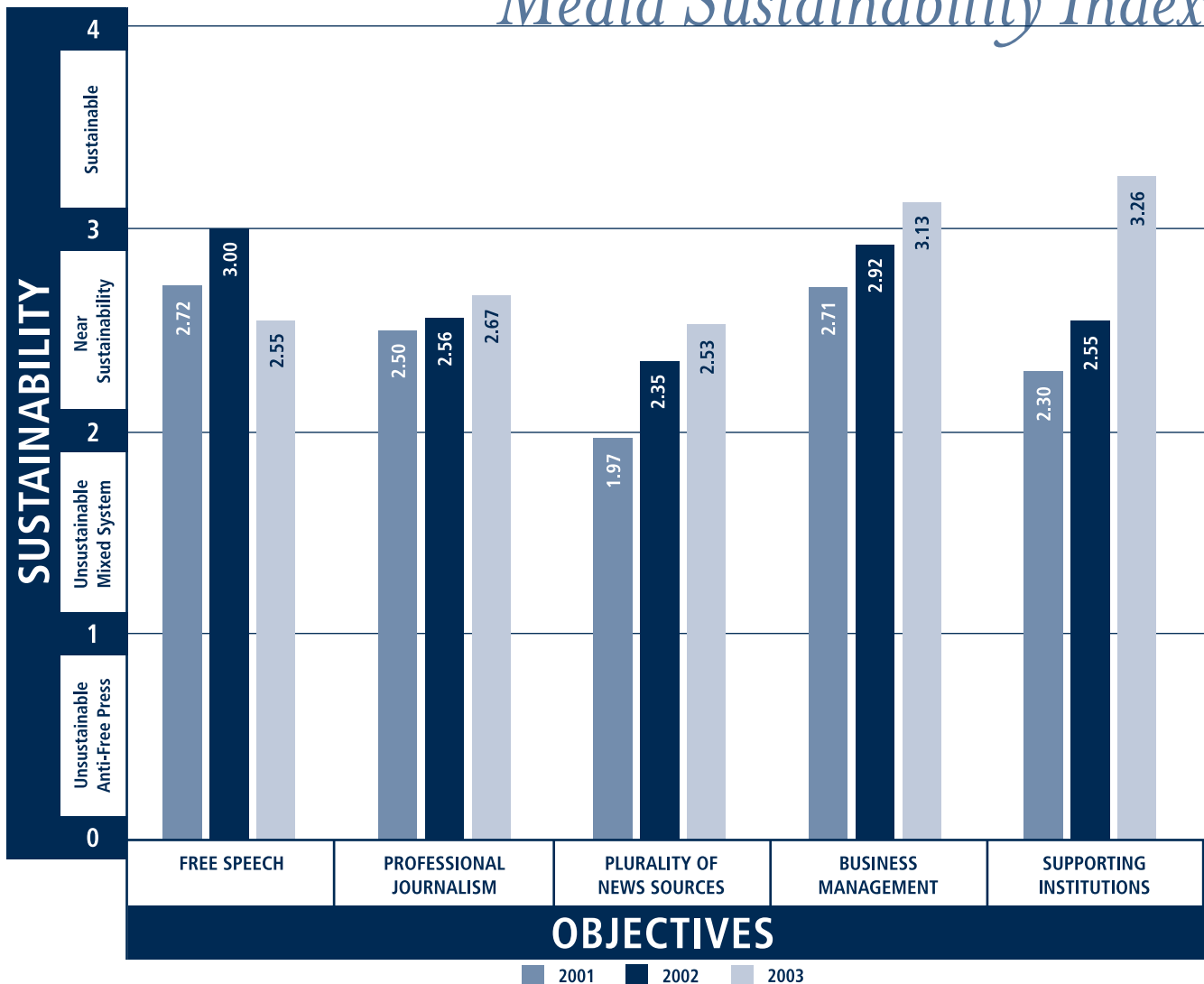
**T**he media landscape in Croatia has changed profoundly since the 1999–2000 elections, as Croatia has built democratic standards and improved its image within the international community. There now is little evidence of the direct pressure, harassment, extortions, and arbitrary prosecutions of the media that characterized the 1990s. Overall, media freedom was better protected in 2003 than at any time during the 12 years since Croatia was internationally recognized as an independent state in January 1992.

In the November 2003 general elections, parties that formed the center-left coalition government were defeated by a resurgent Croatian Democratic Union (HDZ), the center-right party that was dominant in the 1990s under the leadership of then-President Franjo Tuđman. Although some feared that the HDZ's return to power could result in increased control over the media, there has been no immediate evidence of this happening. The new party leadership at HDZ is presenting a new image of the party to the international community—one that is more democratic and more respectful of human rights and media freedoms. HDZ has stated its ambition to bring Croatia closer to the European Union (EU), which in return should be a strong guarantee that it will not repeat the mistakes of the past.

However, the start of the new government's mandate was not without incident for the media. The Minister of Foreign Affairs intervened with the Croatian news agency (HINA), accusing a journalist of not reporting objectively about his visit to the EU in Brussels. There were also physical attacks on Croatian newspaper editors and media owners. Although none were killed, the assaults were severe enough to raise concern, especially because the police failed to make any arrests and there was no indication when—or if—the cases would be resolved. In addition, there remains controversy surrounding the major new media statutes passed by the Croatian Sabor, or parliament, after thorough discussion by media professionals and the wider community. Among the laws passed were those on media, electronic media, Croatian Radio Television, and access to information.

# Croatia

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

The most significant change in the media landscape has been initiated by the privatization of the third channel of Croatian Television, HTV 3. The competition for the privatization of HTV 3, which took the form of reallocation of the frequencies it used to a new concessionaire, was extremely intense. The Council on Radio and Television ultimately awarded the frequencies to HRTL, a Croatian-based company with German commercial television channel RTL as its principal individual owner. The new television station shook up the broadcast media scene by creating a market for new skills and services. It remains to be seen if the new channel will become a serious competitor to HTV, as the state broadcaster has now been reduced to two channels.

In the print media sector, no new dailies or weeklies launched. In November 2003, the Catholic publishing house started a monthly news magazine, *Puls*, but the publisher closed it after only three editions. The editors cited disagreement with the publisher on editorial policy as the main reason.

Internet in Croatia is playing an increasingly significant role as an information source, with an estimated four-fold increase in users since 2000—to about 800,000 subscribers<sup>1</sup> of online services in a country of approximately 1 million households. The first Internet news service ([www.index.hr](http://www.index.hr)) was founded in July, providing news taken from about 100 Croatian websites. Opening the portal, the creator, Matija Babić, said: “We are challenging the traditional media, because we started with a service that promotes new and almost unlimited possibilities.”

## Objective 1: Free Speech

**Croatia Objective Score: 2.55/4.00**

Most Media Sustainability Index (MSI) panelists agreed that there is a detailed legal framework for freedom of speech in Croatia. Still, certain obstacles remain. These include continuing attempts from political parties to influence the media, although not in as open or systematic a fashion as during the 1990s. Journalists remain reluctant to speak openly in many situations, a remnant of the former system. “Despite the legal framework, which is quite good, the atmosphere in society makes it sometimes seem like the freedom of speech is blocked,” observed one panelist. “Before, in the 1990s, we had polarization of opinions. We had two sides, one of which tried to get through with liberal ideas and exposing the

facts. The other official side was trying to prevent and control it. But in the last four years, yesterday’s liberals started to prevent free speech.”

Libel persists as one of the crucial legal problems facing media; more than 800 cases against Croatian journalists are still pending in the courts. Libel also remains a serious issue because of low ethical standards and blatant privacy violations on the part of the media. Libel falls under the penal code in Croatia, although there have been efforts to transfer it to the civil code. An initiative by local nongovernmental organizations (NGOs), international media watchdog institutions, and the Croatian Journalists’ Association (CJA) have made no progress. However, no journalist has been convicted of libel to date. As one panelist quipped, “Why should

**“Why should we have a journalist in prison when we have no criminals in prison?”**

### Legal and social norms protect and promote free speech and access to public information

#### FREE SPEECH INDICATORS

- Legal/social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

<sup>1</sup> From the National Statistics Bureau Annual Statistics Manual.

## **“Unlimited access to vital public information is something that still doesn’t exist in Croatia.”**

give civil society more of a role in electing members of regulatory bodies. Currently, appointments are made by parliament and the government, making the bodies potentially susceptible to external political influence.

Licensing of the broadcast media is considered to be fair, competitive, and apolitical. But at the regional and local level, media still are vulnerable to political pressure. One panelist commented: “It is very hard to judge if the local broadcast media are independent or not even after the new Law on Electronic Media has been passed. The new law stipulates that 3 percent of license fees go to the fund for the pluralism and diversity of the local and regional media to stimulate news and other quality production on the local level. At the same time, there is no council or body appointed to decide who would get those funds and what the criteria are for the media to deserve that fee.”

MSI panelists disagreed about whether market entry rules and the tax structure for media are fair and comparable with other industries. The value-added tax (VAT) of 22 percent for newspaper publishers is the highest in Europe. Most panelists believed that there should be no VAT at all for newspapers, noting that there is none on books. The Association of Newspaper Publishers has started an initiative to reduce the VAT for newspapers. By contrast, some panelists commented that market entry should be the same for all industries, including media, but generally they agreed that it is relatively fair. As one panelist stated, “I don’t believe that domestic or foreign investors would buy or invest in media here if they brought only losses. Regarding the profit that media enterprises make and the salaries of the journalists in Croatia, the situation is positive.”

Attacks against journalists, editors, and media owners increased during 2003, but no assailants were captured. On March 2, 2003, a bomb exploded under the

we have a journalist in prison when we have no criminals in prison?”<sup>2</sup> Panelists also stressed the need to change provisions in the Law on Electronic Media and the Law on Croatian Radio Television to

car of Ninoslav Pavić, owner of the biggest private Croatian publishing company, Europa Press Holding (EPH). He was not in the car, and there were no other victims. In September 2003, unknown persons assaulted Andrej Maksimović, a former journalist at the weekly *Nacional* and former editor of the local television station OTV in Zagreb. A month later, Maksimović was beaten again. Only 10 days later, Zdravko Jurak, one of the founders of EPH, was attacked near his house. Jurak has not actively practiced journalism since 1996 and currently runs his own non-media business. One of the best-known Croatian journalists, Denis Kuljiš, currently editor-in-chief of the Croatian edition of *Playboy*, was assaulted at his home. On December 17, 2003, Ivan Čaleta, a member of the managing board and co-owner of private national television channel Nova TV, was shot in the legs while he drove his car in Zagreb. No suspects have been identified in these cases.

Kuljiš accuses the police of not investigating the incidents: “They have not done anything. I have talked with different people in the police hierarchy, including high-ranking officers. They told me that in such crimes, their hands were tied. But when talking to politicians about these attacks, they described these crimes as police cases, or something that government or politicians shouldn’t deal with.” Another panelist agreed that prosecution of such attacks is not efficient, but referred to other cases in which the police had prevented crimes against journalists.

State media can now generally be considered “public” because they no longer receive preferential legal or financial treatment. Only one newspaper, *Vjesnik*, has gotten financial support from the government, but there was no interference in the editorial policy. Another state-owned newspaper, *Slobodna Dalmacija*, is close to privatization. The public television channel HTV earns about half of its revenues from advertising and the other half from a tax the government collects from citizens who own televisions and radios. There are no direct government subsidies to HTV. However, one panelist warned that the law giving political parties the ability to appoint members to the Council on Radio and Television does not have sufficient safeguards to prevent the exercise of that power. “I am not saying that it happens, but it is possible,” the panelist said.

One panelist noted that the two last media research projects conducted by the Croatian Helsinki Committee were quite positive regarding the objectivity and impartiality of public media. Just four years ago, Puls, an independent market-research agency, found that 73 percent

<sup>2</sup> The Constitutional Court invalidated amendments to the penal code that criminalized defamation. As of January 2004, defamation is treated under the civil code again.

**“If you take daily or weekly newspapers, there is such a large amount of all kinds of different news—show business, entertainment, sports, all types of marginal events—that it is difficult anymore to realize what is the real and relevant news.”**

difficult to get material from the ministries and other government sources, except during press conferences. Most of the important information is still available only through private sources. “Unlimited access to vital public information is something that still doesn’t exist in Croatia,” one panelist said. Cited as an example was information relating to the privatizing of former state- or publicly owned companies, a critically important process during the 1990s about which full information still is not available. “In communicating with government or ministries, journalists always have to face that famous PR situation,” said a panel member. “In this country, the spokesperson usually doesn’t know or doesn’t want to answer the question. Furthermore, answering questions is not always what a spokesperson is supposed to do. It is my feeling that spokespeople are hired by the institutions only as a firewall against journalists and the public.”

There are no restrictions on access to international news and foreign news sources. CNN, BBC, Radio Europe, Voice of America, Deutsche Welle, and many other global news providers are available via satellite or are rebroadcast by local radio stations. International news agencies such as Reuters, The Associated Press, and others provide services on a subscription basis, but without any legal limitations.

There are no government-imposed restrictions on professional credentials and issuing licenses to journalists. The CJA issues press credentials to journalists independently of the government or any other political authority.

of media consumers did not trust the media. The last research by Puls, published at the end of 2003, showed that had reversed almost entirely, with 64 percent of people saying they believe the media. Of this group, 80 percent said they believe the electronic media more than the print media.

Access to information continues to be problematic. It is generally

## Objective 2: Professional Journalism

**Croatia Objective Score: 2.67/4.00**

Because access to information remains difficult, many news reports are not completely accurate. Panelists said that a large number are either partially fact-based or pure fabrications and that journalists do not always verify available information or properly quote their sources. “The fact is that no media outlet can give a reader full information on relevant events in the country,” a panelist commented. “If I don’t read five newspapers in one day, I don’t know what really happened.”

The lack of professional ethics in Croatian journalism is a controversial issue. Journalists and the CJA have come up with their own code in response to pressure from government, lobbyists, and financial groups. Journalists are obliged to work under these ethics provisions, which were designed to conform to the best European practices. The CJA formed a committee to monitor ethics-related issues in the media, but it was not very active during 2003, despite many obvious breaches of ethical conduct in the print and broadcast media. The panelists also discussed one of the most crucial issues of ethical and professional standards: hate speech. One

### Journalism meets professional standards of quality

#### PROFESSIONAL JOURNALISM INDICATORS

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

**“The independent news agencies disappeared not because someone stopped them, but because there was no one to finance their work and no interest within the market to support them.”**

zine published sexually explicit photos of a female journalist in her own bedroom, and a television broadcast revealed personal information of an HIV-positive girl.

“Self-censorship is a way of survival because our media are still under the effective control of political lobbies,” one panelist contended. Another disagreed, saying that while self-censorship occurs, it results more from fear among media outlet owners than from political pressure. In any case, many journalists are still afraid to report all the facts. But compared with the 1990s and previous years, panelists agreed, the situation has improved.

Journalists cover most key political, economic, and social issues sufficiently, the panel concluded, although some members repeated concerns about the professional quality of the coverage.

Salary levels for media professionals are relatively high, but that does not necessarily preclude the possibility of corruption, panel members said. Nonetheless, it was noteworthy that even journalists working on a part-time basis can earn more than medical specialists with extensive training. “Of course, we cannot compare our salaries with European wages, but we can compare them with the salaries of other professions in Croatia—doctors or engineers, for example,” said one panel member.

Independent media outlets generally place greater emphasis on entertainment programming as compared with news and information, and some panel members expressed concern about this trend. “We are witnessing a process of the total trivialization of the public scene,” one said. “If you take daily or weekly newspapers, there is such a large amount of all kinds of different news—show business, entertainment, sports, all types of marginal events—that it is difficult anymore to realize what is the real and relevant news.” Another panel member described television news as “one or two relevant politi-

cal news items, and all the rest are unimportant features just to fill the 30-minute news format.” But other panelists countered this assessment, saying that for today’s readers, viewers, and listeners, “relevant information” does not necessarily have to be limited to political events.

panelist stated, “Compared to previous years, hate speech has been almost eliminated from the public discourse. But some journalists have too much interest in violating people’s privacy, including those people who are not in the public eye.” For example,

one weekly maga-

zine published sexually explicit photos of a female journalist in her own bedroom, and a television broadcast revealed personal information of an HIV-positive girl.

“Self-censorship is a way of survival because our media are still under the effective control of political lobbies,” one panelist contended. Another disagreed, saying that while self-censorship occurs, it results more from fear among media outlet owners than from political pressure. In any case, many journalists are still afraid to report all the facts. But compared with the 1990s and previous years, panelists agreed, the situation has improved.

Journalists cover most key political, economic, and social issues sufficiently, the panel concluded, although some members repeated concerns about the professional quality of the coverage.

### **Objective 3: Plurality of News Sources**

**Croatia Objective Score: 2.53/4.00**

Multiple public and private news sources are available in Croatia. Financial resources govern how people make use of these sources, with television providing information to a substantial portion of the population due to the relatively high cost of print media. Foreign press titles are freely available, but not many can afford them. On the other hand, the Internet has begun to play an increasingly significant role as a source of information in Croatia.

Panel members said that public media still are not open enough to alternative views, with editors and journalists not seeing their role as serving the public interest in a nonpartisan manner. Public media also were criticized for not being open enough to minorities and minority issues. However, public media were seen as partially covering a gap by offering educational, children’s, and cultural programming. Independent broadcast media on both the local and regional levels are obliged to produce and broadcast their own news programs.

The Croatian media market is not large enough to support multiple news agencies. This is due partially to the success of HINA, a large, formerly government-owned news agency that provides domestic and international news stories and features for radio and television stations and newspapers. Although HINA is not com-

<b>Multiple news sources provide citizens with reliable and objective news</b>	
<b>PLURALITY OF NEWS SOURCES INDICATORS</b>	■ A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
	■ Citizens' access to domestic or international media is not restricted.
	■ State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
	■ Independent news agencies gather and distribute news for print and broadcast media.
	■ Independent broadcast media produce their own news programs.
	■ Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
	■ A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

pletely independent, it provides a professional service that is relatively affordable. There are smaller news agencies, including STINA and AIM, but they would not be likely to survive without the support of international organizations. “The independent news agencies disappeared not because someone stopped them, but because there was no one to finance their work and no interest within the market to support them,” a panelist said.

Although ownership transparency is required by law, it remains difficult or impossible to determine the real owners of some media outlets. This applies to some of the larger and more influential outlets, such as the only private national broadcaster, Nova TV. An ongoing case before the Commercial Court in Zagreb seeks to determine who the real owners and managers of the company are. Even when the former Council for Radio and TV awarded Nova TV its national broadcasting license, there was no reported ownership structure of the company.

There are no specific regulations regarding the share of broadcast media ownership in Croatia. Antimonopoly rules are based on general competition legislation that is valid for all commercial enterprises. The Agency for the Protection of Market Competition is the official state authority regulating market monopolies, which also includes monitoring of the media sector.

Both social and human-interest stories continue to increase in volume. A weekly program on public tele-

vision features ethnic minorities in Croatia and reports on events in their communities. However, minority issues are not present at all in other programs, especially newscasts. “The minorities are driven to the ghetto,” one panelist observed. “They get some financial aid from government to do some magazines that no one reads and have zero impact. They are excluded from general public communications, sometimes by their own will.”

## **Objective 4: Business Management**

### **Croatia Objective Score: 3.13/4.00**

Tisak, the major national media distributor, is efficient despite the fact that it is the only large operation in the country. Tvornica Duhara Rovinj, *Večernji List* (the national daily with the highest circulation), and EPH each hold a 25 percent share in Tisak. The remaining 25 percent is held by the government and smaller shareholders. Other distribution channels such as the regional dailies *Slobodna Dalmacija*, *Novi List*, and *Glas Slavonije* also are active.

Panelists agreed that the media receive revenue from a multitude of sources. However, local radio and television stations in the regions are sometimes supported by local governments, apparently in exchange for favorable coverage of the authorities. While this is

<b>Independent media are well-managed businesses, allowing editorial independence</b>	
<b>BUSINESS MANAGEMENT INDICATORS</b>	■ Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
	■ Media receive revenue from a multitude of sources.
	■ Advertising agencies and related industries support an advertising market.
	■ Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
	■ Independent media do not receive government subsidies.
	■ Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
	■ Broadcast ratings and circulation figures are reliably and independently produced.

**“We organize workshops, but there is little interest, especially among owners and editors, to send people,” one panel member said. “This is extremely surprising. It looks like there is no need for better-educated journalists, because you can always sell a lesser-quality product.”**

a fairly established practice, panelists found it worrisome. According to the new Law on Electronic Media, local radio and television stations are to receive financial support in order to fulfill their public service and to maintain their independence. In regional print media and larger national dailies, by contrast, revenue is obtained from varied sources, which results in more objective coverage.

Advertising agencies and related firms that support the advertising market in Croatia are relatively well developed. The Law on Electronic Media limits advertising time for the commercial television stations to 12 minutes per hour. Advertising income does not make up more than half of an outlet’s overall income in the print sector. However, many publications are experiencing growing ad revenues. In the broadcast media, commercial outlets derive all of their income from ads, while HRT earns 60 percent from ads and the rest from the mandatory subscription fee. The total volume of the advertising market for print and broadcast is estimated at \$400 million for 2003. This number represents 100 percent growth from 1999.

While not enough market research is used by media in Croatia, it is starting to be taken more seriously. Market research on the local level is much less developed. EPH uses a variety of research tools and agencies, including Puls and Media Meter. Recently, HTV has been using People Meter technology in audience surveys, which has substantially improved the accuracy of the data.

It is very difficult to obtain the exact circulation numbers from the publishers, as the CJA has discovered. Lack of circulation data is one of the main obstacles for Croatian publishers to join international media organizations. “In the three and a half years that I’ve worked in Croatia, I could never get reliable circulation figures.

From everyone I spoke to, I got different figures,” said a panelist. Another added, “The World Association of Newspapers lists an estimated 590,000 printed copies for the daily newspapers in Croatia. After deducting about 30 percent of the returns, the number of sold copies would be 450,000. According to the statistics, each newspaper is read by almost three people, so the total number of the readers should be around 1.3 million. This number is more than 25 percent of the Croatian population. This means that politicians are lying when they say that only 7 percent of the population in Croatia reads newspapers.”

The audience data for broadcast media tend to be more transparent and reliable, especially after the introduction of People Meter technology, which shows exactly how many viewers watch a certain program. Even so, there have been concerns about the reliability, and local-level market research is much less developed.

## Objective 5: Supporting Institutions

**Croatia Objective Score: 3.26/4.00**

Trade and professional associations support various interests within the media sector. One example is the Association of the Commercial Broadcasters, which actively lobbied for the new Law on Electronic Media. This law allocates 3 percent of the tax on television and

### Supporting institutions function in the professional interests of independent media

- |   |   |
|---|---|
| <b>SUPPORTING INSTITUTIONS INDICATORS</b> | ■ Trade associations represent the interests of private media owners and provide member services.                 |
|   | ■ Professional associations work to protect journalists’ rights.  |
|   | ■ NGOs support free speech and independent media.   |
|   | ■ Quality journalism degree programs that provide substantial practical experience exist.                         |
|   | ■ Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills. |
|   | ■ Sources of newsprint and printing facilities are private, apolitical, and unrestricted.                         |
|   | ■ Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.      |



radio sets to local broadcasters, which should increase the quality of local productions and prevent regional governments from controlling media in their areas.

Both the CJA and the Journalists' Trade Union (JTU) work to protect journalists' rights. While the CJA concentrates on the Law on Access to Information, the JTU focuses on employment and the national collective labor contract. Both groups are relatively efficient and maintain good relations with counterpart organizations in the EU and other transitional countries in Central Europe. CJA has a national educational center in Opatija, which regularly organizes meetings and workshops. One of the panel members stated that Croatia has the best legal infrastructure in terms of media law in Eastern Europe. Currently, the collective labor agreement applies only to big publishing groups like EPH and *Večernji List*. However, organizations are now working with trade unions on a national labor agreement that applies to all independent media.

The CJA took part in drafting some of the most important media laws, including the Law on Media, the Law on Radio and Public Television, the Law on Electronic Media, and the Law on Access to Information. Panelists mentioned the protection that CJA is providing for journalists as one of its most important achievements. CJA also has established a pension fund for media workers.

There are numerous media-support NGOs working to ensure that freedom of speech is guaranteed. The Croatian Helsinki Committee has a special body for media monitoring, including tracking incidents of hate speech and nonprofessional behavior by the media in general.

The quality of journalism degree programs available in Croatia varies. Some panelists believed that the number of quality professional journalism programs is insufficient. Others pointed to improvements during the past two years in the Journalism Studies program at the Department of Political Science at Zagreb University. Since 2002, for example, students have been able to specialize in print, radio, or television journalism; a radio station and television studio at the journalism department give students practical training. Nonetheless, one panelist was very critical of this program, especially the theoretical instruction, which he described as "unclear" and "useless."

There are short-term training institutions and programs that allow working journalists to enhance their skills. "We organize workshops, but there is little interest, especially among owners and editors, to send people," one panel member said. "This is extremely surprising. It looks like there is no need for better-educated journalists, because you can always sell a lesser-quality product." Some panelists noted the need for more training for managers, suggesting that their reluctance to send staff to workshops signaled concern that they would be found to be less knowledgeable than their employees.

## Panel Participants

**Alessandro Fracassetti**, OSCE Croatia

**Ante Gavranovic**, president, Association of Publishers

**Emil Havkic**, lawyer (media law specialist)

**Denis Kuljis**, journalist

**Dragutin Lucic**, president, Croatian Journalists' Association

**Tena Perisin**, editor, HTV; professor, Faculty of Journalism, University of Zagreb

**Anja Picelj**, U.S. Embassy

**Omer Rak**, media specialist, Croatian Helsinki Committee

## Moderator

**Tena Perisin**, professor, Faculty of Journalism, University of Zagreb



**“Kosovo media outlets have not yet incorporated modern market research and promotional methodologies to help steer their business development strategies, but they are on their way to adopting them,” a panelist said.**



## Introduction

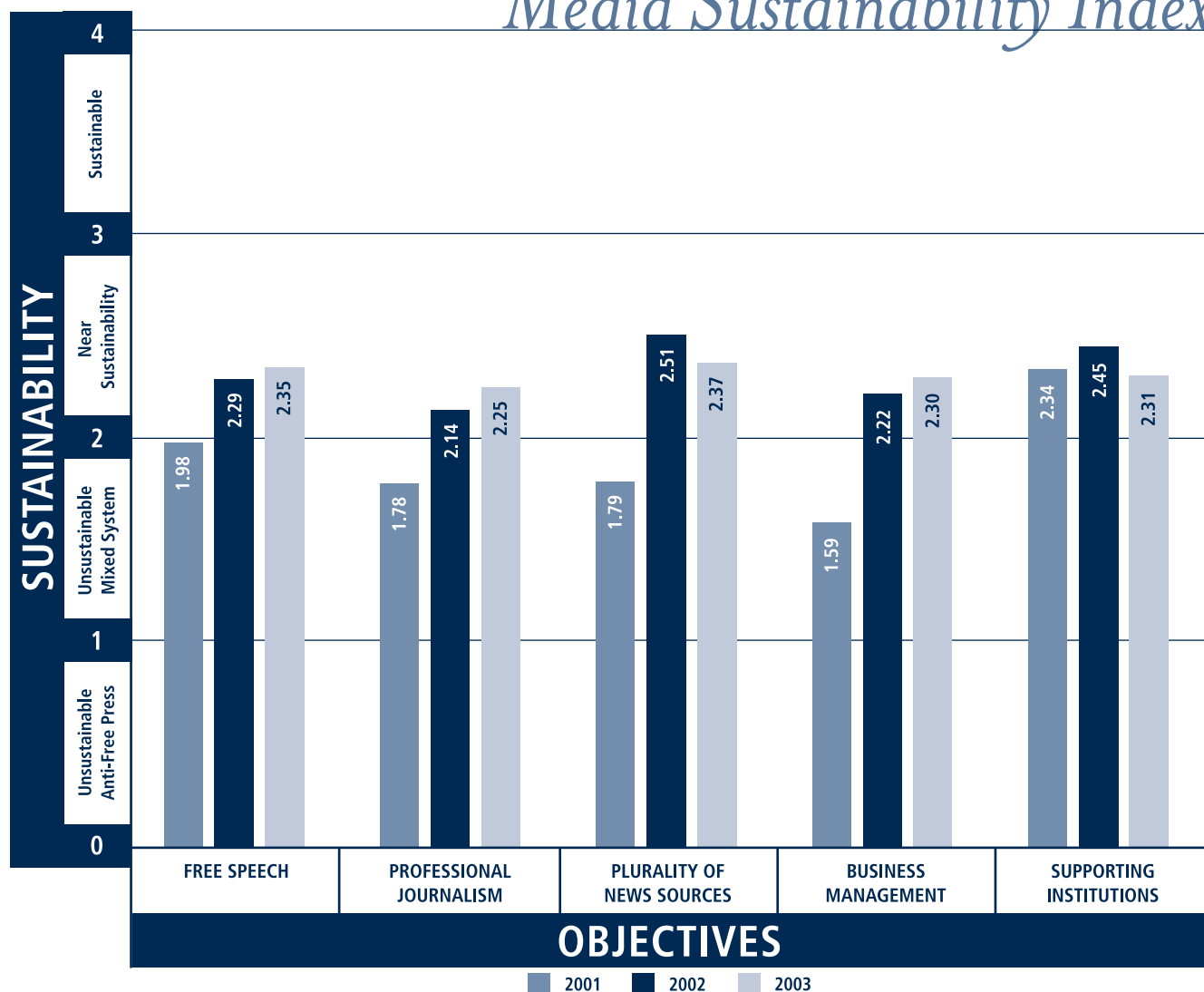
**T**

he United Nations Interim Administration Mission in Kosovo (UNMIK) was established by the UN Security Council Resolution 1244 of June 10, 1999, ending a decade of oppression under the rule of former Yugoslav president Slobodan Milosevic and a year of conflict in Kosovo. UNMIK is headed by a Special Representative of the Secretary-General of the UN (the SRSG), who is endowed with a mandate to ensure “substantial autonomy.” Other current governing institutions are the Kosovo Provisional Institutions of Government (PISG), which emerged as a result of elections in November 2001. While the PISG have significant governing responsibilities, the SRSG retains a number of specific reserved powers on vital issues such as external relations, the administration of public, state, and socially owned property/enterprises, protection of the rights of communities, and security. The strongest media outlet in Kosovo, the single public broadcaster RTK (Radio Television Kosovo), is also a reserved power of the SRSG.

Kosovo, a region with approximately 2 million inhabitants, hosts one of the highest concentrations of media outlets in the region. The media map includes five daily newspapers, several magazines, and 112 broadcasters, including three Kosovo-wide television stations, four Kosovo-wide radio stations, 15 more with relatively broad reach, and 90 other broadcasters with local audiences. Four years after the North Atlantic Treaty Organization (NATO) bombing and the retreat of Serbian forces, the international community continues to oversee the regulation of media. Authority rests with the Temporary Media Commissioner (TMC), run by the United Nations (UN) and the Organization for Security and Cooperation in Europe (OSCE) until its eventual successor, an indigenous Independent Media Commission, takes over media regulation for the long term.

# Kosovo

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

## Objective 1: Free Speech

### Kosovo Objective Score: 2.35/4.00

The latest indicators regarding free speech in Kosovo reveal significantly increased optimism in comparison with previous years. The Media Sustainability Index (MSI) panel agreed that Kosovo has begun to meet many of the legal and social norms that protect and promote free speech, including access to information.

However, although the Kosovo Constitutional Framework guarantees freedom of speech, intimidation and pressure do occur. Journalists often receive verbal threats, though fortunately these rarely result in action. There were cases during 2003 in which both international and national institutions and the security forces violated the rights of Kosovars to the free flow of information. The lack of safety and social protection has had a negative impact on the overall quality of journalism, particularly in the field of investigative journalism,

which is still mostly lacking in Kosovo. Journalists who cover municipalities and who live outside urban areas are the most vulnerable. In too many cases, journalists have turned into “protocol” reporters, simply relaying official actions in what MSI panelists defined as a form of self-censorship. The panelists concluded that despite legal guarantees, the situation on the ground leaves much to be improved.

While violent attacks on journalists rarely occur, public outrage against such incidents remains alarmingly low. Obvious progress has been noted concerning serious crimes in 2003, a year in which no journalists were killed in Kosovo. However, the deaths of journalists killed in the immediate postconflict period remain unsolved, with no followup on whether these deaths were related to media coverage or other motives.

In 2003, the Special Representative signed the Assembly of Kosovo’s law on access to official documents. Several areas remain off limits to the public, however: matters related to the Special Representative’s areas of jurisdiction; information related to the government’s vital interests, including security, defense, the military, and external relations; and data on the 28 percent income tax paid into the Kosovo budget that the UNMIK administration controls. In addition, journalists who fall out of favor with government ministries or even international authorities often encounter barriers to their news gathering. In many cases, access to information depends on the quality of the connections a journalist cultivates within such institutions, quite often with sources whose demands for anonymity damage the credibility of the reporting.

The MSI panelists stressed, however, that both UNMIK and the PISG have established a promising legal framework. Several panelists emphasized that the laws and regulations technically meet the norms of European standards, while others suggest that two UNMIK regulations—2000/22 and 2000/37 (governing the conduct of print media)—restrict print media. A number of laws still must be passed to ensure sustainable media development. For example, copyright guidelines were introduced recently in response to the complaints of composers and writers that the media had been using their material without prior permission or compensation.

Media regulation remains the domain of the international community. Two years after the start of efforts to establish a domestic body, formation of the Independent Media Commission (IMC) continues to be delayed. This can be largely attributed to major disagreements between commercial and public television as well

Legal and social norms protect and promote free speech and access to public information	
FREE SPEECH INDICATORS	■ Legal/social protections of free speech exist and are enforced.
	■ Licensing of broadcast media is fair, competitive, and apolitical.
	■ Market entry and tax structure for media are fair and comparable to other industries.
	■ Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	■ State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	■ Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	■ Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	■ Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	■ Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

as international donors on whether the public broadcaster will have the right to sell advertising. Opponents maintain this would put commercial broadcasters at a disadvantage.

The international community is also responsible for media licensing. These procedures have been deemed fair overall and the criteria solid, though both the process and selection have been deemed less transparent than would be ideal. Several panelists pointed out that a monopoly exists in licensing, as the international bodies awarded initial broadcast licenses behind closed doors and without establishing a fair bidding process. In addition, owners of local radio stations believe that the licensing procedures are uncompetitive due to the small number of national frequencies allocated to Kosovo. With their national coverage making these outlets the preferred vehicles for advertising, small private radio stations say they are in a disadvantageous position. So far, no renewal of current licenses is seen in the near future.

Kosovo media outlets operate under the same conditions for market entry as other industries. The Temporary Media Commissioner emphasizes that there are neither special exemptions nor restrictions for media. No heavier tax burden for media has been applied, although media owners believe that the value-added tax (VAT) is unusually high for newspapers. Some media professionals feel that a lower tax rate should apply for media to compensate for profits lost to power outages and infrastructure problems.

The new criminal code defines libel and defamation as criminal offenses. According to the panelists, defamation should be incorporated into the civil law, as it is with most Western European countries. Currently, however, libel is still punishable by prison sentences.

Opinions were divided regarding the editorial independence of media outlets. According to one panelist, public media have not yet established the checks and balances necessary for preserving their independence from political and economic influences. According to the media commissioner, however, RTK, Kosovo’s only public television station, is generally insulated by the international community from partisan political influence. The MSI panel stressed that Kosovo society is excluded from the decision-making process regarding the appointment of the RTK board of directors—twice in the past four years, the OSCE and the UN unilaterally renewed contracts of some members—and the broadcaster’s independence will remain unclear until this is remedied. Although international assistance is decreasing, some panelists doubted the full independence of Kosovo media outlets because most continue to rely heavily on the remaining donor sup-

port. According to the media commissioner, however, the influence of donors is overestimated: Only 10 percent of media outlets receive such support, and funding continues to decline. Most panelists, however, emphasized that the crucial Kosovo-wide broadcasters, RTK, KTV, and TV 21, receive this 10 percent, making it a more important factor in considering donors’ influence over editorial policies.

Major print media outlets are in a better situation as they are becoming more economically sustainable. Even so, print outlets cannot always resist the influence of various interest groups.

The panel agreed that media outlets have unrestricted access to international news and news sources, although broadcasters tend not to make use of this material, choosing instead to rely on press releases and news conferences to set the coverage agenda. There are no restrictions on entering the profession of journalism.

## Objective 2: Professional Journalism

**Kosovo Objective Score: 2.25/4.00**

Kosovars view local media with strikingly different degrees of trust and satisfaction, a situation that is compounded by media’s varying sense of their own responsibilities to the public. Surprisingly, a recent survey

Journalism meets professional standards of quality	
PROFESSIONAL JOURNALISM INDICATORS	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

conducted by a private marketing research company, INDEX Kosova, revealed that a significant percentage of respondents placed greater trust in the media than in some of Kosovo's governing institutions, including UNMIK and the provisional government. The MSI panel, however, cast the situation quite differently: While quality reporting exists in Kosovo, biased and unprofessional journalism does as well.

Panelists agreed that the process of creating an independent, objective, and professional media is a work in progress, with some improvement in the timeliness and accuracy of reporting during 2003. However, the quality of content in both electronic and print outlets still suffers due to unethical conduct and a lack of professionalism on the part of journalists. Many reporters remain subjective, biased, and politicized. In many cases, the self-censorship practiced by both journalists and editors has become more a habit than a necessity. Panelists also mentioned that large ad purchases can lead to favorable print media coverage of companies.

"Electronic media continue to run primarily political topics from the official government point of view," said one panelist. The perception exists that some generally boring entertainment programs qualify as news bulletins. Local broadcast news also is poorly balanced. In general, the panel suggested that reporting lacks originality and a critical approach toward issues, in particular failing to select top stories well or handle breaking news. Many focus on routine political events, no matter what other pressing subjects more dramatically affect their audiences. For example, coverage of the high rate of unemployment (more than 40 percent in Kosovo) will rarely be the material for a headline; the frequent UNMIK or government news conferences are regularly given prominent positioning. According to a panel member, "In most cases journalists are loyal to politicians and political parties and forgo professional reporting in order to serve as a politician's mouthpiece."

While specialty reporting generally remains embryonic, Kosovo's major newspapers have begun to develop business and economic beats and do some investigative reporting as well. The lack of strong law enforcement and an inefficient judiciary system discourage investigations, particularly when neither journalists nor their sources find protection. And some outlets find the cost of such reporting too high. One of Kosovo's few investigative journalists, Fatmire Tërdevci, has the support of her newspaper, the daily *Koha Ditore*, when she faces pressure after some of her stories are published.

She recently was designated *persona non grata* in one government ministry and several years ago was accused by UNMIK of fabricating a story about illegal pipelines on the border between Kosovo and Montenegro, only to

have the story proven true a number of months later. Other media outlets, however, often discourage journalists from tackling issues in depth, and international and national authorities in Kosovo also do not support thorough airing of issues by refusing, for example, to provide data on corruption cases. On that issue, despite the authorities' claims to be battling corruption, the media are most often the first to reveal specific cases, only to hear official denials in response.

Many journalists find their work controlled by political and business interests. According to the panel, three of Kosovo's five newspapers exhibit bias or carelessness. Panelists emphasized that few journalists produce objective materials, failing to check facts or include multiple sources. During 2003, the media commissioner received 60 complaints, 90 percent of which concerned print media and overwhelmingly addressed the right of reply. Many of the complaints came from ordinary citizens who sought to protect their integrity from what they saw as careless journalism and improper sourcing.

Although the average journalist's income is about double the national average, the panelists agreed that it is not sufficient to increase professional standards and discourage corruption. Not only do pay levels lag behind those for media professionals in other parts of the world, but there is also a striking disparity in the salary levels of private and public media. At private media outlets, salaries are lower and sometimes not paid for several months. However, panelists noted that corruption is more of an issue among media owners than individual journalists.

Facilities at major media and many smaller local outlets are limited, but adequate. There is a problem with outdated technical facilities, with little investment in newer technology in order to achieve modern standards of news gathering and distribution. With many journalists still lacking necessary skills, the panel cited quality

**"Electronic media continue to run primarily political topics from the official government point of view," said one panelist.**

journalism training as an important factor in developing professionalism, and recommended the establishment of an academic journalism program.

### Objective 3: Plurality of News Sources

**Kosovo Objective Score: 2.37/4.00**

The number of media outlets in Kosovo has grown significantly over the past few years. Not all media outlets are self-sustainable and many rely on donor support, although the panel concluded that most have a good chance to survive in the long term. While Kosovo-wide media outlets have received much assistance, regional media outlets, especially a number of regional television stations with sizeable audiences, have benefited little from an international community that is seen as underestimating them. “Media in Kosovo are at a very early stage of their development as the watchdogs of the public good, but most are learning quickly how they can and should operate,” one panelist said. For some outlets, it has been more important to keep afloat than to provide objective, accurate information.

With five dailies and a variety of weeklies, there is some diversity among the Kosovo-wide newspapers. Two newspapers are closely aligned with political parties, while two others are clearly independent. Reflecting the poor economy—the Gross Domestic Product per capita is below €750—circulation is low, but readership is higher. The estimates for daily circulation vary due to lack of transparency by media owners in presenting these numbers. One panelist declared that despite remarkable joint efforts to rebuild the media and attract readers in postconflict Kosovo, overall sales of all five newspapers have not reached the “peak level” of a single daily Albanian-language newspaper published in the region 15 years ago. Illiteracy and low school-enrollment also account for reduced sales and readership.

Panelists suggested that Kosovars traditionally are inclined to watch television and listen to the radio, giving broadcast media an advantage compared with print. The panel believed that broadcast plurality is high with 112 broadcasters, including three Kosovo-wide television stations and four Kosovo-wide radio stations. However, 29 percent of Kosovars do not have access to national Kosovo-wide television stations because the terrestrial transmission system has not yet fully developed in certain areas. RTK is still the most-watched television station, followed by TV 21 and KTV. Among radio stations, private station radio Dukagjini remains the major player.

In general, urban residents enjoy greater access to a larger variety of media sources than those who live in more remote areas. This is especially true of newspapers and Internet news sources. There are no legal or political barriers preventing access to foreign news sources. In addition, major international Albanian-language programming (through Radio Free Europe, Voice of America, BBC, Radio France International, and Deutsche Welle) is rebroadcast by Kosovo stations. Cable television is neither well developed nor regulated, though satellite television is common. Economic factors inhibit the influence of international news sources, especially the Internet, but less so every year. While only 2.8 percent of Kosovo households had access to the Internet four years ago, experts estimate this number could be five times higher today.

The opportunity to represent the wide spectrum of public opinion exists, panelists said, but the media does not take advantage of it. A participant emphasized that “most journalists and editors have been employed based on their affiliation, rather than through an open, competitive process of selection.” UNMIK, the PISG, politi-

Multiple news sources provide citizens with reliable and objective news	
PLURALITY OF NEWS SOURCES INDICATORS	■ A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
	■ Citizens’ access to domestic or international media is not restricted.
	■ State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
	■ Independent news agencies gather and distribute news for print and broadcast media.
	■ Independent broadcast media produce their own news programs.
	■ Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
	■ A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.



cal parties, business interests, and, to a certain extent, civil society were among the groups panelists saw as influencing editorial policy. Of these, UNMIK maintains perhaps the strongest influence on the three Kosovo-wide television stations, not through direct interference but rather because inex-

perienced staff tend to follow the authorities blindly. The PISG wields less influence, though certain interest groups within political parties, and especially their leaders, have sought to determine the journalistic agenda. According to another panelist, the public broadcaster generally strives to balance its coverage of the main political parties, though its efforts to give all parties equal airtime at times seems “artificial” to some viewers. RTK devotes significant time to culture but at present offers very little educational programming. The main private broadcasters are also oriented toward public service, and through competitive pressure help ensure that RTK is as well.

KosovaLive and Kosovapress are the most active news agencies that gather and distribute news for print and broadcast media. KosovaLive is independent and considered reasonably professional. However, relatively few news outlets can afford this service without donor assistance or other financial support. Instead, many news media outlets use sources without proper rights.

The leading independent commercial broadcasters produce extensive news and talk-show programming, which meet the basic standards of professionalism. A number of local broadcasters also produce their own news in addition to using broadcasts of foreign news, including programming of the Serbian state broadcaster RTS.

Ownership of the major broadcasters is clear, but that is less true for major newspapers. There is cross-ownership between the leading and most professional newspaper in Kosovo (*Koha Ditore*) and the Kosovo-wide commercial television network KTV; both, however, are politically independent. Similarly, TV 21 has the same ownership as Radio 21. Some panelists noted that ownership of private media is concentrated mainly in family businesses, though most formed with the help of dona-

**“Media in Kosovo are at a very early stage of their development as the watchdogs of the public good, but most are learning quickly how they can and should operate,” one panelist said.**

tions during Kosovo’s postconflict period. While there is a lack of transparency regarding financial transactions, there appears to be no monopoly of media outlets. Ownership of small radio and television stations is as diverse as the stations themselves. Objectivity, the panelists concluded, is best judged by program content, not ownership.

A broad spectrum of social interests are reflected in leading outlets, although bias is clear in the two party-aligned newspapers, *Epoka e Re* and *Bota Sot*, which sometimes pursue a propagandistic approach. Programming is also available in all local languages. The public broadcast RTK is required to allocate time to minority-language broadcasts in Serbian, Bosniak, Turk, and Roma.

## Objective 4: Business Management

**Kosovo Objective Score: 2.30/4.00**

There have been dramatic changes in Kosovo media in recent years. New technologies have altered forever the way the public accesses information. The most significant challenge in measuring the impact of this, however, is the lack of accurate data. Generally, the panel believed that supporting institutions such as distribution networks and printing houses are open, stable, and successful. Media outlets themselves face greater difficulties. A

Independent media are well-managed businesses, allowing editorial independence	
BUSINESS MANAGEMENT INDICATORS	Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
	Media receive revenue from a multitude of sources.
	Advertising agencies and related industries support an advertising market.
	Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
	Independent media do not receive government subsidies.
	Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
	Broadcast ratings and circulation figures are reliably and independently produced.

**Radio enterprises in Kosovo are simply surviving. The panel generally believed that stations with local licenses are more oriented to their sponsor rather than their listener, a result perhaps of the struggle for the advertising that traditionally goes to nationwide broadcasters.**

profitability as well. There is a lack of data on where other daily newspapers and several magazines stand, and it is assumed that those who openly lean toward certain political parties are not financially independent.

The low circulation of newspapers remains a significant problem. Overall daily circulation is estimated between 20,000 and 25,000 domestically (not including distribution in the Albanian diaspora). With the average price of a newspaper in Kosovo at €0.30, advertising, sponsorship, and sales account for most revenue. Costs of newsprint, printing, and distribution pose particular problems for publications that struggle with sustainability, as does the system of distribution and delivery and high taxes.

Radio enterprises in Kosovo are simply surviving. The panel generally believed that stations with local licenses are more oriented to their sponsor rather than their listener, a result perhaps of the struggle for the advertising that traditionally goes to nationwide broadcasters. Claims of disadvantage exist not just between local and national broadcasters, but also among Kosovo-wide television stations, given that the public broadcaster RTK enjoys unlimited access to advertising. Some believe that RTK's ability to receive revenues from the government, donors, licensing fees, and advertising places private media in an unfavorable position. The two other Kosovo-wide television stations, KTV and TV 21, neither

variety of funding sources has not necessarily promoted better-run media. Thus, while some see a declining dependence on donors, others fear a further set of problems. Print media appears more successful than most broadcasters in reaching sustainability. For example, Kosovo's largest daily newspaper, *Koha Ditore*, is considered well managed and is generating a profit. The daily *Zeri* is moving toward

receive financial support from the government nor can they collect license fees. Yet while problems in managing media as for-profit organizations persist, the panel expressed optimism about media business development.

The MSI panel agreed that independent media is a cornerstone of good governance in Kosovo. The international community has supported the establishment of the only public broadcaster in Kosovo, which also is mandated to ensure minority rights are upheld, and it is important to ensure it has sufficient capacity to become fully sustainable. The panel agreed that other leading media, including KTV and TV 21, which both receive support from the international community, follow the standards of independent journalism.

Advertising agencies in Kosovo generally lack capacity, professionalism, and appropriate management education. A small number provide professional marketing services; even fewer offer a complete range of communications, brand and media strategy, advertising, new media, and technology solutions. Limited databases from these agencies provide some relevant information for major industries. Most services, however, are ad-hoc, aimed toward particular marketing projects, or concerned with brand-building. The government statistics office conducts some research, as do local companies Riinvest, Index Kosova, and Gani Bobi.

The panel viewed most media managers as needing further professional development, particularly in their ability to delegate responsibilities and to practice financial transparency. Media, however, do not limit advertising. They publish and air as many ads as agencies and other stakeholders can offer, though the price of the ads is high and their quality below conventionally accepted standards. Media do not offer marketing agencies attractive concrete strategies aimed at securing long-term business relationships. At the same time, marketing agencies did not examine media readership or audience until recently. "Kosovo media outlets have not yet incorporated modern market research and promotional methodologies to help steer their business development strategies, but they are on their way to adopting them," a panelist said.

Panelists recommended establishing standards to encourage a mature, sustainable independent media, including an association for media standards that would work toward, among other goals, banning cigarette advertisements and advertising that specifically targets children.

No ratings research has yet been conducted, and there is little reliable data from independent research.

## Objective 5: Supporting Institutions

**Kosovo Objective Score: 2.31/4.00**

Independent associations existed in Kosovo before the fall of communism, when most journalists were members of the International Federation of Journalists (IFJ) based in Brussels. They received membership through the Kosovo Association of Journalists, which was also a member of the IFJ in the early 1990s. Journalists then sought to replace the monopolistic system with a pluralist one, joining in new movements, independent trade unions, and political parties. A number of these journalists currently head the largest commercial media outlets in Kosovo today.

Throughout the decade of control under the Milosevic regime, the Kosovo Association of Journalists and the Independent Trade Union of Journalists survived despite economic struggles and daily dangers. During the 1998–1999 conflict, supporting media institutions were paralyzed, while association members fell victim to Milosevic’s mass expulsions.

In postconflict Kosovo, independent supporting organizations have had to start from scratch to unite a variety of journalists and media managers. Over the past four years, the international community and local journalists failed twice to create a workable association. The third attempt

led to the Association of Professional Journalists of Kosovo (APJK), a functioning association with a membership of more than 350 journalists. APJK does not yet collect membership fees, making it reliant on international donors. The organization, however, is looking for ways to better meet journalists’ needs while becoming fully independent and

sustainable. Last year, the association focused on attracting a broader membership, responding to threats to the rights of journalists, and providing legal and professional advice as well as advocacy. APJK also operated under an approved ethics code. The association is developing but remains at a starting stage, panelists said, and from a reactive to proactive approach.

Kosovo has two other media-support institutions: the Association of Independent Electronic Media of Kosovo (AMPEK) and a newly organized association of publishers. AMPEK’s mission is to represent the interests of independent broadcast owners, while the new publishers’ association is expected to represent the interests of their colleagues in print media. One panel member stated that AMPEK is “perceived as an active association that successfully articulates the interests of private broadcasters” while also serving as a strong voice for drafting and implementing copyright law among the media. Most other panelists, however, believed that these associations are too nascent to offer much support or protection.

Most nongovernmental organizations (NGOs) blossomed during the immediate postconflict emergency phase and have faced their own problems of consolidation. Now, four years later, the situation is improving, giving hope that they soon will be more deeply engaged in media and advocacy work. Some Kosovo NGOs, such as the Kosovo NGO Advocacy Program, actively promote the Freedom of Speech Act and have been advocating for establishment of the Independent Media Commission.

The Kosovo educational system still does not offer a formal university degree in media or communications. Short-term training is available, primarily through

**One panel member stated that AMPEK is “perceived as an active association that successfully articulates the interests of private broadcasters” while also serving as a strong voice for drafting and implementing copyright law among the media.**

### Supporting institutions function in the professional interests of independent media

#### SUPPORTING INSTITUTIONS INDICATORS

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists’ rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

the international community, while some larger media outlets have developed in-house programs. A panelist mentioned that short-term training can polish the skills of active journalists, but the MSI panel countered that such courses are too short to have any sufficient impact on the overall quality of journalism. Currently, one school of journalism exists, but according to the panelists, it does not offer an appropriate level of education. Most panelists agreed on the immediate need to establish an academic and mid-career journalism degree, and to develop journalism curricula.

Channels of media distribution, kiosks, transmitters, and Internet are in private hands and, in most cases, are apolitical and unrestricted. Broadcast transmitters are protected by the international community. Printing facilities are rarely subjected to political influence and mostly are recently established, for-profit organizations. Newspaper distribution is not geographically proportional, leav-

ing some rural areas without coverage and adding another key reason for low readership. Twenty years ago, Rilindja, Kosovo's single newspaper distribution company, had 450 kiosks across the entire Kosovo region; today, this is the number of kiosks in Pristina alone.

Although there are three national television stations, distribution of news for electronic media remains problematic. The nongovernmental Kosovo Terrestrial Transmission Network (KTTN) was initially created to serve the three Kosovo-wide television stations. The network is expanding its services, but at present, its towers only cover approximately 75 percent of Kosovo's territory. Frequent power cuts also affect the media's reach. According to recent audience research, 80 percent of respondents experienced power cuts during the week the survey was conducted. At times, almost one-third of those surveyed could not view television programs due to power outages.

## **Panel Participants**

*Sylejman Aliu*, editor and media analyst

*Ibrahim Berisha*, journalist and media analyst

*Robert Gillette*, Temporary Media Commissioner

*Argjentina Grazhdani*, Office of Democracy, USAID

*Visar Hoti*, general manager, Radio TEMA

*Blerim Krasniqi*, media advisor, IREX/Kosovo

*Genc Meraku*, chief executive officer, CITY Group Advertising Agency

*Naser Miftari*, president, Association of Professional Journalists of Kosova

*Ramush Tahiri*, political and media advisor, parliament of Kosova

*Fatmire Tërdevci*, investigative journalist, *Koha Ditore*

## **Moderator**

*Evljana Berani*, independent consultant

## **Coordinator**

*Behar Zogiani*, training coordinator, IREX/Kosovo



**“The constitution gives what journalists need for a free media, but journalists don’t fight enough, don’t demand information on the basis of the Constitution,” said a panelist.**



## Introduction

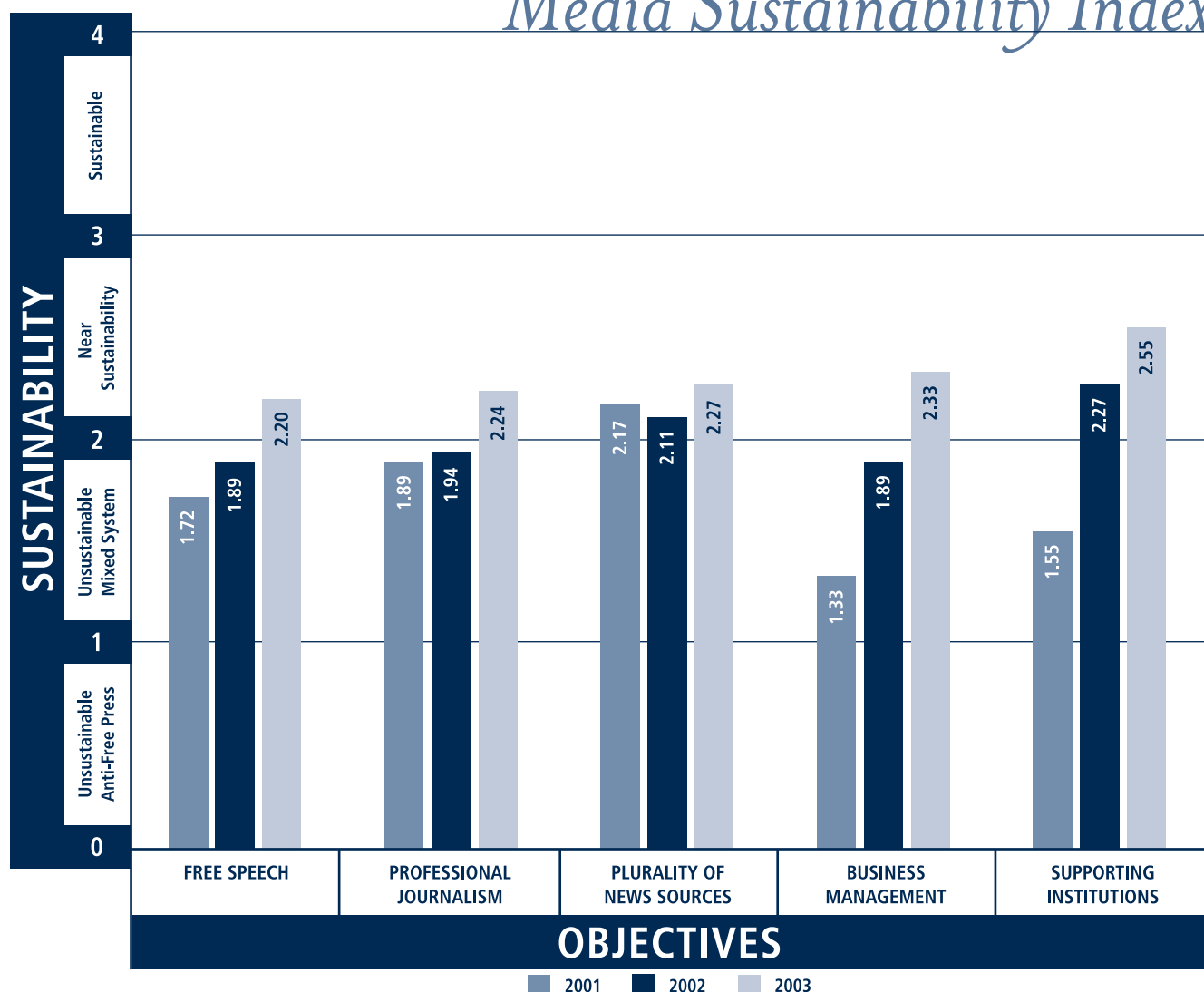
**F**or Macedonia, 2003 was an important year of stability and political consolidation. The September 2002 national elections brought to power a coalition government dominated by the Social Democratic Union for Macedonia (SDSM), led by Branko Crvenkovski, and the Democratic Union for Integration (DUI), the Albanian party formed by the leadership of the former Albanian National Liberation Army (NLA) and led by Ali Ahmeti. Despite a number of minor incidents, the coalition has held and the Framework Agreement that ended the conflict of 2001 is being slowly implemented.

However, for Macedonia's media community, 2003 was anything but stable. Significant changes have taken place that altered the media landscape, most notably in the print media. In July, the German media conglomerate Westdeutsche Allgemeine Zeitung (WAZ) bought a controlling stake in the three main daily Macedonian-language newspapers: *Dnevnik*, *Utrinski Vesnik*, and *Vest*. The combined daily circulation of the three papers is about 130,000 copies, comprising about 80 percent of the market. However, it is important to note that circulation figures are unreliable, as there are substantial differences between reported print-run totals and actual, sold copies. The transaction generated fear of dominance, both editorially and in marketing, by WAZ.

Then, in October 2003, the Macedonian courts declared as invalid the botched 2002 privatization of the state publishing house *Nova Makedonija*, thus ending a lengthy court battle and allowing the government to try again to sell it. As a result, its main titles, *Nova Makedonija*, *Vešer*, the Albanian-language *Flaka*, the Turkish-language *Birlik*, and a number of magazines, together with printing and distribution facilities, were put out to tender at the end of the year. Idea Plus DDB, a marketing company, bought *Vešer*, and Evro Azija Technicak, a large Turkish company, bought *Birlik*. Businessman Veap Ajro, whose brother Viat Airo is the deputy director of the government's Agency for Information, took on *Flaka*. All profess plans to revitalize their respective papers. In addition, a group of Macedonian businessmen, led by TV A1's owner Velija Ramkovski and former *Dnevnik* editor

# Macedonia

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions



Sašo Damovski, launched a new Macedonian-language daily, *Vreme*, in early 2004. Moreover, at least three groups are attempting to raise funds to launch another privately owned Albanian daily. Despite the fears of a monopoly on the market by WAZ, the print market appears vibrant, although it will take at least a year to assess the long-term viability of the new print media enterprises.

In the broadcast sector, the greatest change has taken place at state-run MRTV. Gordana Stošić was appointed executive director by the new government, and she has launched an ambitious program of reform, including job cuts. The government also accepted a new draft law on broadcasting that was drawn up by the Media Development Centre (MDC), a nonprofit organization that focuses on national media legislation, and made assurances that it will pass the legislation largely unchanged in 2004. This would result in major positive changes for the media industry, including real independence for MRTV, clear independence for a strengthened regulatory Broadcasting Council, and a greater likelihood that a copyright law and other regulatory controls will be implemented.

These changes have been reflected in this year's Media Sustainability Index (MSI), which records significant improvements. According to the panel, institutions supporting the independent media made the greatest progress toward sustainability. The panel acknowledged the achievements of groups such as the MDC and its work on the broadcast law as well as the Association of Private Electronic Media of Macedonia (APEMM), which has 110 members out of a possible 127 companies and effectively lobbies for the industry. The Macedonian Institute for the Media (MIM) successfully ran long-term training programs in preparation for the 2004 launch of a one-year journalism diploma course in partnership with IREX.

There was also marked improvement in the management capacity of media businesses. The panel noted the changes in print media ownership, the increasing professionalism of the broadcast media, the reforms at MRTV, and the widespread use of market-research material.

There was a mixed evaluation of the plurality of news sources, considered rather diverse for Macedonian-language media but not for Albanian-language print media and the national private Albanian-language broadcaster. The professionalism of journalism practice was seen as improving, due to a general rise in standards and the MIM's increasingly successful trainings.

Protections for free speech were not considered as strong as necessary, reflecting the fact that the broadcast law had not been passed, the drafting of a Law on Access to Information undertaken by Transparency International-Macedonia was unfinished, and self-censorship and interference in editorial independence continued to be prevalent.

In sum, media reform in Macedonia is progressing. The MSI reflects steady improvement, and the local institutions and infrastructure responsible for implementing and supporting this development remain strong. However, panelists warned that regression is still very possible. Powerful radical groups exist with little interest in a politically united and stable Macedonia or in the independent media that would be fundamental to this. Funding for media associations and supporting institutions remains volatile, and the industry is too weak to sustain them alone. MSI participants said continued strong assistance from the international community is essential for at least two, and possibly more, years to prevent backsliding that could all too easily occur.

**A panelist said,  
“The draft law deals with procedures in a way that citizens can exercise the right to seek information, but it does not tell the state what its obligations are in providing that information.”**

## Objective 1: Free Speech

**Macedonia Objective Score: 2.20/4.00**

Article 16 of the Macedonian Constitution protects freedom of speech. A 1997 law on broadcasting law exists—and although weak, it is not without protections. The criminal code is rigorous. However, enforcement of the laws and implementation of existing regulations remains a serious problem. Panelists warn that even if parliament passes an effective broadcast law in 2004, putting it into practice will be difficult because of inefficient bureaucracies and a weak judicial system.

Despite Article 16, journalists complain that there is no effective access to information. Old socialist traditions and a corrupt, inefficient civil service make it very

Legal and social norms protect and promote free speech and access to public information	
FREE SPEECH INDICATORS	■ Legal/social protections of free speech exist and are enforced.
	■ Licensing of broadcast media is fair, competitive, and apolitical.
	■ Market entry and tax structure for media are fair and comparable to other industries.
	■ Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	■ State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	■ Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	■ Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	■ Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	■ Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

difficult for working journalists to obtain government information. One panelist described Macedonia as “a closed state for information” and said this has increased with the new government because “they have appointed spokespersons in order to give statements that contain no information.” Panelists also put responsibility on the media: “The constitution gives what journalists need for a free media, but journalists don’t fight enough, don’t demand information on the basis of the Constitution,” said one panelist.

Drafting of an access to information law has been taken on by Transparency International-Macedonia, but not completed. A panelist said, “The draft law deals with procedures in a way that citizens can exercise the right to seek information, but it does not tell the state what its obligations are in providing that information.”

The government began amending Macedonia’s criminal legislation, causing concern for independent

media advocates because of the apparent intent to allow for imposition of jail terms in cases of defamation, libel, and slander. The Association of Journalists of Macedonia (AJM) intervened and appeared to persuade the government to refine its reforms and meet Council of Europe recommendations by keeping defamation, libel, and slander under the civil code, eliminating the possibility of imprisonment.

The licensing regime for the broadcasting industry remains under the control of the government. The Broadcast Council merely recommends to the government who should get a concession. However, the new broadcast law sent to the government for review and approval contains definite reforms that increase the independence of the Broadcast Council and its ability to function as an effective regulatory body.

During 2003, there was debate about the 10 percent broadcast fee, paid by the public via their electricity bill, which is allotted to “private” broadcasters for what is purported to be public-interest programming. This process involves the Broadcast Council’s recommending to the government which private broadcasters’ projects have merit and how much should be paid for them. In practice, however, the government strongly influences which stations get the biggest slices of the pie. Some small local broadcasters virtually live off their shares of the broadcast fees. The whole system is viewed as open to corruption and is a useful tool for manipulation of the media by governments and political parties, especially in local communities. Most of Macedonia’s 127 broadcasters are lobbying hard to keep the 10 percent and are furious that the broadcast law submitted to the government contains no such fund. International media-support organizations are advocating removal of the fund, but it remains to be seen if the government has the courage to give up such a useful political tool.

For the print media, the privatization of the state publishing house Nova Makedonija has dramatically

**One panelist described Macedonia as “a closed state for information” and said this has increased with the new government because “they have appointed spokespersons in order to give statements that contain no information.”**

reduced the government’s traditional influence. The broadcaster MRTV remains state owned, but it is in the throes of major reform. The initiative, led by Executive Director Gordana Stošić, appointed by the parliament and effectively the government’s choice, has produced real change with staff and budget cuts and an attempt to set up a single news-gathering service for the multilingual broadcaster. The new broadcast law also includes removing government control over management and editorial appointments and creating an independent, truly public, broadcaster.

Notwithstanding the described limitations, the legislative environment for the media remains reasonably good, with potential to improve significantly in 2004. The media can and do directly criticize the government. Journalists are largely free to do their work without fear of retribution. The business environment is not slanted against the private media by unfair taxes. There are no significant restrictions on the use of the Internet. The rebroadcast of foreign news programming is widespread. There are no restrictions on entry into the field of journalism. And the government is involved in what seem to be genuine efforts to reform media legislation and better implement existing legislation.

## Objective 2: Professional Journalism

### Macedonia Objective Score: 2.24/4.00

Panel members had divergent opinions about whether reporting by Macedonian media is fair, objective, and based on good sources. Some took the position that the media cover all main events, especially political issues, and that there is open criticism of the government. Others argued that the quality of coverage is poor, due to a lack of motivation caused mainly by low wages and weak editors and leadership. They also argued that stereotypes exist, especially regarding ethnic issues and relationships, and pointed out the differences in how different language groups report the same events. As a result, they contended, there is no fair or objective journalism. Said a panelist: “Do we always have both sides? I agree, generally yes. But if a Macedonian writes about a subject connected to Albanians, he writes about it negatively. If he uses an Albanian source, he misrepresents it. But it is even worse with Albanian journalists. They write without asking for a statement from the Macedonian source.”

The group said cases of outright corruption, such as “prewritten” and “prepaid” articles, were rare.

But they shared the opinion that owners, managers, and editors still exert far too much influence over editorial content. Most journalism was viewed as being too political, with not enough issue-based reporting. The media also were criticized for not setting their own agenda in terms of news coverage.

Opinions differed on the subject of journalists’ pay, with some saying journalists are reasonably well paid in a country where salaries are generally low. An average journalist’s salary in the regions is about €175 per month and in Skopje about €300 monthly. The national average monthly wage is about €200, by comparison. Albanian and Roma journalists usually are paid less, although it should be noted that the owners and managers of these media houses are Albanian and Roma. MRTV, the state broadcaster, also pays generally less than

**“Journalists in Macedonia are afraid of politicians, afraid for the financial existence of their media, and afraid to lose their jobs,” said a panel member.**

Journalism meets professional standards of quality	
PROFESSIONAL JOURNALISM INDICATORS	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

the private sector. The panel did not find a direct connection between the low wage and corruption.

The panel agreed that self-censorship existed, mostly because outlets fear losing revenue. The media are afraid to report negatively about companies due to concern about losing advertising, and the same can hold true for reporting about government institutions that might advertise in, or have influence over, the media. As a result, most media are loyal to a “circle” of business and political interests. “Journalists in Macedonia are afraid of politicians, afraid for the financial existence of their media, and afraid to lose their jobs,” said a panelist. “As much as the government is not transparent, neither are journalists. The public knows that the media is politically influenced, and economically dependent.”

Entertainment programming does not dominate or eclipse news programming. One of the most highly rated programs in Macedonia remains A1 TV’s evening news show.

The state of technical equipment in Macedonia remains mixed. Some broadcasters, notably Channel 5 TV in Skopje, TV Tera in Bitola, and radio station Kanal 77, have excellent facilities. Albanian broadcasters are generally less advanced and less well equipped, but have made progress through donor funding and private investment. For example, TV Era in Skopje invested in modern facilities partly through a small grant from the International Media Fund, a donor group of several international organizations. Overall, the quality of technical equipment is not a serious barrier to the dissemination or collection of information in Macedonia.

Very little niche broadcasting exists due to the high costs of investigative and in-depth television reporting. However, Sitel TV won a nomination for its investigative reporting on human trafficking as part of a project administered by the MIM. The International Monetary Fund supports an issue-based journalism project, which is a monthly series of reports from a core group of local broadcasters. Search for Common Ground funds a similar project called “Caravans” that produces local stories from around Macedonia. The print media generally do a better job of niche reporting, and although the quality is not outstanding, the results do add to public awareness of key issues. Some of this material results from donor-sponsored activity, such as reports in *Lobi* and *Kapital* magazines on topics including homosexuality, corruption in nongovernmental organizations (NGOs), human trafficking, and the plight of Roma people.

## Objective 3: Plurality of News Sources

**Macedonia Objective Score: 2.27/4.00**

At the end of 2003, there were 127 private broadcasters, three national state television channels, three national state radio stations, and 29 state-owned local broadcasters. There were 10 private daily newspapers, although the newly privatized dailies *Vešer*, *Nova Makedonija*, and *Flaka* were barely functional and the big three, *Dnevnik*, *Utrinski Vesnik*, and *Vest*, were all owned by WAZ. There were about 60 magazines, of which about 10 weeklies had serious weekly news and current-affairs content. As a result, plurality does exist—augmented by widespread and growing access to the Internet. There are no serious barriers to access printed or broadcasted material apart from the general poverty of the population. There are no significant restrictions on international media and information sources.

Plurality is weaker in the nonmajority-language media. Although MRTV3 now broadcasts nine hours a day in the Albanian language and contains minority programming in Turkish, Roma, Serbian, Vlach, and Bosnian, there is still no private national Albanian broadcaster. *Fakti* remains the only significant private daily newspaper published in the Albanian language.

### Multiple news sources provide citizens with reliable and objective news

#### PLURALITY OF NEWS SOURCES INDICATORS

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens’ access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Despite ongoing reforms in the state media, the panel was skeptical about how it reflects views across the political spectrum. This is indicative of the government's ability to appoint the managerial and editorial leader-

ship at MRTV. There was little faith in the government's claims that it will keep to the provisions for an independent broadcaster contained within the new broadcast law.

The panel raised the issue of "ethnic representation" at the state broadcaster. Attitudes varied, but some saw a trend toward improvement, blaming existing weaknesses on a lack of technical equipment and money. Others, however, viewed the increase in Albanian-language programming as insufficient because its quality is too poor to satisfy the needs of the community. The group agreed, though, that the Roma were most discriminated against, with just half an hour of programming three times a week at an inconvenient time of day.

The panel felt there was a lack of sources of news agency information with only one weak private agency, Makfax, which is poorly organized and supports only a few part-time "stringers." The panel agreed that the large government-run news agency MIA was quite good, although critics suggested it is too close to the government.

All agreed that transparency of media ownership existed, and that the public was aware of who owned what as well as the basic political affiliations of each media. There was concern, though, that the public outside the capital, Skopje, was less aware of the media's bias and affiliations.

Concentration of ownership sparked a heated debate, focusing on whether WAZ's entry into the market had created a monopoly. One panelist argued that "according to all world standards, if 80 to 90 percent of total circulation is in the hands of one company, that is a monopoly." Another said his company had managed "to do what *Dnevnik*, *Utrinski Vesnik*, and *Vest* couldn't: create a joint distribution and printing house. The papers each have their own editorial policy; WAZ has only 51 percent of the management, and that is not a monopoly."

**A panelist argued that "according to all world standards, if 80 to 90 percent of total circulation is in the hands of one company, that is a monopoly."**

All agreed that there is no media concentration in the broadcast sector and that, in fact, with some 150 broadcasters, the situation more approximated chaos.

## Objective 4: Business Management

**Macedonia Objective Score: 2.33/4.00**

There is a rather large number of both print and broadcast media relative to Macedonia's population. At the same time, the Macedonian economy is weak. While the market has become more sophisticated, better uses market research, and generally functions in a more professional manner every year, there remain many weaknesses. Some of the larger media are profitable—A1 TV, TV Sitel, *Utrinski Vesnik*, and *Dnevnik*, in particular. Most of the small publications and broadcasters struggle to survive; they depend on their business and political affiliations, as well as donations and support from government subsidies, such as the 10 percent of the broadcast fee.

The plight of the Roma media is particularly bad. A panelist said TV Shutel "is self-financing through its share of the 10 percent of the broadcast fee, support from international donors, and a small amount of revenue earned from greetings programs. But as for advertise-

### Independent media are well-managed businesses, allowing editorial independence

- |                                       |   |
|---------------------------------------|---|
| <b>BUSINESS MANAGEMENT INDICATORS</b> | ■ Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.  |
|                                       | ■ Media receive revenue from a multitude of sources.  |
|                                       | ■ Advertising agencies and related industries support an advertising market.  |
|                                       | ■ Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.                                  |
|                                       | ■ Independent media do not receive government subsidies.  |
|                                       | ■ Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences. |
|                                       | ■ Broadcast ratings and circulation figures are reliably and independently produced.  |

**A panelist said newspapers “face financial crisis if they don’t have big backers, as revenue from advertising is too low and the price of newspapers is set too low.”**

WAZ, further efficiencies are expected. International donations and subsidies to the media have decreased as the country has stabilized, but some outlets still secure a significant part of their funding through the donor community. However, panel members expressed concern about the relatively weak advertising market. A panelist said newspapers “face financial crisis if they don’t have big backers, as revenue from advertising is too low and the price of newspapers is set too low.”

State subsidies still exist, but there is a trend toward their reduction and removal. In 2003, the government provided MKD 43 million (roughly \$800,000) from the state budget to the private printed press. Much like the 10 percent of the broadcast tax that goes to private broadcasters, this money is generally accepted as a means by which the government may strongly influence editorial policy. However, the government has promised this subsidy will cease, and no provisions for it are being made in the 2004 budget.

The panel agreed that although the overall ad market is weak, the advertising agencies work well in Macedonia, with nearly all ad placements going through them. The panel asserted that the available market research is reliable, except for data concerning the size of the advertising market. Best estimates compiled from several sources place the total ad market for Macedonia at €15 million to €20 million per year. Some in the industry believe total ad revenue could top €50 million per year, but this figure likely includes the estimated value of unpaid ads and ads given through barter deals. Despite the confidence expressed by panel members, local advertising generally is not placed through agencies, and local broadcasters struggle to sell time in an industry that is too centrally focused. Circulation figures, too, are still not entirely reliable.

ments, no. Most don’t use us.”

The arrival of WAZ to the print media industry suggests there is potential profit in the market and that the media conglomerate is likely to bring more effective business management. With the consolidation of printing and distribution under

Distribution is not a significant barrier in accessing news and information. A variety of distribution firms exist, with no visible government interference. *Vreme*, the new Macedonian daily, has easily set up its own distribution network using booths, shops, and street vendors. A range of printing presses exist, and access to presses outside Macedonia is very feasible.

Broadcast ratings are increasingly reliable and are generally viewed with considerable trust. IREX, in partnership with the APEMM, has funded a major project providing ratings to the broadcast media. Broadcasters and advertisers are increasingly using ratings as the basis for programming choices and for placing ads. However, serious advertising campaigns remain a political choice, based on the affiliation of a particular broadcaster and publisher.

## **Objective 5: Supporting Institutions**

**Macedonia Objective Score: 2.55/4.00**

The panel gave its highest score to this objective, recognizing the remarkable development of media associations and institutions. The MIM carries out extensive and coordinated training and was widely complimented, especially for effectively catering to the needs of smaller media houses and minority media such as the Roma. The MDC focuses on legal reform and is responsible for bringing the new broadcast law before the government. The APEMM is recognized as an effective lobby for its members. However, the Association of Journalists of Macedonia (AJM) and the Association of Publishers and News Agencies of Macedonia (APNAM) were both criticized for being too weak. The panel acknowledged that the AJM offered real protection to journalists but felt it should more actively press for legal reform. The AJM was also criticized because its secretary general, Saša Colakovski, left the association to become a government spokesman in late 2002. This move damaged the reputation of the association, which is still struggling to overcome the negative effects.

A four-year journalism degree is offered at the University of Saint Cyril and Methodius in Skopje, and a communications degree is being developed at the South East European University in Tetovo, which offers some journalism courses. The degree program in Skopje was criticized for providing no effective practical teaching, being closed to innovations, and unable to carry out necessary reforms. Panelists also reported that no Albanian students have attended the course recently, despite the

Supporting institutions function in the professional interests of independent media	
SUPPORTING INSTITUTIONS INDICATORS	<ul style="list-style-type: none"> <li>Trade associations represent the interests of private media owners and provide member services.</li> </ul>
	<ul style="list-style-type: none"> <li>Professional associations work to protect journalists' rights.</li> </ul>
	<ul style="list-style-type: none"> <li>NGOs support free speech and independent media.</li> </ul>
	<ul style="list-style-type: none"> <li>Quality journalism degree programs that provide substantial practical experience exist.</li> </ul>
	<ul style="list-style-type: none"> <li>Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.</li> </ul>
	<ul style="list-style-type: none"> <li>Sources of newsprint and printing facilities are private, apolitical, and unrestricted.</li> </ul>
	<ul style="list-style-type: none"> <li>Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.</li> </ul>

general consensus that the Albanian-language media desperately need well-trained journalists. The communications studies course in Tetovo was complimented for being modern, but it is too new to be evaluated for the quality of its graduates.

## Panel Participants

*Melita Cokrevska*, USAID

*Aco Kabranov*, journalist and editor of news and information programs, Channel 5 TV

*Sašo Ordanoski*, editor-in-chief, *Forum*

*Erol Rizalv*, editor-in-chief, *Utrinski Vesnik*

*Naser Selmani*, journalist, *Vest*

*Eleonora Serafimovska*, psychologist and assistant, Institute for Sociological, Political and Juridical Research (ISPJR)

*Muharem Sulejman*, editor, TV Shutel

*Ljupco Žikov*, manager and editor-in-chief, *Kapital*

## Moderator

*Vesna Šopar*, Ph.D., Institute for Sociological, Political, and Juridical Research (ISPJR)

## Observers

*Sheena Thomson*, spokesperson, Office of the Special Representative of the European Union in Skopje

*Mike de Villiers*, resident advisor, IREX/Macedonia



**"All who stood in favor of these laws during their adoption were exposed to strong pressure—the politicians remained the decision-makers in the domain of media."**







## Introduction

# D

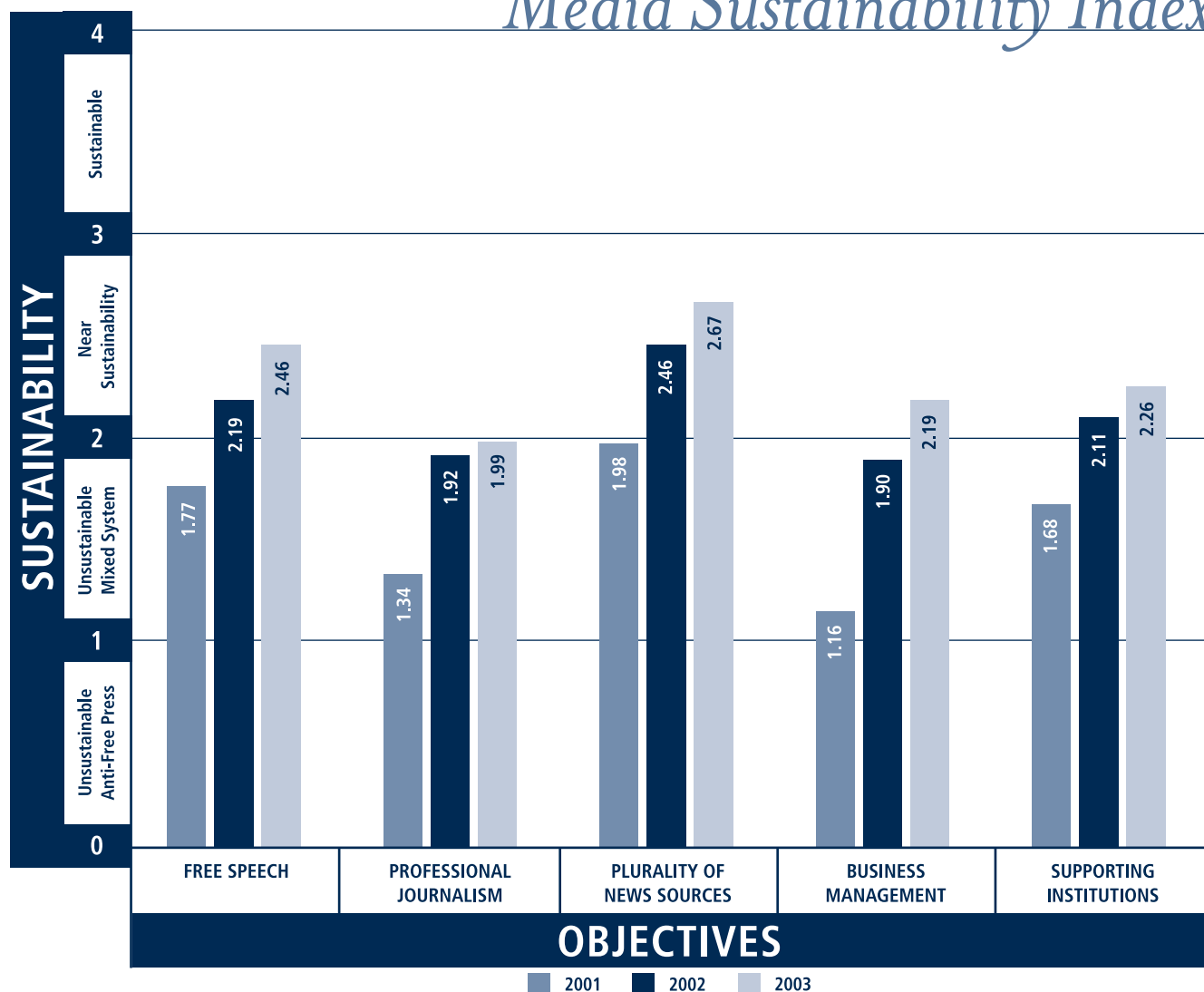
espite the opposition's withdrawal from government participation in May, 2003 brought relative stability to the Montenegrin government. The defeat of the opposition in the parliamentary elections in late 2002 and the presidential elections in early 2003 made it possible for the ruling coalition to work within a democratic mandate. Politics were the Montenegrin media's center of attention during 2003, with reports focused on the development of the constitution, questions of legitimacy raised relative to the work of the parliament, political scandals and state policy on domestic reforms, foreign policy toward the European Union (EU) and Serbia, and other key issues. The increasingly active civil society—the number of nongovernmental organizations (NGOs) grew to 2,400—also contributed to a more democratic climate in the country.

There were mixed economic indicators, however: The gross domestic product grew by 2 percent, foreign trade increased, the inflation rate fell to 7 percent, the job market grew to 30,000 legally employed workers, and bank interest rates declined to approximately 15 percent. On the downside, the average monthly salary stagnated at €190 per worker, with 12 percent of the population below the poverty level and 30 percent potentially vulnerable. Meanwhile, foreign investment fell to around €30 million as the gray economy flourished.

For the media industry, there were few positive steps during 2003. Although Montenegro won admission to the Council of Europe through adoption of liberal media laws in 2002, the implementation of these laws continues to be slow and difficult. With more media outlets opening, competition has stiffened. Media professionalism remains inadequate, and ethical standards are low. There have been disputes related to the public broadcasting service and difficulties in establishing an institutional framework. Progress in 2003 included greater pluralism in terms of available information, gradual development of the legal framework (including a criminal law that restricts penalties for libel to fines rather than prison sentences), and better institutional support for the media community.

# Montenegro

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

## Objective 1: Free Speech

### Montenegro Objective Score: 2.46/4.00

All Media Sustainability Index (MSI) panel participants considered the new media legislation (the Media Law, the Broadcasting Law, and the Law on Public Broadcasting Services “Radio Crna Gore” and “TV Crna Gora”) as marking tremendous progress toward creation of a modern legal framework for development of the media in Montenegro. Although the new legislation still has some deficiencies, it is generally seen as a body of law contributing to modernization of the sector. One important example is the redefinition of defamation in the new criminal code, which now limits penalties to fines. “Are these laws a step forward; are they better? Of course, they are. Are they good enough? I don’t think so,” said one panelist. “All who stood in favor of these laws during their adoption were exposed to strong pressure—the

politicians remained the decision-makers in the domain of media.”

Panelists noted the lack of laws on free access to information, saying it reduces the obligation of the authorities to ensure the media can inform the

public. One participant noted that the proposed law in draft form did not set any time limits for state officials to supply requested information. Another statutory issue the panelists noted concerned the potential concentration of media outlet ownership. Panelists said the absence of antimonopoly laws encourages the ownership of many outlets by a small number of owners. MSI participants also said the current copyright law is inadequate, and the failure to implement existing legislation is even more problematic.

Although the existing media legislation was passed in 2002, progress in implementation has been slow due to resistance and manipulation by the media community itself. The delay in establishing a public broadcasting service at the national and municipal levels is of particular concern. The transformation of the Radio I Televizija Crna Gore (RTCG) into a viable organization has been a challenging process. The organization has experienced management difficulties, including unclear provisions for selecting members of the RTCG Council. Finding skilled program managers and other staff, making the necessary changes in organizational structure, improving equipment, and planning a strategy for financial sustainability have been major problems for Montenegro’s largest media house.

Also, the transformation of local media into public-service outlets has been inefficient, panelists said. The municipal authorities in Montenegro appear unable and unwilling politically to speed up the process. “We have tried to make perhaps the most liberal media laws in Europe,” said one panel member. “After the adoption of the laws, a number of us have been involved in their implementation throughout the past year. We have been all around Montenegro several times and met with almost everybody who has been connected to media in any way. It is generally considered that implementation would be better if the laws were more coercive. The big-

**“Are these laws a step forward; are they better? Of course, they are. Are they good enough? I don’t think so,” said one panelist.**

#### Legal and social norms protect and promote free speech and access to public information

#### FREE SPEECH INDICATORS

- Legal/social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

**“There were 5,000 people from all over Montenegro who responded to the advertisement published in a daily paper under the title ‘Do You Want to Become a TV Star.’ At the same time, only one person applied for a journalism course entitled ‘How a Journalist Should Behave in Front of TV Cameras.’”**

egy that will allow a fair tender of broadcast licenses. While work on a frequency plan only started in October 2003, the BA has been dragging its feet on the strategy. Critics of the BA suspect that political motives have slowed the process. Such critics argue that the BA had problems in adopting an open-skies policy toward Serbia and has not yet decided on licenses for Montenegrin applicants.

No significant legislative barriers appear to discourage creation of independent media. There are a growing number of such outlets in Montenegro. In practice, however, editorial policies are under the influence of political forces, either the ruling authorities or those supporting the opposition. The maturing of the independent media is hampered by political influence, as well as by financial and technical limitations. Fairly strict corporate and tax regulations also affect media, but not more so than other industries and businesses.

## Objective 2: Professional Journalism

**Montenegro Objective Score: 1.99/4.00**

Montenegrin journalism can be characterized by a low level of professionalism and a lack of necessary respect

gest problem is the lack of political will, primarily at the local level, because there was much manipulation of the process in some municipalities.”

Participants also said the Broadcasting Agency (BA) must work efficiently to develop a strategy that will stimulate media development and regulate the industry by monitoring the number of outlets and controlling distribution and pricing of broadcast frequencies. Along these lines, the BA is tasked with creating a frequency plan and a broadcasting strategy

for generally accepted standards. Last year’s Code of Ethics, although supported by trade associations and media outlets, has not become a binding document for journalists. It was the general impression of the panel that journalists in Montenegro are torn between respecting professional standards and rejecting them. “Professional standards are low due to the changing nature of society and basic financial limitations,” said one participant, who noted: “There were 5,000 people from all over Montenegro who responded to the advertisement published in a daily paper under the title ‘Do You Want to Become a TV Star.’ At the same time, only one person applied for a journalism course entitled ‘How a Journalist Should Behave in front of TV Cameras.’”

Subjective and biased reporting is evident. Many outlets ignore a wider spectrum of relevant sources of information. Although there is no official censorship, editors create forbidden topics, or journalists exercise self-censorship to avoid covering difficult or controversial issues. Problems such as selective reporting, politicizing events, avoiding difficult niche topics like economics, and emphasizing superficial details are commonplace.

There is an increasing trend toward marginalizing news and information in favor of entertainment and commercial programming. Media commercialization has become more and more evident in Montenegro. “In

### Journalism meets professional standards of quality

#### PROFESSIONAL JOURNALISM INDICATORS

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

all private television stations in Montenegro, news has become less and less interesting,” said one participant. “It seems that either news is not profitable enough, or it is easier to make other types of programs. I am not against entertainment programs, but I would like to see news segments developed because that would press (outlets) to make the news more professional.”

The lack of professionalism is particularly noticeable in the sensationalist reporting carried in the daily papers and broadcasts. Competition for higher circulation among print media and the electronic media’s ratings battles often result in sacrificing quality reporting for commercial gain. In this way, the development of an independent media culture is seriously threatened.

Media professionals—whether reporters or technical staff—receive low salaries, which undermines morale and the desire to produce quality work as well as makes them susceptible to corruption. Most media employees cannot support themselves based on their meager salaries. However, the prevailing opinion is that corruption among journalists is not a serious concern, and lack of professional expertise poses the more serious barrier to quality journalism.

Although the School of Law recently established a journalism department, the lack of university-educated journalists in Montenegro is a serious problem. One panelist explained, “Our agency employs 15 journalists, of whom only one completed journalism school. The others are lawyers, economists, or high school graduates. I need to employ journalists, but I cannot find them.” During its two years of work, the Montenegro Media Institute (MMI) has addressed this problem by offering educational programs and its internationally accepted Diploma Courses.

**“It seems that either news is not profitable enough, or it is easier to make other types of programs. I am not against entertainment programs, but I would like to see news segments developed because that would press (outlets) to make the news more professional.”**

### Objective 3: Plurality of News Sources

**Montenegro Objective Score: 2.67/4.00**

Montenegro’s media market is generally considered to be oversaturated. Numerous print and broadcast media operate at national and local levels, including three national television stations, four national dailies, several regional television stations, more than 30 local media outlets, and one national news agency. Additionally, foreign press from Serbia is widely available. Citizens use these multiple sources to obtain adequate information. Market evolution will eventually decrease the number of media outlets, panelists said. “Two daily papers have already ceased to exist, and the possible consolidation of small radio and TV stations in the north and south of Montenegro has been announced,” said one panel member. However, this participant noted that although some outlets, primarily local ones, are likely to close, new television stations from Serbia have entered the market and pose a significant competitive blow for domestic stations.

Although access to domestic and international media is unrestricted, with no censorship or restrictions imposed by authorities, their cost creates some limitations. Many citizens cannot afford to buy more than one

#### Multiple news sources provide citizens with reliable and objective news

#### PLURALITY OF NEWS SOURCES INDICATORS

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens’ access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

**“Two daily papers have already ceased to exist, and the possible consolidation of small radio and TV stations in the north and south of Montenegro has been announced,” said one panel member.**

daily newspaper. Internet access is relatively expensive, and the number of Internet users is less than 10 percent of the population.

Despite the plethora of media outlets, sources of information are limited, and this often leads the broadcast and print media to report

on identical news topics. A striking example concerns the sole national news agency, MINA. MINA is in direct competition with agencies from Serbia, the main providers of agency news to local Montenegrin outlets. The independent MINA is widely regarded as a credible source of impartial, balanced, and accurate news. Nonetheless, some outlets do not make much use of MINA and are therefore heavily dependent on the same agency sources. It is not uncommon for agency information to be interpreted—or perhaps distorted—in different ways by different media.

MSI panelists felt there is more focus on political coverage and sensationalism than on in-depth reporting about social issues, economics, culture, and judicial reform. However, there has been progress with economic and financial coverage, as all dailies now offer dedicated business pages. Three years ago this reporting did not exist. Balanced business reporting is a big market for MINA, and the challenge now, panelists said, is to add quality coverage of other specialized topics.

Panel participants emphasized the lack of transparency of media ownership. As one panelist explained, “There are figurehead and actual media owners. The problem is how to highlight this issue. We all know that some media have powerful sponsors. We all agree that the media cannot subsist simply on profits, as the market is too small and oversaturated. So, I am sure that they [media] try to gain capital of suspicious origin. I see this as a barrier to obtaining legitimate capital. Suspicious funding sources give birth to suspicious strategies and unfair competition.” In particular, panelists noted the “mysterious” entry of Serbian media into the market and said questions about media ownership tend to damage the overall reputation of media outlets and bring charges of political and commercial manipulation. Another

problem is the absence of foreign investment in Montenegrin media during 2003, unlike the 2002 investment in the daily *Vijesti*.

## Objective 4: Business Management

**Montenegro Objective Score: 2.19/4.00**

Panel participants agreed that Montenegrin independent media derive income from several sources, including circulation (e.g., *Vijesti* and *Dan*), foreign donations, and advertising. The presence of NGOs and foreign government agencies that provide both financial and technical support to the Montenegrin private media sector remains extremely important. However, most Montenegrin media are still in a difficult financial position, a reality reflected directly in the professionalism of the media sector and the quality of its work.

Relative to 2002, it is difficult to note any significant improvement regarding the sustainability of media. However, an increase in the circulation of the daily newspaper *Vijesti*, a generally good-quality publication, was considered promising. For the electronic media, there was concern about being subject to the future pricing of broadcasting services as established by Broadcasting Center (BC) authorities. The new public BC maintains

### Independent media are well-managed businesses, allowing editorial independence

#### BUSINESS MANAGEMENT INDICATORS

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

**“Regardless of the principles of equal competition and equal legal status for all media, the nonchalant behavior of the public authorities in determining media policy is unacceptable, especially since it may lead to unfair competition, financial hardship for domestic media, or the airing of controversial content.”**

from Serbia, such as TV Pink, could lead to significant consolidation in the industry. The prospects of many stations are uncertain and, in certain cases, are linked to the success of future mergers or the failure of their competitors. “I would underline the responsibility of public authorities in dealing with non-Montenegrin—especially broadcast—media which intend to work in the Montenegrin market,” one panelist said. “Regardless of the principles of equal competition and equal legal status for all media, the nonchalant behavior of the public authorities in determining media policy is unacceptable, especially since it may lead to unfair competition, financial hardship for domestic media, or the airing of controversial content.”

Given the nascent state of the Montenegrin media sector, some panelists suggested that donor support still is very important for a number of media, particularly those trying to produce their own news and cultural programs. “When foreign donors leave us at some point in the future, we will inevitably become dependent on advertisements and domestic donors,” a participant said. “When the new elite, which were created in the shadow of the wars, transform their economic power into social power, they will invest part of their capital in the media. There lies the responsibility of the political elite to create an environment in which this society can have free media.”

and manages Montenegro’s broadcasting infrastructure. It sets relatively reasonable fees for the use of its infrastructure and operates under the supervision of the BA.

Overall, the media sector employs about 3,500 people. RTCG employs more than 1,200, and about the same number work for private media. Private media continue to grow in size. However, increasing competition and the presence of powerful media companies

The distribution and printing of media is fairly well established in Montenegro. While printing plants and media import newsprint from other countries, the daily newspapers *Vijesti*, *Dan*, and *Pobjeda* own three large printing houses. These three facilities, along with several smaller printing houses, are all market-oriented and generally operate without bias. Distribution channels are apolitical and mostly well managed. Of several distribution firms, Bega Press stands out as a successful privately owned company.

A professional advertising market is still the stepchild of media activity in Montenegro and is estimated to have a total volume of between €7 and €15 million. No major advertising agency such as BBDO or Saatchi & Saatchi has opened an office in Podgorica. These firms are still based in Belgrade and are mainly building relations with Serbian rather than Montenegrin media outlets. As a result, experts fear that any additional expansion of Serbian television stations into Montenegro would reduce potential advertising for local competitors.

Market research is beginning to affect Montenegrin broadcasting. Local agency Damar measures trust ratings, while Strategic Marketing in Belgrade provides share ratings. Strategic Marketing has been cooperating with the MMI on its research. However, sophisticated instruments such as people meters are not used in Montenegro because of the small market size.

There is no accepted mechanism to measure circulation numbers. *Vijesti* is believed to have the highest print run, with close to 30,000 copies daily. *Dan* is the likely runner-up, with around 25,000 copies daily, while circulation figures for the former government daily *Pobjeda* (which is now privatizing) are probably below 20,000.

## **Objective 5: Supporting Institutions**

**Montenegro Objective Score: 2.26/4.00**

The development of institutions supporting media is uneven. Associations do exist to promote the interests of certain print or electronic media outlets. For example, Montenegro Press was founded in 1999 to support its membership of several major independent publications. Meanwhile, the Union of Independent Electronic Media of Montenegro (UNEM), also created in 1999, has successfully driven media legislation reform and advocated for the rights of its 13 independent radio and 12 television stations. Nevertheless, there is no effective network of organizations to promote independent media or protect the professional interests of their members.

**“It seems to me that we are slowly making steps forward. I disagree that our job is a Sisyphean task. I am sure that young journalists are bringing changes, as much as they can. Young journalists do not practice self-censorship, and that is good.”**

“With but a couple of exceptions, media associations act without grounds,” said one panelist. “They are often individual projects with some kind of a central committee, functioning in virtual reality. They do not have proper representation in the media and among journalists. Those which have a clear vision of what their mission is function well. Others have

problems defining their own role. They do not have communication with those whom they represent.”

A significant exception is the two-year-old MMI, run by managing director Vojislav Raonic and a diverse board of media professionals. MMI has contributed to the professional training of young reporters and the development of professional journalism standards. Additionally, the foundation of the Department of Journal-

ism at the School of Law represents an encouraging step toward improving the professional quality of journalism in Montenegro. One panel participant expressed optimism: “It seems to me that we are slowly making steps forward. I disagree that our job is a Sisyphean task. I am sure that young journalists are bringing changes, as much as they can. Young journalists do not practice self-censorship, and that is good.” However, the panelist said the inability of media outlets to provide sufficient salaries diverts young reporters with good education and training to better-paid work in other sectors. The shifts are visible, but what affects journalists the most is the poor financial situation.

Panelists agreed that steady cooperation between media and civil society involving media coverage of activities of the NGOs is a positive step. For example, 20 local and national media and more than 40 NGOs formed the network Action to support activities on issues including the promotion of free press and professional development of journalism.

Printing presses operate without demonstrating any political affiliation or bias when working with private media. However, the distribution system for print media is still poor despite efforts to improve the service. Media companies have problems being paid by distribution services for copies sold, but with more competition in the distribution market there is opportunity for improvement. The significant role of the Internet should be emphasized. Indeed, almost all relevant Montenegrin media are presented on the Internet, allowing Internet users mostly free access to daily news.

<b>Supporting institutions function in the professional interests of independent media</b>	
<b>SUPPORTING INSTITUTIONS INDICATORS</b>	■ Trade associations represent the interests of private media owners and provide member services.
	■ Professional associations work to protect journalists’ rights.
	■ NGOs support free speech and independent media.
	■ Quality journalism degree programs that provide substantial practical experience exist.
	■ Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
	■ Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
	■ Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.



## Panel Participants

*Sasa Brajovic*, PDA information assistant,  
U.S. Consulate

*Dusko Jovanovic*, director and editor-in-chief,  
daily *Dan*

*Jasa Jovicevic*, director, MINA news agency

*Esad Kocan*, editor-in-chief, weekly *Monitor*

*Duska Micunovic*, news editor, TV Crne Gore

*Vladan Micunovic*, deputy editor-in-chief, daily *Vijesti*

*Snezana Nikcevic*, board member, Open Society  
Institute (OSI)

*Dora Plavetic*, democracy and governance advisor,  
USAID

*Bojana Radulovic*, editor, TV MBC

*Vojislav Raonic*, director, Montenegro Media Institute  
(MMI)

*Samir Rastoder*, news editor, TV IN

*Darko Sukovic*, editor-in-chief, Radio Antenna M

*Djuro Vucinic*, founder and director, NTV Montena

*Ranko Vujovic*, coordinator, Union of Independent  
Electronic Media of Montenegro (UNEM)

## Moderator

*Rade Bojovic*, Media doo



**“The average MP [member of parliament] sees himself as a victim of the press, and he or she requests to be protected by special laws,” said one panel member.**





## Introduction

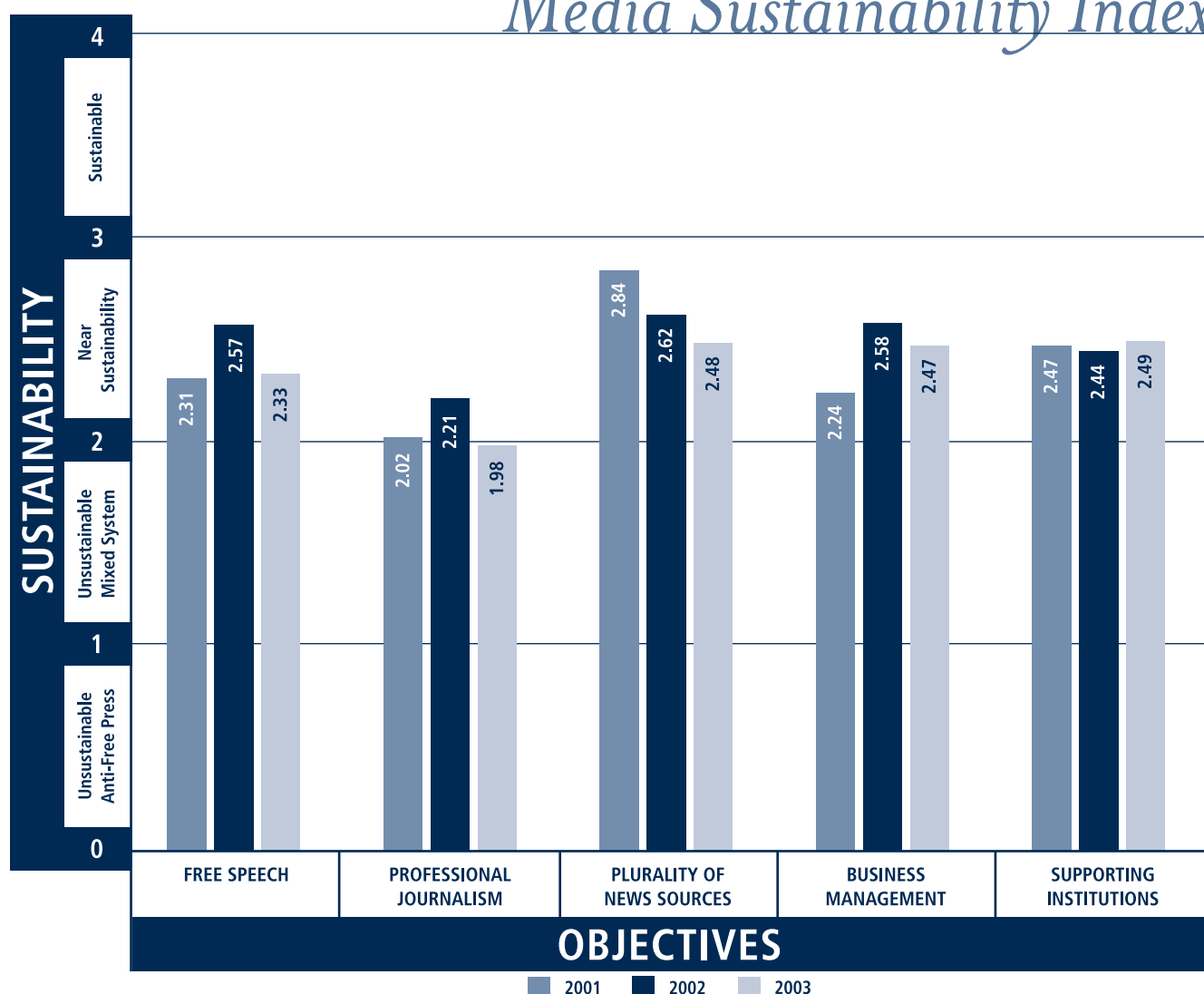
# R

omania has hundreds of licensed radio and television stations and about 1,000 print outlets for its population of 22 million. However, the media struggle for survival in the nascent market economy. Advertising money is scarce and claimed mostly by television outlets, leaving the print media heavily dependent on direct sales and vulnerable to political pressure. Of particular concern to the Media Sustainability Index (MSI) panel were the threats to freedom of expression detected during 2003. Panelists described the governing Social Democratic Party's strong control over the judicial branch, most administrative functions, and all state resources, and said the media had begun to be a political battleground in the run-up to the 2004 presidential, parliamentary, and municipal elections. With government harassment of independent media already recorded at the end of 2003, the panel predicted that the next year would be even more difficult for Romanian journalists.

The government rules with a slim parliamentary majority, and the elections already dominated the domestic agenda by the end of 2003. Despite recent economic growth, the economy is still weak overall, and in its latest report, the European Commission did not approve "market economy" status for Romania. Although some progress has been made, major reforms still are required. High taxes and frequently changing legislation make business plans unreliable and force many company owners, including those in the media, to guess their way around bankruptcy. Meanwhile, the government has announced that it would like to accede to the European Union (EU) during 2007, closing out the negotiations in 2004.

# Romania

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

## Objective 1: Free Speech

### Romania Objective Score: 2.33/4.00

The Romanian Constitution guarantees the freedom of expression and speech. However, a separate article limits this freedom by excluding some information from constitutional protection including, for example, that which “could affect the development of the younger generation” or that which relates to national security.

Insult and calumny remained criminal offenses in 2003. Although the penal code was modified in 2002 so that prison sentences for insult were dropped and sentences for calumny reduced, the government drafted a new code in 2003. And despite protests by domestic and international media advocacy groups, calumny remained a felony punishable by prison. Although no journalists were in jail for such violations in 2003, several received suspended prison sentences. More commonly, journalists are given substantial fines of \$5,000 to \$20,000 that are

registered in their criminal records. The 2003 draft does include some improvements for media freedom, such as allowing journalists the defense of truth if they can prove that the material under challenge is fact-

based. However, the draft is not a priority for parliament, and by the end of 2003 few of its provisions had been discussed. Some MSI panelists expressed concern that the few progressive clauses would be dropped. “The average MP [member of parliament] sees himself as a victim of the press, and he or she requests to be protected by special laws,” said one panel member. This view led to measures restricting media correspondents in parliament, including requiring that they circulate in the building only with escorts. There also were cases in which journalists were expelled from special commission sessions, and these steps against the press represented a rare case in which both the governing party and opposition MPs were united.

The state-run National Council of Broadcasting (CNA) controls licensing in Romania. Operating since 1992, it reports to parliament, and its 11 members are appointed to four-year terms by the president and by legislative bodies. The procedures for licensing are competitive but not transparent; many doubt the fairness of the process and note that the council does not have to explain its decisions publicly. One CNA member accused the regulatory body of favoritism in issuing a license to Realitatea-TV, a minor Bucharest-based television station. Despite poor viewership and low-quality programs, it is seen as an influential news station, and some observers considered its sale a concerted effort by the government to control the station during an election year. In other cases, however, CNA proved more transparent, including when it organized public meetings to discuss political coverage on television.

The Law on Broadcasting was enacted in July 2002 according to EU standards and with broadcasters and some nongovernmental organizations (NGOs) involved in shaping the bill. After adoption, however, the law was changed by the government through an emergency order, leaving the Communications Ministry in charge of allotting the frequencies. The independent regulatory

**“Beginning with the president and the prime minister, everybody thinks they are allowed to be aggressive with the journalists,” said one panel member.**

#### Legal and social norms protect and promote free speech and access to public information

#### FREE SPEECH INDICATORS

- Legal/social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

**“Unfortunately, certain kinds of media companies proliferate,” said one panelist. “They are not profit-oriented, but used as means for exercising the government’s influence, protecting owners’ businesses, and attacking economic and political adversaries.”**

agency outlined in the original law was never created, and the government now has a powerful means of influencing the licensing process. “Technically speaking, the communications minister controls the entire process,” said one panel member. From July 2002 to November 2003, the ministry did not present its strategy for allotting frequencies, prompting protests from operators and owners, and

postponed the extension of some licenses, fueling suspicion that these delays were political blackmail.

Entry into the media market is as difficult as it is for any other business. Taxation is uniformly high, with media and all other products subject to a 19 percent value-added tax (VAT). While a preferential tax system for media existed before the 2000 elections, the new government dropped it in order to meet International Monetary Fund (IMF) requests. The government promised to reintroduce the incentives when the economy improved, but this shift has yet to occur, despite the protest of the Romanian Press Club, composed of media owners and directors. The government did eliminate the local “tax on advertising” of 3 percent, which was viewed as double taxation of media products.

The number of serious crimes against journalists increased in 2003, especially in the final quarter of the year. At least 16 media workers were assaulted in 2003, including Ino Ardelean, a journalist from Timisoara, who was gravely injured. More than 140 journalists signed a petition condemning that attack, but these cases did not elicit much public outrage or government efforts to protect journalists. Many journalists, particularly in the countryside, report harassment, often at the hands of what are described as “government thugs.” “Beginning with the president and the prime minister, everybody thinks they are allowed to be aggressive with the journalists,” said one panel member. Added another, “We can

see a clear aggravation of the media situation, due to the forthcoming election.”

In many regions of Romania, local businessmen and politicians have taken control of the local newspapers and radio and television stations as political pressure on the media intensifies. Some of them openly declare that media bring them votes. Regions such as Teleorman, Calarasi, Brasov, and Constanta lack independent press because all media outlets are owned by local politicians. In areas like Vrancea, Bacau, and Timisoara, local authorities openly favor obedient media outlets. “Unfortunately, certain kinds of media companies proliferate,” said one panelist. “They are not profit-oriented, but used as means for exercising the government’s influence, protecting owners’ businesses, and attacking economic and politic adversaries.”

There are no state-owned newspapers in Romania. Romanian Television (TVR) is public and includes one main television channel and three smaller stations. The state also operates four radio channels and the news agency Rompres. State media receive no special treatment in terms of information. However, public outcry emerged in 2003 after the government changed the conditions for paying the subscription fee for public television and radio. The fee was increased, and the state mandated that the electric company would collect the fee, leaving consumers with no option but to pay. Protests by the political opposition, print media companies, and taxpayers about the fee and the editorial independence and quality of the state broadcasters’ programming followed, but the decision stood.

The president and parliament appoint the board of directors for state radio and television. The influence of the political appointments sometimes is apparent in the programming. When the board of National Radio changed after the 2000 parliamentary elections, editorial policy clearly shifted as well. Two respected radio producers resigned from the radio station, claiming management interference. The state television station has not succeeded in becoming an independent and credible public voice. “There is no political will for having an independent public television station. Actually, it remained a state-owned television and not a public one,” one panelist said. State-owned television dominates in rural areas, where nearly half the Romanian population lives, because of poor infrastructure and the viewers’ limited financial resources. More than 2.5 million Romanians watch the news on TVR, a serious incentive for the government to maintain control of the station.

**“We can see a clear aggravation of the media situation, due to the forthcoming election.”**

The national news agency is in a difficult situation. Due to poor management and political control that damaged its credibility, Rom-

pres has lost market share to the privately owned agency Mediafax. In 2001, Prime Minister Adrian Nastase subordinated the news agency to the new Public Information Ministry, making it a government agency and its employees “public servants.” Protest led to passage of a law placing the agency under parliamentary control, but that has not salvaged the agency’s standing and it remains a secondary player in the news market.

The adoption of the Freedom of Information Act (FOIA) in late 2001 represented a step forward, but the implementation process has proven difficult. An unreformed administration and indifferent officials meant that information was not widely available. Despite public campaigns by the ruling and opposition parties, the law was only partially implemented in two-thirds of the government institutions a year after implementation, according to a nationwide survey.<sup>1</sup> Furthermore, the law is not clear regarding the so-called national companies that receive public funds, and some refused to give information.

There have been successful lawsuits seeking enforcement of FOIA legislation. The Romanian Helsinki Committee won a suit against the state prosecutor, granting the organization access to statistical data about phone tapping. “Just having these successful lawsuits represents clear progress,” a panelist said.

In late 2003, however, parliament deputies issued an internal rule prohibiting release of information on public spending for official travel. That gave the legislature two contradictory internal rules, one in line with the FOIA and the other contrary. “The same parliament that voted for the law is classifying the very information that should be public. It looks to me that the parliament did not understand the law’s philosophy,” a panel member said.

Access to international media is unrestricted. However, international publications and programming are very expensive, making it unrealistic even for some medium-sized outlets to rely on foreign sources of information.

<sup>1</sup> “Last Year of Obscurity, First Year of Transparency?” Report by The Romanian Academic Society, [www.sar.org.ro](http://www.sar.org.ro)

**Objective 2: Professional Journalism**

**Romania Objective Score: 1.98/4.00**

Many Romanian journalists do not clearly distinguish between facts and opinions. In turn, readers are conditioned to look for “guidance” in their media products, expecting journalists to present solutions and a way to interpret news. Overall, there is improvement, however: Journalists more frequently provide sources, check them, and present balanced coverage. But too often reports are superficial or rely solely on news agency dispatches or press releases. As a result, Romanian newspapers or newscasts can appear to be a collection of unrelated facts.

Given the fierce competition in a full but struggling market, media outlets often yield to sensationalism. Scandals, crimes, acts of violence, or celebrity events are front-page news. Traffic accidents are featured on the main newscasts of most television channels. With criticism of the ruling party essentially taboo, entertainment is the content of choice. As one panelist explained, “Entertainment became news. After renouncing many sensitive issues, the TV stations have to fill this empty space somehow.”

Cases of corruption are revealed almost every day in the print media. However, investigations are often superfi-

Journalism meets professional standards of quality	
<b>PROFESSIONAL JOURNALISM INDICATORS</b>	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

**“Entertainment became news. After renouncing many sensitive issues, the TV stations have to fill this empty space somehow.”**

bribing a public servant in his ministry; when he was dismissed after months of controversy, it was considered among the first notable successes of Romanian press and civic society in addressing corruption cases. Although panelists expressed concern about the level of professionalism, media have shown the capacity to cover important issues, with the central newspapers playing a clear civic role.

Journalism ethics remain more a seminar topic than a daily standard for the media community. “They know the ethical standards, but they do not pay attention to them,” one panel participant said. Associations and trade unions have proposed approximately 15 different professional codes but failed to find an effective and widely accepted version. In October 2003, the Convention of Media Organizations publicly discussed media corruption for the first time. One panel member estimated that “80 percent of Romanian media are used for the owners’ interests.” There have been several cases of journalists quitting due to editorial censorship. For example, three news managers at Europa FM, the largest private radio station, resigned in April 2003 to protest pressure to alter news content. Similar resignations have occurred at various local television stations such as the local state television station in Timisoara and at Alpha TV station in Petrosani. In each case, local politicians or businessmen pressured the station management to censor certain programs.

Most journalists do not protest their difficult work environments. According to one panelist, “The common journalist knows what he has to write, and he acts accordingly. Those who do not play the game are excluded.” The poor economic and professional status of Romanian journalists limits resistance to outside influence and censorship. The average salary of a journalist hovers at the national average of \$120 to \$130 per month, with journalists at local media earning far less than those based in Bucharest. Only a few of the large publications pay reporters decent wages by Romanian standards (\$250–\$300). Currently state broadcasters tend to offer higher salaries than private outlets. An increas-

cial, and their level deteriorates due to the expense, risk, and time required. There have been exceptional cases, though. One involved charges against a government minister for

ing number of journalists accept “financial support” from political parties or businesses for writing positive articles, or for not writing an article. Everybody seems to know which journalist is supporting which party or politician, and such practices have led to the widespread impression that public trust in the media is declining.

Many media outlets do not officially hire their journalists due to the high taxes employers have to pay for permanent jobs. Instead, journalists are hired part-time or as “contributors,” even if they work in the newsroom. In some media organizations, journalists get paid small fixed amounts taxable to the employers as well as larger “bonuses per article” taxable to the journalist. This system tends to force journalists to focus more on the quantity rather than the quality of their articles. “Also, there is no clear career guide for journalists, and it is impossible for them to know if they’ll have the same job next year,” one panelist said. For many, journalism is a career-starting profession, and most journalists leave after a few years.

Although the news is still the main editorial product of television stations, in the past two years entertainment programs have gained in popularity. The three largest television stations—private Antena 1 and Pro-TV and the state’s TVR—compete to air the best evening newscasts. The private television stations dominate the urban audience, while TVR has its captive rural audience. Other television stations, including National-TV, B1TV, and Realitatea TV, established themselves more firmly in the market in 2003, but they are not yet competitive.

Technical capabilities of media vary greatly, but, as one participant said, “The problem is not the equipment.” The most powerful outlets have digital technology, while more modest operations use outdated technology such as High 8 for television, and tape recorders for radio editing. The high cost of communications drastically limits the access to information for the smaller newsrooms. On average, however, most newsrooms have computers and Internet access. Many rural newspapers have purchased second-hand printing presses from abroad, allowing them to gain in independence what they lose in print quality.

**“The common journalist knows what he has to write, and he acts accordingly. Those who do not play the game are excluded.”**



## Objective 3: Plurality of News Sources

**Romania Objective Score: 2.48/4.00**

Romania has a clear plurality of public and private news sources that began to develop immediately after the December 1989 revolution. The lack of information during the communist era was replaced almost overnight by a vast array of media. Yet, within the past two years, protecting freedom of expression has been a significant problem. The ruling Social Democrat Party (PSD) directly or indirectly controls most of the press, and panel participants agree that this control probably will tighten more as elections approach in 2004.

Before 1989, the Romanian media landscape was composed of national television, national radio (three channels), and two national newspapers. There was a local newspaper for each of the 40 counties. The Communist Party strongly controlled all media. One year after the revolution, there were 1,200 new media outlets. Currently, some 18 Bucharest-based daily newspapers are available. In other cities, there are three to four local daily newspapers. Almost a hundred magazines and monthly publications are nationally distributed.

Private broadcast media have multiplied rapidly since 1993. Antena 1 began to broadcast in the fall of 1993; Tele “7 abc” started in 1994; PRO TV station aired

for the first time in December 1995. They were joined in 1997 by Prima TV. In 2001, two television stations, B1 TV and Realitatea TV, began operations. National television appeared in 2003, and two other national stations will be launched in 2004. Only Antena 1 and PRO TV have

earned significant market share by attracting advertising. Many believe that the advertising market is too small to sustain all current outlets.

According to a National Broadcasting Council (CNA) report, there are 173 operational television licenses in 39 counties and 74 localities. State television has four channels, the first of which is received all over the country and broadcasts mainly news, current affairs, and entertainment. The second state television station airs more educational and cultural programs, while the third, TVR International, keeps Romanians abroad connected to national events and information. In 2002, a new cultural channel opened, but it failed to attract a substantial audience.

During the past 10 years, the government has received 1,808 requests for radio licenses. The CNA granted 361 radio frequencies in 101 localities. In 2003, 295 radio stations were operational. State radio broadcasts on four channels, representing news, culture, youth, and music programming. Traditionally, public radio was more balanced in its reporting than state television and closer to serving as a true public broadcast service. However, its credibility was damaged by the abrupt replacement of the board and the resignations of producers protesting management interference.

More than 40 percent of Romanians are living in rural areas, where the Internet is an undiscovered world. An ongoing government project to connect rural schools to the Internet could help in the future. In rural areas, print publications are not easily affordable. The national average salary is \$130 per month, while a daily newspaper costs up to 15 cents and a weekly or monthly magazine costs an average of \$1. Moreover, the distribution system is rather slow. Newspapers often reach rural villages after more than a 24-hour delay.

**More than 40 percent of Romanians are living in rural areas, where the Internet is an undiscovered world. An ongoing government project to connect rural schools to the Internet could help in the future.**

### Multiple news sources provide citizens with reliable and objective news

#### PLURALITY OF NEWS SOURCES INDICATORS

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens’ access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

**Mediafax is now the main news provider to all public and private media in Romania. However, its prices are rather high at \$300 to \$800 per month. Panel participants mentioned that Mediafax could serve some business or political interests. Since the agency is a part of MediaPro, it is somehow tied up in the financial problems linked to the conglomerate.**

tion Ministry estimates the number of cable subscribers in 2003 at 3.75 millions households, about 51 percent.<sup>2</sup> The real penetration rate could actually be higher due to cable-service theft. Romania has the cheapest cable access in Europe, as a monthly subscription costs around €4. This industry is rather concentrated, 80 percent of it being owned by seven large companies, and distributes more than 40 news and entertainment channels.

Print media are regularly distributed to cities throughout the country. Some papers print two editions each day: one for the most remote cities, and another to be distributed in Bucharest and environs. Publications from the regions have difficulty distributing in Bucharest or in regions other than their own.

Current legislation sets no restrictions on access to foreign media. The only limitations are the high prices. The use of the Internet as a news source is limited, as relatively few people own computers and the costs for access are rather high. Dial-up access is especially expensive due to the former state-owned company ROMTELECOM, which had a monopoly on fixed lines that ended

Anyone with a television in Romania can receive state television; state radio stations are similarly accessible. Urban areas receive other television stations via cable, and during 2002–2003 more cable companies offered service in rural areas. Most people cannot afford satellite dishes, which cost about \$150.

According to statistics presented at the Cable Communication Convention in October 2002, 250 cable companies operate in Romania. The Communica-

in January 2003. Internet cafés are a flourishing business (rates stay at \$.50 per hour), but the number of people with home Internet connections is low. The Internet is used more for e-mail, chat, and games than for information. It is not generally perceived as a source of news, except for media or business professionals.

There are two powerful media conglomerates vying for control of ratings and audiences. One is MediaPro, founded by Adrian Sarbu, a former movie director turned successful media boss. The other is INTACT CORPORATION, owned by Dan Voiculescu, a controversial businessman and politician. Both media companies feature their own television channels via a nationwide network, national radio stations, newspapers, magazines, and distribution and printing firms. However, economic difficulties and the political power of most media owners have allowed even private outlets to be influenced by political and business interests. After the 2000 elections, media generally supported the government, and the prime minister and president became omnipresent figures in the news. Prime Minister Adrian Nastase appeared in many evening newscasts in four or five separate stories. But most of the coverage was superficial, with almost no inquiries concerning official statements or policies. Opposition political figures received far less media attention. The media monitoring agency Academia Catavencu analyzed the political trends of news coverage and showed that most stations referring to the ruling party offered neutral or positive coverage.<sup>3</sup> In contrast, Prima TV broadcasts only negative news about Traian Basescu, the “public enemy” of the prime minister.

The extent of political influence in the media sector is displayed by the activities of several stations. PRO TV, owned by the MediaPro group, has accumulated large tax debts to the state. Yet a permissive tax policy negotiated by the owner appears to explain the lack of government criticism in newscasts. When the Finance Ministry made public the list of firms with debts, all central television stations were represented. The list produced no public scandal, and news coverage remains largely pro-government.

The owner of Antena 1, the second-largest commercial television station, is also the leader of the Romanian Humanist Party (PUR). Until 2003, PUR was a minority partner in the ruling coalition. When PUR decided to quit, the majority PSD party openly admitted that it needed PUR for its media empire. After PUR

<sup>2</sup> <http://www.mcti.ro>

<sup>3</sup> <http://www.mma.ro>

dropped out of the coalition, Antena 1 became more critical of the government.

To counteract this trend, the National Broadcast Council recommended to television stations that they maintain proportional news coverage of two-thirds for the ruling parties and one-third for the opposition parties. Despite its good intentions, the council's mandate still allows interference in the editorial policies of private media. Undaunted, the CNA also started its own monitoring project. Based on a controversial methodology, monitoring revealed that the government party and Adrian Nastase remained the leaders in news appearances. The CNA organized public debates about balanced political coverage, but no official policy was adopted.

There are several active news agencies in Romania. The most important is the privately owned Mediafax. In a matter of years, Mediafax has managed to capture the market away from the public news agency Rompres. Mediafax is now the main news provider to all public and private media in Romania. However, its prices are rather high at \$300 to \$800 per month. Panel participants mentioned that Mediafax could serve some business or political interests. Since the agency is a part of MediaPro, it is somehow tied up in the financial problems linked to the conglomerate. Panel participants described some cases in which Mediafax distributed preferential information or refused to cover some topics. Other agencies such as AM Press, AR Press, and Rom Net have little influence.

There is no hard data on media ownership in Romania, but the public and the media generally know the key players. Only the international media conglomerates that have bought Romanian newspapers declare their shareholding structures. Foreign companies such as Westdeutsche Allgemeine Zeitung and Ringier own four of the top Romanian newspapers. These publications are success stories as far as maintaining editorial separation between the owners and the local management.

There is an obvious tendency to form media conglomerates, and there is no government policy on media concentration. The Broadcast Law stipulates only that one owner cannot have a dominant position in the industry, which means ownership is limited to a 30 percent share of the market. However, state stations are explicitly excluded from this provision. Additionally, an individual or firm can be the main shareholder in only one station, although the print media have no such restrictions. At the local level, most media are politically controlled. The mayor of Constanta, Romania's second-largest city, has a company composed of a local television

station, a newspaper, and a distribution network. In the city of Bacau, the mayor also controls a local media conglomerate.

Recently, he bought the only paper plant in Romania. At the local level, this trend toward consolidation can be even more obvious than at the national level.

The minority press is not restricted in Romania, and 17 national minorities (out of 18 recognized minority groups) have state-subsidized publications. Since some of the minority publications are written in the minority language, this limits the wider distribution. Journalists representing minority media complain about the lack of interest the more established media have in minority issues.

The Hungarian minority—representing up to 8 percent of Romania's population—is a special case. Romanian public television and radio stations have special programs for Hungarians. There are 10 Hungarian-language newspapers, most based in Transylvania, that are run as for-profit businesses. Even Romanian-owned companies operating in predominantly Hungarian regions publish Hungarian-language publications. Sometimes, Hungarian newspapers are quoted by the Romanian media, especially regarding issues dealing with Romanian-Hungarian relations. The Hungarian station Duna TV channel can be received throughout Transylvania.

**There is an obvious tendency to form media conglomerates, and there is no government policy on media concentration.**

## **Objective 4: Business Management**

**Romania Objective Score: 2.47/4.00**

After 1990, printing houses were privatized. The buyers were “insiders” within the press arena: typographers, famous journalists, and other media professionals. As media outlets grew, they acquired their own printing facilities, thereby securing their independence. Healthy competition has resulted. “Generally speaking, business behavior is more professional in supporting industries like printing, than in media outlets,” one panelist observed. “Political pressure is ineffective because there is competition.”

The distribution network operates differently. There are no state-owned print media in Romania.

**“Generally speaking, business behavior is more professional in supporting industries like printing, than in media outlets,” one panelist observed. “Political pressure is ineffective because there is competition.”**

believe RODIPET favors particular clients and deliberately delays returning money from sales to media outlets. Furthermore, the company does not provide newspapers with key data such as how many copies are sold per day and per region. When RODIPET was state-owned, it had a legacy of politically motivated activity. For example, the local RODIPET branch in Vrancea sided with the local authorities against the independent *Ziarul de Vrancea*.

Subscriptions are usually distributed by the Romanian Postal Service. Most subscribers, especially in rural

However, RODIPET, the largest distribution network, was privatized only in December 2003. It reaches throughout the country, even the remote villages. Newspaper executives complain that the company is slow in its delivery, as newspapers reach some areas after delays of up to 48 hours. Some

areas, receive newspapers that are already outdated. To obtain subscription revenues and build reader loyalty, some newspapers have developed their own distribution networks. *Gazeta de Sud*, a local newspaper from Oltenia, managed to distribute 40 percent of its subscriptions through its own network. Private media distribution companies also operate in Romania, reaching many parts of the country.

Printing facilities and distribution networks do not receive state subsidies. RODIPET found itself in disastrous economic shape, and it became one of the last state-owned companies to be privatized.

Romanian media generally are not profit-generating businesses. In an overcrowded market, with a poor consumer base, media outlets struggle to survive. Many owners have other businesses in order to inject funds into their media operations to keep them afloat. “They are looking out for their other interests. They surely do not expect to make money out of media. And this is becoming the usual model, especially for local media,” a panelist said. Most local newspapers are not economically viable, but businessmen sustain them as tools to facilitate business deals, especially when public money is concerned. Many local politicians set up newspapers to improve their image. But these publications are rarely read and do not have the public trust. “There are newspapers generated overnight and printed in only 20 copies. But you can blackmail with such garbage.”

Otherwise, newspapers must rely heavily on sales. Subscriptions account for just a small part of circulation numbers, so newspapers cannot count on steady sales revenues. Moreover, newspapers offer big discounts to encourage subscriptions.

**Many owners have other businesses in order to inject funds into their media operations to keep them afloat. “They are looking out for their other interests. They surely do not expect to make money out of media. And this is becoming the usual model, especially for local media.”**

<b>Independent media are well-managed businesses, allowing editorial independence</b>	
<b>BUSINESS MANAGEMENT INDICATORS</b>	■ Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
	■ Media receive revenue from a multitude of sources.
	■ Advertising agencies and related industries support an advertising market.
	■ Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
	■ Independent media do not receive government subsidies.
	■ Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
	■ Broadcast ratings and circulation figures are reliably and independently produced.

Another financial source for Romanian media is advertising. However, because of the economic situation, the advertising market is depressed compared with other countries in the region. ARBOmedia estimated that for 2002, ad revenues accounted for a total of \$119 million for television, print media, outdoor, radio, Internet, and cinema.<sup>4</sup>

There are many advertising agencies active in Romania, including large groups such as Saatchi&Saatchi, Leo Burnett, BBDO, and Young & Rubicam. Despite numerous local agencies, some 80 percent of the advertising money in the Romanian market is circulated by the international agencies. Preference is given to big media with national distribution, while the local media are largely neglected. According to ARBOmedia, less than 5 percent of ad revenues in print media go to local publications. This statistic belies the fact that the combined local media have larger circulation numbers and a greater readership than Bucharest-based publications.

During 2002 and 2003, the state became an important player in the advertising market. Public institutions, public companies, and state-owned companies bought ads, particularly in the print media. Almost daily, newspapers featured promotions for state railways, airports, tourist projects, youth initiatives, and the national communications firm. However, government advertising is a complicated issue. The Romanian Academic Society (SAR) issued a study that revealed that state-sponsored advertising was not a transparent process and a major source of political pressure against the media. Indeed, the SAR study showed that the state had no coherent strategy for promotion, nor was it clear why government initiatives should be promoted through the media. For the most part, public institutions depend more on political influence than on balanced studies of which initiatives need promotion.

State radio and television have three sources of funding: state subsidies, subscriptions, and advertising. Subscriptions to state media are compulsory for all radio or television set owners, whether the “subscribers” tune in or not. In 2003, the government increased this mandatory tax and changed the collection mechanism. Opposition parties, private electronic media, and newspapers protested to no avail. There are no state subsidies for private media, although pro-government media obtains indirect subsidies through privileged advertising. State subsidies are given only to publications belonging to the

<sup>4</sup> <http://www.arbomedia.ro>

18 national minorities recognized in Romania and to some cultural magazines.

Market research is not established in Romania. While polling companies do exist, their research is very expensive, and few media outlets can afford it. Newspapers publish polls and ask their readers to fill in questionnaires, but the results can hardly be seen as professional. Foreign media companies like Ringier, Bertelsmann, Romanian Publishing Group, and VNU-Hearst have conducted market research and continue to monitor their readerships.

The Romanian Audit Bureau of Circulation (BRAT) was founded in 1998 as an independent, non-profit organization. Ernst & Young took over the auditing activities on behalf of BRAT in September 2003. Many advertising agencies require a circulation certificate issued by BRAT as a precondition for any advertising contract, and 173 publications are audited by BRAT. Assisted by the Center for Independent Journalism and the ProMedia II Program, BRAT conducted the National Readership Survey (SNA), the first such study conducted in Romania that met international standards.

A few years ago, several multinational companies reached an agreement to set up a unique ratings system for broadcast media. Two ratings systems emerged, generating market competition. However, the state interfered with this new market by allowing the CNA to select a single rating system that will begin in 2004. A polling institute, IMAS, started conducting research using its own finances. Much of the data issued by various polling firms are not fully trusted by the media industry. Moreover, the head of the IMAS poll institute was appointed by the government to manage the reform of the local authorities. This appointment stirred even more controversy regarding the objectivity of the institute’s research. Similarly, the former head of another polling company, Metro Media Transylvania, is a member of the government.

## Objective 5: Supporting Institutions

**Romania Objective Score: 2.49/4.00**

There are more than 40 media associations in Romania representing publishers, broadcasters, journalists, editors, and distributors. Some of them are professional associations, while others are trade unions. They are both national and local organizations, and some associations of journalists specialize in a certain fields like the environment, health, sports, and photojournalism.

## Supporting institutions function in the professional interests of independent media

### SUPPORTING INSTITUTIONS INDICATORS

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

The Romanian Press Club (CRP) is one of the most influential media associations. The CRP started as an exclusive club for media owners, publishers, and media directors. Recently, the CRP began admitting editors. And according to CRP internal data, more than 200 individual journalists are members as well.<sup>5</sup> The CRP is active in lobbying the government in business issues relating to the media industry (especially taxation). One panelist explained, "They are powerful people, and the government negotiates with the CRP. But the real outcome is insignificant. Just look at the taxation level." The CRP adopted a code of ethics, which they presented to the journalism community. But the code was not widely accepted, and it has not been enforced. Representing the top executives from the most important media outlets, the CRP enjoys good visibility and tries to pass as the only representative of the media community in Romania.

Frustrated by the CRP, the editors of the local media established other associations. The Association of the Local Newspaper Editors in Brasov and the Association of the Editors in Cluj also try to promote the interests of their members. However, they operate on a smaller scale and consequently have less of an impact. Meanwhile, broadcasters have their own organization, the Association of Broadcasters (ARCA). The association

<sup>5</sup> <http://crp.digiro.net>

does not deal with editorial matters, but concentrates on technical and business issues. ARCA was very successful in bringing the government to allot more frequencies for private broadcasters.

There are many journalist associations, but most of them are low-profile, inactive, or immature.

A couple exist

only on paper, including the Association of the Romanian Journalists (AZR). Others function as branches of other local NGOs such as the SUD-EST Regional Centre for Journalism in Galati. The strongest associations are actively involved in issues pertaining to journalism standards, journalists' protection, and professional benefits. The Association for the Promotion and Protection of the Freedom of Expression (APPLE) conducted a program called FREEEX, which monitors the instances of attacks or harassment of journalists. APPLE started an e-community with a membership of more than 300 active journalists from all over the country.

Several trade unions represent the national radio and television media, but few support the private-sector outlets. Some of the existing trade unions have secured benefits for their members such as salary negotiations and holiday bonuses. Over the past year, more trade unions have been established to support the private media. The immediate concern of such groups is improving the work conditions of journalists. The largest unions are the Romanian Journalists' Society, which claims 4,800 members, and The Journalists and Printers Federation, which says it has 1,000. The membership estimates are thought to be exaggerated, however.

There are numerous human rights and civil society NGOs that work in cooperation with the media community to protect freedom of speech rights. The Association for the Defense of Human Rights in Romania—The Helsinki Committee (APADOR CH) is particularly active. APADOR CH and the Media Monitoring Agency published a very useful judicial guide for journalists, with a second edition published in 2003. Other NGOs

**Graduating journalism students are not prepared for media careers. According to one panelist, "The quality of the programs has decreased. The schools want more students, even if that means damaging the quality of the programs."**

like the Pro Democracy Association, the Foundation for the Development of Civil Society, the Romanian Academic Society, and Transparency International–Romania are all active in defending the freedom of expression. In 2003, the EU allocated special funding for supporting the development of the independent press in Romania. This initiative, somewhat unusual for the EU, reflected international concerns about the freedom of expression in Romania.

Twenty-four journalism programs operate within state and private universities across Romania. The average number of students per class is 60, so a large number of “licensed” journalists flood the media market every year. However, graduating journalism students are not prepared for media careers. According to one panelist, “The quality of the programs has decreased. The schools want more students, even if that means damaging the quality of the programs.” Curricula are mostly theoretical, while the faculty is rarely composed of active journalists. Students do not get an opportunity to receive hands-on training, even if they participate in a three-week “practical training” session in professional newsrooms. These internships offer little mentorship, and most students do not know, or do not care, to make the most of their opportunity. Meanwhile, the media market can absorb only a small fraction of the graduates, while the rest go into public relations or other communication-related jobs. The MediaPro group started its own journalism school by offering its students training and positions within the company.

Journalism students have opportunities to study abroad. However, Romanian students are not well informed about exchange opportunities. In other cases, programs ask the applicants to support themselves, which limits the number of eligible candidates. Many of those who study abroad prefer to work for international media or to continue their education rather than return to Romania.

After the closing of the BBC School (June 2001), the Center for Independent Journalism remained the only short-term training provider. The Center provides courses for journalists and journalism students, but also for students in related fields like economics and law. The Center also provides targeted assistance to media outlets. Courses in news production for radio and television, investigative reporting, and photojournalism are in high demand.

Media distribution is changing in Romania. The main printing facility is still state-owned, despite attempts to privatize it. The group that owns the printing facility now has strong links to the ruling political forces. However, many newspapers are adapting to buying

imported newsprint. Many panelists stated that the printing sector now has healthy market competition. The same holds for broadcasting. While broadcasting transmitters are still state-controlled, satellites have made broadcasting far more independent. Cable television distributors are private and distribute a large variety of channels, including national television. Internet providers are also independent.

## Panel Participants

**Brandusa Armanca**, former director, Timisoara branch of Romanian Public Television

**Ioana Avadani**, executive director, Center for Independent Journalism

**Liviu Avram**, head of Investigative Department, *Adevarul* daily, Bucharest

**Liana Ganea**, executive director, Association for the Promotion and Protection of Freedom of Expression (APPLE)

**Zoltan Kovacs**, journalist; director, AGENDA media group, Timisoara

**Alexandru Lazescu**, journalist

**Virgil Nitulescu**, parliamentary expert, Culture, Arts, and Mass Media Commission of the Deputy Chamber

**Manuela Stefanescu**, deputy director, Association for the Defense of Human Rights in Romania–The Helsinki Committee

**Adrian Voinea**, director, SC Media Sud Europa SA media group, Craiova; *Gazeta de Sud* daily, Craiova; Radio Sud, Craiova; Radio Sud, Severin; Radio Promt, Beius

## Moderator

**Cristian Ghinea**, journalist



**"The Broadcasting Council is a first-class scandal and humiliating to the profession," said a panelist.**







## Introduction

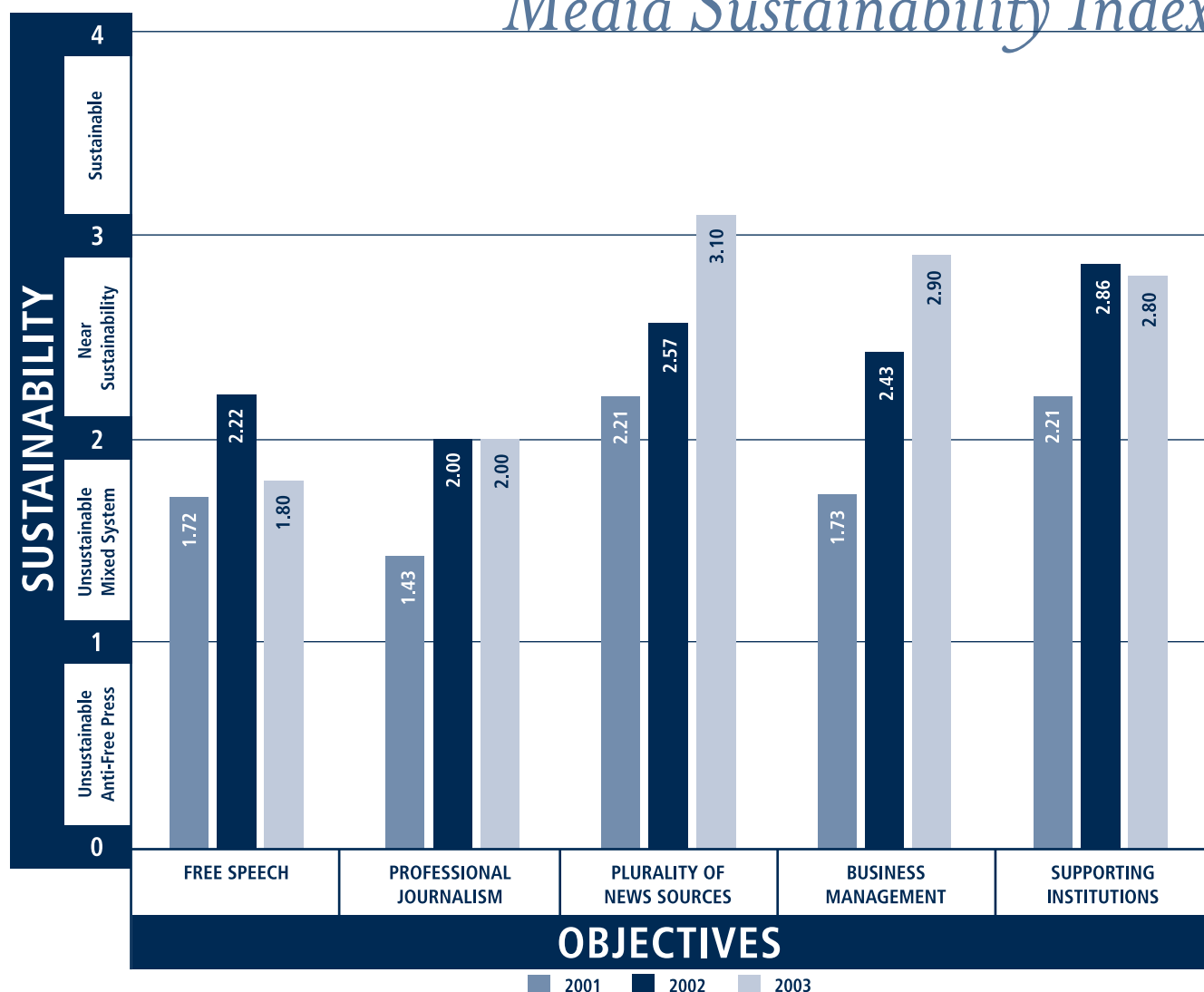
**T**hings went from bad to worse in Serbia in 2003: The March assassination of Prime Minister Zoran Djindjic revealed extensive links between the Serbian state apparatus and the criminal underworld, the ruling coalition collapsed in November after many months of squabbling and infighting, a presidential election failed because of low voter turnout, the political scene remained mired in corruption scandals, and, by year's end, the ultranationalist rightwing Serbian Radical Party had experienced a strong revival. The ailing economy offered no glimmer of hope, and the International Criminal Tribunal of the Former Yugoslavia in The Hague increased its pressure on Serb authorities to arrest and extradite scores of indicted war criminals still on the run in Serbia.

After Djindjic's assassination by a high-ranking member of a crack police unit, the government introduced a 42-day state of emergency. This effectively gagged the media, which was banned from running analyses of emergency measures, questioning their method and implementation, and quoting any sources but official government ones. The government took advantage of the situation to move aggressively on the parliamentary front: It suddenly adopted a new Public Information Act, introducing last-minute restrictions on the media without consulting the independent media experts who had co-written the law. It also elected the Broadcast Advisory Council overnight and in contravention of the Broadcast Act, provoking angry reactions from the independent media. After the state of emergency was lifted, relations between the authorities and the media worsened. One result was a flurry of lawsuits against Serbian journalists and media organizations, filed by politicians and other public figures invoking the new Public Information Act. After leading editors petitioned the government in a widely publicized move that attracted international attention, the government reprimanded the press for resorting to pressure tactics.

The independent media environment in Serbia deteriorated during 2003 as measured by the protection of free speech and access to public information areas, panel members agreed. Broadcast regula-

# Serbia

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

tion, libel suits against journalists, and pay for journalists were seen as grave problems. Recent media legislation was criticized as overly restrictive, and progress remained to be made in terms of the professional quality of journalism.

Nevertheless, the ability of journalists to cover a broad spectrum of events and distribute this coverage via readily available publications and broadcasts was seen as an indication that Serbia is approaching a sustainable independent media. There are many newspapers in private hands, the panelists said, as well as broadcast and print outlets that are considered to be providing good coverage. There are no restrictions on international media. In addition, independent media were seen as increasingly well managed, with editorial independence.

## Objective 1: Free Speech

### Serbia Objective Score: 1.80/4.00

Two aspects of the legal and regulatory situation were of extreme concern during 2003: the recently enacted Public Information Act and the government’s appointment of a Broadcast Advisory Council.

“The Broadcasting Advisory Council is a first-class scandal and humiliating to the profession,” said a panelist. He referred to the government’s hasty creation of a regulatory broadcast council in May 2003, which panelists said was in direct violation of the newly ratified Broadcast Act that requires public scrutiny of nominated council members. Some appointed members quit the board in reaction, and a number of international organizations indicated they would not support it. Critics said the new law appeared to be a government effort to retain control over the broadcast media.

The new law on public access to information also drew criticism, reflecting the lack of progress during the three years since the demise of the repressive Milosevic regime. “The new law on access to public information contains a provision allowing the government to deny information if it involves the government, police, or the army. ...If we can’t get information on the main institutions of government, what important information will we get?” said another panelist.

There was general agreement among the group that legal protections for free speech exist on paper but are not enforced, and that the general public remains unappreciative of these protections. Progress is much less than could be expected, said an attorney for The Association of Independent Electronic Media (ANEM.) With the adoption of new media laws, “the situation is better than

the year before, but only because anything is better than a legal vacuum.”

The fair licensing of broadcast media was directly tied to the controversial Broadcast Council appointments. The council is

responsible for determining which of the estimated 1,200 broadcast outlets that jam Serbia’s radio and television dials will survive a government cleanup of the cluttered broadcast spectrum. For three years broadcasters have been promised that licenses would be distributed to deserving stations, making it possible to operate legally. However, nothing has been done, and there is no anticipated resolution. Participants suggested that government

**“The government lowered taxes for media, but still the killers of Pantic and Curuvija have not been found yet,” said a panelist.**

Legal and social norms protect and promote free speech and access to public information	
FREE SPEECH INDICATORS	■ Legal/social protections of free speech exist and are enforced.
	■ Licensing of broadcast media is fair, competitive, and apolitical.
	■ Market entry and tax structure for media are fair and comparable to other industries.
	■ Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	■ State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	■ Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	■ Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	■ Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	■ Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

**“If you analyze some newspapers, you can see that some have access to information which others do not, and that some have access to interviews with members of government, which others do not.”**

for print media. Last year, the group complained that Serbian print media were taxed at the highest rate in Europe. Although the situation has now improved, panelists agreed that tax regulations generally were neither stable nor reliable. “The government lowered taxes for media, but still the killers of Pantic and Curuvija have not been found yet,” said a panelist. Objecting to the failure to prosecute crimes against journalists, the panel pointed to the unsolved organized crime–style assassination of publisher Slavko Curuvija, gunned down in 1999, and the post-Milosevic beating death of Milan Pantic, who reported on organized crime, in 2001. The police were accused of misleading the public with suggestions the murders had been solved when no arrests had in fact been made, and panelists noted that media-support organizations were launching a public campaign to demand action on Curuvija’s killing.

Reduced support to state and public media has been accompanied by less direct interference in their editorial practices, although these outlets are still fundamentally dependent on the government, panelists said. The reason for reduced involvement in state and public media is a lack of money. Municipal budgets are overburdened, and in some cases local governments are trying to get rid of their media operations. Politicians instead are applying more pressure to privately owned media. Although not official policy, local politicians have resorted to exerting pressure on journalists who have reported unfavorably on their activities. “Public service is on ice, and politicians are interfering in strong private media while public and state media are left alone,” said a deputy director of a municipal television station.

According to NUNS, the number of journalists facing libel lawsuits under criminal law rose to 220 in

forces may be working in opposition to a fair licensing plan. “From a European point of view, it is equally important to have a law as it is to apply that law,” says a press advisor to the European Commission in Serbia.

The lifting of sales tax from publications was seen as an advance

2003, from 200 the prior year. Many suits were lodged by politicians who now found it convenient to file charges under the new Public Information Act. Media organizations were particularly concerned when, during the spring and summer of 2003, the Serbian government’s Communications Bureau Chief Vladimir Beba Popovic filed libel suits against several leading publications and broadcasters (including the *NIN* weekly magazine and Radio and Television B92). Ninety-five percent of the charges allege libel and slander. “Even Milosevic people are accusing the media and winning in court,” said a panelist. Panelists did note, however, that no journalists had been imprisoned.

Despite accepting input from media groups and the international community to draft a sound new Public Information Act, the government amended the draft at the last minute to protect officeholders from media attacks and further make it possible to withhold public information. “This law is not applied fairly,” said a panelist. “If you analyze some newspapers, you can see that some have access to information which others do not, and that some have access to interviews with members of government, which others do not.” Serbia had met most requirements for free access to information, but the new law has sharply undermined that success, panelists said.

Aside from public information, other types of information were unrestricted and available equally. Also unrestricted is entry to the journalism profession.

## Objective 2: Professional Journalism

**Serbia Objective Score: 2.00/4.00**

The professionalism of Serbian journalism remains low, both in terms of the quality of the reporting and its ethical standard. The use of anonymous sources is so widespread that attacks on character and integrity are routine. While there are a handful of excellent media operations, panel members said most deserved the lowest possible rating. Fair and objective reporting was seen as improving as the result of better training that had finally begun to yield results. But journalistic ethics were questioned, with the panel citing the appearance of a large number of new tabloids—such as *Kurir* and *Nacional*—that were paying no heed to ethical standards and increasing the number of violations. “The question of reporters’ ethics is serious,” said another panelist. “Most of the stories in newspapers carry no bylines; nobody is standing behind these journalists,” said a panelist. Another added, “The situation is bad in the biggest-selling newspapers. We have a con-

Journalism meets professional standards of quality	
PROFESSIONAL JOURNALISM INDICATORS	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

taminated media scene.” Another panel member stated, “There are a lot of PR agencies, and PR activities are understood as ‘pay the reporter.’”

Self-censorship by journalists is now thought to be widespread. The group agreed that in many press organizations reporters write what editors tell them to, rather than report facts and subsequently lose their jobs. There was a clear feeling that there is self-censorship relating to the government and other centers of power. One panel member referred to the media powerhouse BK Television and asked, “Would BK ever attack an advertiser?”

Citing a recent study, one participant told the panel that reporters in Serbia earn an average of between €120 and €200 per month. She said most journalists do not have apartments and one-third have neither Social Security nor health insurance. “Personal morals are the only defense from corruption in media,” she said.

Media are seen as covering an array of events, and the panel felt that entertainment programming was balanced reasonably with news and information. Participants pointed to a large variety of news and political talk programs available on the airwaves and to the cover pages of most publications as being mostly informative rather than entertainment-oriented.

Technical facilities and equipment were viewed as improving, although there was some concern that state and municipal operations were not being upgraded as

quickly as privately owned outlets. Regarding specialized niche reporting, participants agreed that Serbia is at a low level, compared with the rest of the world, but felt some progress has been made to expand this type of journalism.

**One panelist said, “There are a lot of PR agencies, and PR activities are understood as ‘pay the reporter.’”**

### Objective 3: Plurality of News Sources

**Serbia Objective Score: 3.10/4.00**

The variety of news sources providing reliable and objective information continues to improve, according to the panel. This is especially true as measured by citizens’ access to news and the existence of independent news agencies. However, there remains strong concern about the transparency of media ownership.

With 16 daily newspapers and more than 100 magazines available in Serbia—not to mention the multitude of broadcasters filling the congested airwaves—there is an abundance of public and private news sources.

Multiple news sources provide citizens with reliable and objective news	
PLURALITY OF NEWS SOURCES INDICATORS	■ A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
	■ Citizens’ access to domestic or international media is not restricted.
	■ State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
	■ Independent news agencies gather and distribute news for print and broadcast media.
	■ Independent broadcast media produce their own news programs.
	■ Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
	■ A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

However, it was noted that rural residents do not have the same access to print media as their urban counterparts and that despite so many news sources being available, only one-sixth of the nation spends money to actually buy these publications. “Small readership is a consequence of low buying power,” said one panelist. However, the panel agreed that access to media was becoming more affordable, and especially noted increased Internet usage.

Whether the media reflects the views of the entire political spectrum is a complicated question during a period when there is so much change. There is a strong argument that many in Serbia’s press have simply changed coats since Milosevic was forced to leave power three years ago. “Milosevic’s machinery is still in power,” said another panel participant. Many journalists are simply not aware that they are accountable to the

**“Milosevic’s machinery is still in power,” said one panelist.**

public and not to the politicians. “Local and regional stations still have professional politicians on their boards. Through them, municipalities are attempting to control media,” a panelist said. However,

the head of the Serbian government’s Radio 202 for the past two years, said, “When I was editor-in-chief of Radio 202, I told my staff: You are responsible to your listeners—not to me, not to the editor, not to the director, and not to the politician.” For their part, independent broadcasters can produce their own news, but politics and business interests still may play a role.

Generally, the panel agreed that Serbian media had improved its coverage of the political spectrum during 2003, and noted that it been recognized with several international media awards.

News agencies can distribute information for print and broadcast media without restriction, and they adhere to professional standards as well as work to adjust their prices to the market.

According to the panel, the transparency of media ownership declined during 2003. The panel felt that the number of media outlets had increased throughout the year, but that had not been accompanied by more information about who owned what. The participants speculated that ownership data are concealed to avoid taxes and to prevent political problems. A recent study by the Media Center in Belgrade showed that ownership information cannot even be found in the local courts. The transparency problem applies to both public and

private media, the panel said, and although ownership was not seen as being concentrated in a few powerhouses, members felt that several media groups are quite strong.

There was little concern about minority interests being represented in the media. Minority-language publications and broadcasts were considered sufficient, partly as a result of the government’s obligation to provide such programming.

**Objective 4: Business Management**

**Serbia Objective Score: 2.90/4.00**

There has been marked improvement in the business management of independent media sufficient to assure editorial independence. Panel participants said Serbian media approached financial sustainability during 2003. They noted, however, that being private does not guarantee the media will be independent editorially. Some private outlets have close ties to those in government, they said, while there are state-owned media organizations providing independent coverage.

The panel noted improved conditions for supporting industries in the media sector, with generally competitive distribution prices for print media. There are both state and private distribution companies,

**Independent media are well-managed businesses, allowing editorial independence**

- |                                       |   |
|---------------------------------------|---|
| <b>BUSINESS MANAGEMENT INDICATORS</b> | ■ Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.  |
|                                       | ■ Media receive revenue from a multitude of sources.  |
|                                       | ■ Advertising agencies and related industries support an advertising market.  |
|                                       | ■ Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.                                  |
|                                       | ■ Independent media do not receive government subsidies.  |
|                                       | ■ Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences. |
|                                       | ■ Broadcast ratings and circulation figures are reliably and independently produced.  |

but publications complain that they have to wait for up to two months before they can collect their money for copies sold. As there is no tradition of subscribing directly to newspapers in Serbia, publications depend heavily on distribution systems. Publishers also criticized the service provided by the Serbian post office in delivering subscriptions. They noted that lack of dependability, including use of small, easily burglarized mailboxes in apartment buildings along with relatively high fees, meant it was difficult for newspaper companies to make money from subscriptions.

Advertising revenue continued below potential during 2003, but the market did not worsen significantly. In fact, good communication between the media and advertisers was seen as a positive development. The Strategic Marketing and Media Research Institute has provided reliable figures showing advertising agencies in Serbia spent \$65 million in 2003, compared with \$50 million in 2002. This represents a 30 percent increase. Darko Brocic, director of ABG, an audience measurement company, offered statistics showing that two-thirds of the nation's advertising budget is spent on television and the remaining third on all other media—print 20 percent, outdoor 10 percent, and radio 5 percent. In 2002, advertising money spent in Serbia was around €50 million (\$54 million), increasing to between €55 and €60 million (\$70–\$76 million) during 2003. Print media received the biggest increase, with more sections of newspapers devoted to advertising. A clear growth in regional advertising revenue was noted.

The percentage of operating funds earned from advertising revenue continues to grow in line with accepted commercial standards. “The tendency is positive, and that is something that we could not dream about in the previous period,” said one panelist. For the third consecutive year, both the BK and Pink television outlets were considered to have a head start due to their relationship with the Milosevic regime.

Independent media continue to be seen as receiving government subsidies in that some state agencies place advertising only in select publications, using non-transparent criteria to pick these favored publications. This is a two-year-old form of discrimination practiced frequently by the government agency charged with privatization, panel members said. The group agreed that this use of selective legal ad placement was a form of subsidy. In another case, one panelist described a situation in the city of Nis where the municipality was openly financing three media outlets owned by the city and two more that were owned privately.

Overall, the use of market research by Serbian media is making good progress, especially for television. Media's use of reliable broadcast ratings and circulation figures has improved during the past year. Serious newspaper research is now under way for the first time. Media-support organizations such as IREX helped media to support such research. Difficulty was noted in the radio sector because of the large number of outlets that need to be measured.

**“The tendency [of growing ad revenue] is positive, and that is something that we could not dream about in the previous period,” said a panelist.**

## **Objective 5: Supporting Institutions**

**Serbia Objective Score: 2.80/4.00**

Supporting institutions for independent media are approaching sustainability, albeit not at quite the pace of recent years. Nongovernmental organizations (NGOs) were seen as playing a vital role in the transition to a market economy in the media sector, providing support while outlets learn to operate by new standards and to survive in an evolving economy. One NGO was criticized for its involvement with Pink Television, an outlet seen as having profited unfairly under the Milosevic regime.

The status of trade associations and their ability to help private media is not a subject of consensus. General improvement was noted, but panelists said a number of new associations were formed during 2003 and it was not yet clear whether they would work effectively for their members. One panelist said the distribution tax on newspapers was tossed out only after direct pressure from media managers and editors and not as a result of action by formal trade associations. The Independent Journalists Association of Serbia (NUNS) was commended for providing 40 seminars and training more than 600 journalists during its first two years, along with providing legal counsel and travel assistance. Among broadcasters ANEM also provided effective training.

NGOs offered considerable support for Serbian media, but the panel noted a controversy involving the local Helsinki Committee for Human Rights. More specifically, panelists resented that the Helsinki Committee had associated itself with Pink TV by collaborating

**“Seminars alone are not enough for a journalist to become a real professional.”**

Zeljko Mitrovic, has been trying very hard to ingratiate himself with the post-Milosevic government in Serbia.

Some progress has been made in improving university journalism programs, but the situation is still rated as poor. One panel member said that most people attending journalism seminars had not studied the subject formally before and had no professional education. The political sciences faculty at the University of Belgrade finally has

with the station on a documentary series on recent Serbian history. This cooperation is also controversial because the station’s owner,

begun serious reforms, but it will be some time before this has an impact on the quality of journalism in Serbia.

Short-term training for journalists was seen to have improved during 2003. It was agreed that not only had the number and quality of such training increased, but so had the evidence of its influence at media outlets throughout Serbia. Even so, one panelist pointed out, “Seminars alone are not enough for a journalist to become a real professional.”

Sources of newsprint and printing facilities are in private hands and not restricted. Channels of media distribution have shown little improvement, with the continued existence of monopolies controlling locations for kiosks and the state broadcaster Radio Television Serbia controlling transmitters.

Supporting institutions function in the professional interests of independent media	
SUPPORTING INSTITUTIONS INDICATORS	■ Trade associations represent the interests of private media owners and provide member services.
	■ Professional associations work to protect journalists’ rights.
	■ NGOs support free speech and independent media.
	■ Quality journalism degree programs that provide substantial practical experience exist.
	■ Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
	■ Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
	■ Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

**Panel Participants**

*Darko Brocic*, AGB Director, People Meter Research

*Milica Lucic Cavic*, president, The Independent Journalists Association of Serbia (NUNS)

*Aleksandar Djordjevic*, press and information advisor, European Union Delegation of the European Commission in FRY

*Momcilo Djurdjic*, deputy director, TV Pirot

*Slavoljub Kacarevic*, director and editor-in-chief, *Glas javnosti*

*Slobodan Kremenjak*, attorney, The Association of Independent Electronic Media (ANEM)

*Nikola Mirkov*, media analyst and editor of cultural programs, Radio Television Serbia

*Nebojsa Spaic*, director, Media Center Belgrade

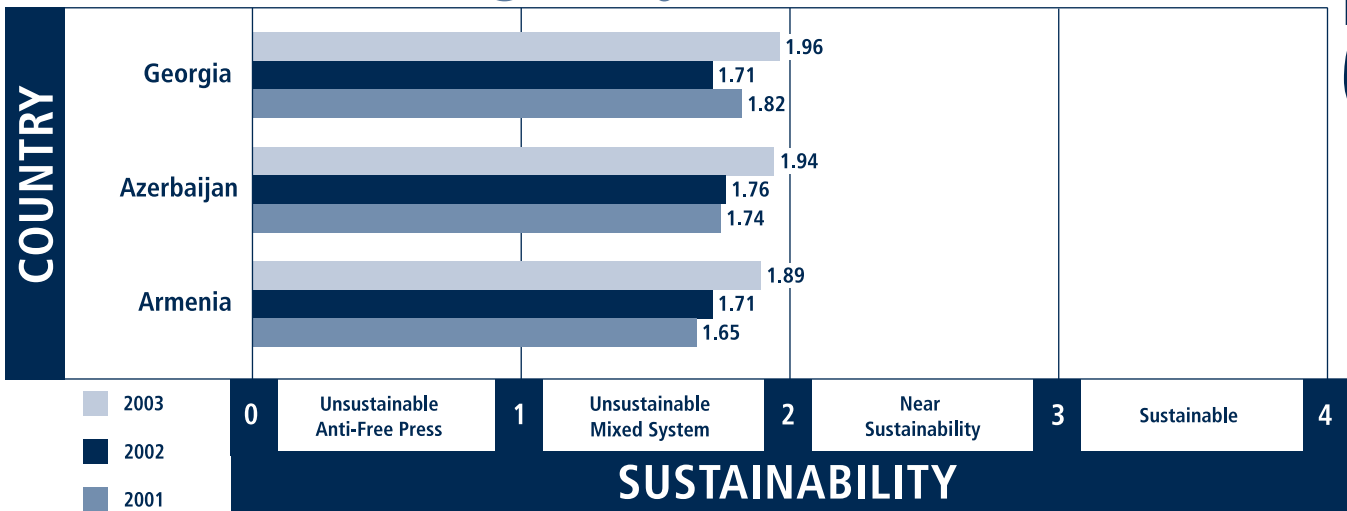
*Voja Zanetic*, marketing specialist and director, Mozaik private marketing agency

**Moderator**

*Nebojsa Spaic*, director, Media Center Belgrade



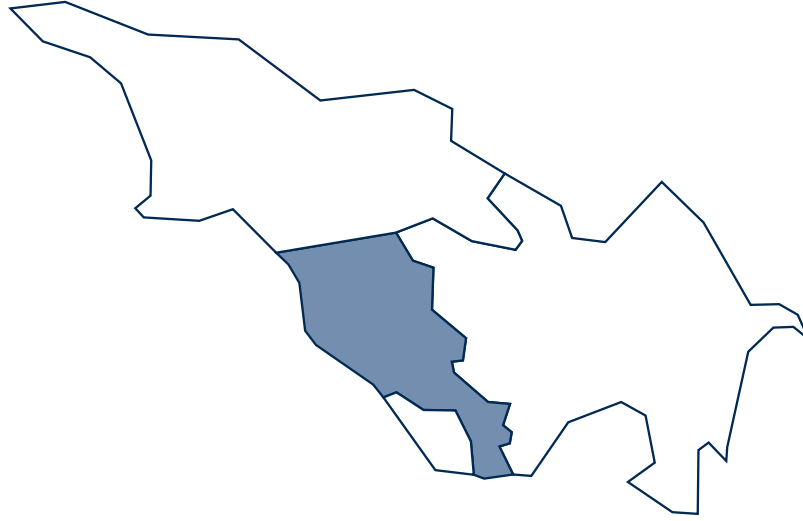
## Caucasus: Average Objective Scores





"It is very convenient to excuse low professionalism by appealing to false risks," said a panelist.





## Introduction

# A

Armenia experienced significant economic growth in 2003, when refinements in the customs, tax, and other legislation led to an increase in foreign capital investment and more favorable conditions for local small and medium-sized businesses. This came despite some tension during presidential and parliamentary elections, as well as a continuing blockade by neighboring Turkey and Azerbaijan.

A range of macroeconomic indicators such as gross domestic product, the unemployment rate, state budget revenues, and poverty levels showed improvement. However, serious problems such as the strong presence of a shadow economy, corruption, and social polarization still exist. Moreover, socioeconomic development is almost totally concentrated in the capital city, Yerevan, while regional areas still stagnate.

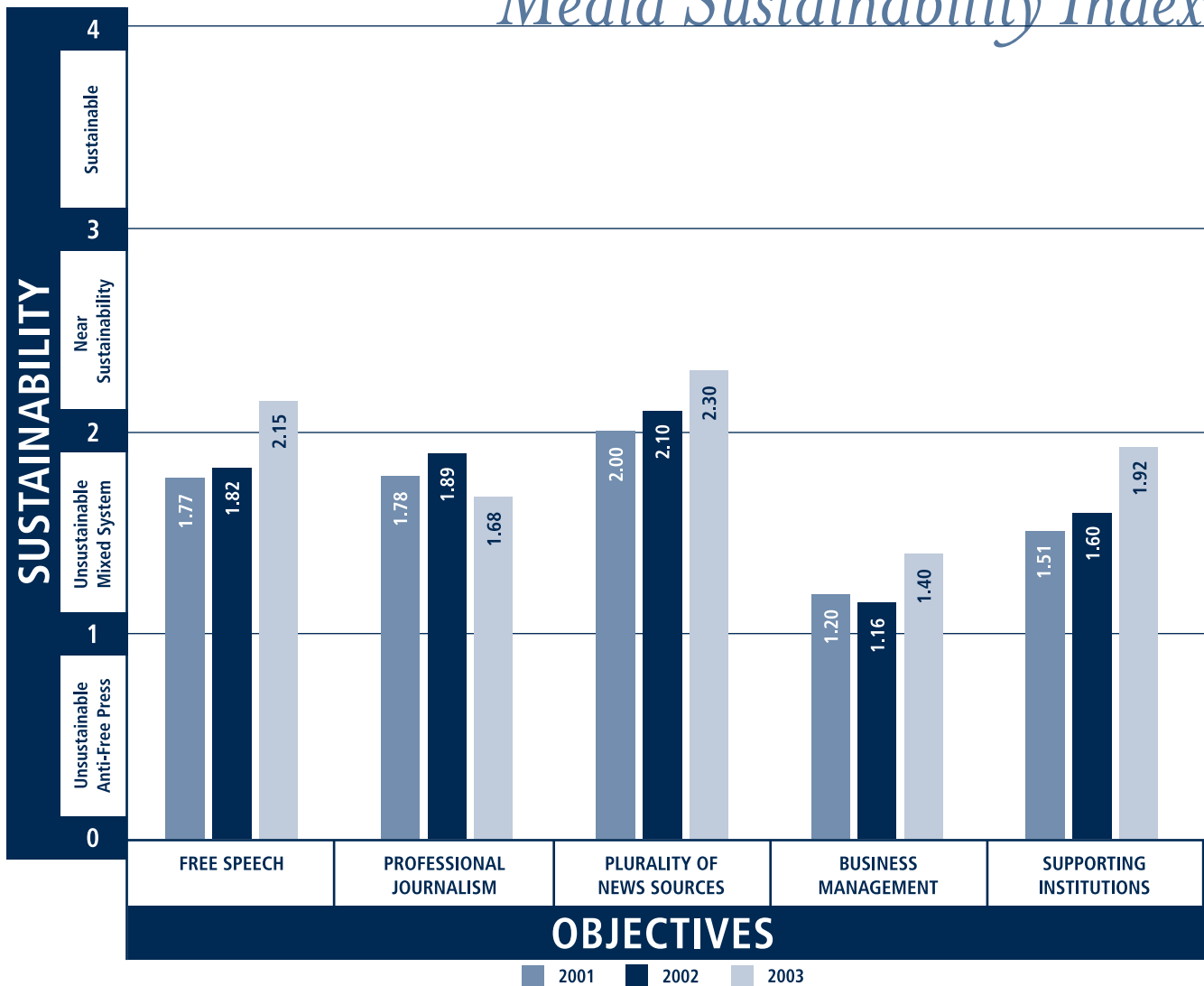
Democratic development progressed little during 2003. Western observers declared that both presidential and parliamentary elections failed to meet international standards, agreeing with Armenian media assessments during the campaigns. However, the political leadership has expressed willingness to develop democracy and a free-market economy further, and it is notable that for the first time in modern Armenian history, no member of the Communist Party is in the newly elected parliament.

Armenian media were primarily focused on political coverage, especially elections, during 2003. The interest moved to the neighboring countries of Georgia and Azerbaijan, where the elections, in contrast with those in Armenia, were marked by political leadership changes. The coverage of the Karabagh conflict receded, with negotiations concerning the situation frozen for the pre-electoral period in both countries.

Armenian media also focused on prominent criminal cases, such as the lengthy trial of those accused in the October 1999 killing of eight officials, including the prime minister and the speaker of the National Assembly, in the parliament. Another court case related to

# Armenia

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

**“Journalists should fight to get the information till the very end, unless the officials and businessmen practice reporting to the public, and we should use all opportunities provided by the legislation.”**

newspapers have political biases and party affiliations, the placement of ads is perceived as financial support, which makes advertising carry a political stigma. In addition, some newspaper circulation increases were due primarily to the elections, and new newspapers were established to serve as propaganda forums for particular political figures.

There was considerable advancement in media legislation. In particular, new laws on mass media and freedom of information were adopted, representing a significant step forward for professional journalism and, more broadly, civil society.

## Objective 1: Free Speech

**Armenia Objective Score: 2.15/4.00**

The panelists agreed that the Armenian Constitution and much of the supporting laws guarantee freedom of speech. In December 2003, the Armenian parliament adopted the new mass media law, which had been on its agenda for almost two years. The original draft law was harshly criticized for provisions directly or indirectly limiting freedom of speech. Especially problematic were provisions concerning the right for refutation and response, accreditation and responsibility of journalists, the status of foreign media in Armenia, and financial transparency of media organizations, all of which might be used to restrict independent media. Armenian and international organizations lobbied for changes in the draft, and the new law is considered an improvement. Another new law on freedom of information moved guarantees of free speech forward, but implementation and enforcement remain a concern, especially because

the slaying of the National Radio and Television chairman in December 2002.

The development of the private business sector produced a slight upturn in the advertising market, and several newspapers showed significant growth in ad content. However, because most

the Armenian judicial system is not yet independent of outside influences.

With virtually all media serving some political interest, attacks on journalists are most often political undertakings. Tigran Naghdalyan, chairman of National Public TV and Radio, was the first Armenian journalist killed because of his profession. His murderers were identified, tried, and sentenced because the authorities had personal interest in resolving the case, the Media Sustainability Index (MSI) panel said. Generally there is no such willingness by law enforcement to investigate “simple” cases, when journalists are threatened or beaten. Among such cases is the beating of an editor of the *Or* newspaper, Gayane Mukoyan, who required hospitalization. The police investigation did not clarify the motives for the attack, and the media community, while condemning it, did not move aggressively to protect her. This appeared to be due to the earlier publication by Mukoyan’s newspaper of nude photos of another well-known chief editor, a move that journalists viewed

### Legal and social norms protect and promote free speech and access to public information

- |                               |   |
|-------------------------------|---|
| <b>FREE SPEECH INDICATORS</b> | ■ Legal/social protections of free speech exist and are enforced.   |
|                               | ■ Licensing of broadcast media is fair, competitive, and apolitical.  |
|                               | ■ Market entry and tax structure for media are fair and comparable to other industries.   |
|                               | ■ Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.                     |
|                               | ■ State or public media do not receive preferential legal treatment, and law guarantees editorial independence.                       |
|                               | ■ Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.    |
|                               | ■ Public information is easily accessible; right of access to information is equally enforced for all media and journalists.          |
|                               | ■ Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.                      |
|                               | ■ Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists. |

as an ethical violation. Another noteworthy case was the beating of the opposition *Chorhord Ishkhanutiun* newspaper reporter Mher Khaletsyan, who reported on illegal construction. In that case, an attacker turned himself in. The election period brought more cases of free speech being restricted than usual, panel members said. In one case, several regional television stations were improperly prohibited from broadcasting by local government authorities, and work resumed only after journalists protested.

Despite objections by Armenian and international observers, libel remained a criminal offense when the new criminal code was adopted in April 2003. The code allows a prison sentence of up to three years, although there is no recorded case of a journalist being jailed for libel. The new code also increases the financial penalties for libel, which could seriously damage the poorly funded news media. In addition, the penalty for libeling an official is higher than when the target is an ordinary citizen.

Many concerns were expressed with regard to the Radio and Television Law. The president appoints members of the Licensing Commission, who are not considered independent. Experts referred to the example of the A1 Plus TV station, which lost its broadcasting frequency in spring 2002. The company was unable to resume broadcasting, although it participated in all further licensing competitions.

Adoption of the Freedom of Information law was considered a positive step, although many journalists and officials are unaware of its provisions. One shortcoming is the absence of a law on state secrets, leading to dispute about defining what is public and what is not public information. The government tends to see all information as state secrets, as do businesses that move to protect “commercial secrets.” Nevertheless, practice shows persistent journalists are able to overcome these obstacles. “Journalists should fight to get the information till the very end, unless the officials and businessmen practice reporting to the public, and we should use all opportunities provided by the legislation,” said one panelist. Another panel participant published the main provisions of the law on the front page, stressing penalties set for withholding information.

By contrast, access to international news is completely free. And journalism as a profession is open to everybody interested. The news media is in an advantageous position compared with other businesses because of an exemption from value-added tax (VAT).

## Objective 2: Professional Journalism

**Armenia Objective Score: 1.68/4.00**

Polarization of the news media into two camps—pro-government and opposition—does not leave much chance for the public to get objective and accurate news. The opposition press presents everything in a negative light, while the pro-government media make it glow. The truth is often lost between these extremes, panel members said. News coverage and commentaries are not separated in the Armenian media, and there is a lack of fact-based reporting. Among the reasons:

- The lingering traditions of Soviet-style journalism, when news media were considered as an ideological tool;
- The lack of independence on the part of news organizations, which are affiliated with certain political and business groups that dictate the editorial policy and content;
- The resistance to change on the part of the majority of top editors who represent a generation brought up in the techniques of reporting on a one-party system. This hinders not only the editorial policy, but the commercial side of media operations as well. Panelists said this was particularly true for newspapers, which

### Journalism meets professional standards of quality

#### PROFESSIONAL JOURNALISM INDICATORS

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

are more conservative in their development compared with the electronic media;

- The lack of advanced journalism education.

An underlying cause is the poor financial condition of many news organizations. Many cannot hire additional reporters who would provide more specialized and higher-quality news coverage. With too few journalists and too many time pressures in the newsroom, investigative reporting is sacrificed, as is coverage of Armenia outside the capital.

Self-censorship by both journalists and editors is another serious obstacle for professional journalism. There are topics that journalists do not cover because of

**With too few journalists and too many time pressures in the newsroom, investigative reporting is sacrificed, as is coverage of Armenia outside the capital.**

certain political and business connections. Many journalists fear losing their jobs. The panelists presented an example of the firing of an ALM TV cameraman who captured on film a clash between police and demonstrators in front of the presidential office after

the presidential elections. The experts believe numerous such cases are not publicized. As for fear of physical reprisals, panelists agreed that often no real threat to journalists exists and that the real reason for inconsistent coverage is the lack of professional responsibility. “It is very convenient to excuse low professionalism by appealing to false risks,” said a panel participant.

The pressure on journalists is mainly financial rather than physical, with low salaries providing the foundation for corruption. For instance, many journalists covering the 2003 elections had additional “bonuses” from political candidates for ordered articles. The panelists also mentioned the difference in salaries between editors and reporters. Despite the low salaries, however, the number of journalists in the country is growing. “We have more journalists than we need, and unfortunately most of them are not professionals,” said a panelist from a popular newspaper.

Ethics codes have been developed over the years by media nongovernmental organizations (NGOs) such as the Armenian Journalists Union, Yerevan Press Club, Gumri Asparez Club, and the Investigative Reporters Agency. However, they are not practiced or enforced, and

no one code is acceptable for every media outlet. Ethics codes are not very relevant for news organizations that are being used as a platform where politicians or competing business groups settle scores with each other. Some panelists suggested that, for now, there is no sense in imposing ethical standards for the media, while others were confident that even in current conditions media professionals could apply certain basic norms. Publication of an ethics handbook was suggested as one route. The participants did agree that professional ethics would only follow respect for a more general set of moral principles in society.

On the positive side, panelists mentioned the development of investigative reporting, which had not existed until recently. The panelists also agreed that there are a few media practitioners who set an example by following high professional and ethical norms.

### Objective 3: Plurality of News Sources

**Armenia Objective Score: 2.30/4.00**

There is access to a wide range of news sources in the country through television, newspapers, radio, and the Internet. The government does not impose any restriction in this area. The only limitation is the poverty of

#### Multiple news sources provide citizens with reliable and objective news

#### PLURALITY OF NEWS SOURCES INDICATORS

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens’ access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

**“We have more journalists than we need, and unfortunately most of them are not professionals,” said a panelist from a popular newspaper.**

in all kiosks. Russian entertainment and fashion magazines sell the best. It is possible to obtain Western press as well, but it is available only through subscriptions that are too expensive for most Armenians. There also is no general practice of following news in foreign languages other than Russian. The main source of news traditionally is television, with free access to a dozen channels in Yerevan. In the regions, radio is the most popular, since access to television is usually limited to three channels—the state first channel, “Prometheus,” and ALM TV—due to technical difficulties and the lack of modern equipment. Newspapers only reach regional centers; there is no delivery to villages due to financial constraints and ineffective distribution systems. Most of the panelists agreed that the phrase “The newspaper costs the same as one loaf of bread, and poor people facing a choice prefer the bread” is outdated. The main problem is that despite paying for a newspaper, a reader does not have any guarantee of getting objective news. To have a better idea of the real picture, one has to buy several newspapers to compare coverage—and this is too expensive. Subsequent to the campaign, panelists noticed that state television had become more open to alternative points of view after providing coverage during the elections that heavily favored the government. The influence of businesses and politicians on media is reflected in reporting, but the spectrum of topics is not limited. Consumers are aware of the ownership of media outlets, which allows them to judge the objectivity of news, especially for television. Newspaper ownership is not so transparent and changes more frequently. Television sponsors (mostly business magnates) do not hide their affiliation with the medium, allowing them to not only freely advertise their companies, but also to have a political influence. Since business and politics in Armenia are closely linked and businesses most often operate illegally, wealthy businessmen often seek an “umbrella” to assure their safety—with media affiliation serving as one such “umbrella,” panelists said.

many Armenians. There are no curbs on access to the foreign print or electronic media. Russian television programs are very popular in Armenia, and Russian newspapers and magazines are sold

Coverage of minority issues does not lead to harassment of journalists, and the government supports newspapers for minority groups. The Internet is not under government control, but not many people can afford it.

## Objective 4: Business Management

**Armenia Objective Score: 1.40/4.00**

Although many editors have gotten accustomed to the idea that newspapers and other media outlets generate products rather than ideological tools, they have not yet succeeded in managing their organizations as businesses. The panelists explained that as long as media are relying on sponsors, there is no sense in trying to do things differently and convert news organizations into effective businesses. The business climate also is not too favorable for media operations, with the ineffective and inflexible distribution system presenting a major obstacle for newspapers.

No market studies are being conducted, and thus there is no information on audience preferences to guide managers. On the other hand, in conditions when the press depends on sponsors, the media are biased toward the preferences of their financial supporters. Some news-

### Independent media are well-managed businesses, allowing editorial independence

- |                                       |   |
|---------------------------------------|---|
| <b>BUSINESS MANAGEMENT INDICATORS</b> | ■ Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.  |
|                                       | ■ Media receive revenue from a multitude of sources.  |
|                                       | ■ Advertising agencies and related industries support an advertising market.  |
|                                       | ■ Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.                                  |
|                                       | ■ Independent media do not receive government subsidies.  |
|                                       | ■ Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences. |
|                                       | ■ Broadcast ratings and circulation figures are reliably and independently produced.  |



**“While TV cannot be started without huge initial capital, a newspaper can be launched by having two computers and \$500 only. Certainly, such newspapers cannot survive without sponsors,” said one panelist.**

our city, almost all people know each other, and I plan the content of my newspaper while talking with them,” said a panelist from a weekly newspaper. “They are often interested in international news. For example, readers asked me to write more about the war in Iraq. They were also very interested in Georgian events and even asked me to clarify whether Saakashvili is Armenian or not.” There is no special, permanent mechanism focused exclusively on media and media market analysis.

There are several successful printing presses in Yerevan, although the quality is imperfect. One panel participant mentioned that it is necessary for newspapers to have their own presses, allowing more flexibility in content and circulation. “The less the dependence on different structures, the more the opportunities to run newspapers as businesses,” he said. Many regional newspapers are printed in Yerevan because of the lack of presses in the regions, adding time and money to the newspapers’ ability to provide timely, affordable coverage.

Some newspapers in Yerevan have created advertising departments in recent years. But the business environment is not very competitive, and advertising is underdeveloped, reducing its role in supporting Armenian media. Experts say advertising could “feed” only two to three big newspapers while in Yerevan. With a population of approximately 1 million, there are more than a dozen publications. As a result of insufficient advertising revenues, there is always a gap in newspaper budgets left to be filled by sponsors. The bigger the gap—generally from 25 to 60 percent of the cost—the more the newspapers depend on sponsors.

papers occasionally try to get readers’ opinions on specific topics by putting short questionnaires in the newspaper. This is widely practiced by *Novoye Vremya*, a Russian-language publication with relatively little dependence on sponsors. Editors from the regions say they study readers’ opinions in the streets during casual conversations. “In

New newspapers frequently appear on the market. “While TV cannot be started without huge initial capital, a newspaper can be launched by having two computers and \$500 only. Certainly, such newspapers cannot survive without sponsors,” said one panelist. In the regional press, advertising revenues are extremely low. Experts mentioned ad sales amounting to only 1 to 2 percent of total revenue. “There is nothing to advertise in regions. No industry, no production, only stores, which prefer to advertise through TV,” said a panelist. Even though many businesses prefer to advertise through television, the ad market for broadcast media is still underdeveloped. With 19 television stations in Yerevan, the market is clearly oversaturated. The main difference between the business practices of print and electronic media is that broadcast outlets are openly owned by business magnates who do not hide their political affiliations.

**“There is nothing to advertise in the regions. No industry, no production, only stores, which prefer to advertise through TV,” said a panelist.**

Government subsidies are too small to influence media content. Many Yerevan-based newspapers refused to accept them, deferring to youth and regional and minority-group newspapers. “The subsidies are decreasing from year to year. In 2001, we got 1 million drams (approximately \$2,000); in 2002, 800,000 drams; in 2003, 600,000,” said an editor on the panel.

Low newspaper revenue is also explained by small circulations, which are 3,000 to 5,000 for dailies. The biggest circulation belongs to the weekly *Iravunk*, with 8,000 copies. Such low circulations make newspapers unattractive for potential advertisers. With newspapers not oriented toward their readers, however, there are few prospects for significant circulation increases. Some experts support the idea of providing newspapers with loans. “Not all, but some, editors who are committed to the idea of independent press will take this risk and use the opportunity to operate their news organizations in accordance with contemporary business canons and market rules,” said a panel participant. Another option might be to merge small newspapers into larger companies, although that would require overcoming polarized interests.

## Objective 5: Supporting Institutions

**Armenia Objective Score: 1.92/4.00**

There are a variety of media-support institutions working with varying degrees of success to defend the rights of journalists and increase their professionalism. Panelists mentioned that some of these organizations lack professionalism and are inconsistent in their assistance programs, which may be more theoretical than practical.

Supporting institutions function in the professional interests of independent media	
<b>SUPPORTING INSTITUTIONS INDICATORS</b>	■ Trade associations represent the interests of private media owners and provide member services.
	■ Professional associations work to protect journalists' rights.
	■ NGOs support free speech and independent media.
	■ Quality journalism degree programs that provide substantial practical experience exist.
	■ Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
	■ Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
	■ Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Journalism education in general is of low quality because of the lack of essential components such as relevant literature, trained faculty, laboratories, and model newspapers and television and radio stations. However, almost all public and private universities have journalism programs.

Panelists mentioned several effective support programs, including opportunities to study journalism abroad or receive internships at Western news organizations. They also noted that the conclusion of the IREX/ProMedia program for print media resulted in a significant loss of help and encouragement. They noted that there is no permanent institution in the country focused on providing professional training to journalists.

“Media associations are quite active, but there is no organization defending the corporate rights of editors and publishers,” said a panelist. He gave an example of the agreement among editors not to sign a contract with an unreliable distribution company that later broke down. The same situation exists with acquiring newsprint: Editors are paying twice as much as necessary because they are unable to reach an agreement and organize the joint delivery of newsprint from Russia.

“The journalist unions and associations are only as mature as the overall NGO sector of the country,” said a panelist and NGO member.

**“Media associations are quite active, but there is no organization defending the corporate rights of editors and publishers,” said a panelist.**

## Panel Participants

*Aghasi Abrahamyan*, editor, *Banvor Kumayri* newspaper, Gumri

*Hakop Avetikyan*, chief editor, *Azg* daily

*Greta Grigoryan*, editor, *Zangezur* newspaper, Goris

*Anahit Harutiunyan*, *Ditord* magazine, Spiritual (Cultural) Armenia NGO

*Pap Hayrapetyan*, editor, *Sevan* newspaper, Sevan

*Tamara Hovnatanyan*, journalist, Women with University Education NGO

*Armine Nanyan*, For Sustainable Human Development NGO

*Sara Petrosyan*, journalist, Investigative Reporters Agency

*Artur Sahakyan*, investigative journalist, *Iravunk* newspaper; editor of news department of public radio

*Anna Satyn*, journalist, *Novoye Vremya* newspaper

## Moderator

*Naira Manucharova*, independent consultant

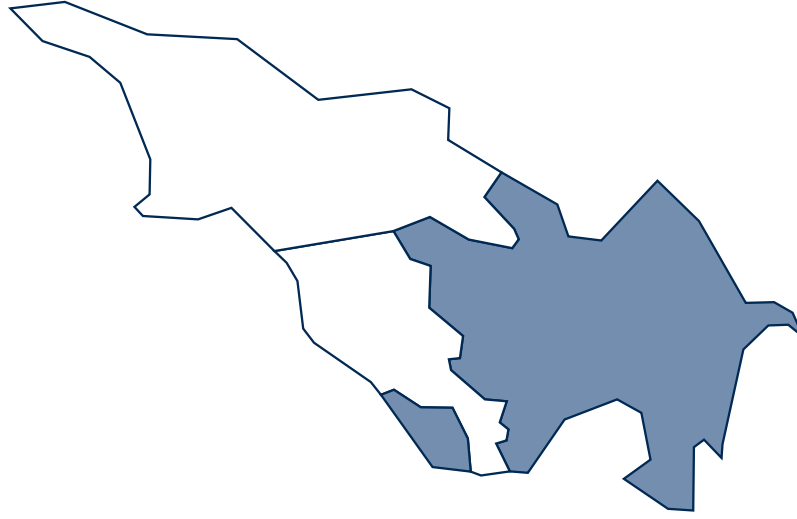
## Observer

*Lilit Voskanyan*, USAID, Armenia



"Authorities will be held responsible if anyone from our newspaper is beaten, kidnapped, or murdered."





## Introduction



For the media in Azerbaijan, 2003 was a somewhat disappointing year, according to many observers. The country is mired in a difficult economic situation, there is a continuing lack of pluralism in the media, news outlets remain dependent on sponsors or afraid to challenge power, the level of professionalism is still low, and basic freedoms are restricted.

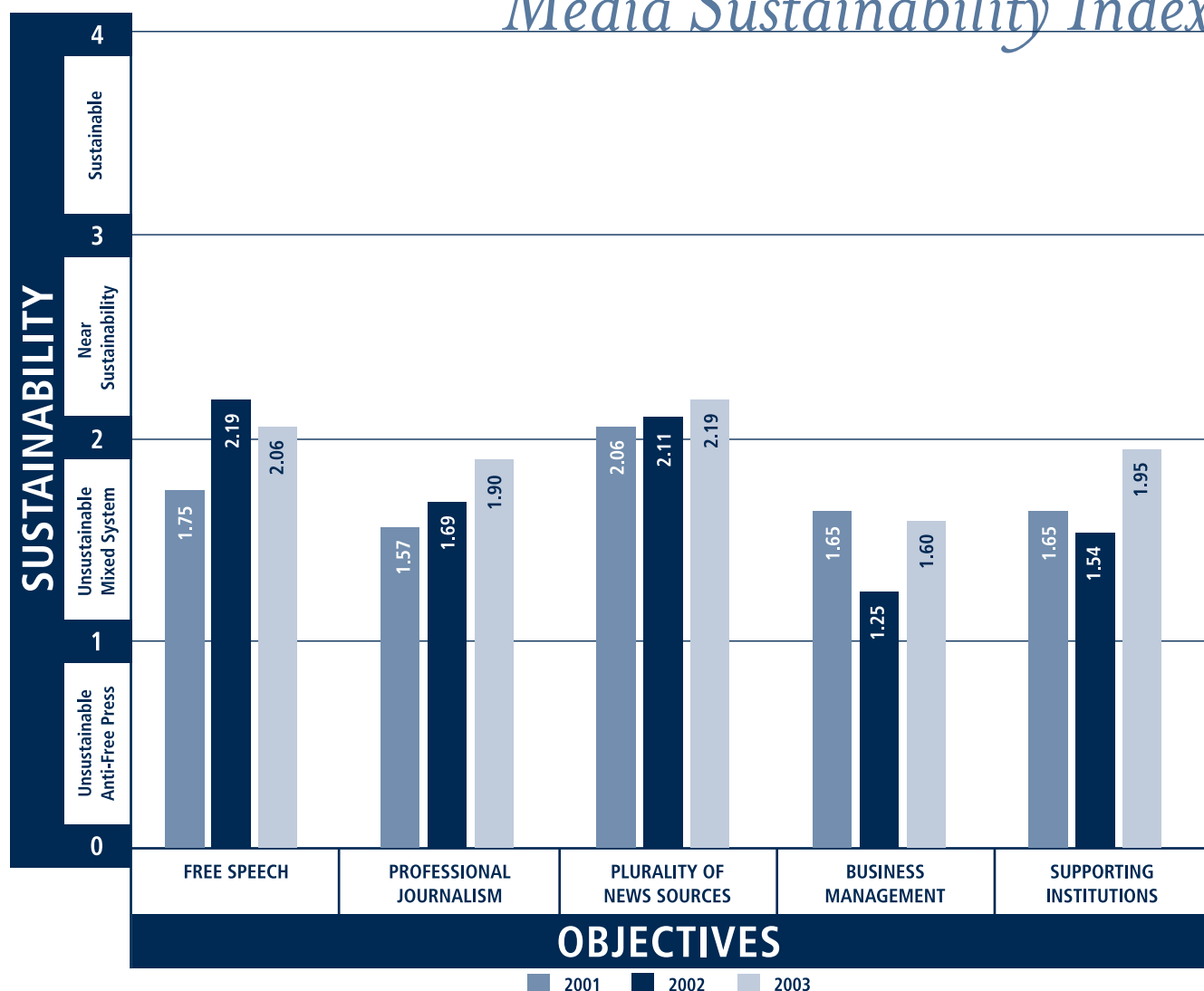
Pressure against opposition journalists intensified leading up to the October 15 presidential elections. The elections, which resulted in Ilham Aliyev's victory, were judged by the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe as not at all free and fair. Following the election, government forces beat people who had gathered in the streets to protest the polling results. Meanwhile, the Ruh Committee to Protect Journalists reported that 70 journalists were attacked and arrested in the pre- and post-election periods. International human-rights institutions reacted to these events with public statements, and representatives of the International Freedom of Expression Exchange (IFEX), Article 19, Reporters Sans Frontières, and the Council of Europe visited Azerbaijan to review the media situation.

The amended draft law on public television was submitted to parliament, the Milli Majlis, for review. In contrast with the 2002 variant, which progressed through a second reading, the new version recognizes public television as an entity that is separate from state television. It also defines the structures of the Broadcasting Board and the Board of Directors, as well as procedures for appointing the general director. However, the law is considered to allow for political control over the broadcaster due to weakness in the provisions for its financing and governing structures. An agreement was reached with the authorities to create a special monitoring group comprised of representatives from the Interior Ministry and the General Prosecutor's Office. This group had not started work until recently, according to the Yeni Nasil Journalists' Union.

Although the national economy is developing to some extent, the advertising market remains limited, thereby increasing the chances media outlets will be dependent on political players. As media

# Azerbaijan

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

outlets go bankrupt, some are being bought by political and economic circles to be used for their own political interests. Independence is out of the question when these outlets start serving their “secret” owners. Lack of pluralism is especially noticeable on television channels because all electronic media established during the past six years are owned by authorities.

Another phenomenon undercutting the media is that 20,000 people in the republic possess press cards, but only about 5,000 of them can be called journalists, according to independent analysts. The rest use the cards for blackmail and extortion.

## Objective 1: Free Speech

### Azerbaijan Objective Score: 2.06/4.00

The law on broadcasting considers only the independent television and radio companies, while there is no law covering AzTV, the state broadcasting company and the largest in the country. However, it is anticipated that state television will remain, even if a nominally public television company is established.

If AzTV were to be transformed into a public broadcasting company, Azerbaijan could take a major step toward shaping an independent media, according to the Media Sustainability Index (MSI) panel. Current law does not provide a system for the full transition of the state-controlled AzTV into a public broadcaster. But the panel considers it unacceptable to create two broadcasters on the basis of AzTV—a state television company and a public broadcasting company—as the draft law suggests. Panelists viewed this proposal as implying that the government wants to maintain control of the new publicly funded broadcasting company and turn it into a new propaganda machine. Also according to the draft law, the president of Azerbaijan will appoint members of the Broadcast Board, the public television’s top management organ, and this raises further concerns over the board’s independent decision-making capability.

Further, the draft law envisions that the general director will be selected by the Broadcast Board and confirmed by the president, making it unlikely that this person would be empowered to make independent decisions. Also, as this position is responsible for the day-to-day management of the public television station, it should be filled by a professional fully aware of modern television management practices, said a panel member.

According to the law, the government will fund public television out of its budget for seven years. Current state budgeting practices suggest that the budget

approval would turn into a tedious process involving many government officials, parliament members, and the parliamentary groups, potentially making the public broadcasters dependent on the government.

The state authorities monopolize the licensing of broadcasting media, while the Broadcasting Council charged with issuing licenses is powerless. Panel members said the council is a “tool” for the authorities, who nonetheless claim to be implementing Azerbaijan’s obligations to the Council of Europe. The procedures allow transparent competition, and the process is politicized, giving preference to state media outlets.

Media do not suffer from a particularly high tax burden. In fact, the value-added tax (VAT) for media was decreased by order of the former president.

The law stipulates that public television must broadcast all official statements immediately and without changes but fails to define exactly what “an official statement” really means. According to Internews’s Media Rights Institute, this ambiguity will create grounds for confusion between the public broadcaster and govern-

#### Legal and social norms protect and promote free speech and access to public information

#### FREE SPEECH INDICATORS

- Legal/social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

**Journalists' rights often are violated because they are ignorant of the laws protecting them. A 2003 report by the Ruh Committee to Protect Journalists said that 70 to 80 percent of the violations take place for this reason.**

often find ways to avoid responding and go unpunished. Officials can easily exert pressure on court decisions in cases concerning media and government relations because the court process is not independent. Journalists do not file suit against officials for ignoring their inquiries because they or their media outlets are sure the courts will decide in favor of the officials. The MSI panelists pointed to the case of ANS, an independent television company, whose repeated questions to Jahangir Asgarov, director of Azerbaijan Airlines, were ignored despite televised warnings that the station would file suit if he did not respond. When the official ignored the requests, he went unpunished. Media outlets also have trouble getting information from named sources. Officials tend to prefer to remain anonymous, if they answer questions at all. Press services of the authorities mostly refuse to respond to questions, but correspondents of the pro-authority newspapers have a better chance of getting official information than those of other outlets, according to a panelist.

Access to international news and news sources is unrestricted. Journalists and editors are able to use the Internet as a news source, especially for coverage of world events. It is legal to publish in other languages, and there are daily newspapers such as *Echo*, *Zerkalo*, and others issued in Russian. Some newspapers, including *Caspian Business News*, *Baku Sun*, and *Azernews*, are published in English.

Journalists' rights often are violated because they are ignorant of the laws protecting them. A 2003 report by the Ruh Committee to Protect Journalists said that 70 to 80 percent of the violations take place for this reason. Most journalists studied at Soviet schools, and the subject of media law is to start as a subject for journalism faculties only during the 2004 academic year.

ment officials in the future.

Azerbaijan has typical laws on freedom of the press, but their implementation is patchy. For example, although officials are required to respond to journalists' questions within 15 days under the law governing citizen access to information, these officials

Free media principles are violated by journalists as well when they are "fighting on two opposite fronts." Just as Soviet ideology forbids the media to criticize the state, which is a host of the media, today the journalists remain loyal to this principle even if their "host" is not the state. Many outlets serve as a tribune for the political party that is sponsoring them. For instance, when *Yeni Azerbaijan*, the newspaper of the ruling New Azerbaijan Party, criticized the state broadcaster and the pro-authority newspaper *Khalq* for exaggeratedly praising the president and his ideology, the editor was criticized by a state official and warned not to do it again.

A new law on defamation is expected to be drafted, and a freedom of information draft law has been submitted to the Milli Majlis. Defamation is covered currently by both criminal and civil law, but changes to make it solely a civil code issue are required under the country's obligations to the Council of Europe, which Azerbaijan joined in 2001. Libel is both a civil and criminal code issue in Azerbaijan, while European standards require libel to be a civil law issue. Journalists can be sentenced to two years of imprisonment for libel. According to the civil and criminal code, public officials are responsible if they violate journalists' rights and do not respond to questions. They might also be sentenced to two years of imprisonment.

The criminal code has numerous articles related to the activities of media and journalists. For example, conviction on the charge of disclosing state secrets is subject to a prison term of two to five years, slander carries a term of three to five years in prison, insult up to one year, and "insult or slander of the president" up to six years.

The Ruh Committee to Support Journalists in Azerbaijan reported that there were 40 instances in September 2003, the month before elections, in which authorities took measures to restrict media freedom. It said 32 journalists were beaten by police during a September 8 incident in which reporters were attempting to cover a police interrogation of an opposition party leader who fought with a ruling party presidential candidate during a televised debate. In addition, law-enforcement officials in Azerbaijan's regions have routinely harassed journalists covering campaign appearances made by opposition candidates.

There are few if any crimes against journalists, the panel said, suggesting this was a signal of how little investigative reporting is done and that any issues that are uncovered are ignored by the authorities. Azer Hasrat, head of the Azerbaijan Journalists Confederation, suggested that authorities could resort to kidnapping journalists in an attempt to silence criticism of the government. "Authorities will be held responsible



if anyone from our newspaper is beaten, kidnapped, or murdered,” said Gabil Abbasoglu, *Yeni Musavat*’s deputy editor-in-chief.

In September 2003, Secretary General Walter Schwimmer of the Council of Europe and Freimut Duve, the OSCE Representative on Freedom of the Media, issued a joint statement calling attention to the conditions for campaign coverage in Azerbaijan. They expressed particular concern about a perceived government attempt to muzzle *Yeni Musavat*, a leading opposition newspaper, through the manipulation of the judicial system. “We are in particular alarmed by the fate of the newspaper *Yeni Musavat*, which has been sentenced to three fines amounting in total to \$100,000 and whose bank account has been frozen. Without commenting on the substance of the lawsuits, it seems clear that such a high fine is disproportionate,” the statement said.

Journalists from *Azadlig*, another prominent opposition newspaper, have been barred illegally from sessions of the national parliament. The newspaper’s bank account was frozen, and ANS TV, perceived by many to be a pro-government station, recently filed a \$30,000 suit against *Azadlig*.

## Objective 2: Professional Journalism

**Azerbaijan Objective Score: 1.90/4.00**

The MSI panel did not assess most reporting in the Azerbaijan media as fair and objective. Journalism standards are not known to most journalists, who are too often dependent on a political party.

In a forum of Azerbaijan journalists held in 2003, the Ethics Code of Azerbaijan Journalists was adopted. The ethical standards have been widely accepted in principle by journalists and conform to European models. However, these standards are violated in most cases. On the eve of the October 15 presidential elections, the media belonging to or aligned with either the authorities or the opposition violated basic ethical standards by highlighting the activity of the opposing candidate. The panel assessed “Sitatin Sonu”—or “The Quote’s End”—program broadcast after the evening news on the pro-government Lider TV as a serious violation of the ethical standards due to its practice of humiliating opposition politicians.

Some media workers accept payments in exchange for certain types of coverage, and most journalists sell articles favorable to politicians and businesses. Pay levels for journalists are low, with few earning more than \$100 per month.

Self-censorship is practiced because the media outlets are dependent on specific sources of sponsorship, and it is understood that they are not allowed to publish or broadcast reports affecting the interests of the owners. Journalists also practice self-censorship because their editors demand them to be more conservative while reporting.

Entertainment programs prevail over news on television and radio stations, with pop singers the main focus. News programming loses favor because it is one-sided and does not cover an interesting range of events and issues, according to a panel participant.

Technical facilities and equipment for gathering, producing, or distributing news are not assessed as modern and efficient, especially for the broadcast media.

Journalism meets professional standards of quality	
PROFESSIONAL JOURNALISM INDICATORS	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

## Objective 3: Plurality of News Sources

**Azerbaijan Objective Score: 2.19/4.00**

Private media outlets distribute nationwide, and residents of larger cities and the capital have access to a reasonable number of news sources. However, because of economic difficulties, people living outside the main cities often cannot afford to buy newspapers and receive

**Multiple news sources provide citizens with reliable and objective news**

**PLURALITY OF NEWS SOURCES INDICATORS**

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

most of their news from television. Internet access is for the most part limited to the capital and to larger cities.

More than 300 newspapers are registered officially, although only about 60 of them are published regularly. Private television channels like Lider TV and Space TV are broadcast in the regions, but transmission of FM radio is limited outside the capital.

Citizens' access to international print or broadcast media is not restricted, and the government does not block access to foreign news sources.

However, while the objective number of media outlets may be reasonably high, individual outlets tend to present only one side of an issue and close themselves off to alternative views. Opposition figures are not able to express their views through state-run media. Although the stations produce their own news programs, the type of news coverage included is affected by the ownership.

Media are available in Azerbaijani, Russian, and English. Television broadcasts are in Azerbaijani, with two Russian channels broadcast. Newspapers in the languages of Lezgi, Kurdish, and Georgian minorities exist, but are only printed in the regions where these ethnic groups live. TRT1, a Turkish channel, is broadcast nationwide, while other Turkish channels like Saman TV and Kanal D are broadcast in the capital. The broadcasting of Sahar TV

from Iran was shut down because the government considered it to be supportive of opposition movements.

BBC broadcasts 24 hours a day in Azeri, Russian, and English. France International radio is broadcast daily. Voice of America is available in all three languages.

**Objective 4: Business Management**

**Azerbaijan Objective Score: 1.60/4.00**

The state publishing house creates artificial problems for pro-opposition newspapers. Shortly after the October 15 presidential elections, the state-run Azerbaijan Publishing House refused to print *Azadlig* and *Yeni Musavat*, two major Azeri opposition newspapers. In fact, the state printing house accused the *Yeni Musavat* management of helping to organize the mass protests on October 16. These newspapers also experienced difficulty printing with other private and state-controlled companies. Finally, the opposition newspapers found a small private publishing house where the management agreed to cooperate. But the newspapers' problems did not end there, because within several days, this publishing house ran out of paper. Although state officials claimed otherwise, neither the publisher nor the newspapers managed to find appropriate paper at the right price, and the pub-

**Independent media are well-managed businesses, allowing editorial independence**

**BUSINESS MANAGEMENT INDICATORS**

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

lication of *Yeni Musavat*, *Azadlig*, *Yeni Zaman*, *Novoye Vremya*, and *Baki Haber* was stalled for five days.

Although the former president forgave all newspaper companies' debts to the state-run Azerbaijan publishing house two years ago, the independent newspapers face continuing economic difficulties and are unable to finance themselves. The advertising market is limited, and very few newspapers are able to finance themselves from it. *Zerkalo* and *Echo* are viewed as the more successful outlets, in part because they are Russian-language publications. Since many of the elites in the country are Russian-educated, these two newspapers are able to draw in some ad revenues, a panelist stated.

Advertising agencies sometimes are afraid to work with pro-opposition newspapers, fearing the government pressure not to give ads to those publications. As the advertising market is very poor, the advertising agencies have not expanded their work, and most observers believe the advertising market was in better shape in 1999. Subscriptions are not a real source of revenue, because people simply cannot afford them.

## Objective 5: Supporting Institutions

**Azerbaijan Objective Score: 1.95/4.00**

Media professionals are able to become members of journalism associations and are not always required to pay for membership. Journalism associations provide legal and professional advice and lobby on behalf of journalists. For example, the Internews Media Rights Institute, the Ruh Committee to Protect Journalists, the Yeni Nasil Journalists' Union, the Editors' Council, and local human-rights watchdogs expressed concern about the October 27 arrest of Rauf Arifoglu, editor-in-chief of the leading opposition newspaper *Yeni Musavat*. They called on the relevant government agencies to respect the rights of the journalists in Azerbaijan and expressed concern that Arifoglu is being held illegally in jail by law-enforcement agents while they define the charges fully.

Six journalists of *Yeni Musavat* were briefly imprisoned, with two recently fleeing the country to seek asylum in Norway. Some *Yeni Musavat* journalists who came to observe the October 16 riots were subjected to physical violence and insults.

Local and foreign nongovernmental organizations (NGOs) organize media training in Azerbaijan, including Internews for broadcast journalists. Baku State University and some other universities have journalism departments. However, the education system remains tied to the Soviet

### Supporting institutions function in the professional interests of independent media

#### SUPPORTING INSTITUTIONS INDICATORS

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

legacy, and journalism faculties prepare journalists who upon graduation do not know the basic principles of Western journalism, according to a panel participant.

The distribution of print media in the regions is under government control. There are both private and state-run printing facilities.

## Panel Participants

*Aflatun Amashov*, chairman, Press Council

*Fuad Babayev*, director, News Department, Space TV

*Gulnaz Bagvanova*, editor-in-chief, Mir TV

*Halida Bagyrli*, independent media expert

*Rovshan Hajiye*v, editor, *Azadlif* newspaper

*Murad Kadymbeyov*, deputy editor-in-chief, *Echo* newspaper

*Jahangir Mammadli*, professor, Journalism Department, Baku State University

*Khayal Taghiyev*, Internews-Azerbaijan

## Moderator

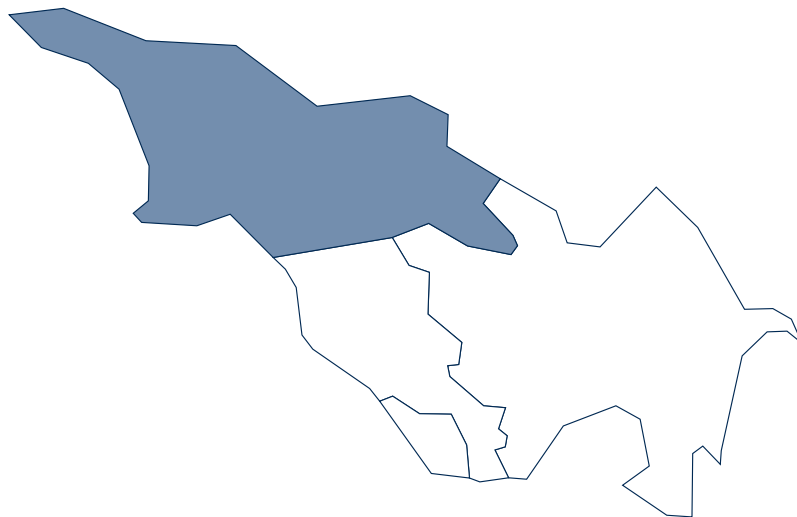
*Konul Khalilova*, director, International Department, *525-ci Gazet* newspaper

## Observer

*Nigar Mamedova*, country director, IREX/Azerbaijan



**“The legislative basis in general provides for transparency and a competitive environment, although in practice legal requirements are not always fulfilled,” said one panelist.**



## Introduction

# G

Georgia spent most of 2003 anticipating the November parliamentary elections, which were widely viewed as the only means available for bringing about long-desired reforms. When the voting finally took place, large-scale falsification of the results fanned growing discontent with the poor economy and widespread corruption, leading to the Rose Revolution that forced President Eduard Shevardnadze's resignation and new presidential and parliamentary elections in early 2004.

With the parliamentary elections drawing near, the Georgian government became more repressive toward the media. Abuses and attacks on journalists and media outlets increased in frequency, while the government tried legislative efforts to restrict media freedoms. The Central Election Commission proposed to ban broadcasts of political debates 50 days before Election Day.

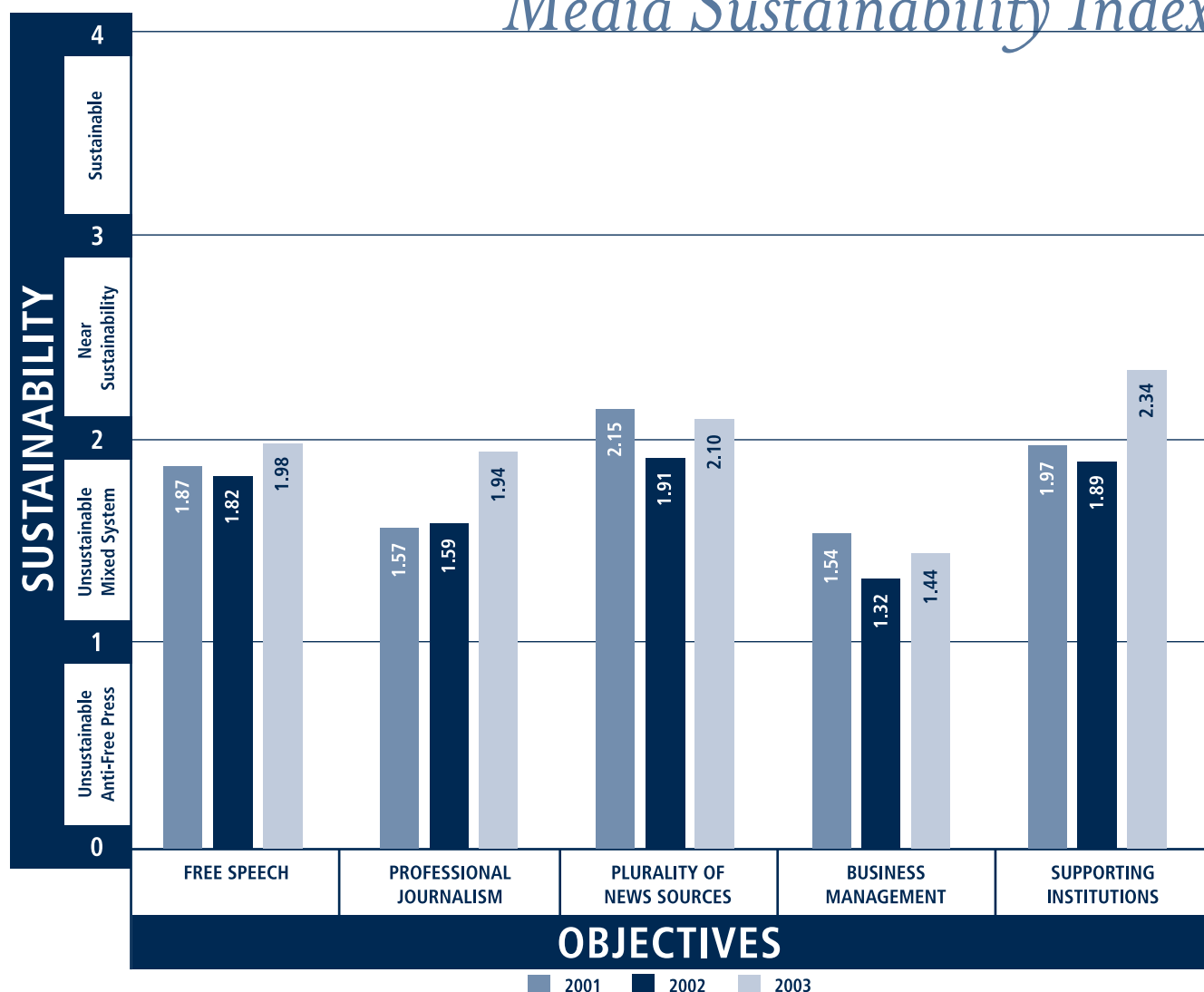
Also during the election year, three new broadcasters were launched—TV Imedi, TV Mze, and TV 202. Competition for viewers and scarce advertising revenue immediately increased. These stations were ostensibly created to shape the public discourse prior to the elections. Typically in Georgia, media outlets materialize before elections, and often disappear after the polling is done.

Georgian media outlets became so involved in the political process that they almost abandoned the traditional role of a neutral observer. Opposition leaders used television extensively as a tool to rally the public. Real-time coverage of events had an enormous impact on the political outcome. In the pre- and post-election period, almost all media outlets demonstrated their political alliances, and this continued well after the revolution.

A major challenge Georgian media face now is to regain the public trust that was lost during the revolution. This decline was registered by falls in audiences and readership. To achieve this, media businesses will have to distance themselves from the chaos of the transition period—a tough task given the emotional attachment many journalists have to the political groups empowered by the revolution.

# Georgia

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

## Objective 1: Free Speech

### Georgia Objective Score: 1.98/4.00

Freedom of speech in Georgia is guaranteed by the Constitution adopted in 1995 and the Law on Press and Other Means of Mass Media passed in 1991 and amended in 1994 and 1997. The Constitution prohibits censorship. However, certain legal provisions regulating the media environment are outdated and do not reflect modern realities. “The legislative basis in general provides for transparency and a competitive environment, although in practice legal requirements are not always fulfilled,” said one panelist. For example, the draft law on the Freedom of Press was prepared by leading human-rights nongovernmental organizations (NGOs) in Georgia and passed in just one parliamentary sitting in 2002. However, it has not become law because of a lack of political will. As the draft appears to conform to the Constitution and to international standards, its adoption

would be a significant step forward.

One of the main deficiencies of Georgian media legislation is the prosecution of defamation as a criminal offense. In practice, this provision of the criminal code is almost never used, and no criminal defamation cases have been registered in the past year. However, panelists and media professionals believe that defamation should be regulated by civil law rather than by criminal statutes.

The Georgian National Communications Commission (GNCC) was created in 2000 to regulate the broadcast sector and grant licenses. The commission members are appointed by the president of Georgia. Nevertheless, the commission is a legal entity under public law and enjoys autonomy in regulating the communications sector. The GNCC is accountable to the government but is not funded from the central budget. Rather, it operates from funds gained through license fees and annual regulation-based fees. Despite this financial separation, the commission is subject to significant political pressure; panelists cited the resignation of the commission chairman in October 2003 as an example. These deficiencies aside, however, the MSI panelists almost unanimously viewed the GNCC as a relatively progressive and unbiased body. One panelist noted that the commission has been successful in brokering settlements in licensing and intellectual property disputes. Cited as an example was the commission’s prompt reaction when the television station Imedi filed a claim against stations TV Iberia and Ajara TV, alleging intellectual property rights violations.

The new broadcast law, due to be considered by parliament during 2004, was drafted with the participa-

**“First, pressure occurred through beatings, insults, and attacks,” said one panel member. “Second, local authorities exert pressure indirectly, although it is clear who issues the orders. Third, the courts maintain the most dangerous tendency to repress the media. Finally, tax inspectors can levy excessive taxes against certain outlets.”**

Legal and social norms protect and promote free speech and access to public information	
FREE SPEECH INDICATORS	■ Legal/social protections of free speech exist and are enforced.
	■ Licensing of broadcast media is fair, competitive, and apolitical.
	■ Market entry and tax structure for media are fair and comparable to other industries.
	■ Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	■ State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	■ Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	■ Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	■ Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	■ Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

**“When importing a computer, media outlets have to pay separate customs duties for separate components, which is a heavy burden,” said a panelist.**

panelists included the lack of provisions concerning safety standards, an omission that became significant when a Kutaisi-based radio station, Dzveli Kalaki, had its antenna removed as a purported health risk in January 2003. With no mechanism for certifying such equipment, independent broadcasters such as Dzveli Kalaki have little defense. By the time the courts restored the station’s broadcasting rights, demonstrators had destroyed the antenna, apparently at the urging of local political interests.

Georgian media outlets are registered as any other legal business entity, and market entry and tax structures are similar to those for other businesses. Print media enjoy slightly preferential tax benefits through an exemption from the value-added tax (VAT) for printing and distribution, but are fully taxed on imports. Panel members complained about the complicated customs procedures. “When importing a computer, media outlets have to pay separate customs duties for separate components, which is a heavy burden,” said a panelist. Media advocates have suggested exempting outlets from import taxes for a five-year period to help build self-sustainable media, and parliament is considering the proposal.

In December 2001, the parliament adopted an amendment that barred print and broadcast advertising of strong alcohol and tobacco products, cutting off a major source of income for these media outlets.

Significant numbers of abuses and attacks on media outlets have been recorded. “First, pressure occurred through beatings, insults, and attacks,” said one panel member. “Second, local authorities exert pressure indirectly, although it is clear who issues the orders. Third, the courts maintain the most dangerous tendency to repress the media. Finally, tax inspectors can levy excessive taxes against certain outlets.”

In Akhaltsikhe during April 2003, for example, the local government denounced the media in the region and introduced an arbitrary accreditation system for jour-

nalists. In Chokhatauri, journalists from the newspaper *Guria News* were repeatedly beaten and their homes vandalized. Free press and the freedom of speech are especially alarming in Adjara. The autonomous republic has its own Law on Press and Other Means of Mass Media, with some provisions contradicting the Georgian Constitution. The Georgian Young Lawyers Association (GYLA) filed a lawsuit challenging the constitutionality of these provisions in October 2003, and the case was expected to be heard by the Constitutional Court.

Free-press advocates cited cases of interference by the Central Election Commission (CEC) before the 2003 elections. These include the commission’s suggestion that it was refusing to accredit the Rustavi 2 television station. In fact, the CEC never issued an official document rejecting the accreditation, but the indications made by the commission were enough to hamstring the station’s activities. In August 2003, the commission adopted a regulation prohibiting political campaigns on television and radio 50 days before elections. This regulation was clearly unconstitutional and violated basic freedom of speech rights. It was rescinded by a Tbilisi district court after protests by a group of Georgian NGOs and media outlets.

The judicial system also is seen as a means of pressuring the media. During 2003, the outcomes of several civil defamation cases were criticized by media advocates. In one case, the Supreme Court of Georgia held Rustavi 2 and its journalist Akaki Gogichaishvili liable for defamatory statements against the former Minister of Culture. The defendants were obligated to pay 52,000 GEL (about \$26,000) in moral damages. In the Adjara Autonomous Republic, the Health Ministry of Adjara sued a local journalist for allegedly defamatory statements.

Defamation is regulated by Georgia’s criminal and civil codes. Criminal defamation applies when defamatory statements are made in accusing someone of a crime. However, this provision is used very rarely, and no criminal defamation cases were reported in 2003. Civil defamation pertains to insulting someone’s honor or business reputation, and requires the defendant to prove the validity of the information. Furthermore, a journalist found guilty of defamation must retract the statements through the same media in which they were disseminated, a penalty that appears to contradict constitutional freedom of speech guarantees. A case brought to the Constitutional Court was expected to decide the constitutionality of the civil defamation law.

Georgia maintains a nearly complete set of laws governing access to public information. The freedom of information section of the General Administrative



Code of 1999 represented a huge step forward, although implementation remains problematic. The law guarantees access to information that is not a state secret. However, a panel member said the law is used mainly by NGOs because journalists are either not familiar with its provisions or are not very active in attempting to obtain government information. There have been numerous cases in which courts have upheld journalists' attempts to obtain public information, but these suits were initiated mainly by NGOs. Some journalists were reluctant to seek legal recourse because the courts are unpredictable and state officials do not always respond to court decisions, a panelist said.

Although Georgian law does not provide for preferential legal treatment of state-owned media, these outlets do have better access to information and accreditation than private outlets. Regional media have more difficulty obtaining information than city-based outlets and suffer from poor infrastructure and the lack of a professional cadre of local government officials. The law obligates public bodies to designate a person responsible for providing public information, but such appointments often either are not made or go to poorly trained personnel who make obtaining information an extremely time-consuming process.

The GYLA has drafted an amendment to shorten the law's current maximum 10-day waiting period for requested information to be made available.

Access to international news and news sources is not restricted by the government. However, the Internet is not readily available in all regions, and many regional media outlets cannot pay for access.

Anyone can become a journalist in Georgia, and no special licenses are needed to enter the profession. Journalists generally do need yearly or even quarterly accreditation to attend official events, with the rules set by each government branch. Regional journalists find it more difficult to obtain access or accreditation for specific events, according to one panel member.

## Objective 2: Professional Journalism

**Georgia Objective Score: 1.94/4.00**

Panelists agreed that the level of media professionalism remains low. Journalists, editors, and owners easily surrender to political or financial pressures. The government often uses one outlet to suppress another, and tends to treat the independent media as a political opponent. Similarly, companies may use the media to attack com-

petitors' business practices.

Balanced and well-sourced reporting is still the exception. The panel found three reasons: many journalists do not comply with ethical norms and professional standards because they lack the skills and knowledge to do so; influential political and business groups force media to present subjective information; and interested parties block certain information. One panelist suggested that the government intentionally nurtured a compliant media sector.

Censorship is also a major problem. Journalists are not always allowed to disseminate balanced information due to the intervention of their editors or media owners. Consequently, many journalists stop checking sources and cease to make reporting factual information a prior-

**“Many journalists who were trained by various international organizations now understand what balanced reporting implies. But they find it difficult to implement these principles in practice,” a panelist said.**

Journalism meets professional standards of quality	
PROFESSIONAL JOURNALISM INDICATORS	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

**“We need a mechanism that will allow citizens to complain when the ethics code is violated,” a panelist said.**

ity. Some editors try to pay more for articles that are better researched and written, but this approach is not common. “Many journalists who were trained by various

international organizations now understand what balanced reporting implies. But they find it difficult to implement these principles in practice,” a panelist said.

Many media outlets practice self-censorship and justify it by stating that it is their duty to safeguard civil order. There is a broad spectrum of taboo topics, including state security. Religion is another topic journalists try to avoid. “No journalist wants to work on these issues. It’s not that they don’t want to express their opinions. They don’t even want to cover the facts,” a panelist said. In many cases, the government prevents some media outlets from covering controversial issues and punishes others for covering them.

Media managers do not encourage better journalism practices. At many outlets, wages are low, work conditions poor, and employment unstable. The maximum *Guria News* can offer to an investigative journalist is 50 GEL (about \$25), a panel member said. Television journalists earn marginally more than their print counterparts. The poor pay tends to force qualified journalists to seek employment in other professions and makes them susceptible to corruption. Some journalists and editors regularly accept bribes for reporting as well as not reporting certain stories.

Even the best-financed television stations do not have the most up-to-date equipment. However, many media outlets in Tbilisi and regionally have the basic equipment needed to obtain and produce news and information.

In the spring of 2003, an ethics code for media was completed. It is in full compliance with international standards, and several media outlets and journalists have adopted it. However, some panelists see the code as essentially symbolic because it was promoted by international and local civil society groups and not by media professionals. Many see the creation of a Media Council as the next step. “We need a mechanism that will allow citizens to complain when the ethics code is violated,” a panelist said. “There are newspapers in this country that have no editorial policy and adhere to no ethical code. Some signed onto the ethical code without any intention

of adhering to it. We have to address this concern in an institutionalized way.”

Niche journalism is rare in Georgia. Panelists agreed that there is definitely public interest in the subjects that specialist reporters might cover, and one panel member in print media noted the success of the youth publication her newspaper launched recently in the impoverished Guria region of Georgia.

The line between editorial content and advertising is blurred in many media outlets. A group working on the ethics code faced strong resistance from media representatives when attempting to incorporate a provision requiring code signatories to differentiate advertising from editorial content. Upcoming elections intensified the resistance because hidden political advertising is an important source of income for many newspapers.

### Objective 3: Plurality of News Sources

**Georgia Objective Score: 2.10/4.00**

The times when people hid in their basements to listen to Voice of America and Radio Liberty have passed. There are no political or legal restrictions on access to local or global media. Financial and technical constraints mean, however, that only 9 percent of the population can

Multiple news sources provide citizens with reliable and objective news	
<b>PLURALITY OF NEWS SOURCES INDICATORS</b>	■ A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
	■ Citizens’ access to domestic or international media is not restricted.
	■ State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
	■ Independent news agencies gather and distribute news for print and broadcast media.
	■ Independent broadcast media produce their own news programs.
	■ Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
	■ A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

subscribe to international press, access the Internet, or view international television programs. Cable television is only available in Tbilisi and several regional centers. Most people living in rural areas cannot afford to buy even local press. These people often lack the electricity to watch television.

Regional media outlets are often under the strict control of local authorities. For example, the government of the Adjara Autonomous Republic regularly turns off television transmitters and electric power, as well as halting entire press runs, just to prevent the people from watching programs or reading articles critical of the regional government. In November 2003, for example, Rustavi 2 was turned off in Adjara.

Most media outlets are concentrated in Tbilisi and focus largely on the capital. Information from Tbilisi is not adequately disseminated in the regions. Georgians living in many regions outside the city depend solely on local media because Tbilisi newspapers generally send only a few copies to the regions, with *Alia* and *Kviris Palitra* notable exceptions.

Panelists mentioned that local news agencies provide satisfactory and affordable services, although some are affiliated with business interest groups. Few media outlets can afford international news agencies. Media ownership information is not readily available. Registration documents can be requested from the courts, but they do not always indicate the true ownership structure. Political groups nonetheless continue to define editorial policy at many outlets, and Georgians therefore must have the ability to read between the lines to understand how a media outlet is allied.

Nationwide, approximately 25 television and 12 radio stations produce their own news. Not all regional stations have the resources to produce their own programs. Even the stations that can generate their own material struggle to keep a regular production schedule. Financial difficulties forced some radio stations in Tbilisi to halt production.

State-owned media produce minority-language programs, as do some independent media. For example, “Parallel” is a jointly produced news program broadcast three times per week in Georgian and Armenian by five small regional stations. Radio Hereti broadcasts news and educational programs in Georgian and Russian, and Green Wave Meskheta airs programs in Georgian and Armenian. Ethnic group and vulnerable group issues are not adequately covered by the mainstream media.

## Objective 4: Business Management

**Georgia Objective Score: 1.44/4.00**

There are several private publishing houses in Tbilisi. The government is not able to exert control over all of them, but in late 2003 the local Adjara authorities barred a local printing house from printing the *Gazeti Batumelebi*. A panelist said printing costs remain the highest expense for newspapers both in Tbilisi and in the regions. Most printing houses in Tbilisi are inefficient, outdated, and badly managed. Newspapers are forced to closely supervise the printing process, wasting time and resources on fixing technical problems.

In western Georgia, the only private printing houses are in Batumi and Kutaisi. However, hardly any independent newspapers can afford printing at these facilities. Almost all independent regional newspapers are printed in Tbilisi. Many smaller regional newspapers depend on passenger buses to deliver master copies to printing houses in Tbilisi. Consequently, local news included in regional newspapers is not as current as it could be.

Newspaper distribution is a rather chaotic process. Distribution networks in Tbilisi are well organized, but expensive. In fact, newspaper distribution is a more

### Independent media are well-managed businesses, allowing editorial independence

- |                                       |   |
|---------------------------------------|---|
| <b>BUSINESS MANAGEMENT INDICATORS</b> | ■ Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.  |
|                                       | ■ Media receive revenue from a multitude of sources.  |
|                                       | ■ Advertising agencies and related industries support an advertising market.  |
|                                       | ■ Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.                                  |
|                                       | ■ Independent media do not receive government subsidies.  |
|                                       | ■ Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences. |
|                                       | ■ Broadcast ratings and circulation figures are reliably and independently produced.  |

**“Circulation of newspapers depends largely on the capacity of the distributor and less on the potential number of readers,” said a panelist. “It depends on how much this or that company can distribute.”**

print media are readily available. Some newspapers reach regional centers, but almost none get to remote areas. Panelists believe that the lack of infrastructure and low purchasing power of the rural population limit distribution. *Guria News*, however, built a commercially sustainable distribution network in the Guria region. *Guria News* subcontracted a postman in every village to deliver the paper. The delivery people could keep 30 percent of the money from newspaper sales and 20 percent from ad proceeds they brought in. *Guria News* has never experienced a shortage of classified ads and announcements since this new business strategy began.

Newspapers do not pay for distribution. Distributors sell newspapers, collect the money, and keep 12 to 25 percent from each sold copy. Publishers are not able to compile sales data. Publishers are forced to trust the distribution numbers provided. Often publishers receive money from newspaper sales three to four months late. “Circulation of newspapers depends largely on the capacity of the distributor and less on the potential number of readers,” said a panelist. “It depends on how much this or that company can distribute.”

Market conditions force newspapers to work with several different private distributors. Almost all newspapers cooperate to some extent with the state-owned distribution service Sakpresa because of its relatively broad geographic reach. In October 2003, the Ministry of Economy, Industry, and Trade began the privatization of Sakpresa. A tender was announced, and the winner was identified as a person already associated with the group that owned several print distribution facilities. Many believe the tender was illegal and cite a year-old case regarding this privatization—still pending in court—which prevents the ministry from the right to announce

profitable business than newspaper production. Approximately 20 private distribution companies of varying sizes operate in Georgia. Some are part of publishing groups because publishers burdened by high distribution prices were forced to establish their own networks.

In Tbilisi,

a new tender before a court decision. Tbilisi Press Club activists filed a lawsuit challenging the legitimacy of the privatization. As a result, the Mtatsminda-Krtsanisi regional court suspended the privatization process. A decision favoring the plaintiffs would help the media industry avoid the monopolization of the print distribution network, and offer the chance for industry professionals to take part in a legitimate bidding process.

Media have limited sources of income. The advertising market is small and underdeveloped, and businesses hesitate about advertising for fear of getting the attention of tax authorities. Many media outlets accept contributions from business and political groups to survive. For most newspapers, 80 to 90 percent of income originates from copy sales. However, the poor quality and relatively high price of print products depress sales. Panelists calculated the average income of an average newspaper: a newspaper that sells for 50 Tetri (about \$.25) spends up to 20 Tetris on printing one issue and up to 15 Tetris on its distribution. Approximately 15 Tetris from each sold copy goes toward expenses such as rent, equipment, salaries, and so on. With low subscription numbers and few advertisers, it is therefore very difficult for newspapers to survive on just copy sales.

Advertising agencies usually do not show much interest in regional media. “Advertising agencies always work for national stations. They are not interested in the regional market despite the fact that we are popular among the local population and offer them very low prices,” says a panelist. There are exceptions. Five small regional stations in southeastern Georgia managed to attract advertising from a large advertising agency for the news program “Parallel.” Panelists listed radio stations such as Fortuna and 105 that have been successful in attracting advertising.

**“Advertising agencies always work for national stations. They are not interested in the regional market despite the fact that we are popular among the local population and offer them very low prices,” stated a panelist.**

Large television stations such as Imedi use advertising agencies and their own agents. “It is very difficult for advertising agencies themselves to attract advertising,” according to a panel member. “Our income from advertising is not very high. That’s why we work to secure different sources of income. We produce soap operas and other programs and actively seek buyers in the NIS and world markets. We already sold some of them successfully.”

Cheap classified ads and personal announcements such as greetings and obituaries represent the most common ads for small regional media outlets. Panelists noted that telecommunications companies tend to cooperate with small media more readily than others. Bartering is also a common practice, as some companies offer regional media outlets their services or products in exchange for advertising time. It was difficult for panelists to specify what percentage of outlets’ income is derived from advertising, although those representing small regional outlets acknowledged that their ad income is much less than the funding they receive from international organizations.

State-owned media benefit from exclusive advertising rights and guaranteed subscriptions from state agencies. For example, when the government announces a tender for a state contract, the announcement is published in pro-government newspapers. Such newspapers are paid for printing these ads.

There are no available credible broadcast ratings, circulation numbers, or audience demographics. Media outlets rarely commission audience research and do not base their editorial decisions on research findings. Broadcasters generally believe that research companies conduct biased and unprofessional market research. Editors and journalists claim that they modify their products in response to market demands, although often they learn about these “market demands” through rumors and guesswork.

Audience research consists of research conducted by independent organizations and research conducted by the media outlets themselves. Even small regional newspapers conduct limited research. For example, the newspaper *P.S.* developed questionnaires, the radio station *Dzveli Kalaki* took phone calls during radio programs, and radio station *Hereti* and newspapers like *Kviris Palitra* and *Asaval Dasavali* opened up feedback boxes. “*Kviris Palitra* and *Asaval Dasavali* are so popular because they listen to their readers,” a panelist said.

Tbilisi newspapers do conduct market surveys occasionally. However, they apply research findings with

varying degrees of success. Publishers of *Akhali Versia* studied the market before launching the weekly newspaper and successfully occupied a niche identified by their research. TV Imedi established a research unit with 10 employees. According to a panelist, the research helped the television station identify its niche in the market and develop programming. But Imedi decided to close the unit after a year, as it was expensive and less useful after the initial startup.

Most regional newspapers are weeklies, although a few newspapers are published twice a week. The total circulation of 22 regional weeklies amounts to 50,000 copies. The total circulation of the six leading Tbilisi weeklies and those papers published three times per week amounts to 200,000 copies. The total circulation of the five leading Tbilisi dailies is 18,000 copies.

## Objective 5: Supporting Institutions

**Georgia Objective Score: 2.34/4.00**

Panelists are divided on the role of media associations in Georgia. Some feel that NGOs, not media associations, are the most reliable supporters of media. NGOs defend the rights of journalists, provide expert advice, and supply them with leads for investigations. Others point to the benefits of associations. “Both the Georgian

Supporting institutions function in the professional interests of independent media	
<b>SUPPORTING INSTITUTIONS INDICATORS</b>	■ Trade associations represent the interests of private media owners and provide member services.
	■ Professional associations work to protect journalists’ rights.
	■ NGOs support free speech and independent media.
	■ Quality journalism degree programs that provide substantial practical experience exist.
	■ Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
	■ Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
	■ Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

**“The NGO sector is defining media self-regulatory mechanisms and media legislation, but the associations of journalists or publishers are not as actively involved in this process. This can be attributed to the disorganization and passivity of media,” according to a panel member.**

gested these organizations can play an important role in regulating relations between authors and media management and eradicating unlicensed program production from the television market.

In 2003, the GNAB and Georgian Association of Publishers and Broadcasters Free Press succeeded in increasing communication within the media sector. They were instrumental in mitigating conflicts between member broadcasters, lobbying for legislation, and defending the freedom of expression. GNAB was registered in January 2003 and currently includes 47 members. The Georgian Association of Publishers and Broadcasters Free Press, operating initially from 1994 to 1997, renewed its activities in November 2002. Free Press includes 34 titles nationwide.

In August 2003, Free Press mediated a conflict between the publisher and editor of the magazine *Stereo*. The association concluded that the publisher had not violated any ethical standards. Free Press also decided to create a sample employment contract for media outlets in order to avoid future disputes. GNAB also discussed the overlapping frequencies of two of its members—Imedi TV and Ninth Wave. GNAB applied to the GNCC to allow Ninth Wave to increase the power of its transmitter. As a result, the regulatory body issued a permit to Ninth Wave.

National Association of Broadcasters (GNAB) and the Georgian Radio Network are working hard to lobby for our interests,” said one panelist. Another believes that these two organizations were critical in preventing conflicts between broadcasters and increasing cooperation in the sector: “Before, we did not know each other. Now we meet and help each other out with advice, equipment, information, whatever is needed.” A third panelist sug-

GNAB and Free Press have also been active in shaping media legislation. During 2003, GNAB lobbied for changes in the tax code and in the Law on Post and Telecommunications. In August, the parliament approved an amendment to the law that prohibited the GNCC from revoking licenses without a court decision. However, the GNAB was less successful in lobbying for a tax exemption on income earned from advertising and planned to continue pressing for this change. The GNAB also lobbied against banning tobacco and alcohol advertising in broadcast media, but without success.

Meanwhile, Free Press developed a draft law granting tax benefits to print media that is currently under government review. “Due to falling circulation numbers and a highly unfavorable taxation system, the general environment for print media in Georgia had drastically degenerated,” said a panelist. “Today

the only media outlets that can survive are part of larger corporations and are run by people who can afford to invest vast amounts of money in media without taking into consideration the outlets’ capacity for sustainable development. Therefore, we approached the government with a request to declare a moratorium on taxes for media for a period of five years. This moratorium would ensure that we are not left with media closely connected with the government and mafia clans.” The new parliament was expected to consider the draft law in 2004.

There are problems in developing these associations, all of which have faced difficulties in collecting membership dues. “Members were more willing to pay, while Free Press was lobbying for a tax exemption. When the process was temporarily delayed, they stopped paying,” a participant said. Some media organizations are just not motivated. “The NGO sector is defining media self-regulatory mechanisms and media legislation, but the associations of journalists or publishers are not as actively involved in this process. This can be attributed to the disorganization and passivity of media,” according to a panel member.

**“As an employer, I often encounter the ‘products’ of the journalism schools,” a panelist said.**

**“I have to spend a lot of time and money on improving their skills.”**

Many panelists expressed gratitude to the GYLA and the Liberty Institute, a Georgian NGO, for supporting media. The Liberty Institute was key to developing and lobbying for a new broadcast law. GYLA trained journalists on election-related legal issues. It also argued a case in court against CEC attempts to ban pre-election debates on television, provided legal aid to journalists, and taught many how to request public information.

Neither public nor private journalism schools can ensure a modern or quality education for their students. The low caliber of instruction and resources are pain-

fully evident. “As an employer, I often encounter the ‘products’ of the journalism schools,” a panelist said. “I have to spend a lot of time and money on improving their skills.”

Short-term courses organized by international organizations are accessible for many journalists. However, these courses are not meant as a substitute for a college education and are not sufficient for obtaining practical skills. There is high demand for long-term trainings in the regions, especially regarding niche reporting topics.

## Panel Participants

**Malkhaz Ghughunishvili**, lawyer, Georgian Young Lawyers' Association (GYLA)

**Akaki Gogichaishvili**, journalist, "60 Minutes" (Rustavi 2), Tbilisi

**Nato Gubeladze**, founder and editor-in-chief, *P.S.* newspaper, Kutaisi

**Gia Kevlishvili**, founder, TV Tvali, Sagarejo

**Tamar Kintsurashvili**, deputy director, Liberty Institute, Tbilisi

**Irakli Machitadze**, director, Radio Dzveli Kalaki, Kutaisi

**Khatuna Maisashvili**, founder and editor, *New 7 Days* newspaper, Tbilisi

**Ia Mamaladze**, founder and manager, *Guria News* newspaper, Chokhatauri; chairman, Regional Media Association of Georgia

**Ramaz Samkharadze**, director, Radio Hereti, Lagodekhi

**Irakli Sharabidze**, lawyer, TV Imedi, Tbilisi

**Soso Simonishvili**, executive director, Free Press, Tbilisi

**Mamuka Todua**, director, TV Ninth Wave, Poti

**Tamar Tsilosani**, executive director, Georgian National Association of Broadcasters (GNAB), Tbilisi

## Moderators

**Sophie Chaava**, IREX/Georgia

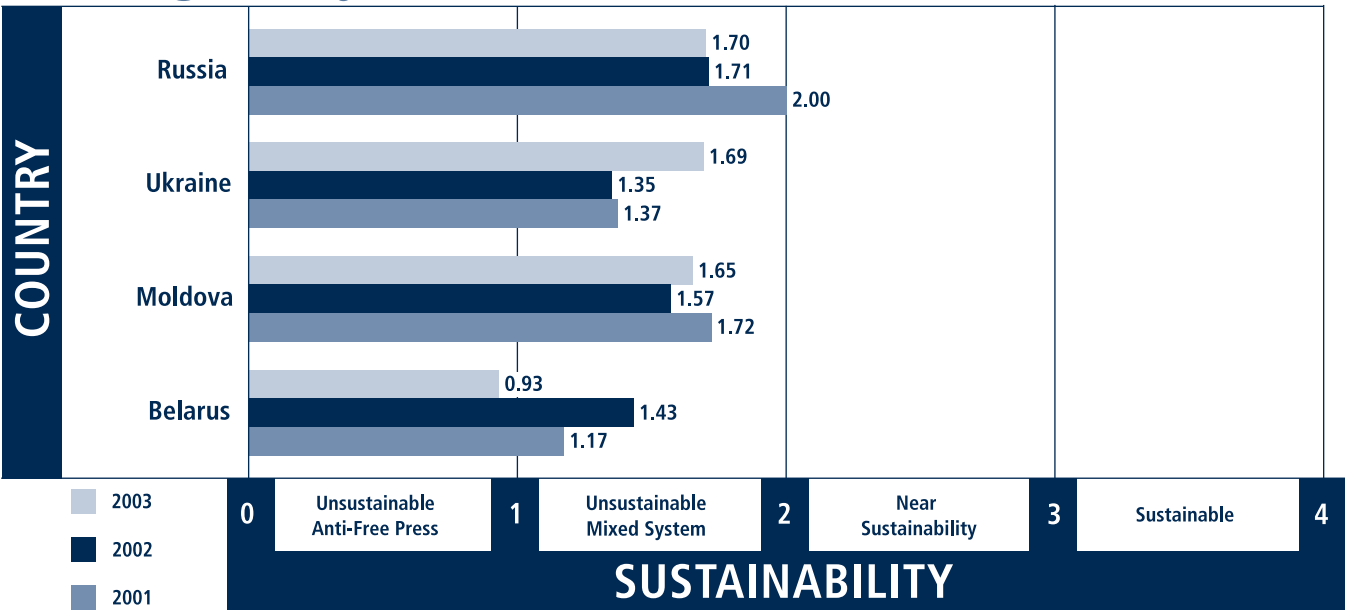
**Lia Chakhunashvili**, IREX/Georgia

## Observer

**Keti Bakradze**, USAID/Caucasus Office of Democracy and Governance



## Russia and Western Eurasia: Average Objective Scores





**“Licensing of broadcasters depends on the political situation. The government has been engaged in ‘cleansing’ TV stations.”**





## Introduction

In 2002, the Committee to Protect Journalists (CPJ) declared Belarus one of the 10 worst countries in the world in which to be a journalist. In 2003, things got worse.

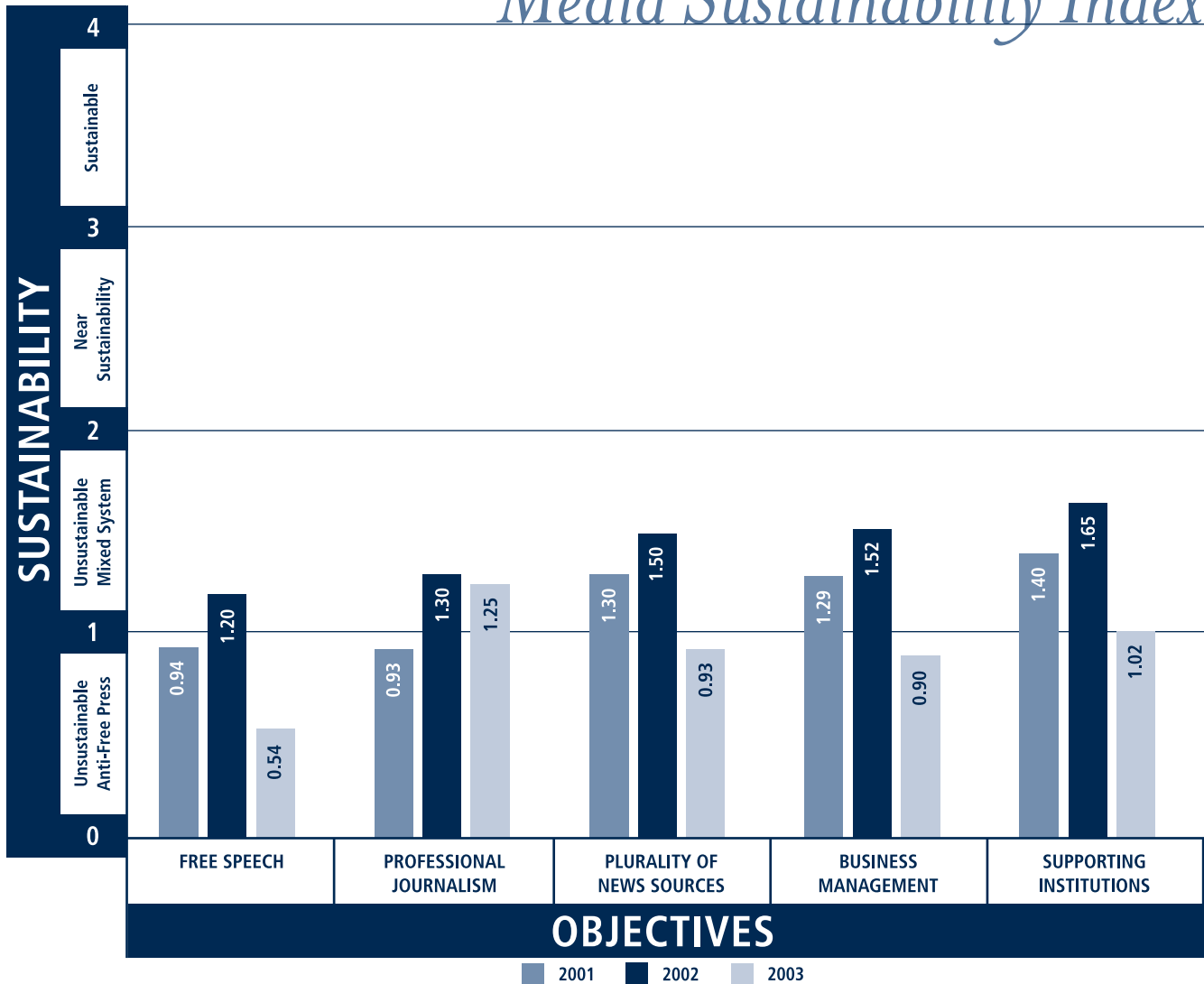
Faced with a stagnant economy, President Alexander Lukashenko's government turned its back even more firmly on the West, relying increasingly on assistance and the forgiving of debt from Russia and on the sale of state-owned enterprises to Russian interests. The Lukashenko government intensified its interventionist, top-down approach to managing the economy. It continued to hinder the growth of small and mid-sized businesses under an avalanche of ever-changing, highly restrictive, and often retroactive regulations, making it all but impossible for independent enterprises to survive. Unemployment remained very low (under 2 percent, officially), but widespread underemployment and continuing inflation made it more difficult for the average citizen to make ends meet. Meanwhile, the government half-heartedly pursued a proposed currency union with Russia (slated for 2005) and an eventual economic and political union, although ambivalence on both sides left the future of this union very uncertain.

Despite growing public dissatisfaction with Lukashenko, the political opposition remained marginalized. In the local elections of March 2003, nongovernment political parties mustered only 600 candidates for the 24,000 available seats. Very public scandals over campaign finances further undermined the opposition. A third of the registered opposition candidates in the local elections still managed to win despite extensive manipulation of the results by the administration. Several strikes by small business owners reflected a new willingness to publicly oppose administration policies and actions.

Nonetheless, Lukashenko retained overwhelming political control and took advantage of this by systematically moving to repress the independent media and to monopolize information channels in Belarus. While some news media fought back effectively against government harassment, the worsening situation was reflected in a sharp drop in the Media Sustainability Index (MSI) for Belarus compared with 2002.

# Belarus

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

Through presidential decrees, new regulations, and politicized court rulings, the government steadily tightened restrictions on freedom of speech and the press (along with those on religious freedom, peaceful assembly, and movement). New draft laws on the press and on “informational security” were pending at year-end and were expected to further restrict the independent media.

Specific forms of repression included criminal prosecution of journalists for alleged slanders against Lukashenko and other officials; seizures of television cameras and equipment from regional television stations; warnings and orders suspending publication of five newspapers; seizures of several print runs of papers that had received official suspensions or that had angered local officials by reporting on corruption; and harassment and closure of nongovernmental organizations (NGOs) providing assistance to independent media, including ordering the International Research & Exchanges Board (IREX) and Internews to close their programs and offices in Belarus. The government ordered the re-registration of all television stations, pressuring independent broadcasters to cede partial ownership to government officials under threat of closure. It ordered local governments not to grant new newspaper registrations and ordered all printing presses in Belarus not to accept any contracts from new newspapers, or from “dormant” newspapers that might resume publication under new management.

At the same time, the government announced the creation of a third national state television channel and began building a new regional network of state television and radio stations. It began systematically renovating state printing presses and increased assistance to the president’s newspaper, *Sovietskaya Belarussia*. Using the state-controlled press as its propaganda arm, the government also conducted cross-media campaigns with anonymous articles to foment baseless accusations against independent media, NGOs, or opposition politicians.

After two years of modest improvement in the various indices for media development, 2003 represented a sharp and severe setback on all fronts, with 2004 likely to bring further deterioration. With Lukashenko mulling a referendum to give himself an extra-constitutional third term in office, all indications are that his efforts to stifle the independent media will continue.

## Objective 1: Free Speech

**Belarus Objective Score: 0.54/4.00**

The Belarusian government’s attitude toward free speech was perhaps best summed up by Information Minister Mikhail Padhayny, who said in an interview with an independent Belarusian weekly that any articles published by independent media should be in line with the interests of the state, and warned independent media not to forget that. Panelists recalled this when registering a significant decrease in the protections for free speech and access to information during 2003.

While the Constitution of Belarus contains some norms on the subject, in practice government agencies often circumvent these by targeting critical stories, broadcasts, public demonstrations, or meetings. The court system, meanwhile, routinely violates constitutional guarantees by issuing politicized rulings that are clearly at odds with Belarusian laws, but that are in line

### Legal and social norms protect and promote free speech and access to public information

<b>FREE SPEECH INDICATORS</b>	■ Legal/social protections of free speech exist and are enforced.
	■ Licensing of broadcast media is fair, competitive, and apolitical.
	■ Market entry and tax structure for media are fair and comparable to other industries.
	■ Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	■ State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	■ Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	■ Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	■ Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	■ Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

**“State media clearly receive preferential legal treatment, just as they do in every other way,” said one panelist.**

with the wishes of state prosecutors.

In recent years, Belarusian journalists had become more adept at defending themselves against government harass-

ment and intimidation, but the government struck back in 2003 with a barrage of orders, lawsuits, court rulings, and extra-judicial actions. It suspended the leading independent daily *Belaruskaya Delovaya Gazeta (BDG)* and its supplement *DSP*, along with the newspapers *Predprinimatelskaya Gazeta*, *Ekho*, and *Navinki*, for allegedly violating the country’s press law. (*Navinki*, for example, was suspended for three months for printing a cartoon that poked fun at Lukashenko’s receding hairline.)

When *BDG* found various means to continue publishing (as a supplement within friendly papers, and then by printing in Russia), the government retaliated against anyone who assisted the paper. Police confiscated a print run of *BDG* in June, fired the director of a state printing house who had allowed an issue to be printed there, and punished papers that had helped *BDG* keep printing. For example, police ordered a government printing house to cancel its contract with *Mestnya Gazeta Shag*, in Baranovichi, and administratively closed the offices of the newspaper *Solidarnost* for alleged but unspecified violations of advertising regulations.

The government seized several print runs of the opposition newspaper *Novaya Gazeta Smorgon*, arrested its distributors, and then forced the paper to close over alleged licensing violations. When the newspaper *Den* announced it would reopen in June after its 2002 closure, government officials ordered or pressured every printing press in Belarus to refuse to print the paper. *Den* was still seeking a printing venue at the end of 2003.

The State Control Committee investigated independent television stations, seizing equipment from stations in Gomel and Mogilov. The government expelled a reporter from the Russian broadcaster NTV in June and then ordered NTV to close its Minsk news bureau after the reporter covered the funeral of dissident writer Vasil Bykov, at which an estimated 50,000 people took part in an anti-government protest.

The government and government functionaries used Belarus’s press law to go after other media. That law, in violation of international norms, includes criminal as well as civil penalties for defamation and for

offenses against the honor and dignity of public officials. The editor of *Navinki* was fined \$700 for an article insulting the honor and dignity of Lukashenko. Leading opposition paper *Narodnya Volya* was fined nearly \$25,000 for defaming a state broadcasting official and was the target of two related defamation suits at the end of 2003. Enforcement of the press law is selective, with warnings and lawsuits almost exclusively targeting independent rather than state media outlets. “State media clearly receive preferential legal treatment, just as they do in every other way,” said one panelist.

While independent media outlets in many cases came to one another’s aid, and provided more coverage of free-speech issues than in the past, there was little public outrage at the government’s repression of the media. Belarusian society as a whole remains conservative, polite, and complacent.

Broadcast licensing remains problematic. The broadcast licensing commission is not independent, but rather controlled closely by the Lukashenko administration. Official procedures favor state media, and unofficial practices are used to make independent broadcasters censor themselves. In 2003, the government required all independent broadcasters to re-register and issued none-too-subtle warnings that broadcast outlets that stepped out of line could expect problems. According to one panelist, “Licensing of broadcasters depends on the political situation. The government has been engaged in ‘cleansing’ TV stations.”

In general, tax and regulatory procedures put independent media at a huge disadvantage, compared with state media. Local authorities routinely deny new licenses, making it increasingly difficult to start new news outlets; independent media are forced to pay far higher postage and distribution fees; and tax and other authorities selectively enforce regulations to put economic pressure on independent news outlets.

Crimes against journalists remained rare. The government preferred other means to stave off media investigations or to conduct reprisals against investigative journalists. One regional paper had its print run seized and was denied future access to the state distribution and postal systems after publishing an investigation of misuse of local public health funds.

While Belarusian law guarantees independent and state-owned media equal access to information, in practice that law goes completely unenforced. Government officials routinely deny independent media access to information or public meetings. And while many journalists have been trained on their rights, even those

journalists say that is of limited help when state officials know they will not be held accountable for refusing to comply with it. A panel member explained further, “The government is reducing access to information. Under Decree 300 official bodies have the right to classify their activities top secret, and that applies to the Ministry of Interior, the Ministry of Culture, other ministries, the oblast committees, and anything to do with the Chernobyl issue. They are clearly hiding public information.”

International news outlets (whether print, radio, or television) require the permission of the Ministry of Information to be distributed or aired in Belarus. Most media outlets have access to the Internet; Russian media are available throughout the country, and Lithuanian and Polish broadcasters reach northern and western Belarus. The limitations are financial. Most outlets cannot afford to subscribe to international news wires; most Belarusians cannot afford either the price of subscribing to foreign publications or of buying the satellite dishes or cable that give access to international broadcasts. However, with cable and Internet fees falling, and with greater access to both services in the regions, access to international information is becoming more possible. The state can and does interfere with international news organizations that report in Belarus, as shown by the ouster of NTV and the harassment of Radio Liberty.

Entry into the study of journalism is open to anyone, though the government closed the country’s only non-state journalism school in 2003. Students graduating with journalism degrees theoretically are subject to “distribution” laws that allow the government to tell them where they must work for their first two years; in practice, most can sidestep that requirement.

Journalists are not licensed. However, the government requires accreditation for many events, ranging from sessions of parliament to access to local government meetings. Investigative and opposition journalists have reported having their accreditations removed.

In late September 2003, the Ministry of Information drafted a new media law that it was expected to send to the Belarusian parliament sometime in 2004. Among other restrictive changes, the draft law would ban Belarusian media outlets from receiving donations or property from foreign donors outside Belarus. The law also would create a government-run “public advisory” council to control the media, though to what degree and in what form was unclear.

## Objective 2: Professional Journalism

**Belarus Objective Score: 1.25/4.00**

Concern about whether journalists and news outlets are practicing greater self-censorship in the face of government repression led to a decrease in confidence in the professionalism of journalism during 2003.

In general, the standard has been improving, with more journalists aware of their ethical obligations in providing information to the public and of the importance of having multiple sources and checking facts. To be sure, many opposition publications retain a strident tone. But the understanding of fair, objective reporting has improved, thanks to the efforts of international trainers and organizations such as the Belarusian Association of Journalists, which has promulgated a code of ethics in line with internationally recognized standards. Many of the country’s most popular independent newspapers are seen as striving for objectivity and a high standard of professionalism—including *BDG*, *Belarusky Rynok*, *Intex-Press*, *Gazeta Slonimskaya*, and *Brestsky Kurier*.

Few news organizations, however, have adopted their own codes of ethics, and it is still common in both the state and independent media to see single-source articles and overtly subjective reporting. Paid articles, in

Journalism meets professional standards of quality	
PROFESSIONAL JOURNALISM INDICATORS	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

**“It’s harder and harder to maintain and upgrade equipment, as the economic situation keeps worsening,” said one panelist.**

which reporters or publications publish advertisements disguised as news articles, remain common. Political parties seek to buy favorable coverage in their fight against the Lukashenko

administration, and given the economic constraints under which most news outlets operate and the abysmally low salaries of reporters, it is easy to find a journalist who will slant a story to suit a patron. Journalists also sometimes take payments not to cover a story. One panelist observed that the market for paid stories was weak in 2003 because there were no national or parliamentary elections, and that in 2004 many more paid articles were likely to be published.

At a leading paper such as *BDG*, most journalists are paid the equivalent of \$50 a month; the pay is lower at smaller papers and at most regional papers and broadcasters. During *BDG*’s three-month suspension, several of its journalists left to take higher-paying jobs at state newspapers. The editor of *Intex-Press* in Baranovichy noted that the local state paper pays double the salary he can afford for reporters—and the state paper gets more advertising, since state subsidies allow it to charge a much lower rate. Especially in the regions, low salaries often drive promising reporters to leave the profession and encourage the practice of selling coverage to supplement incomes.

The profession as a whole remains sharply divided between the state and non-state media. State-owned media remain overtly propagandistic and do not provide coverage that could be considered critical about anything having to do with the government, its policies, or societal problems. At the same time, state journalists enjoy higher pay (thanks to subsidies for state media, which do not have to seek a profit), better benefits, better access to information, and often a higher social status. “The local state-owned paper pays double our salaries, though we have much higher circulation and more advertising,” said a panelist working for a non-state outlet. As a result, many of the journalists at independent publications either are younger and less experienced or view themselves as foot soldiers in the fight against an authoritarian regime. Either case works against a standard of fair and professional reporting.

Several panelists cited the government’s aggressive attacks against independent media, particularly the many warnings issued by the Ministry of Information,

as leading to greater self-censorship. In the previous two years, the independent press had begun to cover stories such as strikes, protests, investigations of government services, and so on more aggressively than at any time since before the 1999 presidential election. In 2001 and 2002, news media that covered such topics responsibly largely avoided any problems. But in 2003, writing fair and responsible stories did not protect news outlets against government reprisals. The courts also offered no protection, with politicized judges almost uniformly ruling in favor of the government, regardless of the facts of the case. “I don’t remember ever saying to a journalist, ‘Don’t publish,’ but there is pressure,” said one panelist, an editor.

Under the press law, any outlet receiving three warnings (and in some cases, two warnings) can be summarily suspended or closed. The fact that outlets—such as *BDG*—that did not self-censor were repaid with warnings and suspensions led many news organizations to be far more cautious in their coverage of anything that could offend the government.

Regional publications and broadcasters, in particular, saw themselves as vulnerable to political reprisals; they also were more wary of writing stories that might drive away any of their small base of advertisers.

At the same time, the quantity and frequency of news broadcasts by independent television stations increased, as has the quality, particularly in the regions. Several regional broadcasters won international awards for documentary news productions in 2003. The technical facilities at most news outlets remained problematic. Reporters must share computers, and some have no computers. Except as provided by foreign donors, most outlets lack digital cameras, laptop computers, digital recorders, and other reporting equipment that is standard in the West. Many television stations have a single digital camera—and no vehicle with which to travel to gather news. Most outlets rely on foreign donors to afford Internet access. “It’s harder and harder to maintain and upgrade equipment, as the economic situation keeps worsening,” said one panelist.

Newspapers depend on state printing houses and, to a large extent, on state distribution and postal systems; the exorbitant fees they must pay make it difficult for them to operate profitably. Some newspapers have developed extensive self-distribution systems, but most are still heavily dependent on state-controlled distribution.

Some high-quality niche reporting is done. In particular, several national newspapers provide comparatively good business and economic coverage, thanks to reporters and editors who have received specialized training from international media assistance organizations. Such organi-



zations are the only source of such training; state journalism schools remain mired in Soviet-era approaches and do not provide practical journalism training.

### Objective 3: Plurality of News Sources

**Belarus Objective Score: 0.93/4.00**

A comprehensive effort by the Lukashenko government to suppress the independent media and to monopolize information channels to put out a single, state-controlled message contributed to a dramatic drop in the sources of news available in Belarus, panelists agreed.

While the average Belarusian can afford to buy newspapers and has access to television, that does not necessarily translate into ready access to a plurality of news sources. Two state television channels and a state radio network cover the entire country, but under the tightened control of the Lukashenko administration, the broadcasters speak with a single voice. Two Russian channels are available across most of the country, but they offer little Belarusian news. Most Minsk residents do not have access to the capital’s only independent broadcaster, Kanal 8. When this station became a significant source of independent news in 2001, with a potential reach of 3.6 million people, the state took away its

frequency. Though Kanal 8 came back on the air with a new transmitter, its power is low and its reach very limited. The state will not allow Kanal 8 to be carried on cable.

The situation is somewhat better in the regions, where 17 independent television stations, all with news broad-

casts, potentially reach about 80 percent of the regional population. But those stations focus primarily on local, rather than national, news. And in response to government pressure, almost all became very cautious in their news coverage in 2003. One panelist noted that constant checks by the Ministry of Information effectively intimidate many outlets into curtailing potentially risky news coverage. FM radio stations throughout the country offer very limited news coverage, and that, too, has become more circumspect under pressure from the state.

Many independent newspapers continue to publish and are readily available on both the national and regional level. And while many leading papers are working to create their own systems of distribution, the reach of the national newspapers in the regions remains spotty. The state uses its near-monopoly of distribution channels and sales outlets to limit the reach of independent national newspapers. Also, state newspapers receive subsidies and pay far lower printing, postage, and distribution fees, allowing them to sell for half or less what independent newspapers must charge to survive.

As a result, Minsk residents enjoy the greatest access to independent news sources, followed by residents of the regional capitals. Belarusians in remote regions, on rural farms, and in small villages sometimes have no access to independent print, television, or radio.

Internet use continues to grow slowly. Its reach follows the same pattern as the other media, with access declining the farther one lives from Minsk or the regional capitals. Fewer than one in 10 Belarusians report having ever used the Internet, and only a small percentage of them say they use it regularly. So far the government does not block access to Internet news sources, but Lukashenko has ordered the Ministry of Information to develop tighter regulations on the medium.

**“Is information available on who owns what newspaper? The average news consumer can’t tell how objective the information in a medium is without knowing that.”**

#### Multiple news sources provide citizens with reliable and objective news

#### PLURALITY OF NEWS SOURCES INDICATORS

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens’ access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Few legal restrictions exist on access to foreign news sources; rather, the obstacles are economic. Cable is relatively affordable and available in Minsk but less so outside the capital. (Then, too, few Belarusians speak or understand English, which makes the availability of news sources such as BBC and CNN on cable of limited utility.) Few Belarusians can afford their own computers or Internet access, and the number of Internet cafés or free resource centers remains small.

No “public” media exist in the Western sense. The government uses state media almost purely for propaganda, including smear campaigns against other sources of information. State media are closed to alternative views or comments, with coverage of the opposition limited to partisan attacks against them.

Among the independent media, there are opposition newspapers that criticize the state just as stridently as the state media attack the opposition. But many independent outlets strive to be nonpartisan, and are seen by the public as such.

The leading independent news agency, BelaPan, came under tremendous pressure from the state in 2003, with the government ordering state media to drop BelaPan and rely exclusively on the state news agency, Belta. BelaPan could not compensate by raising its rates, as all but the largest independent news media already only could afford to subscribe with the help of foreign assistance. At the end of 2003, BelaPan faced an uncertain future.

Television broadcasters were faring better. In 2003, independent broadcasters had increased their production of news programming by 74 percent over two years earlier, with 10 of the 17 independent regional stations producing daily news, compared with just three in 2001. With the help of high-speed Internet links, four stations (in Orsha, Vitebsk, Borisov, and Polotsk) were exchanging video news packages and advertising on a daily basis, further increasing their ability to provide local viewers with regional news.

Media ownership in Belarus is not concentrated or controlled by a small number of conglomerates. However, ownership is not transparent. According to one panelist, “Is information available on who owns what newspaper? The average news consumer can’t tell how objective the information in a medium is without knowing that. We can’t say who owns ONT or STV; they’ve been declared as ‘independent,’ but their directors are appointed by the president.” The structure of ownership and limited access to information obscures the true control of many independent news media. This allows rumors (about Russian ownership, for example) to affect the credibility of some newspapers. Some city and local

governments have gained minority interests in local television, using shell companies to hide their ownership. Several panelists, however, noted that Belarusian consumers can tell who owns a media outlet (or at least with what interests the owner is affiliated) based on the outlet’s content and coverage.

While most Belarusian independent media do cover social issues, their efforts are limited because relatively few regional reporters have received adequate training, and the state severely limits access to information or statistics that might cast Belarus (or local governments) in a negative light. When broadcasters report aggressively on social problems (as with stories in 2003 by Skif-TV in Orsha on heating and water supplies and abandoned children, and stories by Intex-TV in Baranovich and Nireya-TV in Gomel about the Chernobyl nuclear disaster), local authorities focus on silencing the reporting rather than addressing the issues raised.

The greatest sensitivity in covering minority issues has to do with coverage of religious topics. Orthodox Christianity dominates in Belarus and has official legal status. Several regional journalists who covered other “sects” reported being harassed by local officials and Orthodox Church leaders. Minority-language media, such as those in Polish in western Belarus, can publish without special restrictions.

## Objective 4: Business Management

**Belarus Objective Score: 0.90/4.00**

Aggressive state interference made it increasingly difficult for media outlets to succeed as businesses during 2003, reversing more positive assessments for the past two years that had reflected significant management improvements made by many outlets.

International organizations provided extensive business training to media outlets, with corresponding improvements in accounting, business planning, marketing, advertising, and other business practices. But the obstacles, especially with regard to printing and distribution, also grew. The state owns or indirectly controls every printing press in Belarus. While even opposition papers such as *Narodnya Volya* had been able to print on state presses (albeit for far higher fees than state papers paid), the Lukashenko administration began more directly using its control of the presses in 2003. The director of one state press was fired after he allowed an issue of the suspended newspaper *BDG* to appear under the flag of another newspaper. And presses throughout

the country were ordered not to print certain newspapers (*Den*, *Mestnya Gazeta Shag*, and *Pagonya*, for example), and not to print either new newspapers or any dormant papers that were reactivated. While the newspaper *BDG* solved this problem by finding a printing press in Russia, other newspapers could not afford the higher shipping cost. The government also requires presses to reserve the use of four-color printing for state publications, and independent newspapers must pay print costs in advance while state papers can pay up to months afterward.

Distribution, too, is largely state-controlled. The only way in much of Belarus to provide home delivery is through the state postal system, which charges independent newspapers triple the fees it charges state papers. Independent papers must pass on the cost to readers, and publishers say independent newspapers' fees are used to subsidize the cost of delivering state papers.

Meanwhile, the state distribution system, which delivers to state-owned kiosks and sales outlets, also charges a huge price differential to independent newspapers. As with state printers, both the postal system and distribution company refused in 2003 to carry various newspapers that had been suspended or warned by the Ministry of Information—even after those suspensions ended. A panelist explained that “national and local authorities strongly interfere in printing and distribution.

*BDG* isn't the only example. *Den* can't get a printing house; *Mestnya Gazeta Shag* couldn't find a place after it helped *BDG*.”

Meanwhile, apparently under orders of the central government, the Minsk city government closed all independent sales kiosks in central Minsk during 2002 and 2003. The Minsk

suburbs and the oblast capitals began following suit in late 2003. In 2003, the government also adopted several new laws that require the licensing of distribution and sales points, giving the government a tool to block the creation of alternative distribution schemes.

There are existing alternative distribution companies—Roszerk, which primarily distributes magazines, and BelKP Press, which publishes the Belarusian edition of Moscow's *Komsomolskaya Pravda* and distributes it and several other papers to the regions. But both said they would not carry newspapers suspended or banned by the state. Meanwhile, many newspapers, including *Intex-Press*, *BDG*, *Brestsky Kurier*, *Brestskaya Gazeta*, *Kurier iz Borisova*, and *Mestnya Gazeta Smorgon*, among others, developed extensive self-distribution systems through which they delivered at least half their circulation (with that figure reaching 80 percent for *Intex-Press* and, before its forced closure by the government, 100 percent for *Mestnya Gazeta Smorgon*). How much further this admirable development can go, though, remains to be seen, since the Lukashenko government appeared to be moving to regulate and restrict independent distribution.

The sources of media financing are varied, but not entirely healthy. Due to the weak economy and government policies that strangle small and mid-sized businesses, Belarus has a stunted advertising environment. The many businesses that operate in the shadow economy do not advertise, for obvious reasons. In addition, unlike in the West, advertising is not considered a tax-deductible expense, and government regulations limit the amount that can appear in a newspaper to no more than 30 percent of its space. By comparison, European and US newspapers routinely carry 60 to 70 percent advertising. Most business enterprises, meanwhile, can

**“National and local authorities strongly interfere in printing and distribution. *BDG* isn't the only example. *Den* can't get a printing house; *Mestnya Gazeta Shag* couldn't find a place after it helped *BDG*.”**

### Independent media are well-managed businesses, allowing editorial independence

#### BUSINESS MANAGEMENT INDICATORS

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

spend no more than 2 percent of revenue on advertising. In addition, state media enjoy an enormous advantage in competing for what advertising is available, using their subsidized status to offer far lower rates than the independent media. Also, the government forbids state enterprises, which dominate the economy, from advertising in independent media.

This forces independent media to rely on subscription and sales. Here, too, the government intervenes, using regulations to keep prices—and revenue—artificially low. Regional broadcasters, facing an even leaner advertising market, rely heavily on the sale of private messages (birthday greetings, for example). Although regional broadcasters have a rudimentary network, they have not been able to agree on a common broadcasting schedule that would allow them to compete with the state channels for national advertising. They, too, face competition with artificially low advertising rates charged by the state channels (as low as \$25 a minute).

As a result of all these constraints, independent media tend to be very vulnerable to pressure. Political parties and businesses buy space and favorable coverage. When international donors provide assistance, they must beware of a tendency on the part of media outlets to tailor coverage to please their sponsor. Many newspapers depend on outside assistance to survive and develop, even though those sources are not sustainable. This is less true among regional television stations, having received less donor assistance. Radio stations, with lower operating costs, are more easily able to operate profitably but have been less significant as a source of news.

Market research firms do operate in Belarus, but mostly for the benefit of the government or the few international companies that advertise in Belarus. Their services are beyond the means of media outlets, except when international donors subsidize such research. Surveys funded by international assistance organizations provided outlets with some information, and many have developed in-house, albeit less sophisticated, research efforts to be able to provide advertisers with information about their readership or viewing audience. “It’s a dream to use annual marketing research,” said one panelist. Circulation figures in Belarus remain suspect, as there are no independent outside auditing firms. The Ministry of Information performs audits, but independent newspapers do not trust the results, which focus on print runs rather than copies distributed. As a result, many state papers show circulations that appear to be much higher than their actual readership.

There is no independent means through which broadcasters can assess their viewership. Some firms

conduct surveys and ratings research, but independent broadcasters cannot afford to access that information and instead rely on their own amateur surveys. As a result, ratings do not drive editorial or broadcast policies to any significant degree.

## Objective 5: Supporting Institutions

**Belarus Objective Score: 1.02/4.00**

A sustained government attack on NGOs, professional associations, and other assistance organizations produced a significant decline in support for independent media.

There are underdeveloped trade associations in Belarus, including the Foundation for the Development of the Regional Press, an organization of regional publishers and editors, and the Television Broadcast Network (TBN) for regional television managers. In practice, these organizations provide few benefits to members and rarely work collectively. TBN, for example, theoretically runs a central office to buy programming collectively and to gain national advertisers for the regional stations. But due to poor management, it provides meager sales and revenues. The foundation, meanwhile, primarily gains a volume discount for its members on newsprint purchases

### Supporting institutions function in the professional interests of independent media

#### SUPPORTING INSTITUTIONS INDICATORS

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists’ rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

and provides some training, but it has not been effective at advocating for its members against state repression.

The Belarusian Association of Journalists (BAJ), which in 2003 won the World Press Association's Golden Pen award for defending press freedoms, brings together independent journalists and attempts to protect their rights through lobbying, legal assistance, and training. But while BAJ works effectively, its resources are stretched to the breaking point by the challenges its members face. Internal differences sometimes hamper the association's effectiveness, and it, too, has been investigated and harassed repeatedly by the government. Some journalists will not join the association, considering it politicized. Human-rights groups such as Charter 97 and the Belarus Helsinki Committee monitor press freedom, publicize violations, and are accessible to journalists throughout the country. The government shut down several indigenous human rights organizations in 2003. The Ministry of Justice ordered all Belarusian NGOs to provide copies of their registrations and lists of all their grant sources, employees, and planned events in an apparent prelude to a "cleansing" of NGOs seen as linked to the political opposition or the independent media.

One difficulty for groups supporting independent media is that the government is indifferent to its international image. For example, when the government drafted a new press law, it refused to make copies available publicly, even to the Organization for Security and Cooperation in Europe, as required by its membership in that organization. While BAJ obtained a leaked copy, it is unclear whether that draft reflected the version the government was preparing to pass. Article 19, an international NGO that monitors freedom of expression, took an active role in analyzing the draft and bringing its shortcomings to international attention.

During 2003, the government closed the only independent journalism degree program in Belarus. While state universities offer journalism degrees, their programs largely follow the Soviet model and do not meaningfully prepare students to practice journalism in the Western sense. In addition, the dwindling number of international assistance organizations has eliminated training programs offered to journalism students. The US-funded Muskie program has produced some practicing journalists, and some students study in Moscow. Overall, though, panelists said programs abroad offer only a trickle of trained young journalists. There are enough media outlets to absorb graduating journalism students. In fact, the problem is that there are not enough well-trained journalists to go

around, and many promising performers leave the field in search of better-paying professions.

For practicing journalists, substantial short-term training opportunities still exist, mostly run and funded by international agencies. Some have sought opportunities to provide more support in response to increased repression, but obstacles have been raised by the government, including new restrictions barring news media in Belarus from accepting foreign grants.

As discussed previously, printing facilities in Belarus are controlled by the state, favor state papers, and are used as weapons against independent papers. Similarly, the state predominantly controls distribution channels, manipulating them to limit the reach of independent media—and in some cases to destroy them.

While some radio and television transmitters remain in private hands, the government uses licensing and registration procedures to limit broadcasters' independence. Internet access also is controlled by the government, and while interference with access to information on the Internet has been sporadic, all signs point to the likelihood of more systematic approaches soon. One panel member asked, "Will we face more severe controls? Both local authorities and the Ministry of Information interfere, and I see more difficulties ahead with licensing and distribution."

## Panel Participants

**Andrey Bastunets**, attorney, Law Center for Media Protection, Belarusian Association of Journalists (BAJ)

**Zhanna Litvina**, president, Belarusian Association of Journalists

**Vadim Losev**, board member, Foundation for Local Press Development

**Pyotr Martsev**, publisher, *Belaruskaya Delovaya Gazeta*

**Leonid Mindlin**, television consultant, board member, Belarusian Association of Journalists

**Robert Ortega**, resident advisor, IREX/ProMedia Belarus

**Vladimir Yanukevich**, director, *Intex-Press* Publishing House, Baranovichi

## Moderator

**Andrei Vardomatski**, director, Novak Market and Opinion Research



The use of the state media as “a weapon of propaganda for the destruction of political opponents” is also a significant problem, a panelist said.



## Introduction

**T**he media environment in Moldova deteriorated in 2003, with state and legal pressure on the independent press intensifying. The governing party continued to control the state-owned media, only pretending to transform radio and television into public institutions, panelists said. There was special concern about an article in the new criminal code punishing libel with five years in prison and cancellation in the new civil code of the ceiling on monetary compensation for moral damages.

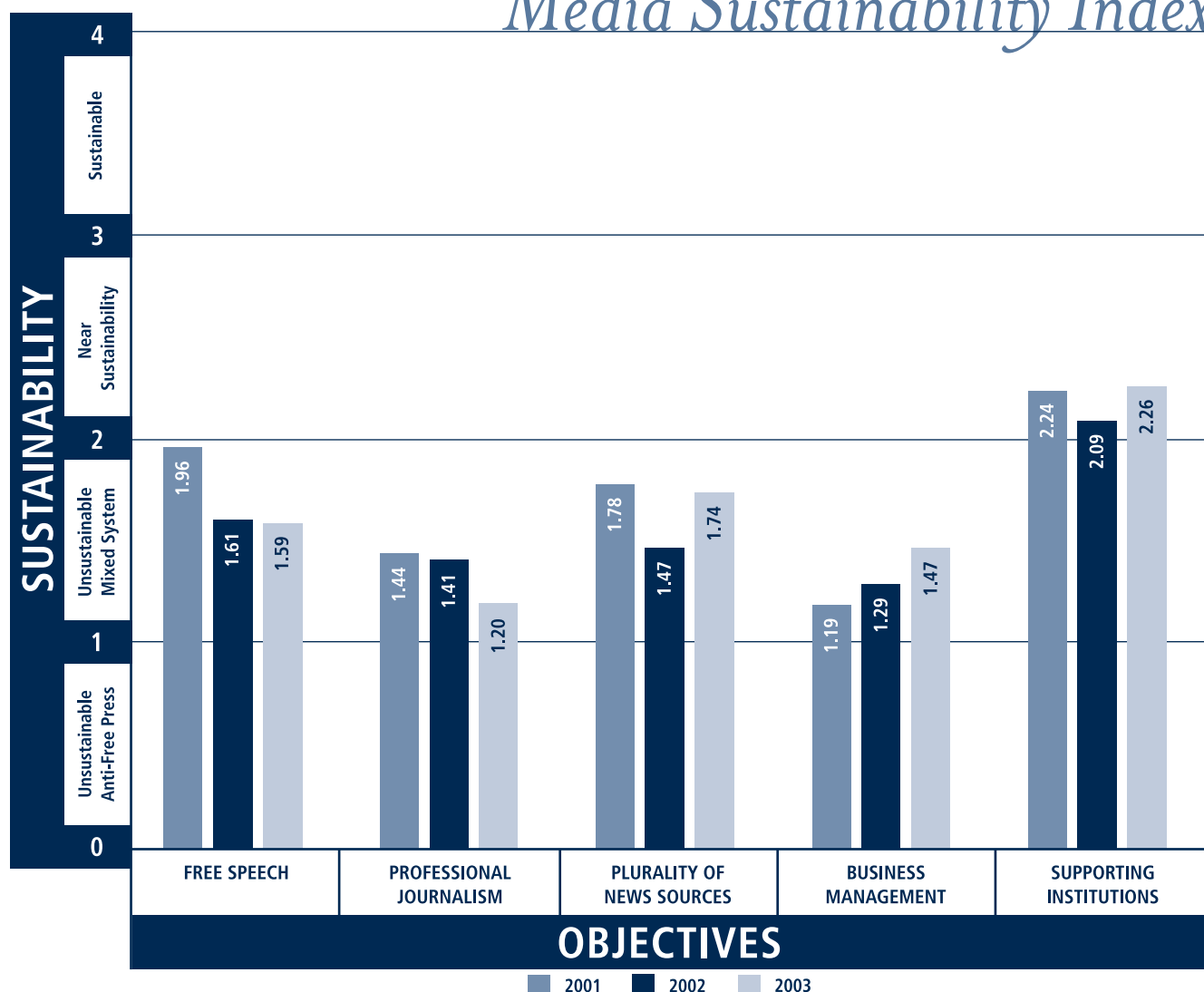
The media sector includes state, party, and commercial outlets. With few exceptions, they depend on funding sources beyond their business revenues and allow editorial interference by these sponsors from government, political parties, and businesses. Panel members criticized the lack of editorial independence, especially in the state-funded outlets, which are rife with unrestrained censorship. The use of the state media as “a weapon of propaganda for the destruction of political opponents” is also a significant problem, a panelist said.

The lack of media independence stems from many factors: insufficient revenues and difficulties in attracting capital, self-censorship, poor management, and no advertising market to deliver profits in an environment of fair competition. However, panel members noted that independent newspapers and broadcasters exist in Moldova, and some measures show increasing public trust in the media. There are professional broadcasts as well as quality print journalism, but panel members gave a low general rating to Moldovan journalism.

Access to the mass media is not obstructed legally, but it is a financial burden for producers and consumers, especially in areas outside the capital. Newspapers are delivered after a significant delay. Although private distributors have appeared, their market share is insignificant and the state-owned network continues to function as a near monopoly. State-controlled television and radio are the most accessible media for consumers nationwide. A small number of radio stations cover about two-thirds of Moldova’s territory, and there are international stations accessible everywhere. The few television stations with national coverage rebroadcast programs from Russia and

# Moldova

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions



Romania, but no private television station with national coverage exists, thanks to government controls. As Moldova has been redivided into regions (*raion*), local authorities have resumed publishing their own newspapers, thus limiting the opportunities for independent press in the provinces. Internet access in the countryside is free, but limited due to lack of infrastructure. Private printers are opening, but the state still owns the large printing houses.

Panel members mentioned that media coverage is distorted and biased, especially during election campaigns. During the most recent local elections, the authorities used the media (especially the state outlets) to promote their interests. Many media outlets are essentially mouthpieces of political parties. Panelists also mentioned that journalists failed to associate professionally and that cleavages within the journalistic community are encouraged by the authorities, who have reverted to the Soviet practice of creating “pocket NGOs.”

## Objective 1: Free Speech

**Moldova Objective Score: 1.59/4.00**

The Constitution of Moldova, passed in 1994, guarantees the freedom of expression and the right to information. Censorship is prohibited. However, state authorities have passed a number of laws obstructing the liberties guaranteed by the Constitution.

On July 12, 2003, the new civil and criminal codes came into force. Article 16 of the civil code, which refers to “the protection of professional honor, dignity, and reputation,” removed the ceiling on compensation for moral damages. Media experts believe this article could considerably affect the ability of the press to report objectively, because of the threat of lawsuits brought against the media. They also are concerned about an article in the criminal code that penalizes libel with prison terms of up to five years, saying it may be used to intimidate the media and seriously threaten freedom of expression.

In February 2003, the Law on Fighting Extremist Activities was passed on the initiative of Moldovan President Vladimir Voronin. Civil society representatives in Moldova, opposition political leaders, and a number of international human rights organizations criticized this law. London-based Article 19 addressed a letter to the president requesting that he not sign the law. The article of the law that references “the liability of media outlets for disseminating information with an extremist character” and another on “the inadmissibil-

ity of using public telecommunication networks for carrying out extremist activities” expose the media to double-barreled restrictions. Article 19 argued that “the media are sent a signal by which they are shown that they are under a special regime of restrictions concerning the materials they can publish or broadcast.”

The Media Sustainability Index (MSI) panel participants agreed that new laws on the media have been adopted practically overnight without debate in the press or consultations by experts. There also is concern that the true motivations for the laws are obscured. As one

**“There is pressure on businesspeople not to advertise with the press that the authorities don’t like, and to advertise instead with the pro-governmental press.”**

### Legal and social norms protect and promote free speech and access to public information

#### FREE SPEECH INDICATORS

- Legal/social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

**As one panelist explained, “Ostensibly noble intentions very often hide anti-democratic, authoritarian interests of the governing party.”**

two weeks after being proposed in parliament. According to one panelist, the stated declarations of communist deputies concerning the need “to close a gap in the national legislation” hid their “desire to subdue the Chisinau municipality’s radio and television stations.”

Experts mention that transforming the state Teleradio-Moldova into a public institution under a law adopted in July 2003 has been inexcusably delayed. Under pressure from the Council of Europe, the law was amended in March 2003 to drop the requirement that the parliament approve the members of the Council of Observers, the new public company’s main board of governors. Even so, there are many indications that the government manipulates the Council, including a move in October 2003 to circumvent it by liquidating Teleradio-Moldova and creating a new public institution. The parliament argued that this was the only way to transform the state company into a public institution, but opponents said it was simply a way for the governing party to get rid of “disobedient” journalists.

There are cases that demonstrate the government’s hand in state television programming. For example, a November 2002 edition of the talk show “Buna seara” (Good Evening) discussing the Transnistrian settlement was suspended because the leader of the communist faction in parliament refused to participate. Also, in December 2003, national radio news department director Valentina Ursu was forbidden to host her morning show of many years because she was older than 35 and “ought to concentrate on management.” Supporters said her interviews of opposition politicians were the real problem. The Moldovan president recognized, albeit indirectly, the opposition’s blocked access to the state-controlled broadcasts when he said the main television channel should include one hour of weekly programming featuring opposition party members. The station complied with President Voronin’s demand.

panelist explained, “Ostensibly noble intentions very often hide anti-democratic, authoritarian interests of the governing party.”

For example, the Law on the Local Public Broadcasting Institution was adopted on December 25, only

Other means of creative censorship are used against independent media, according to panel members, but they are a form of intimidation that cannot be proven. One participant mentioned sudden tax inspections. Another said, “There is pressure on businesspeople not to advertise with the press that the authorities don’t like, and to advertise instead with the pro-governmental press.”

The Broadcasting Coordinating Council (BCC), a panel to which the president, government, and parliament each appoint three members, is not impartial, panelists said. They cited the July 2003 council decision to monitor the Moldovan office of the Russian television station First Channel on the grounds that the council had received complaints from viewers that the station “failed to present balanced news coverage.”

The state-run media do not officially enjoy preferential legal status, but it is clear that private media are discriminated against. State media are exempt from VAT (value-added tax), state newspapers pay below-market rent, and state journalists enjoy the privileges of being public servants. When Prime Minister Vasile Tarlev visited the government newspaper *Moldova Suverana*, he promised that “he would order businesses in which the state held the majority of shares to advertise with the government newspaper” (Moldpres, August 14, 2001). He has kept his word. Moreover, the government orders public institutions and state-run businesses to subscribe to governmental newspapers. A September 2003 BCC decree said “businesses wishing to create new television stations, regardless of the location, will receive licenses only on the condition that they rebroadcast the national channel Moldova 1.”

BCC allocates radio and television broadcast licenses and frequencies, and MSI panelists contended that resolutions favor the governing Communist Party since its members have been selected based on their degree of loyalty. Some BCC members who are also radio and television station managers have been appointed in violation of the law against conflicts of interest.

So far, the BCC has not developed a clear strategy for the development of broadcasting in Moldova. Panel members criticized the BCC for its partisan distribution of licenses and especially for failing to take issue with broadcasters that do not meet license requirements. Panelists said the BCC does not have a monitoring system to verify how license holders meet broadcast requirements. Also, according to radio station Vocea Basarabiei, “by indulging stations loyal to the government and spreading unfounded claims regarding the editorial policy of stations critical of the state, the BCC has demonstrated ‘political servitude.’”

The Center for Monitoring the Information Space (SIMON) report on media monitoring showed that “in the process of applying for broadcast licenses the majority of applicants declared their commitment to producing and broadcasting local programs. But by the end of 2001, their actual fare (of the private radio and TV stations) was limited to rebroadcasting programs from other countries”—primarily Russia, followed by Romania.

Another negative trend in 2003 was a sharp increase in the number of abuses against journalists and cases in which access to information and freedom of expression were limited. At the end of 2002, the BCC decided not to renew radio station Vocea Basarabiei’s license. Besides its own programs, this station rebroadcasts Radio Free Europe and Voice of America. Vocea Basarabiei was able to resume only three months later due to the intervention of international organizations. In January 2003, the director of *Accente* weekly was assaulted. In March, the spokesperson of the General Prosecutor’s Office was dismissed for disclosing to the media a case of abuse of power by the parliament’s deputy speaker Vadim Misin. In April, the Information and Security Service and the Prosecutor’s Office interrogated the director of radio station Antena C, the producer of one of its call-in programs, and several listeners and callers on the grounds that the program “permitted indecent expressions.” Under pressure, Antena C suspended the program. In May 2003, the Chisinau Prosecutor’s Office searched the offices of the *Flux* daily to find out who wrote an article about the alleged involvement of the former honorary consul of Lebanon in Chisinau in weapon sales to Islamic terrorist groups. In July 2003, the director of the news department of the state-run news agency Moldpres, Cornelia Cozonac, was dismissed after she made public that she had been ordered to publish news from the president’s press service without any editing.

Journalists continue to be prosecuted for libel and defamation. “The general trend is that these legal provisions are used by abusive public servants in order to protect their false public dignity and take revenge on journalists,” a panelist said. Panel members noted that in the absence of an independent judicial system, judges obey the authorities and issue rulings against journalists.

Tight control over information continues. Although the Access to Information Law was adopted three years ago, public affairs officers continue to oppose journalists’ requests. According to the law, any legal resident of Moldova may request any information or document from public bodies or institutions for any reason. There are no clear procedures, however, and some state

bodies request fees or delay long enough to render the material obsolete. In 2003, press officers were sued for the first time for refusing to provide public information, and two suits were even successful. The Court of Appeals ordered the Center for Fighting Economic Crimes and

Corruption and the General Prosecutor’s Office to supply information requested by the Association of Independent Press, but neither institute immediately complied.

Journalists sometimes are barred from government events. On December 3, 2002, the editor-in-chief of *Moldavskie vedomosti* weekly, Dmitrii Ciubasenco, was not allowed to attend a press conference given by the president. The manager of the president’s office building said he had received clear orders not to admit Ciubasenco.

Access to international sources of information and news is not limited, but the finances of media outlets are a barrier.

The Moldovan authorities have not imposed labor restrictions on media professionals, except for accreditation requirements. Foreign journalists are mandated to receive accreditation from a government ministry.

**“The general trend is that these legal provisions are used by abusive public servants in order to protect their false public dignity and take revenge on journalists,” a panelist said.**

## **Objective 2: Professional Journalism**

**Moldova Objective Score: 1.20/4.00**

Professionalism is gaining ground in Moldova, but it competes with biased, unprofessional journalism. Some produce objective or analytical articles and programs, but many others accept commissions to produce tendentious, distorted stories. Journalists from the state-run media churn out shameless propaganda in favor of the governing party.

At the same time, however, surveys have shown an increase in the population’s trust in the media. According to a survey conducted in November 2002 by the Center for Sociological Studies ILIGACIU, media are second only to the church as the most credible social institution.

Journalism meets professional standards of quality	
PROFESSIONAL JOURNALISM INDICATORS	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

A serious barrier to professional journalism is the limited access to information. According to a survey conducted by the Independent Journalism Center (IJC)—a media-support nongovernmental organization (NGO)—and ILIGACIU, 83.8 percent of journalists believe that the Access to Information Law is not implemented in practice. Meanwhile, 81.8 percent say that Article 34(2) of the Constitution, which obligates public institutions to provide accurate information to citizens, is not observed.

The code of ethics adopted by the Union of Journalists in May 2000 requires that a clear distinction be made between information and opinion. The code also banned the acceptance of compensation from third parties for the publication of stories. However, the code is not fully observed. Moreover, the ILIGACIU survey has shown that 27.8 percent of interviewed journalists are not very familiar with ethics codes, and 38.5 percent recognize that they sometimes work in ways incompatible with professional standards. One significant violation occurred during the recent local election campaign when the director of the national television station, Ion Gonta, showed hidden-camera footage of two female investigative newspaper journalists in a sauna. The director later was barred from the Journalists' Union of Moldova and was accused of violating the ethics code, by "discrediting the profession of journalism and damaging the credibility of the media as a whole."

During election periods, most media outlets support political camps. According to the IJC/ILIGACIU survey, 81.8 percent of respondents believe that journalists in Moldova engage "to a considerable extent in political partisanship at the expense of the principles of free journalism." Self-censorship is a common practice in both public and private media. As with state-run media, the owners of some private outlets institute certain taboo topics.

The precarious economic situation of journalists contributes to a lack of professionalism. *The Journalist's Profile* survey has shown that 50 percent of journalists have a monthly salary under 1,000 lei (about \$76), while 37 percent earn between 1,000 and 2,000 lei per month (between \$76 and \$150). About 1,325 lei is considered the minimum "consumer budget," according to the government. The same survey shows that 52 percent of journalists have a second job to supplement their income. Some media professionals resort to political advertising and other services for political parties during campaigns. Salaries do not always depend on performance. Instead, they may relate to media owners and their connections in business or political circles. As one panelist explained, "There are bad journalists who are well paid, and there are good journalists who are paid extremely poorly."

Most radio and television stations have their own broadcasting equipment, including transmitters. Public company Teleradio-Moldova and a number of private radio stations, including several Russian stations, use the services of the state company Radiocomunicatii. Teleradio-Moldova has serious technical problems, with more than 80 percent of its equipment considered obsolete.

Investigative journalism "never appears," panelists stated. However, there have been some successful attempts in this area. The Association of Independent Press, representing private media owners, created an investigative team, and its reporting was published in member newspapers. But with the authorities so unconcerned about disclosures made by the media, journalists wonder whether investigative journalism is worth the risks, the expense, and the threat of lawsuits.

**As one panelist explained, "There are bad journalists who are well paid, and there are good journalists who are paid extremely poorly."**

## Objective 3: Plurality of News Sources

**Moldova Objective Score: 1.74/4.00**

According to the Moldpresa SA catalogue, 64 newspapers and 44 magazines were distributed nationwide at the end of 2003. About 20 percent of the national newspapers are published by state bodies, and only eight newspapers (12.5 percent) were open about their political affiliations. Also, about 70 local and regional publications exist in Moldova (including the Gagauz Autonomous Region and Transnistria), of which almost half are funded from local public budgets.

According to SIMON monitoring, the Moldovan broadcasting market features 116 television outlets (four public, 36 private, and 77 cable operators). There are 32 private local radio stations (three public, 26 private, and three broadcast by wire). Several radio stations cover about 70 percent of the country (Antena C in Chisinau, and private stations HitFM and Russkoe Radio). Besides public TV Moldova 1, two other channels have nationwide coverage—Russian state television’s First Channel and Romania’s state TVR1. Political parties do not own radio or television stations. Internet access is underdeveloped, and in rural areas it is not available.

Moldovan citizens have access to domestic and international media without political, legal, or technical barriers, limited only by finances. In 2003, however,

the authorities halted the operation of TV Romania 1, *Pervyi kanal v Moldove*, *Vocea Basarabiei*, and *Ekho Moskvyy* for periods of one week to several months. Moldovans have access to international radio stations such as BBC, VOA, Radio Free Europe, and Radio France Internationale. A variety of international television channels are also available. For example, French TV5 is rebroadcast by a local station, and CNN can be received via cable operators. TVR1, Antena 1, Acasa, Prima TV, and PRO TV are accessible from Romania. Channel 1 is beamed from Ukraine. Moscow-based stations are rebroadcast fully or partially.

Western and Romanian newspapers are too expensive to find through normal channels, and it does not help that distribution networks in Moldova are not trying to bring them in. On the other hand, Russian newspapers, as with Russian radio and television, are sold at reasonable prices and dominate the media market in Moldova.

In the best-case scenario, a family can afford to subscribe to or buy only one publication. According to a recent survey commissioned by the Institute for Public Policies, about 22 percent of people do not read newspapers at all, and 10 percent read them less than once per week.

In contrast with Chisinau, rural areas do not have many information options. Many villages have no newsstands, radio programs are not received regularly, and only one or two television channels are available. Print media reach villages after lengthy delays.

National state radio and television (Radio Moldova and TV Moldova 1) do not reflect the entire political spectrum and serve as the governing party’s propaganda machine, panelists concluded. One explained, “As during Soviet rule, public television has taboo topics—names and lists of people who by no means can participate in programs. The weekly program ‘Opposition Hour,’ introduced in early December, confirms the fact that the opposition is seen as a dispensable element of political life.”

There are many news agencies, and the monopoly of the state-run agency Moldpres has been undermined in recent years by about 10 private agencies, of which

**“The government often imposes political subjects in order to distract the public’s attention from more real subjects.”**

### Multiple news sources provide citizens with reliable and objective news

#### PLURALITY OF NEWS SOURCES INDICATORS

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens’ access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

**“As during Soviet rule, public television has taboo topics—names and lists of people who by no means can participate in programs. The weekly program ‘Opposition Hour,’ introduced in early December, confirms the fact that the opposition is seen as a dispensable element of political life.”**

mainly in the form of entertainment. Newscasts are few, and their editorial policy is incoherent. Better-quality news is found at stations like ProTV Chisinau, ORT Moldova, NIT, BBC, Radio Free Europe, Radio Antena C, Radio PRO FM, as well as some radio stations outside Chisinau. These stations usually feature news bulletins and analytical programs, produced by their own news departments.

Media in Moldova are not transparent concerning ownership and funding sources. The public is not informed about who owns certain television and radio stations, especially those that influence Moldovan political culture. Media ownership is often the subject of innuendo and gossip during elections. There has been a recent trend toward media concentration, particularly regarding the broadcast media.

The Moldovan media do not reflect the full range of public interest. Most outlets primarily offer reporting on politics, with very little on social, economic, and international issues. A panel participant said, “The government often imposes political subjects in order to distract the public’s attention from more real subjects.” Stories on social assistance, the disabled, abandoned children, and similar topics are infrequent. Some independent newspapers such as *Jurnal de Chisinau*, *Timpul*, *Ekonomicheskoe obozrenie*, and *Novoie vremea* have begun to shift the focus to topics related to civic journalism.

BASA-Press, Info-tag, Infoprim, Flux, Interlic, and Deca-press have gained strong footholds on the market.

Independent radio and television stations in Moldova contribute only partially to the diversity of information. A significant number of broadcasters (96.6 percent, according to SIMON data) are concentrated in cities. Original programming is insignificant and

Of the 108 publications distributed nationwide, 56 are in Romanian since approximately 65 percent of Moldova’s population is ethnically Romanian. There are 45 publications listed as appearing in Russian (41.7 percent), while six are in mixed Romanian and Russian (5.6 percent) and one is in English. The national minority press (produced by Ukrainians, Gagauz, Bulgarians, and Jews) faces serious financial difficulties.

## Objective 4: Business Management

**Moldova Objective Score: 1.47/4.00**

The media in Moldova are largely unprofitable. Advertising agencies and the advertising market in general are underdeveloped. Furthermore, there are few experienced media managers, and public perception of the media as a propaganda tool rather than a business remains strong. Media outlets rely partially on commercial revenues but are constantly searching for subsidies. “Media professionals feel more comfortable under the wing of somebody who provides financial support, allowing them to work without worrying about the newspaper’s funding. This mentality is changing, but not quickly enough,” one panelist said.

### Independent media are well-managed businesses, allowing editorial independence

- |                                       |   |
|---------------------------------------|---|
| <b>BUSINESS MANAGEMENT INDICATORS</b> | ■ Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.  |
|                                       | ■ Media receive revenue from a multitude of sources.  |
|                                       | ■ Advertising agencies and related industries support an advertising market.  |
|                                       | ■ Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.                                  |
|                                       | ■ Independent media do not receive government subsidies.  |
|                                       | ■ Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences. |
|                                       | ■ Broadcast ratings and circulation figures are reliably and independently produced.  |

The government controls printing and distribution of print media in Moldova. The state owns the Press House, a national press center where half of the newspapers and magazines published in Moldova are based. The state controls distribution companies such as Moldpresa and Posta Moldovei and manages printers in Chisinau and in district towns. State company Radiocomunicatii manages the radio transmission network. Government authorities set the fees and taxes for facility rent, printing, distribution and sales, communication services, and radio signal transmission. Due to the state monopoly, fees for press distribution and transmission are considered quite high.

The state press continues to gain strength. Pro-government newspapers emerge from nowhere, funded by obscure sources and managed by civil servants. For example, *Sens* newspaper is edited unofficially by the head of the president's press service; *Tineretul*

**“Media professionals feel more comfortable under the wing of somebody who provides financial support, allowing them to work without worrying about the newspaper’s funding. This mentality is changing, but not quickly enough,” one panelist said.**

and *Moldovei* are edited by the editor-in-chief of the governmental newspaper *Moldova Suverana*. After Moldova reverted to the Soviet-style administrative districts, the state also began funding district newspapers, undermining independent local and regional newspapers. “One can’t say that normal business relations and market-economy rules have taken

hold in the media,” a panelist concluded.

Market research, promotion, and sales services have developed very slowly. Although advertising revenues increased in the past five years, this has not been sufficient to spur significant growth of the media sector. It is difficult to assess the real scope of the advertising market due to a lack of transparency. “Many companies are unwilling to invest in advertising, because they don’t believe in its utility,” a panel member said. Some businesses do not want to advertise with newspapers for fear of attracting the tax authorities.

Subscriptions are the most reliable revenue source for private newspapers. Some publications increase their print runs due to free subscriptions subsidized by unknown sources. Newspapers that support political parties receive subsidies from their owners. However, many sources of media funding remain unknown. It is clear that the government does not offer financial assistance to independent media.

Businesses afraid to advertise with opposition newspapers receive “recommendations” to advertise with state-run media, allowing the government to consolidate its power through its network of loyal media. One panelist explained, “In general, business depends to a large degree on whether or not you are loyal to the state. If you are not, then you are harassed until you accept the government recommendations.”

While market surveys are rare, in recent years credible surveys have been conducted through the Independent Journalism Center. Theoretically, circulation statistics can be obtained from printing houses or distribution companies, but they usually refuse to make such data available. Overall, very little information is available to the media on how to develop strategies, marketing plans, and business practices.

The managers of four television companies—Tele-radio-Moldova, Analitic Media Group (broadcasting on the ORT-Moldova channel), TeleDixi (broadcasting on the RTR TV channel), and New Televised Ideas (NIT)—have agreed to collaborate on developing local and international advertising. These stations agreed not to grant exclusive advertising rights to any agency and to reduce agency fees to the lowest possible level: 15 percent. “In order to ensure objectivity in their work with clients and advertising agencies, TV stations decided to choose, through a tender, a company to monitor TV programs and another one to conduct surveys and/or assess TV audiences,” Infotag news agency reported in November 2003. Panel participants mentioned that three of these four companies have national coverage and dominate the Moldovan media market. The only national broadcaster left outside of this agreement is TV Romania 1, they said, and since it does not sell advertising in Moldova, there is the threat of monopolization in television advertising.

**“Many companies are unwilling to invest in advertising, because they don’t believe in its utility,” a panel member said.**

## Objective 5: Supporting Institutions

**Moldova Objective Score: 2.26/4.00**

The Association of Independent Press, representing the interests of private media owners, includes 17 local and national newspapers and magazines published in Romanian and Russian; it also includes two news agencies. The IJC is highly active, and the Association of Electronic Press (APEL) represents 22 radio and television stations,

**“The communist authorities not only create ‘government NGOs,’ but also mimic consultations with civil society in order to gain credibility abroad.”**

during the elections in early 2003, when most broadcasters allied with the governing party. This made it even more difficult to protect common media interests. The Mass Media Association, created last year to support

production studios, and professionals. However, these associations lack solidarity among the competing media owners. Many owners have political affiliations or are funded from abroad. Such political affiliations became obvious

the government, is practically nonfunctioning. Some critics considered its creation a one-off political act so that a declaration could be submitted to the Council of Europe denying the allegations of censorship at TVM and denouncing the Anti-Censorship Committee created by the employees of the state broadcaster. The Union of TV Companies was created in November 2003 to coordinate a strategy regarding the television and advertising markets.

The Union of Journalists has evolved from a Soviet-style professional organization into an effective NGO. There are various other associations of journalists specializing in areas such as agriculture or sports. However, the cleavages in the journalistic profession along political lines make it practically impossible for journalists to build solidarity. The Federation of Radio and TV Professionals, created last year at Teleradio-Moldova, committed itself to protecting the rights of journalists should the company be liquidated and turned into a public institution. The League of Professional Journalists, founded last year by the editor-in-chief of the government-run *Moldova Suverana* and former editor of the state news agency Moldpres, has so far only been active in supporting the communist authorities, thus confirming the suspicion that it is a “pocket NGO.” As one panelist noted, “The communist authorities not only create ‘government NGOs,’ but also mimic consultations with civil society in order to gain credibility abroad.”

At present there are about 30 media-support NGOs, but only about a third of those actively work with independent media. Most of the effective organizations focus on improving media legislation and the free flow of information, as well as professional training for journalists. Acces-Info works to reinforce the Access to Information Law. A group of NGOs such as APEL, the IJC, the Union of Journalists, and API monitor the transformation of state Teleradio-Moldova into a public institution.

The quality of journalism courses at the university level is improving, both at the State University and at the private Free International University of Moldova. Young people can also study journalism at universities in Comrat and Tiraspol. Moldovan universities traditionally prefer to focus on theoretical training, and practical experience continues to be a problem for many students that the schools lack equipment and money to solve.

Journalists are offered opportunities to update their skills and knowledge during short-term courses organized by the IJC, the Union of Journalists, the Association of Independent Press, and the Association of Electronic Press, among others. For example, IJC

### Supporting institutions function in the professional interests of independent media

#### SUPPORTING INSTITUTIONS INDICATORS

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists’ rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.



has organized courses in photojournalism and agricultural journalism. Through the South-East European Network for the Professionalization of the Media, journalists may attend courses in radio management, investigative reporting, and computer-assisted research. Also, IJC has a journalism library containing Western books. API has organized courses for the development of financial management skills for newspapers and training in newspaper management.

Printing resources are controlled by both government and private owners. There are no restrictions on their use. However, besides the state-owned Universul printing company in Chisinau, there is only one private printer. A second printing service could not survive due to the low newspaper circulation numbers. Most local newspapers are printed by privatized services, which under the Soviet Union used to be part of the communist party's printing network. The panel members agreed that there are no problems with the availability of newsprint.

The state continues to monopolize the press distribution system throughout Moldova. This monopoly hinders the development of an independent press. Private newspapers do not have the resources to create their own distribution networks. However, private distribution companies have been created, such as Omnia Press. Its reach is limited to Chisinau, which used to be controlled by the state company Moldpresa.

Internet access is sold only by private providers that must use the Moldtelecom network, currently up for privatization. There are no legal restrictions limiting the use of the Internet by journalists or the general public. Moldova is among the countries with the lowest Internet use, due to high access costs of an average \$7 per month. Internet access is even less developed outside of Chisinau. According to Valeriu Sitnic, deputy director of the Information Technologies Department, more than 90 percent of Internet services are concentrated in Chisinau. Although the number of users continues to grow, progress is slow. According to a recent survey, only 1.9 percent of the population uses the Internet. Panel members criticized the fact that Moldtelecom is the only Internet operator, and its high network access fees prevent private providers from having a flexible pricing policy.

## Panel Participants

**Vasile Botnaru**, editor-in-chief, BASA-press news agency

**Val Butnaru**, director, independent weekly *Jurnal de Chisinau*

**Ion Enache**, president, National Ethics Commission

**Corina Fusu**, editor, Moldova 1 TV company

**Dmitri Kalak**, deputy editor-in-chief, independent weekly *Ekonomicheskoe obozrenie*

**Constantin Marin**, professor of journalism and communications, State University of Moldova

**Olivia Partac**, media law unit coordinator, Independent Journalism Center

**Angela Sirbu**, director, Independent Journalism Center

**Vasile Spinei**, director, Acces-Info center

## Moderator

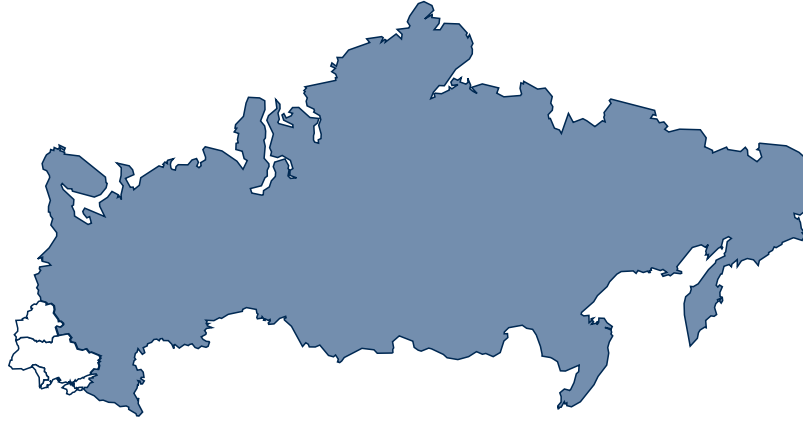
**Nicolae Negru**, editor-in-chief, Mass Media in Moldova bulletin, Independent Journalism Center

## Observer

**Iuri Datii**, country director, IREX/Moldova



**“In Russia, there is a thin layer of truly independent media,”** said one panel member. **“They include some regional publishing houses and several broadcasting companies. Competing in difficult conditions with state-run and corrupt media, independent companies have managed their business using the best Western practices and adapting to a Russian context. This has been the only way to survive.”**



## Introduction

**T**he Russian media situation has some stability, but not enough to give advocates of a strong independent media much comfort. As measured by the panel members, little changed for the worse during 2003—but neither did the threats recede.

Some observers suggested that Russia simply adjusted to the limits of a mixed state and non-state media, with obviously highly politicized media at one pole and some professional independent media struggling to emerge at the other. This situation allows some to pretend and others to believe that, as the Russian saying goes, “both the wolves are fed and the sheep are safe.”

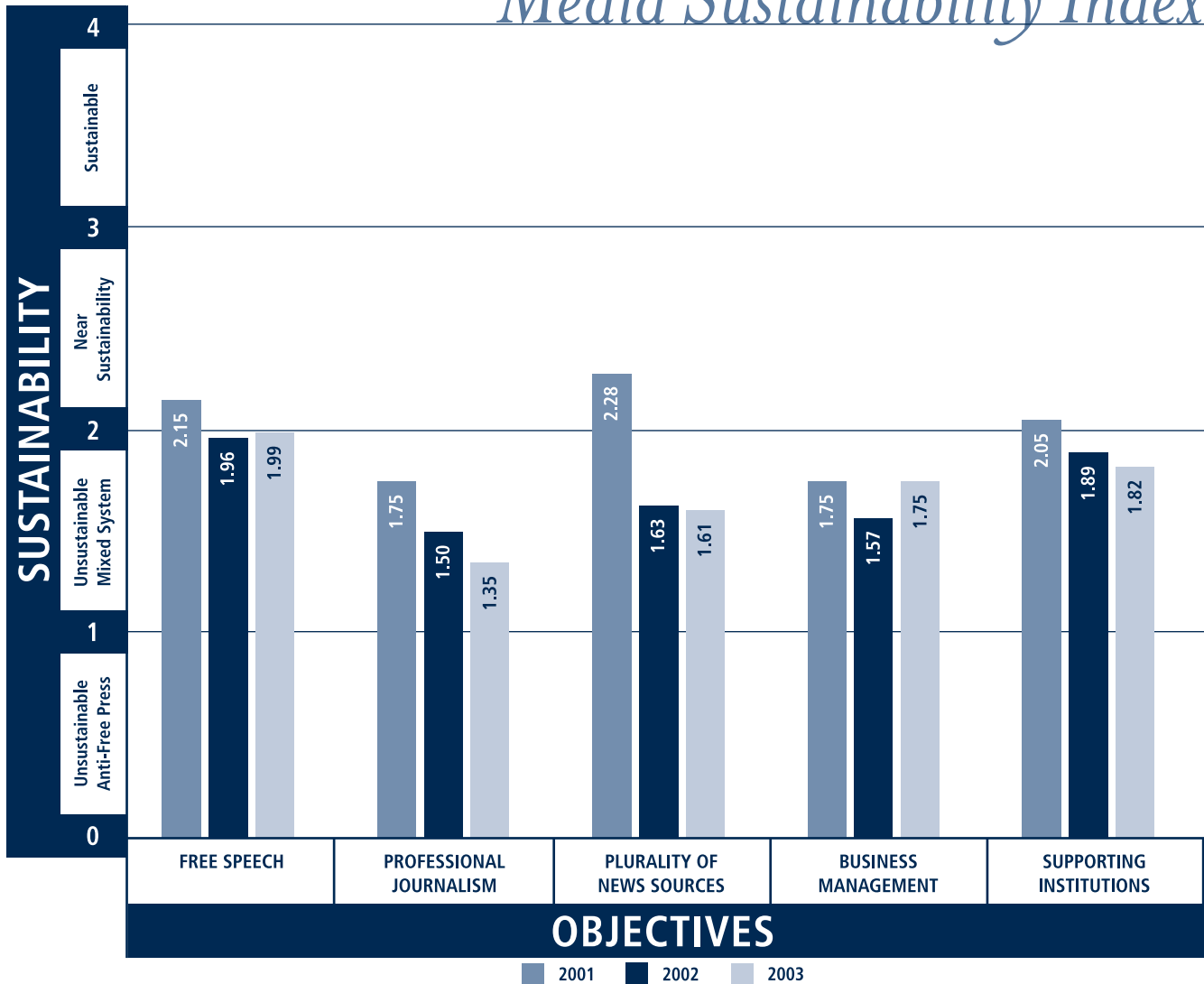
There was muted reaction when the last quasi-independent national television station was shut down, ostensibly for its business failings. There was virtually no action after the second successive editor of the *Togliatti Review* in southern Russia was murdered. Important elections were conducted without assertive coverage of the records of incumbents or candidates. Conflict in Chechnya continued largely out of sight of journalists. Some activists and foreign observers cautioned that information was increasingly being manipulated by the state as part of an overall retreat from democracy, but there were few signs of any public concern.

Nonetheless, independent publishers and journalists continued to struggle to establish themselves as viable media businesses providing credible information to their audiences. They sought training in new skills, fought harassment in the courts, struggled to identify their readers, and searched for the content mix that would make them indispensable.

Information continued to be closely held by those in power who possessed virtually no sense of accountability to voters and taxpayers. Expectations were correspondingly low, and there was little public concern evidenced about limitations on a free press. Some of the lack of interest was self-inflicted, with journalists willing to sell their credibility or simply give it away through poor reporting or sensationalism.

# Russia

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

While professing support for independent media, the government of President Vladimir Putin continued to take on a clear role. Press Minister Mikhail Lesin has been appointed a member of the board of state-controlled Channel One Television, along with the culture minister and a deputy prime minister. A succession of actions has closed the national independent stations in recent years—NTV in 2001, TV-6 in 2002, and TVS in June 2003.

Outside Moscow, local and regional administrations continue to exercise their power through media they subsidize, with some moving aggressively against private outlets and others cloaking their actions in the “rule of law” through inspections and suits. Still others simply distort the fledgling media industry by offering below-market-rate advertising and inflated audiences.

Coverage of the conflict in Chechnya remained minimal. In fact, the region was deemed virtually off limits to the press. The Organization for Security and Cooperation in Europe (OSCE) concluded that the state media “failed to meet its obligation to provide objective information to the electorate” during the late 2003 parliamentary elections, according to an official quoted by *The Moscow Times*.

Advocates of independent press looked warily ahead to possible changes in the media law, enacted in 1991 and legitimately in need of updating to reflect the requirements of a modern media industry. And in the courts was the case against Mikhail Khodokovsky, the hugely wealthy head of the Yukos oil company who had begun to give money to opposition political parties, buy media holdings, and engage in philanthropy until he was arrested and jailed in late 2003.

Even as democracy activists criticized a chilling atmosphere, the economy and the advertising market continued to strengthen. Such advertising growth could support independent media outlets run as businesses rather than PR machines. At the same time, publishers and managers refined their skills and learned new ones, as did their editors and journalists.

“In Russia, there is a thin layer of truly independent media,” said one panel member. “They include some regional publishing houses and several broadcasting companies. Competing in difficult conditions with state-run and corrupt media, independent companies have managed their business using the best Western practices and adapting to a Russian context. This has been the only way to survive.”

## Objective 1: Free Speech

**Russia Objective Score: 1.99/4.00**

All panelists agreed that in Russia there is a formal law that guarantees freedom of speech. For the most part, this law meets international standards. There are no limitations for creating print media outlets. Regulations for starting broadcasting businesses also are similar generally to those accepted internationally. However, as one panelist said, “Although the Constitution declares freedom of speech, it does not guarantee it.”

Russian political support and judicial enforcement regarding freedom of speech is weak. Journalists, like many other Russians, are not sure they can rely on the courts to review cases fairly, reject partisan attempts to influence the outcome, and protect their rights. There is little judicial precedent for defending freedom of the press, and few lawyers have experience in media law.

### Legal and social norms protect and promote free speech and access to public information

#### FREE SPEECH INDICATORS

- Legal/social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

## **“Although the Constitution declares freedom of speech, it does not guarantee it.”**

tion, much as do words such as *perestroika* and *glasnost*. Mainly, this reflects the cynicism of a disappointed society more focused on immediate economic problems—and lacking clarity about how economic, political, and judicial development are linked to the independent flow of information. A recent study by the ROMIR polling organization suggested that 76 percent of those surveyed feel censorship is needed for control of the mass media, while 19 percent are opposed and 5 percent undecided. Only 9 percent of those polled listed the mass media as the public institution they most trusted, tied with the military and lagging well behind the presidency at 50 percent, churches at 14 percent, and “none of the above” at 28 percent.

Crimes against journalists cause no serious outrage among the public, politicians, or law enforcement. The authorities may ascribe such acts to some domestic dispute or random hooliganism, rather than relate them to journalists’ work. However, several media advocacy organizations suggest that Russia is a dangerous place to be a journalist and that physical intimidation is a method used to limit freedom of the press.

In July, Yury Schekochilhin, a well-known investigative journalist for the independent newspaper *Novaya Gazeta* in Moscow, died of what was officially called a severe allergic reaction. Colleagues expressed skepticism about the finding. Schekochilhin, who had been investigating corruption in the public prosecutor’s office, was also a deputy in the state Duma for the opposition Yabloko Party, a blurring of the political and journalistic functions that is not uncommon in Russia.

In October, Alexei Sidorov became the second editor-in-chief of the *Togliatti Review* to be murdered in two years. Sidorov, 31, had vowed, “They can’t kill us all” when he took over the newspaper following the shooting death of the previous editor, Valery Ivanov, 32, in April 2002. The newspaper had built its reputation on investigations of the circle of gangs, corrupt officials, and business owners who hold sway in the southern Russian industrial city. According to the *Washington Post*, four other journalists also have been murdered in Togliatti since 1995. After Sidorov’s murder, the *Post* quoted Interior Minister Boris Gryzlov as promising that “solving

The vocal public demand for a free press is largely absent. The phrase “freedom of speech” often generates a negative reac-

this crime is a matter of honor for us.” Similar comments were made after the Ivanov slaying, but by early 2004 there was no resolution of either case—or of other killings and dozens of nonfatal attacks.

It was a measure of the distrust of political intentions toward the media that many advocates of press independence hoped no action would be taken to reshape the existing media law, even though it had become in some ways outdated since its 1991 enactment. New versions of the media law were circulated during 2003 for debate by the Duma after the 2004 presidential election. The leading version was seen as creating a more business-like approach to the mass media as an industry, but at the same time giving additional powers to the press ministry and the government.

Also scheduled for debate in the Duma during 2004 was the reduced rate for the value-added tax (VAT) provided to print media companies. The tax break was abolished for broadcasters in 2003, but extended until January 1, 2005, for newspapers.

Some panelists believe the existing system of broadcast station licensing follows international models and is administrated fairly for the most part.

Although the Federal Licensing Committee is linked closely with the press ministry, these supporters say oversight is provided by those members who represent nongovernmental organizations (NGOs). Detractors suggest there is political bias. “Fair competition in issuing licenses only exists in a limited number of cases, when the state is not interested in the outcome of a particular bidding. The law does not guarantee fairness of licensing,” said one panelist. The competitive bidding process is tainted, critics say, by consideration for the preferences of local authorities in the area where a station will broadcast. However, it is the national broadcasters who are considered most important to the government, and they remain firmly under state control.

**“Fair competition in issuing licenses only exists in a limited number of cases, when the state is not interested in the outcome of a particular bidding. The law does not guarantee fairness of licensing,” said one panelist.**

For print media, state-run outlets have clear advantages over their private counterparts, though not as a result of the media law. Instead, the official media receive financial subsidies, breaks on rent and printing, and revenues from preferential—often compulsory—subscription schemes. In many regional cases, a symbiotic relationship exists between governors and mayors who formally own newspapers and the businesses that subsidize them. This kind of deal allows political figures to have friendly media outlets, and business owners to have “friends” in high places.

In addition, various government organs may intervene in the media industry by influencing advertising by businesses, steering revenues to certain favored outlets. Private media owners also complain that inspections, threatened or executed, by tax, health, safety, and other authorities are used to exert pressure. “The existence of a quite acceptable law is in no way a guarantee against the imbalance that exists between state-run and private media, with government having the advantage while freedom of speech suffers,” said one panelist.

There are no true public media outlets that can be viewed as above the political or commercial battle. Moreover, state-run media often try to pass for public media even though there is no wall between public officials and editorial content.

The criminal code controls libel, but plaintiffs seldom resort to this because it is relatively difficult to prove in court compared with a more favored route—the suit for “violation of non-property rights.” These are damages to moral standing, business reputation, and the like governed by the civil code. Thousands of such suits are filed every year, and virtually every newspaper has some experience with the daunting prospect of defending itself against the accusations of a powerful local political or business figure in a potentially biased court. The cost and time of the process alone may do much to encourage self-censorship or replace aggressive news coverage with more “acceptable” subjects such as entertainment.

In theory, access to information is protected by law, but other statutes create obstacles for journalists, including those on state and commercial secrets and on the “ownership” of information by the government, rather than the public. More generally, there is little or no sense that public officials are in any way obligated to be accountable to the public through the media or that elected political leaders want to build their constituencies.

As a result, there is little impetus to support the principles of free access to information or to mature its mechanisms.

A particularly difficult area is coverage of the political process. An October 30 decision by the Constitutional Court overturned elements of a law on allowable coverage of election campaigns by the media. Although the law was pre-

presented as a mechanism for controlling the manipulation of the media by political forces, critics argued that its limits were so broad that it made it almost impossible for news outlets to report on the 2003 parliamentary campaign and 2004 presidential election. The law, enacted in mid-2003, gave the government the right to go to court to close news organizations that were viewed as having violated the rules. Such acts opened the possibility of selective enforcement against media outlets that crossed a local power base. The court ruled that parts of the law were too broad but did not strike it entirely, leaving a confusing situation for editors and what critics viewed as a general damper on informed news coverage.

Under the guise of smoothing the path for contacts with journalists, there has been a mushrooming of government press services that often appear instead to insulate public officials. To obtain information, one needs a stack of letters and faxes and the patience for many days of waiting. This is primarily a burden for reporters from private media, as those for state media generally do not inconvenience the authorities by pressing for release of sensitive material.

Although there are no legal restrictions on who can become a journalist or requirements for membership in professional associations, the growing use of compulsory accreditations for reporters covering government activities at all levels serves to limit access and provide an element of control over the media.

**“The existence of a quite acceptable law is in no way a guarantee against the imbalance that exists between state-run and private media, with government having the advantage while freedom of speech suffers,” said one panelist.**

## Objective 2: Professional Journalism

**Russia Objective Score: 1.35/4.00**

Although even the most professional and dedicated reporter or editor might likely have trouble working effectively in the Russian independent media environment, panelists said it was undeniable that the lack of skills and failure to adhere to accepted standards add to journalists' woes. This is true both in the editorial and business sides of independent media operations. Although some professional training is available to journalists, editors, and media managers, it is still limited to a minority and intermittent at best. University journalism faculties are numerous but are not viewed as having moved forward significantly from Soviet-era theory to modern methodologies for independent media.

For the Russian media supported by various government organs, it generally is not a requirement that fair, objective, and well-sourced coverage be produced. It is well understood that the fundamental principle of virtually all state-owned media is the exchange of subsidy for conveying state-ordered information disguised in the form of "news." In the private media, the suggestion that providing credible information trusted by readers is a business model that will provide financial returns in the

form of increased circulation and advertising is viewed with skepticism by all but a few owners.

Suits against journalists for damage to reputations are a favorite recourse by public and business figures who do not wish to be examined in the independent media. These court actions—or the threat of them—plague news organizations. However, the failure of many media outlets to establish ethical codes and encourage journalists to follow them leaves both vulnerable to adverse rulings in these suits. Additionally, it was the widespread practice of "black PR," where journalists sell their coverage, that generated support for the severe strictures included in the law governing media coverage of campaigns, a statute that had a chilling effect well beyond that specific issue. Similarly, the failure of media managers to follow codes on issues such as copyright and taxation leave their organizations open to intimidation through "inspection."

Although there is some discussion of ethical codes in the media industry, the underlying principles and purpose are not well understood or widely accepted. Some media managers will acknowledge openly that they cannot imagine how their organizations would survive were it not for the financial opportunities presented by election campaigns.

The same goes for individual journalists whose relatively meager salaries—perhaps \$100 a month in a regional city—are supplemented by coverage paid for by its subjects. In the regions, it is common to print paid-for promotional materials as news reporting. In many places journalists do not know that it is considered an ethical violation to run advertising materials not marked as such, and think it is illogical to print a story about a local business without collecting a fee. Reporters are often authorized to broker their own such agreements, or they may share a percentage of the proceeds going to the news organization.

While salaries in the media sector are not high, they often are still better than the local average. In addition, the profession still has a measure of prestige.

**"In many cases, reporters know how to get information, but rather than using legitimate methods, they utilize their contacts and bribe officials...because the law doesn't work," said one panelist.**

### Journalism meets professional standards of quality

#### PROFESSIONAL JOURNALISM INDICATORS

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).



Self-censorship to protect one's job therefore becomes a natural reaction—especially because neither the “rules of the game” nor the lines that should not be crossed are particularly subtle in most Russian cities. Self-censorship also is prevalent among editors who stand in for their outlets' owners, be they state organs or businesses that see the outlet as a vehicle to further their interests.

Some professional organizations have formally endorsed ethics codes based on European media models, but they have not been widely accepted, at least in part because the organizations themselves are not well respected in the professional community.

The difficulty of obtaining information through legitimate channels also leads journalists to abandon ethical coverage. “In many cases, reporters know how to get information, but rather than using legitimate methods, they utilize their contacts and bribe officials...because the law doesn't work,” said one panelist.

The limited resources available to many media organizations contribute further to the lack of depth, breadth, and balance in their coverage. It simply is too expensive or too time-consuming to seek out multiple, verifiable sources or provide a range of viewpoints. It costs money to make calls, go to meetings, and wait for answers, all for a few lines of copy. “Quoting two opinions in an article is more of an exception than a rule

**“Quoting two opinions in an article is more of an exception than a rule in professional practice,” said a panel member.**

and editors also may favor the exclusive exposé too often based on too little reporting and editing—or other forms of “got you” journalism over well-researched investigations as part of broad coverage provided to readers on a range of subjects such as health, culture, and community news. This kind of “niche” reporting is not well developed outside of Moscow-based newspapers, some of which offer fairly sophisticated business coverage.

Experts from both print and broadcast also report a declining interest in generating original news coverage. A panelist who works with a range of regional publications said, “Newspapers don't produce news, they process news. Their main information sources are

television, radio, and the Internet. They have lost a sense of the news story.”

Broadcasters, in turn, are reducing the information component of their programming, according to panel members. As one noted, “You can provide information with a little entertainment, or provide entertainment with a little information. Today, we are seeing the latter.” Some panelists saw this trend as not only reflecting a business decision but also a more subtle effort to control information in Russia. As one panelist pointed out, substituting news for entertainment is in the interest of a government if it wants to control excessive *glasnost* in a country.

The media companies' technical capacity—especially among broadcasters—is viewed by panelists as outstripping their professional capacity. Television stations in Moscow and the regions are fairly well equipped, thanks in part to past Western donor assistance. This is less true at regional newspapers, where panelists noticed that in addition to the use of pirated software—a practice that could prove disastrous should there be a crack-down in the future—many outlets have never invested in computer networks, e-mail, or the Internet. This is true, one noted, although even a modest supermarket company in the same region might have substantial computer equipment for inventory and sales.

Despite all the hurdles, however, there are publishers, editors, and journalists who are aware of the value of maintaining professional media standards and providing their audiences with credible and useful information. They are moving their organizations toward better practices, and some of them are serving as business success stories that may provide encouraging models to others. At the same time, the market is beginning to dictate that publications using dubious information and failing to present alternative viewpoints—even state-subsidized regional newspapers that have many competitive advantages—are falling out of favor and beginning to lose circulation.

**“Newspapers don't produce news, they process news. Their main information sources are television, radio, and the Internet. They have lost a sense of the news story.”**

## Objective 3: Plurality of News Sources

**Russia Objective Score: 1.61/4.00**

Russians undoubtedly have available an ever-increasing number of voices and views in the media, despite all the limitations imposed by government policy and practice. Other barriers include weak judicial enforcement of access to information guarantees, lack of professional skills and experience, and scant financial resources.

Several national television channels reach the entire country. They are considered the key information source for most Russians and are all controlled by the state. Channel One, for example, has the minister of press and several other ranking federal government officials on its board of directors. In Russia's many regional cities, there are a number of television news programs reflecting mostly local stories, including some private stations generally offering coverage with more sources and a higher degree of independence. However, rural areas may receive only state broadcasts because of the limited transmission range of the private stations.

News radio is expensive for Russian regions. Even in Moscow there is essentially only one news radio station. Nonstate radio stations providing local news coverage in their programming exist, but they are not spread

uniformly across the country and also may have limited transmission capacity.

There are many newspapers in every city—a mix of state and private and of those that represent special interests and those that attempt a degree of independence. The press ministry shows registration of 23,000 newspaper titles in Russia, a country with a population of about 140 million. A study by the ministry suggests that 70 percent of Russians at least read a weekly newspaper, and that newspapers had a total average daily circulation of 22 million in 2003. The study predicted a growth in newspaper circulation of just over 6 percent during 2004. The multitude of publications may well be weakening the independent media market, and some observers hope for a consolidation that will leave the remaining editions stronger.

The circulation of non-state newspapers is limited by a number of factors. For example, the price of such papers may be out of reach for a significant portion of the population. In addition, distribution systems mainly are divorced from the newspaper companies, leaving publishers at the mercy of the Russian post office and other near-monopoly mechanisms that tend to be closely linked with the authorities. Another issue is the compulsory subscription scheme, where rural people and those working for government institutions are pressured by local authorities to subscribe to official publications.

The Internet is increasingly available across Russia, although not yet broadly and practically not at all in rural areas. Many newspapers in major and mid-sized cities have electronic versions, and there are numerous information sites in Russian. There are no overt restrictions on access, but it is limited significantly by the cost and the underdeveloped information technology infrastructure. Approximately 10 percent of Russians are considered to be making use of the Internet.

**“In Russia, there is a distorted and unbalanced system of capital flow to one city (Moscow). This is why some media become “major,” while other—regional—media remain minor, even though they are more real outlets, as they care more about their readers.”**

### Multiple news sources provide citizens with reliable and objective news

#### PLURALITY OF NEWS SOURCES INDICATORS

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

While access to Western and other international media for ordinary citizens is not formally limited, it still cannot be characterized as free. Western press is only available in Moscow and large cities. It is not feasible to transport Western periodicals to remote areas. Satellite television is too expensive for ordinary people. Additionally, most Russians lack the foreign-language skills to make use of available foreign media.

The influence of media in Russia is heavily weighted toward Moscow. Many ambitious journalists migrate to the capital, and state support for its news outlets and private investment in non-state media businesses are highest in Moscow. However, observers note that there is not inconsiderable effort against substantial odds by newspaper and broadcast companies and their staffs in many regional centers. The energy of the regional media should not be ignored, one panelist said, adding: “In Russia, there is a distorted and unbalanced system of capital flow to one city (Moscow). This is why some media become ‘major’, while other—regional—media remain minor, even though they are more real outlets, as they care more about their readers.”

State-run media outlets claim to reflect a wide range of views and to act in the public interest. But panelists reject that assertion. As one panelist put it: “State-run media do not reflect the whole political spectrum. They serve narrow political interests of different groups. State-run media don’t present alternative points of view, and if they do, only to ridicule it.”

In addition to the national media owned by the government, especially the television networks, many regional news outlets depend on direct subsidies or other “breaks” from local authorities. Each interest group in an area—the mayor, the governor, and the regional council, for example—may have its own pet outlet. Most Russians do not focus clearly on the result: Tax revenues going to fund news media do not foster accountability on the part of elected officials but rather the vested interests of these officials.

Numerous international, national, and regional news agencies are available in Russia. The largest, ITAR-TASS and RIA Novosti, are run by the state. Interfax, the largest private news agency, concentrates on economic and business information. Subscriptions to news agencies are expensive, however, and most regional print media do not use them. Nor can regional television companies afford to buy footage from international agencies or national channels. Both newspapers and broadcasters can skirt this problem to some degree by ignoring copyright and accessing the Internet or broadcast sources.

In many cases, regional media concentrate on local issues and either do not find such coverage from news agencies or do not have the editorial capacity to use less narrow information to enhance their regional coverage. There are regional information agencies, some of which are reasonably independent, but others depend on local governments and report accordingly.

Ownership of news organizations is not transparent for audiences, especially in the regions. A knowledgeable consumer might be able to analyze the style, content, and bias and compare this with the power distribution in a region to understand a particular outlet’s backers. But this safeguard against unwitting consumption of slanted or incomplete information does not exist for most Russians.

Media licensing and registration regulations require that ownership information be disclosed, but this is easy to avoid by omitting the names of backers who provide funding. Reporters know the hand that feeds them and whose interests they should not cross, but such information is unofficial and not available to readers. Private media owners see their outlets not as media businesses but as tools to further their political and/or business ambitions. Owners freely intervene in the newsroom, hiring and firing editors and journalists and requiring that their interests be reflected in the content. The late 2003 and early 2004 elections spurred some renewed interest, but generally the media have become somewhat less interesting to such self-interested investors recently because media’s ability to influence the political situation is ebbing and it is a complicated business that does not provide easy profit.

News coverage often focuses on political struggles and, for diversion, entertainment and celebrities. Social issues are covered, but not extensively nor necessarily responsibly. Cultural and ethnic diversity is not well represented in general-interest publications. As a result, there has been some growth of limited-circulation newspapers, funded by individuals and aimed at and circu-

**“State-run media do not reflect the whole political spectrum. They serve narrow political interests of different groups. State-run media don’t present alternative points of view, and if they do, only to ridicule it.”**

lated among narrow groups. There are also newspapers run in the national languages of some minority groups, but most are state run and do not reflect their interests or concerns in any profound way.

## Objective 4: Business Management

**Russia Objective Score: 1.75/4.00**

Late in 2003, Russian President Vladimir Putin, in a rare comment on the mass media, proclaimed that media “should not depend on rich people and businesses,” and that some outlets had become “self-suffi-

**“The local press looks cleaner, more honest, and, as a result, attractive.”**

cient, economically effective,” and the “first examples of the future independent press of Russia.”

However, it is the dependence

of much of the media industry directly or indirectly on national, regional, or local authorities—with the Putin administration’s tacit endorsement of state-controlled television setting the tone—that hinders the success of independent news organizations. Those companies that

do see their business objective as being a well-managed media outlet as opposed to a mechanism for promoting the owner’s interests go up against media that do not have to work in the marketplace for advertising or audience. State-subsidized outlets trade their editorial independence for consistent funding and then distort the industry by offering lower rates for advertising that comes with the added bonus of pleasing the authorities. State print media can have lower cover prices and get better treatment with the printing and distribution service.

Most independent media owners regard state involvement in the industry as the primary impediment to business success. Another major factor is the advertising market, which is relatively underdeveloped, especially regionally. It does grow every year, however, and the Russian Association of Advertising Agencies predicts continued rapid increases. As an example, print media, lagging well behind television as a preferred medium for advertising with about a 15 percent share, nonetheless were expected to record an annual growth rate of 27 to 29 percent in 2003, and another 22 to 23 percent in 2004.

Advertising is heavily weighted toward Moscow media, but the share going to media in regional centers is increasing steadily due in part to the expansion of business outside of Moscow. Even the press ministry noted this recently, saying in a study that businesses and political forces have not fully realized the potential of the regional media. The ministry report said it based this conclusion on world trends as well as the extent to which advertisers had exhausted the potential of the national media, including television—and the degree to which trust in it had waned. Although it did not distinguish between government-subsidized and independent media, the report said: “The local press looks cleaner, more honest, and, as a result, attractive.”

For now, however, independent newspapers are unable to get enough advertising and depend more heavily on circulation than is generally accepted as a modern business model for print media. A Press Media survey said that approximately 75 percent of print media company revenues come from circulation. This is a particular problem because most newspaper managers see their involvement with the product ending when it is printed. Managers believe their company is divorced from the distribution process, and are unable or uninterested in managing the allocation of the press run to different markets, the placement at a kiosk, or even the selling price.

For the most part, media organizations are forced to deal with the remnants of the Soviet distribution monopoly, including subscription services often linked

### Independent media are well-managed businesses, allowing editorial independence

#### BUSINESS MANAGEMENT INDICATORS

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

**“Although you can sue them if you like, you waste your time and resources.”**

Rospechat, claiming 50 percent of subscription sales, was recently bought by a company that dominates television advertising and is closely linked by many to the powers that be. It is alleged that Rospechat has refused to distribute certain publications. One panelist said, “Although you can sue them if you like, you waste your time and resources.” Overall, this situation does not allow media companies to mature as competitive businesses, and it also subjects them to potential pressures.

Kiosks making single-copy sales also are a business separate from newspapers, and may be monopolistic in a town. The profit margin is small on newspapers, and kiosk owners may think it more profitable to display prominently and sell mobile phone cards or candy. Publishers do not even establish the final price for their product; that right goes to the sellers who add their markup.

Some more advanced independent media are considering how to develop their own distribution systems as part of their overall business development. However, there is little available experience, the initial costs are high, distances are far, and transport infrastructure is poor.

Few non-state newspapers can afford the capital investment required to have their own printing presses and therefore do not have the unfettered access or quality they would like. They also lack the ability to supplement their revenues through commercial printing.

Independent media industry managers also face the same problem of corruption that makes entering and surviving in the market a complicated process for all Russian companies. Since the idea of running a newspaper as a business is new, there are very few trained media managers or sources of education. Media management is not taught in business schools or journalism faculties.

Media market research is more advanced for television, but newspapers have a growing understanding of the need. Formal research is expensive, and so some media use their own “soft” techniques, such as meeting readers, publishing questionnaires, and assessing readers’ letters. There are some examples of strategic planning based on research—a newspaper in Rostov-on-Don launched a youth edition based on extensive interviews of young people—and these are studied avidly by others.

formally or informally to government structures. Postal workers sell and deliver newspapers on their routes. One company,

Broadcast ratings are used by the bigger stations, but newspaper circulation audits are uncommon. No industry standards have been established for either, and generally the whole media market research field is not well regarded, especially in the regions. Media managers assume that the results are tainted and can be bought. As a result, advertising is placed without hard data.

## Objective 5: Supporting Institutions

**Russia Objective Score: 1.82/4.00**

Although a range of media industry organizations exist in Russia, particularly for print media, as yet none can be said to have significant weight in supporting the interests of independent media on a wide scale. Some are seen merely as fronts for state media, while others do not represent broad-enough constituencies with enough strength to influence national or regional authorities.

For broadcasters, the National Association of Telebroadcasters represents 413 companies and has a stated mission to lobby for the electronic mass media.

Progress can be seen in the newspaper industry. In July 2003, some of the largest non-state regional publishing houses became the charter members of the Association of Independent Regional Publishers. These 19 publishing companies put out 79 newspapers and

### Supporting institutions function in the professional interests of independent media

#### SUPPORTING INSTITUTIONS INDICATORS

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists’ rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

**A multitude of journalism departments exist throughout the state university system. However, these programs are widely seen as mired in the Soviet past, when the media was seen as a propaganda tool and “journalists” were taught to use it as such.**

18 magazines, and operate in 26 regions across Russia. The goal of the association is to allow for the exchange of expertise and best practices among the publishing houses, to chart media market trends, to develop industry corporate standards, and to lobby for laws promoting the development of the independent press.

Another newspaper industry group, the Guild of Periodical Publishers, also is gaining strength in a similar mission to strengthen independent newspaper publishing as a business and raise the professionalism of media management. The guild lists as members 126 companies drawn from a somewhat different constituency than the regional publishers association, with which it has done some joint activities.

In July 2002, representatives of major broadcasters and publishers, as well as information agencies, trade unions, advertising agencies, and others formed the Industrial Committee. Although the structure is billed as an effort to bring self-regulation to the industry, it has been greeted with considerable skepticism by many from the independent sector. It has been criticized for not representing the interests of those outside Moscow, and concerns have been raised about the degree of independence possible when government-linked members are included. The Industrial Committee drafted one version of the new law on the media for consideration by the national Duma in 2004, and it is viewed by some as giving substantial powers to the Press Ministry while at the same time creating a more modern media business environment.

The Union of Journalists is not considered to be very proactive in support of independent media, although there are regional branches that play more significant roles locally. These and other existing associations are criticized for not protecting the labor interests

of journalists, establishing ethical or professional norms, or conducting other activities that would attract enthusiastic membership.

The Glasnost Defense Fund is seen as being a resource for those seeking assistance in defending freedom of the press. A small number of media law specialists also practice, mainly through various NGOs. However, there is a clear need for additional resources to protect the public’s right to know.

A multitude of journalism departments exist throughout the state university system. However, these programs are widely seen as mired in the Soviet past, when the media was seen as a propaganda tool and “journalists” were taught to use it as such. Mostly well advanced in age, the faculty members generally are not capable of providing their students with any practical skills for modern journalism. Many editors report that the graduates arriving for jobs at their news organizations would have been better off had they never attended any journalism “courses.”

The training gap, therefore, is wide, and news managers increasingly are realizing the need for employees from all departments in the news organization. This demand can only be filled partially by the limited funds provided by international development donors to media-assistance NGOs. Several such organizations provide support to independent media, including the IREX media program, Internews, the Eurasia Foundation, the Media Viability Loan Fund, and the Foundation for Independent Radio. These organizations offer seminars and consultations on journalism practice, media management, and business development, but they find that demand for their services far outstrips their resources. Another organization, the Interregional Institute of Media Consulting, represents the fledgling industry of commercial newspaper business consultancy.

Although printing presses may have been privatized technically, most operations remain close to the regional authorities. However, the main issue for independent publishers is not preferential treatment for government publications, but rather the poor technical state of the antiquated equipment for which there is little prospect of the massive technical upgrade required. Newspaper distribution systems also tend to be monopolistic and outdated. Transmitters and towers can be owned privately, but the government tightly controls broadcasting rights.

## Panel Participants

*Yevgeny Abov*, deputy general director for development, ProfMedia publishing house; vice president, Guild of Periodical Press Publishers, Moscow

*Andrey Allachverdov*, editor-in-chief, Foundation for Independent Radio Broadcasting

*Manana Aslamazian*, executive director, Internews-Russia

*Vladimir Bendersky*, director general, *Tomsky Vestnik*, Tomsk

*Veronika Dmitrieva*, regional director, Media Development Loan Fund

*Mikhail Kaluzhsky*, director of operations, IREX Media

*Anna Koshman*, director, Interregional Institute of Media Consulting, Moscow

*Mila Kuzina*, media correspondent, *Izvestiya*, Moscow

*Anna Lubavina*, media consultant, Media Business Consulting, Moscow

*Yekaterina Lysova*, lawyer, IREX Media

*Dmitry Merezhko*, executive director, Association of Independent Regional Publishers

*Sara Nunaeva*, director general, Paritet Publishing House, Omsk

*Andrei Richter*, director, Media Law & Policy Institute, Moscow

## Moderator

*Victoria Kozlova*, consultant



On the threshold of the [October 2004] presidential election the screws are put on, the loyal people appear on the scene and take up key posts, and in spite of strengthening mass media in the market, it remains politically dependent," said one participant.





## Introduction

**T**he media situation in Ukraine is a contradictory one. The advertising market is developing rapidly, with revenues doubling during 2003 and the outlook optimistic. In most regions of the country, there are stable, profitable newspapers that operate as media businesses, making their money through advertising and circulation. But at the same time, most newspapers continue to be subsidized by politicians, governmental bodies, or both. In the broadcast sector, government and political forces keep all national channels and many regional channels under tight rein.

Journalistic and ethical standards remain relatively low at most mass-media outlets, and the outlook for freedom of expression protections is dire. It is in editorial practices, more so than in their business performance, that most media outlets fall short. But panelists noted that the strong—and, some said, increasing—control of the media by business and political interests has created problems on the business side as well for some outlets. And even when media outlets are privately owned, the government and political powers are able to exercise significant influence over their operations. Panelists cited this as a limiting factor in the development of mass media as business enterprises.

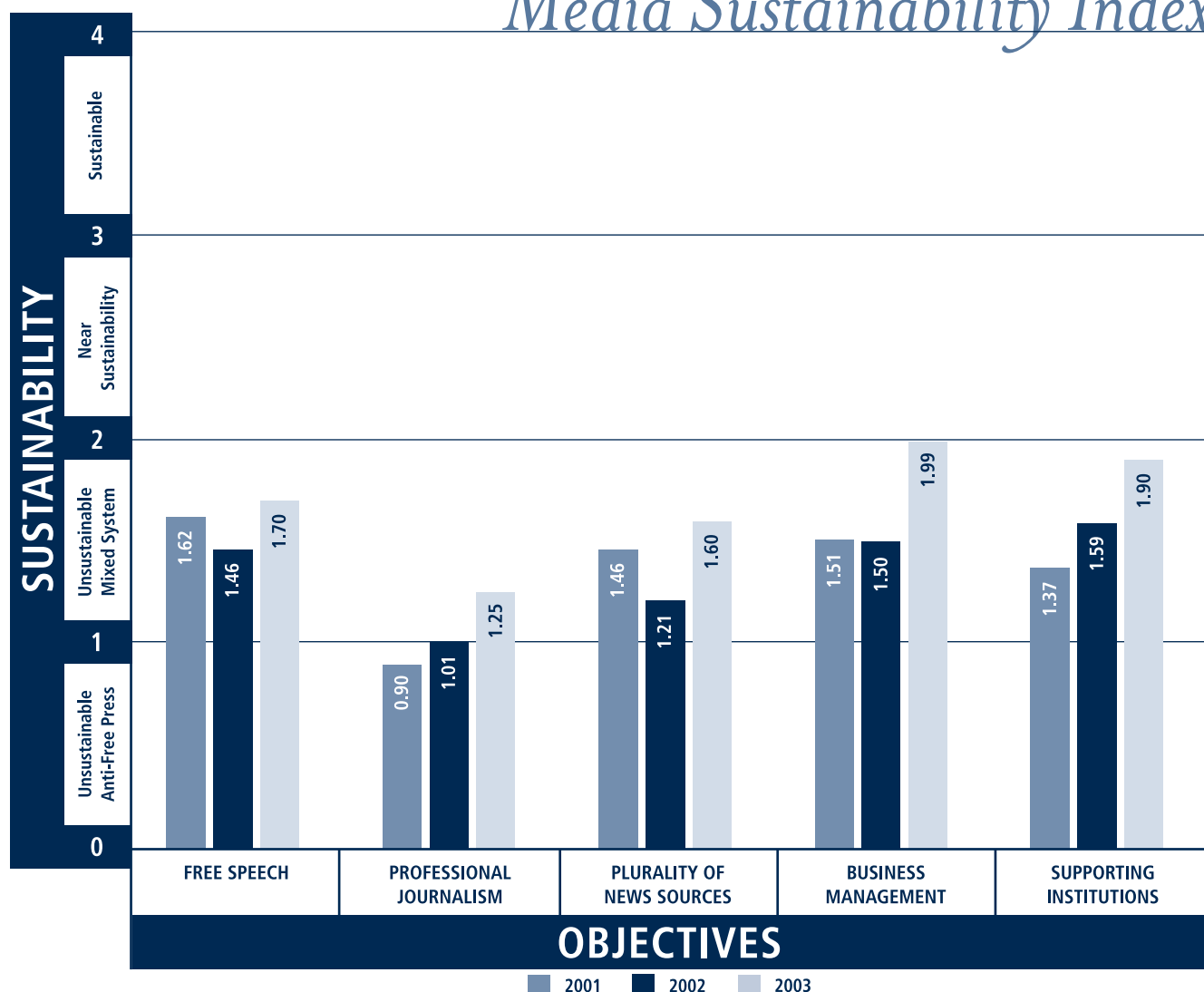
“On the threshold of the [October 2004] presidential election the screws are put on, the loyal people appear on the scene and take up key posts, and in spite of strengthening mass media in the market, it remains politically dependent,” said one participant in the 2003 Media Sustainability Index (MSI) panel.

Thus, even the general strengthening of the market for mass media has not meant that the number of independent news outlets has grown or that the independent media have become much stronger.

Still, there are positive developments, such as the maturing of professional associations and media-support nongovernmental organizations (NGOs), and the improvement that comes as a byproduct of a general upswing in Ukraine’s economic performance, particularly in urban areas.

# Ukraine

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

## Objective 1: Free Speech

### Ukraine Objective Score: 1.70/4.00

On paper, Ukraine’s Constitution, laws, and international agreements adequately guarantee freedom of speech and access to information. A law passed in 2003 that outlaws government censorship was cited by panelists as a positive step.

Enforcement of those laws and actual protection of those rights, however, depend on political will, and that is too often lacking in Ukraine. The public and journalists have encountered many obstacles fighting for rights that are, by law, guaranteed to them. In particular, there is no access to the information that, according to the law, should be readily available, and the government does not take seriously violations of journalists’ rights or hold anybody accountable.

At the same time, journalists and media outlets are too often lackadaisical in asserting their own rights.

Panelists noted that journalists may only be able to protect their rights by filing lawsuits, but that they have little expertise or ambition in this area.

Public apathy about the plight of jour-

nalists also is widespread, and numerous violations of journalists’ rights, though widely publicized, have drawn little public reaction. “Freedom of speech is not valued in our society, and it doesn’t cause public outrage” when it is threatened, one panelist said.

Licensing of broadcasters continues not to be transparent. Panelists agreed that the procedures are competitive but unfair, and that political factors are almost always the most important in determining whether licenses are issued. The process also is tainted by hidden agreements between companies and authorities. For example, broadcasting company TRK Ukraina received a license in an astonishingly short time. But there was little doubt that this was due to the fact that the Cabinet of Ministers, which should have no influence in licensing decisions, had passed resolutions urging that the license be granted. The competition was a mere formality.

One panelist noted that the regional broadcast media outlets often are granted licenses after lobbying the National Council for TV and Radio (NCTVR)—the licensing body—and through the help of corrupt officials. The NCTVR’s members are appointed in equal shares by the parliament and the president. While this might seem to be a method for preventing either branch from gaining an upper hand, the reality has been that the council has suffered constant internal turmoil and has not been an effective, or objective, body.

“Good market conditions are actually the only factor that allow mass media to develop,” said one panelist. But many media outlets do not, in fact, depend on the market for their survival: their journalists and managers are much more interested in finding political or business sponsors, instead of developing sound business plans and practices, panelists said. This causes very uneven levels of professionalism, on the editorial as well as business sides of newspapers and broadcasters alike.

Media businesses are under the same taxation structure as other businesses in Ukraine. There are no additional taxes, and, in fact, media businesses receive some tax benefits, such as exemption from value-added

**“Freedom of speech is not valued in our society, and it doesn’t cause public outrage” when it is threatened, one panelist said.**

#### Legal and social norms protect and promote free speech and access to public information

#### FREE SPEECH INDICATORS

- Legal/social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

**“Good market conditions are actually the only factor that allow mass media to develop,” said one panelist.**

the government of Ukraine agreed that mass-media businesses would not be subject to surprise inspections. Instead, media companies learn at the beginning of each year whether they are scheduled to be inspected during the year. But one panelist questioned the value of this concession from the tax authorities, which only the media industry receives: “If you carry on a business, you should be prepared for tax inspection. In this situation, the state is saying to media companies, ‘We know that not everything is correct in your business and before the elections we are not going to inspect you, but you have to be loyal and remember that.’”

Having only scheduled tax inspections also makes it possible for politically loyal mass media to cheat on tax payments. Thus, while the government can point to its inspection policy as a sign that it supports freedom of the press, some independent media advocates consider it no more than a method for protecting favored media outlets and giving them free rein to practice unethical business policies.

The inspection policy notwithstanding, Ukrainian mass media tend not to criticize or investigate the tax authorities for fear of retaliation. Similarly, once even a scheduled tax inspection does begin, more than one media outlet suddenly has filled its pages or airtime with positive articles and favorable comments about the tax bodies and their leaders.

Crimes against journalists are rare in Ukraine, but certainly not unheard of. Those that have occurred—particularly the beheading of Georgi Gongadze several years ago—created fear among journalists and made them more cautious. “After the Gongadze case, journalists keep their heads up,” a panelist said. Some journalists and media organizations are quick to label any crime in which a journalist is victimized as a consequence of professional activity although, as panelists pointed out, the true explanation may be much more mundane.

When crimes against journalists do occur, officials often voice concern but make little progress in solving

tax (VAT) for imported equipment. However, most of those tax benefits will lapse in 2004.

In response to complaints about politically motivated tax inspections in years past,

them. Virtually no case involving an attack on a journalist or media office has been resolved fully. Ukrainian law says that crimes against journalists should be investigated just as those against the police would be. While that should afford some protection to journalists, it also could cause public mistrust of the profession. “Journalism cannot be associated with the police in a democratic society,” said one panelist.

There are no reliable statistics on the number of journalists killed because of their professional activities. There have been a number of cases where the media believed that this had occurred and asked for thorough investigations. Invariably, the president announced that the case would be under his personal supervision, as a sign of the cases’ importance. But that has made some journalists, and several panelists, uneasy.

“It’s not comfortable to live in a country where the investigation of a man’s death depends on his profession. If something happened to a yard keeper, then it’s not necessary to investigate it, but if he was a journalist, then it is necessary? All of us have the right to life and to defend our lives, but journalists seem to be privileged, and such privilege destroys the journalists’ reputation,” said one panelist.

By law, government-owned media do not receive any preference in access to information, but in reality the opposite is often true. In getting documents, interviews, and answers to questions at press conferences, state-owned or other “loyal” media often get preferential treatment. “When a journalist gets access to an official source of information, he has to be loyal, or otherwise the access will be denied,” said one participant. And there often is little effort to hide the favoritism—or punishment. For example, one journalist, representing STB-TV news as well as Agence France-Presse, was denied access to the summit of the European Council in Yalta after she disregarded the “advice” of the president’s press secretary not to ask President Leonid Kuchma a question regarding the Russian-Ukrainian conflict over Tuzla Island.

Panelists also noted that journalists willing to dig for information, or to file freedom-of-information requests, can get access to government information without currying favor. Unfortunately, far too few journalists are willing to make those efforts.

There is no such thing as “public” media in Ukraine. There are many government-owned stations and newspapers, but they do not operate as public media and have no independence. Rather, they are used as tools by the government to maintain control and to disseminate propaganda, and their editorial policies are tightly controlled by the government.

Moreover, government officials or political powers control the editorial policies of many private media. Because so many media outlets are used primarily to further the business or political interests of owners, patrons, or the government, editors or journalists seen as disloyal are fired and replaced. For example, at the privately owned newspaper *Segodnya*, editor Oleg Nepadymka was replaced because the paper was not as strongly pro-presidential as its patrons would have liked. Editors and journalists understand and accept this system, and there is no outcry that such firings are unethical.

Libel is a civil matter in Ukraine, but there have been legislative proposals, most notably by the Communist Party, to resurrect laws concerning criminal libel.

Panelists positively appraised changes in legislation to require politicians or public figures suing the media to prove actual malice. “If in the past filing a suit was an effective way to get even with disagreeable mass media, the mass media have now learned to work within the court system and effectively protect themselves,” said one panelist.

However, libel remains a huge problem in Ukraine—not in the courts, but in the form of libelous material in the media. There have been cases in which media were well paid to spread false information deliberately. In such cases, once the political damage was done or another intended effect achieved, the statements were retracted or else damages were paid by the deep-pocket owners or patrons of the media outlet. In 2003, for example, a court ruled that national television channel 1+1 had knowingly spread false information about opposition parties and leaders before the 2002 parliamentary elections. The television channel acknowledged its fault, but only long after the elections.

Access to government information remains problematic. This is partly because of the mindset of local officials, who find it preferable to deny information to the public rather than face any possible consequences for releasing information that may put their superiors or the government in a bad light. But panelists also emphasized that journalists often are unwilling to look for information themselves, instead demanding that government officials and agencies do the research and compile data for them. “The possibility to have access to the information doesn’t mean that the officials have to provide the copies of all the materials to everybody who wants them and do the journalist’s work,” emphasized one participant.

Ukraine does have a law governing state secrets, and journalists, like everyone else, are subject to it. More problematic, though, is that most routine government

information is not regularly published or made available to the public. In general, participants estimated, only about 30 percent of the decisions of local government bodies are recorded publicly.

There is no legal restriction on access to foreign media sources, and foreign newspapers and magazines are available—though expensive—in larger cities. Local cable television usually includes some foreign channels, particularly from Russia, Germany, and Poland. Russian-language versions of Western channels, such as EuroNews and the Discovery Channel, also are available via cable or satellite television. Internet access to foreign sites is not blocked; however, only a small percentage of Ukraine’s population has access to these sources because of their cost and because residents do not know languages other than Ukrainian and Russian.

There has been sporadic government opposition to local transmission of foreign broadcasters such as Deutsche Welle, BBC, and Radio Free Liberty/Radio Europe. Early in 2004, after the MSI panel met, there were several disturbing occurrences regarding this. The local FM station in Kyiv that had carried RFE/RL suddenly dropped the broadcasts after new managers took over. Another FM station, long seen as an opposition stronghold, then agreed to pick up RFE/RL and within days had its transmission equipment confiscated, allegedly because of a licensing problem. That station, Radio Continent, also broadcast Deutsche Welle, VOA, and the BBC, all of which then went off the air.

Panelists noted another problem with foreign media—the illegal use of copyrighted material by Ukrainian media. Many journalists believe that as long as they credit a report to its original source, there is no problem in reprinting an entire article or photograph without obtaining permission from the copyright owner.

There are no special restrictions on who can be a journalist. In fact, there are even certain privileges in some cases, particularly for journalists working for state-owned media. Workers for state-owned media, for example, have the same status as other government employees for the purposes of social benefits and pensions, which are often better than the benefits available to non-state

**“When a journalist gets access to an official source of information, he has to be loyal, or otherwise the access will be denied,” said one participant.**

employees. Panelists agreed that such privileges are a way for the government to keep journalists quiescent and dependent on the authorities.

In general, participants agreed that there is no essential difference in legal support of the freedom of the press on national and regional levels. But there is a problem—at all levels—of journalists having poor knowledge of the legislation, their rights, and how to deal with legal issues pertaining to the media.

## Objective 2: Professional Journalism

**Ukraine Objective Score: 1.25/4.00**

The low level of professional and ethical standards—or, in some cases, the complete absence of such standards—remains one of the main problems of Ukrainian journalism. According to the panelists, this problem is most prevalent among broadcast journalists. It is also typical for journalists to express their own opinions in their reporting, rather than provide the range of views of the various participants in an issue or conflict. Journalists also too often do not take the trouble to check the accuracy of information they have received, even when it appears dubious. For example, in the prelude to the war in Iraq, Ukrainian media widely reported that the

daughter of U.S. Vice President Dick Cheney had gone to Iraq to join human-shield protesters and that the U.S. government was covering this up. Rather than checking the accuracy of the report before publication, the media outlets had to run corrections later.

**“The more flexible the journalist is, the more possibilities he has to cover topics according to the editor’s policy,” a participant said.**

According to one panelist, the editors of smaller, regional newspapers also now understand the need for balance and for including multiple points of view in their stories, but that understanding does not always make the leap from the theoretical to the practical. The participants also noted the difference in approach between the private regional outlets working as media businesses and striving for balance and those newspapers that exist primarily to serve political ends. “The aim of such newspapers is to support the political order, and so they don’t need to check the information and keep the balance,” said one participant.

The panel noted that respect for ethical standards at any media outlet depends on the publisher or manager and whether this person insists that rules be established and followed. “Kyiv-based journalists not only don’t obey rules of ethics,” one panelist said, “they don’t even obey the laws.” According to the panel, journalists justify their lack of professionalism and ethics by referring to the “realities” of life in Ukraine, saying that in the current situation they cannot afford such niceties. “They just are not ready to take the responsibility for their actions,” said one participant.

Self-censorship is ubiquitous, most often because journalists and editors fear prosecution or being cut off from official information sources by vengeful government officials. Virtually every newspaper, radio, and television station has its own list of topics to avoid. Most often, the list centers on investigations of or comments upon the work of the legal and judicial systems. It is common for reporters and editors to discuss openly just how far they can go in covering an issue. At some media outlets, a panelist said, journalists’ performance evaluations note their ability to identify touchy issues and willingness to steer clear of controversy and trouble. “The more flexible the journalist is, the more possibilities he has to cover topics according to the editor’s policy,” a participant said.

Journalism meets professional standards of quality	
PROFESSIONAL JOURNALISM INDICATORS	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

The salaries of journalists in privately owned media outlets are generally higher than those in state-owned media. Salaries for broadcast journalists are higher than those for print journalists, and salaries in Kyiv are much higher than those in the regions. Television reporters make about three times as much as newspaper reporters. According to one panelist, the average Kyiv newspaper reporter is paid \$300 to \$400 a month, and a section editor receives \$500 to \$700. At a Kyiv television station, junior reporters earn \$500 or more per month, and established, senior television journalists make \$1,000 or more.

Compared with the average Ukrainian worker, journalists are well paid, but part of that income almost always comes “under the table.” That means that although the additional money is tax free, it also provides a publisher or station manager with an additional hold over staff members. If they quit or are fired, their unemployment settlement is based only on the official, lower salary.

Relatively high salaries do not prevent corruption. At many media outlets, journalists write and shoot stories “ordered” by paying sources. Sometimes the orders are placed through the newspaper or station, in which case the reporter gets only a share of the income; in other cases, the reporter makes a deal directly and keeps the full fee. Such paid stories are commonplace, usually easily recognized by readers, and have contributed to a sharp drop in the level of trust the public has in media.

Some media outlets create strict rules aimed at preventing corruption. These rules prohibit accepting gifts or writing articles for outside pay. One panelist noted that it is not the level of salary that is the prime factor in considering whether corruption among journalists can be prevented, but the likelihood of punishment. Thus, even among media outlets with low pay scales, strict rules against accepting outside money and punishments such as dismissal have been effective.

The balance between informational and entertainment programs differs greatly between Kyiv and outlying areas, panel participants said. In the capital, television stations have been cutting news programs during 2003, removing them from prime time, or shortening their duration, a trend that has not begun at regional outlets. According to one panelist, managers of most channels justify such policy by stating that the news programs cause more trouble than benefit due to the high political risk. Panelists also pointed out that there has been a sharp drop in the number of news or talk shows presented live because of the unpredictability of what might

be said on the air to potentially offend powerful figures. Rarely do stations get pressured for running entertainment programming, which also is more profitable—one reason why it is almost impossible to find any news programming on FM radio stations.

Many media outlets are equipped with modern, often state-of-the-art technical equipment. According to a survey of more than 1,000 journalists in 12 cities conducted by the NGO Journalism Initiative, 91 percent of journalists use computers in their work. Internet and e-mail are available to 70 percent of journalists, and mobile communications to more than 50 percent. State-owned media tend to lag behind, with less-modern equipment. And in some cases, panelists said, media outlets run as political tools or even money-laundering operations, rather than businesses, and have no incentive to provide technical improvements.

Niche journalism is not well developed in most areas, though there are papers that specialize in business and sports news, as well as a plethora of magazines devoted to specific topics of reader interest. But high-quality beat coverage in most newspapers and broadcast stations remains the exception, rather than the norm.

**“The aim of such newspapers is to support the political order, and so they don’t need to check the information and keep the balance,” said one participant.**

### **Objective 3: Plurality of News Sources**

**Ukraine Objective Score: 1.60/4.00**

According to data from Ukraine’s State Committee on Radio and Television, more than 18,000 periodicals were registered at the beginning of November 2003. Of those, about 56 percent were distributed only in their local area, while the rest have regional, national, or international circulation. The local publications are overwhelmingly newspapers, while those with wider distribution are evenly split between newspapers and magazines. There were 255 periodicals registered as state-owned, and another 1,185 owned by municipal or other local governments.

Both Ukrainian- and Russian-language publications exist in profusion, though Ukrainian has a slight

**Multiple news sources provide citizens with reliable and objective news**

**PLURALITY OF NEWS SOURCES INDICATORS**

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

edge in terms of the number of titles published in that language. Hundreds of publications have both Ukrainian and Russian editions, or, more commonly, mix the two languages in one edition. A handful of publications exist in other languages, such as Hungarian, Romanian,

**“None of the state-owned mass media serve the interests of the society,” said one panelist. “The only good thing about it is that the reading audience for these papers is so small.”**

Ukraine has 791 broadcasting outlets, with 931 licenses issued. Among them are 28 state-owned outlets, 250 municipal outlets, and 513 commercial outlets. They transmit an aggregate of 8,366 hours of programming a day. Most of the stations are broadcasters, but there also are 380 cable operators. Of those, only 85 have licenses and operate legally.

Polish, German, Tatar, and English.

According to the Chamber of Publications of Ukraine, newspaper circulation in Ukraine is 1,807 copies per 1,000 people, a number that has been climbing steadily in recent years.

According to the NCTVR,

Ukraine has:

- Three national television networks that are used for broadcasting by the National TV Company of Ukraine (channel UT-1, which covers 96 percent of the territory of Ukraine), Studio 1+1 (channel UT-2, which covers 86 percent of Ukraine), and independent television corporation Inter (channel UT-3, which covers 64 percent of the territory of Ukraine);
- Three national radio networks (UR-1, covering 90 percent of the territory of Ukraine; UR-2, covering 76 percent of Ukraine; and UR-3, covering 62 percent);
- Regional television networks that broadcast television programs to more than two regions of Ukraine (ICTV, Novi Kanal, STB, NBM, TV 1 (OTV), Tonis Center, Ukraina, TET, Tonis South, M-1) and 10 regional radio networks (NBM, NART, Klas, Leader, Nashe Radio, Dovira, Gala-Radio, Radio Rox, Utar, Radio Lux);
- Regional television networks (25 state-owned and four private);
- Regional radio networks (25 state-owned and two private); 328 television channels and 193 radio frequencies that provide local broadcasting and represent 21 percent of all the channels and radio frequencies in operation, but only 6 percent of the total amount of broadcasting).

Panelists noted that virtually all national television channels are under control of government officials or oligarchs aligned with the presidential administration. According to the newspaper *Stolichniye Novosti*, the television channels Inter and 1+1 are controlled by the Social Democratic Party of Ukraine (United) (SDPU(U)), whose leader is Viktor Medvedchuk, head of the presidential administration. The newspaper said ICTV, STB, and Novi Kanal are controlled by Viktor Pinchuk, President Kuchma's son-in-law. As a result, panelists said, the diversity of informational sources on television is significantly limited.

The situation with radio stations is similar. According to *Stolichniye Novosti*, nine of the 25 largest FM stations in Kyiv are controlled by Pinchuk, and six of these nine are networks that also cover other parts of the country. Various presidential allies also control most of the national newspapers, according to the panelists.

Readers in the regions place more trust in local and regional newspapers than in the national editions, and the circulations reflect that. In regional cities, one panelist said, most people can afford to buy and read a privately owned newspaper. In rural areas, however, the widest circulation is for newspapers owned by local governments and sold at very low prices.



There is no access restriction to foreign news, but most people use no foreign news sources other than Russian ones because of the language barrier. In western Ukraine, there is a significant use of media from Poland.

Estimates say that about 8 percent of Ukraine's population uses the Internet regularly, but the number is growing rapidly throughout the country. Most users—and Internet infrastructure—are in cities, with rural areas lagging badly.

Internet access to information has exacerbated one problem: Mass media, almost without exception, illegally reprint articles and other materials from foreign news agencies and outlets. Most Ukrainian papers and broadcasters do not have their own correspondents abroad, so they simply lift material from websites or foreign broadcasts, often presenting it as their own material without acknowledging the source. Newspapers are more likely to acknowledge the source, but still think nothing of reprinting without permission.

The state-owned mass media work as party outlets, receiving tasks from the government and serving the interests of those in power. "None of the state-owned mass media serve the interests of the society," said one panelist. "The only good thing about it is that the reading audience for these papers is so small." It has become routine for broadcasters to bar coverage of opposition political powers completely. The news about them is not slanted; it simply does not exist.

State-owned channels continue to broadcast many hours of programming devoted to cultural and educational issues, though the quality of these programs remains low, as does their viewership.

Regional television and radio stations generally produce their own news programs, but these programs are usually heavily focused on government actions and personalities. The tone of the news on television depends on the owner's attitude toward the power structures.

Today there are several large-scale informational agencies in Ukraine, all of them under the influence of the authorities. One, DINAU, is state-owned; its news is distributed to state-owned outlets, creating unfair competition on the media market. The DINAU reports usually contain official information about the work of the authorities. The other two agencies—privately owned Interfax and UNIAN—also are not always unbiased in presenting information. "There is a mistaken belief that there are many informational agencies in the media market and the market is full," said one panelist. "But if you consider the coverage of what happened to Viktor Yushchenko in Donetsk (when the popular opposition

leader's appearance was marred by attacks on his supporters and logistical roadblocks by local authorities), it shows that all the agencies did their work poorly and the way the events were covered was very much oriented in favor of the government."

It would be impossible for a mass-media outlet to be able to get an objective picture of such politically charged events by relying only on information from one news agency. At the same time, Ukraine has numerous websites that serve as de facto news agencies. They fill information gaps created by the agencies and are much freer from government influence. However, their political sponsors and supporters are rarely made

clear, and users of these sites have no guarantee that the information is accurate or fair. Nonetheless, these sites are regularly used, and cited, by regional media—sometimes not because they are better than the paid agencies, but because the information on them is free.

It is virtually impossible to tell who owns a media outlet. The staff of Telekritika, a website supported by international donors that covers media developments in Ukraine, sought information about the owners of television channels from the NCTVR. The request was denied, with the council saying that by law such information can be given only when ordered by a court.

**"There is a mistaken belief that there are many informational agencies in the media market and the market is full," said one panelist. "But if you consider the coverage of what happened to Viktor Yushchenko in Donetsk (when the popular opposition leader's appearance was marred by attacks on his supporters and logistical roadblocks by local authorities), it shows that all the agencies did their work poorly and the way the events were covered was very much oriented in favor of the government."**

Ukrainian law requires that information about the founders of a media outlet be public, but the founders and the owners are not always the same. In addition, many owners are simply placeholders for powerful interests working behind the scenes. Panelists describe the national mass media in Ukraine as essentially a monopoly, although not through direct ownership. This is less true in the regional mass media, where the owners of most papers and stations are known.

Mass media in minority languages (except Russian) concentrate mostly on issues relevant primarily to their particular ethnic audience. Most such media are owned or supported financially by the government, and the quality tends to be very low.

Russian-language media is the exception. Although it is not an official language—only Ukrainian has that status—panelists pointed out that for Ukraine as a whole, the circulation of newspapers in Russian exceeds that of newspapers published in Ukrainian.

In late 2003, the parliament passed a law saying that all advertising must be published in Ukrainian. After an international outcry, the law was repealed in early 2004, never having been enforced.

## Objective 4: Business Management

**Ukraine Objective Score: 1.99/4.00**

Printing newspapers in Ukraine is a complex business involving hundreds of companies, both private and government-owned. Most papers continue to be printed on state-owned presses. The state is loath to give up control over printing, and during a recent privatization, control over 19 printing plants was given to the state-owned company Ukrizdatpoligrafija.

According to the State Committee for TV and Radio, Ukrainian printing presses are being used at 42 percent of capacity, mostly to publish papers receiving subsidies from the budgets of different levels of government. This creates a difference in the cost of printing for private and state-owned media. Government officials who control the budgets for the state-owned presses can pressure those printing plants not to work with opposition media.

In recent years, however, the number of high-quality, privately owned presses has climbed dramatically, and they now can be found in Kyiv and in most regions of the country. Newspaper staffs that once had to travel hundreds of kilometers to find a private printer now often have one in their own city—or

even under their own ownership. “Ukraine appears to be at the stage where newspapers create their own structures of printing and distribution. That often happens when publishers buy presses and all of them become profitable,” said one panelist.

Two large-scale operators control most newspaper distribution in Ukraine: Ukrposhta, the post office, delivers subscriptions to home mailboxes, and Ukrdruk controls kiosks that handle retail sales of newspapers. Ukrposhta has 15,000 post offices and 50,000 mail carriers, and delivers 15.4 million copies of newspapers—but often not well. Daily newspapers may be delivered a day or two late, and sometimes subscribers receive an entire week’s worth of papers at the same time the following week. Newspapers also are unhappy with the prices

**“Ukraine appears to be at the stage where newspapers create their own structures of printing and distribution. That often happens when publishers buy presses and all of them become profitable,” said one panelist.**

### Independent media are well-managed businesses, allowing editorial independence

#### BUSINESS MANAGEMENT INDICATORS

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

charged by the monopoly Ukrposhta, and with the post office's unwillingness to share subscriber information with the newspapers. All this has spurred regional newspapers to create their own distribution systems. Many already have developed or are finishing creating such systems, but none has a nationwide reach. "This is one of the reasons why there is no national large-scale and high-quality daily newspaper in Ukraine," said one panelist. Indeed, one of the newspapers with the largest nationwide circulation, *Fakti*, uses several printing plants across the country and relies primarily on street sales.

Privately owned newspapers for the most part get revenue from advertising, subscriptions, and retail sales. Although these private newspapers do not receive subsidies from state budgets, some do receive money when local governments pay them for placement of official information as advertising. State-owned papers generally have relied largely on disbursements from government budgets. Now, however, many local governments have left their newspapers to survive on the market, retaining ownership so that they can exert control in critical periods, such as during election campaigns. A third category of newspapers rely on political or business sponsors and generally are not run primarily as media businesses.

Those media outlets that are run as businesses have much to look forward to. "The outlook for the advertising market is enormous," one panelist said. "According to the experts, there are 2,100 businesses in Kyiv that are advertising in the print media. But there are about 100,000 businesses. That means that only 2.1 percent of businesses are currently advertising in print media."

From 2002 to 2003, the print-media advertising market in Ukraine doubled, from \$28 million to \$60 million. According to the Ukrainian Advertising Association, it is expected to climb to \$80 million in 2004.

Advertising revenue on television increased from \$85 million to \$130 million from 2002 to 2003. National channels and other large-scale players account for about 75 percent of the advertising revenue on television, while regional outlets receive rather paltry revenues from ads.

Market research and mass media research are developed industries in Ukraine, especially in the largest cities. "It's become standard that all TV advertising is sold on the basis of ratings," one panelist said. However, media managers do not always heed the results of market research when they make editorial and programming decisions.

Regional electronic media are less likely to have a good idea of who their audience is because of the lack of good research. At the same time, more regional newspa-

pers are using research to help them identify audiences and target content appropriately.

Circulation numbers are unreliable. Newspapers self-report their circulations, but virtually all overstate the numbers. There is no audit bureau of circulation or other organization to verify circulation figures. Some media outlets publish weekly or monthly circulation figures, instead of the numbers for each issue, which deceives both readers and advertisers.

## Objective 5: Supporting Institutions

### Ukraine Objective Score: 1.90/4.00

Associations of independent media companies have been operating in Ukraine for several years and are continuing to expand their activities. Among them are the Ukrainian Newspaper Publishers Association (UNPA), which unites nearly 50 publishers of more than 100 newspapers and magazines with a weekly circulation of more than 5 million copies; the Ukrainian Association of TV Broadcasters, which includes about 120 regional broadcast outlets; and the Union of Cable Broadcasters, which brings together more than 100 cable-television companies.

The panelists noted that the associations effectively serve the interests of their members. But despite the rapid growth of the associations, they represent only

#### Supporting institutions function in the professional interests of independent media

#### SUPPORTING INSTITUTIONS INDICATORS

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

**“The publishers are not interested in the idea of trade unions, because if the journalists unite it will raise the questions of signing the collective agreement, developing model agreements, and ending under-the-table salary payments, which would create a financial burden for employers,” a panelist said.**

independent association or because they understand the importance and effectiveness of professional associations is an open question.

The relatively new trade union of journalists also has chapters in several areas of Ukraine, as well as a national organization in Kyiv. But it has received little recognition from owners of media outlets, and is not strong enough to effectively represent the interests of all journalists, or even of members. Still, it is an alternative to the Soviet-era Union of Journalists, which tends to best represent journalists at state-owned media outlets and retirees who are much more concerned about their pension rights than about modernizing the mass media.

Panelists said that there had been resistance to the trade union from political powers, as has been the case in recent years for unions in other industries in Ukraine. According to one panelist, the journalists working for successful publications also do not throw their support behind the trade union because they do not see it as necessary to protect them. And publishers are not welcoming the trade union with open arms, either. “The publishers are not interested in the idea of trade unions, because if the journalists unite it will raise the questions of signing the collective agreement, developing model agreements, and ending under-the-table salary payments, which would create a financial burden for employers,” a panelist said. “They (publishers) will have to set aside money for pension and social-security funds from their own money.”

a small fraction of the nation’s mass media outlets. There also are some local or regional associations of publishers or broadcasters, but their development is in the early stages.

One panel member pointed out that political powers also have started to create associations of publishers and broadcasters from media outlets under their control. Whether that is because they seek to counter the

NGOs supporting media exist in the form of media clubs and monitoring committees, but the panelists dismissed them as largely inconsequential. “They exist as an element of the civil society, but in truth, they exist only because of donors’ generosity. It is impossible to buy freedom with other people’s money,” said one participant. “Besides, these organizations mainly practice petition drives, which means their assistance is limited to protests rather than effective legal or professional help.”

There also are several international media-assistance organizations that are active in Ukraine, including IREX, Internews, Reporters Sans Frontières, and BBC World Training Service.

Several resource centers for journalists have developed in Ukraine and mainly provide training, information resources, and legal assistance. They include the European Commission-funded TOP-Media Center in Odessa; the Crimean Press Center, which receives grants from several donors, including IREX; Internews-

**“The mass-media outlets find it disadvantageous to hire and retrain these unqualified graduates,” one panelist said. “It’s often easier to teach the ones who are not spoiled with a classic journalism education.”**

Ukraine, which is supported by various donors; and others. One of the panelists said that while journalists have not been very supportive of the trade union, the work of these organizations could be very effective. For example, lawyers from Internews-Ukraine helped journalists block an attempt to impose a labor contract that

would have seriously infringed upon their rights.

All of the panelists deplored the low level of journalism instruction in the universities. They also noted the continuing growth in the number of journalism departments in regional universities and institutes, without any control over quality. Two main problems are a lack of good instructors and a lack of good textbooks. The curriculum in the universities remains largely unchanged since Soviet times, and the university administration objects to any substantive updates. New journalism departments have to accept the existing national curriculum in order to be accredited. There has been a change in the elective courses offered, with those in

public relations and advertising now being very popular. But newspapers and broadcasters are in no hurry to hire graduates of these journalism programs. “The mass-media outlets find it disadvantageous to hire and retrain these unqualified graduates,” one panelist said. “It’s often easier to teach the ones who are not spoiled with a classic journalism education.”

Both local and international NGOs, as well as professional associations, conduct short-term courses that allow both new and seasoned journalists and managers

to acquire new skills. There also is a new and growing cadre of Ukrainians who are, on a commercial basis, offering their skills as trainers and consultants. More and more media outlets are finding that it is worth the expense to hire such people to improve the skills of their staff. Media outlets are more interested in training in business and management fields because of the potential to improve their bottom line. But panelists said journalism education workshops also are essential and that having more of them would benefit Ukraine.

## Panel Participants

*Alexander Chovgan*, president, RIA Corporation, and newspaper publisher, Vinnitsa

*Oleksandr Klishch*, Public Affairs Section, US Embassy, Kyiv

*Oksana Lysenko*, reporter, Telekritika, Kyiv

*Natalia Petrova*, senior media law expert, TOP-Media Center, Odessa

*Mykhaylo Veysberg*, president, Ukrainian Newspaper Publishers Association, Kyiv

*Vasyl Zorya*, foreign news editor, Novy Channel, Kyiv

## Moderator

*Oleg Khomenok*, IREX U-Media

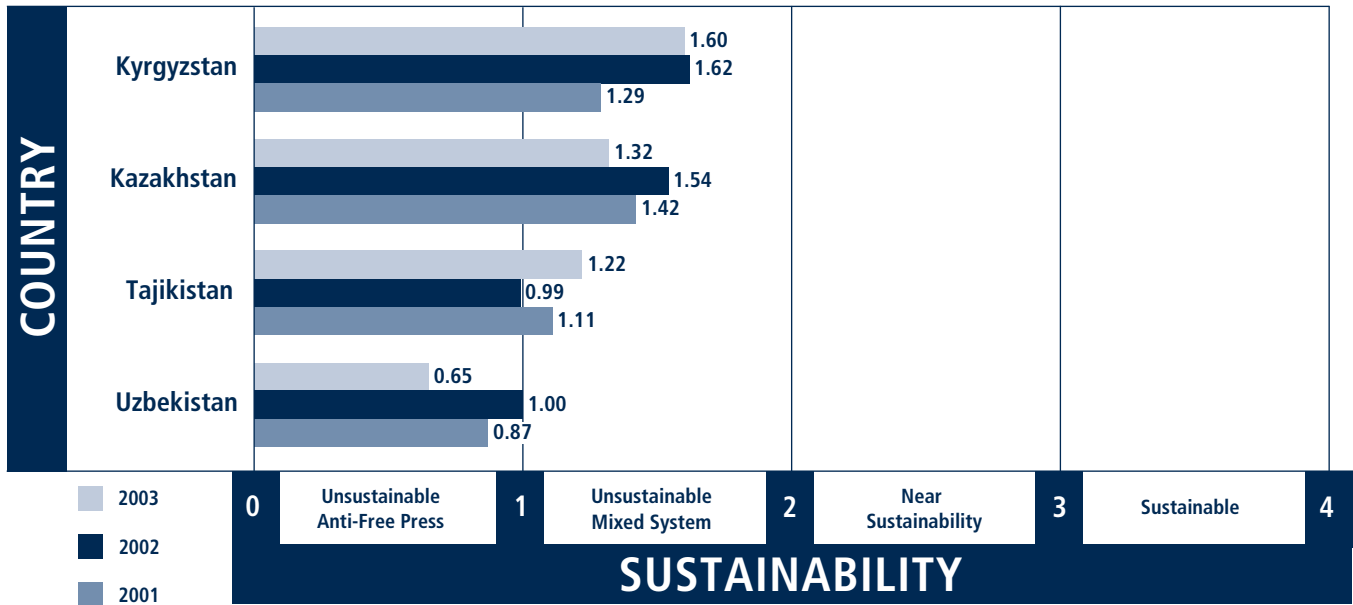
## Observers

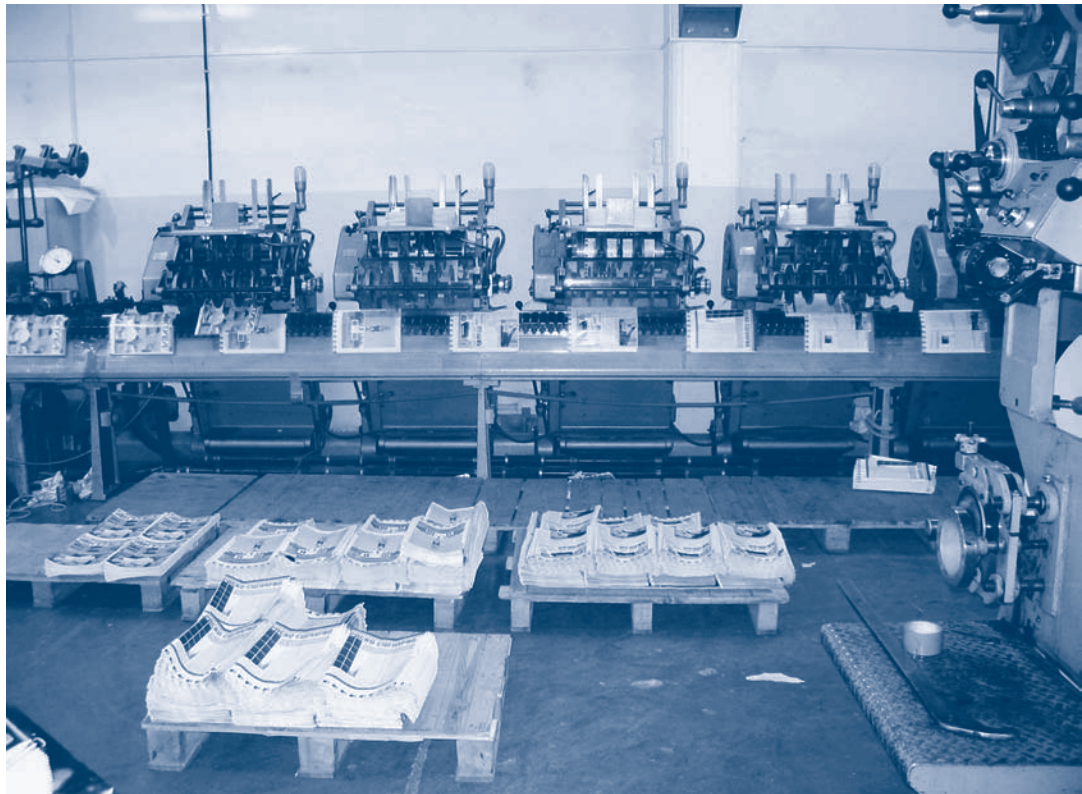
*Tim O'Connor*, resident advisor, IREX U-Media

*Victoria Marchenko*, Office of Democracy and Social Transition, USAID/Kyiv

*Sue Folger*, chief of party, U-Media, Internews Network

## Central Asia: Average Objective Scores





Declining audiences for state newspapers and broadcasters have led government officials to look at what they can gain from the private media, and what needs to be done to make that possible, a panel member noted. "Government officials themselves are interested in the development of a media market and the liberalization of media laws. Otherwise there will be no income."





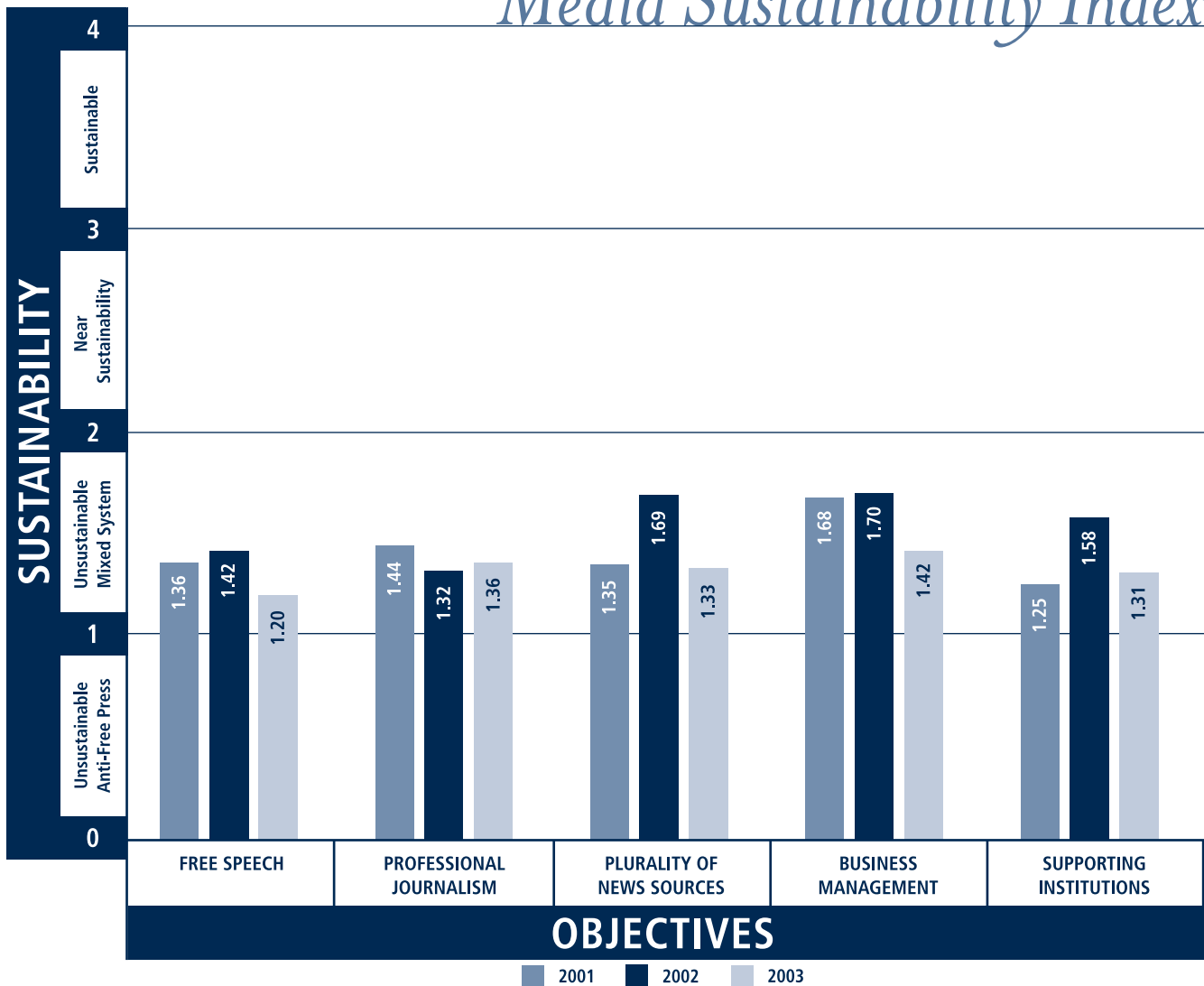
## Introduction

**T**he strengthening of the Kazakhstan media during recent years, marked by better professionalism and an increasingly forceful role in civil society, came to a near halt in 2003. The non-state media sector, as well as press freedom more broadly, suffered for its inextricable links with the political agenda of President Nursultan Nazarbayev and his government, according to the Media Sustainability Index (MSI) panel. The contradictions implicit in a media industry operating to some extent by market rules but under a rather totalitarian government became ever more significant during 2003, the panel concluded. Attempts by independent media outlets to report on an investigation of financial irregularities relating to an estimated \$20 billion in oil revenues were met by legal, financial, and physical retaliation from the Nazarbayev regime, panelists said. Websites providing coverage of the scandal were blocked, and increasing numbers of editors and journalists perceived to be affiliated with opposition camps were arrested, attacked, or otherwise pressured. In one high-profile case, Sergei Duvanov, a journalist and human-rights activist, was arrested on what many believe to be trumped-up rape charges in late 2002, the day before his scheduled departure for the United States to deliver a report on human rights in Kazakhstan. According to the Committee to Protect Journalists (CPJ), Duvanov was sentenced in January 2003 to three and one-half years in prison, despite protests that his trial did not follow due process. By the end of 2003, a number of private newspapers—such as *Vesti Pavlodara* and *Delovoye Obozreniye Respublika*—and television stations had been shut down as a result of politicized investigations disguised as administrative procedures. And in the legislative arena, a draft media law was released in 2003 that international legal experts predicted would only serve to gag the media further.

It is well established that the Nazarbayev regime has always considered the media to be extremely important. Throughout his terms as president, Nazarbayev and his family have taken unprecedented steps to acquire substantial media holdings while simultaneously targeting private media organizations considered unfriendly to the administration.

# Kazakhstan

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

Indeed, in an April 2003 speech at the Eurasian Media Forum, the president made his views clear on the limits to freedom of speech: “In a poor society, torn by social antagonisms, it is impossible to attain the model of a liberal and pluralistic press.” The president continued: “A weak civil society confronted by social and political pressures is turning the media into an instrument of social disintegration. It is also necessary to clearly define the responsibility of the media in violating the law. Society needs freedom of speech, and not freedom of libel and disinformation.”<sup>1</sup>

The president’s political advisor Ermukhamet Ertysbayev, in an interview with the independent *Assandi Times*, published on April 27, 2003, indicated he considered closing independent newspapers a possibility for the government. “The field of newspapers can be narrowed if opposition newspapers continue to adhere to their position that media should not be the means of information, but rather the means for a political struggle,” he said. “When I read an issue of *Assandi Times* or *SolDat*, there is no information there, but there are lots of negative materials about Kazakhstan. These articles have the sole purpose of shaping public opinion in their image in order to rearrange the political system of the country, remove the president from power, and cause a number of other political cataclysms.” In the view of the MSI participants, such statements foretold a renewed attack on press freedoms in Kazakhstan and a general lowering of the panel’s evaluation of the country’s progress toward a sustainable independent media.

## Objective 1: Free Speech

**Kazakhstan Objective Score: 1.20/4.00**

The Constitution of the Republic of Kazakhstan and the current mass media law guarantee freedom of speech and prohibit censorship. Unfortunately, other legislation and law-enforcement practices are not adequate to ensure these principles are upheld. The current criminal code contains six articles that define the liability of journalists for infringement of personal nonproperty rights, including libel. The civil code requires journalists to prove their innocence in the event of libel charges, and there is no limit on potential fines. Moreover, media outlets that employ these journalists are held liable for so-called moral damages. The administrative code, meanwhile, stipulates that entire press runs can be confiscated for violating the rules regarding declaring the number of

<sup>1</sup> <http://www.eamedia.org/kns/kns1.php>

copies printed, the names of the media company’s directors, and other details in each edition of the newspaper. “Media laws do exist, but they are mainly for regulation and are of a restrictive nature—and only the parts concerning restrictions are

complied with fully,” said a panel member. The panelist also noted that the general public is not particularly concerned about free-speech issues, attacks on journalists, or establishing a viable independent press.

The government drafted a new media law in 2003 and pushed it through the lower house of parlia-

**“Media laws do exist, but they are mainly for regulation and are of a restrictive nature—and only the parts concerning restrictions are complied with fully.”**

### Legal and social norms protect and promote free speech and access to public information

#### FREE SPEECH INDICATORS

- Legal/social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

**“Now tenders are conducted all the time. Even if they have been secretly awarded beforehand, out of four to five frequencies, you can definitely win one to two.”**

legislation had not yet become law. The draft extends considerably the regulatory powers of the Ministry of Information, giving it control over nearly every facet of the media sector and the authority to suspend or revoke media operating licenses. In addition, the procedures for registration, licensing, and accreditation fall within the purview of state authorities rather than independent commissions, giving the government additional levers with which to control the media. International observers also have raised concern about the use of vague terms such as “propaganda,” “agitation,” and “state secrets” that could open journalists to arbitrary prosecutions.

Currently there are no legal provisions ensuring a level playing field for state-owned and independent media, the panel noted. The selective enforcement of existing media laws generally means that government outlets can do as they please while non-state media are potentially subject to the consequences of being accused of violations. While there are no official privileges for state media, there are advantages in practice that suggest the media market appears liberalized but does not in fact function freely. For example, according to a panel member, the state exercises tight control on licensing to control entry to the media industry and uses contacts within state companies and businesses to pressure independent-minded outlets.

The government has introduced preferred taxation policies for media. Taxation benefits for the media have been in existence since 2000. For example, all television stations and print media are exempt from the value-added tax (VAT). While this exemption officially runs out in January 2005, it could be extended beyond that date.

Registration of media organizations is very difficult. The Ministry of Information delays action on registration applications for periods longer than the mandated 15 business days, without any consequences. In one case, the limited-liability newspaper company

ment despite deep concerns voiced by human-rights organizations, whose evaluations show the legislation does not comply with international standards for free-speech guarantees. At the time of the MSI panel discussion, this draft

Tema-TJ (Ural'sk) waited for a response to its first application for 84 days before being rejected. By early 2004, the company was still waiting for a response to its second application for registration filed on September 29, 2003. Ministry of Information officials neither refuse nor authorize registrations, and feel no obligation to explain their delay or inaction.

Broadcast licenses are issued by the Ministry of Information, but also must be signed by the Ministry of Transport and Communications. The licensing process is controlled by a specially created commission of state officials and representatives from public organizations. While the law provides for the fair distribution of licenses, in practice the process is unclear. Panelists agreed that licenses are often issued selectively, based largely on applicants' political influence and that of any opponents to the issuance of the license. However, one panelist offered another view, saying that although the licensing process is not 100 percent fair, “there are broadcasters that have obtained licenses without any political support.” The panel member said the situation had improved from two to three years ago, when few if any frequencies were being distributed. “Now tenders are conducted all the time. Even if they have been secretly awarded beforehand, out of four to five frequencies, you can definitely win one to two,” the panelist said.

The government has used its power to pressure and even close media outlets. When several television and radio stations began supporting opposition political forces, they were shut down. In some cases, the owners were forced to sell the outlets or simply hand them over to someone else. When the government closed the weekly *Delovoye Obozreniye Respublika* in 2002 for printing opinions critical of the authorities—its offices had earlier been set on fire—the editor-in-chief, Irina Petrushova, created the *Assandi Times*, according to the Committee to Protect Journalists (CPJ), an international advocacy group. Petrushova, who fled the country in 2002 after she was targeted with death threats and lawsuits, now edits her newspaper from Russia. CPJ noted that in July, an Almaty district court decided a libel case against *Assandi Times* and awarded Nazarbayev's son-in-law Rakhmat Aliev \$2,000 after he protested an April article alleging he had used his political connections against business competitors.

The state at times impedes journalists' access to information, and government officials track journalists' activities, permitting only loyal ones access to official material. Journalists who question these arrangements or criticize the government in other ways can be imprisoned,

beaten, or forced into exile. In April, Maksim Erokhin, the editor of the independent *Rabat* newspaper who wrote about illegal villas allegedly built by government officials, was beaten unconscious by attackers, according to CPJ. In October, several men beat Andrei Doronin, a correspondent for the independent Almaty daily *Ekspress-K*. He was warned to leave the media industry after writing articles about illegal vodka production, the organization said. As a rule, these crimes against journalists do not engender public outrage—and no perpetrators are ever found.

As the government realizes that information is becoming increasingly accessible—in Almaty alone, for example, more than 100,000 families can afford cable television—it seeks additional ways of controlling its sources. This appeared especially true as the 2004 parliamentary elections approached. The state administration founded its own media outlets—media nongovernmental organizations (NGOs) and trade organizations such as the Congress of Journalists, the Association of TV and Radio Broadcasters, and a media training center. President Nazarbayev’s daughter, Dariga, head of the powerful Khabar Media Holding Co., chaired the pro-government Congress of Journalists.

Declining audiences for state newspapers and broadcasters have led government officials to look at what they can gain from the private media, and what needs to be done to make that possible, a panel member noted. “Government officials themselves are interested in the development of a media market and the liberalization of media laws. Otherwise there will be no income.”

Access to international news is not limited, but financial constraints mean that not every company or media manager could provide Internet access for their employees. In addition, there were repeated reports of blocked access to websites through the main, state-run Internet service provider. The journalism profession is open and is not restricted by licensing requirements or qualification exams.

## Objective 2: Professional Journalism

**Kazakhstan Objective Score: 1.36/4.00**

The panelists agreed that there are no broadly accepted journalistic standards in Kazakhstan, either because journalists have not adopted an ethics code or because the pressures at their media outlets do not allow them to implement one. In a study conducted by the International Foundation for the Protection of Freedom of Speech “Adil Soz” and the Organization for the Security and Cooperation in Europe

(OSCE), nearly 85 percent of journalists responding said “yes” to the question: “Are there any topics that you consider to be dangerous?” More than half of those surveyed answered affirmatively when asked, “Did you ever experience pressure while reporting?”

“Opposing points of view are not always represented in media articles,” one panel member said. “Practically all media have ‘restricted’ topics.” Many journalists lack the sources, time, and experience to expend much effort on verifying information. Political news reflects the affiliations of the media outlet owners, and objectivity is relegated to relatively neutral subjects. At both state-run and private newspapers, journalists say that they are not only allowed but even encouraged to produce made-to-order articles.

However, pockets of professionalism and skilled specialized reporting do exist at some media outlets. Panelists pointed out that a growing number of private

**More than half of those surveyed answered affirmatively when asked, “Did you ever experience pressure while reporting?”**

Journalism meets professional standards of quality	
PROFESSIONAL JOURNALISM INDICATORS	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

**“Opposing points of view are not always represented in media articles,” one panel member said.**

**“Practically all media have ‘restricted’ topics.”**

media are focusing on producing their own news and information programming. One panel member spoke of her experience: “At my television channel, I can say that information is frequently verified and objective, and is

based on trustworthy sources. Errors do occur in materials, like surnames, first names, and positions. (But) violations of ethical standards are extremely rare.”

Journalists say they frequently are forced to resort to self-censorship, produce coverage tailored to the demands of interest groups, or otherwise act against their consciences in order to keep their jobs. Journalists may not be allowed to cover vital events for fear of the backlash from the government or their own editors. Newspaper owners issue strict directives to their editors and journalists as to what they cannot write or talk about. For example, the monitoring of free-speech issues in Kazakhstan done by the International Foundation for the Protection of Freedom of Speech “Adil Soz” showed that the owner of the newspaper *Talap* expressly forbade his journalists from writing about the activities of the opposition political party Democratic Choice of Kazakhstan (DVK). News related to prominent opposition figures such as former Prime Minister Akezhan Kazhegeldin, DVK leader Mukhtar Abliazov, or journalist and human-rights activist Sergei Duvanov was also taboo.

Some panelists felt that the absence of freedom of speech had a greater affect on a journalist’s decision to remain in media than did the low wages. Others, however, mentioned that low pay led journalists to take more profitable offers from public relations agencies and press services. Some provincial media outlets pay less than the average wage level, but wages are reasonable at selected national mass media, where they may reach \$400 to \$500 monthly. A panelist noted other differences at the better-resourced national media: “The relative development of the market lets the media introduce new information technologies. The media are starting to pay fairly high salaries to their leading journalists and specialists. The competition in the market among the media themselves promotes the development of professionalism.”

The lack of specialized niche reporting is especially evident at provincial publications and broadcasters with small staffs. Regional independent media are also particularly vulnerable to pressures from various local, regional, and federal government authorities. These provincial outlets also are less likely to have advanced technical capacity. However, at least a few editors from urban areas far from the administrative and commercial capitals report that this distance appears to allow them to operate in a business-like manner within a relatively unrestrictive environment, although they are always aware that they may come under pressure.

### Objective 3: Plurality of News Sources

**Kazakhstan Objective Score: 1.33/4.00**

Access to information is limited by poverty and by government restrictions. State-run media generally cover only government-sanctioned issues, while private outlets answer to the interests of owners—many of whom may be government-connected—or face risks when they broaden their coverage.

The business interests that control the leading media outlets have little transparency. These factors result in declining public trust in the media.

#### Multiple news sources provide citizens with reliable and objective news

#### PLURALITY OF NEWS SOURCES INDICATORS

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens’ access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

**“In Kazakhstan, private media are developing rapidly,” said one panel member. “There are a lot more of them now, and they are more energetic and professional than the state-run media.”**

com, the state Internet service provider, approximately 10 percent of the population uses the Internet. However, in small towns and villages, very few can afford to buy newspapers and therefore get most of their information from the reports carried by the state television and radio stations. Access to Western publications is very limited due to the language barrier, and this precludes the government from needing to restrict these foreign information sources.

State-run media give clear preference to government opinions and policies, without reflecting the entire political spectrum. “Access to opposition websites has been restricted,” said one panelist. “The news agency services of Interfax and www.kazaag.kz do not always present information about events in Kazakhstan. They ‘hush it up.’ For the most part, that applies to topics related to dissidence or the opposition.”

Some independent media, however, do produce their own news programs with a relatively broad scope. They also use news agencies even though such services are expensive. “In Kazakhstan, private media are developing rapidly,” said one panel member. “There are a lot more of them now, and they are more energetic and professional than the state-run media.”

In fact, one panel member noted, the general disinterest in “official” media on the part of readers and viewers has led those in power to consider the potential in “private” outlets. “The ratings of state-run television and radio stations are very low, as are state newspaper circulation numbers. The situation is becoming interesting, as the authorities themselves are turning to the private media,” the panelist said.

Media organizations that may receive government contract work can only develop their programs in the official language of the state, Kazakh. Media are available

The majority of Kazakhstanis who are media consumers live in major cities. There, most can afford to buy private media publications, and some can pay for Internet service and cable television available on more than 30 networks. According to Kazakhtele-

in the languages of national minorities as permitted by law, but the scope of their coverage is limited.

## Objective 4: Business Management

**Kazakhstan Objective Score: 1.42/4.00**

Panelists agreed that independent media outlets in Kazakhstan cannot be fully financially independent, no matter how well the business is managed. Since such media outlets are generally critical of government policies, and often report on human-rights violations, they are in a difficult financial position. Private companies are simply afraid to use them as venues for advertising. Printing plants, both private and state, and distributors may be afraid to handle publications considered to be “opposition,” or they are sometimes ordered not to print or disseminate certain publications. For example, the state-owned distribution enterprise Kazbaspasoz was required to cancel its 2004 contract with the private *Assandi Times* by order of the secret service, according to an editor there.

“Independent media are quoted higher prices for printed products, or are denied printing altogether, as was the case with *Assandi Times*,” said one panel member. “The situation is the same with distributors,

### Independent media are well-managed businesses, allowing editorial independence

- |                                       |   |
|---------------------------------------|---|
| <b>BUSINESS MANAGEMENT INDICATORS</b> | ■ Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.  |
|                                       | ■ Media receive revenue from a multitude of sources.  |
|                                       | ■ Advertising agencies and related industries support an advertising market.  |
|                                       | ■ Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.                                  |
|                                       | ■ Independent media do not receive government subsidies.  |
|                                       | ■ Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences. |
|                                       | ■ Broadcast ratings and circulation figures are reliably and independently produced.  |

**“Independent media are quoted higher prices for printed products, or are denied printing altogether, as was the case with *Assandi Times*,” said one panel member. “The situation is the same with distributors, who can be intimidated and forced to deny service to media. For example, in the last three weeks our newspaper has been withdrawn from the distributors, or bought up in bulk by policemen and people in civilian clothes.”**

who can be intimidated and forced to deny service to media. For example, in the last three weeks our newspaper has been withdrawn from the distributors, or bought up in bulk by policemen and people in civilian clothes.”

Although media outlets are not officially subsidized, the government maintains control through a favorable tender system in which state-run media or pro-government private media usually win the bids for coverage of official news. When independent media do win tenders, they are subject to the influence of the authorities. If the outlets are “disagreeable,” the authorities may not

allow them to compete for the next tender.

Smaller media outlets may be subsidized by private entrepreneurs who do not see the companies as media businesses, but rather as their own platform for wielding power.

Advertising agencies work mainly with large-scale clients such as media conglomerates. Regional media create their own advertising services, and both types of advertising mechanisms can be quite effective in some cities. However, businesses loyal to the authorities control the leading advertising agencies, resulting in a greater flow of advertising revenue to government-affiliated media and outlets run by loyal business interests. Even advertisements from Western media sources such as the BBC or Voice of America appear first in the state-run media, and not in the private media, according to

panelists. In the cities, advertising amounts on average of 20 to 30 percent of revenues for a media outlet, panel members estimated.

Advertising is almost the only source of income for many regional television and radio stations. The advertising market in Kazakhstan is developing rapidly and is fairly sizeable by Central Asian standards—\$120 million a year, according to the panel members. The regional advertising market supports about 50 television stations and 30 radio stations in Kazakhstan. Advertising revenues may provide enough for a media outlet’s operating costs, but not enough for any expansion or new business development. The percentage of advertising revenues in overall budgets is 10 to 12 percent for television, and 5 percent for newspapers. Much of the rest of independent media outlets’ budgets comes from “donor” support.

In Kazakhstan, market research is conducted on a regular basis, but is limited to a narrow circle of customers. The cost of the research is rather high, so only certain stations can afford the data. Primarily, the television stations that use the market research are from the media group that includes ORT of Kazakhstan, Khabar, Kazakh Telekompany, and National Telekompany, which are owned by the president’s daughter, Dariga Nazarbayeva, as well as a few independent stations such as Channel 31.

Circulation and ratings services are only beginning to emerge in Kazakhstan, and their results are so far not complete or fully reliable. Some firms offering these services as well as public opinion polling are considered to be affiliated with political or business interests and to be producing potentially subjective results, according to panel members.

## **Objective 5: Supporting Institutions**

**Kazakhstan Objective Score: 1.31/4.00**

Trade unions, associations, and other supporting institutions for media in Kazakhstan are rather weak. Such organizations exist, but their influence on the government is insignificant—or they may even be government supported. For example, the Congress of Journalists was founded by Dariga Nazarbayeva, the president’s daughter and head of a major media holding.

NGOs that advocate for press interests are active and carry a certain amount of weight within the media community—but not with the authorities. The attempts of these NGOs to assess the draft media law and generate debate were largely ignored by the government. However, some panelists noted that the increasing number of



NGOs is nonetheless pushing the government to retaliate by creating its own official organizations.

There are no trade unions protecting the interests of media workers. Journalists often appear in court on their own, representing their publications without an attorney.

Of the three associations that supposedly support journalists, one of them, the Association of Television-Radio Producers of Kazakhstan (ATPK) represents the interests of the authorities, while another, the National Association of Television Producers (NAT), is driven by private business interests. The third association, the Association of Publishers, is idle.

The educational opportunities for would-be journalists in Kazakhstan are poor. Graduates of university journalism faculties are not ready to work at media outlets. One panel member noted that there are few teachers with hands-on experience offering courses at the universities, there is little modern equipment on which to learn, and efforts to offer internships at editorial offices have largely failed.

There are various trainings and seminars for developing professional journalism skills conducted by local and international NGOs, but they can only reach a fraction of the practicing media workers. Niche reporting skills are particularly in short supply, a panel member noted, and those journalists who do receive specialized training tend to be snatched away by mar-

keting departments of banks and other companies or government institutions.

Despite the fact that most of the printing plants and distributors in Kazakhstan have been privatized, the state has managed to maintain its influence on this sector through the government organizations that hold shares in the enterprises. This leads to the denial of printing services or access to the distribution network for certain publications. The largest distributor of print media in Kazakhstan is the national company Kazpochta. It is completely controlled by the government, as is the distribution company Kazakhstan Temir Joly.

Panel members noted, however, that no matter how zealous government attempts to control the media sector might be, it is no longer possible to manage all the printing plants, newsstands, and Internet providers. There are “loopholes.” For example, one can easily buy opposition newspapers such as *Assandi Times* and *Epoch* at newsstands. The number of private printing plants is growing, even at the oblast and district centers, and Internet clubs exist in virtually every populated area.

## Panel Participants

*Telegen Askarov*, *Epoch* weekly

*Baldjan Beysembekova*, executive director, National Association of TV and Radio Broadcasting of Kazakhstan

*Galina Dyrkina*, deputy editor-in-chief, *Assandi Times*

*Tamara Kalejeva*, president, Adil Soz, Almaty

*Valentina Kulikova*

*Sofia Mustafayeva*, Channel 31

## Moderator

*Marfua Tokhtakhodjaeva*, chairperson, Women’s Resource Center

## Observers

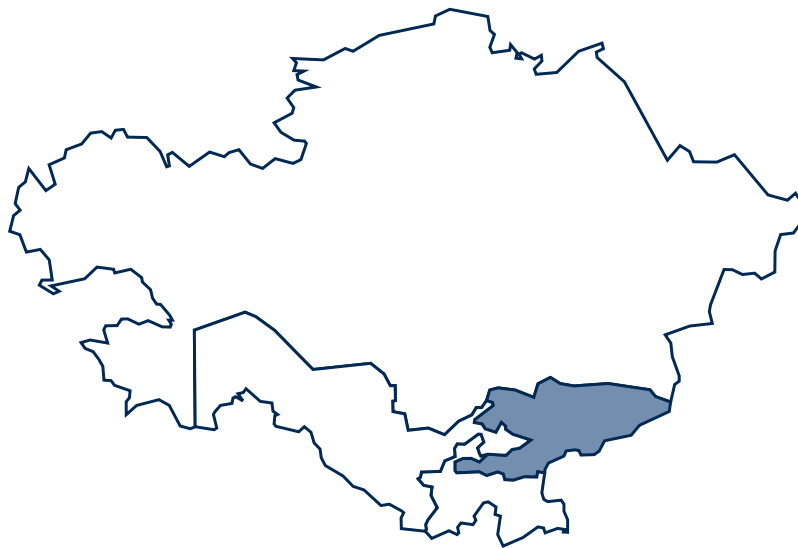
*Maria Stefurak*, media development specialist, Department for Development of Democracy and Media, Almaty

*Stanley Currier*, program manager, IREX/Kazakhstan

Supporting institutions function in the professional interests of independent media	
SUPPORTING INSTITUTIONS INDICATORS	■ Trade associations represent the interests of private media owners and provide member services.
	■ Professional associations work to protect journalists’ rights.
	■ NGOs support free speech and independent media.
	■ Quality journalism degree programs that provide substantial practical experience exist.
	■ Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
	■ Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
	■ Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.



**“The risk is great that the authorities could resort to tougher control of the media, as they did with the Law on Official State Language. To date, there have been few instances of journalists using the laws for their professional benefit.”**



## Introduction

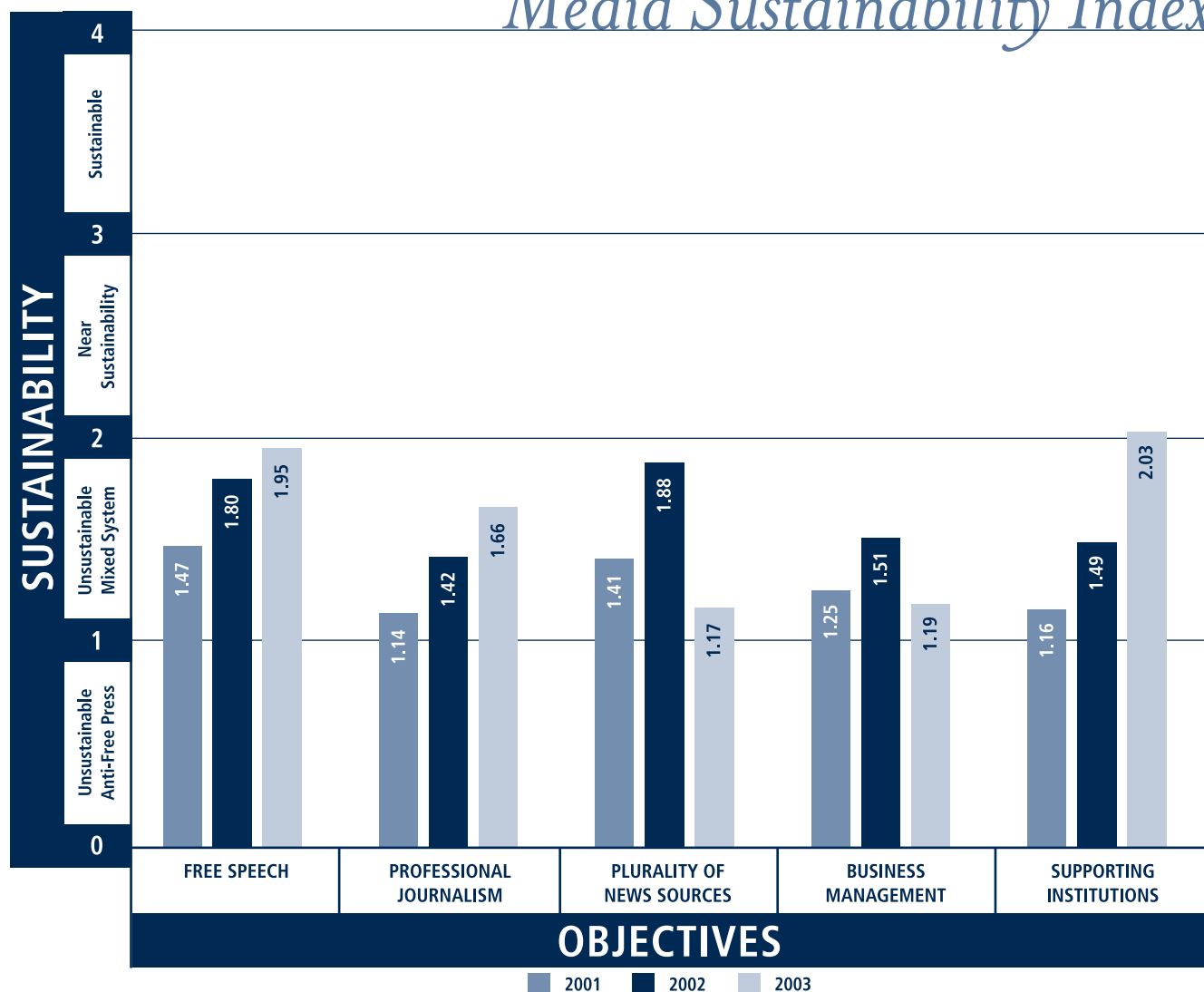
O

nce considered a model of democratic transition for Central Asia, Kyrgyzstan continued to backslide in 2003. The media sector was no exception, according to the Media Sustainability Index (MSI) panel, as the administration of President Askar Akayev perfected the use of financial and administrative tools to contain the independent media. These included politicized criminal prosecutions and civil litigation. The number of civil court actions launched by government officials doubled from 2002 to 2003, while the number of criminal prosecutions nearly doubled. A reported 28 lawsuits pitting government officials against the independent media were tried in court during 2003. As the result of one ruling that invoked the republic's "honor and dignity" law, the independent newspaper *Moya Stolitsa*, with a record of investigating corruption in government circles and reporting on the opposition, was fined almost \$100,000; the paper's journalists were personally fined \$2,600. The number of suits and level of fines against the newspaper were considered to be part of a politicized attack on the publication, although the government denied this and claimed merely to be pursuing violations of the law. In other cases in 2003, the editorial offices of several independent newspapers were burglarized or ransacked by never-identified perpetrators, and there were several other incidents of harassment or suspected attacks on journalists.

As the media were being silenced through court actions, threats, and violence, the number of truly independent outlets decreased in 2003 after a period of relatively constant development of the sector. Many media professionals feel too constrained or too physically or financially threatened to work effectively even before Kyrgyzstan heads into a new election cycle in 2005, a time that traditionally has seen further crackdowns on the independent media.

# Kyrgyzstan

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

## Objective 1: Free Speech

### Kyrgyzstan Objective Score: 1.95/4.00

The Constitution of the Kyrgyz Republic and the mass media law contain provisions protecting the media. However, these laws are not always enforced, and the various articles that were designed to protect non-state media contain loopholes that are used to circumvent their intent. One member of the MSI panel said that since the legal foundation for media activity was shaped in the early 1990s, implementation has exposed many weak spots, and it might be time for a fundamental review. However, the panelist said, “The risk is great that the authorities could resort to tougher control of the media, as they did with the Law on Official State Language. To date, there have been few instances of journalists using the laws for their professional benefit.”

Broadcasting licenses are issued by the state communications agency, and the right to use a trans-

mitter is granted by the state radio frequency commission. In 1999, Osh TV was issued a five-year license and the rights to a one-year transmission license. This procedure violates the law which mandates that the license and the transmitter rights should be issued for the same period of time. At present, a regulation regarding radio frequencies is being written, but some believe this will result in serious conflicts between the authorities and the independent electronic media.

According to a panel participant, “Licenses are issued without hindrance, but there are restrictions on the frequency range. Having obtained a broadcasting license, the outlets must also receive a frequency range. This applies to independent media only...Therefore, most of the private and independent TV and radio companies are restricted.”

The law guarantees equal tax status to media and other types of business. However, the tax burden for media is very high—20 percent value-added tax (VAT)—compared with neighboring countries like Kazakhstan and Russia, where some media are partially exempted from VAT. This hinders the efforts of the press to offer more affordable products to the public. Media outlets also are subject to the advertising tax.

The state-run media receive guaranteed support from state officials through forced subscriptions. In November 2003, the mayor of Bishkek and the governors of seven oblasts repeated the order that made subscriptions to certain media obligatory for all state institutions and employees. In addition, government officials influence the management of the outlets. “The state-run media are in a position of serfdom with respect to the authorities,” said one panel member. “The editors of

**“Licenses are issued without hindrance, but there are restrictions on the frequency range. Having obtained a broadcasting license, the outlets must also receive a frequency range. This applies to independent media only...Therefore, most of the private and independent TV and radio companies are restricted.”**

Legal and social norms protect and promote free speech and access to public information	
FREE SPEECH INDICATORS	■ Legal/social protections of free speech exist and are enforced.
	■ Licensing of broadcast media is fair, competitive, and apolitical.
	■ Market entry and tax structure for media are fair and comparable to other industries.
	■ Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	■ State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	■ Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	■ Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	■ Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	■ Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

**“The state-run media are in a position of serfdom with respect to the authorities,” said one panel member. “The editors of state-run national media are appointed and dismissed by the president himself. At the oblast level, the governor hires and fires.”**

state-run national media are appointed and dismissed by the president himself. At the oblast level, the governor hires and fires.”

The impact of the increase in legal prosecutions of journalists is compounded by the rampant corruption perceived throughout the judicial system. Judges and prosecutors appointed by the president are particularly suspect, and they both

threaten critical journalists with fines and influence the final rulings of the court. According to one panel participant, “Legal actions against journalists and outlets are filed by government officials. They are paying miniscule (legal) fees and claiming fines.”

Defamation cases can be prosecuted under both the civil and criminal codes. In December 2003, President Akayev sent a bill to parliament that would decriminalize defamation and direct all such cases to civil courts. However, the proposal set no upper limit on potential civil court fines upon conviction in these cases, and, as that is the main technique being used to bring pressure on media outlets, many journalists did not find much comfort in the proposed decriminalization. In addition, “There are articles on defamation in the criminal code, but at present they are applied very infrequently,” a panelist said. “The most frequently prosecuted article of the civil code is the protection of honor, dignity, and business reputation.” Furthermore, these prosecutions also are viewed as focusing almost entirely on journalists representing non-state media.

Government-sponsored media have greater access to information concerning the activities of the president and the government offices. A panelist explained that “in regards to the privileges, the state-run media have them, but in the long run they can hardly be called privileges. These privileges are most likely ‘compensation’ for certain restrictions.”

Access to international news is practically unlimited. Unrestricted access to the Internet is also possible throughout the republic. There are media resource centers in the districts, and there is also a network of Internet cafés in all regions. However, poverty significantly limits access to information for people in rural areas.

Entrance to the media profession is unrestricted.

## Objective 2: Professional Journalism

**Kyrgyzstan Objective Score: 1.66/4.00**

Some print media have developed to the point that they offer objective, sourced information. Even in cases when controversy arises, an attempt is made to present balanced coverage. But there are no uniformly recognized professional practices, and some journalists do not try to adhere to international standards. There are also examples of well-sourced and balanced television programming. Alexander Kulinskiy of the private television station Piramida, producer of the show “Nashe Vremya,” was mentioned as an example of how objective and multifaceted coverage is developing slowly but steadily. However, one panelist noted, in general “not all the available sources are being used. Reports are often prepared in a hurry, and subjectivity and bias are the rule rather

Journalism meets professional standards of quality	
PROFESSIONAL JOURNALISM INDICATORS	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

than the exception. The points of view of both parties are not always given.”

The trade association Journalists developed a professional ethics code based on European examples, but like several others in force in Kyrgyzstan, it exists mainly on paper and usually is not invoked in any meaningful way. Cases of made-to-order journalism are easily found in the print media, and bribes and other gifts often are accepted. “As for ethical standards, they exist in every outlet,” said a panelist. “It is another matter how effectively they are applied.”

Self-censorship is also widespread, as journalists and editors at some outlets can lose their jobs by openly expressing viewpoints or venturing into territory not approved for their reporting. Moreover, journalists

**“Not all the available sources are being used. Reports are often prepared in a hurry, and subjectivity and bias are the rule rather than the exception. The points of view of both parties are not always given.”**

receive little remuneration, and do not feel compelled to risk even their meager wages on controversial coverage. According to one panel member, “In the provinces it is very difficult to write on the burning issues of the day. Self-censorship, in particular, prevents that.” There are no officially forbidden topics for media,

but in reality journalists are limited by fear. In particular, journalists are afraid to cover topics relating to the head of the state or his “family.” In addition, there are certain unofficially taboo topics, such as drug abuse, smuggling, and corruption that most journalists simply will not cover. Fearing lawsuits and fines, few journalists would have the courage to exercise their legal protections. Compounding the problem, panelists said, is that the leaders of the state-run media outlets do not consider serving their communities to be their duty. Rather, their priority is to promote the policies of the president and the government.

Many journalists opt to leave the profession for other industries, particularly international organizations, due to the low wages. Other journalists are forced to seek second jobs, produce made-to-order news, or work for foreign agencies on the side. “State-run media salaries are lower than established non-state media,” a panelist

said. “In the press, salaries are higher than for TV and radio professionals. Many journalists are willing to sell their publications to the highest bidder, but there is little demand for them.”

Entertainment programming dominates television, and the news is often the only in-house product made by the local media outlets.

Newspapers are poorly equipped to publish their products. At times, independent journalists do not even have such basic equipment as tape recorders. In recent years, the technical capacities of television stations have improved due to the decreasing costs of digital technologies. However, there are still difficulties in collecting, producing, and distributing information. Communications infrastructure is lacking, only old equipment is available, and circulation or transmission remains difficult. International donors provide some technical equipment to resource centers for regional media.

During the past 10 years, niche reporting has emerged. However, the quality of such coverage is not always highly professional. Specialized reporting is practiced by the large-scale media outlets in metropolitan centers, but the vast majority of provincial media have editorial offices and staff that are too small to allow specialization.

**“As for ethical standards, they exist in every outlet,” said a panelist. “It is another matter how effectively they are applied.”**

### **Objective 3: Plurality of News Sources**

**Kyrgyzstan Objective Score: 1.17/4.00**

Although a range of information sources are available, many people cannot afford to buy print media. While citizens in rural areas have shown increasing interest in media, they often have limited or no choice in newspapers and only access to state-run television and radio stations.

The status of media ownership is murky at best. In most cases, it is almost impossible to uncover the true ownership structure of a media organization. Many owners are camouflaged by the creation of a network of dummy holding companies. “The transparency of media funding is not clear; ownership is limited to a small circle of people connected with the media,” a panelist said. “The general public is hardly aware of who owns what.

**“The transparency of media funding is not clear; ownership is limited to a small circle of people connected with the media,” a panelist said. “The general public is hardly aware of who owns what. But many media outlets now belong to oligarchs.”**

But many media outlets now belong to oligarchs.” The non-state media can be divided into two groups—those allied with the nation’s power-brokers and others that are relatively independent media businesses. Certain media outlets may be owned by a collective of coworkers officially, but in reality, most outlets belong to a business owner

or a high-ranking official. For example, the newspaper *Vecherniy Bishkek*, the television/radio station KOORT, and the cable television station Ala-TV are prominent media outlets known to belong to the president’s family, panelists said.

On the other hand, some private individuals have launched their own publications and/or television or

radio stations as independent media businesses, particularly in the southern part of the country. The panelists mentioned that this private media ownership allows for more social, cultural, and ethnic interests to be represented, and that these independent electronic outlets try to produce their own news programming. However, they can expect harassment from state officials and business interests, and this appears to be a trend on the increase, according to MSI panelists.

At least three news agencies—the state-run Khabar and the private AKIpress and Kyrgyz Info—provide news to the media and the general population, but the financial ability of outlets to subscribe to these services may be limited.

Western newspapers are available, but only a small number are brought to Bishkek, where there are a few English-speaking readers. For the most part, only Russian newspapers are imported. According to a panel participant,

**“In the Republic, access to local and international media is not restricted. However, it should be noted that most of the population subscribes only to Russian newspapers.”**

“In the Republic, access to local and international media is not restricted. However, it should be noted that most of the population subscribes only to Russian newspapers.” It is possible to use the Internet even in the most remote corners of Kyrgyzstan, but access prices are high and connection speeds leave much to be desired.

The law allows media to report in the languages of national minorities. There have been no known cases of harassment of journalists doing so, or of significant problems for those reporting on subjects of concern to these groups. However, the resources devoted to minority issues are very limited.

## Objective 4: Business Management

**Kyrgyzstan Objective Score: 1.19/4.00**

In Kyrgyzstan, the media generally do not operate as commercially viable businesses. The prohibitive tax system and the risk involved in investing in media, as well as the poor overall economic situation in the country, prevent media from developing sound business prac-

### Multiple news sources provide citizens with reliable and objective news

#### PLURALITY OF NEWS SOURCES INDICATORS

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens’ access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.



<b>Independent media are well-managed businesses, allowing editorial independence</b>	
<b>BUSINESS MANAGEMENT INDICATORS</b>	■ Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
	■ Media receive revenue from a multitude of sources.
	■ Advertising agencies and related industries support an advertising market.
	■ Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
	■ Independent media do not receive government subsidies.
	■ Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
	■ Broadcast ratings and circulation figures are reliably and independently produced.

tices. Large subsidies, tax breaks, and printing rates set at lower-than-market prices, especially for state media outlets, distort the media market. Private media outlets have made efforts to diversify their income and currently generate revenue from varying sources such as advertising and sponsors. In addition, grants from international donors remain a major source of income.

Since there are no special advertising agencies in the country, some more proactive media have developed their own advertising services. With virtually no media advertising professionals available, training has been on-the-job. But overall, this independent strategy has proven effective, allowing some publications to draw revenues from their advertising.

Yet, most media underutilize advertising, and the percentage of income from this source supporting Kyrgyzstani media is inconsistent with international standards. Those who try to sell advertising are not equipped with basic research to describe the audience potential customers would reach. Some advertisers do not want to place ads with media out of fear that they are inviting an audit by the taxation agency. Or, they avoid placing advertising where it would not please the authorities. It is also unclear how effective advertising is in various outlets since there is no reliable data. To the degree that there are any estimates, advertising profits appear to be decreasing each year due to political and economic

constraints. For example, the Antimonopoly Committee has restricted ads in the print media to no more than 20 percent of the newspaper's content.

The existing printing presses and distribution network are insufficient and frequently fail to fulfill their commitments. Until late 2003, the state had a virtual monopoly on printing, and the state printing press Uchkun at times refused orders for publications deemed to be critical of the government. However, in October 2003, a US government-backed printing press was opened by Freedom House on the outskirts of Bishkek, breaking the monopoly for the capital. The printing house is open to state media, but its key role is seen as offering an alternative mechanism for printing non-state newspapers. The facilities that control radio frequencies and television transmissions all belong to the state.

Two institutions distribute print media nationwide. State-run Kyrgyzpochtasi operates rather efficiently, but the joint-stock company Kyrgyzbasmasoz performs poorly and is indebted to almost all the newspapers in the country, according to panel members. The revenues owed are a constant complaint from newspaper producers, both state and private. A few independent publications have begun to develop their own local distribution systems, from which they have gained significant independence. Overall, media representatives indicate an ongoing need for a well-managed, reliable distribution system.

Market ratings and circulation research are conducted infrequently and without the use of accepted methodologies. Therefore, it is very difficult to assess media ratings in Kyrgyzstan. The research that is conducted is generally of a relatively low professional standard. It does not contribute greatly to the improvement of the media environment, and leads neither to better-quality information nor to a higher degree of service to audiences.

## **Objective 5: Supporting Institutions**

**Kyrgyzstan Objective Score: 2.03/4.00**

In 2003, a new Trade Union of Journalists was founded. This independent union provides comprehensive assistance to rank-and-file journalists and attempts to build public trust in the media. Nevertheless, one panelist explained, "Attempts to create trade unions and other professional associations take place every year. However, so far the media community has not achieved any significant results." Another "Soviet-style" trade union rep-

**“Attempts to create trade unions and other professional associations take place every year. However, so far the media community has not achieved any significant results.”**

union, the public association Journalists was founded in 1998, and another trade union for journalists was created in 2002. These organizations serve journalists’ professional interests and lobby at the national level. They have been called on to assist in protecting the frequency rights of Osh TV, securing the release of journalists from prison, defending the *Portret Nedeli* newspaper in court,

representing cultural workers can claim some successful cases of protecting journalists’ rights. Otherwise, most of the nongovernmental organizations (NGOs) specializing in the protection of media rights are foreign organizations.

In addition to the new trade

and advocating for journalists’ labor rights. Overall, however, professional associations are small and ineffective. Recently, associations protecting the interests of private media owners have emerged. They have assisted journalists in legal protection and copyright protection issues. One panel participant stated, “We have associations of journalists, but no associations of publishers or radio broadcasters. Noncommercial organizations like the associations Journalists and Journalists in Trouble Foundation, and the Kyrgyz Committee for Human Rights all provide major assistance to journalists.”

A wide range of international organizations support media in Kyrgyzstan, or provide resources for regional training centers. The groups include IREX, Internews, the International Federation of Journalists (of which Kyrgyzstan is the only CIS member), the Eurasia Foundation, and the Soros Foundation.

There are approximately 10 educational institutions that train journalists in Kyrgyzstan. However, most journalism departments do not fully prepare their students to operate professionally. Many graduates leave journalism programs without practical skills or a detailed understanding of the ethical responsibilities of the media sector. Only the Kyrgyz-Russian Slavic University and the American University of Kyrgyzstan have produced a cadre of qualified journalists. “We must admit that the education of journalists is not adequate,” a panel member said. “In this respect, international organizations are more successful. People have a chance to continue their education abroad, but many of them do not come back. This problem is caused by the inability of media outlets to assist in job placement for students.”

With the establishment of the Freedom House printing press, there is now an alternative to the politically influenced state press. However, many other printing presses still prefer state-run media clientele for political reasons. There are a sufficient number of printing plants and publishing firms in Kyrgyzstan; but there remain questions about their level of independence, since they, like broadcast channels, depend on state funding.

Non-state publications are not always available at newsstands, as every clerk is obliged to sell government-supported media first. If any state-funded publications are unsold, deductions are made from the salary of the newsstand clerk or the seller.

Supporting institutions function in the professional interests of independent media	
SUPPORTING INSTITUTIONS INDICATORS	■ Trade associations represent the interests of private media owners and provide member services.
	■ Professional associations work to protect journalists’ rights.
	■ NGOs support free speech and independent media.
	■ Quality journalism degree programs that provide substantial practical experience exist.
	■ Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
	■ Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
	■ Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

## **Panel Participants**

*Alexander Kulinsky*, Piramida TV

*Adelya Laisheva*, Internews

*Kuban Mambetaliev*, Public Association of Journalists

*Ernis Mamyrganov*, Osh Media Resource Center

*Yrysbek Omurzakov*, Tribuna newspaper

*Sergei Rahmatulin*, Almaz-yug Radio

*Bekdash Shamshiev*, Azattyk Radio

*Bolokbay Sherimbekov*, Kyrgyz State TV

*Victor Shloyev*, Moya Stolitsa newspaper

*Marat Tazabekov*, Aki Press

## **Moderator**

*Marfua Tokhtakhodjaeva*, chairperson, Women's Resource Center

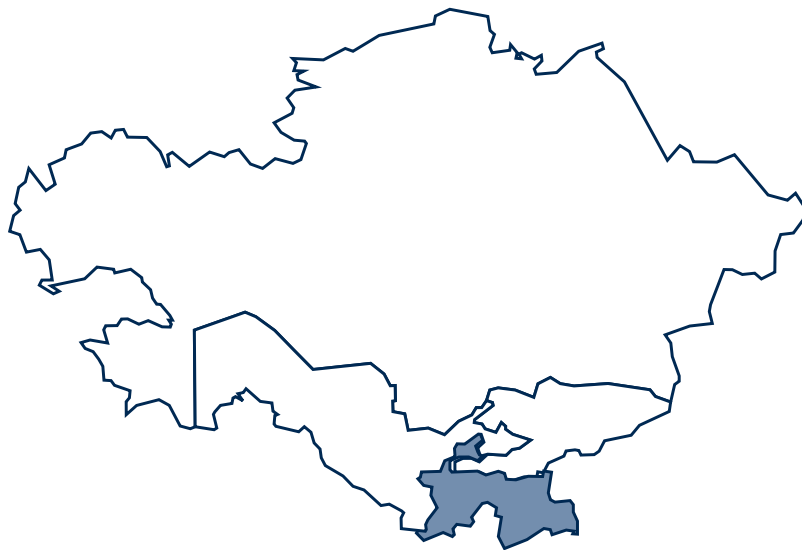
## **Observers**

*Chinara Orozbaeva*, country director, IREX/Kyrgyzstan

*Maria Stefurak*, USAID



**"Tajikistan does not have legal norms for the protection of journalists, as we do not have any independent system of judicial power," a panel member said.**



## Introduction

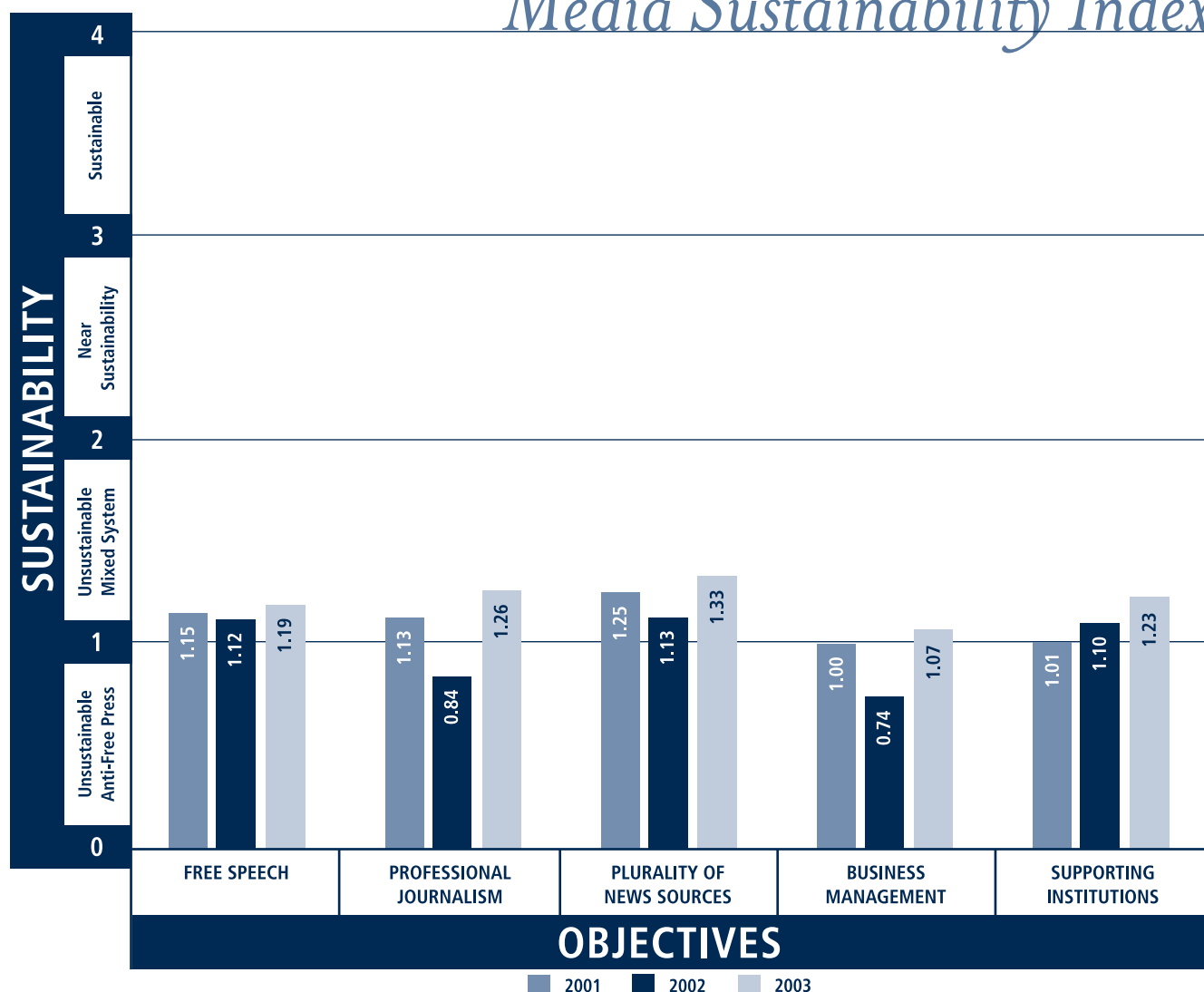
**T**ajikistan, now six years removed from its devastating civil war, is continuing the struggle to overcome the legacy of that turbulent period in its history. The destruction caused by the war, compounded by extreme poverty and a string of natural disasters that further hampered reconstruction, often relegates journalists and editors to working in dilapidated offices with obsolete equipment. The community of Tajikistani media practitioners has not rebounded fully since the war, when the authorities blamed the press for unleashing the conflict, and many journalists were either killed or fled the country. Journalists and editors have poignant memories of the brutal wartime deaths of their colleagues that continue to scare many into self-censorship. In late 2002, the government convened a task force to investigate political killings during the war, but as of 2003, only a few serious investigations had been completed. In 2003, the Supreme Court did convict and sentence two people as accomplices in the murders of two journalists working for international news organizations during the mid-1990s. However, media workers say they do not feel convinced that the government is committed to fully investigating all the slayings, and the fact that most have gone unprosecuted only serves to increase their anxieties.

Journalists in Tajikistan are facing another major problem—access to information. Overall, the administration of President Imomali Rahmonov has been largely inaccessible to the media. The unwillingness of the authorities to share information, a process that has been effectively regulated by legislation, leads journalists to publish unofficial data and then be summoned to court. Most government ministries and offices have no established mechanism for imparting information to the media, making it extremely difficult to improve media coverage for the Tajikistani public.

However, there is some reason for optimism in Tajikistan. In 2003, following the trend of previous years, the government continued slowly but steadily to return independence to the press. The number of non-state print publications is growing rapidly, and the competition among Dushanbe-based newspapers is tan-

# Tajikistan

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

gible. Several media conglomerates now exist. Asia Plus, for example, includes a news agency, a newspaper, and an FM radio station. Charkhi Gardun publishes seven newspapers throughout Tajikistan. A third group, Tiroz, an association of several television stations and the first independent FM radio station in the country, is being formed. Dushanbe is the only CIS capital where one can see advertisements for the broadcast of local-language versions of Radio Liberty. In addition, some journalists have started to publish newspapers that contain pieces evaluating the performance of the authorities. *Nerui Sukhan* and *Ruzi Nav* are examples of this trend. For these reasons, the Media Sustainability Index (MSI) reflects the growth of pluralism and freedom of speech in Tajikistan during 2003.

## Objective 1: Free Speech

**Tajikistan Objective Score: 1.19/4.00**

As in all CIS countries, the Constitution of Tajikistan guarantees the freedom of speech. But in practice, the constitutional protection and the approximately 10 laws adopted since independence concerning the media are not implemented fairly or completely. Most Tajik media work for those in power in the government, and journalists do not feel fully empowered by the law. “Tajikistan does not have legal norms for the protection of journalists, as we do not have any independent system of judicial power,” a panel member said. “The Constitution of Tajikistan guarantees freedom of speech, but it does not guarantee the journalist’s security. In most cases the law is not observed, and state officials have ways to pressure the media. So far there have not been any cases of journalists asserting their rights in court, but freedom of speech is highly rated by society as a whole. There is a tendency towards improvement, but it is possible that this process is still under pressure.”

Another panel member explained, “In this country, there is the real possibility to freely express one’s thoughts, but it is another question whether a journalist who has challenged the authorities through investigative reporting, such as the issue of corruption, has to fear for his life. There are numerous instruments in which pressure can be applied to the journalist. There is no doubt whatsoever that he could be beaten up or killed.”

There are no laws that restrict access to information, but there are no laws that guarantee it. In practice, access to information is limited at best. Government officials and business executives are reluctant to provide

information to media, often giving the excuse that they are too busy. Access to information is generally easier for state journalists than for independent media. Access is also restricted by bureaucratic delays and the unwillingness of officials to assume responsibility for the information provided. Information is often obtained through unorthodox methods that too frequently verge on violating the law. It is also very difficult to get information from the “power ministries”—the military and police. People who work in those structures are often incompetent, and when they do give information, it has to be double-checked.

**“There are numerous instruments in which pressure can be applied to the journalist. There is no doubt whatsoever that he could be beaten up or killed.”**

Legal and social norms protect and promote free speech and access to public information	
<b>FREE SPEECH INDICATORS</b>	■ Legal/social protections of free speech exist and are enforced.
	■ Licensing of broadcast media is fair, competitive, and apolitical.
	■ Market entry and tax structure for media are fair and comparable to other industries.
	■ Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	■ State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	■ Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	■ Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	■ Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	■ Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

**“In this country, there is the real possibility to freely express one’s thoughts, but it is another question whether a journalist who has challenged the authorities through investigative reporting, such as the issue of corruption, has to fear for his life.”**

Broadcasting licenses are issued by the Committee for State TV and Radio Broadcasting. This regulatory body has been reluctant to develop independent media outlets in Tajikistan. The committee is a monopoly, and the licensing process, based fully on the decision of members of the committee’s special commission, is viewed by many as corrupt. Obtaining a license is one of the most

difficult hurdles facing private media businesses. As one example, Asia Plus did not receive the license it applied for in 1998 until 2002. Even after receiving the license, editors run the risk of losing it if the outlet criticizes the government. Another critical problem facing the media is taxation. Taxes, especially the value-added tax (VAT), are viewed as greatly hindering independent media as well as other businesses in Tajikistan. In April, the media community filed an appeal to the government protesting the high taxation and asking for an exemption from the VAT, but it never received a response. Customs duties are also viewed as excessively high, especially since most specialized equipment, paper, and other supplies used by media are imported from Russia. In addition, according to the panel, taxation agencies have a tendency to raid independent media outlets after they publish material critical of the government. Such raids usually result in the journalists being fired and the media organization being shut down.

Journalists are often victims of attacks and threats, and memories linger of the numerous unsolved murders both during and in the aftermath of the civil war. A delegation from the Committee to Protect Journalists visited Tajikistan during 2003 to renew calls for investigation of the deaths of 29 journalists during and after Tajikistan’s civil war. “We believe very strongly that the only way the government of Tajikistan can combat the pervasive culture of fear and self-censorship lingering from the civil war is by aggressively investigating and prosecuting those

responsible for these murders,” the organization said in a letter to the government.

At present, physical repression of journalists seems to have declined, and no specific charges for crimes against journalists are pending. But the authorities have other methods of pressure at their disposal, and journalists feel unease about the potential for retribution for stories they might write. One panelist offered as an example of how “journalists can be made accountable for their articles” the case of a television correspondent who reported on the hardships of military service and the hazing of soldiers and was summoned to the prosecutor’s office. “The journalists are not protected as in the rest of the world,” the panelist said. In another case cited by the Committee to Protect Journalists, tax inspectors visited the independent weekly *Nerui Sukhan* after it published articles containing criticism of government policies.

Tajikistan still has a criminal defamation law under which journalists can be prosecuted for criticism of the president and administration officials. In cases involving criticism or insult of the president, penalties can include prison terms of up to five years. Although there were no prosecutions under this law during 2003, simply having the law active is enough to prompt most journalists and editors to practice self-censorship. There are other types of lawsuits pending against correspondents, and the inadequacies of the judicial branch also lead media workers to question whether such cases will be handled fairly.

Media managers are not appointed by political forces. In some cases, however, the government has blocked the printing of newspaper articles. In 2003, issues of two independent newspapers, *Ruzi Nav* and *Nerui Suhai*, were not produced because managers of a state-run printing press refused to print them.

Access to international news and information is limited. The Internet has improved the situation, but it is only available in urban areas and remains quite expensive. Media access to the Internet is limited by the financial resources of outlets. Some donor organizations are subsidizing media use of Internet resources in Khorog and other towns. The main source of foreign news for most of the population is from Russian government-run channels that are rebroadcast by state and private channels in Tajikistan.



## Objective 2: Professional Journalism

**Tajikistan Objective Score: 1.26/4.00**

There are individual journalists whose articles and broadcasts meet professional standards, but this cannot be said about journalism as a whole in Tajikistan. “Journalists do not always double-check their information. Their work is not always objective. In fact, much of it is subjective,” a panel member said. “Journalists try to verify their data, but so few have access to other sources of information, and the authorities do not provide them with correct information.”

Ethical norms have not yet been established in the media sector. Bribing journalists or paying them for coverage is not uncommon. Salaries for media workers are very low, so some resort to selling programs or articles to supplement their incomes. Journalism organizations do have ethics codes, but they are not widely observed. More likely to be followed are standards established by individual journalists and editors.

Journalists’ salaries at state newspapers run at \$15 to \$20 per month—and perhaps 50 percent more at state broadcast outlets—whereas pay at non-state media is approximately three times higher. The low rates at state-run media result in a high level of job turnover; however,

these outlets offer workers a certain stability as well as some benefits not matched by private outlets such as access to holiday camps, sick leave, and the generalized support of state organs.

Self-censorship is widespread. Topics that still are taboo include criticism of high-ranking officials and coverage of issues such as corruption, the security services, or drug trafficking. Journalists do not want to be in a position to have to defend themselves, while editors and media owners do not want to risk losing their outlets’ licenses or their livelihood.

At least one panelist felt local private television companies were capable of reasonably objective coverage: “Self-censorship at independent stations is a rare thing. Corruption exists in the state-run media, but it is not encountered in the independent media.”

Entertainment programs get more television airtime than news shows, and, panelists said, it appears that the more complicated the political and economic situation in Tajikistan, the more the broadcast schedule fills with entertainment offerings. Panel participants estimated that at times only 10 percent of broadcasting on television and radio is comprised of news or informational programs. Other material appears to be “news” but actually is coverage of the success of businesses or profiles of personalities paid for by the sources. According to a panelist, “The balance between commercial topics and the news is different in various media markets. In recent years, the number of news programs on TV has grown by 20–25 percent. Purchased programming amounts to 15 percent of the airtime, while in-house programming results in a 10 percent share. Yet, most of the media material is one-sided. The number of media outlets that work in compliance with international standards is very low.”

**“Journalists do not always double-check their information. Their work is not always objective. In fact, much of it is subjective,” a panel member said. “Journalists try to verify their data, but so few have access to other sources of information, and the authorities do not provide them with correct information.”**

Journalism meets professional standards of quality	
PROFESSIONAL JOURNALISM INDICATORS	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

The technical capacity of media in Tajikistan is generally poor. For example, state television and radio stations do not have digital equipment. “Tajik journalists are in great need of new equipment. Journalists do not even have cassette recorders,” a panelist said. “In the last 10 years, the state has not done anything to update printing and other information technologies. The means of collecting, producing, and disseminating news meet only with the most minimal of standards. As well as being outdated, equipment is only available in Dushanbe and in northern parts of the country, in the Sogd region.”

There is no specialization in the journalism field, but initial attempts are being made to develop niche reporting. IREX, for example, conducted trainings on reporting about human trafficking.

### Objective 3: Plurality of News Sources

**Tajikistan Objective Score: 1.33/4.00**

There is some range of information sources available in Tajikistan, although many obstacles face people who want to be fully informed.

No daily newspapers are produced in Tajikistan, and those that appear weekly are both costly and very limited in circulation, especially outside of urban

areas. This is even truer for Russian newspapers, the only international publications available. Television and radio reach most rural communities, but reception is limited by power outages as well as poverty. A veritable information vacuum plagues the many mountainous areas of the country. “The lack of daily newspapers means we can’t really talk about the effectiveness of truthful and objective information,” said one panelist. “Information bulletins and news flashes in print or electronic media are practically beyond the reach of the population.”

**“The lack of daily newspapers means we can’t really talk about the effectiveness of truthful and objective information,” said one panelist. “Information bulletins and news flashes in print or electronic media are practically beyond the reach of the population.”**

There is no law against obtaining information from the Internet, but many websites nonetheless are blocked by the state telecommunications provider. The issue is of somewhat limited practical importance at this point, however, because the cost of Internet access puts it out of reach for virtually all journalists.

State-run media do not accurately or fully reflect the country’s political spectrum. Parties other than the pro-government People’s Democratic Party do not have sufficient access to media outlets. Although government authorities cannot restrict citizen access to information, state media do not assist their audience in obtaining a full understanding of public affairs. Programming at state-run media outlets reflects the policies of the government, and journalists are barred from probing topics such as the economic situation, government spending, international assistance, or foreign investment.

Private media outlets have a somewhat freer hand to create independent news coverage. However, this material often tends to focus on local issues that are not particularly controversial, such as problems with community services. Media organizations also struggle against a relatively low demand for news programming

<b>Multiple news sources provide citizens with reliable and objective news</b>	
<b>PLURALITY OF NEWS SOURCES INDICATORS</b>	■ A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
	■ Citizens’ access to domestic or international media is not restricted.
	■ State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
	■ Independent news agencies gather and distribute news for print and broadcast media.
	■ Independent broadcast media produce their own news programs.
	■ Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
	■ A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

among citizens more concerned with survival than with public affairs.

Media consumers are aware that the government controls most outlets. It is generally known that the names of the media “owners” appearing on the front pages of newspapers are not those who actually control the outlets. Media community insiders may know the true owners, but the broader audience has no way of finding that out.

The many limitations on media in Tajikistan mean that coverage of social issues is relatively limited. This includes subjects relating to minority populations, although a national newspaper is printed in the Uzbek language.

## Objective 4: Business Management

**Tajikistan Objective Score: 1.07/4.00**

Professional media management is nascent in Tajikistan. Some media-support organizations such as Internews offer seminars on business and financial management for media outlets. However, state-run media have no obligation to perform in the market, and private outlets find many aspects of their business outside of their control.

Independent media are well-managed businesses, allowing editorial independence	
BUSINESS MANAGEMENT INDICATORS	Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
	Media receive revenue from a multitude of sources.
	Advertising agencies and related industries support an advertising market.
	Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
	Independent media do not receive government subsidies.
	Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
	Broadcast ratings and circulation figures are reliably and independently produced.

For example, printing presses are all state-run, and the generally outdated equipment generates a poor product. So far, it has been too expensive for substantial private printing press operations to enter the market.

The state’s control over printing therefore gives it a powerful instrument for pressuring independent media. According to one panelist, the state printing monopoly *Sharki Ozod* “follows the orders of the executive office of the president.” The panelist said there had been “many cases in which the management of a printing press refuses to print the next issue of a newspaper.” In a case noted by the Committee to Protect Journalists, *Sharki Ozod* refused to print the independent weekly *Ruzi Nav* after coverage that included reports on “perks” for government officials. Similarly, print media counterparts and private radio and television companies are dependent on the government because their signals are transmitted by the state-owned communication facilities.

Distribution remains a major problem for Tajikistani newspapers as well. There is no formal distribution network, and newspapers rely primarily on newsstands and private vendors. Even in Dushanbe, there are few newsstands, and papers are mainly hawked on the streets by private vendors. Outside of the metropolitan areas, media organizations must rely on the postal service for distribution, meaning they are subject to government directives.

Some media outlets recently have started drawing revenues from more varied sources, including subscriptions, advertising, retail sales, and grants. However, the stagnant economy means that advertising is underdeveloped. In addition, some advertisers are afraid to place ads with independent media given the government attitude toward non-state outlets and the possibility that advertising might draw the attention of the tax authorities. There are several advertising agencies in operation, but they are used mainly by international organizations and companies. The small amount of available advertising is insufficient to ensure an economic base for most print media, which must look to circulation for revenues, but there are a few outlets surviving on the gradually developing advertising market. One panel participant

**One panel participant noted that “media owners can profit only by concealing the real circulation and advertising numbers,” lowering these figures to avoid paying taxes.**

**“There are NGOs that assisted in the protection of rights and freedoms of the journalists, but there are no NGOs that have been founded specifically for the legal protection of journalists.”**

by the nongovernmental organization (NGO) Zerkalo, although its usefulness is not fully established. Research is also conducted to some degree by individual media outlets, but this research is not always objective and only sporadic. There are no certified organizations doing audience measurements or ratings for broadcasters or auditing circulation for print meeting.

noted that “media owners can profit only by concealing the real circulation and advertising numbers,” lowering these figures to avoid paying taxes. Therefore, it is difficult to gauge the true figures for advertising revenues.

Some market research is conducted, primarily

## Objective 5: Supporting Institutions

**Tajikistan Objective Score: 1.23/4.00**

NGOs have not fully established themselves in Tajikistan, and civil society is weak. Professional media associations do exist, but so far they have not proven capable of protecting the rights of media and the interests of journalists. They conduct trainings and seminars for the professional advancement of journalists, as well as participate in developing legislative drafts. “There are NGOs that assisted in the protection of rights and freedoms of the journalists, but there are no NGOs that have been founded specifically for the legal protection of journalists,” one panelist said. The ability of media-support NGOs such as the National Association of Independent Mass Media of Tajikistan and Internews to support free press and independent media is limited, according to panel members.

### Supporting institutions function in the professional interests of independent media

#### SUPPORTING INSTITUTIONS INDICATORS

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists’ rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

The Union of Journalists was founded during the Soviet era, but it fails to provide any real assistance to journalists. One of the union’s few activities is giving journalism awards. “All existing trade unions are subordinate to the government,” a panelist said. The creation of a new, more modern trade union was initiated in late 2003 by the Organization for Security and Cooperation in Europe (OSCE) and the National Association of Independent Mass Media in Tajikistan (NANSMIT).

Journalism educational programs are generally of poor quality. Would-be journalists can study at two universities, but the curriculum is outdated. There is little opportunity for hands-on professional training to prepare students for work in the media field. After receiving their diplomas, many graduates work in other sectors, and the lack of journalists is palpable, especially those skilled in the Russian language. Several organizations such as the Pamir Mass Media Center attempt to provide support services for professional journalists.

## Panel Participants

**Masrur Abdulloev**, program director, Internews  
Tajikistan

**Qurbon Alamshoev**, independent journalist and editor,  
*Chatri Simin*

**Rustam Buriev**, journalist and chairman, Mavji Ozod  
television station, Vose

**Turko Dikaev**, independent journalist, Kulyob

**Marat Mamadshoev**, deputy editor, *Dushanbe Capital*  
newspaper

**Gulos Mamdloiqov**, Pamir Mass Media Center, Khorog

**Mematullo Mirsaidov**, *Vororud* newspaper

**Mirzo Rajabi**, publisher and editor, *Nuri Nav*  
newspaper

**Khurshed Safarov**, director, Independent TV and Radio

**Saidumron Saidov**, journalist, CMI, Khujand

**Lalita Tyraeva**, deputy editor-in-chief, *Tajikistan*  
newspaper

## Moderator

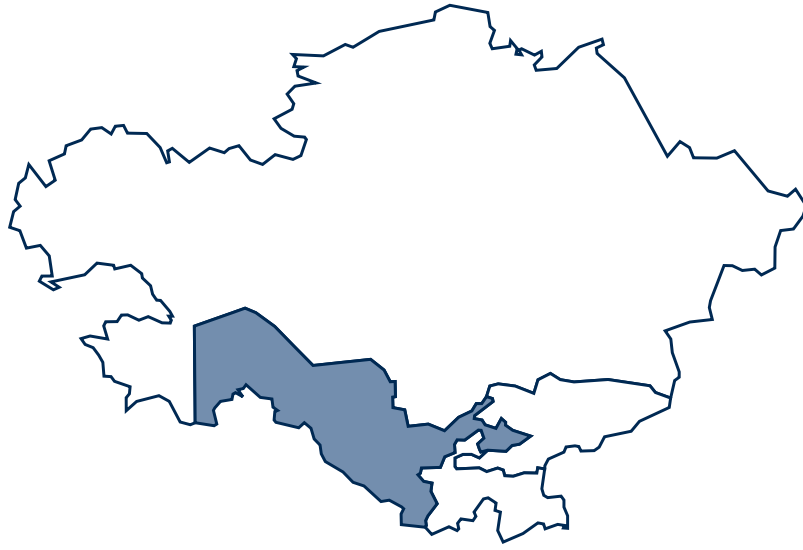
**Marfua Tokhtakhodjaeva**, chairperson, Women's  
Resource Center

## Observer

**Abdusalom Mamatnazarov**, country director, IREX/  
Tajikistan



**“There is no rule of law in society, and certain traditions are entrenched; there is no place to turn to enforce the laws since the judiciary is not independent; and the power of the executive branch is very strong.”**



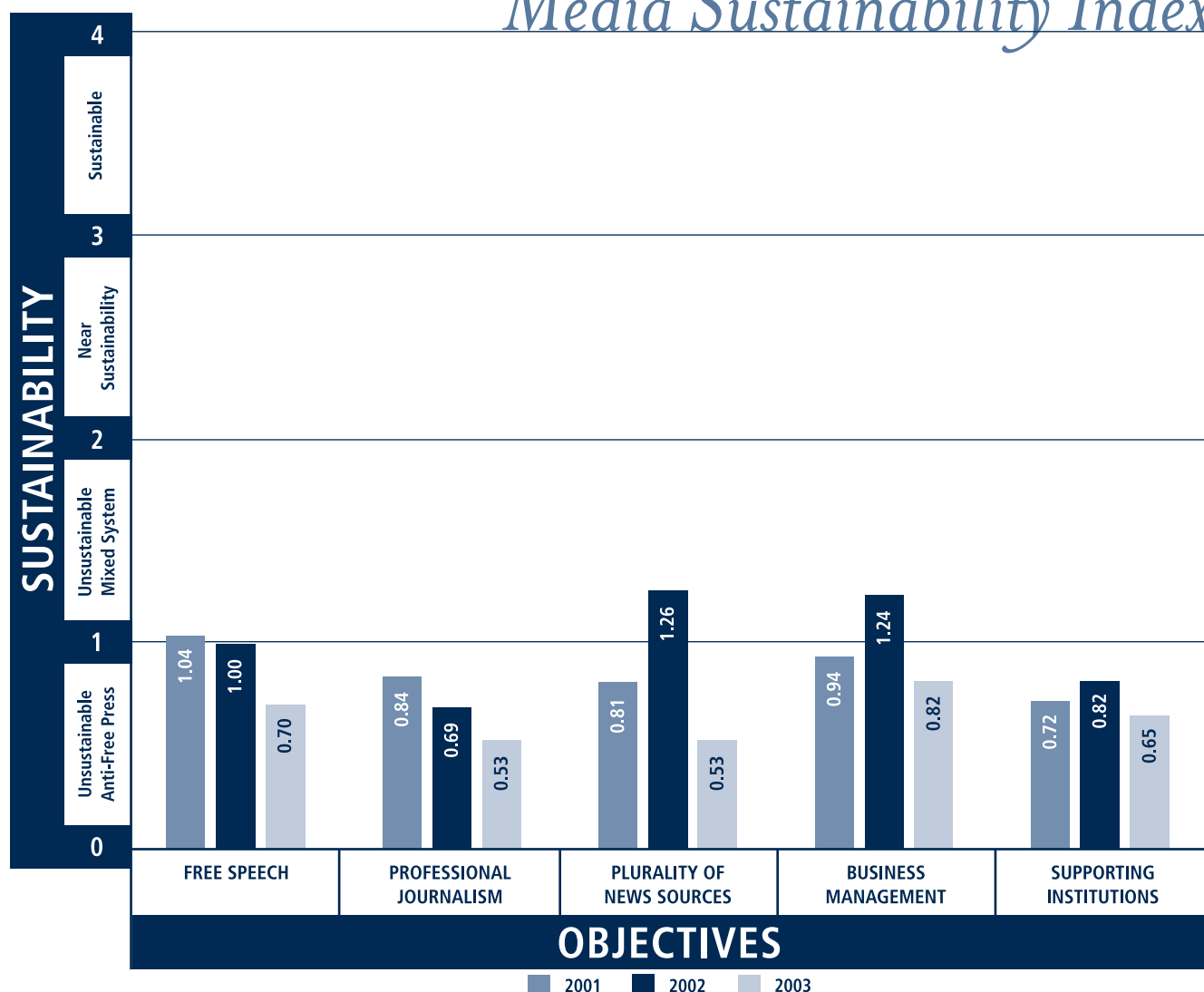
## Introduction

In 2003, the Uzbekistani media remained one of the most underdeveloped and centrally controlled in the former Soviet Union. The Karimov regime has continued a campaign against the independent media that is virtually unparalleled among countries reviewed in the Media Sustainability Index (MSI). While 2002 saw the official abolition of mandatory prepublication review and censorship by the State Press Agency, it became clear in 2003 that the repeal only shifted the emphasis to self-censorship among journalists and postsubmission censorship by nervous editors. The 2003 arrest, imprisonment, and suspected torture of writer Ruslan Sharipov, former head of the Union of Independent Journalists of Uzbekistan, served as a poignant reminder of the fate journalists may suffer for generating pieces critical of the government. As a result, not only has Soviet-style self-censorship become the norm, which in itself all but precludes meaningful social or political reporting, but it has also produced a “brain drain” of Uzbekistani media practitioners who opt to practice in exile.

The vast majority of media in Uzbekistan fully serve the ideological goals of the government. Current developments are presented from the government’s point of view, and such coverage consists only of official events. Analysis and commentary regarding events and their effect on the public are almost absent. Other information supplied by the media is largely downloaded from the Internet or taken from Russian outlets, and generally does not contain news concerning Uzbekistan. Overall, the quality of print and broadcast media in Uzbekistan differs significantly even from that of the neighboring Central Asian countries. Uzbekistani outlets exhibit less professionalism and a weaker influence on the public. The vast majority of state and non-state media outlets provide almost exclusively entertainment material, with very little coverage of social and economic issues. The panel concluded that the entertainment media provided little intellectual stimulation for the population, especially Uzbek speakers, although the relative commercial success of these outlets may one day provide a

# Uzbekistan

## Media Sustainability Index



### Objective Scoring

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

- 3 and above:** Sustainable and free independent media
- 2–3:** Independent media approaching sustainability
- 1–2:** Significant progress remains to be made; society or government is not fully supportive
- 0–1:** Country meets few indicators; government and society actively oppose change

### Indicator Scoring

Each indicator is scored using the following system:

- 0 =** Country does not meet indicator; government or social forces may actively oppose its implementation
- 1 =** Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change
- 2 =** Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces
- 3 =** Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability
- 4 =** Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions



basis for development of a more informative independent and financially viable press.

The Constitution of Uzbekistan guarantees open access to information, but in practice admission to any official entity’s activities is highly restricted for non-state journalists. The authorities use many methods to control significant information, including direct and indirect refusals, unfounded rejections of accreditation, and preferential access for the state-run media. Meanwhile, journalists have become accustomed to the widespread practice of government and other sources providing the media with useless or even fabricated information. Simultaneously, the government controls almost all forms of production and distribution, including printing presses and broadcast transmissions. Licensing procedures are highly bureaucratic and often unsuccessful for independent media.

Uzbekistan’s media work mainly in Uzbek and Russian, the later technically a minority language. Many cities have state-owned newspapers in Uzbek and Russian, though both face dwindling interest among readers largely because of their “official” content. Although it still has a role among the intellectual elites, the Russian-language media has been in decline since the breakup of the Soviet Union and subsequent exodus of ethnic Russians. Uzbek officials have worked actively to decrease the role of Russian-language print and broadcast media. For example, one Uzbek television channel was transformed to a sport channel, and broadcasting in Russian was cut dramatically.

## Objective 1: Free Speech

**Uzbekistan Objective Score: 0.70/4.00**

The Constitution of the Republic of Uzbekistan guarantees the freedom of speech. There also are numerous media-related laws, including the broad law on mass media adopted in June 1991 and amended in December 1997. Other legislation deals with protection of state secrets (1993), copyright (1996), journalist protections (1997), access to information (1997), and advertising. In addition, President Karimov has given some general official support to press freedom, perhaps in part because of increased international attention during the “war on terror.” “A sufficient legislative base regulating the activities of the media has been developed,” a panelist concluded. “However,” he said, “many provisions need to be adjusted. [There are] contradictions between the various provisions which then result in the restriction of the

freedom of speech.”

Another panelist listed three reasons for violations of the freedom of speech protections: “There is no rule of law in society, and certain traditions are entrenched; there is no place to turn to enforce the laws since the judiciary is not independent; and the power of the executive branch is very strong.”

No law covers electronic media, which are instead regulated by one-off acts adopted by government officials without any input from the public. Licensing is controlled by the Agency for Communications and Telecommunications. Its interdepartmental council

**“Licenses are given to those who bribe the officials or those who have good personal connections,” a panel member charged. “One can say that licensing in this country is corrupt.”**

Legal and social norms protect and promote free speech and access to public information	
<b>FREE SPEECH INDICATORS</b>	■ Legal/social protections of free speech exist and are enforced.
	■ Licensing of broadcast media is fair, competitive, and apolitical.
	■ Market entry and tax structure for media are fair and comparable to other industries.
	■ Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	■ State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	■ Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	■ Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	■ Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	■ Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

**“The so-called independent press is independent of the state only economically,” one participant said. “In other words, it has to support itself on its own, despite high taxes. For example, the advertising tax amounts to 15 percent.”**

to be like any other business. Taxes are generally high, but no value-added tax (VAT) is levied. “The so-called independent press is independent of the state only economically,” one participant said. “In other words, it has to support itself on its own, despite high taxes. For example, the advertising tax amounts to 15 percent.” The state-run media receive subsidies, including office space and supplies, from the government.

The freedom of information law adopted in December 2002 can be interpreted in many ways. Article 14 allows for banning any information critical of societal values or advocating social change, and protects many phenomena under the umbrella of the “national consciousness” or the Uzbekistani “mentality.” In one case, a journalist from *Pravda Vostoka* was fired “at her own request” for criticism of national customs and traditions that she believed contributed to discrimination against women. By contrast, in the spirit of the Soviet era, largely unknown journalists get decorated with orders and medals to ensure their loyalty to the national ideal. The number of recipients of such awards exceeded 300 during 2003.

In practice, the state does not guarantee equal access to information for the independent press. The founding of an institute for press secretaries has proven to be a barrier to obtaining information from government offices. The institute serves only to increase bureaucratic red tape and to disseminate press releases that contain few facts. Indeed, authorities are able to issue information at their discretion due to the lack of a clear-cut legal explanation of what constitutes state secrets. These authorities also are able to use the pro-

issues licenses only if it is convinced of a media outlet’s total loyalty to the government. “Licenses are given to those who bribe the officials or those who have good personal connections,” a panel member charged. “One can say that licensing in this country is corrupt.”

According to the taxation policies of Uzbekistan, the media is considered

tracted process of reviewing requests for information to their advantage. The federal government’s preference for giving state media outlets what information is released is clear. At a multilateral forum in Tashkent, for example, President Karimov gave a press conference exclusively for journalists from state-run media.

Persecution of controversial journalists is a widespread phenomenon in Uzbekistan, particularly for those who are critical or try to maintain a semblance of independence. “Courageous journalists and chief editors often get fired,” a panelist said. “In some cases pressure is exerted on the ownership. In other cases, newspapers are closed down, and the entire staff, headed by its editor-in-chief, is forced to resign. In some cases a person is simply offered a different job, or journalists leave ‘on their own accord.’” One state television editor was barred from producing programs after participating in protests against censorship. During the first six months of 2003, six journalists, including correspondents for foreign agencies, were arrested. At year’s end, according to international observers, five were serving multiyear prison sentences, one of them in connection with writing on the Islamic opposition movement. There is little public outcry when crimes against journalists are committed, and journalists lack any legal protection in Uzbekistan, panelists agreed.

It is impossible to cover corruption, since a legal provision bars journalists from “interfering” in the private lives of politicians and government officials. With corruption widespread in the judicial system, government authorities have free reign to prosecute each other and media professionals for libel, which remains a criminal offense.

On a more encouraging note, there have been some examples of journalists successfully defending themselves against prosecutions. In late 2003, the editor of *Mokhiyat* won a case in which he had been charged with libel. In December, a journalist from TV Yoshlar won her case against the management of the state broadcaster, which she said had unlawfully fired her in April 2002, purportedly for accepting a bribe. Several days before her dismissal, the journalist had broadcast critical coverage about the poor educational standards at a high school. However, the end of prepublication review by the State Press Agency in 2002 has placed an additional burden of responsibility on editors, who now generally decide against publishing or broadcasting any story that could potentially be construed as libel.

Access to international news is limited. News broadcasts originating outside of Uzbekistan from sources such as the BBC or RFE/RL are blocked at

times, though entertainment programming is generally allowed. Uzbekistani correspondents for foreign media are among those who find themselves intimidated by the government, according to free-speech advocates. Some Internet sites are blocked, and overall the Internet is largely under government control. Internet access also remains relatively expensive in Uzbekistan, resulting in limited means for many media organizations to connect to the Internet, particularly in the regions.

## Objective 2: Professional Journalism

**Uzbekistan Objective Score: 0.53/4.00**

With the national state media under such strict control, there is little opportunity to develop journalists' professionalism. "The ethos of serving the interests of society has not yet taken hold with editors, publishers, and other employees of various publications," a panel member said. "They direct their attention to the instructions of the local authorities."

Subjective coverage of most issues is the norm, and few articles and news reports contain multiple viewpoints. "The state press and television are known for the absence of critical analyses and the lack of balance," said a panelist. "The threat of censorship is very apparent."

Journalism meets professional standards of quality	
PROFESSIONAL JOURNALISM INDICATORS	■ Reporting is fair, objective, and well sourced.
	■ Journalists follow recognized and accepted ethical standards.
	■ Journalists and editors do not practice self-censorship.
	■ Journalists cover key events and issues.
	■ Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	■ Entertainment programming does not eclipse news and information programming.
	■ Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	■ Quality niche reporting and programming exists (investigative, economics/business, local, political).

Regional media, operating farther from the gaze of federal authorities, may have somewhat more room for maneuvering but still stick close to the official line presented by the local apparatus.

The Uzbek-language media use the so-called national consciousness and patriarchal stereotypes as propaganda to justify authoritarianism as a national policy. Most of the articles on social and political topics are didactic, lacking facts and statistics. The views of such opposition movements as exist in Uzbekistan are largely absent from coverage. Internet journalism is even more directly controlled. If unacceptable content is published by websites, it is often blocked by the government.

The criteria of objectivity, accuracy, and impartiality are not applied in any meaningful way to coverage because of pressure from government authorities, editors, and owners. Self-censorship is becoming an everyday practice for most journalists, who are afraid to analyze significant political and economic events lest they be prosecuted. The same is true for editors, who fear being replaced. Journalists report that the official "line" about what can and cannot be covered is sometimes conveyed by government officials at meetings with editors, or can come in the form of a pointed telephone call. Among the off-limits topics are corruption, problems with economic reforms, domestic violence, and the effects of poverty.

Poor wages are the norm for journalists, with salaries and honoraria only slightly higher at private outlets compared with state media. Journalists may sell their coverage to politicians and businesses, produce made-to-order articles, or work for several publications at the same time to earn a living.

There is no generally accepted ethical code to guide journalists and editors. In addition, the editors and staffs of official media generally are considerably older than the populations they serve and are still inclined to follow the Soviet principles of "journalism"

**"The ethos of serving the interests of society has not yet taken hold with editors, publishers, and other employees of various publications," a panel member said. "They direct their attention to the instructions of the local authorities."**

that they were taught. There are few sources of new techniques, and they certainly are not provided through those university journalism faculties that continue to exist. Younger journalists, with little or no professional training, are more attracted by the private media outlets, even if they operate within strict boundaries or focus on “light” content.

Entertainment programming is a lot less risky and as a result now dominates many broadcast and print outlets. The bulk of the content for most non-state publications is dedicated to reiterating “national values” and providing show-business gossip, astrological forecasts, and foreign crime news. People receive little reliable information about domestic issues or social concerns, although there are some exceptions among commercial radio stations such as Grand and Ekho Doleeny—where controls on radio are somewhat less strict—and television stations such as Angren and Orbita, which have several programs on social issues. In the case of Orbita TV, the station works in a primarily Russian-speaking area and finds it possible to respond to the many petitions it receives from community activists in its audience. The technical means for the collection, production, and dissemination of information in the capital city are good, but regional outlets use outdated equipment left from the Soviet era. Private broadcasters generally rent air time from state television, making them highly susceptible to government editorial control.

So far, niche reporting is in its nascent stages. There are newspapers specializing in topics such as business, economy, and advertising, though journalists have no professional training in these areas. There is a severe shortage of modern textbooks or new teaching methodologies. Educational materials published in Uzbekistan are of poor quality, while better materials published in Russia are too expensive. Most journalists lack the foreign-language skills to read documents from other countries, even those in Russian.

### Objective 3: Plurality of News Sources

**Uzbekistan Objective Score: 0.53/4.00**

In Uzbekistan, there is little or no diversity of state and independent sources of information due to government controls. Most media sources offer only official government information. Outlets in the capital city cover national topics, and local media cover local subjects; but both present the official points of view. The same is true whether the medium uses the Uzbek or Russian language.

“The media lacks the resources to reflect the public interest in their coverage,” a panel member said. “Presentation of the news is dictated by the interests of a small circle of people who determine the entire internal policy of the government. The content of the news is determined ‘from above’ or, to be more exact, by official policy.”

In recent years, more than 200 privately owned newspapers have been registered. Their circulation numbers are rather high—much, much higher than the official Russian- and Uzbek-language newspapers. But most of the publications provide little if any news coverage, sticking instead to less-risky information about popular culture, personalities, and advice. These publications do, however, reflect a nascent understanding of marketing and catering to audience demands, as their growing distribution indicates.

Outside of urban centers, however, Uzbekistanis have limited access to newspapers and to printed material in general. By the estimates of the panelists, only a scant percentage of the non-urban population can afford to buy private newspapers. There have been some reports of Uzbek-language newspapers smuggled in to the Fergana Valley regions of Uzbekistan from Kyrgyzstan, but in very small quantities. In villages, the main sources of information are the state-run radio and television, while the rural population relies mainly on the radio for news. According

#### Multiple news sources provide citizens with reliable and objective news

#### PLURALITY OF NEWS SOURCES INDICATORS

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens’ access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

to one panelist, “There are not enough sources of information so that people could compare them. Western publications are inaccessible. The state-run and public media do not reflect the whole political spectrum.”

Cable television and Internet service are available in the big cities. Lately, access to the Internet has become considerably easier for those who can afford it, with Internet “cafés” opening in many urban areas. According to a World Bank–funded study, Uzbekistan had 50,000 Internet users in 2001, a figure that is expected to grow to 1 million by 2005. Of those already online, about 90 percent are believed to be from the Tashkent area and using the Internet on average once a week. Internet access is limited in rural areas by poor telecommunications infrastructure and high costs.

A Russian monitoring service logged 125 registered Uzbekistan-based websites in 2002. However, various Internet sites are often blocked. This is accomplished through generally verbal orders given to service providers, which are afraid of losing the required license from Uztelcom, the government telecommunications agency. The Law on Information Security allows the national security service to work with Uztelcom to block sites.

In 2002, limitations were placed on licenses for traders who import and sell Russian publications. Various government television channels broadcast suggestions that Russian media were amoral and contradicted “national values,” even mentioning that parents should not let their children read such publications. MSI panelists suggested that some of the banned newspapers, such as *Kommersant* and *Isvestia*, had analyzed the economic situation in Uzbekistan or commented on the country’s foreign policy. Two Russian newspapers, *Trud* and *AiF*, were viewed as neutral enough to remain on sale. Many television stations, both state and private, rebroadcast several hours of Russian entertainment programming every week. Other foreign publications are not allowed into Uzbekistan if it is decided that they violate what is loosely described as the “national consciousness.” There also are cases of European entertainment programs being re-broadcast, although they are often pirated.

There are three news agencies in Uzbekistan, the state agencies Jahon and UZA and the commercial Turkistan agency. The information does not differ much whether they are government or independent. Regional media outlets generally do not amplify their news coverage much with reports from these agencies.

The law permits minority media outlets, but they direct their efforts mainly toward the diasporas. There are newspapers and television programs in Tajik

and Kazakh languages, but media attention to issues of critical importance to Uzbekistan’s nearly 100 distinct ethnic communities is discouraged under the guise of the law against fomenting ethnic conflicts. For example, the Samarkand newspaper *Oyna* was shut down after publishing an article about Tajik-language secondary schools in 2002—although the official reason given for the closure was the limited number of subscribers.

Information regarding media ownership is not available to the general public.

## Objective 4: Business Management

**Uzbekistan Objective Score: 0.82/4.00**

The media in Uzbekistan have little opportunity or reason to develop as effective businesses. Operating in accordance with the decrees, the resolutions, and the will of the Karimov regime, the state media have but one audience to serve. For the privately owned media, there is the constant need to protect the business, either by toeing the official line or withdrawing from coverage of news and social issues. Foreign investment in the media is not permitted.

Almost all the facilities that provide technical support for media—such as printing presses and transmis-

Independent media are well-managed businesses, allowing editorial independence	
<b>BUSINESS MANAGEMENT INDICATORS</b>	■ Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
	■ Media receive revenue from a multitude of sources.
	■ Advertising agencies and related industries support an advertising market.
	■ Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
	■ Independent media do not receive government subsidies.
	■ Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
	■ Broadcast ratings and circulation figures are reliably and independently produced.

**“Private broadcast media operate under harsh financial conditions,” one panelist said. “Most of these outlets work with rented transmitters and pay fees established by the government.”**

sion towers—are either owned or controlled by the state. There are a few private printing plants, but it is very difficult for them to operate at a profit since government interference impedes their competitiveness and growth—and therefore their ability to provide better-

quality, more modern services. Furthermore, there are restrictions on the distribution of newspapers, as the government limits the delivery of “undesirable” papers. For example, the main distribution network, Matbuot, limits circulation of non-state publications, often claiming they are “not profitable” to carry. The independent newspaper *Mokhiyat* has had its distribution restricted and at times is almost impossible to buy at newsstands, especially in the provinces.

Media receive very little revenue from advertising. Due to the extremely poor economic situation in Uzbekistan, the small advertising market that existed continued to shrink in 2003. It remains difficult for any publication to draw in enough advertising to comprise a major revenue stream. Advertising agencies are open, but they work mainly with the print media. Television stations usually have their own advertising services, but they do not operate with any efficacy.

Newspapers earn their money mostly from sales and subscriptions. Individual sponsors provide financial support to some media, as well as tending to influence the editorial policies of the outlet. “Private broadcast media operate under harsh financial conditions,” one panelist said. “Most of these outlets work with rented transmitters and pay fees established by the government.”

State newspapers exist mainly due to compulsory subscriptions. Local authorities make their constituencies subscribe to certain state-owned editions. A list of these has been drawn up by the government and sent to organizations, enterprises, and educational institutions with instructions to subscribe to the mandated papers. Even so, circulation of the official Russian and Uzbek newspaper in cities tends to be quite low, with state outlets in Fergana Valley cities reporting weekly distributions under 10,000 copies, often in the 2,000 to 3,000 range.

Market research on media is very sporadic, which means that outlets have few tools to gauge consumer interest or to use that information in advertising and promotion. Media generally do not conduct marketing research, unless it has been ordered by the government, although some newspapers have tried placing questionnaires for readers to return. Circulation rates of print publications are not always available, and there are no rating agencies. Media research is conducted mainly at the request of foreign foundations and organizations, but such information is usually not made public.

## Objective 5: Supporting Institutions

**Uzbekistan Objective Score: 0.65/4.00**

There are almost no professional media associations, except for the state-run Foundation for the Democratization and Support of the Mass Media. Professional unions or associations to protect journalists’ rights are nonexistent, and attempts to create one were unsuccessful. There are no associations of publishers or radio broadcasters in Uzbekistan. Another attempt was made to create a National Association of Electronic Media, but this organization has not started its activities and has not been registered. A proposed committee to defend press freedom did not receive approval for registration. In

### Supporting institutions function in the professional interests of independent media

#### SUPPORTING INSTITUTIONS INDICATORS

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists’ rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

sum, hardly anyone is engaged in defending the interests of the media.

Such non-governmental organizations (NGOs) as exist cannot properly support the media. These NGOs experience almost constant pressure from the authorities. In Tashkent, the state founded the National Press Center as a quasi-NGO. The club “Reporter” operates in Bukhara, and a branch of the National Press Center of Uzbekistan is based in Samarkand. But in general, NGOs are not involved in affecting legislative change.

Educational opportunities for journalists are insufficient. The level of basic education provided in the provinces is low, especially because many secondary-school students are required to work in agriculture for two months instead of attending school. Universities still practice outdated Soviet-style instruction methods. The teachers have not received additional professional development or new methodologies, and the instruction is still rooted in ideology. Some journalism faculties have closed, and at those that continue to function, students do not choose their subjects or professors, and do not have access to new materials on modern journalism. There is a general lack of textbooks, especially in the Uzbek language.

The University of World Languages and the National University offer journalism training. This training is relatively professional, but graduates do not have many venues to apply their skills in practice because job placement for these journalists is problematic. The main obstacle to improving media professionalism is the lack of prospects in a media sector where freedom of expression is so limited.

Journalism students can study abroad, but few have sufficient foreign-language skills. At the journalism department of the National University, there is only one journalist who has received an education abroad. Most of those who have studied abroad do not come back; and if they do return, they do not return to work in the media industry.

International organizations such as IREX, Internews, the Open Society Institute, UNESCO, and the Konrad Adenauer Foundation conduct media trainings. However, the approach to journalism that underpins the training at times reflects a degree of media freedom that does not exist in Uzbekistan.

Media distribution channels are controlled by the government, and cannot determine policies independently. Newspapers depend on the post office system for a substantial part of their circulation. Television and radio frequencies are also controlled by the state, and almost all the transmitters are operated by the state.

Private television stations usually do not have their own transmitters and therefore rent air time from state television. All local Internet providers are obliged to operate through the security node of the Agency for Information, allowing government control of Internet content.

## Panel Participants

*Aleksandr Hamagaev*, Tashkent International Radio

*Alo Khodjaeva*, Cgand Radio

*Aysulu Kurbanova*, Zamon Info

*Bakhodir Musaev*, Independent Veseavchev

*Norali Ochilov*, National Uzbek Information Agency

*Tamara Prokopyeva*, Orbita TV

*Tashpulat Rahmatullayev*, Press Center, Samarkand

*Irena Safargaliyeva*

## Moderator

*Marfua Tokhtakhodjaeva*, chairperson, Women’s Resource Center

## Observers

*Mumtoz Abdurazzakova*, country director, IREX/Uzbekistan

*Zarina Izmaylova*, IREX/Uzbekistan

*Jean MacKenzie*, IREX/Central Asia

Media Sustainability Index 2003  
Copyright © 2004 by IREX  
[www.irex.org/msi/](http://www.irex.org/msi/)

IREX  
2121 K Street, NW, Suite 700  
Washington, DC 20037  
E-mail: [irex@irex.org](mailto:irex@irex.org)  
Phone: (202) 628-8188  
Fax: (202) 628-8189  
[www.irex.org](http://www.irex.org)

